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

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PLEASE REPLY TO:

November 28, 2006

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

Re: Proper Installation of Mailboxes
October Agenda Item No. 15

Dear Mayor and Council:

In accordance with your request for a thirty (30) day report from this office regarding the above matter, we are pleased to respond to this request.

As an initial comment, we have reviewed the correspondence directed to you from Public Works Director Antonio Iadarola, dated November 27, 2006. In that correspondence, Mr. Iadarola suggests that present City policy pertaining to mailbox replacement and monitoring is consistent with best practice and deserves to be maintained. Mr. Iadarola also suggests that there may be other, appropriate and available remedies to further assist in dealing with this issue that have worked well in the past.

We agree that, when it comes to jurisdiction over property in the City's rights of way that may act to impede, interfere with or obstruct vehicular movement or impact on safety, the City is authorized to take reasonable steps and pursue reasonable measures to accommodate those needs. Accordingly, while the City may strengthen existing Public Works policy to implement such measures, the DPW appears to have sufficient authorization presently to handle such problems, and remains willing to implement new policy in the event it is deemed necessary in the future. At that time, this office can advise them regarding existing law or new policy that can assist to address those changes.

Please feel free to contact this office with further concerns or questions.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Antonio Iadarola, Director Public Works

Llp/mailboxes

CITY OF DANBURY

DEPARTMENT OF PUBLIC WORKS



155 DEER HILL AVENUE
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MAYOR
Honorable Mark D. Boughton

PUBLIC WORKS DIRECTOR
Antonio Iadarola, P.E.

November 27, 2006

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

Dear Mayor Boughton and Common Council Members:

At the November 9, 2006 Common Council meeting, item #15 was referred to me for a 30 day report. This item pertains to the proper installation of mailboxes on the roadside as it relates to damage from snowplowing operations.

I have reviewed the Town of Bethel's Highway Department Mailbox Replacement Policy and investigated the City of Danbury's practice as it pertains to mailbox replacement due to damage from snow plowing operations.

It appears that the Bethel policy automatically denies any and all responsibility for mailbox replacement unless it is determined that Public Works Department equipment had made physical contact with the mailbox or post. In order to determine if the equipment has made physical contact with the mailbox or post, an investigation must be performed. The Highway Department must look at the damaged mailbox and come to some conclusion as to whether or not the equipment made contact with the mailbox or post. This is very similar to the process that the Danbury Highway Department currently follows.

Our highway department has reported to me that in fiscal year 2004-05 they made 184 repairs, replaced 54 boxes and 50 posts. In fiscal year 2005-06, 128 repairs were made and 48 boxes and 54 posts were replaced. Whether or not all of these repairs and

replacements were from our equipment making physical contact with the mailbox or post is not known at this time, but the foreman investigating the damages made a determination that the City should make the repair or replace the damaged parts. The Highway Department has found that most residents with previously damaged mailboxes and posts or boxes that are found to be in disrepair and are not capable of withstanding normal impact from snow being discharged from the highway plow, typically will take responsibility for the damage.

Should a mailbox be constructed in City Right of Way, which will most likely be damaged due to snow plowing operations because of its location, the City Charter gives me the power to have that mailbox removed. It's my understanding that the placement of a mailbox is regulated by the post office.

Based on my findings, I would suggest that at this time, we continue with the procedures we have been utilizing and provide the same level of service that the residents have come to expect regarding the replacement of damaged mailboxes and posts. I will continue to monitor this issue and should I find that a policy would be beneficial to implement in the future, I will work with the Corporation Counsel, the Mayor and the Common Council to do so.

Should you have any question, please feel free to contact me at 797-4537.

Respectfully,


Antonio Iadarola, P.E.
Director of Public Works