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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

June 7, 2005

Mayor Mark D. Boughton
Members of the Common Council

Re: **Hawthorne Terrace Water Improvements**

The Common Council met as a committee of the whole on May 16, 2005 and on June 1, 2005 in the Common Council Chambers regarding the Hawthorne Terrace Water Improvements.

Mr. Buckley stated that this project was done by assessment methodology in compliance with Chapter 21 of the Code of Ordinances. Mr. Buckley offered a chart showing the area, frontage, zoning and assessed value. The yellow area depicted 53 yes votes, the blue area depicted 3 no votes and the white area depicted 7 no response. The water company asked the City to take over the water system. There are 42 water customers, 5 customers of another company and a number of properties on private wells. This system is under orders from the State Health Department. The two properties in question were included because the well lot is right across the street. Mr. Buckley said he could not eliminate these two properties. The owner of the water company is the Hawthorne Terrace Water Company.

Mr. Saadi asked how the frontage for the Staib property was calculated. Attorney Pinter said this is the largest property. There is a three-foot reserve partition between the road and the property. They have not determined whether the buffer creates a barrier to a frontage calculation. He is not sure how the property owner overcomes the buffer. Mr. Saadi asked if the minimum frontage is different from the barrier? Attorney Pinter said the numbers are probably correct but the legal impact is being reviewed.

After further discussions regarding legal issues regarding frontage, Mr. Calandrino made a motion to table this item pending the legal issues being addressed. Seconded by Mr. Seabury. Motion carried unanimously.

The meeting reconvened on June 1, 2005 at 7:05 P.M.

Mr. Calandrino asked if the frontage issue had been reviewed? Attorney Pinter stated that he looked at the local ordinance, State statutes and case law. He determined that there are a couple of options. The larger issue is whether the Council feels a water main extension and the assessment methodology makes sense for the City. The frontage issue is a technical matter, which will be determined during the course of the project. The Council should consider if this is a good idea.

Mr. Cavo asked Mr. Buckley to give an overview of why this issue is before the Common Council. Mr. Buckley stated that this issue is before the Council because members of the water company petitioned for assistance with the water company because it is under state order to bring the system up to standards. The system will not be interconnected to the City system and will be operated as a satellite system. The Council directed him to do a survey. Two additional votes come in today, one was a yes vote and one was a no vote. There was a community meeting on this issue. It could be five or six years before final assessments are in place.

Mr. Buckley addressed questions concerning fines by the State, who owns the water company and the relationship between the water company and the association. Mr. Seabury asked if there is any way to bypass the no votes? Mr. Buckley said he could shorten the water line and stop it before two of the no votes, but the well lot is directly across the street from the other two no votes.

Mr. Cavo made a motion to recommend acquisition of the Hawthorne Terrace Water Company following assessment methodology. Seconded by Ms. Saracino.

Mr. Seabury offered an amendment to exclude the two end properties, specifically lot number KO2118 and KO2115. Seconded by Mr. Urice. Motion to amendment carried with Council Members Calandrino, Saracino and Cavo voting no and Mr. Saadi abstaining.

Mr. Urice offered a further amendment not to preclude what may be assessed and by what measures. Seconded by Ms. Saracino. Mr. Cavo asked if this is needed or if it is already there. Attorney Pinter said it is not needed technically but it would do no damage. Mr. Urice stated that it is on the record that we have not closed out who is being assessed and how much.

Motion to amend carried with Mr. Saadi abstaining.

Main motion, as amended, carried with Mr. Saadi abstaining.

Respectfully submitted,

VINCENT P. NOLAN, JR.
Chairman