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# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT  
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WILLIAM J. BUCKLEY, JR., P.E.  
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

February 14, 2006

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

Dear Mayor Boughton and Common Council Members:

Dmitri Chaber, et al – 55 Newtown Road

At the February 7, 2006 Common Council meeting, the January 11, 2006 letter from Attorney Paul N. Jaber to the Common Council was forwarded to our office for a report within 30 days (reference item 33 of the meeting minutes).

The Danbury Neighborhood Bond is funding the construction of a new salt and sand storage building at the Newtown Road Public Works Complex. As part of their scope of work, the City's consulting engineers designing the salt and sand storage building are looking at existing traffic patterns at the Public Works Complex to determine whether improvements can be made to facilitate use of the new building. One of the possibilities being looked at is creating a new driveway off of Newtown Road at the signalized intersection with Old Newtown Road. If this driveway is determined to be feasible, it will permit the City to discontinue all but emergency access use of the existing poorly located Newtown Road entrance to the complex and create a new entrance that is safer for drivers and can be properly secured. Whether this new driveway is to be constructed in the near future, will not be determined until the cost of the salt and sand storage building is determined.

For your reference, enclosed please find copies of Common Council minutes relative to a similar previous request by the Chabers to exchange properties.

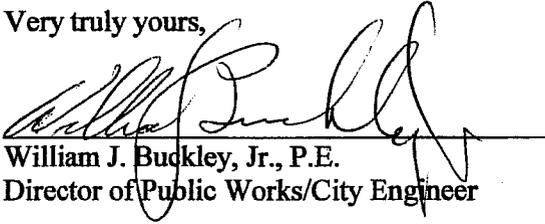
Although it is premature to determine exactly what City land may be reasonably transferred to Dmitri Chaber, et al and what land presently owned by Dmitri Chaber, et al the City may need for the proposed new entrance to the Public Works Complex, the concept of swapping parcels of land and providing Dmitri Chaber, et al access rights over the proposed new driveway is generally acceptable. As plans for the new driveway are developed, we will be in a better position to discuss Attorney Jaber's request.

Although the concept is generally acceptable, we recommend that the Common Council establish a committee to meet with the interested parties to receive an update on the City's plans

for the Public Works Complex and to consider whether to proceed with the consideration of this swap of properties.

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

Very truly yours,



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

Encl.

C: Eric L. Gottschalk, Esq., with encl.  
Dennis Elpern, with encl.  
Dena R. Diorio, with encl.  
Paul N. Jaber, Esq.

Mayor Eriquez acknowledge the work of then Senator Jim Maloney and State Representative Robert Godfrey for their hard work in obtaining the bond allocation for this project. Mayor Eriquez announced that he will encourage the CACD Board to name the center the Dorothy C. Outlaw Childcare Development Center and will establish a building committee to work with the Board and assist them in any way. The bid opening to demolish the building will be Monday, August 11.

Mr. Nolan stated that he detected a hint of doubt that we can make the demolition of the building happen. He asked if he were misreading the Mayor's comments. Mayor Eriquez stated that he was.

The motion carried unanimously.

47 - REPORT - Street Renaming: Lake Shore Drive to Lower Lake Road, Street Renumbering: Lower Lake Road

Mr. Setaro submitted the following report:

The committee of the whole met on July 14, 1997 at 7:25PM in the Common Council Chambers of City Hall to review the street renaming of Lake Shore Drive to Lower Lake Drive and the street renumbering of Lower Lake Drive. Ms. Sharon Calitro, Assistant Planning Director explained that based upon meetings with residents who would be effected by the change in street name and renumbering, the Planning Department had amended its request to change the name of Lake Shore Drive to Lower Lake Road and to renumber same. Residents had spoken at the public hearing preceding the meeting in support of the changes to Lower Lake Road.

Mr. Boynton moved to recommend to the Common Council that the name Lake Shore Drive be changed to Lower Lake Road and that the Planning Department proceed with the renumbering of Lower Lake Road. Seconded by Mr. Mead and passed unanimously.

The report was adopted on the Consent Calendar.

48 - PROGRESS REPORT - Exchange of Property on Newtown Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request to exchange property on Newtown Road met on July 22, 1997 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Gallagher, Esposito and Mead. Also in attendance were Tax Assessor Bob Coyne, Assistant Corporation Counsel Les Pinter and the petitioners, George Chaber and Dimitri Chaber and their attorney, Paul Jaber.

Mr. Jaber explained that the request was for the exchange of a parcel of city land (17,281 square feet) for a parcel of the Chaber's property (438 square feet), access to a potential road at the intersection of Newtown and Old Newtown Roads and slope rights at the rear of the property. Superintendent of Public Utilities William Buckley, having joined the meeting, expressed concern about the location of buildings in regard to the proposed property and requested clarification from the Engineering Department.

Mr. Mead moved to continue the meeting until such clarification could be acquired. Seconded by Mr. Esposito and passed unanimously.

The report was received on the Consent Calendar.

The Mayor extended all committees.

Mr. Levy made a motion to add item 49, donations to the Department of Elderly Services. Seconded by Mr. Scalzo. Motion carried unanimously.

49 - COMMUNICATION - Letters from Director of Elderly Services, Leo McIlrath requesting permission to accept donations for the use of the Senior Center in the amount of \$198.00. Mr. Setaro made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Mead. Motion carried unanimously.

22 - REPORT - Request for Water Extension - 9 Abbott Street

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request for water extension at 9 Abbott Street met on Tuesday, June 13, 1995 at 8:20 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Machado, and Nolan. Also in attendance were City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley.

Mr. Valeri cited the positive recommendation from the Planning Commission. Mr. Schweitzer and Mr. Buckley indicated that the subject property could be serviced by a City water extension.

Mr. Nolan made a motion to recommend approval of the request subject to the applicable City ordinances and the normal eight steps. Motion was seconded by Mr. Machado and passed unanimously.

The report was accepted on the Consent Calendar.

23 - REPORT - Request for Sewer Extension - 23 Terre Haute Road

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 23 Terre Haute Road met on Tuesday, June 13, 1995 at 7:45 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Machado and Nolan. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioner Michael Landesberg.

Mr. Valeri cited the positive recommendation from the Planning Commission and Mr. Schweitzer and Mr. Buckley indicated that the subject property could be serviced by a City sewer extension.

Mr. Machado made a motion to recommend approval of the request subject to applicable City ordinances and the normal eight steps. Motion was seconded by Mr. Nolan and passed unanimously.

The report was accepted on the Consent Calendar.

24 - REPORT - Exchange of Property on Newtown Road

Mr. Gallagher submitted the following report:

The Common Council Committee charged with reviewing the request to exchange land on Newtown Road met on June 20, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and the petitioner Dimitri Chaber. At 7:20 P.M. the petitioner's attorney Paul Jaber joined the meeting.

After some discussion it was determined that the petitioner and the City's representatives should further discuss the precise piece of property and report back to the committee. Mr. Scozzafava moved to adjourn at 7:30 P.M.

The report was accepted on the Consent Calendar.

REPORT - Political Signs

Mr. DaSilva submitted the following report:

The committee to review the topic of political lawn signs met at 7:35 P.M. on June 26, 1995. In attendance were committee members DaSilva, Coladarci and Scozzafava. Also in attendance were Assistant Corporation Counsel Les Pinter, Republican Town Chairman Tyrone Humes, Democratic Town Chairman Joseph Walkovich and Republican Vice Chairman Bob King.

The subcommittee to review the ordinance in regard to traffic generally met at 7:00 P.M. in the Lobby in Danbury City Hall on May 16, 1995. In attendance were Coladarci, Falzone and Scozzafava. Also in attendance were John Krupinski and Carl Foley of the Danbury Police Department and Les Pinter of Corporation Counsel. Joseph DaSilva attended ex-officio. The meeting was called to order and Falzone moved to waive the rules so that everyone can speak. The motion was seconded by Scozzafava.

Krupinski explained there is an ongoing problem that recently emerged this spring. The existing ordinance says policemen or flagmen shall be employed by permittee to direct traffic safely through areas made dangerous for movement of vehicles or pedestrians. A new development creating the problem is that security guards are performing these duties at a lower cost. Untrained security guards are directing traffic with no authority, which also means a car does not have to obey the person directing traffic. Connecticut General Statutes allows that policemen can stop traffic. See attached copy.

This same type of problem existed in Stamford and Greenwich and an ordinance change alleviated the difficulty. As additional information, Krupinski added that the policemen provide traffic services on their own time. It was added that the burden is on the City to protect the City because the law does not specify that a car must stop if the flagman is not a policeman. The new ordinance states that the Police Department must be contacted. It would be beneficial to have a policeman on duty, but if a policeman is not available, the Police Department will be aware that the area is being safeguarded for the public. The minimum manpower clause was then discussed; this change will not affect the clause.

Scozzafava asked about the cost savings for companies to use security guards as compared to liability to the City and training for the police officers. A discussion of insurance coverage then ensued.

Falzone made a motion to send the ordinance to public hearing with the stipulation that if the Danbury Police Department cannot provide a policeman, the permittee must have a certificate of insurance to use someone else.

It was then brought up that a job is bid only with the price of a policeman to provide traffic duty, not the cost of a security guard, so the amount is built in.

The motion was seconded by Scozzafava and passed unanimously.

Mr. Foley said that Chief Macedo supports this ordinance.

Mrs. Coladarci made a motion that this be referred to the Mayor's Office, the Corporation Counsel, the Labor Counsel and the Director

42 - REPORT - Exchange of Property on Newtown Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for an exchange of property on Newtown Road met on May 18, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher, Valeri and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and the petitioners Dimitri and George Chaber and their attorney, Paul Jaber.

The petitioners explained their desire to acquire City land adjacent to their property in exchange for a piece of their property and potential additional compensation. Specifically, they wished to acquire 120' of road front to gain access to the nearby intersection. The petitioners stated their willingness to share access to said intersection and traffic signal.

Mr. Scozzafava moved to have the City Engineer negotiate with the petitioners over the exact piece of land and that the petitioners would have an independent assessor value the agreed upon site and report back to this committee in 45 days or sooner. Motion was seconded by Mr. Valeri and passed unanimously.

The report was approved on the Consent Calendar.

~~43 - REPORT - Request for Water Extension - Edgewood Street and 118 Westville Avenue Ext.~~

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request for water extension at 2 Edgewood Street and 118 Westville Avenue Ext. met on May 16, 1995 at 7:45 P.M. in Room 432 in City Hall. In attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Mr. and Mrs. Gigliotti and Mr. and Mrs. Addessi.

There was a positive recommendation from the Planning Commission. Mr. Charles made a motion to approve the request subject to the normal eight steps. Seconded by Mr. Nolan. Motion carried un-animously.

The report was accepted on the Consent Calendar.

44 - REPORT - Request for Water Extension - Edgewood Street

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request for water extension on Edgewood Street met at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, Charles and Nolan. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and petitioners Tomas Biro, Vilmos Havasi and Mrs. Clark.

The Planning Commission gave a positive recommendation and Mr. Schweitzer mentioned that this was previously approved in March, 1990. Mr. Charles made a motion to approve the request subject to the normal eight steps. Seconded by Mr. Nolan. Motion carried un-animously.

The report was adopted on the Consent Calendar.

45 - REPORT - Renovations to Tarrywile Farmhouse Carpenters Extraordinaire.

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review Carpenters Extraordinaire's request met on May 16, 1995 at 8:05 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, Levy and Yamin. Also in attendance were Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter, Purchasing Agent Warren Platz, the petitioners Susan and Charles Elbaum, Council Member Vincent Nolan, ex-officio and members of the Tarrywile Park Authority.

The petitioners presented their view as did the Tarrywile Park Authority and the City. After much discussion, three options were decided by the City: 1. deny the request; 2. table the issue; and 3. award the amount.

Mr. Levy made a motion to deny the amount. No one seconded. After further discussion it was presented that the Tarrywile Park Authority offered \$3,079.38 to settle this contract. Mr. Yamin made a motion to accept funding from the Tarrywile Park Authority of \$3,079.38 to offer as full and final settlement with the appropriate release from Carpenters Extraordinaire for acceptance within 45 days of accepting or rejecting this amount. Seconded by Miss Dennehy. After a brief discussion, the motion carried with Miss Dennehy and Mr. Yamin voting in the affirmative and Mr. Levy voting in the negative.

Mark Boughton as an alternate to the Planning Commission for a term to expire January 1, 1996.

Rafael F. Pina to the Civil Service Commission for a term to expire January 1, 1998 and Trudy Taylor to the Civil Service Commission for a term to expire January 1, 1996.

Linda Molinaro to the Board of Ethics for a term to expire August 1, 1996.

Mr. Boynton made a motion that the appointments and reappointments be confirmed. Seconded by Mr. Gomez. Motion carried unanimously.

7 - COMMUNICATION - Letter from the Danbury Garden Club donating the sum of \$100 for the purchase of a blooming tree to be planted at the War Memorial in the final phase of its "Freedom Tree" series. Mrs. Coladarci made a motion that the donation be accepted, the proper line item credit and a letter of thanks sent. Seconded by Mr. Gomez. Motion carried unanimously.

8 - COMMUNICATION - Letters from Library Director Betsy McDonough requesting permission to accept the donations of a video cassette recorder, color television, headphones and a closed-caption decoder and videotapes from Comcast Cablevision; the sum of \$30,000 from the Library Board of Directors, \$20,000 from the FRIENDS of the Danbury Library and \$5,000 from the Savings Bank of Danbury for the renovation of the Library's Community Room; and the sum of \$60 from Edyce Hornig for the BOOKS line item. Miss Dennehy made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

9 - COMMUNICATION - Letter from Leo McIlrath asking permission to accept donations totaling the sum of \$112.60. Mrs. Coladarci made a motion that the donations be accepted and letters of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

10 - COMMUNICATION - Request from Leo McIlrath requesting a transfer of funds in the amount of \$197.60 from the Elderly Services donations account to the Commission on Aging budget for office supplies. A certification of funds was attached. The transfer was approved on the consent calendar.

11 - COMMUNICATION - Right of Entry Agreement for Union Station with the State of Connecticut permitting replacement of sidewalks and curbs on State property. The agreement was approved on the Consent Calendar.

12 - COMMUNICATION - Sublicense Agreement with the Danbury Railway Museum, Inc. for purposes of general rail yard cleanup, improvement and ultimately for the operation of a railway museum. Mr. DaSilva made a motion that the sublicense agreement be approved. Seconded by Mr. Boynton.

Mr. Boynton asked if the Common Council would be periodic updates on the operation of the Museum. Mayor Eriquez stated that data would be available, but technically the Museum does not report to the City, but he is sure they would be glad to give a presentation from time to time.

Motion carried unanimously.

13 - COMMUNICATION - Request for Sewer and Water Extension, McKay Road and Nabby Road. Mr. DaSilva asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer, and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Coladarci, Avonzi and Vanni to the committee.

14 - COMMUNICATION - Exchange of Property, Newtown Road. Mr. Levy asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallagher, Valeri and Scozzafava to the committee.



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

(203) 797-4518  
(203) 796-8043 FAX

PLEASE REPLY TO:

February 21, 2006

Hon. Mayor Mark D. Boughton  
Hon. Members of the Common Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 55 Newtown Road/Dimitri Chaber  
Proposed Swap of Property

Dear Mayor and Council:

We are in receipt of your referral of February agenda item no. 33 regarding the above matter for a thirty-day report. We have also reviewed responding correspondence from Director of Public Works/City Engineer William Buckley dated February 14, 2006 addressing this issue.

In his letter of January 11, 2006 to Mayor Boughton and to you, Attorney Paul Jaber, representing the property owner, Dimitri Chaber proposes joint utilization of a new entrance to the Public Works facility in order to gain access to its own property (apparently immediately adjacent to the City facility). Combined with this joint use would be a possible swap of some land and other consideration, depending on exactly what is to occur at that site. As Mr. Buckley explains in his letter, there is some uncertainty at this point as to what will occur at the location. Therefore, we agree, that it may be preferable for the parties to examine the various possibilities and proposals, and return with option(s) that are later and more clearly defined.

As you know, any exchange, use, sale or lease of property or easements must be reviewed and reported by the Planning Commission. Any grants or lease of City owned property must be approved by a two-thirds vote of the entire Council, pursuant to Charter Section 3-17.

We are pleased to be able to participate in any early discussions, should that be the intent of the Council in this matter. Please do not hesitate to call us in the event you have any questions.

Very truly yours,

Laszlo L. Pinter  
Assistant Corporation Counsel

cc: William J. Buckley, Jr., P.E., Dir. Public Works/City Engineer  
Dennis I. Elpern, Director Planning  
Dena Diorio, Director of Finance and Personnel  
Paul Jaber, Esquire

Llp/chaber



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**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

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

March 20, 2006

To: Mayor Mark Boughton  
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/February 7<sup>th</sup> CC Agenda Item 33 – Dimitri Chaber et al, 55  
Newtown 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 February 1, 2006 meeting, the Planning Commission made a motion to give this a positive recommendation subject to the Common Council appropriating funds for it.

Kenneth H. Keller  
Vice-Vice-Chairman

KHK/jr

Attachment

c: Engineering Dept.  
Corporation Counsel