

**COMMON COUNCIL MEETING**

**NOVEMBER 4, 1999**

Mayor Eriquez will call the meeting to order at 7:30 P.M.

**PLEDGE OF ALLEGIANCE**

**PRAYER**

**ROLL CALL**

Scalzo, McAllister, Arconti, Smith, Boynton, Buzaid, Dean Esposito,  
Machado, Shuler, Coco, Setaro, John Esposito, Levy, Abrantes,  
Pascuzzi, Basso, Falzone, Gallagher, Moore, Saracino

**PRESENT** 18      **ABSENT** 2

**PUBLIC SPEAKING**

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**MINUTES** – Minutes of the Common Council Meeting held October 5, 1999

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**CONSENT CALENDAR**

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- 1 – ORDINANCE – Sewer Use Charges

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  - 2 - RESOLUTION – Husky Outreach Funds

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  - 3 - RESOLUTION – Stand Together Make A Difference

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  - 4 – RESOLUTION – School Based Health Center

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  - 5 - COMMUNICATION – Appointment to position of Firefighter

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  - 6 - COMMUNICATION – Appointment to the Richter Park

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  - 7 – COMMUNICATION – Reappointments to the Commission on Aging

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  - 8 - COMMUNICATION – Donations to the Library

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  - 9 - COMMUNICATION – Donation to the Health Department

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  - 10 – COMMUNICATION – Donations to the Department of Elderly Services
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- 11 – COMMUNICATION – Reappropriation of Donated Funds
- 
- 12 – COMMUNICATION – Damage from Hurricane Floyd
- 
- 13 – COMMUNICATION – Report on Skate 2000
- 
- 14 – COMMUNICATION – Support of Proposed Zoning Amendments –  
Regulating Cellular Towers
- 
- 15 – COMMUNICATION – Report from Planning Commission on  
Property Acquisition at Tarrywile Lake
- 
- 16 – COMMUNICATION – Request for Water Extension – Federal Road
- 
- 17 – COMMUNICATION – Request for Extension of Time – Broad Street
- 
- 18 – COMMUNICATION – Acceptance of Sewer Line on Park Avenue
- 
- 19 – COMMUNICATION – Offer to sell land on Beckerle Street
- 
- 20 – COMMUNICATION – Local Capital Improvement Grant
- 
- 21 – COMMUNICATION – Acceptance of Donation for Conference
- 
- 22 – COMMUNICATION & CERTIFICATION – Request for Funds for  
Registrars of Voters
- 
- 23 – COMMUNICATION – Request to Purchase City Property on  
Rockwood Lane
- 
- 24 – COMMUNICATION – Request for Extension of Time – Joe’s Hill  
Road
- 
- 25 – COMMUNICATION – Water Problems at 65 Main Street, Park  
Place – Flooding
- 
- 26 – COMMUNICATION – Request to Purchase land on Ye Olde Road
- 
- 27 – COMMUNICATION – FAA Agreement with Airport
- 
- 28 – COMMUNICATION – Application for Deferral of Assessment  
Increases – Bedoukian Research

29 – COMMUNICATION – Water Extension – 99 Beaver Brook Road

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30 – COMMUNICATION – Report regarding Flood Control Measures

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31 – COMMUNICATION – Reports regarding Wedgewood Drive – Boyle

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32 – COMMUNICATION – Reports regarding Weindorf Lane – Sanders

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33 – COMMUNICATION – Reports regarding property on Ye Olde Road

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34 – COMMUNICATION – Reports regarding Road Widening Strip Joe's Hill Road

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35 – COMMUNICATION – Reports regarding offer to sell land on Miry Brook Road and Old Sugar Hollow Road

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36 – COMMUNICATION – Reports regarding offer to sell property at 178 Middle River Road

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37 – COMMUNICATION – Reports regarding request to purchase property on Deepwood Drive

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38 – COMMUNICATION – Reports regarding request to purchase land off Fox Den Road

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39 – COMMUNICATION – Reports regarding Down on the Farm Property

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40 – COMMUNICATION – Linron Gardens – WITHDRAWN

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41 – REPORT – Offer for Exchange of Land at 2 Mountainville Road

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42 – REPORT – Request for Sewer and Water Extension – 42A Main

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43 – REPORT – Procedure for Mailing Tax Bills

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44 – REPORT – Contract between the City of Danbury and Minolta Business Systems, Inc. – Board of Education

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45 – REPORT – Water Run-off Problem on Great Plain Road

46 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Health and Housing, Welfare, Department of Elderly Services, Engineering, Public Building Maintenance, Public Utilities

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There being no further business to come before the Common Council a motion was made by \_\_\_\_\_ at \_\_\_\_\_ P.M. for the meeting to be adjourned.

224 Great Plain Rd.  
Danbury, CT 06811  
November 4, 1999

Honorable Mayor Eriquez and Common Council members,

I come before you tonight to ask for your support regarding the proposed zoning regulations submitted by Dennis Elpern on behalf of the City of Danbury on October 18, 1999. These regulations are to protect the citizens of Danbury concerning the location of wireless telecommunication towers and antennas. There are two applications before the Planning Commission on December 15<sup>th</sup>, one on Hollandale Road and another on Great Plain Road. I wish to address the concerns at 229 Great Plain Road. There are several reasons why the neighbors of the Great Plain/Stadley Rough area are concerned that these regulations are adopted as soon as possible.

- 1) **Natural Beauty and Vistas of Lake Candlewood** First, it is our perception that the natural beauty and vistas of Lake Candlewood and the surrounding towns would be permanently scarred, ruin the scenic setting of our lake and be an eyesore with a tower located at this site. The proposed regulations would encourage the protection of the natural and scenic vistas of the community specifically Lake Candlewood which the City of Danbury, the surrounding towns and the state legislature have passed to protect the lake. On November 2, the citizens of Danbury passed Vision 21 which has provided funding for the purchase of Candlewood Town Park and to ensure its protection. Our community cares deeply for this natural resource. Placing a 130 foot cellular tower, at 229 Great Plain Road would permanently change the natural beauty and vistas to those who live around the lake and those who use it. The proposed regulations would also encourage the location of these towers away from residential zones and encourage the towers to be located in commercial or industrial zones. As Mayor, you and the Common Council, Dennis Elpern, the Parks Department and many others have worked hard to improve and beautify our parks, public buildings, scenic road and City Center. We all need to work together toward protecting and continuing to beautify our city.
- 2) **Property Values will be affected negatively.** In Section 3E6, of the proposed regulations- it states that "the purpose is to accommodate the communication needs of the residents and business while protecting public health, safety, convenience and property values. As a licensed Connecticut Realtor, I have researched the effects of cellular towers in residential neighborhoods and found that residential properties are affected from 5% to as much as 25%. I have consulted a certified appraiser to substantiate these findings. Placing a cellular tower in a residential zone would cause undo hardship to those property owners. Having consulted other Realtors with these findings, they agree as well, that most buyers have a negative perception of having either a cellular tower or high tension wires in their view or near their property. As you can see from these pictures, these towers are very imposing and ugly and range from anywhere to 130 feet to over 200 feet and more. The proposed tower at 229 Great Plain would almost be 4 telephone poles put together in height.

An article in the Barrington Courier Review of Illinois on February 1999, stated that the Lake County panel ruled that the Town Assessor had made the right call and lowered the assessments of a dozen houses after a cellular tower was built by them. If assessments of residential properties are affected throughout the cities a decrease in the amount of taxes to be collected by the City Tax Collector would have detrimental effect on the City's revenues each year. Since these towers can only send radio frequency transmissions between 1 and 2 miles, this means that in Danbury, a city of 44 square miles, that many more PCS digital towers will need to be installed in everyone's neighborhood unless we can protect it and utilize the commercial and industrial areas as alternative sites.

- 3) **Quality of Life** will be affected. As Mayor, you and the Common Council have enriched the city of Danbury by improving our City in many ways over the last 10 years. Our Quality of Life would be affected negatively everyday by the tower marring the natural beauty, our property values, the installation of a maintenance shed with a diesel generator as backup disturbing our peace and quiet, and the health concerns of the radio frequencies radiating into our neighborhood. We all would like to continue to enjoy the wonderful quality of life that has been accomplished in Danbury.

Although our present zoning regulations provide some protection in our residential areas, we need to strengthen them due to the new technologies entering our community. **Our regulations need to be amended as soon as possible to continue to protect the citizens of Danbury into the 21<sup>st</sup> Century.** On behalf of the Great Plain and Stadley Rough neighborhood, we wish to thank you, Mayor Gene Eriquez, Attorney Christopher Setaro; President of our Common Council, Common Council members; Tom Arconti and Mary Smith of the 3<sup>rd</sup> ward, Pauline Basso, Mary Saracino, Martin Moore, the entire Common Council, Corporate Counsel: Eric Gottschalk, Lester Pinter and Daniel Casagrande, Dennis Elpern, Director of Planning, Theodore Haddad, Jr. , Chairman of the Zoning Commission and Commission members, Joseph Justino, Chairman of the Planning Commission, and Commission members, the Planning and Zoning department staff, and the many others who have assisted in bringing this petition to be voted on November 23, 1999.

Please support the citizens of Danbury by voting tonight to make a resolution supporting these very important zoning regulations. As our elected officials, you represent the people of Danbury and these regulations are needed to protect the Public Health, beauty, safety, and property values of Danbury's citizens into the 21<sup>st</sup> Century.

Thank you for your support.

Sincerely,



Loraine Seder

**CONSENT CALENDAR**  
**November 4, 1999**

2 - Approve application and resolution for Association of School Based Health Centers Husky Outreach grant for school based health center outreach - \$6,275.00

3 - Approve application and resolution for State Local Substance Abuse Prevention Council grant to benefit Stand Together Make a Difference via the City - \$5,675

4 - Approve application and resolution for State Department of Health Services School Based Health Center Continuation Grant in an amount not to exceed \$304,000

6 - Confirm appointment of Albert Mead, Jr. to the Richter Park Authority

7 - Confirm reappointment of Thomas Quinn, Walter Wayman and Seth Sanford to the Commission on Aging

11 - Approve reappropriation of donated funds from Elderly Services Donations Account to Commission on Aging budget for professional service fees and printing and binding

15 - Receive positive report from Planning Commission regarding proposed property acquisition at Tarrywile Lake and approve acquisition of the parcel from RFC Properties, II, Inc.

17 - Approve twelve month extension of time for sewer and water extension on Broad Street

20 - Approve application and resolution for State Local Capital Improvement Grant for various municipal projects - \$293,865

22 - Approve appropriation of \$2,660 from Contingency Fund to Registrar of Voters line items for costs related to primary

24 - Approve twelve months extension of time for sewer extension on Joe's Hill Road

26 - Receive request to purchase city-owned lots E17059 and E17060 on Ye Olde Road and refer item to Corporation Counsel and Purchasing Agent for to rebid parcels

- 27 – Approve agreement between City and Robinson Van Vuren Associates for operations of air traffic services at Danbury Airport Traffic Control Tower
- 30 – Receive status report from Director of Public Works and City Engineer regarding drainage issues resulting from Hurricane Floyd
- 31 – Receive report from the Director of Public Works and City Engineer regarding drainage issue on Wedgewood Drive and take no action
- 32 – Receive report from Director of Public Works and City Engineer regarding grading issue on Weindorf Lane and take no action
- 33 – Receive positive reports from Planning Commission, City Engineer, Director of Finance and Director of Planning regarding request to purchase City owned parcels on Ye Olde Road and refer item to Corporation Counsel and Purchasing Agent to rebid parcels
- 34 – Receive positive reports from Planning Commission, Director of Planning and City Engineer regarding offer to sell to the City road widening strips on Joe's Hill Road and approve transfer of the property subject to receipt of documents satisfactory to Corporation Counsel
- 35 – Receive negative report from Planning Commission regarding offer to sell to the City land on Miry Brook Road and Old Sugar Hollow Road and take no action at this time
- 36 – Receive negative reports from Planning Commission, Director of Planning, City Engineer and Corporation Counsel regarding offer to sell to the City property at 178 Middle River Road and take no action
- 37 – Receive negative reports from Planning Commission, Director of Planning, Corporation Counsel, Director of Finance and City Engineer concerning a request to purchase property and take no action
- 38 – Receive positive reports from Planning Commission, City Engineer, Director of Planning and Corporation Counsel regarding request to purchase City owned property on Fox Den Road, declare parcel surplus and offer for sale to petitioner for the amount of taxes owed

41 – Receive report and approve recommendation to take no action regarding offer of exchange of land at 2 Mountainville Road

42 – Receive report and approve recommendation to take no action regarding request for sewer and water extensions at 42A Main Street

43 – Receive report and approve recommendation to take no action regarding procedure for mailing tax bills

44 – Receive positive report and approve recommendations regarding contract between City and Minolta Business Systems, Inc. and the Board of Education

45 – Receive report and approve positive recommendations regarding water runoff problem on Great Plain Road subject to receipt of drainage rights from affected property owners in a form satisfactory to the Corporation Counsel



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511  
FAX (203) 796-1666

November 4, 1999

Honorable Members of the Common Council  
City of Danbury, Connecticut

Dear Council Members:

I hereby submit the attached proposed ordinance for your consideration. This ordinance will effectively provide for sewer use charges to be imposed at the residential rate for our city's military veterans' posts and organizations that are exempt from federal taxation as Section 501 (c) (19) entities.

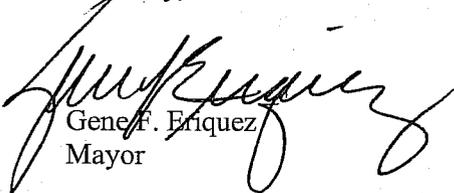
As you may know, the Danbury legislative agenda that I developed with our State Representatives and Senator for this past session of the General Assembly included the initiative to charge residential rates for electricity used by veterans posts. This new law recently took effect.

Accordingly, with the same spirit and intent, I respectfully request your favorable action regarding our locally controlled utility as this will achieve savings for our veterans' posts of the Catholic War Veterans, the Veterans of Foreign Wars, the American Legion and the Disabled American Veterans.

As we approach Veterans' Day, let us pledge to continue to support our veterans and the services they render through their organizations in tribute to the sacrifices they made for us.

Thank you for your cooperation.

Sincerely,



Gene F. Enriquez  
Mayor

GFE:sr



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# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## INTEROFFICE MEMORANDUM

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**TO:** HON. GENE F. ERIQUEZ  
VIA THE COMMON COUNCIL

**FROM:** DOMINIC A. SETARO, JR.

**SUBJECT:** RESOLUTION – HUSKY OUTREACH FUNDS

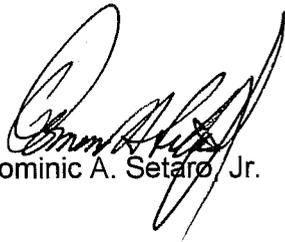
**DATE:** 10/21/99

**CC:** K. REDENZ, N. C. BUZERAK

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Attached for your review is a resolution that will allow the City of Danbury's Health and Housing Department to apply for and to accept funding from the Connecticut Association of School Based Health Centers to facilitate and conduct outreach to target populations. This Grant in the amount of \$6,275 will be for the time-period August 1, 1999 through June 30, 2000. No local match is required.

The Common Council is requested to consider this resolution at its next meeting.

  
Dominic A. Setaro, Jr.

**IMPACT STATEMENT**  
**School-Based Health Center**  
**HUSKY Outreach Services Funding**

**Date Prepared and Submitted:** September 28, 1999

**Program Impact:**

\$6,275.00 in funding is being made available to fourteen (14) Connecticut School-Based Health Center Programs (including SBHC's operated by the City of Danbury) to conduct outreach measures to furnish the Center's target population, namely students and families of Danbury High School, the Alternative Center for Education and the Middle Schools, with information regarding Connecticut's **HUSKY** Program.

This impact will be achieved through implementation of a variety of outreach activities carried out by SBHC staff during the funding period effective August 1, 1999 through June 30, 2000. Activities may include, but not be limited to, the following:

- inform targeted person(s), groups, and entities about **HUSKY**
- provide outreach activities through:
  - a) identification of uninsured children/families within the school building
  - b) provide families with current, written **HUSKY** informational materials from the State Department of Social Services through individual contacts , mailing, parent meetings and community forums
  - c) provide current, written **HUSKY** information to school staff such as: guidance counselors, nurses, administrators, social workers and parent organizations, through use of school open houses, health fairs, classroom presentations, and other school events
- Follow-up with identified families to urge their participation in **HUSKY** and/or identify, document and report any problems incurred during the enrollment process tracking and documentation of activities

**Fiscal Impact:**

The \$6,275 in funding is available from the Connecticut Association of School Based Health Center's ("CASBHC") who is receiving funding through a grant award from the Connecticut State Department of Social Services. No local funding match is required.

If the funding is accepted it will financially support **HUSKY** outreach activities carried out by SBHC staff, including reimbursement of related salaries/fringe of the staff conducting the activities.

If the funding is not accepted, **HUSKY** outreach activities noted in the Program Impact portion of this document will not be implemented.

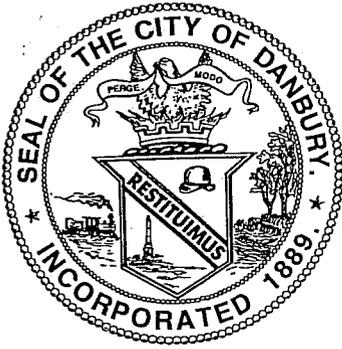
**Anticipated Funding Lifetime:**

The funding is for a one year period initiating August 1, 1999 and continuing through June 30, 2000.

**HUSKY Outreach Services**

**Budget**

Outreach and/or research	\$5,000
Development/Distribution of materials and goods	<u>\$1,275</u>
<b>TOTAL</b>	<b>\$6,275</b>



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Association of School Based health Centers, through the Connecticut State Department of Social Services, is making funds available for local school based health centers to facilitate and conduct outreach to target populations; and

WHEREAS, the Danbury School Based Health Center, through the Danbury Health and Housing Department, is desirous of using these funds to conduct such a program for the Danbury High School, the Alternative Center for Education and the Middle Schools; and

WHEREAS, the Association is prepared to commit Six Thousand Two Hundred and Seventy Five (\$6,275.00) Dollars to the Danbury Program for the period August 1, 1999 through June 30, 2000; and

WHEREAS, no local match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez, or his designee in the City of Danbury Health and Housing Department be and hereby is authorized to apply for and to accept such funding and to execute such documents as may be required for the purposes thereof.



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Association of School Based health Centers, through the Connecticut State Department of Social Services, is making funds available for local school based health centers to facilitate and conduct outreach to target populations; and

WHEREAS, the Danbury School Based Health Center, through the Danbury Health and Housing Department, is desirous of using these funds to conduct such a program for the Danbury High School, the Alternative Center for Education and the Middle Schools; and

WHEREAS, the Association is prepared to commit Six Thousand Two Hundred and Seventy Five (\$6,275.00) Dollars to the Danbury Program for the period August 1, 1999 through June 30, 2000; and

WHEREAS, no local match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez, or his designee in the City of Danbury Health and Housing Department be and hereby is authorized to apply for and to accept such funding and to execute such documents as may be required for the purposes thereof.



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## INTEROFFICE MEMORANDUM

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**TO:** HON. GENE F. ERIQUEZ  
VIA THE COMMON COUNCIL

**FROM:** DOMINIC A. SETARO, JR.

**SUBJECT:** RESOLUTION – STAND TOGETHER MAKE A DIFFERENCE

**DATE:** 10/21/99

**CC:** K. REDENZ, N. C. BUZERAK,

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Attached for your review is a resolution that will allow the Stand Together Make a Difference via the City of Danbury to apply for and to accept continued funding from the State of Connecticut. This Grant in the amount of \$5,675 will be for the time-period July 1, 1999 through June 30, 2000. No local match required.

The Common Council is requested to consider this resolution at its next meeting.

  
Dominic A. Setaro, Jr.



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

**RESOLVED** by the Common Council of the City of Danbury:

WHEREAS, Stand Together Make A Difference has requested that the City of Danbury, acting solely as its fiduciary agent, apply to the State of Connecticut Local Substance Abuse Prevention Council for a grant amount of \$5,675; and

WHEREAS, the grant funds, if awarded, will be used for the Student Assistance Programs for substance abuse prevention and intervention currently offered at Danbury High School, the Alternative Center for Education, Broadview Middle School and Rogers Park Middle School; and

WHEREAS, the grant will cover the period from July 1, 1999 through June 30, 2000;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury, acting through its Mayor, Gene F. Eriquez, is hereby authorized to apply for said grant funds on behalf of Stand Together Make A Difference and that Mayor Gene F. Eriquez is authorized to sign the Letter of Award and accept said grant, if approved, in the capacity of its fiduciary, to sign all documents and do all things necessary to effectuate the purposes of said program.

## PROGRAM NARRATIVE

This year Stand Together Make A Difference through community based health initiatives will address the state wide youth access to alcohol (lead by "Drugs Don't Work") by sponsoring the following programs:

### Zero Tolerance:

In collaboration with Housatonic Valley Coalition Against Substance Abuse(RAC) STMAD will work with the Danbury's Police Department to finish the written zero tolerance policy.

### Junior Post Prom:

The goal of the Junior Post-Prom is to provide an alcohol and other drug free party alternative for prom goers. The party is also open to any Danbury High School Juniors who opt not to attend the prom, but might choose to participate in parties afterwards. This up-coming year the Junior Post Prom is one of the many scheduled programs to support the Prom Promise Program.

### Prom Promise:

Prom Promise is designed to help save teen lives and reduce injuries caused by alcohol and drug use. This year STMAD will work with Danbury's Junior and Senior class and students the Henry Abbott Regional Technical School. STMAD will enlist the students from the SAD/SADD clubs in the development of Prom Promise activities.

In 1998 STMAD changed the Prom Promise pledge from a no drinking and driving pledge to a no use of alcohol and drugs contract. The goal of this pledge is to reverse negative peer pressure into positive peer pressure by 100% student participation.

Stand Together Make A Difference has planned the following event to increase student awareness and participation in this program.

Graduation Party/Senior Post Prom - This is an all night party developed by students. Students will enjoy a fun filled night of music, food, movies, comedy, bowling and/or games.

Additional programs and activities will be planned throughout the school year

by students in the SADD/SAD clubs.

#### Substance Abuse Awareness:

Stand Together Make a Difference will emphasize being alcohol, drug and tobacco free. This year STMAD will work with Danbury High School, Alternative Center for Education, Henry Abbott Regional Technical School, Broadview Middle School and Rogers Park Middle School providing motivational speakers with follow up programs for the students of Danbury. STMAD is currently working with MADD, school administrators and personnel to provide upcoming events.

Stand Together Make a Difference has planned the following events to increase student awareness and participation in this program.

1. Youth Forum – in collaboration with MADD, RAC, (HVCASA, and STMAD we will sponsor our 2nd annual Youth Forum. This forum is designed to develop leadership skills, positive decision making skills and be support to students participating in SAD/SADD clubs. The Youth Forum is open to all area high schools.
2. SADD Activity – To work with students to develop healthy alternative activities to substance abuse.
3. Daily Planner– a daily planner designed by students to provide ATODA information.

#### Health Fair/Good Times, Good Choices

Good Times, Good Choices is a day long event providing children and families substance abuse prevention information, Children's Photo ID's, Bike Safety and many fun activities.

STMAD members will exhibit their program information and materials at the Danbury PAL building. Community awareness of ATODA issues will increase through the distribution of printed materials and the recruitment of Healthy Homes participants in collaboration with the RAC (HVCASA, Inc.).

#### Police Conference Follow Up

This year STMAD in collaboration with MADD, Western CT. State University and RAC, HVCASA will sponsor a 3 day workshop: "Drawing the Line on Under 21 Alcohol Use". The goal of this program is to aggressively address underage

drinking by involving the entire community and to change the public perception. STMAD will sponsor a follow up workshop addressing the current CT. laws pertaining to under 21 alcohol use later in the year.

#### Safe Homes

This project enlists parental support to eliminate underage alcohol use. STMAD continues to work diligently on getting this program started.

**The Stand Together Make A Difference Committee** will address state-wide youth access to tobacco by assisting RAC (Housatonic Valley Coalition Against Substance Abuse) in promoting the Healthy Homes campaign. We will achieve these goals by the following event:

#### Healthy Homes Campaign

STMAD will continue the recruitment of Healthy Homes participants through enlisting the help of our membership. Each member will request the support of their agency personnel to promote this program.

*Stand Together Make a Difference  
Budget - June 1, 1999-June 30, 2000*

Funding Period: July 1, 1999 thru June 30, 2000

Source and Amount of Income

Local Prevention Council Funding (DHMAS) \$5,675.00

Program Expenses:

1. Health Fair/Good Times, Good Choices  
Community Awareness ATODA issues  
through the distribution of print.

Materials: recruitment of Healthy Homes  
participants in collaboration with RAC  
(HVCASA), Inc.

a) printing of prevention education  
materials: 0 0

2. Junior Post Prom Party

Alternative post-prom activity for  
high-school Juniors in Danbury as a  
deterrent to substance use; this year's event  
will emphasize being both alcohol and tobacco free.

a.) Police officers for security: 275.00  
b.) movie theatre rental 100.00  
SubTotal \$375.00 \$375.00

*continued DHMAS Funding Application*

3.) Prom Promise Initiative

School wide mobilization for alcohol abuse prevention during prom and graduation time within Danbury public schools.

a. Police Officers for security:	\$ 100.00	
b. DS Materials, T-shirts, etc.	300.00	
c. Youth Forum: Food	1,000.00	
d. Postage:	100.00	
Sub total:	\$1,500.00	\$1,500.00

4. Substance Abuse Awareness

This year's program will emphasize being both alcohol, drug and tobacco free. The program will provide students at the middle and high school level information to practice healthy lifestyles. Students Against Drugs and Destructive Decision clubs will be mobilized with school personnel to design programs within the schools. Additionally, family mobilization is designed to increase parental awareness of youth substance abuse.

a.) Motivational speakers/Programs	\$2,800.00	
b.) Refreshments	100.00	
c.) Materials, supplies, etc.	100.00	
SubTotal	\$3,000.00	\$3,000.00

5. Police Conference Follow-Up Workshop

This year STMAD in collaboration with MADD, Western Ct. State University and RAC, HVCASA will sponsor a 3 day workshop: "Drawing the Line on Under 21 Alcohol Use"





# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

**RESOLVED** by the Common Council of the City of Danbury:

WHEREAS, Stand Together Make A Difference has requested that the City of Danbury, acting solely as its fiduciary agent, apply to the State of Connecticut Local Substance Abuse Prevention Council for a grant amount of \$5,675; and

WHEREAS, the grant funds, if awarded, will be used for the Student Assistance Programs for substance abuse prevention and intervention currently offered at Danbury High School, the Alternative Center for Education, Broadview Middle School and Rogers Park Middle School; and

WHEREAS, the grant will cover the period from July 1, 1999 through June 30, 2000;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury, acting through its Mayor, Gene F. Eriquez, is hereby authorized to apply for said grant funds on behalf of Stand Together Make A Difference and that Mayor Gene F. Eriquez is authorized to sign the Letter of Award and accept said grant, if approved, in the capacity of its fiduciary, to sign all documents and do all things necessary to effectuate the purposes of said program.



4

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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INTEROFFICE MEMORANDUM

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**TO:** HON. GENE F. ERIQUEZ  
VIA THE COMMON COUNCIL

**FROM:** DOMINIC A. SETARO, JR.

**SUBJECT:** REVISED RESOLUTION - SCHOOL BASED HEALTH CENTER

**DATE:** 10/25/99

**CC:** K. REDENZ, N. C. BUZERAK,

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Attached for your review is a revised resolution that will allow the City of Danbury's Department of Health and Housing to accept additional funding from the State of Connecticut, Department of Health Services. This grant in the amount of \$304,000 requires no local match. The grant term will be for two separate on-year periods. The first year will be the time-period July 1, 1999 through June 30, 2000 for \$202,000 and the second year will be July 1, 2000 through June 30, 2001 for and additional \$102,000. An Impact Statement and budget are attached for your review.

The Common Council is requested to consider this resolution at its next meeting.

  
Dominic A. Setaro, Jr.



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

**RESOLVED** by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's eligibility to apply for a School Based Health Center Continuation Grant in an amount not to exceed \$304,000; and

WHEREAS, the grant term will cover a two year period of July 1, 1999 through June 30, 2000 for \$202,000 and a second year July 1, 2000 to June 30, 2001 for an additional \$102,000 with no local match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

**IMPACT STATEMENT**  
**School-Based Health Center Continuation Funding Application**

Amount Available: Year 1: \$202,000 (\$102,000 - high school site  
\$100,000 - middle school site)  
Year 2: \$102,000

Contract Period: 06/30/99 -07/01/01  
Contract Log # 2000-137

---

### Program Impact

A \$2,000 cost of living increase in funding from the Connecticut State Department of Public Health for fiscal years 2000-2001 will enable the City of Danbury to serve unmet health needs of the community's adolescent population through the provision of quality medical and mental health services. The primary beneficiaries of these services will be students enrolled in Danbury High School and the Alternative Center for Education.

This impact will be achieved through the maintenance of an established State licensed out-patient clinic located on the grounds of Danbury High School. Professional medical and mental health care services will be easily accessible to students, conducted in a confidential manner, and provided at no out of pocket cost to the student or their family. Outreach to the student population, which will include health promotion and disease prevention strategies, will be carried out by program staff.

Further benefits will be achieved through the removal of potential barriers to education, namely unmet health problems, which can interfere or hinder a child's capacity to learn.

### Fiscal Impact

This SBHC Continuation Funding grant is available through the Connecticut State Department of Public Health. The additional \$2,000 in SBHC Continuation Funding is being allocated as a cost of living increase funds currently allocated to implementation of the SBHC located at Danbury High School for Fiscal years 2000-2001 to support the implementation of a Level-V, fully operational, licensed center at Danbury High School.

It is anticipated that this additional funding will support daily operation of the SBHC through funding for expendable medical supplies, educational materials and staff training. A 2% Administration Fee and 2% Audit Fee will be budgeted for this increase.

The \$100,000 allocated for expansion of SBHC services to a chosen middle school during fiscal year 1999-2000 will remain at level funding and will not receive a cost of living increase.

### Anticipated Grant Lifetime

Funding for activities covered under this grant are available through June 30, 2000. Continuation funding from the CT State Department of Public Health for fiscal year two looks likely if a fully operational, licensed center is established as planned. As in the past, continued funding will be based on successful performance including achieved of proposed program goals and objectives.

If funding from the Department of Public Health were discontinued, alternative sources of funding would have to be identified, including alternative grant support, aggressive billing of patient third party insurance plans, and the identification of local dollars to support program operation.

If no other sources of funding could be identified, program services would be decreased or discontinued, and employment of grant personnel would cease.

Impact Statement submitted on: October 22, 1999  
Prepared By: Melanie S. Bonjour

**SECTION B Budget**

**Section B - Contract Budget**

**City of Danbury, 2000-137**  
**BUDGET PERIOD: 7/1/99 to 6/30/00**  
**Contract Period: 07/01/99 to 06/30/01**  
**Budget Summary**

Category	Program 1	Program 2	Program 3	Program 4	Total
<b>Program Name:</b>	Danbury High School	Danbury Middle School			
<b>1. Salaries &amp; Wages</b>	\$78,163	\$52,677			\$130,840
<b>2. Fringe Benefits</b>	\$11,781	\$4,746			\$16,527
<b>3. Travel</b>	\$930	\$1,085			\$2,015
<b>4. Training</b>					
<b>5. Educational Materials</b>		\$1,576			\$1,576
<b>6. Office Supplies</b>	\$556	\$6,186			\$6,742
<b>7. Medical Materials</b>		\$8,000			\$8,000
<b>8. Contractual (Sub-Contracts)**</b>	\$6,160	\$7,430			\$13,590
<b>9. Telephone</b>					
<b>10. Advertising</b>		\$500			\$500
<b>11. Other Expenses (list)</b>					
<b>a. Postage</b>	\$330	\$3,000			\$3,330
<b>b. Audit Fee</b>	\$2,040	\$2,000			\$4,040
<b>c. Conference/Staff Development</b>		\$2,000			\$2,000
<b>d. Photocopy</b>		\$800			\$800
<b>e. Office Furnishings</b>		\$7,100			\$7,100
<b>f. Professional Fees</b>		\$900			\$900
<b>g.</b>					
<b>12. a) Administrative Fee 2%</b>	\$2,040	\$2,000			\$4,040
<b>12. b) Indirect Costs</b>					
<b>Total DPH Grant</b>	\$102,000	\$100,000			\$202,000

\*\*Complete Sub-contractor Schedule A

**Section B - Contract Budget**

**City of Danbury, 2000-137**  
**BUDGET PERIOD: 7/1/00 to 6/30/01**  
**Contract Period: 07/01/99 to 06/30/01**  
**Budget Summary**

Category	Program 1	Program 2	Program 3	Program 4	Total
Program Name:	Danbury High School				
<b>1. Salaries &amp; Wages</b>	\$78,163				\$78,163
<b>2. Fringe Benefits</b>	\$11,781				\$11,781
<b>3. Travel</b>	\$930				\$930
<b>4. Training</b>					
<b>5. Educational Materials</b>					
<b>6. Office Supplies</b>	\$556				\$556
<b>7. Medical Materials</b>					
<b>8. Contractual (Sub-Contracts)**</b>	\$6,160				\$6,160
<b>9. Telephone</b>					
<b>10. Advertising</b>					
<b>11. Other Expenses (list)</b>					
<b>a. Postage</b>	\$330				\$330
<b>b. Audit Fee</b>	\$2,040				\$2,040
<b>c.</b>					
<b>d.</b>					
<b>e.</b>					
<b>f.</b>					
<b>g.</b>					
<b>12. a) Administrative Fee 2%</b>	\$2,040				\$2,040
<b>12. b) Indirect Costs</b>					
<b>Total DPH Grant</b>	\$102,000				\$102,000

\*\*Complete Sub-contractor Schedule A



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

**RESOLVED** by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's eligibility to apply for a School Based Health Center Continuation Grant in an amount not to exceed \$304,000; and

WHEREAS, the grant term will cover a two year period of July 1, 1999 through June 30, 2000 for \$202,000 and a second year July 1, 2000 to June 30, 2001 for an additional \$102,000 with no local match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511  
FAX (203) 796-1666

November 4, 1999

Honorable Members of the Common Council  
City of Danbury, State of Connecticut

Dear Council Members:

I hereby submit, for your confirmation, the appointment of the following individual to the position of Firefighter in the Danbury Fire Department

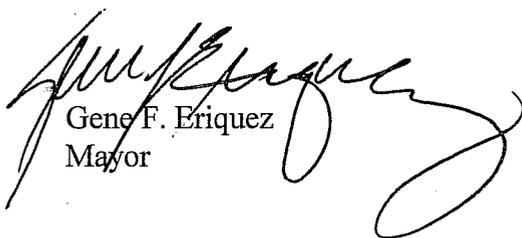
Johanan Maia  
39 Harper Avenue  
Waterbury, CT 06705

Mr. Maia is a 1995 graduate of Kaynor Regional Vocational School. He is presently employed in the retail sales field.

He has successfully completed all components of the Civil Service testing process to become eligible for appointment in accordance with Civil Service Rules and Regulations. This appointment shall become effective the swearing in of the candidate.

Thank you for your consideration of this appointment.

Sincerely,

  
Gene F. Eriquez  
Mayor



RECYCLED  
PAPER



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511  
FAX (203) 796-1666

November 4, 1999

Honorable Members of the Common Council  
City of Danbury, Connecticut

Dear Council Members:

I respectfully request the appointment of Albert Mead Jr. (R), 23 Jefferson Avenue, Danbury, CT., 06810, to the Richter Park Authority for a term to expire September 1, 2000.

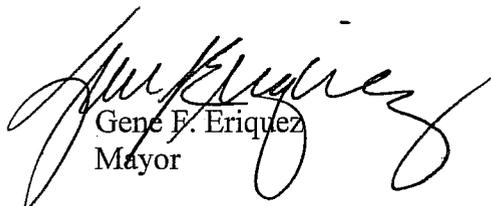
Mr. Mead is a life-long resident of the City of Danbury. He attended Danbury schools and Western Connecticut State University where he earned Bachelor and Master degrees. He retired from the Carmel, New York Public Schools after a 30-year teaching career.

Mr. Mead served on the Zoning Commission for six years and on the Common Council of the City of Danbury for a two-year term. He was a part-time member of the Fifth Congressional District Staff from 1972 until 1976.

A member of the Exchange Club of Danbury, he has served on their Board of Directors and has served on their Youth of the Month and Freedom Shrine Committees. He is a past president of the Park Avenue School Parent-Teach Organization. He is also a member of the Amerigo Vespucci Lodge; the Lebanon-American Club and is the president of the Richter Park Men's Golf Club.

Thank you for your consideration of this appointment.

Sincerely,

  
Gene F. Eriquez  
Mayor



RECYCLED  
PAPER



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511  
FAX (203) 796-1666

November 4, 1999

Honorable Members of the Common Council  
City of Danbury, Connecticut

Dear Council Members:

I hereby submit for your confirmation the following individuals to be reappointed to the Commission on Aging, with their term to expire on October 1, 2002:

Thomas Quinn (D)  
93 Old Boston Post Road  
Danbury, CT 06810

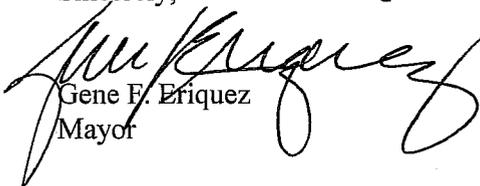
Walter Wayman (D)  
32 Wildman Street  
Danbury, CT 06810

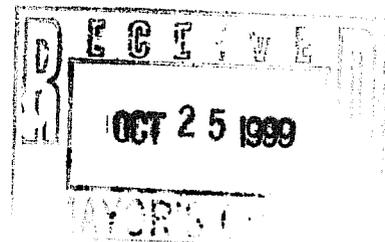
Seth Sanford (U)  
58 Forty Acre Mountain Road  
Danbury, CT 06811

The above people are members of the Commission on Aging in good standing and all have expressed a desire to continue to serve our city in this capacity.

Thank you for your consideration of these reappointments.

Sincerely,

  
Gene F. Eriquez  
Mayor



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October 22, 1999

Mayor Gene F. Eriquez

Danbury City Hall

Dear Mayor Eriquez:

We have received the following donations:

<u>DONOR</u>	<u>AMOUNT</u>
1. Girl Scout Council of SW CT, Troop 832, c/o Donna Coelho, 15 Jefferson Ave., 06810	\$20.00
2. Joanna M. Salvo, 18 Thames, Newport, RI 02840	30.00
3. Tracy Winters, 141 Manorhaven Blvd. Apt. F, Port Washington, NY 11050	40.00
4. Danbury Hospital Nurses Alumae Association, c/o Mildred Mietsleki, 4 Highview Terrace, Bethel 06801	25.00

These need to be credited into: (1) OFFICE SUPPLIES 02-07-101-061200 (7000.5601) and (2-4) BOOKS line-item #02-07-101-061201 (7000.5661). Please place these items on the agenda for the November Common Council meeting.

Sincerely,

E. McDonough  
Director

c: D. Setaro - Director of Finance



9

**CITY OF DANBURY**  
**DANBURY, CONNECTICUT 06810**

**HEALTH AND HOUSING DEPARTMENT**  
**155 DEER HILL AVENUE**

**(203) 797-4625**  
**FAX (203) 796-1596**

October 8, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members Danbury Common Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

I would like to donate a Motorola Tele-TAC 250 cellular telephone, serial # 935GWY-0D01-387, to the Health and Housing Department. This cellular telephone will be used to replace an outdated "bag" cellular telephone which is difficult to use in the field.

If this request is approved, the present cellular number will be transferred to the Tele-TAC with no additional expense to the department.

Thank you for your consideration of this matter.

Sincerely,

William Campbell  
Director of Health



# CITY OF DANBURY

DANBURY, CONNECTICUT 06810  
DEPARTMENT OF ELDERLY SERVICES  
COMMISSION ON AGING

10

**Danbury Senior Center**  
80 Main Street  
(203) 797-4686

**Municipal Agent**  
80 Main Street  
(203) 797-4687

Mayor Gene F. Eriquez and Members of the Common Council  
City of Danbury  
Danbury, CT 06810

October 25, 1999

Mayor Eriquez and Members of the Council:

The following donations have been sent to the Department of Elderly Services for the use of the Senior Center:

Perritt Laboratories	102.00
Center School PTO (Brookfield)	50.00
Masonic Mgmt. Services	25.00
Filosa Care Center	25.00
Bishop Curtis Homes	<u>25.00</u>
Total:	227.00

Please approve of these donations and transfer them according to the accompanying form.

Respectfully,

Leo McIlrath, Director



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## MEMORANDUM

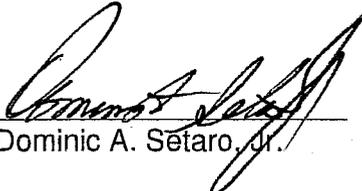
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**DATE:** November 3, 1999  
**TO:** Hon. Gene F. Eriquez via the Common Council  
**FROM:** Dominic A. Setaro, Jr., Director of Finance  
**RE:** Commission on Aging

### CERTIFICATION

I hereby certify the availability of \$597.00 to be transferred from the Elderly Services Donations Revenue Account to the Commission on Aging budget to the following accounts:

Professional Services-Fees	5002.5311	\$300.00
Printing & Binding	5002.5324	<u>297.00</u>
Total		<u>\$597.00</u>

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb



# CITY OF DANBURY

DANBURY, CONNECTICUT 06810

DEPARTMENT OF ELDERLY SERVICES

COMMISSION ON AGING

**Danbury Senior Center**  
80 Main Street  
(203) 797-4686

**Municipal Agent**  
80 Main Street  
(203) 797-4687

Date: 10/25/99

MEMO TO: Hon. Gene F. Eriquez  
via the Common Council

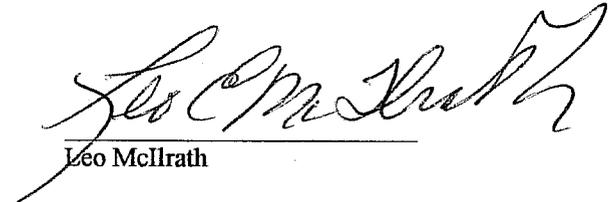
FROM: Leo McIlrath, Director  
Elderly Services

RE: Reappropriation of Donated Funds

I hereby request a transfer of funds in the amount of \$597.00 from the Elderly Services donations account to the Commission on Aging budget for the following accounts:

Professional Service Fees - 02-05-167 020100 - 300.00  
Printing & Binding - 02-05-167-022000 - 297.00

I have been advised by the Director of Finance that these funds exist in my account, and he will provide you with his certification.

  
\_\_\_\_\_  
Leo McIlrath

LM/jg

cc: Dominic A. Setaro, Jr.  
Director of Finance

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**PADANARAM HOSE CO., #3, INC.**  
**DANBURY FIRE DEPARTMENT**  
**DANBURY, CONNECTICUT**



17 North Street

**To: Warren Levy Common Council**  
**From: Captain Charles M. Coakley**  
**Re: Damage from Hurricane Floyd**  
**Date: October 18, 1999**

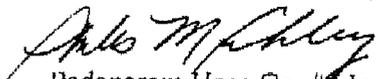
Dear Warren Levy,

On Thursday September 16, 1999 while our department was on duty during Hurricane Floyd the Still River that runs parallel to our Firehouse had risen above its banks, and ran through the Firehouse that caused interior damage. During that time we were out on numerous calls and our personal vehicles that were parked next to the Firehouse were consumed in the rising waters. The level of the water had risen to the height of the dashboard on some of the vehicles. This had created severe damage to some of the vehicles and minor damage to others, including personal property in the vehicles. Some of the insurance carriers do not cover this type of damage to the vehicles. We have also checked into the FEMA program that only will give us a low interest loan. At this time we are asking the City to please reimburse us for the damage that was caused by the flood. The names of the following are active members in the Firehouse and the amount of damage to their vehicles:

Charlie Coakley	\$450.00
Jim Gay	\$720.00
Steven Johnson	\$2454.27
Frank Dimone	\$226.86

In advance we would like to thank you for all your cooperation in this matter.

Sincerely,  
Captain Charles M Coakley

  
Padanaram Hose Co. #3 Inc.

OCT - 7 1999  
MAYOR'S OFFICE

**CITY OF DANBURY  
PARKS & RECREATION DEPARTMENT**

HATTERS COMMUNITY PARK  
7 EAST HAYESTOWN ROAD  
DANBURY, CONNECTICUT 06811

ROBERT G. RYERSON, DIRECTOR  
TEL. (203) 797-4632  
FAX (203) 797-4634

13-Oct

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**M E M O R A N D U M**

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**TO:** Mayor Gene F. Eriquez and Members of the Common Council

**FROM:** Robert G. Ryerson, Director of Parks & Recreation 

**DATE:** October 8, 1999

**RE:** SKATE 2000

---

Per your request I am reporting that I met with Deborah Dufel and two middle school youngsters on Friday, October 08, 1999 to discuss their correspondence to you at the October 5, 1999 common council meeting. They have recommended (3) three sites for the future Skateboard Park. Two of those sites are on school property at Broadview Middle School and Danbury High School. They are going to go to the Danbury School Board and seek their approval for the possible Skate Park being erected on school property. The third site is Highland Avenue Park. They will canvass the neighborhood and seek consensus among residents whether or not the neighborhood is in favor of this activity at the Highland Avenue Park. They will report back to me with preliminary designs and cost estimates of the proposed park.

The mayor has indicated he will put approximately \$30,000 in the Vision 21 bond package for design and/or construction of a skate park.

After the November referendum has been decided, we will know how to proceed with this proposal.

RGR/py  
Msword-skatepk



14

# **CITY OF DANBURY**

**155 DEER HILL AVENUE**

**DANBURY, CONNECTICUT 06810**

**COMMON COUNCIL**

November 4, 1999

Christopher C. Setaro, President  
Common Council Members  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Support of Proposed Zoning Amendments  
Regulating Cellular Towers

Dear Council Members:

We would like to request that the members of the Common Council issue a non-binding statement of support for the proposed amendments to zoning regulations concerning the placement of cellular towers within the City of Danbury.

Similar regulations concerning cellular towers presently exist in Bethel, Brookfield, Ridgefield, New Milford and New Fairfield.

Sincerely,

Mary G. Saracino

Pauline R. Basso



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Zoning Commission of the City of Danbury has proposed an amendment to the City of Danbury Zoning Regulation pertaining to the placement of wireless telecommunications facilities, towers and antennas; and

WHEREAS, said amendment would serve to properly secure the rights of providers of these products and services, while also safeguarding the interests, public health, safety, convenience and property values of the residents of the City of Danbury; and

WHEREAS, it is in the best interests of the City of Danbury and its residents that such an amendment is supported in a way in which these goals may be accomplished;

NOW, THEREFORE BE IT RESOLVED THAT the Common Council of the City of Danbury supports the consideration of such Regulations in a manner intended to serve the dual needs of the Danbury community.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 8-24 Referral – RFC Properties II, Inc. - Proposed Property Acquisition at Tarrywile Lake

Dear Council Members:

The Planning Commission at its meeting October 12, 1999 motioned for a positive recommendation for the RFC Properties II, Inc. proposed property acquisition at Tarrywile Lake.

The motion was made by Mr. Malone seconded by Mr. Manuel and passed with "ayes" from Commissioners Malone, Manuel, and Zaleta. Commissioner Parker voted "nay".

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc

COMMON COUNCIL - CITY OF DANBURY

16

APPLICATION FOR EXTENSION OF SEWER/WATER

Sewer \_\_\_\_\_

Water  X

Name of Applicant:  Stew Leonard's

Address:  100 Westport Avenue

Norwalk, CT 06581

Telephone:  203 750-6198

The undersigned submits for consideration an application for extension of sewer and/or water facilities for property

Located at:  Federal Road

Assessors's Lot No.  L08031

Zone:  CG-20

Intended Use: Retail  X  Single Family Residential \_\_\_\_\_

Office \_\_\_\_\_ Multiple Family Development \_\_\_\_\_

Mixed Use \_\_\_\_\_

Industrial \_\_\_\_\_

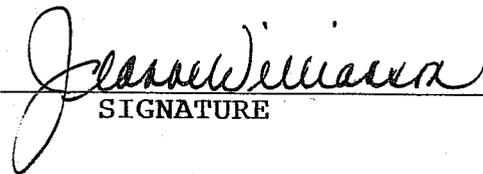
Number of Efficiency Units \_\_\_\_\_

Number of 1 Bedroom Units \_\_\_\_\_

Number of 2 Bedroom Units \_\_\_\_\_

Number of 3 Bedroom Units \_\_\_\_\_

Total Number of Units \_\_\_\_\_

  
SIGNATURE

DATE

17

CHIPMAN, MAZZUCCO,  
LAND & PENNAROLA, LLC  
ATTORNEYS AT LAW

DAVID R. CHIPMAN  
RICHARD S. LAND  
WARD J. MAZZUCCO  
FRANCIS G. PENNAROLA  
CHRISTINE L. CHIPMAN  
DALE C. VAN DEMARK  
COURTENAY L. TISCHER

DANBURY EXECUTIVE TOWER  
30 MAIN STREET, SUITE 204  
DANBURY, CT 06810-3043  
TELEPHONE (203) 744-1929  
TELECOPIER (203) 790-5954

October 27, 1999

VIA HAND DELIVERY

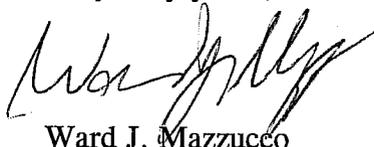
Common Council  
c/o City Clerk  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Sewer and Water Extension - Broad Street

Honorable Council Members:

We represent Broad Street Associates, the owners of property on Broad Street in Danbury. The Common Council granted a sewer and water extension for this property which will expire on December 3, 1999. We respectfully request an extension of those approvals as spring construction is now expected. Thank you as always for your consideration.

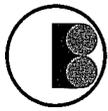
Very truly yours,



Ward J. Mazucco

WJM/lzd

cc: Broad Street Associates  
Ms. Jeanne L. Williamson, P.E.



# The Barden Corporation

200 Park Avenue  
P.O. Box 2449  
Danbury, CT 06813-2449  
Telephone: 203-744-2211  
Fax: 203-744-3756

18



September 28, 1999

City of Danbury  
Common Council  
155 Deer Hill Avenue  
Danbury, CT 06810

To Whom It May Concern:

Subject: Sewer Line

The Barden Corporation would like to request the City of Danbury to accept the sewer line that runs from Barden down Park Avenue to the Wooster Street intersection. The Barden Corporation has maintained the line since it was built many years ago. Once the City of Danbury accepts the line it is understood that it is the sole property of the city. Attached is a print indicating the direction and extent of the line as requested by the Engineering Department.

Sincerely,

Janice E. Zuvich  
Facilities Manager

cc: William Buckley - Engineering Department

Attachments: The Barden Corporation print of sewer line

18 Beckerle St.  
Danbury, CT 06811.  
October 26, 1999.

Common Council  
City Hall  
Danbury, CT 06810

Dear Sirs/Madam,

This is to inquire whether this property as outlined  
on the reverse side would be of interest to the City of Danbury

At my age of 33 years, I would like to sell my place  
in favour of an apartment.

My telephone number is 798-0717.

Yours,

*Stanley Wajman*

19

MICH  
RCHOR  
BARRIN & WISE  
1999

MICH  
RCHOR  
BARRIN & WISE  
1999



20

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## M E M O R A N D U M

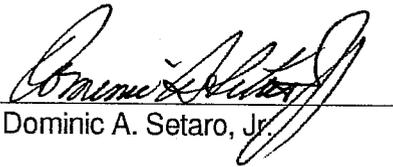
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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** October 27, 1999  
**Re:** **LOCAL CAPITAL IMPROVEMENT GRANT**  
**CC:** Kimberly Redenz

---

Effective July 1, 1999, the Legislature approved a one-time Local Capital Improvement Grant to all municipalities in the State of Connecticut. The City of Danbury is eligible for \$293,865, and these funds must be expended no later than June 30, 2000. I would request that at its November meeting, the Common Council authorize us to make application to the State for these funds per the attached list of projects.

Should you need any additional information, feel free to give me a call.



Dominic A. Setaro, Jr.

DAS/jgb

Attach.

Tarrywile Education Center Sewer Connection	\$11,500
Year 2K Equipment Purchase and Upgrades, Consulting Fees, Etc.	60,000
Two Vehicles for the Health Department	26,000
Children's Garden – Tarrywile Park	60,000
Card Security Access System – City Hall	23,199
Rebuild/Repave Highways (including Public Buildings Parking Lots)	<u>113,166</u>
Total	\$293,865



# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## M E M O R A N D U M

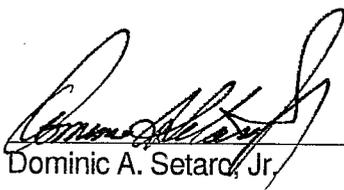
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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** November 3, 1999  
**Re:** **ITEM #20 - NOVEMBER COMMON COUNCIL MEETING  
LOCAL CAPITAL IMPROVEMENT APPLICATION**  
**CC:** Kimberly Redenz

---

Attached you will find the amended projects list for the LOCIP funds that are available. As a result of a recent report of our electrical engineer, it is now necessary for us to revise our Year 2K costs. Please substitute this list for the previous list attached to Item #20 on your agenda.

Should you need any additional information, feel free to give me a call.

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb

Attach.

Revised 11/3/99

Tarrywile Education Center Sewer Connection	\$ 11,500
Year 2K Equipment Purchase and Upgrades, Consulting Fees, Etc.	196,365
Two Vehicles for the Health Department	26,000
Children's Garden – Tarrywile Park	<u>60,000</u>
Total	\$293,865

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YEAR 2K BREAKDOWN

Sewage Treatment Plant Upgrade	\$ 62,000
Airport Gates	7,982
Electrical Engineering Consultant	9,600
Generator Purchases and Modifications to Old Generators, etc.	<u>116,783</u> <sup>A</sup>
Total	\$196,365

<sup>A</sup>Consultant's estimate \$149,600 shortfall of funds to come from 1999-2000 Technology Budget.



21

# CITY OF DANBURY

DANBURY, CONNECTICUT 06810

SCHOOL - BASED HEALTH CENTER (SBHC)  
DANBURY HIGH SCHOOL  
43 CLAPBOARD RIDGE ROAD  
DANBURY, CT 06811

(203) 790-2886  
(203) 790-2872  
FAX (203) 796-1596

**DATE:** September 17, 1999

**TO:** Honorable Mayor Gene F. Eriquez and  
Members of the Danbury Common Council

**THROUGH:** William Campbell, Director of Health *W.C.*

**FROM:** Melanie Bonjour, SBHC Coordinator *MB*

**RE:** **Acceptance of Contribution from The Connecticut Association  
of School Based Health Centers for Conference Related  
Expenses incurred by M. S. Bonjour**

---

I am requesting your authorization for acceptance of funds in the amount of \$700.00 from the Connecticut Association of School Based Health Center which are being offered to off-set a portion of the costs related to my participation in the 73rd Annual American School Health Association National Conference on School Health, October 27th - October 30th, 1999 at the Hyatt Regency Crown Center, Kansas City, Missouri.

I will be participating in the conference as a workshop presenter, highlighting the positive impact Connecticut's school-based health centers have on a child's growth and development. A letter confirming my participating in the event is attached.

If you should have any questions, please do not hesitate to contact me. I appreciate your time and consideration of this request.

*Melanie Bonjour*  
\_\_\_\_\_  
Melanie Bonjour  
Health Promotion/SBHC Coordinator  
Att.



07-12-99A08:47 2000  
**American School Health Association**

JOURNAL OF SCHOOL HEALTH  
7263 STATE ROUTE 43 / P.O. BOX 708  
KENT, OHIO 44240  
(330) 678-1601 FAX (330) 678-4526

July 2, 1999

Melanie Bonjour, BS, CHES  
Health promotion/SBHC Coordinator  
Danbury Health & Housing Dept.  
20 West Street  
Danbury, CT 06810

Dear Ms. Bonjour :

This is to verify your presentation of a Mental and Social Health Tract entitled " School-Based Health Centers: A Collaborative Approach at Providing Comprehensive Medical and Mental Health Services to School-Aged Children" at the 1999 American School Health Association's 73rd National School Health Conference in Kansas City, Missouri. Please review the following information and contact me by August 9, 1999, if there are any conflicts.

1. Your presentation is scheduled for Thursday, October 28, 1999, 11:45 a.m. - 12:45 p.m. In the Chicago B Room. This date, time, and location cannot be changed.
2. ASHA requires that all conference presenters register for the conference. Enclosed is a registration form for your use. You may register for one day if you do not plan to attend the entire conference. In order to encourage your early conference pre-registration we are enclosing a \$5.00 pre-registration discount coupon. If you pre-register before August 16, 1999; deduct \$5.00 from the announced fee and enclose the coupon.
3. You will be listed in the conference program as: **Melanie Bonjour; Mary Ellen Hass**. Please contact Linda Hrobak if there are corrections to the listing or to your address.
4. ASHA has arranged for special conference rates at the Hyatt Regency Crown Center. To take advantage of the \$99 single/double, \$119 triple/quad rate be sure to mention the ASHA conference. Call (816) 421-1234 before September 16, 1999 to get the guaranteed rates.
5. The room for your presentation will be equipped with a TV, overhead projector, screen, podium, 35 mm slide projector, microphone.
6. Enclosed is a Disclosure of Commercial Support form to be filled out and returned with your registration form.

Thank you for your interest in the American School Health Association and your desire to protect and promote the health and well-being of school-aged youth through coordinated school health programming. Please feel free to contact me at 504/429-8787 or Linda Hrobak at the ASHA National Office 330/678-1601, if you have questions or require additional assistance.

Sincerely,

Robert J. Synovitz  
Conference Coordinator

Enclosures

cc: Mary Ellen Hass



22

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## M E M O R A N D U M

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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** October 15, 1999  
**Re:** **REGISTRARS OF VOTERS REIMBURSEMENT**  
**CC:** Marge Gallo, Jean Natale

**CERTIFICATION #11**

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As per the attached request from Registrars of Voters, Marge Gallo and Jean Natale, I hereby certify the availability of \$2,660.00 to be transferred from the Contingency Fund to the following Registrars of Voters line items:

Outside Services	#1060.5334	\$ 835.00
Part-time Salaries	#1060.5040	1,675.00
Communications	#1060.5315	<u>150.00</u>
Total		\$2,660.00
Balance of Contingency		\$300,673
Less pending request		20,000
Less this request		<u>2,660</u>
Balance		\$278,013

\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb



# CITY OF DANBURY

ROOM 328 — CITY HALL

DANBURY, CONNECTICUT 06810

## REGISTRAR OF VOTERS

DATE: October 12, 1999

TO: The Honorable Mayor Eriquez and members of the Common Council

FROM: Marge Gallo/Jean Natale  
Registrars of Voters

RE: Request for reimbursement of expenditures for Sept 14, 1999 Primary

We, the undersigned, respectfully request reimbursement in the amount of \$2,660.00 to cover the cost of the September 14, 1999 primary. Our original budget request covered funding for the November 2<sup>nd</sup> election with a notation that additional funds would be requested if a primary was held.

The breakdown for reimbursement is as follows:

02-01-131-029500 (1060.5334)...Outside Services	\$ 835.00
02-01-131-011001 (1060.5040)...Part time salaries	1,675.00
02-01-131-020300 (1060.5315)...Communications	<u>150.00</u>
Total	\$2,660.00

Respectfully submitted,

Margaret Gallo  
Registrar of Voters

Jean Natale  
Registrar of Voters

Cc: D. Setaro

23

**Mr. & Mrs. Thomas E. Cassidy**  
**21 Rockwood Lane**  
**Danbury, CT 06811**  
**(203) 324-4844**

October 22, 1999

Members of The Common Counsel  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

RE: Lot# Assessors Lot# B08042 Rockwood Lane

Dear Members,

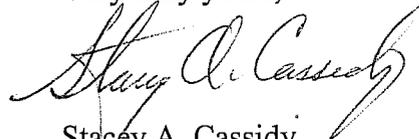
I am interested in purchasing the above-referenced piece of property that is owned by The City of Danbury, which I believe is land locked, and adjoins the rear of our property.

Does the City of Danbury have any plans for this lot?

Does the City have an interest in selling this lot?

I look forward to a response. Thank you.

Very truly yours,



Stacey A. Cassidy



October 8, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

24

Dear Common Council;

We previously applied for an extension of the sewer line and won approval from the Council on 1/7/97. Recently, we submitted engineering plans to the Engineering Department for this sewer line extension. Pat Ellsworth, from the Engineering Department, then brought it to our attention that the time limit on this project had expired.

We were not aware of this expiration, and would like to ask for an extension of the time. The engineering plans are with Pat Ellsworth, and we would like to proceed on this project with your approval. Thank you.



Peter and Barbara Mulready  
1 Joe's Hill Road  
Danbury, CT 06811



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT

(203) 797-4641

FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.

ACTING CITY ENGINEER

October 19, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Sanitary Sewer Extension  
Joe's Hill Road – Mulready

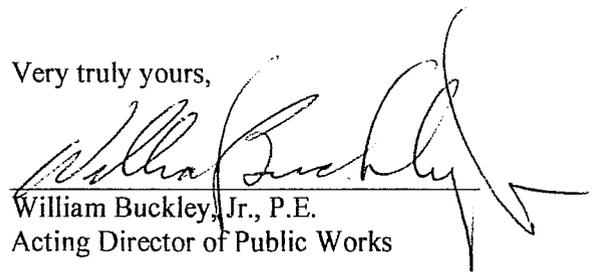
We have received a copy of the October 8, 1999 letter sent to the Common Council by Peter and Barbara Mulready.

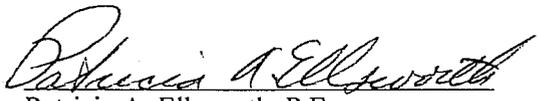
The letter is a request that the Common Council extend the time limit for the above noted sanitary sewer extension. The original Common Council approval for the extension was granted on January 7, 1997.

An extension of the time limit for this sanitary sewer extension would be acceptable to us.

If you have any questions, please give us a call.

Very truly yours,

  
William Buckley, Jr., P.E.  
Acting Director of Public Works

  
Patricia A. Ellsworth, P.E.  
Acting City Engineer





# CITY OF DANBURY

25

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

November 4, 1999

Christopher Setaro, President  
Members of the Common Council  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Water Problems at 65 Main Street, Park Place  
Flooding

Dear Council Members:

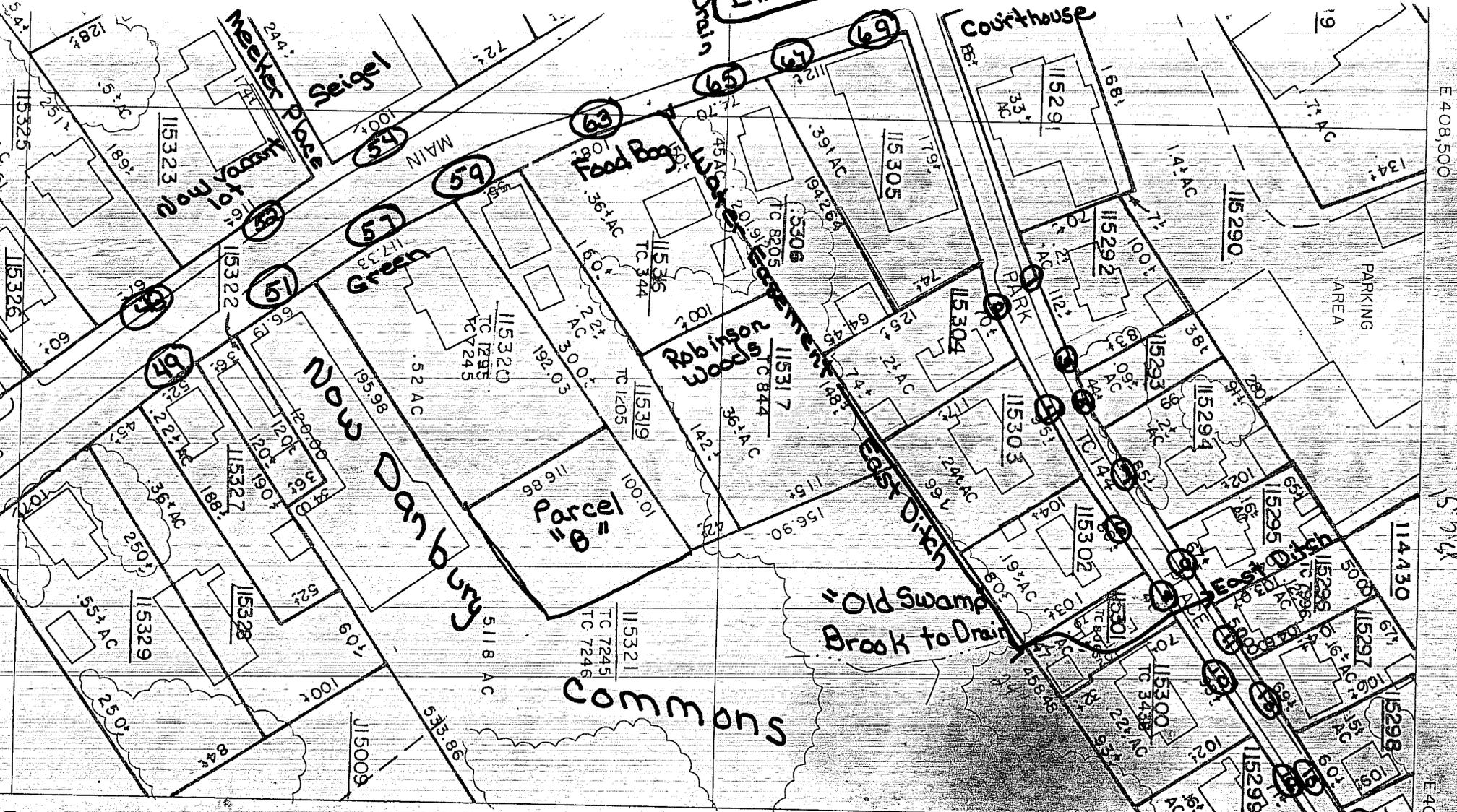
We would like to request an ad hoc committee be formed to investigate the ongoing flooding at 65 Main Street and several lots on Park Place. Margaret and Reed Mitchell have presented this packet of information documenting the problem.

Please include the petitioners in the committee, as well as the City Engineer, the Director of Public Works and the Director of the Highway Department.

Sincerely,

Mary G. Saracino

Pauline R. Basso



**TAX ASSESSOR'S MAP**  
 City of Danbury, Connecticut  
 Compiled 1973-1974

Prepared by  
 Land Planning Assoc.  
 Sheet No. 1-15

N 203,000

N 203,500

E 408,500

S 774

E 409,000  
 N 204,000

## SOUTH MAIN STREET FLOODING

During the recent rains on Thursday, September 16, 1999, Main St. flooded at the south end of Elmwood Park. The water eventually broke out of the streetbed and ran down the driveway at 65 Main St. through the woods of the Robinson family and behind the south side of Park Place to the "old swamp." "The swamp" was replaced in 1982 with low-income townhouses at Danbury Commons, so, the water now flows between the houses of Park Place and fills many Park Place basements instead of "the old swamp." The storm drainage pipe from Elmwood Park to the Still River (East Ditch) is so inadequate that in heavy rains water flows out of the catch basins on Main St. and Park Pl. rather than in.

This damage to our homes has happened many times each year since 1982. This is not a one time act of God or a 50, 25, 10 year rain.

The City sent surveyors and agreed to study this problem in 1984. As of now, no corrective action has been taken and no study results have been released.

The State has repaved the Main St. roadway twice since 1984 and has put new grates on the stormdrains but nothing has been done by the City or the State to correct the drainage systems inadequate capacity.

We the residents and owners in the flood affected area feel it is unfair that year after year, we must pump our homes, clean up flood deposits from our lawns and try by ourselves at our own expense to handle the Main St. runoff. How many years must we replace our oil burners, water heaters etc.?

We the residents and owners in the flood affected area demand that no New development which will put additional water into the inadequate East Ditch system should be allowed by the City until the storm drainage inadequacy which causes flooding in our neighborhood has been addressed.

DATE	NAME	ADDRESS
10/11/99	John [Signature]	69 Main Street
10/12/99	Pat [Signature]	2 Park Place
10/12/99	William Schrock	56 Town Hill Ave
10/12/99	Marcia Viana	12 - Park Pl
10/12/99	Deirdre Palmer	21 Park Place

# SOUTH MAIN STREET FLOODING

We the residents and owners in the flood affected area demand that no New development which will put additional water into the inadequate East Ditch system should be allowed by the City until the storm drainage inadequacy which causes flooding in our neighborhood has been addressed.

DATE	NAME	ADDRESS
10-11-99	Red [unclear]	1 Park Place
10-11-99	William Pahlman	16 Park Place
10-11-99	Saroen Kneig	15 Park place
10-12-99	Naroon Kuo	15 Park Place
10/12/99	Red Morton	9 Park Place
10/12/99	Carol Ann Bloddy	9 Park Place
10/12/99	Tungst Kumantat	6 Park Place
10/13/99	[unclear]	6 Park Place
10/14/99	Jennifer Mather	4 Park Place
10/14/99	Robert Miller	4 Park Place
10/18/99	Nanna Jyrck	2 park place
10/19/99	William Fuller	56 TOWN HILL AVE.
10/10/99	Margaret Mitchell	67 MAUND RD.
10/19/99	Ronald [unclear]	2 PARK PLACE
10-19-99	Defim C. Silva	7 PARK PLACE
10-19-99	Celia C. Silva	7 PARK PLACE
10-19-99	Joe A Silva	7 PARK PLACE
0-19-99	Ruthy Kay	11 Park Place
10/19/99	Marie McDonagh	20 Park Place
0/19/99	Christopher McDonagh	20 Park Place
10/19/99	Barry L Leming	9 Park Place

# SOUTH MAIN STREET FLOODING

We the residents and owners in the flood affected area demand that no New development which will put additional water into the inadequate East Ditch system should be allowed by the City until the storm drainage inadequacy which causes flooding in our neighborhood has been addressed.

DATE	NAME	ADDRESS
10/19/99	Lillie Bogardow Skays	4 Park Place
10/19/99	Daniel Loredo	4 Park Place
10/19/99	Ruben Deptel	

Flooded  
with City

8 Park Place  
Danbury, Ct 06810  
Sept 14, 1984

Dear Mayor Dyer:

I am writing about the flooding in my basement at 8 Park Place in Danbury. Dates of flooding, when the fire department was called are: Aug 28, 1983, Oct 12, 1983, June 19, 1984. And on July 5, 1984 the basement flooded and we were ready to call the fire department again but the rain stopped and the water receded. We had installed a sump pump but it couldn't pump the water out fast enough. Our home is over 50 years old and this condition never existed before they put the "Common" in, raising the landscape and left our home as a catch basin.

We desperately need your help on this intolerable situation and thank you. I am the woman who spoke to you at the Senior picnic at the old Jail Senior Center on Wed, Sept. 12, 1984.

Sincerely yours,  
Mrs. Anna Ward  
(Mrs. Peter Ward)

744-7570

JULIUS J. BIELIZNA  
THOMAS A. FRIZZELL  
DAVID P. BALL  
STEVEN M. OLIVO  
ROBERT E. YOUNG

*Filed in the file  
Park Place City  
in the Engineering Dept.*

August 18, 1986

REC-11

AUG 25 1986

Public Works Department of  
the City of Danbury  
Engineering Department  
Newtown Road  
Danbury, Connecticut 06810

Engineering Dept.

Attention: John A. Schweitzer, Jr.

Re: Danbury Commons

Dear Mr. Schweitzer:

Please be advised that I represent Danbury Commons, 51 Main Street, Danbury, Connecticut. Mr. Joseph McGarvey, the Resident Manager of Danbury Commons, telephoned my office on Friday, August 15, 1986. Mr. McGarvey explained to me that property owned by Danbury Commons is abutted by property owned by Mr. George Giannaras of Six Park Place, Danbury, Connecticut. Mr. Giannaras is presently excavating his property.

Excavations include the placement of several large boulders on his property covered by dirt and gravel creating a substantially higher grade to his property. Any runoff from Mr. Giannaras's property will enter the property of Danbury Commons flooding the drainage system which your office required at the time of construction of my client's property. My client is most concerned about dirt and gravel clogging this drainage system. Obviously, if this occurs, the system will be rendered inoperative and flooding will be a direct result. I am forwarding a copy of this letter to the Building Department in hope that we all can reach a mutually satisfactory resolution of this problem.

Thank you in advance for your cooperation.

Very truly yours

*David P. Ball*  
David P. Ball

DPB:cke

cc: Building Department of the City of Danbury  
Mr. Joseph McGarvey, Danbury Commons

*9/11/86  
McGarvey is contacting  
Sud. Person to Danbury*

*Sweets Dave Garmonson  
9/10/86*

*9/11/86  
Sud. Person will  
chk in next 24 hrs*

June 18, 1989  
2 Park Place  
Danbury, CT

Dear Mayor Sauer,

Thank you for intervening in the storm Drainage Problem Friday, June 16, 1989, at 9:30 at night.

The problem started at the south end of Elmwood Park. This area of Main St. often floods as the storm drainage system is very inadequate here. Approximately four times a year, the street becomes so flooded, that the run off seriously inconveniences and traumatizes property owners in its path. When flooding is this bad, motorists are also inconvenienced, as it is necessary for the police to close the street.

On June 16, the runaway water affected the following properties:

63 Main St.	Food Bag	
65 Main St.	Michael & Andrew Thompson	Sold
2 Park Pl.	Margaret Mitchell	Redid landscaping
4 Park Pl.	Fernando & Helen DaSilva	Filled lot. Sold
6 Park Pl	George & Christine Giannaras	Filled lot. Sold
8 Park Pl	Helen Kehagias	Rents out house. Returned to Greece
51 Main St.	Townhouses at Danbury Commons.	

A total of six cars had stalled in the west side of Main St. before it was closed. These cars were pushed from the water.

The Public Works Department sent truck #83F96 to help us. Unfortunately, the storm drainage system was so full of water, that the water entering the catch basins on the west side of Main St., was being released from the basins on the east side of Main St. and was then flowing through the affected properties.

The men on the truck were extremely polite and totally accurate, when they told us there was absolutely nothing they could do to help us and suggested we contact the Fire Department and request pumps.

If the rain had not stopped when it did many of us would have had considerable damage. We were very lucky this time.

When a problem like this occurs once or twice over a long period of time we call it "an act of God." When it happens repeatedly year after year, I call it negligence.

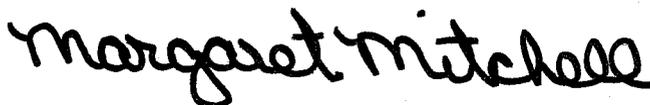
In the past, several of the affected property owners have called and tried to work with the Public Works Department. The City sent surveyors five (5) years ago and was studying this problem at that time. Since then we have had two different Mayors and three different Directors of Public Works and still no action has taken place.

Not only is this the Main St., of the City of Danbury, but it is also a State Highway. The State repaved the roadway, this last year, and put new grates on the storm drains and did absolutely nothing to correct the systems inadequate capacity.

How many more years are we supposed to pump out our houses, clean flood deposits from our lawns, and try by ourselves, at our own expense, to divert the Main St. runoff?

A problem this major on a major road should be handled by government and not borne by a handful of citizens.

Sincerely,

A handwritten signature in black ink that reads "Margaret Mitchell". The script is cursive and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

Margaret Mitchell

October 22, 1999  
2 Park PL.  
Danbury, CT 06810

Mr. Gene Eriquez,

Ever since the Townhouses at the Danbury Commons were built in 1982 the Park Place neighborhood has experienced serious flooding three to five or six times a year.

I have repeatedly gone to the Mayor's Office to ask, beg, plead, demand help for our neighborhood. Mayor Sauer attempted to help us and looked into the problem but he was only in office two years. You have been there ever since and nothing has been done.

I attended a budget informational meeting you gave on April 30, 1997 and told you "I'd like you to charge more taxes. I want a higher quality of life and I'm willing to pay for that. Park Place has serious drainage problems and another property I own on Main St. has been damaged by graffiti. If you fixed the storm sewers before the streets cave in I'd be indebted to you for life." I also said that, "when I reported the graffiti to the police they told me 'That's what you get for owning property in this area.'"

You acknowledged the longstanding drainage problem by saying "Mrs. Mitchell it's a well-known fact that Park Place is a swamp." You sounded as cavalier as the police to me. I felt you were saying "that's what you get for owning in a swamp."

This week I have been reminded that you were the chairman of the Environmental Impact Commission at the time the travesty of justice called Danbury Commons occurred. You will never help us. After all you were chairman EIC when our devastation was planned.

My neighbors have told me for years that you are a bum and that you were paid off to keep the Commons high and dry while we were flooded. I thought they mistakenly believed you were Mayor at the time this abomination was built. So, I have been defending your "honor."

You have turned a deaf ear to us all these years. It appears to me, you should have known in advance Park Place would be flooded as you had special knowledge of the water table, drainage, etc. in the area. It also appears that you feel new development has the right to flood out old development.

Your staff either let or had the Convent drainage attached to the inadequate Main St. storm drainage. I guess they also couldn't hear that chronic complainer Mrs. Mitchell tell about the water coming up the drains rather than going down. And now the proposed Nolan development has planned to attach to the inadequate Main St. line bringing us more flooding.

When I stood up at the May 12, 1998 hearing of the Zoning Commission on the Hospital - Rizzo plan to express concern about the flooding in the area you hurried from the room so you wouldn't have to listen to me. Thank God Tony Rizzo is a gentleman and was concerned about the water.

Our Family business, Greene Electrical Supply, was on White St. during the 1955 Floods. Our location was condemned and our family brought close to financial ruin. We fought our way back after we moved to 69 Main St. in 1956. We heard all sort of promises about how storm drainage and flooding would be handled in the future. It is only 44 years later. Maybe after the Urban Renewal is finished the city can look at Storm Drainage.

I was told time after time by various staff members that part of the Elmwood Park money would be used to correct the flooding at the park. Was it really more important to win an award for restoration planning than to address the flooding?

I walk into your new office with it's new furniture and ego aggrandizement while the same city simply doesn't have the funds to keep our properties from being ruined. Maybe necessities should come before luxuries. Maybe a sound infrastructure is good for a city. Two bond issues for improvements and still no relief for us.

FEMA money and still no relief for us. Is the FEMA money really going to be used to repair playing fields while our homes are being

damaged?

Years ago when we flooded the fire department would come and help us, but they are now so busy that they are no longer available. Why aren't the volunteers available?

Maybe my neighbors are partially right. Maybe you didn't take a bribe but the Commons is high and dry and we are flooded. And maybe you aren't a total bum but our little problem certainly isn't important enough for you to notice and certainly isn't anything that you will do anything about. No one sees the infrastructure and no one sees Park Pl..

I find the city's storm drainage management appalling and your dismissal of our neighborhood's problem reprehensible.

Trust me, I will never defend your "honor" or your staff's "honor" again.

After the October 20, 1999 Planning Commission Hearing on the Special Exception for Harrison Square where I again went through the same old storm drain ritual and again begged "please don't add more water to the flood," people in the hall told me I should talk to the Mayor and he would help. Of course you have not talked to me in the past, about this, as I have always been shuffled off to someone else. It was very stupid of me to come to your office for an appointment. I knew from past experience none would be available. Again this time I was told your are not accepting any new appointments. I have written this letter in lieu of an appointment. And will be contacting people outside of the city to find help for this disreputable situation.

Sincerely,

Margaret Mitchell

## FLOODING SINCE DANBURY COMMONS WAS CONSTRUCTED IN 1982!

Even if there was some logical reason for not figuring in the water flowing from the west, even if no one realized the water from the Main St. runoff needed to be planned for, even if it was a sad mistake, even if it was a simple oversight by the EIC, engineering department and planning department, it has been Gene's decision to let the injured people be repeatedly damaged all these years. What probably didn't start out as a malicious act has turned into a malicious act. People who have made an honest mistake look for a chance to take a corrective action or minimize the damage. Obviously an honest mistake hasn't been made here. This is the way it is suppose to be. We will continue to be flooded so the city can spend it's money elsewhere. I'm so disappointed in Gene. I always thought he was a decent person.

And what am I supposed to do? I'm supposed to just keep bailing and be quiet and polite. Just because an injustice has been done to me year after year for fifteen years doesn't mean I have the right to yell. I should suffer in silence.

I read the EIC file + the Planning file on Friday. The plan called for the grade level at the Commons to be 6' to 9' above the grade level of the houses on Park Place. All the water from the Commons is run to Park Pl. No mention was made of the fact that the main st runoff went to the "old swamp". The brook that was entitled to drain my water to doesn't exist. No brook, no swamp, no problem. I yelled at Molly when I finished reading it. I'm sorry about that. Gene is either stupid or something. Maybe

October 22, 1999

he was lied to but it really doesn't matter. He is responsible for the last ten years of abuse.

RECEIVED  
OCT 18 1999  
MAYOR'S OFFICE

Adam J. Negri  
P.O. Box 4153  
Danbury, CT. 06813-4153  
(203) 730-9767 Hm.  
(203) 744-7025 ext. 140 Wk.

26

October 19, 1999

Mayor Gene Eriquez and Members of the Common Council  
City of Danbury  
C/O City Clerk

RE: Lots # E17059 and E17060

Dear Sir and Members of the Common Council,

I have received the bid package offered by the town of Danbury dated May 25, 1999. In this package I would like to purchase the two (2) lots located on Ye Olde Road in Danbury. The lot numbers are as follows E17059 and E17060. I have been lead to believe that these properties are still available and that the town is interested in selling these properties.

Selling these two (2) properties will decrease the City's liability and increase tax revenue. I'm very interested in purchasing these lots, with the intentions of building one (1) building roughly 20,000 square feet or two (2) 10,000 Square foot industrial buildings.

My offer for the two parcels is \$20,000.00. This offer will expire within 45 days from the date of this letter. In the event my offer is excepted I would propose to close before years end.

I look forward to hearing from you on this matter.

Sincerely



Adam J. Negri

cc Warren W. Platz





# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

27

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511  
FAX (203) 796-1666

November 4, 1999

Honorable Members of the Common Council  
City of Danbury, Connecticut

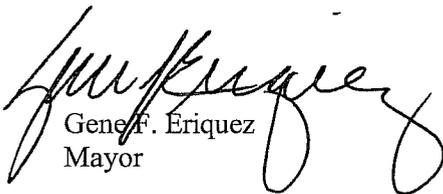
Dear Council Members:

Attached is a communication and revised agreement submitted by the Federal Aviation Administration (FAA) for your review and approval.

As of November 3, 1999, the FAA has notified the City that Robinson Van Vuren Associates, Inc. will operate and provide the Air Traffic services at the Danbury Airport Traffic Control Tower. As a result of this change, a new letter of agreement regarding the operation of airport lighting is required.

Thank you for your consideration of this item.

Sincerely,



Gene F. Eriquez  
Mayor

GFE:sr

Attachments



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

DOT/FAA/ATCT  
Danbury Municipal Airport  
88 Kenosia Ave. Ext.  
Danbury, CT 06810

October 21, 1999

Mr. Gene Eriquez  
Mayor, City of Danbury  
155 Deer Hill Ave.  
Danbury, CT 06810

Dear Mr. Eriquez:

As of November 3, 1999, Robinson Van Vuren Associates, Inc. will operate and provide the Air Traffic Services at the Danbury Airport Traffic Control Tower. The Letter of Agreement on Operation of Airport Lighting when the Airport Traffic Control Tower is closed originally signed with the Danbury Tower is valid and remains in effect.

Expect correspondence from the Federal Contract Tower site manager to make the appropriate changes to reflect the administrative change.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Richardson".

Robert J. Richardson  
Air Traffic Manager, Danbury ATCT

Danbury Federal Contract Tower and City of Danbury

## LETTER OF AGREEMENT

EFFECTIVE: November 3, 1999

SUBJECT: Operation of Airport Lighting when the Airport Traffic Control Tower is Closed

1. **PURPOSE:** Procedures for operation of airport lighting by control tower personnel when closing the tower for the night.
2. **CANCELLATION:** Danbury ATCT and City of Danbury Letter of Agreement dated July 8, 1987.
3. **RESPONSIBILITIES:** The City of Danbury is responsible for the operation of the airport lighting during the hours that the control tower is closed.
4. **PROCEDURES:** Prior to closing the tower, personnel shall activate the Radio Controlled Lighting System Switch and test the system by keying the microphone on 119.4 three times within five seconds.

In the event that the Radio Controlled Lighting System is inoperative, the following steps shall be taken:

- a. Based on weather forecasts, runway lights for runway 8-26 will be left on the setting determined by use of the MIRL Intensity Setting Table.
- b. Taxiway Lights will be left on during the hours that the Airport Traffic Control Tower is closed.
- c. REIL lights will be turned off during the hours that the Airport Traffic Control Tower is closed.
- d. Make an entry on FAA Form 7230-4 (Daily Record of Facility Operations) for the equipment malfunction and notify the Airport Manager at home. If unable to notify the airport manager, state so in your log entry.
- e. Hold Harmless Clause.

“The airport owner/operator covenants and expressly agrees that with regard to any liability which may arise from operation of the runway lights at the airport during any period when the airport traffic control tower at Danbury Airport is closed or non-operational, that each party shall be solely and exclusively liable for the negligence of its own agents, servants, and/or employees, in accordance with applicable law, and that neither party looks to the other to save or hold it harmless for the consequences of any negligence on the part of one of its own agents, servants, and/or employees.”

Runway lights may not be lighted and/or the radio controlled lighting system be activated by tower personnel if a NOTAM closing that runway is in effect.”

---

Earl J. Arnette  
Site Manager; Danbury Tower

---

Gene Eriquez  
Mayor, City of Danbury

DANBURY AIRPORT TRAFFIC CONTROL TOWER AND CITY OF DANBURY

LETTER OF AGREEMENT

Effective: July 8, 1987

Subject: Operation of Airport Lighting when the Airport Traffic Control Tower is Closed

1. Purpose: Procedures for operation of airport lighting by control tower personnel when closing the tower for the night.
2. Cancellation: Letter of Agreement on Operation of Airport Lighting when the Airport Traffic Control Tower is Closed dated July 20, 1985.
3. Responsibilities: The City of Danbury is responsible for the operation of the airport lighting during the hours that the control tower is closed.
4. Procedures: Prior to closing the tower, personnel shall activate the Radio Controlled Lighting System Switch and test the system by keying the microphone on 119.4 three times within five seconds.

In the event that the Radio Controlled Lighting System is inoperative, the following steps shall be taken:

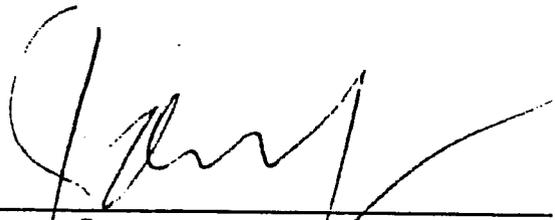
- a. Based on weather forecasts, runway lights for runway 8-26 will be left on the setting determined by use of the MIRL Intensity Setting Table.
- b. Taxiway Lights will be left on during the hours that the Airport Traffic Control Tower is closed.
- c. REIL lights will be turned off during the hours that the Airport Traffic Control Tower is closed.
- d. Make an entry on FAA Form 7230-4 (Daily Record of Facility Operation) for the equipment malfunction and notify the Airport Manager at home. If unable to notify the airport manager, state so in your log entry.

5. Hold Harmless Clause:

"The airport owner/operator covenants and expressly agrees that with regard to any liability which may arise from the operation of the runway lights at the airport during any period when the airport traffic control tower at Danbury Airport is closed or nonoperational, that each party shall be solely and exclusively liable for the negligence of its own agents, servants, and/or employees, in accordance with applicable law, and that neither party looks to the other to save or hold it harmless for the consequences of any negligence on the part of one of its own agents, servants, and/or employees."

"Runway Lights may not be lighted and/or the radio controlled lighting system be activated by tower personnel if a NOTAM closing that runway is in effect."

  
\_\_\_\_\_  
Robert E. Richardson  
Manager, Danbury Tower

  
\_\_\_\_\_  
James Dyer  
Mayor, City of Danbury



28

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DENNIS I. ELPERN  
DIRECTOR OF PLANNING

(203) 797-4525

October 27, 1999

To: Mayor Gene F. Eriquez  
Members of Common Council

From: Dennis I. Elpern

Re: Bedoukian Research  
Application for a Deferral of Assessment Increases

This Office has reviewed the application for a deferral of assessment increases attributable to construction and improvements submitted by Robert H. Bedoukian on behalf of Bedoukian Research at 27 Augusta Drive.

The site will be used for manufacturing and research and development. After review by the Acting Assessor, we are satisfied that the cost of construction and improvements will total over \$ 500,000, but less than \$ 3,000,000. Accordingly, the applicant is eligible for a deferral of 100% of the assessment increase for a period not to exceed two years.

This item may be placed on the Common Council agenda for action.

#### Attachments

C: Gail A. Bedoukian  
Colleen M. Velez  
Lazlo Pinter  
City Clerk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

(203) 797-4525

## APPLICATION

REVISION

### DEFERRAL OF ASSESSMENT INCREASES ATTRIBUTABLE TO CONSTRUCTION OR IMPROVEMENTS WITHIN THE CITY OF DANBURY

Pursuant to Section 18-25 of the Code of Ordinances of the City of Danbury, this application must be competed and submitted to the Department of Planning and Zoning by all eligible applicants seeking to secure a deferral of assessment increases for completed construction or improvements on property located within the City of Danbury.

Location of Property: 27 AUGUSTA DRIVE

Tax Assessor's Map Number: K-11151 Town Clerk Map and Lot Number: 8011 10110, X &

Name, Address and Telephone Number of Owner:

ROBERT H. BEDOUKIAN

21 FINANCE DRIVE, DANBURY, CT 06810 (203) 830-4000

Name, Address and Telephone Number of Applicant/Agent/Lessee (if other than owner):

—

Description and Use of Construction or Improvement: ADDITION CONSISTING OF  
6200 sq.ft. of manufacturing & RESEARCH & DEVELOPMENT &  
3100 sq.ft MEZZANINE; RENOVATION OF EXISTING MANUFACTURE  
PLANT.

Present Assessed Value of Property: \$300,000

Estimated Cost of New Construction or Improvements Subject to Deferment: \$1,100,000 ADDITION;  
RENOVATION - \$500,000 - 800,000

Estimated Time Frame for Completion of Construction or Improvements: ADDITION - MARCH 1999  
RENOVATION - LATE 1999  
EARLY 2000



Length of Time and Percent of Assessment Increase Requested for Deferral, as permitted in Section 18-25(d)(2) for the cost of construction or improvements specified above:

2 1/2 years at 100% (Sec. 18-25(e)(2)(b))

Attach a site plan and other specifications drawn to scale indicating all existing and proposed construction and other improvements sufficient for the Tax Assessor to determine the assessment of the property after completion of all proposed construction or improvements for which this deferral is being requested.

The applicant is advised that approval by Common Council and receipt of all benefits available through this deferral requires the applicant to enter into a written agreement with the City fixing the assessment of the real property, air space and all construction and improvements which are the subject of the agreement. All such construction and improvements to be undertaken are subject to the eligibility criteria specified in Section 18-25 of the Code of Ordinances and must comply with all municipal land use regulations and building and health codes.

Applicant/Agent Signature: [Signature] Date: January 14, 1999 Rev'd Sept

Applicant/Agent Name and Title: ROBERT H. BEDOUKIAN, President

**FOR DEPARTMENT USE ONLY**

The Common Council of the City of Danbury:

The Department of Planning and Zoning has reviewed this application for a deferral of assessment increases attributable to construction or improvements within the City of Danbury and has established that:

Yes the real property or property subject to air rights is located within the City of Danbury;

Yes the applicant proposes to use the construction or improvements to real property or property subject to air rights for uses eligible under Section 18-25;

Yes the property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application; and

Yes the applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided herein and therein.

Accordingly, the Department of Planning and Zoning recommends that the application (does) ~~(does not)~~ meet the eligibility criteria in Section 18-25 of the Code of Ordinances for the following reasons:

The application meets eligibility requirements of Sec. 18-25 of the Code of Ordinances.

Signed: [Signature] Date: October 27, 1999



October 26, 1999

29

Danbury City Clerk  
155 Deerhill Avenue  
Danbury, Connecticut 06810

RE: BRT Self Storage  
99 Beaver Brook Road  
Water Main Extension

To Whom It May Concern:

Please include BRT General Corporation on the schedule for the November 4 City Common Council meeting.

BRT is currently building a storage facility at the captioned address for which the city has requested installation of a larger water main. Enclosed is a sketch of the proposed line to be installed along Beaver Brook Road, including relevant correspondence with Acting City Engineer, Patricia Ellsworth, P.E., regarding specifications.

Thank you for your consideration.

Yours truly,

BRT GENERAL CORPORATION

A handwritten signature in black ink, appearing to read 'Daniel E. Bertram'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel E. Bertram  
Executive Vice President



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

RECEIVED

FEB 17 1999

PLANNING & ZONING  
CITY OF DANBURY

ENGINEERING DEPARTMENT  
(203) 797-4641  
FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.  
ACTING CITY ENGINEER

February 17, 1999

Mr. Dennis Elpern  
Planning Director  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mr. Elpern:

**BRT Self Storage**  
**Beaver Brook Road**  
**Planning Code SP98-15**  
**Assessor's Lot Nos. K10059, K10060, K10061**

This office has reviewed the response letter with attachments addressed to me from Ian A. Wender, CCA, LLC, dated January 22, 1999 submitted in response to our January 12, 1999 letter.

We offer the following comments related to water:

1. Needed Fire Flow

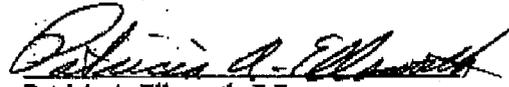
- a. We previously requested that the engineer provide additional supporting documentation used to establish the needed fire flow factors. The engineer included documentation showing the construction coefficient (F) and the occupancy factor (O<sub>i</sub>). However, the engineer did not provide values for the effective area (A<sub>i</sub>) and the exposures (X<sub>i</sub>) and communications (P<sub>i</sub>) factors used to establish the needed fire flow for the site. This additional information should be provided for our review.
- b. The construction factor (C<sub>i</sub>) should be rounded to the nearest 250 gpm as per the ISO formula.
- c. When the flow and pressure data is available for the two hydrants closest to the site, it should be submitted for our review.



d. Once the water main extension and/or fire hydrant plans are complete the engineer is to submit them to us for review. The engineer should also submit calculations estimating the fire flow of the proposed hydrant. The evaluation should address losses due to the additional length of pipe for the proposed extension, adjacent developments and increases in elevation. The engineer is to submit to us his verification that adequate flow and pressure will be available for fire protection for this site.

2. Common Council approval of the water main extension will be required. Once Common Council approval is obtained, we will work out the details (pipe type, pipe size, valves, hydrant location, thrust blocks, connection into existing main, etc.) with the engineer. The proposed pipe for the water main extension is to be a minimum 8-inches in diameter.

Very truly yours,



Patricia A. Ellsworth, P.E.  
Acting City Engineer

PAE/BVD/bd

- C: Mario Rizzozi, P.E.
- William Buckley, Jr., P.E.
- Carmen Oliver

Richard W. Howard, Jr., P.E.  
Russell T. Poethauer, Jr., P.E.  
Michael J. Lillis, P.E.  
Richard A. Bunnell, R.L.S.

Ralph A. Klass, P.E.  
Kenneth S. Hrka, P.E., R.L.S.  
Ronald J. George, P.E.



40 Old New Milford Road  
Brookfield, CT 06804  
(203) 775-6207  
FAX (203) 775-3628

33 Village Green Drive  
Litchfield, CT 06759  
(860) 567-3179  
FAX (860) 567-1718

October 21, 1999

To: Patricia A. Ellsworth, P.E.  
Acting City Engineer

From: Richard W. Howard, Jr., P.E.

Re: Water Line Extension  
BRT Mini Storage Facility  
Beaver Brook Road

BRT has recently authorized CCA to prepare engineering plans for the extension of City water to the above referenced project. Please find attached a sketch of the proposed water line extension. If you would be so kind as to review the concept it would be greatly appreciated. BRT has informed us that they expect to finish building construction in January and therefore would like to complete the water line construction by the end of this construction season (December 1). This is an aggressive schedule and we are attempting to streamline the process by obtaining preliminary comments.

It is our understanding that BRT will directly handle the Common Council approval necessary for the line extension.

Thank you in advance for any assistance you can provide in this matter.

Should you wish to discuss this in more detail or have any questions please feel free to contact me.

Rich

Cc: Dan Bertram, BRT

CA\CCA-FORMS\CCA.DOC







# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

14-007  
30

WATER, SEWER, RECYCLING &  
SOLID WASTE DEPARTMENTS  
(203) 797-4539  
FAX: (203) 796-1590

WILLIAM J. BUCKLEY JR., P.E.  
SUPERINTENDENT OF PUBLIC UTILITIES

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## M E M O R A N D U M

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**DATE:** October 26, 1999

**TO:** Gene F. Eriquez, Mayor  
Common Council, City of Danbury

**FROM:** *W. Buckley*  
William J. Buckley, Jr., Acting Director of Public Works  
Patricia Ellsworth, P.E., Acting City Engineer  
*Patricia A. Ellsworth*

**RE:** October 1999 Common Council Agenda – Item # 19

As directed, we are sending you this letter report to update you concerning how drainage issues within the City of Danbury are being addressed. As you know, in the aftermath of Hurricane Floyd there was considerable flooding along the Still River and many of the minor mini sheds (drainage basins) which flow into the Still River. Examples of these mini sheds are Blind Brook, Padanaram Brook, and Kohanza Brook.

In an attempt to address and identify these problems, we are working with Congressman Jim Maloney's office. Congressman Maloney has assigned personnel on his staff to assist us in preparing applications and addressing scopes of work that would be needed in order to address and resolve drainage issues within the City. Specifically, we are looking for a comprehensive drainage study, which will contain three component parts. Part one would be an exploratory phase, which would address and identify all existing facilities. Part two would be a hydrologic study of all of these drainage systems, making a determination as to which need to be improved, repaired, or replaced. Part three would be specifically identifying projects and preparing conceptual plans that could be implemented in phases thereby addressing and eventually resolving the problems within the City. For those of you who have been on the Council for some time, you realize that these are the types of studies that we have for our water distribution and sanitary sewer collection systems. Congressman Maloney has put us in touch with



representatives of the Army Corp of Engineers and the Mayor is making application, consistent with the 1948 Flood Control Act, for funds for this purpose. We estimate that a study of this nature will run in the neighborhood of 1.6 million dollars. Attached for your information and review is a detailed scope of services that we received in March of 1999 from Roald Haestad Inc., a consulting firm with whom we have had a long standing relationship. Mr. Haestad's firm prepared a detailed scope of services that would be provided consistent with the type of work that we are requesting of and/or through the Army Corp of Engineers.

Additionally, we have had an initial discussion with a Mr. Douglas Glowacki, an Environmental Analyst with the Flood Management Section of the Department of Environmental Protection for the State of CT, concerning a flood emergency alarm and warning system. Mr. Glowacki has indicated that such a system might be suitable for portions of the Still River, which flooded during the recent hurricane. We will continue those discussions with him relative to that proposed system and be working with the Mayor's office in attempts to determine if that type of a system would be suitable and beneficial for the City of Danbury.

In the meantime, on a much smaller scale, Frank Cavagna of our Highway Department continues to clean out crossing culverts and bridge approaches in the public rights of way in order to allow water to flow unobstructed through those structures. I suspect that our activities in this regard will continue through the winter. With respect to the Army Corp, I will update you through regular reports as to the events and status of our dealings with respect to the Watershed Management Study.

WJB: sm  
sm/c:/wjbword/watershed.doc



# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

23-OCT

31

ENGINEERING DEPARTMENT  
(203) 797-4641  
FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.  
ACTING CITY ENGINEER

October 21, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Grading Issue – Dennis Boyle  
Wedgewood Drive

The September 22, 1999 letter from Dennis Boyle to the Common Council relative to the above noted issue was referred to us for a thirty day report (reference Item 23 of the minutes of the October 5, 1999 Common Council meeting).

Wedgewood Drive was developed by Bernard Pane, Jr. and Louis DeFabritis during the 1970s and was accepted by the City in 1977.

According to maps on file in the Planning Department, the developer installed approximately two to three feet of fill along the front of Mr. Boyle's property to construct the roadway. The road right of way was properly graded to provide the required crown, gutter and shoulder.

According to the City's 1965 topographic maps, Mr. Boyle's property (Tax Assessor's Lot No. C06048 – development Lot #58) originally dropped in grade approximately 18 feet from the rear of the lot (elevation 840 feet) to a low area near the front of the lot (elevation 822 feet). According to the record drawing for the road, the center line road elevations in front of Mr. Boyle's lot vary from 823.5 feet to 825.5 feet running north to south.

On October 19, 1999 we field inspected the lot in question. The road and road shoulder areas are graded properly and there is no indication that runoff from the road is directed to the Boyle property. It was evident that a portion of the Boyle front yard was wet. The low area lies outside of the City road right of way on Mr. Boyle's private property. The Boyle's paved driveway enters the lot on the low side of the property.

The as-built plan and profile prepared by the developer's surveyor (copy of section enclosed) indicates that an 8 inch pipe enters the catch basin located at the curb line in front of the Boyle property from the direction of the Boyle front yard. On October 20, 1999 the City's Highway Department field verified that this 8inch pipe exists at the catch basin. No open inlet for this 8 inch pipe was visible. Based on a review of the proposed and as-built plans for the

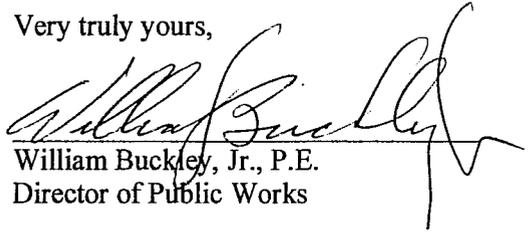


subdivision, the City's topographic maps and the field inspections, it seems to us that this 8 inch pipe was installed by the developer for the purpose of draining the low area in the front of the Boyle lot and that over the years the pipe and possibly some type of drainage swale were covered over as the lot was filled.

It is our opinion that the drainage problems being described by Mr. Boyle are not related to the City's road or road right of way. It is also our opinion that the problem could be readily rectified with some relatively minor regrading of the low area.

If you have any questions, please give us a call.

Very truly yours,



William Buckley, Jr., P.E.  
Director of Public Works



Patricia A. Ellsworth, P.E.  
Acting City Engineer

encl.

C: Frank Cavagna



24-Oct

# CITY OF DANBURY

32

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT  
(203) 797-4641  
FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.  
ACTING CITY ENGINEER

October 21, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Grading Issue – David and Diane K. Sanders  
Weindorf Lane

At the October 5, 1999 Common Council meeting, the September 23, 1999 letter from David E. Sanders and Diane K. Sanders was referred to us for a thirty day report (reference Item 24 of the meeting minutes).

The Sanders lot is Tax Assessor's Lot No. F19062. The enclosed copy of a portion of the Tax Assessor's map shows the Sanders' property and the location of the private culvert which crosses beneath their driveway.

The Sanders' property is located downgrade of Ward Drive, Olympic Drive and Ole Musket Lane. Ward Drive was accepted by the Town of Danbury in 1964. Ole Musket Lane and Olympic Drive were accepted by the City of Danbury in 1974. According to the Tax Assessor's records, the dwelling owned by David E. Sanders and Diane K. Sanders was constructed in 1976 – after the construction of Ward Drive, Olympic Drive and Ole Musket Lane.

The culvert in question lies entirely on private property. It is 30 inches in diameter. The culvert under Ward Drive is 48 inches in diameter. To the best of Highway Superintendent Frank Cavagna's knowledge, Ward Drive has never washed out nor has the culvert beneath the road ever required replacement. In the recent past the City Highway Department installed a catch basin in Ward Drive and a short section of piping from the road to the brook just upstream of the Sanders' culvert in order to eliminate a leak off which had previously drained onto the Sanders' property depositing sand on their land. At that time the Highway Department removed the sand which had built up in the brook and repaired the damage done to the Sanders' driveway as a result of the sand buildup. This driveway repair was a one time only repair.

The 30 inch culvert across the Sanders' driveway was installed, we assume, by the developer of the lot. Since it was located on private property, the City did not review its sizing or design. The culvert should have been properly designed by an engineer hired by the developer. We have no knowledge of whether this was done.

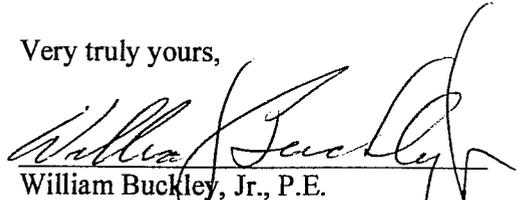


It is our opinion that the City of Danbury has no responsibility for the repairs to a private culvert on private property. It also should be kept in mind that the State DEP has determined that the rainfall intensity during Hurricane Floyd was the equivalent of a 400 to 500 year storm an extreme occurrence.

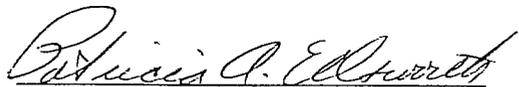
If the Sanders have not already done so, they should contact FEMA (see enclosed flyer) relative to possible disaster assistance to repair the damage done to their property. The City has qualified for assistance to individual property owners. Their driveway repair may or may not qualify. The deadline for registering with FEMA is November 22, 1999.

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

Very truly yours,



William Buckley, Jr., P.E.  
Acting Director of Public Works



Patricia A. Ellsworth, P.E.  
Acting City Engineer

Encl.

C: Frank Cavagna



# Disaster Assistance

For

**Homeowners, Renters & Businesses**

**In Fairfield and Hartford Counties**

If you have serious damage caused by Hurricane Floyd



**Apply by Phone**

**1-800-462-9029**

(TTY 1-800-462-7585)

**7AM - 7PM**

**Sunday - Saturday**



*Diana C. DeFabritis*  
*34 Aunt Mack Road*  
*Danbury, Connecticut 06811*

Hon. Mayor Eriquez  
and Common Council

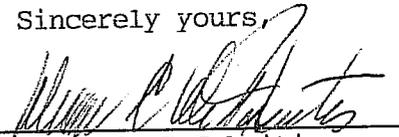
Gentlemen:

This is to notify you that upon closer legal scrutiny of Lots E17059 and Lot E1760, I have elected to withdraw my request to bid on these two City properties.

I apologize for any inconvenience caused.

Thank you for your attention to this matter.

Sincerely yours,



---

Diana C. DeFabritis



24- Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

33

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

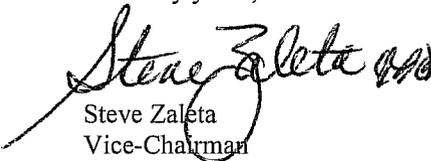
Re: 8-24 Referral – 24 – Request to Purchase City Property on Ye Olde Road

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned for a positive recommendation for the request to purchase City property on Ye Olde Road.

The motion was made by Mr. Parker seconded by Mr. Manuel and passed with "ayes" from Commissioners Parker, Manuel, Malone, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc



24-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT

(203) 797-4641

FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.

ACTING CITY ENGINEER

September 10, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Request to Purchase Property  
Ye Olde Road

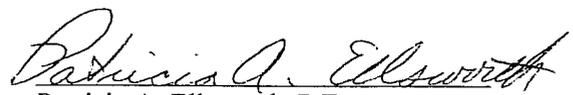
At the September 8, 1999 Common Council meeting, the request by Diana C. DeFabritis to purchase City owned land on Ye Olde Road was referred to this office for a thirty day report. Reference is made to Item 24 of the meeting minutes.

Although Ms. DeFabritis' letter does not provide a lot number(s) for the lot(s) in question, the City did acquire two lots on Ye Olde Road (Tax Assessor's Lots E17059 and E17060) from Dancon Corporation in April of 1995 as a result of the failure of the property owner to pay taxes due.

If Lots E17059 and E17060 are the lots Ms. DeFabritis would like to acquire, they have been declared surplus by the City and were included in the list of surplus properties put out to bid by Purchasing Agent Warren Platz in March 1999 and rebid in May 1999. No bids were received for either of these lots. Mr. Platz has informed me that he intends to rebid the remaining surplus property lots in the spring of 2000. However, according to Mr. Platz, if the Common Council sees fit to accept an offer on a particular piece of property prior to the next rebid, the lot may be sold ahead of time.

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

Very truly yours,

  
Patricia A. Ellsworth, P.E.  
Acting City Engineer

C: William Buckley, Jr., P.E.  
Eric L. Gottschalk, Esq.  
Dominic Setaro, Jr.  
Dennis, Elpern  
Warren Platz





# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

---

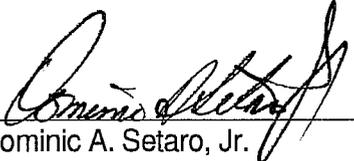
## M E M O R A N D U M

---

**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** September 14, 1999  
**Re:** **ITEM #24, YE OLDE ROAD, COMMON COUNCIL AGENDA 9/8/99**  
**CC:** William Buckley, Dennis Elpern, Eric Gottschalk, Warren Platz

---

Regarding the request made by Diana C. DeFabritis to purchase City owned land on Ye Olde Road, and per the September 10 letter from Patricia Ellsworth, assuming the two parcels of property are those that were put out to bid in May, of which no bids were received, it would be my recommendation that the City should entertain an offer from Ms. DeFabritis. If this offer is reasonable, then it would be my recommendation for the Common Council to declare these two parcels surplus and accept the offer of Ms. DeFabritis. The total amount due in taxes as of the bid that was solicited was \$18,515.13.

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb

24-Sept



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
**DIRECTOR OF PLANNING**

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Interest in Purchasing City-Owned Property by Diane DeFabritis  
Assessor Lots # E17059, E17060 Ye Olde Road  
Item 24, September Common Council Meeting

The properties for which interest has been expressed are located on Ye Olde Road. They have been identified as Tax Assessor Lots # E17059 and E17060. Both were identified on the City's "List of Surplus Properties" which were offered for sale late last year and again in the spring of 1999. At the last bid opening on May 25, 1999, there were no offers to purchase these properties.

If this resident desires to purchase the properties, the City should move swiftly on the request. Otherwise, we understand they will be re-bid early next year. There is no foreseeable municipal need for these properties.





# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

26-Sept

34

ENGINEERING DEPARTMENT  
(203) 797-4641  
FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.  
ACTING CITY ENGINEER

September 10, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

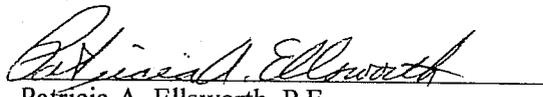
Road Widening Strip  
The Isabelle T. Farrington Living Trust Subdivision  
Joe's Hill Road

The August 20, 1999 request by Attorney James P. Lundy II that the City accept the road widening strip associated with the above noted subdivision was referred to my office for a thirty day report (reference Item 26 of the September 1999 Common Council minutes).

It is the recommendation of this department that the City of Danbury accept this road widening strip.

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

Very truly yours,

  
Patricia A. Ellsworth, P.E.  
Acting City Engineer

C: William Buckley, Jr., P.E.  
Dennis Elpern  
Eric L. Gottschalk, Esq.



26 - Sept



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
**DIRECTOR OF PLANNING**

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Offer of Dedication for Road Widening Strip by Farrington Living Trust  
Joe's Hill Road  
Item 26, September Common Council Meeting

The requirement of the offer of dedication of this road widening strip was part of the subdivision approval of the Isabelle T. Farrington Living Trust. I recommend this offer of dedication be accepted.



26-Sept



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

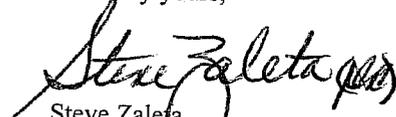
Re: 8-24 Referral – 26 – Road Widening Strip – Joe’s Hill Road

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned a positive recommendation for the road widening strip at Joe’s Hill Road.

The motion was made by Mr. Manuel seconded by Mr. Malone and passed with “ayes” from Commissioners Manuel, Malone, Parker, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc



38 Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

35

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

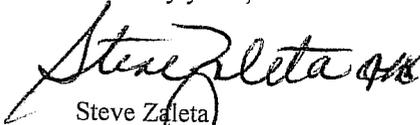
Re: 8-24 Referral – 38 – Offer to sell land on Miry Brook Road and Old Sugar Hollow Road to the City of Danbury

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned for a negative recommendation for the offer to sell land on Miry Brook Road and Old Sugar Hollow Road to the City of Danbury.

The motion was made by Mr. Parker seconded by Mr. Malone and passed with "ayes" from Commissioners Parker, Malone, Manuel, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc



# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT  
P.O. BOX 2299  
DANBURY, CT. 06813-2299

AIRPORT ADMINISTRATOR  
PAUL D. ESTEFAN  
(203) 797-4624

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

September 29, 1999

Dear Mayor Eriquez and Common Council Members:

Offer to Sell Property  
Miry Brook Road and Old Sugar Hollow Road

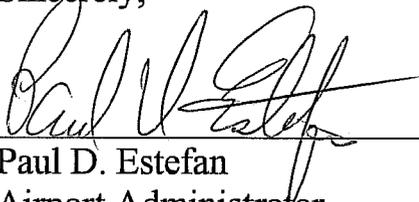
I have reviewed the request submitted by A.J. Bernard concerning the offer to sell property on Miry Brook Road and Old Sugar Hollow Road. I forward the request to the FAA for their review on this parcel of property.

I've enclosed a letter from Gail Lattrell, airport Planner of the FAA. She stated that; "acquiring the property depicted in the drawings you sent would not be a practical investment for the City at this time, given the other very high priority projects that face the airport. The obstructed approaches to the primary runway, 8/26, are still in need of clearing and the airport does not as yet have the right to maintain standard 20-1 approach slopes.

In light of the F.A.A. response that the clearing of our approaches is a high priority right know and I also agree with the City Engineer's report that a further study of the property for use as water control would be in order.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Estefan", written over a horizontal line.

Paul D. Estefan  
Airport Administrator

cc: file

September 22, 1999

Mr. Paul Estefan  
Airport Manager  
Danbury Municipal Airport  
Danbury, Connecticut 06813

Dear Mr. Estefan:

Thank you for your inquiry on September 17, 1999, concerning the eligibility of acquiring property in the approach to Runway 17-35. Acquiring the property depicted in the drawings you sent would not be a practical investment for the City at this time, given the other very high priority projects that face the airport. The obstructed approaches to the primary runway, 8-26, are still in need of clearing and the airport does not as yet have the right to maintain standard 20:1 approach slopes.

The location of the property in the approach to Runway 35 would certainly not be a location where we would want to see ponds "restocked", any additional "ponds" or other waterfowl attractants. As you know, waterfowl in the vicinity of the airport can create a hazard to safe aircraft operations. As you are keenly aware, the retention pond on the Mall property in the Runway 17 approach continues to present a challenge to safe airport activity. We certainly do not want to face a similar problem at the Runway 35 end.

I have attached a copy of the Advisory Circular 150/5200-33-Hazardous Wildlife Attractants on or Near Airports. Please consider the airports high priority clearing projects so you can best protect the operational efficiency of the airport.

Please feel free to call me at any time.

Sincerely,

Gail Lattrell  
Airport Planner



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

September 22, 1999

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Offer of property  
Miry Brook Road and Old Sugar Hollow Road  
A. J. Bernard

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report regarding the above referenced item. In addition to this report, the Council will also receive reports from the Planning Commission, the Director of Planning, the Director of Finance, the Airport Administrator and the Acting City Engineer. This referral arises as a result of an offer of property located adjacent to the city tree farm in the vicinity of the Danbury municipal airport.

If, after reviewing staff recommendations and giving Mr. Bernard's offer its consideration, the Common Council wishes to acquire this property, state law and the Danbury Municipal Charter authorize it to do so. A majority vote will suffice, provided that the Planning Commission issues a report giving a positive recommendation, otherwise a two-thirds vote is required. I suggest that all essential terms of the transaction be decided prior to the Council's vote.

Sincerely,

Eric L. Gottschalk  
Corporation Counsel

ELG/msm

38-Sept



38-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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## M E M O R A N D U M

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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** September 14, 1999  
**Re:** **ITEM #38, MIRY BROOK ROAD AND OLD SUGAR HOLLOW ROAD,  
COMMON COUNCIL AGENDA 9/8/99**

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Per the request of Mr. A. J. Bernard made at the September 8, 1999 Common Council meeting, it would be my suggestion that the Aviation Commission and Airport Administrator Paul Estefan determine whether or not this parcel of property is something that the FAA would be interested in co-funding in the form of a grant. Of course, if a grant was approved from both the State and the Federal Government, the City share would be substantially reduced. Perhaps, first and foremost, would be to obtain more specifics from Mr. Bernard relating to the proposed asking price for this property.

Should you need any additional information, feel free to give me a call.

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb



38-547

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
**DIRECTOR OF PLANNING**

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Offer to Sell Land to the City by A. J. Bernard  
Miry Brook Road  
Item 38, September Common Council Meeting

I have reviewed the offer by A. J. Bernard to sell approximately 21.6 acres of land located off of Miry Brook Road to the City of Danbury. At this time, I do not foresee a need for this property acquired by the City for open space purposes. The Director of the Department of Parks, Recreation and Forestry also concurs with this assessment.

Prior to action of the Common however, I would recommend this offer be forwarded to the City of Danbury Conservation Commission for input.



38

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT

(203) 797-4641

FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.

ACTING CITY ENGINEER

September 24, 1999

✓ Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Offer to Sell Property

Miry Brook Road and Old Sugar Hollow Road

At the September 8, 1999 Common Council meeting the August 23, 1999 offer by A. J. Bernard to sell to the City approximately 21 acres of land at the above noted location was forwarded to this office for a thirty day report (reference Item 38 of the meeting minutes).

The land being offered is made up of four parcels – Tax Assessor's Lot Nos. F19012, G19016, G19017 and G19010). Copies of the Tax Assessor's cards for these four parcels are enclosed for your reference. Also enclosed is a copy of a portion of the Tax Assessor's map for the area on which I have outlined the four parcels under consideration and noted the names of abutting property owners.

The parcel is bounded on the north by land of the City of Danbury a portion of which lot is presently being used as the City's tree farm. According to Richard Murray of the Parks and Recreation Department, that department has no plans at this time to expand the City's tree farm.

Enclosed for your reference are copies of sections of the FEMA floodplain map and City wetlands map for the area. Significant portions of the parcels of land in question seem to fall within 100 year floodplain and wetlands areas.

In 1986 a proposal was made to construct office buildings on this site. An Army Corps of Engineers permit was required for this work. The developer's application for a permit was denied by the Army Corps based on the net environmental effects of the proposed project. A copy of the September 19, 1986 Army Corps of Engineers evaluation is enclosed for your reference.

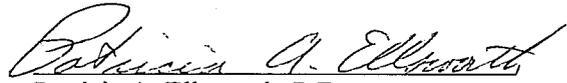
I have discussed this proposal with City Coordinator of Environmental & Occupational Health services Jack Kozuchowski. He does not feel that acquisition of this property for City open space purposes is a high priority.



The use of this property for water control purposes would require analyzes beyond the capabilities of this office. The impact of the proposed Route 7 improvements would have to be included in such a study.

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

Very truly yours,



Patricia A. Ellsworth, P.E.

Acting City Engineer

Encl.

C: William Buckley, Jr., P.E., with encl.  
Eric L. Gottschalk, Esq., with encl.  
Dennis Elpern, with encl.  
Paul Estefan, with encl.  
Jack Kozuchowski, with encl.  
Robert Ryerson



REAL ESTATE RECORD DANBURY, CONNECTICUT										RESIDENTIAL									
FRONT		243		REAR		AV. DEPTH		LAND DATA AND COMPUTATIONS											
LAND DATA		SIZE		RATE		SUB TOTAL		ADJ. FACTOR		TOTAL		INFLUENCE FACTOR		LAND VALUE		ASSESSMENT		BOARD OF TAX REVIEW	
1 PRIMARY SITE																			
2 SECONDARY SITE																			
3 RESIDUAL																			
4 FR. ACRES																			
5 REAR ACRES		*		4.8		9750													
TOTAL		4.8 ac										-		46800		32800			
										LAND TOTAL		46800		32800					

BUILDING SUMMARY																							
OCCUPANCY		CONSTRUCTION		SIZE		RATE		COND.		AGE		GRADE		BASE VALUE		DEP.		ACT. VALUE		ASSESSMENT		BOARD OF TAX REVIEW	
DWLG.										ERECT.		REMOD.				PHYS.		F/E					
1																							
2																							
3																							
4																							
5																							

STORY HEIGHT										ROOFING				PLUMBING				S. F. L. A.		BUILDING TOTAL									
0		2.0		SHINGLE		WD. SHGLE.		BATH ROOM				LAND & BLDG. TOTAL																	
5		2.5		SLATE		TILE		ST. SHOWER BATH				ADDITIONAL FEATURES																	
75		3.0		TAR/GRAV.				ST. SHOWER EXT.				1. TRIM																	
STYLE		ROOF TYPE		TOILET ROOM				2. F. B. A.																					
RANCH		R/RANCH		GABLE		HIP		LAV. EXTRA				3. F. P.																	
LEVEL		CAPE COD		FLAT		MANSARD		W. C. EXTRA				4. BSMT. GAR.																	
COLONIAL		OLD STYLE		GAMBREL				SINK				5. UNFIN. AREA (-) %																	
TEMP.				FLOORS										6. AIR COND.															
BASEMENT				CONC.				TOTAL FIXT.				DWELLING COMPUTATIONS																	
ONE		3/4		LINO.		ATTIC				--- ● --- STORY F M																			
4		FULL		HD. WD.		FINISHED				BASE																			
2				TILE		UNFINISHED				S.F.																			
CONSTRUCTION				CARPET		DORMER				ROOMS																			
NAME		BRICK		HEATING				BSMT.		BASEMENT																			
EXTERIOR WALLS				HOT AIR		1ST		HEATING																					
SINGLE				HOT WATER		2ND		PLUMBING																					
APBOARD				STEAM		3RD		ATTIC																					
CK				OIL		REMODELING				OTHER FEATURES																			
ONE				COAL		EXTERIOR				ADDITIONS																			
JM/VINYL				GAS		INTERIOR																							
RTICAL				ELECTRIC		KITCHEN																							
				HEAT PUMP		BATH ROOMS				LWR 1ST 2ND 3RD AREA POINTS LWR 1ST 2ND 3RD AREA POINTS																			
				AIR COND.		OTHER				TOTAL GRADE																			
FIREPLACE						CDU				TOTAL																			
CKS				COND.		E G F P		EX VG G AV		C & D FACT. %																			
ININGS				LAYOUT		G AV. P		FR PR VP UN		REPL. COST																			
TOTAL ADDITIONS																													

V.L. \* swamp

SIDE W	CARD 4	STREET #	OLD SUGAR HOLLOW ROAD					134 East Ave. Norwalk, Ct. 06851	CARD NO.	_ OF _
MAP/LOT G19010	TC MAP 7291	TC LOT 13L-1	ZONING IL-40	AREA BASIC	WATER NO	SEWER NO	NBHD			

RECORD OF TRANSFER	VOLUME	PAGE	DATE	STAMPS	PRICE	SUMMARY				
OLD SUGAR HOLLOW ROAD ASSOCIATES INC. & FLAHERTY, THOMAS A TRUSTEE	682	901	7-18-83			YR.	UNIT	CODE	ASSESS.	
						1987	LAND	3.7	5-3	24500
							DWLG.			
							OUT B.			
							COMM.			
							IND.			
						EX ACRE				
						TOTAL			24500	
						19	LAND			
							DWLG.			
							OUT B.			
							COMM.			
							IND.			
						EX ACRE				
						TOTAL				
						19	LAND			
							DWLG.			
							OUT B.			
							COMM.			
							IND.			
						EX ACRE				
						TOTAL				
						19	LAND			
							DWLG.			
							OUT B.			
							COMM.			
							IND.			
						EX ACRE				
						TOTAL				

REMARKS

BUILDING PERMITS		
NUMBER	DATE ISSUED	C/O ISSUED

INSPECTION						
INSPECTION WITNESSED BY						DATE
STATE LISTING CODES						
RES.	COMM.	IND.	UTILITY	V. L.	USE (PA 490)	
1-1 LOT	2-1 LAND	3-1 LAND	4-1 LAND	5-1 RES.	6-1 FARMS	
1-2 EXC. AC.	2-2 BLDG.	3-2 BLDG.	4-2 BLDG.	5-2 COMM.	6-2 FOREST	
1-3 DWELL.	2-3 APT.	3-3 IMP. YD.	4-3 O. B.	5-3 IND.	6-3 OPEN SPACE	
1-4 O. B.	2-4 CONDO			5-4 WETLANDS	6-4 O. B.	
1-5 CONDO	2-5 O. B.			5-5 O. B.		

LISTED		REVIEWED	
DATE	BY	DATE	BY

FRONT	REAR	AV. DEPTH	LAND DATA & COMPUTATIONS							
LAND DATA		SIZE	RATE	SUB TOTAL	ADJ. FACTOR	TOTAL	INFLUENCE FACTOR	LAND VALUE	ASSESSMENT	BOARD OF TAX REVIEW
1 PRIMARY SITE		21.00	150000				-90	15000	10500	
2 SECONDARY SITE										
3 RESIDUAL										
4 FR. ACRES										
5 REAR ACRES		2.66	75000				-90	20,000	14000	
TOTAL	3.66 AC							35,000	24500	

BUILDING SUMMARY															
OCCUPANCY	CONSTRUCTION	SIZE	RATE	COND.	ERECT.	AGE	REMOD.	GRADE	BASE VALUE	PHYS.	DEP.	F/E	ACT. VALUE	ASSESSMENT	BOARD OF TAX REVIEW
1															
2															
3															
4															
5															

ROOFING										COMMERCIAL BUILDING DATA & COMPUTATIONS										BUILDING TOTAL	
COMPOSITION OR T&G		SCHEDULE		A			B			SPECIAL FEATURES		LAND & BLDG. TOTAL									
METAL		EXTERIOR WALL		BR	FR	MTL	BR	FR	MTL												
WOOD		EFF. PERIMETER				L/F			L/F												
SHINGLE		PER. AREA RATIO																			
		NO. OF UNITS																			
FRAMING	B	1	2	AVG. UNIT SIZE																	
WOOD JOIST		BSMT. SIZE																			
FIRE RESIST.		HT.				HT.															
FIRE PROOF		BASEMENT																			
FLOORS		FIRST																			
CONCRETE		SECOND																			
WOOD																					
TILE																					
CARPET																					
		BASE PRICE								TOTAL SPEC. FEAT.											
USE TYPE		SPECIAL USE								ADDITIONS											
RETAIL STORE		AIR COND.																			
DISC. STORE		HEATING																			
DEPT. STORE		PLUMBING																			
REST./LOUNGE		SPRINKLER																			
AUTO SHOW.		INT. FINISH																			
OFFICE		PARTITIONS																			
BANK																					
APT.																					
HOTEL/MOTEL										TOTAL ADDITIONS											
THEATER		SF/CF PRICE								FLAT ITEMS											
UTIL. STOR.		AREA/CUBE																			
WAREHSE.		SPL. FEATURES																			
LT. MANUF.		ADDITIONS																			
HVY. MANUF.		SUB TOTAL																			
PARKING GAR.		GRADE FACTOR																			
ABANDONED		SUB TOTAL																			
RESIDENTIAL		FLAT ITEMS																			
SPRINKLER		BASE VALUE								TOTAL FLAT ITEMS											
W D O		PLUMBING			B	1	2	PARTITIONS			B	1	2	MEMORANDUM							
HEAT/A.C.		NORMAL						NORMAL													
HEATING N C U		EXCESSIVE						EXCESSIVE													
AIR COND. N C U		MINIMAL						MINIMAL													

VL Swampy



FRONT		REAR		AV. DEPTH		LAND DATA & COMPUTATIONS													
LAND DATA		SIZE		RATE		SUB TOTAL		ADJ. FACTOR		TOTAL		INFLUENCE FACTOR		LAND VALUE		ASSESSMENT		BOARD OF TAX REVIEW	
1 PRIMARY SITE		2.00		15000				-		30000		- 90		30000		21000			
2 SECONDARY SITE																			
3 RESIDUAL																			
4 FR. ACRES																			
5 REAR ACRES		6.66		75000						499500		- 90		56000		35000			
TOTAL		7.66 AC												80,000		56000			

BUILDING SUMMARY														LAND TOTAL													
OCCUPANCY		CONSTRUCTION		SIZE		RATE		COND.		ERECT.		REMOD.		GRADE		BASE VALUE		PHYS. DEP.		F/E		ACT. VALUE		ASSESSMENT		BOARD OF TAX REVIEW	
1																											
2																											
3																											
4																											
5																											

ROOFING										COMMERCIAL BUILDING DATA & COMPUTATIONS										BUILDING TOTAL	
COMPOSITION OR T&G										SCHEDULE										LAND & BLDG. TOTAL	
METAL										EXTERIOR WALL											
WOOD										EFF. PERIMETER											
SHINGLE										PER. AREA RATIO											
FRAMING										NO. OF UNITS											
WOOD JOIST										AVG. UNIT SIZE											
FIRE RESIST.										BSMT. SIZE											
FIRE PROOF										BASEMENT											
FLOORS										FIRST											
CONCRETE										SECOND											
WOOD																					
TILE																					
CARPET																					
USE TYPE										SPECIAL USE										TOTAL SPEC. FEAT.	
RETAIL STORE										AIR COND.										ADDITIONS	
DISC. STORE										HEATING											
DEPT. STORE										PLUMBING											
REST./LOUNGE										SPRINKLER											
AUTO SHOW.										INT. FINISH											
OFFICE										PARTITIONS											
BANK																					
APT.																					
HOTEL/MOTEL																					
THEATER										SF/CF PRICE										TOTAL ADDITIONS	
UTIL. STOR.										AREA/CUBE										FLAT ITEMS	
WAREHOUSE										SPL. FEATURES											
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ABANDONED										SUB TOTAL											
RESIDENTIAL										FLAT ITEMS											
SPRINKLER										BASE VALUE										TOTAL FLAT ITEMS	
W D D										PLUMBING										MEMORANDUM	
HEAT/A.C.										NORMAL											
HEATING N C U										EXCESSIVE											
AIR COND. N C U										MINIMAL											
										V-L Swampy											







REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW ENGLAND DIVISION, CORPS OF ENGINEERS  
424 TRAPELO ROAD  
WALTHAM, MASSACHUSETTS 02254-9149

September 19, 1986

RECEIVED

SEP 22 1986

Engineering Dept.

Regulatory Branch  
NEDOD-R-12

City of Danbury  
ATTN: Ms. Patricia Ellsworth  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Dear Ms. Patricia Ellsworth:

We have evaluated all factors affecting the public interest regarding application by Old Sugar Hollow Associates, Inc. for a Department of the Army permit.

Based on our authority as prescribed by various Federal laws and regulations, the Division Engineer has denied the permit. A Statement of Findings and Environmental Assessment summarizing the major factors affecting this decision are enclosed.

Sincerely,

*Chris Godfrey*  
Christine A. Godfrey  
Project Manager  
Regulatory Branch  
Operations Division

Enclosure

The wetland complex is the last remaining wetland complex on Kissen brook and plays an important function in water quality renovation of runoff from the existing Route 7 corridor. This function is extremely important in light of the Route 7 expansion and enormous secondary development occurring.

A portion of the property which was filled many years ago is currently used as a dumping area and has broken asphalt and other debris accumulated on it. This does not appear to diminish the high quality of the wetland however.

6. Relationship to existing uses: The project will convert a productive open wetland/water system to a developed office and commercial business complex.

7. Alternatives:

1. The applicant's agent makes a general statement that he doesn't know of any suitable areas in Danbury to construct this project and since his client already owns this property, the cost of relocating would be more expensive than utilizing this property.

2. The applicant's agent admits that there has been little consideration given to alternative designs because the present configuration is the result of a lengthy court settlement.

8. The following checklist summarizes the anticipated impacts of the proposed project. On weighing the various factors, the net environmental effects are considered to be significant.

EFFECTS ON PUBLIC INTEREST FACTORS:

	+ Beneficial	- Adverse	0 Negligible Effect
- Water Quality		- Benthic Flora & Fauna	0 Land Use Classification
- Wetlands	0 Conservation		0 Water Supply
0 Navigation	0 Recreation		0 Food Production
- Flooding	0 Historical		0 Energy Needs
+ Economics	- Drainage		0 Air Quality
- Aesthetics	0 Circulation Patterns		0 Noise
- Wildlife	0 Erosion/Accretion		0 Safety
- Finfish/Plankton			0 Other

EVALUATION OF AFFECTED PUBLIC INTEREST FACTORS:

COMMENTS FACTOR	Adverse -		ANTICIPATED EFFECT Beneficial +  INCLUDING POSSIBLE CUMULATIVE EFFECTS
	SHORT TERM	LONG TERM	
Water Quality/ Wetland	-	-	Construction activities may adversely impact the water quality in Kissen Brook and Wolf's Pond. The loss in wetlands will cause a direct loss in fish and wildlife habitat and will reduce the flood storage capacity of the area. The filling of the wetlands will also greatly lessen their capacity to trap and retain sediment and other pollution from existing urban runoff.
Flooding		-	The flood storage capacity of the wetland system will be reduced. Serious drainage problems at Danbury airport and flooding on the Still River may be compounded.
Economics		+	The project would increase the economic value of the property.

Aesthetics

-

The last remaining wetland complex on Kissen Brook will be severely altered.

Wildlife/  
Finfish

-

-

The project will permanently eliminate 8.7 acres of productive bird and wildlife habitat and temporarily affect fish in the pond and brook.

Benthic Flora/  
Fauna

-

500' of Brook and 1.6 of pond substrate will be eliminated.

Drainage

-

The project has been designed to divert runoff directly into the pond since the attenuation capacity of the wetland will be greatly reduced. Natural drainage patterns will be altered and the water quality of the pond will be adversely impacted.

9. Findings:

- a. A state permit has not been issued.
- b. State water quality certification has not been issued.
- c. Approval from the Danbury Environmental Impact Commission was issued on April 113, 1986.
- d. A public notice adequately describing the proposed work was issued on June 26, 1986 and sent to all known interested parties. All comments received are noted below and have been evaluated and are included in our administrative record of this action.
  1. The project was discussed at a joint processing meeting on July 30, 1986. NMFS recommended denial of the project due to unnecessary loss of a productive aquatic resource.
  2. EPA submitted a comment letter dated 8/12/86 which recommended denial of the project due to availability of alternative upland sites to fulfill the project purpose and the significant adverse impact on the aquatic ecosystem.
  3. The USFWS submitted a letter dated August 7, 1986 which recommended denial of the project due to loss of productive fish and wildlife habitat, increased runoff and sediment loads to Kissen Brook and the availability of alternative upland sites to fulfill the project purpose.
  4. A letter dated July 16, 1986 was received from the Federal Aviation Administration citing the requirement for the applicant to file a notice of intent with them so they can assess any impacts on the municipal airport.
  5. A letter dated July 9, 1986 was received on behalf of the Danbury Municipal Airport citing concerns about drainage and interference with the airport from the proposed project.
  6. A letter dated July 28, 1986 was received from the City of Danbury Engineering Department citing concerns about the impact of the project on flooding of downstream properties particularly the municipal airport and city tree farm.

7. A comment letter on behalf of the Connecticut Conservation Association was received citing serious concerns about the loss of a valuable wetland complex and the project's impacts on fish and wildlife habitat, water quality in Kissen Brook and loss in flood storage capacity. The commission requested a public hearing on the project.

d. General Evaluation:

1. The applicant has owned the property for many years and has tried, unsuccessfully, to obtain Federal and State permits for the project several times.

2. Public and Private Need: No documentation supporting the public need for the project was provided. The only apparent benefit would be the applicant's economic gain.

3. Alternatives: The applicant has not made a serious search for alternative upland sites for this non-water dependent project. The applicant's agent stated that the applicant already owns the property and the cost of relocating would be more expensive than utilizing this property. The applicant's agent further stated that little consideration was given to alternate designs on site because the present configuration is the result of a court settlement with the Danbury Environmental Impact Commission.

4. Beneficial and Detrimental Impacts: The benefit of this proposal, the application's economic gain, does not outweigh the detrimental effect of the permanent loss of 8.7 acres of high quality wetland and the adverse impacts to Kissen Brook and Wolf's Pond. This wetland system is the last remaining wetland complex on Kissen Brook. The wetland system represents high quality habitat for fish, birds and wildlife. The wetland also functions to store water and filter out pollutants carried by urban runoff in the area. These functions are even more important in light of the Route 7 upgrade and associated development now occurring. The loss of these functions and values exhibited by this wetland system could result in adverse cumulative impacts on the Kissen Brook/Wolf Pond aquatic resources.

The applicant has failed to demonstrate that this project will not adversely impact the Danbury Municipal airport by encroachment into the airspace and loss of flood storage capacity upstream. The airport and Still River downstream are currently experiencing drainage and flooding problems which must not be compounded.

e. Application of 404(b) guidelines: The final guidelines of the Environmental Protection Agency for the discharge of fill or dredged material (40 CFR 230) as published in the Federal Register, dated 24 December 1980, have been applied in evaluating this permit application. The proposal is a non-water dependent fill in a special aquatic site and does not comply with the restrictions on discharges found in Section 230.10. The 404 (b) (1) guidelines contain a presumption that practicable alternatives to non-water dependent fills exist which would have less adverse impacts on the aquatic environment. The guidelines require the applicant to rebut this presumption by clearly demonstrating such alternatives do not exist. Failure to do this results in noncompliance with the requirements of the guidelines and the permit must be denied. This project has been found not to comply with the guidelines since the applicant has not clearly demonstrated, that alternatives do not exist.

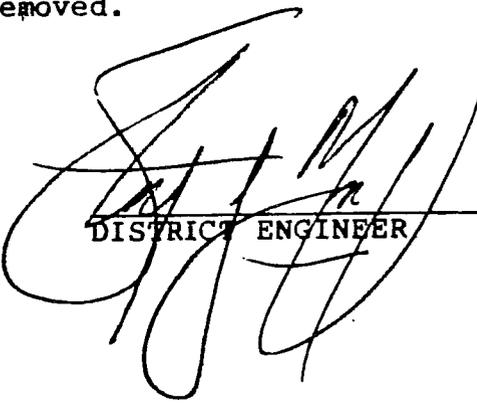
f. Summary & Conclusion:

1. Title 33 CFR, Part 320.4(a) provides that the decision whether to issue a permit will be based on an evaluation of the probable impact of the activity and its intended use on the public interest. The decision should reflect the national concern for both protection and utilization of important resources.

2. The main objective of the proposed activity is not dependent on being located in or in close proximity to the water resources. The benefits desired could be achieved by alternate site selection which would alleviate or minimize fill in wetlands. There is no convincing evidence that alternatives were pursued. The public need for this project has not been documented; it would presumably benefit only the applicant. Detrimental effects would be shared by the public in an incremental degradation of the waters and wetlands.

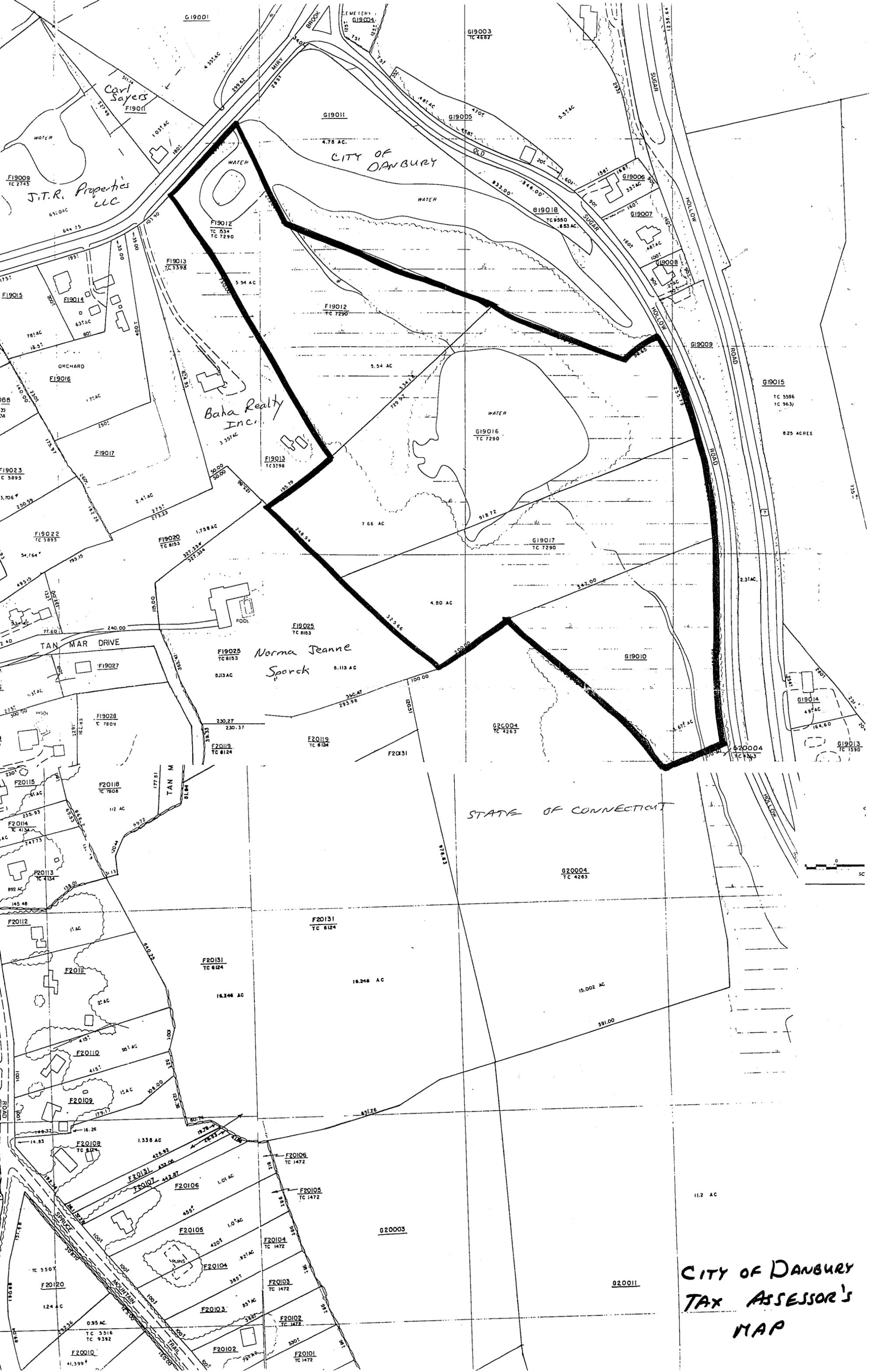
10. I find that based on the evaluation of environmental effects discussed in this document, the decision on this application is not a major Federal action significantly affecting the quality of the human environment. Hence, an environmental impact statement is not required.

11. I have considered all factors affecting the public interest. In particular, this project will cause a direct loss of the aquatic resource resulting in adverse impacts on aesthetics, fish and wildlife habitat, flood storage and water quality. The benefits of the project do not outweigh the adverse environmental impacts. Furthermore, this project fails to comply with the 404(b)(1) Guidelines (40 CFR 230.10) with respect to practicable alternatives. After weighing favorable and unfavorable effects as discussed in this document, I find that this project is contrary to the public interest and that a Department of the Army permit should be denied and the unauthorized material removed.



DISTRICT ENGINEER

16 Sep 86  
DATE



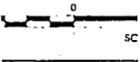
Carl Sayers  
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CITY OF DANBURY

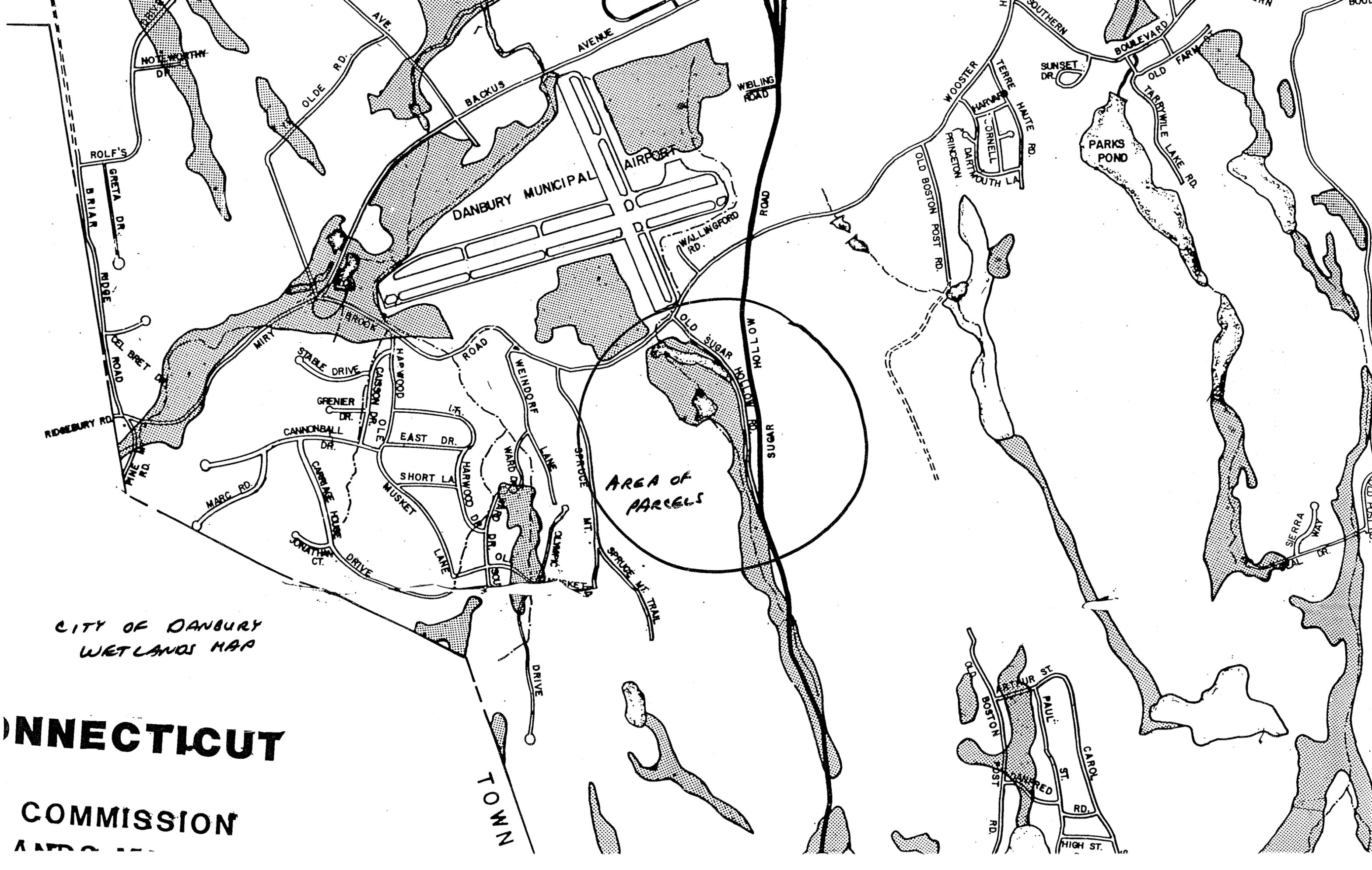
Baha Realty  
Inc.

Norma Jeanne  
Sparck

CITY OF DANBURY  
TAX ASSESSOR'S  
MAP







CITY OF DANBURY  
WETLANDS MAP

**CONNECTICUT**  
**COMMISSION**  
AND...

DANBURY MUNICIPAL AIRPORT

AREA OF PARCELS

TOWN

PARKS POND

OLD BOSTON POST RD.  
PAUL ST.  
CAROL RD.  
HIGH ST.



42-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

36

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 8-24 Referral – 42 – Wayne Kompare – Offer to sell property at – 178 Middle River Road – to the City of Danbury

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned for a negative recommendation for the offer of Wayne Kompare to sell property at 178 Middle River Road to the City of Danbury.

The motion was made by Mr. Parker seconded by Mr. Manuel and passed with "ayes" from Commissioners Parker, Manuel, Malone, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc



42-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
DIRECTOR OF PLANNING

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Offer to Purchase Property of Wayne Kompare by Cohen & Wolf, P.C.  
Middle River Road  
Item 42, September Common Council Meeting

I have reviewed the correspondence submitted by Attorney Neil Marcus regarding the offer to purchase the property of Wayne Kompare. I recommend that Council reject this offer as the City has no need to acquire this property.



42-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT

(203) 797-4641

FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.

ACTING CITY ENGINEER

September 21, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Request that City Purchase Property  
178 Middle River Road - Wayne Kompare

At the September 8, 1999 Common Council meeting, the August 30, 1999 request by Attorney Neil R. Marcus that the City purchase the above noted property was referred to my office for a thirty day report (reference Item 42 of the meeting minutes).

The parcel in question is a portion of Tax Assessor's Lot No. C09019. A copy of the section of the Tax Assessor's map showing this lot is enclosed for your reference. The Tax Assessor's map shows the full 8.641 acre parcel. Also enclosed is a copy of the Tax Assessor's card for this property. The card indicates that the full 8.641 acre parcel is now owned by Patricia A. Puglia.

This is the extent of the information I can present to you. I assume that more detailed information will be provided by Corporation Counsel Eric L. Gottschalk and Planning Director Dennis Elpern.

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

Very truly yours,

Patricia A. Ellsworth, P.E.

Acting City Engineer

Encl.

- C: William Buckley, Jr., P.E.
- Eric L. Gottschalk, Esq., with encl.
- Dennis Eleprn, with encl.
- Dominic Setaro, Jr., with encl.









# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

PLEASE REPLY TO:

83 Wooster Heights  
DANBURY, CT 06810

(203) 743-2721

September 28, 1999

Christopher Setaro, Esq.  
President  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Petition of Wayne Kompare  
178 Middle River Road  
Danbury, Connecticut

Dear Mr. Setaro:

A petition by Wayne Kompare ("Kompare"), owner of property at 178 Middle River Road, Danbury, Connecticut (the "Petition") was made to the Common Council on September 8, 1999, by letter of Attorney Neil Marcus dated August 30, 1999, attached as Exhibit I ("Marcus Letter"). The Petition has been referred to this firm, as Assistant Corporation Counsel, for comment. The Petition requests that the City purchase Mr. Kompare's property for \$125,000.00, its alleged fair market value.

The Marcus Letter attaches and refers to a Memorandum of Decision by Judge Dale Radcliffe dated July 8, 1999 (the "Decision") in an administrative appeal entitled Wayne Kompare v. Planning Commission of the City of Danbury. This firm represented the Planning Commission. Mr. Kompare appealed in that case from a Planning Commission decision denying Mr. Kompare's request for a resubdivision and waiver of three sections of the Subdivision Regulations. Judge Dale Radcliffe upheld the Planning Commission decision.

Christopher Setaro, Esq.  
September 28, 1999  
Page 2

The Marcus Letter suggests that the Planning Commission's decision, as affirmed by the Superior Court, results in a "regulatory taking" of Mr. Kompare's property. Therefore, the Marcus Letter says, if the City does not purchase the Kompare property, a lawsuit will be instituted based upon a regulatory takings claim.

The Decision's reference to Kompare's takings claim is found at page 10 where the Court noted that, because Mr. Kompare did not properly present a takings claim, the Court would not rule on it. The Decision further states simply that "under appropriate circumstances" the status, size, and location of Kompare's property "might" give rise to a takings claim. The Court refused to speculate on whether any such claim would have merit.

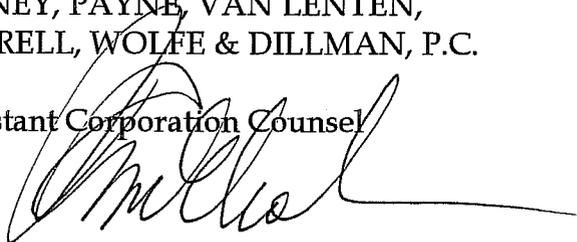
It is impossible to speculate on the outcome of any future lawsuit by Mr. Kompare against the City based upon a claim of a regulatory taking. Suffice it to say that the City would have defenses to such an action based on case law, the factual underpinnings of Mr. Kompare's case, and other circumstances under which his takings claim might be made. At this time, it is clear that appropriate circumstances do not exist for such a claim.

Please feel free to contact us should you require further information.

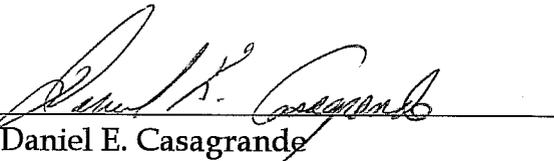
Very truly yours,

PINNEY, PAYNE, VAN LENTEN,  
BURRELL, WOLFE & DILLMAN, P.C.

Assistant Corporation Counsel

By 

Kim E. Nolan  
Vice President

By 

Daniel E. Casagrande  
Vice President

KEN/ckd

Attachments

F:\Docs\KEN\cod9922.ltrkompare

COHEN AND WOLF, P. C.  
ATTORNEYS AT LAW

HERBERT L. COHEN  
(1928-1983)

AUSTIN K. WOLF  
MARTIN F. WOLF  
RICHARD L. ALBRECHT  
JONATHAN S. BOWMAN  
IRVING J. KERN  
MARTIN J. ALBERT  
STEWART L. EDELSTEIN  
NEIL R. MARCUS  
DAVID L. GROGINS  
GRETA E. SOLOMON  
ROBIN A. KAHN  
RICHARD G. KENT  
RICHARD BLAVIN

DANIEL S. NAGEL  
RICHARD J. DI MARCO  
DAVID B. ZABEL  
MARK A. KIRSCH  
DAVID M. LEVINE  
JOSEPH S. WALSH  
DAVID A. BALL  
JOCELYN B. HURWITZ  
STUART M. KATZ  
MONTE E. FRANK  
PATRICIA C. SULLIVAN  
VINCENT M. MARINO  
MAURA T. KEHOE

SPECIAL COUNSEL  
G. KENNETH BERNHARD

OF COUNSEL  
ROBERT J. ASHONS  
STUART A. EPSTEIN  
JACK E. MCGREGOR

115 BROAD STREET  
P. O. BOX 1881  
BRIDGEPORT, CONNECTICUT 06607-1881  
TELEPHONE (203) 388-0211  
FACSIMILE (203) 878-8804

42

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810  
TELEPHONE (203) 792-3771  
FACSIMILE (203) 791-8149

190 MAIN STREET  
WESTPORT, CONNECTICUT 06880  
TELEPHONE (203) 282-1034

112 PROSPECT STREET  
STAMFORD, CONNECTICUT 06904  
TELEPHONE (203) 384-8807  
FACSIMILE (203) 878-8804

August 30, 1999

PLEASE REPLY TO Danbury

WRITERS DIRECT DIAL: (203) \_\_\_\_\_

Mr. Christopher Setaro, President  
Common Council of the City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

RE: Wayne Kompore, 178 Middle River Road, Danbury

Dear Chris:

WE represent Wayne Kompore who owns a parcel of 5.7 acres on Middle River Road which has been the subject matter of a recent decision by the Superior Court in Danbury upholding the decision of the Planning Commission to disallow the use of the property as a building lot. I am enclosing herewith a copy of Judge Radcliffe's decision since it spells out a great deal of the history of this parcel. I draw your attention particularly to the last paragraph on page 10 of the Judge's decision which, in part, has prompted the necessity for this petition to the Common Council of the City of Danbury.

In the administrative appeal before the Superior Court we raised the issued on behalf of the plaintiff that the action of the Planning Commission essentially landlocked the property which renders it useless for any economic purpose. This was recognized in the Judge's decision since we did not pursue an actual taking argument in the administrative appeal.

At this point it is our intention to pursue an action to recover the value of the property which has been denied any economic use. Prior to doing this, however, we are petitioning the City of Danbury on behalf of Wayne Kompore to purchase the property for its fair market value. We currently have an appraisal of the property indicating its worth to be \$125,000.00.

I would appreciate it if you would take this matter and refer it to the appropriate subcommittee of the Council for evaluation so that the City can either accept or decline the offer to sell prior to any further legal action on the issue of the taking as indicated in the decision of Judge Radcliffe:

COHEN AND WOLF, P. C.

August 30, 1999  
Page 2

I look forward to hearing from you concerning this at your earliest convenience.

Yours truly,



Neil R. Marcus

NRM/ad  
Enclosure  
Cc: Mr. W. Kompare

NO. CV99 - 0334313 S

WAYNE KOMPARE

SUPERIOR COURT

V.

JUDICIAL DISTRICT  
OF DANBURY

PLANNING COMMISSION OF THE  
CITY OF DANBURY

JULY 8, 1999

### MEMORANDUM OF DECISION

#### FACTS

The plaintiff, Wayne Kompare, brings this appeal from a decision of the defendant, Planning Commission of the City of Danbury, denying his request for a resubdivision of property requiring three waivers of provisions of the Danbury Subdivision Regulations.

The resubdivision application dated February 2, 1998 (ROR I-1A), requested approval of two lots, configured from an 8.687 acre parcel (ROR I-22).

The parcel, located in a RA-80 zone at 178 Middle River Road, is

1999 JUL - 8 11 00  
CITY OF DANBURY

owned by the plaintiff, Wayne Kompare (Exhibit 1), and has been owned by him at all times since the application was filed.

The resubdivision proposal necessitates three waivers of the requirements contained in Chapter 4 § B (11) of the subdivision regulations:

- (1) to permit the area of an accessway to be off a collector road (Middle River Road);
- (2) to permit an accessway in excess of 400 feet;
- (3) to permit an accessway less than 20 feet in width.

The Danbury Code prohibits accessways from collector roads.

Furthermore, an accessway in a RA-80 zone cannot be longer than 400 feet, or less than 20 feet wide (ROR I-19, p. 2; ROR I-1, p. 11).

The plaintiff's proposal (ROR I-22) calls for an accessway over 800 feet long and 16 feet wide.

Prior to the application for resubdivision, the plaintiff sought and received a variance from the Danbury Zoning Board of Appeals, permitting a variance of the zoning regulation requiring 20 feet as the width of an accessway (ROR I-2).

A public hearing concerning the request for waivers of the subdivision regulations was properly noticed (ROR I-9), and was conducted on March 18,

1998.

During the course of the hearing, Associate Planner, Nicholas Romaniello, reviewed the history of the parcel, including prior subdivision proposals and presented a staff report (ROR I-11).

The report acknowledged that an existing Lot C had been divided into two lots without the recording of a map or obtaining subdivision or resubdivision approval.

He recommended, however, that the commission approve the plaintiff's request, thus legitimizing and rectifying the prior transaction.

He recommended approving the requested waivers to Chapter 4 A B (11) of the Danbury Subdivision Regulations.

The waivers were sought consistent with Chapter 6 § F (1) of the Danbury Subdivision Regulations (ROR I-1, p. 27), pursuant to authority granted by § 8-26 of the Connecticut General Statutes.

Section 8-26 provides, in relevant part:

Such [subdivision] regulations may contain provisions whereby the commission may waive certain requirements under the regulations by a three-quarters vote of all the members of the commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the regulations shall specify the conditions under which a waiver may be considered and shall provide that

no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety.

The "super majority" requirement contained in the statute requires four members of a five member commission to vote in favor of granting a waiver.

On April 1, 1998, the commission voted 4-1 to reject the plaintiff's resubdivision application (ROR I-20, p. 13).

The April 1 vote was, however, reconsidered on April 15, 1998.

Following the vote to reconsider, the commission rejected a motion to approve the three waivers requested.

The motion was defeated with one in favor and two opposed (ROR I-21, p. 7).

The plaintiff appealed from the April 15, 1998 vote, and the appeal was returned to court (Docket No. CV98 - 0331797 S).

On October 19, 1998, at the request of the parties, the court approved withdrawal of the appeal, based upon a stipulation dated October 13, 1998.

The parties stipulated that the entire matter would be returned to the commission for reconsideration and a further vote (ROR II -1).

The commission considered the application during six meetings (ROR

II-5, 6, 7, 8, 9 and 10), and on December 16, 1998 voted to deny the resubdivision application by a 4-1 vote (ROR II-10, p. 3).

The specific reasons for the commission's decision were detailed in a resolution (ROR II-2, pp. 3-4).

The plaintiff has again appealed, claiming that the commission's decision is illegal, arbitrary, in abuse of the discretion vested in the commission by law, and not supported by the evidence in the record.

#### AGGRIEVEMENT

The plaintiff, Wayne Kompare, is the owner of the property which is the subject of the resubdivision application.

Aggrievement is a jurisdictional matter and a prerequisite for maintaining an appeal. Winchester Woods Associates v. Planning & Zoning Commission, 219 Conn. 303, 307 (1991). The question of aggrievement is one of fact. Hughes v. Town Planning & Zoning Commission, 156 Conn. 505, 508 (1968).

A party claiming aggrievement must satisfy a well established two-fold test for classical aggrievement: (1) he must show that he has a specific personal and legal interest in the subject matter of the decision, as distinct from a general interest such as concern of all members of the community as

a whole; and (2) he must show that his specific personal interest has been specifically and injuriously affected by the action of the commission. Cannavo Enterprises, Inc. v. Burns, 194 Conn. 43, 47 (1984); Hall v. Planning Commission, 181 Conn. 442, 444 (1980).

Ownership of the property which is the subject of the resubdivision application and the request for waivers demonstrates a specific personal and legal interest in the subject matter of the decision. Huck v. Inland Wetlands & Watercourses Commission, 203 Conn. 525, 530 (1987).

The denial of the resubdivision application has specifically and injuriously affected Wayne Kompare's interest.

The plaintiff is aggrieved by the decision of the defendant, Planning Commission of the City of Danbury.

#### STANDARD OF REVIEW

When acting upon a subdivision or resubdivision application, the commission acts in an administrative capacity. RK Development Corporation v. Norwalk, 156 Conn. 369, 372 (1968); Baron v. Planning & Zoning Commission, 22 Conn. App. 255, 256 (1990).

Its authority is limited to determining whether the plan before it complies with the regulations adopted for its guidance. Blakeman v.

Planning Commission, 152 Conn. 303, 306 (1965); Langbein v. Planning Board, 145 Conn. 674, 679 (1958).

If the plan conforms to the existing regulations, the commission has no discretion or choice but to approve it. Westport v. Norwalk, 167 Conn. 151, 157 (1974).

The action of the commission must be viewed in light of the record before it. Ferndale Dairy, Inc. v. Zoning Commission, 148 Conn. 172, 176 (1961). A trial court can sustain an appeal only upon a finding that the decision of the commission was unreasonable, arbitrary or illegal. Schwartz v. Planning & Zoning Commission, 208 Conn. 146, 152 (1988); Shailer v. Planning & Zoning Commission, 26 Conn. App. 17, 25 (1991).

When a zoning authority has stated the reasons for its actions, the reviewing court ought to examine the assigned grounds to determine whether they are reasonably supported by the record. Beit Havurah v Zoning Board of Appeals, 177 Conn. 440, 445 (1979); DeMaria v. Planning & Zoning Commission, 159 Conn. 534, 540 (1970).

If any reason offered in support of the commission's action would support the action, the appeal must fail, and the decision of the commission must be sustained. Blakeman v. Planning Commission, supra, 306; Crescent

Development Corporation v. Planning Commission, 148 Conn. 145, 150 (1961).

The plaintiff bears the burden of demonstrating that the commission acted improperly. Shailer v. Planning & Zoning Commission, supra, 25; Baron v. Planning & Zoning Commission, supra, 257; Adolphson v. Zoning Board of Appeals, 205 Conn. 703, 707 (1988).

A zoning commission is endowed with liberal discretion, and courts must be cautious about disturbing a commission decision. Krawski v. Planning & Zoning Commission, 21 Conn. App. 667, 671 (1990); Gagnon v. Municipal Planning Commission, 10 Conn. App. 54, 56-57 (1987).

COMMISSION ACTED WITHIN ITS DISCRETION  
IN DENYING WAIVERS TO THE PLAINTIFF

Here, all parties agree that the plaintiff's resubdivision application does not comply with the Danbury Subdivision Regulations, and that three waivers must be obtained in order for the application to be approved.

Since the entire field of subdivision regulation is a creature of statute, any waiver may only be granted according to the terms specified in the statute, § 8-26 of the Connecticut General Statutes. Finn v. Planning & Zoning Commission, 156 Conn. 540, 545 (1968).

The applicable portion of § 8-26 is permissive, both as the incorporation of its provisions into municipal subdivision regulations, and the use of the waiver authority by the commission.

The statute establishes a super majority (75 percent) standard for the exercise of the waiver power.

The plaintiff has cited no case in which a commission, having determined not to grant a waiver, was ordered to waive the provisions of its regulations by a court.

Although the waiver provision does provide for flexibility, the granting of subdivision variances by a commission is rare. R. Fuller, Land Use Law & Practice, § 10.13, p. 187.

In this case, the plaintiff was unable to muster even a simple majority in support of his waiver request.

Furthermore, the commission provided detailed reasons for its refusal to grant the waivers, including a description of the area surrounding the proposed resubdivision (ROR II-2, pp. 3-4).

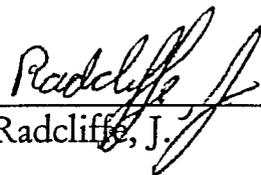
The requested waivers would have more than doubled the permitted length of an accessway in a RA-80 zone, and simultaneously constricted the width of the accessway.

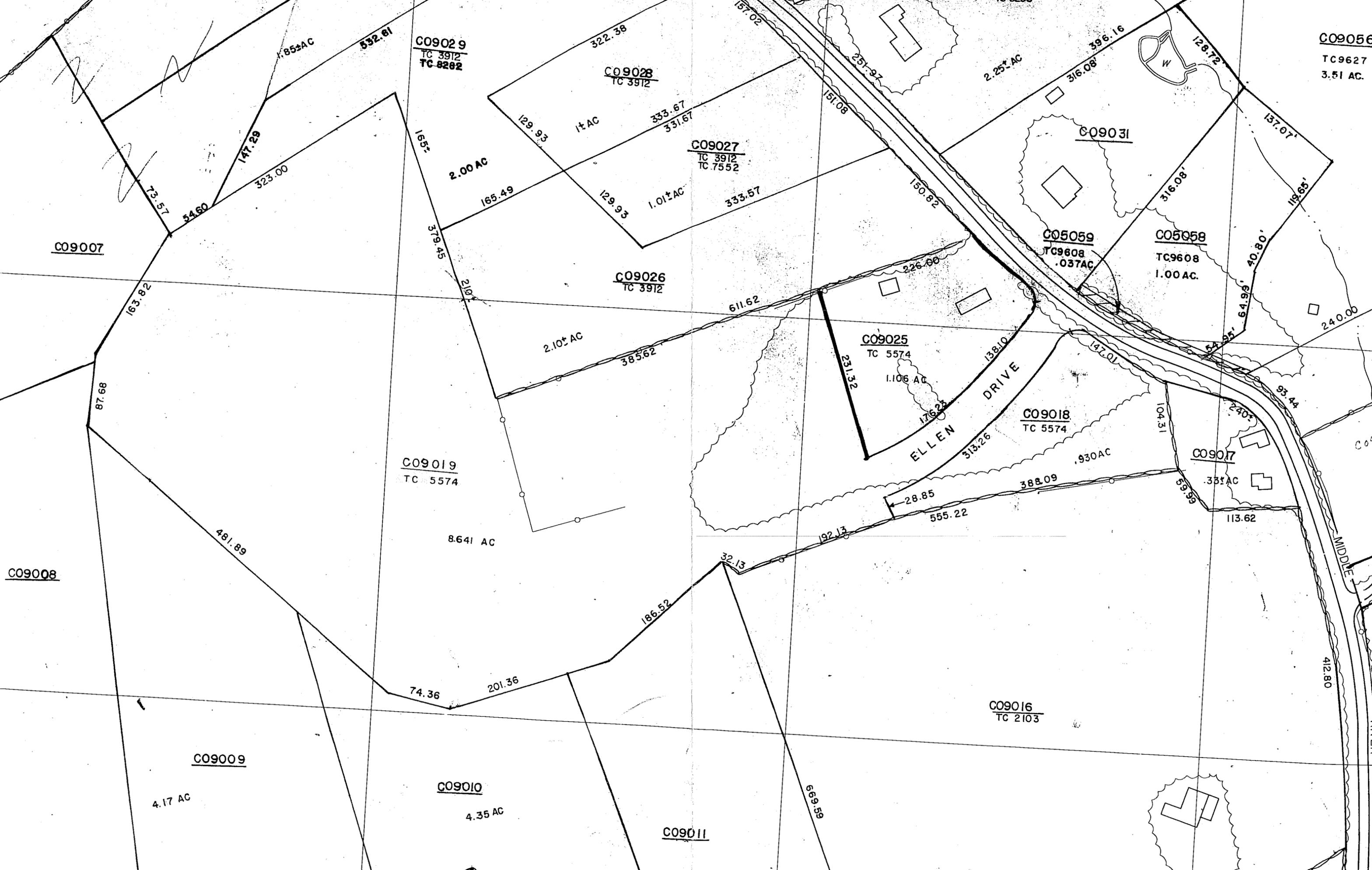
The commission declined to exercise the extraordinary authority given it to grant the plaintiff's waiver requests.

The court declines to invoke the even more extraordinary prerogative of requiring the commission to do that which it expressly refused to sanction.

Although the landlocked status of the property, coupled with its size and location might, under appropriate circumstances, give rise to a claim that the refusal to grant the waivers amounts to a taking of the plaintiff's property, that issue is not presented in this appeal and must be left for another day.

The plaintiff's appeal is dismissed.

  
\_\_\_\_\_  
Radcliffe, J.





# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

43-Sept

37

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 8-24 Referral – 43 – Request to Purchase City Land on Deepwood Drive

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned for a negative recommendation for the offer to purchase City land on Deepwood Drive as it is not clear that the City owns the property.

The motion was made by Mr. Malone seconded by Mr. Manuel and passed with "ayes" from Commissioners Malone, Manuel, Parker, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc



43. Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
**DIRECTOR OF PLANNING**

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Information Relative to Ownership of Parcel off of Deepwood Drive  
by Laura McCafferty  
Item 43, September Common Council Meeting

I have reviewed the request for information relative to ownership of Deepwood Drive by Laura McCafferty. Based on the research undertaken by the Acting City Engineer, see correspondence dated September 10, 1999 from Patricia A. Ellsworth, P.E., the land in question does not appear to be owned by the City of Danbury. Any additional information relative to this parcel should be obtained by private parties.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

September 27, 1999

PLEASE REPLY TO:

DANBURY, CT 06810

Hon. Mayor Gene F. Eriquez  
Hon. Members of the Common Council  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: September 8, 1999 Agenda  
Item No. 43  
Request to Purchase Land on Deepwood Drive

Dear Mayor and Council:

This matter involves a request from Mrs. Laura McCafferty on Craigmoor Terrace to look into acquiring land on Deepwood Drive, near the Bethel border. According to information from the office of the City Engineer (see Patricia Ellsworth letter dated 9/10/99) title to Deepwood Drive was obtained by the City in 1960. However, it appears that the portion in question is NOT owned by the City and requires title work to determine the ownership.

The petitioner should be advised to commission a title search to determine the ownership of the parcel in which she is interested, and return to the City at that time for further consideration in the event that the City has any rights or interest in the property.

Please call us in the event you have any further questions.

Very truly yours,

Laszlo L. Pinter  
Assistant Corporation Counsel

c: Patricia A. Ellsworth, Acting City Engineer  
Eric L. Gottschalk, Corporation Counsel  
Dennis I. Elpern, Planning Director

llp/deepwood



43-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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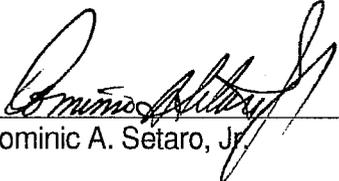
## M E M O R A N D U M

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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** September 14, 1999  
**Re:** **ITEM #43, DEEPWOOD DRIVE, COMMON COUNCIL AGENDA 9/8/99**  
**CC:** William Buckley, Dennis Elpern, Eric Gottschalk, Wayne Skelly

---

Regarding the request made to the Common Council on September 8 and the report submitted to the Council dated September 10 by Patricia Ellsworth, I agree with her recommendation that the City should first determine who owns this parcel of land. If, in fact, the City does own this land and no other agency sees any need for the City to keep this parcel, it would be my recommendation that the Common Council declare this surplus property, and the City seek competitive bids.

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb



43 - Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT  
(203) 797-4641  
FAX (203) 796-1586

PATRICIA A. ELLSWORTH, P.E.  
ACTING CITY ENGINEER

September 10, 1999

Gene F. Eriquez, Mayor  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Eriquez and Common Council Members:

Request for Information  
Deepwood Drive

At the September 8, 1999 Common Council meeting, the request by Mrs. Laura McCafferty for information relative to a parcel of land off of Deepwood Drive was referred to this office for a thirty day report. Reference is made to Item 43 of the meeting minutes.

Enclosed please find a copy of a section of the City of Danbury Tax Assessor's map which shows Mrs. McCafferty's property (Lot No. M10064) and the land in question.

The City of Danbury acquired title to Deepwood Drive and Craigmoor Terrace from James D. Craig in 1960. A copy of the warranty deed is enclosed for your reference. This deed provided the City title to Deepwood Drive and Craigmoor Terrace as shown on Town Clerk map number 2156 "Excepting, however, any portion of said road lying Southerly of the line between the Southeasterly corner of Lot No. 40 and the Northwesterly corner of Lot No. 27 as shown on the aforesaid map."

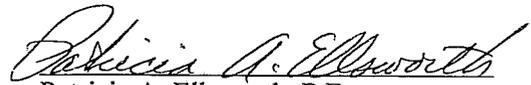
On the enclosed portion of Town Clerk map number 2156, I have indicated the two property corners noted in the previous paragraph and have cross hatched the area which is "excepted" from the deed transferring title of the road to the City.

Based on the deed exception, it would seem that the land in question is not owned by the City of Danbury. A title search of the Danbury Land Records would seem to be required to determine ownership of this parcel of land. Once ownership is determined, the Tax Assessor's records and map should be revised if warranted.



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

Very truly yours,

A handwritten signature in cursive script that reads "Patricia A. Ellsworth". The signature is written in black ink and is positioned above the printed name.

Patricia A. Ellsworth, P.E.  
Acting City Engineer

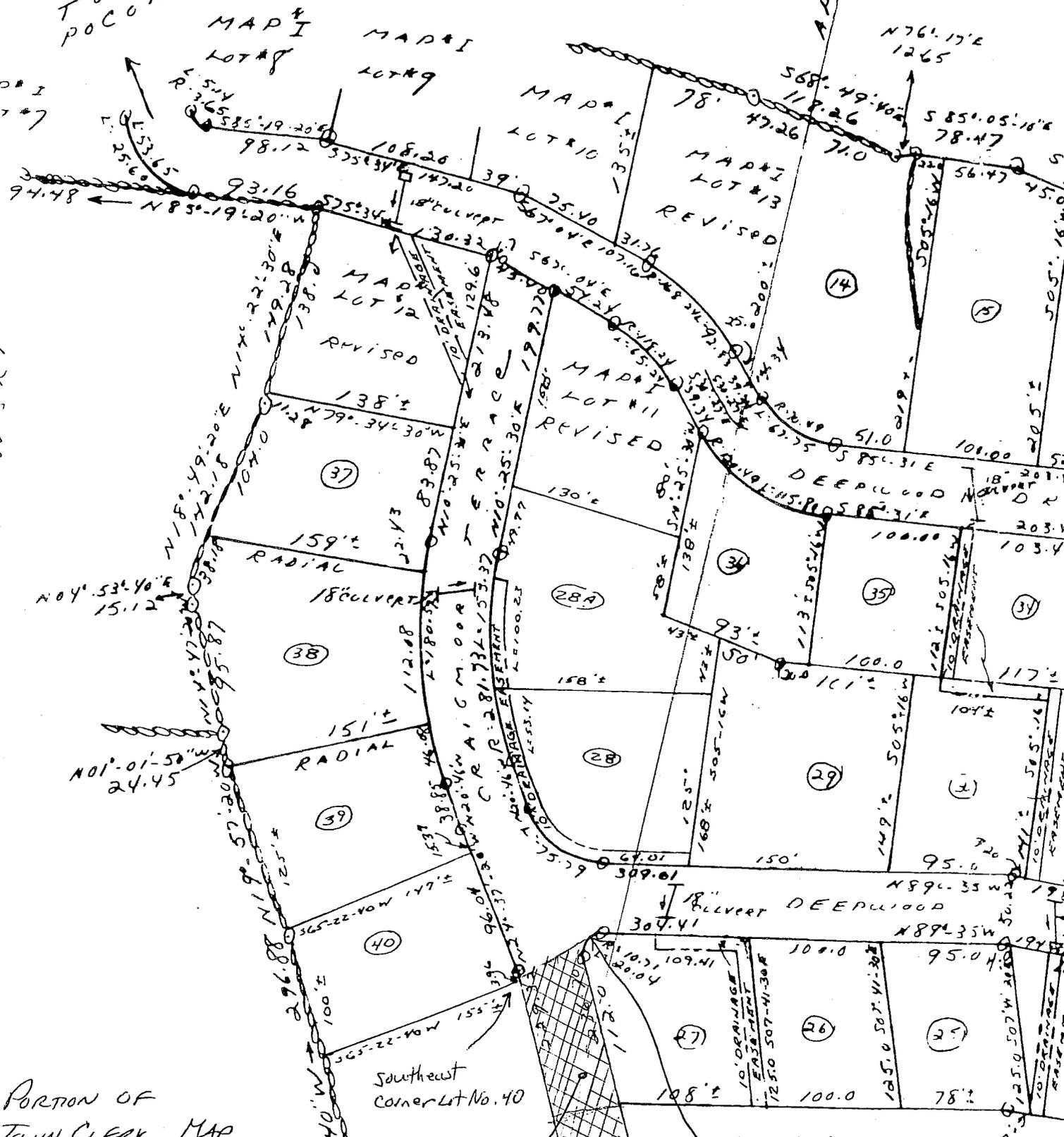
Encl.

- C: William Buckley, Jr., P.E., with encl.
- Eric L. Gottschalk, Esq., with encl.
- Dominic Setaro, Jr., with encl.
- Dennis, Elpern, with encl.
- Wayne Skelly, with encl.

N/F GEORGE BARTTELL

TO  
POCONO ROAD

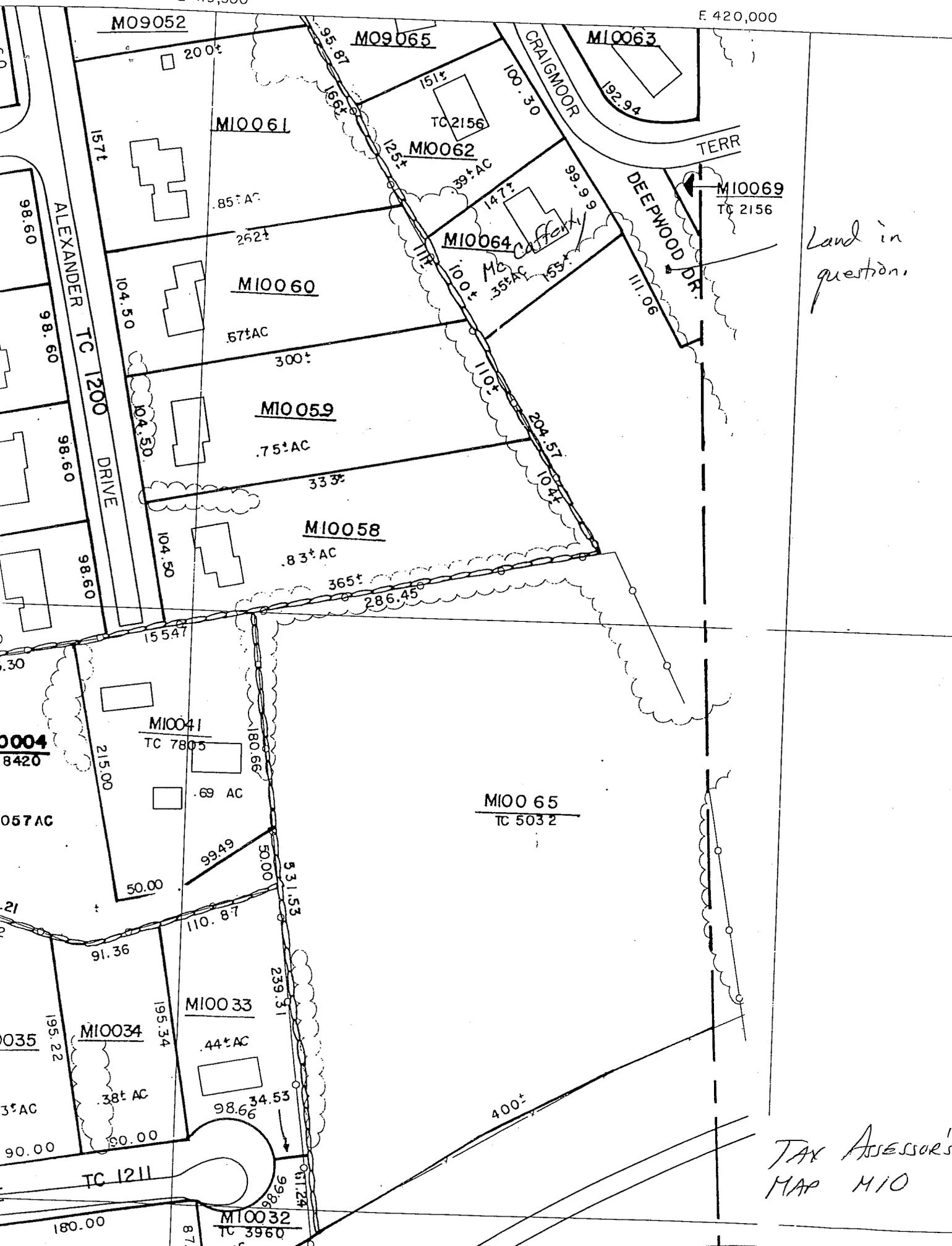
APPROXIMATE



PORTION OF  
TOWN CLERK MAP  
# 2156

Southeast  
corner Lot No. 40

Northwesterly corner



Land in question.

Tax Assessor's  
MAP M10

M09052

M09065

M10063

M10061

M10062

M10069

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M10041

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TC 1211

TC 2156

TC 2156

TC 7805

TC 5032

TC 3960

200'

157'

.85 AC

262'

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300'

104.50

.75 AC

333'

104.50

.83 AC

365'

286.45

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by Richard F. Gretsche, the Executive Vice President of said corporation, signer and sealer of the foregoing instrument, he being duly authorized, and acknowledged the same to be the free act and deed of said corporation and his free act and deed, before me.

Received for record Feb. 5, 1960  
at 12:30 P.M.

Attest:

*J. Augustus DeLind*  
Town Clerk

*James D. Craig*  
Notary Public

Form 173 Connecticut WARRANTY DEED.

TUTBLANX REGISTERED U.S. PAT. OFFICE  
Tuttle Law Print, Publishers, Rutland, Vt

**To all People to Whom these Presents shall Come, Greeting:**

**Know Ye, That** I, JAMES D. CRAIG of Brookfield, Connecticut and ALAN BOUGHTON of Bethel, Connecticut,

for the consideration of One Dollar and other valuable considerations, received to our full satisfaction of the TOWN OF DANBURY, a municipal corporation in the County of Fairfield and State of Connecticut,

do give, grant, bargain, sell and confirm unto the said TOWN OF DANBURY,

All that certain piece or parcel of land, situated in the said Town of Danbury, being that portion of the highway known as and Craigmoor Terrace Deepwood Drive, /as shown and designated on a certain map entitled, "Revised Map #2, Deepwood Park, Allan Boughton and James Craig, Owners, Towns of Danbury and Bethel, Conn., Scale 1 inch equals 100 feet, Area, 34.88 acres, more or less," certified substantially correct by Joseph E. Bennett, R.L.S., August 28, 1957, Revised March 1, 1958, which map is on file in the office of the Danbury Town Clerk as Map No. 2156.

Excepting, however, any portion of said road lying Southerly of the line between the Southeasterly corner of Lot No. 40 and the Northwesterly corner of Lot No. 27 as shown on the aforesaid map.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto it the said grantee its successors ~~heirs~~ and assigns forever, to its and their own proper use and behoof.

And also, we the said grantors do for ourselves and our heirs, executors and administrators, covenant with the said grantee its successors, ~~heirs~~ and assigns, that at and until the en sealing of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it the said grantee its successors, ~~heirs~~ and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hands and seals this 3rd day of February in the year of our Lord nineteen hundred and sixty.

Signed, Sealed and Delivered in presence of

*Joan M. Helgert*  
Joan M. Helgert

*James D. Craig*  
James D. Craig

*Angeline Belardinelli*  
Angeline Belardinelli

*Alan Boughton*  
Alan Boughton

State of Connecticut,  
County of Fairfield

} ss. Bethel  
February 3rd, A. D. 1960

Personally Appeared JAMES D. CRAIG & ALAN BOUGHTON,

Signer s and Sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed before me.

*Joan M. Helgert*  
Joan M. Helgert  
Notary Public  
Justice of the Peace  
Commissioner of the Superior Court  
Town Clerk

Received for Record Feb. 5, 1960  
at 1:15 P.M. Attest:



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

44-Sept

38

**PLANNING COMMISSION**  
**(203) 797-4525**

October 12, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

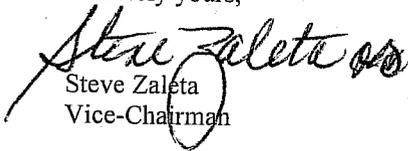
Re: 8-24 Referral – 44 – Request to Purchase City Land off Fox Den Road

Dear Council Members:

The Planning Commission at its meeting October 6, 1999 motioned for a positive recommendation for the request to purchase City land off Fox Den Road.

The motion was made by Mr. Parker seconded by Mr. Malone and passed with "ayes" from Commissioners Parker, Malone, Manuel, and Zaleta.

Sincerely yours,

  
Steve Zaleta  
Vice-Chairman

SZ/jlc

44- Sept



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

September 22, 1999

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Gene F. Eriquez, Mayor  
Honorable Members of the Common Council  
City of Danbury, Connecticut

Re: September agenda item #44  
Request to Purchase Property  
Fox Den Road - CO07063

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report concerning the matter referenced above. This item involves a request to purchase property acquired by the city as the result of a tax delinquency. As the September 14<sup>th</sup> memo to you from the Director of Finance indicates, this parcel was first put up for sale by the purchasing department in March of this year with a minimum bid of \$3,292. No acceptable bid was received and as a result the property was re-bid without the minimum bid requirement. Again, no one made a reasonable offer and so the property remains available for purchase.

At the September Council meeting this matter was also referred to the City Engineer, the Director of Finance, the Director of Planning and the Planning Commission for review. Assuming that their reports are favorable, and assuming further that you remain interested in transferring title to this property, you may wish to forward this matter to the Tax Assessor with a request that she report to you on the value of the property.

Once all reports have been received, the Council may proceed with the conveyance by declaring the parcel surplus and then by electing either to convey it directly to the petitioner or to offer it for sale, once again through the purchasing agent, to the general public. Bear in mind that any proposal to dispose of municipally owned property requires a two-thirds vote of all of the members of the Common Council (See §3-17 of the Danbury Municipal Charter).

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

Sincerely,

Eric L. Gottschalk  
Corporation Counsel

ELG/msm



44-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DOMINIC A. SETARO, JR.**  
DIRECTOR OF FINANCE

(203) 797-4652  
FAX: (203) 796-1526

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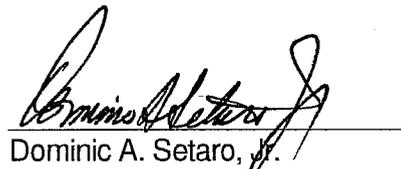
## M E M O R A N D U M

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**To:** Hon. Gene F. Eriquez via the Common Council  
**From:** Dominic A. Setaro, Jr., Director of Finance  
**Date:** September 14, 1999  
**Re:** **ITEM #44, FOX DEN ROAD, COMMON COUNCIL AGENDA 9/8/99**  
**CC:** William Buckley, Dennis Elpern, Eric Gottschalk, Warren Platz

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Regarding the proposed offer to purchase property on Fox Den Road by Audra Edele and John Morton, at the time the property was put out to bid by our Purchasing Agent, the total due in taxes was approximately \$3,292. While no bid was received on this property, it would be my suggestion that we not wait until the spring of 2000 for this parcel to be rebid. An attempt should be made to negotiate this price to an amount greater than the \$1,000 that has been offered.

  
\_\_\_\_\_  
Dominic A. Setaro, Jr.

DAS/jgb



44-Sept

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DENNIS I. ELPERN**  
DIRECTOR OF PLANNING

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

## MEMORANDUM

To: Common Council  
City of Danbury

From: Dennis Elpern  
Director of Planning

Date: September 17, 1999

Re: Interest in Purchasing City-Owned Property by Audra Edele and John Morton  
Assessor Lots # C07063 Fox Den Road  
Item 44, September Common Council Meeting

The property for which interest has been expressed is located on Fox Den Road. It is identified as Tax Assessor Lot # C07063 and was identified on the City's "List of Surplus Properties" which were offered for sale late last year and again in the spring of 1999. At the last bid opening on May 25, 1999, there were no offers to purchase this property.

If there is interest by adjacent property owners to purchase this property, the City should move swiftly on the request. Otherwise, we understand it will be re-bid early next year. There is no foreseeable municipal need for this property.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PLANNING COMMISSION**  
**(203) 797-4525**

November 4, 1999

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: 8-24 Referral – Regional Hospice of Western Connecticut, Inc. – Lease request for “Down on the Farm” property

Dear Council Members:

The Planning Commission at its meeting November 3, 1999 motioned for a positive recommendation for the Regional Hospice of Western Connecticut, Inc. lease request for “Down on the Farm” given the fact that the Planning Commission approved the Special Exception and Site Plan at its meeting October 6, 1999.

The motion was made by Mr. Zaleta seconded by Mr. Malone and passed with “ayes” from Commissioners Zaleta, Malone, Parker, Manuel, and Justino.

Sincerely yours,

Joseph Justino  
Chairman

JJ/jlc



KENNEDY VALVE

Division of McWANE, Inc.

1021 East Water Street

P.O. Box 931

Elmira, New York 14902-0931

Telephone (607) 734-2211

Fax (607) 734-3288

CITY OF DANBURY	
SEP 1	
Discard Date	
Department	
File #	

39

27 August 1999

Mr. William J. Buckley Jr. Supt  
Danbury CT Public Utilities  
155 Deerhill Avenue  
Danbury CT 06810

Dear Mr. Buckley.

It has come to my attention that the City of Danbury has become involved in a charitable project concerning a hospice center. Kennedy Valve would be very interested in helping the city in this endeavor.

Towards that end, Kennedy Valve would be pleased to provide, at no charge, a 5'6" Kennedy K81 Guardian Fire Hydrant per Danbury specifications and a resilient seated gate valve to be placed directly in front of the hydrant. The hydrant would come equipped with all the necessary tools to work on the hydrant. This offer has a list value of well over \$1000 and comes with no strings attached.

Kennedy has had a long relationship with Danbury and we are currently one of two manufacturers specified by your water department. Both products we are offering to donate are the very latest models we manufacture and meet all applicable American Water Works Association Standards and are approved for fire protection by both Underwriters Laboratory and Factory Mutual. The hydrant has been approved and is in use in some of New England's largest cities including Hartford CT, Bridgeport CT, Boston MA and Worcester MA. The gate valve is similarly approved and a list of references can be provided upon request.

I hope you will view this offer in the spirit in which it is tendered. Kennedy Valve views this as an opportunity to provide Danbury with quality products in order that they may do some good work.

I remain available to discuss this proposal with you at your convenience. If you have any immediate questions concerning Kennedy or myself you should feel to contact Mr. Paul Galvin of the Water Dept. I can be reached via voice mail at 1-888-902-7527.

Sincerely,

Brad Whitaker  
District Sales Manager

Waltonville - S&L Waterworks

19-DEC



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

39

**PLANNING COMMISSION**  
**(203) 797-4525**

December 21, 1998

Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

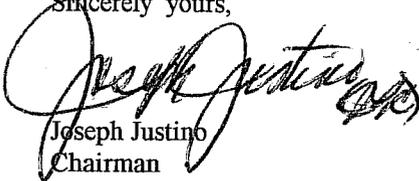
Re: 8-24 Referral - 19 - Down on the Farm Property

Dear Council Members:

The Planning Commission at its meeting December 16, 1998, motioned for a negative recommendation for the Down on the Farm Property because it does not comply with Zoning Regulations as stated in the December 16, 1998 letter from Wayne Skelly, Zoning Enforcement Officer.

The motion was made by Mr. Deeb, seconded by Mr. Malone and passed with "ayes" from Commissioners Deeb, Malone, Zaleta, Boughton, and Justino.

Sincerely yours,

  
Joseph Justino  
Chairman

JJ/jlc



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

October 27, 1999

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Mayor Gene F. Eriquez  
Honorable Common Council Members  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Regional Hospice of Western Connecticut, Inc.  
Lease request for "Down on the Farm" property

Dear Mayor and Council Members:

Last winter the Regional Hospice wrote to the Mayor concerning a proposed expansion of its "Children and Families Bereavement Center." To advance that goal the Hospice requested that the city grant it a lease of the former "Down on the Farm" property located on Stadley Rough Road. The Common Council referred that request to the Planning Commission and to this office for reports.

In the intervening months the Regional Hospice has sought and obtained all of the necessary approvals from the city's land use agencies. Should it wish to do so, the Common Council may now proceed to consider and act upon the original request for a lease of city owned land.

In anticipation of this action I have taken the liberty of preparing a draft lease agreement containing provisions that are acceptable to the Hospice and that also protect the interests of the city. The key features of the agreement include a 30-year term at the rate of one dollar per year. The property in question consists of approximately two acres as shown on the attached map. The Regional Hospice would be responsible for all of the incidental costs of the Center's operation, including but not limited to taxes, utilities and insurance.

Remember that in order to be effective, the lease must be approved by not less than two-thirds of all of the members of the Common Council. If you have any questions, please call me.

Sincerely,

Eric L. Gottschalk  
Corporation Counsel

cc: Hillel Goldman, Regional Hospice President  
Dominic A. Setaro, Jr., Director of Finance

Rev. 9-10-99

**LEASE AGREEMENT BETWEEN  
CITY OF DANBURY  
AND  
THE REGIONAL HOSPICE OF WESTERN CONNECTICUT, INC.**

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THIS LEASE AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999, between the City of Danbury, a municipal corporation, organized and existing under and by virtue of the laws of the State of Connecticut, hereinafter referred to as LESSOR, and the Regional Hospice of Western Connecticut, Inc., a non-stock corporation organized and existing under the laws of the State of Connecticut having its principal office or place of business at 30 West Street, in the City of Danbury, and State of Connecticut, hereinafter referred to as the LESSEE, for and in consideration of the covenants and consideration contained herein, agree as follows:

1. LEASED PREMISES.

The LESSOR hereby leases to LESSEE and LESSEE hereby leases from LESSOR, a certain parcel of land located on Stadley Rough Road in the County of Fairfield, City of Danbury, and State of Connecticut, said premises being more particularly described in Schedule A which is attached hereto, made a part hereof and incorporated by reference into this Lease agreement and hereinafter referred to as "leased premises". The LESSEE leases the leased premises in "as is" condition and agrees that no representation has been made by LESSOR to LESSEE respecting the condition of said leased premises. Further, LESSEE leases the leased premises after an examination thereof and except as expressly otherwise provided herein, without any representations or warranties by LESSOR with respect thereto, and LESSEE assumes full and

sole responsibility for condition of the leased premises. The leased premises are leased to LESSEE subject to all applicable municipal, state and federal laws and regulations and to the encumbrances more particularly described in Schedule A attached hereto and any other restrictions of record.

2. USE OF THE LEASED PREMISES.

The LESSEE agrees that the leased premises shall be used solely for the purpose of construction and operation of a Children's Bereavement Counseling and Education Center, as defined in the Zoning Regulations of the City of Danbury, (hereinafter the "Facility") and for related uses, and for no other purpose without the express written consent of LESSOR.

3. TERM.

The term hereof shall commence on the date this Lease is executed, which date shall be the date affixed under the LESSOR'S and LESSEE'S signatures, and shall continue for a period of thirty (30) consecutive years.

4. RENT.

LESSEE agrees to pay the annual rent of ONE DOLLAR, said rent to be paid on the first day of each year, in advance, without demand.

5. ASSIGNMENT AND SUBLETTING.

The LESSEE agrees that it shall not assign or sublet the whole or any part of the leased premises or any interest of the LESSEE hereunder without the prior written consent of the LESSOR, which consent will not be unreasonably withheld. In the event the LESSOR consents to any assignment or subletting, the LESSEE shall at all times remain liable for compliance with all of the obligations provided for under the terms, provisions and covenants of this Lease agreement. A transfer of 50% in the aggregate or more of an interest in the LESSEE by any party or parties in interest will be deemed an assignment of this Lease. An assignment or subletting without the prior written consent of the LESSOR, including assignment by operation of law, shall be null and void and shall constitute a default under this Lease agreement and LESSOR, at LESSOR'S option, may exercise its remedies under the default provisions provided for herein. The LESSOR agrees that it shall not unreasonably withhold its consent to LESSEE'S subleasing a part of the leased premises provided that the sole use is as a Children's Bereavement Counseling and Education Center and provided LESSEE submits a proposal for same to LESSOR and LESSOR consents thereto in

writing. A consent to any assignment or sublease by the LESSOR shall not release the prohibition as to assignment and sublease or constitute a consent to any other assignment or sublease.

6. UTILITIES.

The LESSEE agrees that the LESSEE shall pay as additional rent, all charges incurred for utilities used and consumed on the leased premises, including, but not limited to, sewer, water, gas, fuel oil, and electric. LESSEE shall also pay for any expense of expanding any of the utilities that may be required for LESSEE'S use of the leased premises.

7. INDEMNIFICATION BY LESSEE.

The LESSEE agrees to indemnify and save the LESSOR harmless against and from any and all cost, expense, liability or damage relating to or arising from claims by or on behalf of any person or persons, firm or firms, corporation or corporations, arising from the conduct or management of or from any work or thing whatsoever done in or about the leased premises or the building thereon, from and after the commencement of the term of this Lease, and will further indemnify and save the LESSOR harmless against and from any and all claims arising during the term of this Lease from any condition of the leased premises, including sidewalks, driveways and entranceways, and facilities on the premises or any curb or sidewalk adjoining the premises, or arising from any act of negligence of the LESSEE or any of its agents, contractors, servants, employees or licensees, or arising from any accident, injury or damage whatsoever caused to any person, firm or corporation, occurring during the term of this Lease, in or about the leased premises and from and against any such claim or proceeding brought against the LESSOR by reason of any such claim. The LESSEE, upon written notice from the LESSOR, covenants to resist or defend such action or proceeding by counsel reasonably satisfactory to the LESSOR.

8. NOTICE.

Any notice which is to be given to either party hereunder shall be given by certified mail, postage prepaid, to such party at its address listed below or such other address as said party may from time to time designate in writing. Any notice given to LESSEE or LESSOR shall also be given to any mortgagee, assignee or sublessee and all notices to a mortgagee, assignee or sublessee of LESSEE shall also be sent to LESSEE.

As to LESSOR:

City of Danbury  
Office of the Mayor  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

As to LESSEE:

Executive Director  
Regional Hospice of Western Connecticut, Inc.  
30 West Street  
Danbury, Connecticut 06810

9. DEFAULT BY LESSEE.

The LESSOR and the LESSEE agree that the occurrence of any one or more of the following events shall constitute a default under this Lease:

- (a) The voluntary assignment by the LESSEE of this Lease or subleasing the leased premises, or any part thereof, without the prior written approval of the LESSOR.
- (b) LESSEE'S failure to observe or perform any of the other covenants, conditions, or provisions of this Lease agreement to be observed or performed by the LESSEE, and the LESSEE'S failure to cure such default within fifteen (15) business days after receipt of written notice thereof to the LESSEE.
- (c) If there shall be filed by or against the LESSEE in any court or other tribunal pursuant to any statute or other rule of law a case or proceeding or petition in bankruptcy or for insolvency proceedings or for reorganization or arrangement or for appointment of a receiver or trustee, or if a receiver be appointed for the LESSEE of all or a substantial portion of its property or if an assignment for the benefit of creditors is made by the LESSEE.
- (d) If the LESSEE vacates or abandons the premises for any period of time exceeding ninety (90) consecutive days without written notification to the LESSOR.

10. REMEDIES.

Upon the occurrence of any one or more such events of default, LESSOR may terminate this Lease. Upon termination of this Lease, LESSOR may re-enter the premises with process of law using such force as may be necessary, and remove all persons, fixtures, and chattels therefrom and LESSOR will not be liable for any damages resulting therefrom. Upon termination of this Lease, LESSEE shall leave the leased premises in broom clean condition and LESSOR will be entitled to recover from the LESSEE, or

from any subsequent Lessee, as damages, all expenses relating to recovery of the leased premises and preparation for re-letting, including, without limitation, reasonable attorney's fees, alterations costs; together with the cost of performing any other covenant to be performed by LESSEE. In addition to the foregoing, the LESSOR shall have the right to pursue any other remedies available to it at law or in equity.

Any and all property belonging to LESSEE or to which LESSEE is or may be entitled which may be removed from the premises by LESSOR pursuant to the authority of this Lease or applicable law, may be handled, removed, or stored in a commercial warehouse or otherwise by LESSOR at LESSEE'S risk, cost, and expense and LESSOR shall in no event be responsible for the value, preservation or safekeeping thereof. LESSEE shall pay to LESSOR, upon demand, any and all reasonable expenses incurred in such removal and all storage charges for such property so long as the same shall be in LESSOR'S possession or under the LESSOR'S control.

LESSOR'S re-entry upon the leased premises or demand for possession thereof or LESSOR'S notice to LESSEE that the tenancy hereby created will be terminated on the date therein set forth or in the institution of an action for forcible detainer or ejectment or the entering of a judgment for possession in such action or any other act or acts resulting in the termination of LESSEE'S right to possession of the leased premises, shall not relieve LESSEE from LESSEE'S obligation to pay all sums due hereunder during the balance of the term, except as herein expressly provided. The LESSOR may collect and receive any sums due from LESSEE and the payment thereof shall not constitute a waiver of or affect any notice or demand given, suit instituted or judgment obtained by LESSOR, or be held to waive, affect, change, modify or alter the rights or remedies which LESSOR has against LESSEE in equity or at law or by virtue of this Lease.

If LESSEE at any time fails to make any payment or perform any other act on its part to be made or performed under this Lease, LESSOR may, but shall not be obligated to, after reasonable notice or demand and without waiving or releasing LESSEE from any obligation under this Lease, make such payment or perform such other act to the extent LESSOR may deem desirable and in connection therewith to pay expenses and employ counsel. All sums so paid by LESSOR shall be payable upon demand, together with interest thereon at the legal rate permitted by Connecticut law and LESSOR shall have the same rights and remedies for nonpayment thereof as in the case of default in the payment of rent

thereunder. Unless caused by LESSOR'S negligence, LESSOR shall not in any event be liable for any damages incurred by LESSEE by reason of LESSOR'S performance hereunder.

11. INTERPRETATION OF LEASE AGREEMENT.

If any provision of this Lease is contrary to the law of the State of Connecticut, each provision shall be deemed stricken and the balance of this Lease shall remain fully in effect. The term "LESSOR" and "LESSEE" and any pronoun referring thereto shall be deemed to include their respective successors and assigns without regard to gender or number wherever the context so permits. The captions to each article are used for convenience only and are not to be considered a part of this agreement nor used in interpreting it.

12. APPROVALS AND PERMITS FOR LESSEE'S BUSINESS.

The LESSEE shall have the sole obligation to obtain all necessary approvals and permits for the operation of the Facility and shall promptly execute, prosecute and comply with all municipal, state and federal statutes, ordinances, rules, orders and regulations applicable to the LESSEE'S operation. LESSEE shall in each instance, upon receipt of approvals and permits, forward copies of the same to the LESSOR.

13. ATTORNEYS' FEES.

If suit is brought by LESSOR for any unlawful detainer of the leased premises, for recovery of any sums due under the provisions hereof, or for default of any of the aforesaid covenants, then LESSEE agrees to pay LESSOR all costs in connection with collection or enforcement thereof, including but not limited to reasonable attorneys' fees, whether or not the action or actions proceed to judgment.

14. LESSOR'S RIGHT OF ENTRY.

The LESSOR, its agents or representatives, may enter the leased premises, provided there is no interference with LESSEE'S business, for the purpose of (a) inspection thereof to insure compliance with the terms and conditions of this Lease agreement; (b) exhibiting said premises to prospective purchasers or other persons.

15. INSURANCE COVERAGE BY LESSEE.

At all times during the Lease term, LESSEE, at its sole expense, and for the mutual benefit of the LESSOR and LESSEE, shall procure, carry and maintain the following types of insurance in the following amounts:

- (a) Comprehensive general liability insurance policy, including property damage, insuring LESSOR and LESSEE against liability for injury to persons or property occurring in or about the leased premises or arising out of the ownership, maintenance, use or occupancy thereof. The liability under such insurance shall not be less than ONE MILLION DOLLARS (\$1,000,000.00) for bodily injury and property damage on a Combined Single Limit basis; and ONE MILLION DOLLARS (\$1,000,000.00) aggregate. The LESSOR shall be named on said policy as an additional insured.
- (b) Property insurance for the buildings and any other structure on the leased premises against physical loss or damage shall be insurance on an "ALL-RISK" basis, including plate and/or window glass insurance for any plate or window glass in the leased premises. Such insurance shall be written to pay for loss or at least the "actual replacement cost" basis, and shall be written using a co-insurance clause of not less than ninety percent (90%) of the actual replacement value of the insured property at the time of loss.
- (c) A Builder's Risk insurance policy, naming the LESSOR as a co-insured under said policy, protecting against physical damage to the leased premises during construction, the coverage to provide actual value reimbursement for work and/or materials stored at any given time.

Comprehensive general liability insurance and property insurance policies shall be maintained in force throughout the Lease term and shall name LESSOR and LESSEE as insured as their respective interests may appear. Further, the policies shall be for not less than one year and shall contain a provision that they cannot be canceled or terminated for failure to renew, or modified unless the LESSOR is given thirty (30) days prior written notice. A certificate of each policy or renewal policy shall be presented to the LESSOR at the commencement of the Lease term and at the commencement of each subsequent Lease year and a "paid in full" receipt for each year's insurance premium shall be provided LESSOR on or before the date of said insurance. The above amounts shall be reviewed at the end of each year of the Lease term and at the option of the LESSOR may be increased.

16. LESSOR'S APPROVAL OF PLANS.

It is an express condition of this Lease agreement that the LESSEE submit, to the Office of the Mayor, for LESSOR'S approval, prior to LESSEE'S submission to municipal, state or federal land use or licensing agencies, or prior to the commencement of construction of any improvements to the leased premises throughout the Lease term, all plans and specifications, including but not limited to architecture renderings, engineering plans, landscape design and site plan (all hereinafter referred to as "plans"). The LESSOR shall have the sole and exclusive right to reject said plans, if, in its opinion, it deems such plans to be out of character and harmony with tasteful design. The LESSEE specifically agrees to abide by the decisions of the LESSOR concerning said plans and specifications.

17. ADDITIONAL RENT.

All amounts which LESSEE is required to pay pursuant to this Lease, including interest and costs which may be added for nonpayment or late payment, attorney and collection fees, will constitute additional rent, and if LESSEE fails to pay such additional rent when due, LESSOR will have the right to pay the same and will have all right, powers, and remedies with respect thereto as are provided herein or by law in the case of nonpayment of rent.

18. ALTERATIONS.

The LESSEE shall not commence any alterations or additions to the improvements on the leased premises during the Lease term without the LESSOR'S advance written consent in each and every instance and LESSEE shall submit all plans and specifications and governmental approvals to LESSOR before commencement of any work, and LESSEE shall submit to LESSOR a final certificate of occupancy upon completion of same.

19. OWNERSHIP AND REMOVAL.

All improvements in or upon the leased premises, whether placed there by the LESSEE or by the LESSOR, shall, at the termination of this Lease by lapse of time or otherwise, become the LESSOR'S property and shall remain upon the leased premises without compensation or allowance or credit to the LESSEE, unless LESSOR requests LESSEE to remove such items, in which event, LESSEE shall cause such removal. All personal property installed by LESSEE and not affixed to the realty may be removed by LESSEE prior to the termination of this Lease if LESSOR so elects and such property or any portion

thereof will be removed if required by LESSOR; upon any such removal, LESSEE will restore the leased premises to its original condition.

20. LIENS AND ENCUMBRANCES.

LESSEE will not cause, suffer or permit any liens or encumbrances, nor do any act which will in any way encumber the title of LESSOR in and to the leased premises, nor in any way subject the leased premises to any claim by way of lien or encumbrance, whether by operation of law or virtue of any express or implied contract by LESSEE.

If any such lien is at any time filed against the leased property, LESSEE will immediately cause the same to be discharged of record by either payment, deposit, or bond. If LESSEE fails to discharge any such lien, then, in addition to any other right or remedy of LESSOR, LESSOR may, but will not be obligated to, procure the discharge of the same either by paying the amount claimed to be due by deposit in court or bonding. Any amount paid or deposited by LESSOR for any of the aforesaid purposes, and all legal and other expenses of LESSOR, including reasonable attorney's fees, in defending any such action or incurred in procuring the discharge of such lien, with all necessary disbursements in connection therewith, will become due and payable on the date of payment or deposit, as additional rent.

Nothing in this Lease agreement will be deemed to be, or construed in any way as constituting, the consent or request of LESSOR, express, implied by inference or otherwise, to any person, firm or corporation, for the performance of any labor or the furnishing of any materials for any construction, rebuilding, alteration, or repair of or to the leased premises, or any part thereof, nor as giving LESSEE any right, power or authority to contract for or permit the rendering of any services or the furnishing of any materials which might in any way give rise to the right to file any lien against the leased premises without LESSOR'S consent.

21. BROKER.

LESSOR and LESSEE each warrant and represent to the other that it has had no dealings with any broker or agent in connection with this Lease.

22. RECORDING.

LESSEE may record this Lease or may record a short form memorandum thereof on such form acceptable to LESSOR. At the expiration or earlier termination of this Lease, LESSEE shall, at the request

of the LESSOR, execute and deliver to LESSOR a Quit Claim Deed, Lease cancellation instrument, or other instrument in form suitable for recording, provided that such document does not have the effect of waiving any claims that either LESSOR or LESSEE may have against the other arising out of this Lease.

23. DAMAGE OR DESTRUCTION OF LEASED PREMISES.

(1) If any building or improvements standing or erected upon the leased premises shall be destroyed or damaged in whole or in part by fire, or as a result directly or indirectly by war, or by Act of God, or occurring by reason of any cause whatsoever, LESSEE shall give prompt notice thereof to LESSOR, and LESSEE, at LESSEE'S own cost and expense, shall promptly repair, replace, and rebuild the same, at least to the extent of the value and as nearly practicable to the character of the building or improvements existing immediately prior to such occurrence as a Children's Bereavement Counseling and Education Center. Such repairs, replacements, or rebuilding shall be made by LESSEE, as aforesaid, and according to the following terms and conditions:

- (a) The same shall be made in conformance with plans and specifications which shall first be submitted to and approved in writing by LESSOR;
- (b) Prior to commencing any such work, said plans and specifications shall within thirty (30) days of approval under paragraph (a) of this subsection, be filed with all municipal or other governmental departments or authorities having jurisdiction thereof;
- (c) Prior to commencing any such work, LESSEE shall, at LESSEE'S own cost and expense, deliver to LESSOR a General Accident and Public Liability Policy and Builder's Risk Policy, more particularly described in Paragraph 15 hereof, and said policy shall recite and refer to such work;
- (d) Such work shall be commenced within thirty (30) days after the settlement shall have been made with the insurance companies and the necessary approvals as herein provided for shall have been obtained and shall be completed within a reasonable time, due regard being had to conditions, free and clear of all liens and encumbrances and in accordance with said plans and specifications submitted to and approved by LESSOR in writing;
- (e) At least ten (10) days before commencing such work, LESSEE shall notify LESSOR of LESSEE'S intention to commence the same and LESSEE shall pay the increased

premiums, if any, charged by the insurance companies carrying insurance on said building, to cover the additional risk during the course of such work.

(2) If the work of repairing, replacing, or rebuilding said damaged or destroyed building or improvements shall not have been commenced within the thirty (30) day period provided for in Paragraph 21(1)(d), or after commencement, shall not be expeditiously proceeded with, LESSOR shall have the right to terminate this Lease and the term hereof by giving LESSEE not less than fourteen (14) days written notice of such intention, it being agreed that upon the expiration of the date fixed in such notice, if such work shall not have been commenced and the other conditions hereof complied with, or if after commencement and the other conditions hereof complied with, or if after commencement such work shall not have been expeditiously proceeded with, this Lease and the term hereby granted shall wholly cease and expire.

(3) Except as provided in subdivision (2) of this paragraph, this Lease shall not terminate or be affected in any manner by reason of the destruction or damage in whole or in part of the demised premises or any building or improvement now or hereafter standing or erected thereon, or by reason of the untenability of the demised premises or any such building or improvements, and the fixed rent reserved in this Lease as well as all other charges payable hereunder shall be paid by LESSEE in accordance with the terms, covenants, and conditions of this Lease, without abatement, diminution, or reduction.

24. LESSEE'S IMPROVEMENTS TO LEASED PREMISES.

The LESSEE, at its own expense, shall be responsible for erecting any building(s) or making any site improvements to the leased premises (other than those undertaken by the LESSOR), in accordance with the following criteria and requirements:

(a) The LESSEE shall promptly cause building plans and specifications to be prepared for the construction of the Facility in accordance with the applicable municipal and state building codes. The building and improvements to the leased premises shall stand entirely on the leased property, shall be a complete, self-sustaining operating unit containing adequate utilities and facilities and shall be of a design, character and appearance appropriate and in keeping with the neighborhood and site on which it is constructed. Said plans and specifications shall be prepared by an architect, licensed in

the State of Connecticut, and upon completion shall be submitted to LESSOR for LESSOR'S approval. LESSEE shall not commence construction of improvements until LESSOR has notified LESSEE in writing of its approval of said plans. Failure by the LESSOR to approve or reject said plans and specifications within thirty (30) days of submission shall be deemed to constitute an approval thereof. The building and improvements shall be constructed in accordance with the plans and specifications as approved by LESSOR and at the expiration of this Lease and any extensions or renewals hereof, said building and improvements shall become the property of LESSOR.

- (b) The LESSEE, at its own expense, shall file the necessary plans with the appropriate land use agencies of the City of Danbury and obtain from said agencies the necessary approvals and permits for the construction of the Facility.
- (c) The LESSEE shall diligently pursue the construction and site improvements.
- (d) Upon completion of the construction, the LESSEE shall provide LESSOR with the following:
  - (i) A certificate of completion by the architect who supervised the construction, which shall state that the work has been completed in accordance with the approved plans and specifications.
  - (ii) A certificate of occupancy issued by the Danbury Building Official.
  - (iii) An "as-built" survey showing the completed structure and site improvements.

25. PROHIBITION AGAINST REMOVAL OF TREES, SHRUBS, ETC.

The LESSEE shall be prohibited from removing or cutting any trees, bushes or plantings located on the leased premises without the prior written consent of the LESSOR.

26. CORPORATE RESOLUTION.

The LESSEE, simultaneously with the execution of this Lease agreement, shall submit to LESSOR a corporate resolution, executed by a duly authorized officer of said corporation, which shall state that the corporation is authorized to enter into this Lease agreement and execute same.

27. MAINTENANCE AND REPAIRS.

LESSEE shall have the exclusive responsibility at all times to keep all buildings located on the leased premises in good order, condition and repair including maintenance and repair of the interior, exterior, structural and non-structural portions thereof. If LESSOR is required to make repairs to any part of the leased premises by reason of LESSEE'S negligent acts or omission to act, LESSOR may add the cost of such repairs to the rent which shall thereafter become due. The LESSEE shall, at the LESSEE'S sole cost and expense, maintain the grounds of the leased premises, including, without limitation, all lawn cutting, snow removal, maintenance and replacement of plantings, and the maintenance and repair of the driveway and parking area.

28. SUCCESSORS AND ASSIGNS.

All warranties, covenants, and agreements herein shall inure to the benefit of, and be binding upon, the successors and assigns of LESSOR and LESSEE.

29. EXECUTION DATE OF LEASE.

The effective date of this Lease for all purposes whatsoever (whether used for purposes of reference or computation herein or hereafter) shall be the later of the two (2) dates indicated hereafter, on which either of the parties hereto executed this Lease.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF DANBURY

By: \_\_\_\_\_  
Gene F. Eriquez  
Its Mayor

REGIONAL HOSPICE OF WESTERN  
CONNECTICUT INC.

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Its





# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

COMMON COUNCIL

41

## REPORT

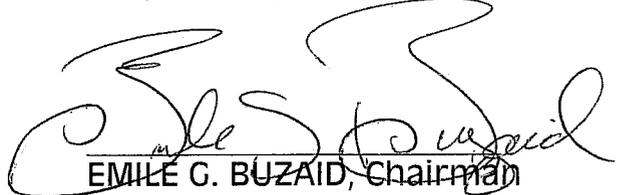
November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: **Offer for Exchange of Land at 2 Mountainville Road**

The Common Council Committee appointed to review the offer for an exchange of land at 2 Mountainville Road did not meet due to the fact that the petitioner has no interest in going forward with the offer.

Respectfully submitted,

  
EMILE G. BUZAID, Chairman

\_\_\_\_\_  
PAULINE BASSO

*I'd like to make  
a motion to recommend*



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Request for Sewer and Water Extensions – 42A Main Street

The Common Council Committee appointed to review the request for sewer and water extensions at 42A Main Street met on October 21, 1999 at 7:50 P.M. in City Hall. In attendance were Committee Members Buzaid and Dean Esposito. Mrs. Saracino was absent.

Mr. Esposito made a motion to take no action at this time because the petition has been withdrawn. Seconded by Mr. Buzaid. Motion carried unanimously.

Respectfully submitted,

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EMILE BUZAID, Chairman

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DEAN ESPOSITO

*Mary Saracino*

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MARY SARACINO



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

### RE: Procedure for Mailing Tax Bills

The Common Council Committee appointed to review the procedure of mailing tax bills met on October 21, 1999 at 8:03 P.M. in City Hall. In attendance were committee members Smith, Scalzo and Moore. Also in attendance were Director of Finance Dominic Setaro, Mrs. Isabel Sobel and Council Members Dean Esposito and Tom Arconti, ex-officio.

Mrs. Smith stated that the purpose of this meeting was to address the issue of tax bill mailings. She asked Mrs. Sobel to give an overview of her experience. Mrs. Sobel stated that she has lived in Danbury for over forty years. She also maintains a residence in New York City. She spends the winter months in New York and has had her tax bill sent there. She moved from one apartment in New York to another about one year ago and notified the post office of her change of address. She never received a tax bill for last year. She saw a notice in the newspaper stating that if you had not received your tax bill you are still responsible for paying your taxes. She received a call asking if she wanted the money applied to last year's bill or this year's bill. She then learned she was responsible for over \$400 in interest and penalties.

Mr. Setaro stated that he had the bill that was returned by the Post Office that said there was no forwarding address. They could not send the bill for Forty Acre Mountain Road because the request on file was to send it to New York. Mr. Setaro said that they are over 1500 tax bills returned each year. Mr. Arconti asked if it would be feasible to send a letter to the property address. Mr. Setaro said

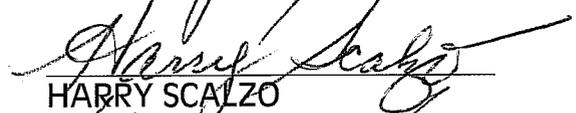
that it would be feasible but they have never had a problem with real estate tax bills. There were 158 tax bills returned this year. It would be a time consuming process and a burden on the existing staff to research where to forward bills.

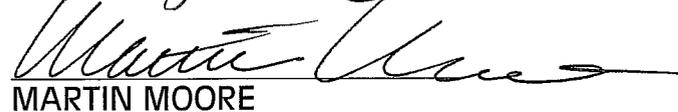
Mrs. Smith asked how Mrs. Sobel's concerns could be alleviated. She asked if a letter could be sent out after a certain amount of time. Mr. Setaro said it could, but he did not know if they would because of the staffing problem. Mr. Setaro stated that he could not abate Mrs. Sobel's interest due to State Statute. Mr. Arconti stated that because we do charge high interest and cannot waive it, he would like to make sure every effort is made to contact the taxpayer. Mr. Moore stated that he agreed with Mr. Arconti's idea. Sending out letters to the 158 returned taxpayers might give us a good return.

Mr. Scalzo made a motion to take no action on this matter, but to have the Tax Collector's Office make every effort to forward or find the taxpayer whose bill has been returned, specifically limited to the taxable address. Seconded by Mr. Moore. Motion carried unanimously.

Respectfully submitted,

  
MARY SMITH, Chairman

  
HARRY SCALZO

  
MARTIN MOORE



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

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## REPORT

November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

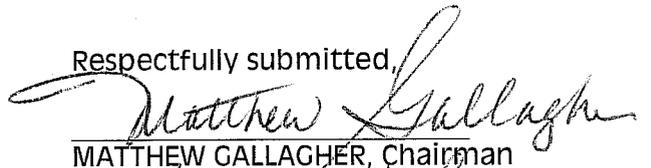
Re: Contract between the City of Danbury and Minolta Business Systems, Inc. – Board of Education

The Common Council Committee appointed to review the contract between the Danbury Schools and Minolta Business Systems met on October 25, 1999 at 7:30 P.M. in City Hall. In attendance were committee members Gallagher, Scalzo and Saracino. Also in attendance were City Finance Director Dominic Setaro, Superintendent of Schools Tim Connors, Schools Director of Finance John Torok and Schools Director of Technology Art Colley.

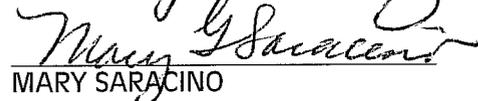
Mr. Torok, in giving a brief overview, stated that the school system had sought RFP's from various copier systems and after three interactions Minolta's proposal was selected. Minolta's proposal included a full time technician and various donated equipment (see attachment). Mr. Connors pointed out the technological advantages of the Minolta proposal, as well as the savings of \$60,000-\$70,000 per year in outside services. Mr. Setaro stated that the proposal had been reviewed by his office as well as by the Corporation Counsel's office.

Mr. Scalzo moved to recommend to the Common Council approval of the lease of multi-functional digital copier systems, between the City of Danbury Public Schools and Minolta Business Systems. The motion was seconded by Mrs. Saracino and passed unanimously.

Respectfully submitted,

  
MATTHEW GALLAGHER, Chairman

  
HARRY SCALZO

  
MARY SARACINO

Copier Analysis  
Minolta vs. Xerox

Equipment provided under lease agreement:		Minolta	Xerox
28	Dialta 350 digital copier/printers		DC 332 SX 2
21	Dialta 520 digital copier/printers		DC 332 S 18
1	Minolta MicroPress Server connected to		Docu Link (5690) 1 DC 332 4
3	Dialta 520 Copier/printers		DC 255 ST 18
2	Color Copier/printers		DC 332 C3 2
55	<b>Totally Digital &amp; Networked</b>		DC 265 ST 1 DC332 SF 1
			<b>47</b>

Note: the Micro Press makes up 4 units.

**Notes:**

Minolta is offering a totally Digital Solution and has not changed the configurations they originally proposed. Xerox has reduced their configurations with each revision and is not a totally digital solution .

Minolta will have a ratcheted overage charge based on volume. Their overage of .0089 is the maximum overage which drops down as our volume goes up. I'm awaiting this schedule (being approved by their corporate personnel) Xerox increased their overage on the "Final" proposal from .0089 to .0104 and it is a fixed rate.

**Special Notes:**

Minolta equipment although not installed in many Connecticut Public School Systems under the Minolta name, is installed in several CT. school systems under the Pitney Bowes product name and has been written up in a number of commercial consumer journals as very reliable equipmt.

Recognizing the Micro Press makes up 4 units, Minolta still offers another 4 add'l units over Xerox.



Copier Analysis  
Minolta vs. Xerox

Total Cost of Base Contract (by year)	Minolta	Xerox	Variance
Year One	\$270,000	\$408,000	(\$138,000)
Year Two	\$349,956	\$408,000	(\$58,044)
Year Three	\$371,424	\$408,000	(\$36,576)
Year Four	\$395,004	\$408,000	(\$12,996)
Year Five	\$395,004	\$408,000	(\$12,996)
Months 59 and 60	\$65,834	\$0	\$65,834
<b>Total Cost of Base Contract</b> (Volume = 22,000,000, excludes paper & staples)	<b>\$1,847,222</b>	<b>\$2,040,000</b>	<b>(\$192,778)</b>
<b>Overage Rate (s)</b> (refer to attached notes)	.0089/copy = 22,000,001 - 24,000,000 (.0085/copy after 24,000,000)	0.0104/copy Fixed after 22,000,000	(\$0.0015) (\$0.0019)
<b>Billing Method</b>	District Pooling (one price)	District Pooling (one price)	
<u>Totally Digital Solution</u>	Yes	No	
<b>Service Support</b>	Full Time Technician on Site	4 Hour Response Time (Average Response 4 hrs.)	
<b>Training</b>	Continous/as required	Continous/as required	
<b>Supplies</b>	Everything except paper & staples	Everything except paper & staples	
<b>Color Units Provided</b>	Yes - 2	No	
<b>Partnership Factors &amp; Donations</b>	75 Laser printers 1 Color printer 12 Digital cameras Will work w/ faculty to devise a term project each semester winner will receive a digital camera 2 Runners up will receive plaques	\$1,000 annual scholarship Field Trips to various sites Career orientation workshops School to Career Program to certify students to be DocuTech and Doculink technicians (see notes on previous donations)	
<b>Product used in School Systems</b>	Yes (See notes attached)	Yes	



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: **Water Run-off Problem on Great Plain Road**

The Common Council Committee appointed to review the water run-off problem on Great Plain Road met on October 19, 1999 at 7:45 P.M. in Room 432 in City Hall. In attendance were committee members Arconti, Smith and Basso. Also in attendance were Superintendent of Public Utilities William Buckley, the petitioner, Gary Renz and Council Member Dean Esposito, ex-officio.

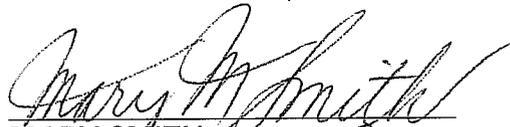
Mr. Renz gave a history of the run-off problem. Up until 1980 everything was fine until the property next to him was developed. The individual who bought the property decided to fill it in. Water backs up and leaches down over and under the ground. Mr. Buckley pointed out the property and where the problem occurs on a map. Mr. Buckley explained why and how the problem occurs.

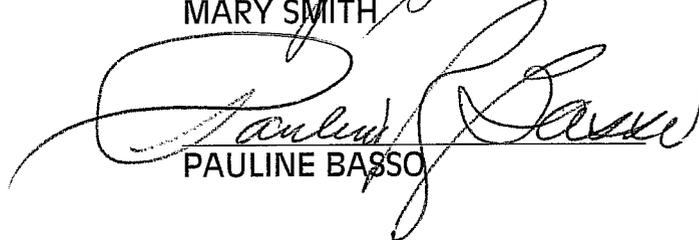
Mr. Buckley suggested that the solution to the problem might be to offer the neighbors 70 feet of pipe and let them install it. However, this raises the question as to whether the City should be putting pipe on private property. Mrs. Basso suggested that Mr. Buckley be given the opportunity to offer the pipe to the neighbor. Mr. Renz said that he would be willing to work with the neighbor to install the pipe. Mr. Buckley said that he would like a description of how they plan to install it. Mr. Buckley also stated that there are many more of these problems occurring throughout the City and a solution to them should be looked into.

Mrs. Smith made a motion that the City provide up to \$1,000 worth of pipe and materials to the petitioner for the sole purpose of connecting the drain to the brook, contingent upon agreement of the neighbors. Seconded by Mrs. Basso and passed unanimously.

Respectfully submitted,

  
THOMAS ARCONTI, Chairman

  
MARY SMITH

  
PAULINE BASSO



# CITY OF DANBURY

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

October 29, 1999

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Gene F. Eriquez, Mayor  
Honorable Members of the Common Council  
City of Danbury, Connecticut

Re: Lake Kenosia Associates Sewer Project

Dear Mayor and Council Members:

In May of this year you approved the above referenced sewer project. You may recall that all costs of this project are to be paid by the applicant, Lake Kenosia Associates. In order to go forward with the project, acquisition of an easement from Lake Place Condominium Association will be required. As a result of that we commissioned a title search of the property to verify ownership. That title search has just arrived and we are in the process of reviewing it.

Because of the need to acquire this easement, state law requires that the city hold a public hearing prior to going forward with the project. Notice of the public hearing must be sent to each affected property owner, hence the need to complete the title search prior to the hearing. Please schedule this public hearing in the usual fashion.

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

Sincerely,

Eric L. Gottschalk  
Corporation Counsel

ELG/msm



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# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 4, 1999

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

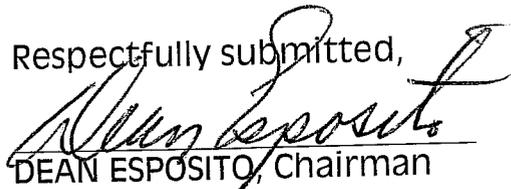
Re: **Request for Sewer and Water Extension – Terre Haute Road**

The Common Council Committee appointed to review the request for sewer and water extension on Terre Haute Road met on November 3, 1999 at 6:30 P.M. in the Common Council Caucus Room in City Hall. In attendance were committee members Dean Esposito, Emile Buzaid and Mary Saracino. Also in attendance were Superintendent of Public Utilities William Buckley and Attorney Michael Kaufman for the petitioner.

Mr. Esposito noted the positive report of the Planning Commission. Mr. Buckley outlined the plan submitted by the engineer for the developer showing how the sewer installation would be carried out. Mr. Buckley has no problem with the plan as submitted, but did not approve of an alternate plan also submitted by the developer. Mr. Buckley stated that water is no problem. Mr. Buckley suggested approval subject to the normal eight steps.

Mrs. Saracino made a motion to approve sewer and water extensions to the Terre Haute Road lots, subject to the normal eight steps. Seconded by Mr. Buzaid. Motion carried unanimously.

Respectfully submitted,

  
DEAN ESPOSITO, Chairman

\_\_\_\_\_  
EMILE BUZOID

*Mary Saracino*  

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MARY SARACINO