



CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

23

(203) 797-4518
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PLEASE REPLY TO:

September 19, 2005

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

RE: September Agenda Item #21
Candlewood Park – Forty Acre Mountain Road
Extension of Public Water System

Dear Mayor and Council Members:

The following is in response to your request for a report in connection with the above referenced item. At the September Common Council meeting you referred the matter to the public works department, planning and this office for reports. I am in receipt of the public works report. Bear in mind that a planning commission report is still awaited and that if the report is a negative one, an affirmative vote of two-thirds of those council members present and voting would then be required in order approve the request. If you elect to allow the extension, this office will review documents provided by counsel for the petitioner and process them in the usual fashion.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: William J. Buckley, Jr., Director of Public Works



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
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WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

September 16, 2005

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Request to Extend Municipal Water System
Candlewood Park, Forty Acre Mountain Road

At the September 7, 2005 Common Council meeting, the August 4, 2005 letter from Attorney Neil R. Marcus requesting permission for his client to extend the City water system from Nabby Road to Candlewood Park, Inc. on Forty Acre Mountain Road for emergency back-up purposes was referred to our department for a report within 30 days (reference item 21 of the meeting minutes).

Enclosed for your reference please find a copy of a section of the City's overall water system mapping that shows the relationship between the existing City water system and Candlewood Park, Inc.

The Candlewood Park, Inc. existing water system is located outside of the planned long range City water system service area. It is shown as an independent service area in the City of Danbury Water Supply Plan. However, if the Common Council determines that this emergency back-up connection is appropriate, the Public Works Department would have no problem with that decision.

At its July 7, 2004 meeting, the Common Council approved a sanitary sewer extension for Candlewood Park, Inc. This approval (copy enclosed for your reference) included a ninth step/condition that stated that the approval pertained only to the existing 202 homes in the park. This ninth step/condition was a result of concerns that the extension of sanitary sewer service to this location could result in future unwanted extensive development, if the 202 home mobile home park ever ceased to exist. We recommend that a similar ninth step/condition be added to the approval of the requested water line extension, if the extension is approved by the Common Council.

If approved, this emergency back-up connection of a private water system to the City of Danbury water system will require State of Connecticut Health Department review and approval. The water system in Candlewood Park, Inc. will remain private in the future. A meter, satisfactory to the Public Utilities Department, would be installed in a location acceptable to the City. Details of the water main extension (backflow prevention, etc.) will be worked out between the developer's/property owner's engineer and the Engineering Department. The developer's/property owner's engineer will be required to analyze the proposed extension with respect to the provision of adequate pressure and fire flow. If improvements to the existing City water system are found to be required to provide adequate pressure and fire flow, the

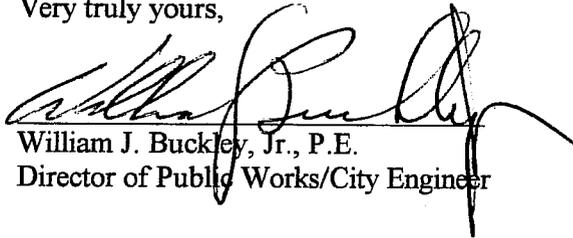
developer/property owner will be required to make those improvements at the developer's/property owner's expense and to the City's satisfaction.

It should also be noted that McKay Road is not a City maintained road. The developer/property owner will be required to determine the ownership of the road and to provide the City with the easements necessary for the City to own and maintain the water line extension.

If a subcommittee meeting is warranted to discuss this matter further, I would be happy to attend.

If you have any questions, please feel free to contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Buckley, Jr.', is written over a horizontal line. The signature is fluid and cursive.

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq., with encl.
Dennis Elpern, with encl.
David M. Day, with encl.

✓ emergency interconnect with the Town of Bethel. Seconded by Mrs. Basso. Motion carried unanimously. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

46 – REPORT – Request for Sewer Extension – ~~Forty Acre Mountain Road~~

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Forty Acre Mountain Road met on June 14, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Esposito. Also in attendance were Director of Public Works William Buckley, R. J. Gallagher and Attorney William McNamara for the petitioner.

Mr. Calandrino noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this is a trailer park on the north side of Nabby Road. There are 202 homes in the park. Their septic system is failing and the park is under DEP regulations. The State is ready to issue orders or may have already. The park is cooperating with the State by pumping out on a regular basis.

The Long Range Planning Study delineates the service area. This location is outside the service area. The Planning Commission is clear that this is only for the trailer park. When it is no longer a trailer park, it is not to be sewered. He would recommend approval subject to the required eight steps, with a ninth step stating that this is only for the 202 homes in the park. If it ceases to be a trailer park, sewers will no longer serve the property. He will work out the details with Mr. Gallagher. Attorney McNamara submitted a letter outlining the situation.

Mr. Cavo made a motion to recommend approval of the request to extend sewer to Forty Acre Mountain Road, subject to the required eight steps, with a ninth step stating that sewer is provided only as long as the trailer park with 202 units remains a trailer park. If this changes, sewer will no longer be available. Seconded by Mr. Esposito. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

47 – REPORT – Request for Water Extension – 40 Stadley Rough Road

Mr. Calandrino submitted the following report:

✓ The Common Council Committee appointed to review the request by the Colonial Hills Baptist Church for water extension at 40 Stadley Rough Road met on June 14, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Esposito. Also in attendance was Director of Public Works William Buckley.

Mr. Calandrino noted the positive recommendation from the Planning Commission. Mr. Buckley stated that about six months ago the school did not have sewer or water. The sewer problem was solved by the State. He has a plan for water prepared by CCA in Brookfield, which is conceptually acceptable to the City. This is a simple request and he would recommend approval subject to the required eight steps.

Mr. Cavo made a motion to recommend approval of the request subject to the required eight steps. Seconded by Mr. Esposito. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

48 – REPORT – Drainage Easement on Backus Avenue

Mr. Nagarsheth submitted the following report:

The Common Council Committee met on June 14, 2004 in the Third Floor Caucus Room in City Hall. In attendance were committee members Nagarsheth, Burns and Barry.



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155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

September 28, 2005

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/CC Agenda Item 21 – Water Line Extension from Nabby Rd. to
Candlewood Park Inc., Forty Acre Mountain Rd.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the September 21, 2005 meeting, the Planning Commission made a motion to give this a positive recommendation with the following conditions:

1. Any improvements necessary to the existing City water system must be made to the satisfaction of the Engineering Dept at the developer/property owner's expense.
2. The developer/property owner will be required to determine the ownership of McKay Rd.
3. This positive recommendation pertains only to the existing 202 homes in the park. *The Engineering Dept has requested that this condition be added (Same condition was placed on sewer extension approved for Candlewood Park in July 2004).*

Kenneth H. Keller
Vice-Chairman

KHK/jr

Attachment

c: Engineering Dept.
Corporation Counsel