

To: Mayor Mark D. Boughton and Members of the Common Council

Re: Minutes of the Common Council Meeting held February 6, 2007.

The meeting was called to order at 7:30 p.m. The Pledge of Allegiance and the Prayer were recited. The members were recorded as:

PRESENT – McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Cavo, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley and Taborsak.

ABSENT – Tom Saadi is out of town for training.

20 PRESENT – 1 ABSENT

PUBLIC SPEAKING

Mrs. Katherin Sniffin, a teacher from St. Gregory the Great School, brought several students from the "Cool It Challenge Team" to speak in support of item #15. Christie Colucci, Pamela Rosetti, Stephen Strosser, Wyatt Bosworth, David Lasco, Nicholas Carlsen, Connor McCann, Brian Hatcher, Steven Rebeiro, and Ryan Bartley.

Kathryn Filipowicz, 2 Kenmere Blvd., spoke on item #29. 18 families live on the 3 roads – no one owns the road – it's a very dangerous situation – please plow and sand the roads.

Leo Barry, Blueberry Lane, spoke on item #29. It is a very dangerous road, fire trucks have problems getting up hill in winter; has a copy of a QC deed to George Davon – now deceased- as owner of the road.

Jarred Borkatt, Huckleberry Lane, spoke on item #29. Very dangerous road, hard to travel up and down in winter.

Pearl Pacific, 6 Blueberry Lane, spoke on item #29. The hill is very bad – she has put down salt every year – they need help with this road.

Charles Maddare, 8 Blueberry Lane, spoke on item #29. Has slid sideways down the hill – very dangerous situation.

Concepcion Gonzalez, 5 Blueberry Lane, spoke on item #29. Problems sliding on the road – no stop sign on side road – very dangerous.

Anthony John, Blueberry Lane, spoke on item #29. Almost Home van has trouble coming up the hill to pick up his mom. Very dangerous.

Lynn Waller, 83 Highland Avenue, spoke on item #14. Please move forward on this issue. Spoke on item 33. It is a good idea if UNIT can also issue tickets – extra help is good.

John Woodruff, 9 Madison Avenue, spoke on item #51. Still needs more work. Covers more than parades. Abridges rights of public persons to rally or picket.

The Public Speaking portion of the meeting was closed at 8:05 p.m.

The Mayor read the announcements for the month of February.

MINUTES – Minutes of the Common Council Meeting held December 5, 2006.

Mr. Cavo made a motion to adopt the minutes as presented and waive the reading as all members have copies and they are also on file in the City Clerk's office. Seconded by Mr. Johnson. Motion carried unanimously.

CONSENT CALENDAR – Mrs. Basso presented the following items for the Consent Calendar:

4 – Receive the communication and confirm the appointment of Joel B. Urice as a member of the Planning Commission with a term to expire on January 1, 2010, and Fil Ciminera as an alternate member of the Planning Commission with a term to expire on January 1, 2008.

5 – Receive the communication and confirm the reappointments to the Tarrywile Park Authority of Gerald Daly, Ted Cutsumpas, and Marita Repole with terms to expire on January 1, 2012, Barbara Talarico, David Cook and Michael Marcus with terms to expire January 1, 2009, and Michael Lombardi with a term to expire on January 1, 2008.

6 – Receive the communication and confirm the reappointment of John Hoffer and Edward Moore to the Danbury Library Board of Directors with terms to expire on January 1, 2010.

7 – Receive the communication and confirm the appointment to the Stanley Lasker Richter Memorial Park Authority of Leonard J. Cagianello and Christine L. Marano with terms to expire on February 1, 2010, and Leroy D. Diggs with a term to expire on February 1, 2009, and Felix Bonacci as an alternate member with a term to expire on February 1, 2009.

8 – Receive the communication and confirm the appointments of Michael Safranek and Paul Estefan as Alarm Systems Hearing Officers with terms to expire on February 1, 2009, and as Citation Hearing Officers with terms to expire on February 1, 2009.

9 – Receive the communication and confirm the appointment of Anthony Parisi as an alternate member of the Fair Rent Commission with a term to expire on July 1, 2009.

10 – Receive the communication and confirm the reappointment of Judith Betman Coco as a member of the Youth Commission with a term to expire on June 1, 2009, and confirm the appointment of Samantha Krushinsky and Evan Lunt as Youth Advisors to the Youth Commission.

11 – Receive the communication and approve the funding of professional services required to complete the preliminary tasks related to the update of the Plan of Conservation and Development in the amount of \$40,000, pending certification from the Director of Finance.

23 – Receive the communication and approve the appointment of McGladrey & Pullen, LLP as auditors for the city audit for the fiscal year ending June 30, 2007.

25 – Receive the communication and approve the transfer of funds in the amount of \$500,000 into the Police Special Services account number 2000.5052.

26 – Receive the communication and authorize the Danbury Fire Department to accept a Foam Attack Trailer from the State of Connecticut.

27 – Receive the communication and authorize the Fire Marshall's Office to apply for and accept a grant from the Connecticut Fair Plan Anti-Arson Committee for funds to purchase a digital SLR camera, and to approve the spending of an additional \$150 if the grant does not cover the entire price, pending certification by the Director of Finance.

40 – Receive the communication and authorize Mayor Mark D. Boughton to execute the agreement for disposal of hazardous waste.

41 – Receive the communication and approve the resolution authorizing Mayor Mark D. Boughton to apply for and accept grant funding for the City of Danbury’s Women, Infant and Children’s Program.

42 – Receive the communication and authorize Mayor Mark D. Boughton or the Director of Health, Housing and Welfare to apply for and accept grant funds in the amount of \$10,000 from General Mills Champions for Healthy Kids.

43 - Receive the communication and authorize Mayor Mark D. Boughton to accept increased funding for the Public Health Preparedness and response Planning grant in the amount of \$28,500 to be used exclusively for Pandemic Influenza Planning.

45 –Receive the communication and approve the resolution authorizing the Corporation Counsel to acquire the properties described therein.

48 – Receive the report and approve the recommendations of the committee.

49 – Receive the report and approve the recommendations of the committee.

50 - Receive the report and take no action at this time.

51 - Receive the report and refer the proposed ordinance to public hearing.

52 – Receive the report and take no action at this time.

53 –Receive the report and approve the recommendations of the committee.

Ms. Saracino moved to accept the Consent Calendar as read. Seconded by Mr. Cavo. Ms. Taborsak asked that item #42 be removed from the Consent Calendar. Hearing no objection it was removed. Motion then carried unanimously.

1 - COMMUNICATION - Appointment of Director of Parks and Recreation

Letter from Mayor Boughton requesting confirmation of the appointment of Nicholas A. Kaplanis as the Director of Recreation. Mr. Trombetta moved to receive the communication and confirm the appointment. Seconded by Mr. Chianese. Motion carried unanimously.

2 - COMMUNICATION - Appointment of Director of Welfare

Letter from Mayor Boughton requesting confirmation of the appointment of Aimee H. Budnik as the Director of Welfare. Ms. Saracino moved to receive the communication and confirm the appointment. Seconded by Mr. Riley. Motion carried with 19 yes and Ms. Taborsak voting in the negative.

3 - COMMUNICATION – Promotions within the Fire Department.

Letter from Mayor Boughton requesting confirmation of the promotion of Lt. Mark O’Masta to the position of Drillmaster for the Danbury Fire Department. Mr. Johnson moved to receive the communication and confirm the appointment. Seconded by Mr. Cavo. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of the promotion of Firefighter Mark L. Migual to the position of Lieutenant for the Danbury Fire Department. Ms. Stanley moved to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

4 – CONSENTED – Appointments to Planning Commission

Letter from Mayor Boughton requesting the appointment of Joel B. Urice as a member of the Planning Commission with a term to expire on January 1, 2010, and Fil Ciminera as an alternate member of the

Planning Commission with a term to expire on January 1, 2008. The communication was received on the consent calendar and the appointments confirmed.

5 – CONSENTED – Reappointments to the Tarrywile Park Authority

Letter from Mayor Boughton requesting the reappointments to the Tarrywile Park Authority of Gerald Daly, Ted Cutsumpas, and Marita Repole with terms to expire on January 1, 2012, Barbara Talarico, David Cook and Michael Marcus with terms to expire January 1, 2009, and Michael Lombardi with a term to expire on January 1, 2008. The communication was received on the consent calendar and the appointments confirmed.

6 – CONSENTED – Reappointments Library Board of Directors

Letter from Mayor Boughton requesting the reappointment of John Hoffer and Edward Moore to the Danbury Library Board of Directors with terms to expire on January 1, 2010. The communication was received on the consent calendar and the appointments confirmed.

7 – CONSENTED - Appointments to the Richter Memorial Park Authority

Letter from Mayor Boughton requesting the appointment to the Stanley Lasker Richter Memorial Park Authority of Leonard J. Cagianello and Christine L. Marano with terms to expire on February 1, 2010, and Leroy D. Diggs with a term to expire on February 1, 2009, and Felix Bonacci as an alternate member with a term to expire on February 1, 2009. The communication was received on the consent calendar and the appointments confirmed.

8 – CONSENTED – Appointment of Alarm System and Citation Hearing Officers

Letter from Mayor Boughton requesting the appointments of Michael Safranek and Paul Estefan as Alarm Systems Hearing Officers with terms to expire on February 1, 2009, and as Citation Hearing Officers with terms to expire on February 1, 2009. The communication was received on the consent calendar and the appointments confirmed.

9 – CONSENTED – Appointment of Alternate to Fair Rent Commission

Letter from Mayor Boughton requesting the appointment of Anthony Parisi as an alternate member of the Fair Rent Commission with a term to expire on July 1, 2009. The communication was received on the consent calendar and the appointment confirmed.

10 – CONSENTED – Reappointment and appointments to the Youth Commission

Letter from Mayor Boughton requesting the reappointment of Judith Betman Coco as a member of the Youth Commission with a term to expire on June 1, 2009, and the appointment of Samantha Krushinsky and Evan Lunt as Youth Advisors to the Youth Commission. The communication was received on the consent calendar and the appointments confirmed.

11 – CONSENTED – Update Plan of Conservation and Development

Letter from Mayor Boughton requesting approval for the funding of professional services required to complete the preliminary tasks related to the update of the Plan of Conservation and Development in the amount of \$40,000, pending certification from the Director of Finance.

12 – COMMUNICATION – African/American Civil War Monument

Letter from Mayor Boughton requesting approval to spend \$4,000 to erect a monument to honor over 60 African American men from the greater Danbury area who fought in the Civil War, to be put on land donated by The Danbury Cemetery Association. Mr. Riley moved to approve the request to spend the

\$4,000 for the monument pending certification from the Director of Finance. Seconded by Mr. Johnson. Motion carried unanimously.

13 – COMMUNICATION – Keep Danbury Beautiful Campaign

Ms. Teicholz asked that this be referred to an ad hoc committee, the Director of Public Works, Corporation Counsel, a representative from the Mayor's office and a member of the UNIT. Mayor Boughton so ordered and appointed Council Members Stanley, Basso and Visconti to the committee.

14 – COMMUNICATION – Request for Ad Hoc Committee – Senior Energy Assistance Program

Ms. McMahon asked that this be referred to an ad hoc committee, Corporation Counsel, Director of Finance and the Tax Collector. Mayor Boughton so ordered and appointed Council Members Trombetta, Nagarsheth and Perkins to the committee.

15 – Communication – Request for Ad Hoc Committed –Clean Energy

Mr. Cutsumpas asked that this be referred to an ad hoc committee, Director of Finance, Public Buildings Superintendent, and Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Nagarsheth, Calandrino and Esposito to the committee.

16 – COMMUNICATION - Donation to the Police Department – Union Savings Bank

Mr. Johnson moved to receive the communication, accept the donation of a conference room table, 12 chairs and blackboard from Union Savings Bank and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Police Department – DARE

Mr. Cavo moved to receive the communication and accept the \$500 donation from the DARE class at Great Plain School to purchase a ballistic vest and equipment for the Police K-9 dog Britta and send a letter of thanks. Seconded by Ms. McMahon. Motion carried unanimously.

18 – COMMUNICATION – Donation to the Public Building Department

Mr. Nagarsheth moved to receive the communication and accept the donation from Dow Chemical of office furniture and send a letter of thanks. Seconded by Mr. Chianese. Motion carried unanimously.

19 – COMMUNICATION – Donation to the Library

Mr. Seabury moved to receive the communication and accept the \$100 donation from Mr. Dale Brown, place the funds in line item libraryfund.4651 and send a letter of thanks. Seconded by Mr. Chianese. Motion carried unanimously.

20 – COMMUNICATION – Donation to Welfare – Social Services

Ms. Stanley moved to receive the communication, accept the donations and send a letter of thanks. Seconded by Ms. Taborsak. Motion carried unanimously.

21 – COMMUNICATION – Donation to Fire and Police Departments

Mr. Cutsumpas moved to receive the communication, accept the \$911 donation from Boehringer Ingelheim to be split 50/50 between Fire Department line 2010.5330 and Police Department line 2000-5601 and send a letter of thanks. Seconded by Ms. Teicholz. Motion carried unanimously.

22 – COMMUNICATION – Donation to the Department of Elderly Services

Ms. Basso moved to receive the communication, accept the donations totaling \$100 and send letters of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

23 – CONSENTED – Appointment of Independent Auditors

Receive the communication and approve the appointment of McGladrey & Pullen, LLP as auditors for the city audit for the fiscal year ending June 30, 2007. The communication was received on the consent calendar and the appointment confirmed.

24 – COMMUNICATION – Certification of funds – Dream Homes Community Center

Ms. Saracino asked that this be referred to an ad hoc committee, Director of Finance, Corporation Counsel, Judge Yamin as Chair of the Task Force and a representative from Dream Homes. Mayor Boughton so ordered and appointed Council Members Saracino, Teicholz and Perkins to the committee.

25 – CONSENTED – Additional Funding Appropriation – Police Department

Receive the communication and approve the transfer of funds in the amount of \$500,000 into the Police Special Services account number 2000.5052. The communication was received on the consent calendar and the transfer was confirmed.

26 – CONSENTED – Use of the 500 Gallon Mobile Foam Attack Trailer

Receive the communication and authorize the Danbury Fire Department to accept a Foam Attack Trailer from the State of Connecticut. The communication was received on the consent calendar and approved.

27 – CONSENTED – Grant Request for Digital Camera

Receive the communication and authorize the Fire Marshall's Office to apply for and accept a grant from the Connecticut Fair Plan Anti-Arson Committee for funds to purchase a digital SLR camera, and to approve the spending of an additional \$150 if the grant does not cover the entire price, pending certification by the Director of Finance. The communication was received on the consent calendar and approved.

28 – COMMUNICATION – withdrawn

29 – COMMUNICATION – Acceptance of Kenmere Boulevard, Huckleberry Lane and Blueberry Lane as city roads.

Ms. Diggs asked that this be referred to an ad hoc committee, Director of Planning, Director of Public Works, Corporation Counsel and an 8-24 report from the Planning Commission. Mayor Boughton so ordered and appointed Council Members Seabury, Johnson and Saadi to the committee.

30 – COMMUNICATION – Request for Ad Hoc – 10-Year Plan to End Homelessness

Mr. Riley asked that this be referred to an ad hoc committee, Corporation Counsel, Director of Finance, Director of Health, Housing & Welfare, Probate Judge Yamin, a representative from Dream Homes and the Housing Partnership. Mayor Boughton so ordered and appointed Council Members Saracino, Teicholz and Perkins to the committee.

31 – COMMUNICATION – Request for Ad Hoc – Sewer/Water Connection fees

Mr. Johnson asked that this be referred to an ad hoc committee, Corporation Counsel, Director of Finance, **Probate Judge** and Director of Public Works. Mayor Boughton so ordered and appointed Council Members Saracino, Teicholz and Perkins to the committee.

32 - COMMUNICATION – Request for Ad Hoc – Add Charles Ives Authority to Governmental Entities

Mr. Trombetta asked that this be referred to an ad hoc committee and Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Cutsumpas, Diggs and Rotello to the committee.

33 - COMMUNICATION – Request for Ad Hoc – Illegally Parked Cars

Ms. McMahon asked that this be referred to an ad hoc committee and Corporation Counsel for a 30-day report. Mayor Boughton so ordered and appointed Council Members Cavo, Basso and Perkins to the committee.

34 - COMMUNICATION – Request for Ad Hoc – First Night Danbury 2007

Ms. Diggs asked that this be referred to an ad hoc committee, Director of Finance, and a City Center representative. Mayor Boughton so ordered and appointed Council Members Diggs, Cutsumpas and Rotello to the committee.

35 - COMMUNICATION – Rescind BRT Tax Assessment Deferral - Crosby Street

Mr. Cavo asked that this be referred to Corporation Counsel for a 30-day report.

36 - COMMUNICATION – Request for Impact Statements

Ms. Stanley asked that this be referred to the Director of Planning for a 30-day report. Mr. Chianese asked that this also be sent to the Mayor's office. Mayor Boughton ruled Mr. Chianese's request out of order.

37 - COMMUNICATION – Request for Easement – WCI Communities

Mr. Calandrino moved to grant the easement based on a positive referral from Planning. Seconded by Mr. Cavo. Motion carried unanimously.

38 - COMMUNICATION – Request for Sewer/Water –Stacey Road and Route 37.

Mr. Trombetta asked that this be referred to an ad hoc committee, Director of Public Works and Planning Commission for an 8-24 report. Mayor Boughton so ordered and appointed Council Members Riley, McMahon and Saadi to the committee.

39 - COMMUNICATION – Request for Water – 109 Park Avenue

Mr. Nagarsheth asked that this be referred to an ad hoc committee, Director of Public Works and Planning Commission for an 8-24 report. Mayor Boughton so ordered and appointed Council Members Riley, McMahon and Saadi to the committee.

40 - CONSENTED – Hazardous Household Waste Collection Agreement

Receive the communication and authorize Mayor Mark D. Boughton to execute the agreement for disposal of hazardous waste. The communication was received on the consent calendar and approved.

41 - CONSENTED – Resolution / WIC Grant

Receive the communication and approve the resolution authorizing Mayor Mark D. Boughton to apply for and accept grant funding for the City of Danbury's Women, Infant and Children's Program. The communication was received on the consent calendar and approved.

WHEREAS, the Connecticut Department of Public Health, Women, Infants and Children's program (WIC), has made grant funds available for the purposes of providing services to pregnant and post-partum women, infants and children; and

WHEREAS, the City of Danbury wishes to make application to WIC for its portion of the available funds to be used for said purposes; and

WHEREAS, if said application is approved, the City of Danbury wishes to accept said funds.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for the aforesaid grant and if said application is approved, to accept said funds and execute any agreements or other documentation necessary to effectuate the purposes hereof.

42 – RESOLUTION – General Mills for Healthy Kids Grant

Mr. Cavo moved to receive the communication and approve the Resolution for the General Mills for Healthy Kids Grant. Seconded by Mrs. Basso, Discussion followed with questions on Board of Ed and Danbury Schools involvement. Motion passed with 17 yes and Mr. Perkins, Mr. Rotello and Ms. Taborsak voting in the negative.

Whereas the General Mills Corporation is offering an opportunity to the City of Danbury, Health, Housing and Welfare School-Based Health Center to apply for a competitive Healthy Kids Grant;

Whereas the grant amount of \$10,000 represents funding which is to be spent exclusively for the purposes implementing a 'Promoting Healthy Lifestyles Initiative Program' at Broadview Middle School and requires no local match; and

Whereas the School-Based Health Center will use passive and active learning techniques through youth participation to implement this program, which runs from June 2007 through May 2008.

Now, therefore, be it resolved that Mark D. Boughton, Mayor of the City of Danbury, or Scott LeRoy, Director of Health, Housing and Welfare, as his designee, is authorized to accept this funding if awarded and execute on behalf of the City of Danbury all contracts, agreements or amendments and to take all actions necessary to accomplish the purposes of this funding.

43 – CONSENTED – Bioterrorism/Emergency Preparedness Grant

Receive the communication and authorize Mayor Mark D. Boughton to accept increased funding for the Public Health Preparedness and response Planning grant in the amount of \$28,500 to be used exclusively for Pandemic Influenza Planning. The communication was received on the consent calendar and approved.

44 – RESOLUTION – Grenier Airport Property Acquisition

Ms. Saracino asked that this be referred to an ad hoc committee, Corporation Counsel, Airport Administrator and Planning Commission for an 8-24 report. Mayor Boughton so ordered and appointed Council Members Cutsumpas, Seabury and Visconti to the committee.

45 – CONSENTED – Resolution Renewal - Acquisition of Property

Receive the communication and approve the resolution authorizing the Corporation Counsel to acquire the properties described therein. The communication was received on the consent calendar and approved.

WHEREAS, the City of Danbury, is proceeding through plans and designs, to make necessary improvements to the Olive Street / Tilden Road sanitary sewer; and

WHEREAS, the property to be acquired is described and identified in EXHIBIT A attached hereto; and

WHEREAS, said easement will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement set forth on EXHIBIT A attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by August 6, 2007.

* * *

WHEREAS, the City of Danbury has received HUD financing approval through the HUD Development Block Grant Section 108 Program, for development of the proposed Senior Center Campus; and

WHEREAS, the development of the Campus will require the acquisition of several parcels of land in the vicinity of the existing Senior Center; and

WHEREAS, the properties to be acquired are described and identified in EXHIBIT A attached hereto; and

WHEREAS, said properties will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said properties and proceed with the Senior Center Campus project.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the properties set forth on EXHIBIT A attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages or other inconsistent interests encumbering the properties, if any, by August 6, 2007.

* * *

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and,

WHEREAS, the City of Danbury engineering department is nearing completion of the design of improvements; and,

WHEREAS, in the course of preparing said design it was determined that two existing water system pump houses and the properties on which they are located need to be acquired by the city; and,

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and,

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before August 6, 2007, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

* * *

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and,

WHEREAS, in two areas along the proposed route of the water line, long narrow strips of land, approximately three feet wide, separate the city's right-of-way from the properties of others; and,

WHEREAS, in order to provide public water service to these other property owners, the city will need to acquire these two strips of land; and,

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and,

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before August 6, 2007, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

46 – AD HOC REPORT/ORDINANCE – Charles Ives Authority for the Performing Arts

Mr. Cavo read the following report:

REPORT – COMMITTEE OF THE WHOLE – JANUARY 22, 2007

Section 13A-56 to 13A-60 Ordinance – Creation; powers and responsibilities

(Creation of the Charles Ives Authority for the Performing Arts)

Mr. Cutsumpas moved to receive the report and adopt the committee's recommendation and to refer this to the next scheduled council meeting. Seconded by Mr. Rotello.

Discussion followed with questions to Dena Diorio, Director of Finance and Personnel; Mayor Boughton; Dr. James Schmotter, President of WCSU; and Laszlo L. Pinter, Deputy Corporation Counsel, on the following issues:

Financial obligations of present Authority; unsecured loan – who is responsible to repay it; lease term on land; future fund raising; City or WCSU monetary assistance if Authority runs into future trouble; bonding (default) issues for new Authority; projected revenues for next 5 years; what are the roles of the City and WCSU; who owns the property; how much land is there; is there authority for the old Authority to dissolve; legal responsibility for existing debt; capital improvement plans; City police or private security; can an outside entity take over management;

Further comments from Mayor Boughton and Dr. Schmotter on the opportunity this partnership will bring; to expand the venue at the park; elevate cultural life in the City and at WCSU; still needs to be private fund raising which the 5 year lease agreement will help; this is a public partnership; and broader use of the facilities.

Mr. Riley moved the question; seconded by Mrs. Basso. Motion carried with 12 yes and 8 no votes.

Attorney Pinter explained the State was requiring two changes in wording on the Ordinance in Sec. 13a-56(b)(1) and (2). They will be explained and discussed at the next Council meeting.

The original motion passed with 13 yes and 7 no votes.

Mrs. Basso moved to adjourn at 8:35 p.m. Seconded by Mr. Johnson. Motion passed unanimously.

* * *

Attendance record and voting record attached.

* * *

Respectfully submitted,

Joe Cavo, President

Sec. 13A-56. Creation; powers and responsibilities.

(a) *Creation.* The common council of the City of Danbury (hereinafter referred to as "city"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Charles Ives Authority of the Performing Arts (hereinafter referred to as "authority").

(b) *Powers.* Such authority shall have the following powers and responsibilities:

- (1) In affiliation with Western Connecticut State University, to administer, operate and maintain Ives Concert Park, including all structures;
- (2) To contract and be contracted with in order to administer, operate and maintain said park consistent with facilities use and lease or license agreements entered into with Western Connecticut State University;
- (3) To make, amend and repeal bylaws, rules and regulations not inconsistent with general law to carry out its purposes;
- (4) To construct and reconstruct park facilities as authorized by law only within said park;
- (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the authority and in an amount sufficient to pay operating and maintenance expenses, the annual principal and interest on bond heretofore or hereafter issued by the authority to finance the construction and reconstruction of park facilities within said park and the principal and interest of any obligations the authority may incur;
- (6) To make an annual audit, consistent with general law, of the financial transactions of the authority. The treasurer elected by the members of the commission shall be bonded in an amount determined pursuant to Section 7-148 of the General Statutes of Connecticut, as amended;
- (7) To issue its bonds, notes or other obligations as authorized by Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended, to be paid solely from the revenues of the authority;
- (8) To accept loans or grants from the city or any other person, government or agency thereof, for the purposes of the authority; and,
- (9) To appoint or dismiss an executive director and to adopt an annual budget for the administration of the park under the overall direction of the authority, the fiscal year of said budget to commence on October 1 of each year.

Sec. 13A-57. Articles of Incorporation.

The articles of incorporation of the authority are as follows:

(a) The name of the authority and the address of its principal office shall be: Charles Ives Authority of the Performing Arts, City Hall, Danbury, Connecticut.

(b) The authority is created under Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended.

(c) The participating political subdivision is the City of Danbury, Connecticut.

(d) The initial members of the authority, their addresses, and terms of office, shall be as appointed by the city.

(e) The authority is created for the sole purpose of administering Ives Concert Park with the power granted to such authority by this enacting ordinance.

Sec. 13A-58. Commission of authority – Appointments; membership; terms.

The mayor of the city, with the approval of the majority of the common council, shall select and appoint the members of said authority which shall consist of nine (9) members. Three of the appointees selected by the mayor shall be persons nominated by the President of Western Connecticut State University. Said members will possess backgrounds in either the performing arts, development or finance. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members two (2) years, and of the last three (3) initial members, three years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.

Sec. 13A-59. Same –Compensation of members

No members of such authority may receive any compensation for their services, but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in performance of their duties.

Sec. 13A-60. Perpetual Existence.

The authority shall remain in existence perpetually unless terminated by the city.

Mr. Cutsumpas moved to receive the communication and accept the report including the 2 changes requested by Attorney Pinter. Seconded by Mr. Seabury. Mr. Chianese asked to have the motion modified to eliminate Attorney Pinter’s comments. Mayor Boughton called Mr. Chianese out of order. Mr. Visconti asked about who is responsible for debts from old board and what would be the City’s liability. Ms. Diorio said the City is not responsible – the old board would have to repay their debts. Attorney Pinter said there are many benefits and the only liability would come in the City overstepped the authority. Ms. Taborsak had a problem with the low turnout at the public hearing and the fact that area banks will lose out. Vote was called and motion passed with 17 yes and Mr. Perkins, Mr. Visconti and Ms. Taborsak voting in the negative.

47 –AD HOC REPORT – Rename and Renumber Briar Ridge Road.

Mrs. Basso read the following report:

AD HOC REPORT

Briar Ridge Road – Rename & Renumber

Hon. Mark D. Boughton, Mayor January 18, 2007

Common Council Members

Chairwoman Pauline Basso called the meeting to order at 6:15 p.m. Committee members are Mary Teicholz, who is presently in the hospital, and Paul Rotello. The charge of this committee is to review a proposal for a name change and re-numbering issue for Briar Ridge Road. In attendance were Laszlo Pinter, Deputy Corporation Counsel, Ben Chianese, as petitioner and ex-officio, Robert Riley ex-officio. There is a positive 8-24 Planning Report to re-name and re-number the road but the Planning Commission does not support connecting the two road sections.

Ben Chianese gave some of the reasons he is asking for this name change. Deliveries are a problem and emergency vehicles (911) have trouble finding the houses since there is a gap between the roads. If you

get on the wrong road it takes about 15 – 20 minutes to get around to the right road. One side of the longer end of the road is in Danbury and the other side is in Ridgefield. This is the older part of the road. The north end of the road is all in Danbury.

Discussion followed about picking a new name for the north part of the road to send to the Planning Department with a request for a survey for a name change and re-numbering.

Les Pinter said the request before the committee is to re-name and re-number the road. The City can only make changes to City of Danbury roads – may be a problem with one half of the road in Ridgefield as far as the re-numbering and re-naming.

Mr. Rotello said we could hold off on the re-numbering for now.

Mr. Rotello moved to send this back to Planning to send out a survey to the property owners along what we will call, for the purpose of his meeting, the north end of Briar Ridge – both ends of Briar Ridge as it impacts everybody, with the proposed change to be exclusive to the north end of the present Briar Ridge changed to Mountain Laurel Road. Survey by Planning to query the neighbors about a proposed name change to Mountain Laurel Road for the north end of the present Briar Ridge. We will hold off on the re-numbering. Seconded by Mrs. Basso. Motion passed unanimously.

Mr. Rotello made a motion to adjourn at 6:35 p.m., seconded by Mrs. Basso. Motion passed unanimously.

Respectfully submitted,

Pauline Basso, Chairman

Paul Rotello

Mary Teicholz

Mr. Rotello moved to receive the report and accept the recommendation with the name change to Bramble Ridge Road and to send to the Planning Department for a survey. Seconded by Mrs. Basso. Motion unanimously passed.

48 – CONSENTED - AD HOC REPORT – Sewer Extension – 25 Mill Plain Road

Receive the report and approve the recommendations of the committee. The communication was received on the consent calendar.

49 – CONSENTED - AD HOC REPORT – Private Property Easement – Sauer Memorial Park

Receive the report and approve the recommendations of the committee. The communication was received on the consent calendar.

50 – CONSENTED - AD HOC REPORT – Purchase of Property – 51A East Lake Road

Receive the report and take no action at this time. The communication was received on the consent calendar.

51 – CONSENTED - AD HOC REPORT – Parade Ordinance Permit

Receive the report and refer the proposed ordinance to public hearing. The communication was received on the consent calendar.

52 – CONSENTED - AD HOC REPORT – Request to Amend Affordable Housing Program

Receive the report and take no action at this time. The communication was received on the consent calendar.

53– CONSENTED- AD HOC REPORT – Board of Education – Additional Appropriations

Receive the report and approve the recommendations of the committee. The communication was received on the consent calendar.

54 - DEPARTMENT REPORTS - Police, Fire, Fire Marshall, Elderly Services, Health, Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT and Library.

Mr. Cavo made a motion to accept the department reports as submitted and waive the reading as all members have copies and copies are on file in the Office of the City Clerk. Seconded by Mr. Nagarsheth. Discussion followed with questions to the Police Chief, Director of Health, Housing & Welfare and the Finance Director on: Update on 3-1-1 program; getting more crosswalk signs; and source of money for item #11. Motion then carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 9:25 P.M. by Mr. Seabury for the meeting to be adjourned. Seconded by Mr. Trombetta. Motion carried unanimously.

Respectfully submitted,

ROBIN A. SHEPARD, Executive Secretary

ATTEST:

MARK D. BOUGHTON, Mayor