

Meeting to be called to order at 7:30 P.M. by Mayor Eriquez

PLEDGE OF ALLEGIANCE  
PRAYER

ROLL CALL

Fazio, Scalzo, Falzone, Gallo, Arconti, Coladarci, Boynton,  
Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Dean  
Esposito, Outlaw, Cassano, Charles, Boughton, Butera, Cipriani,  
Scozzafava, Trocolla

19 Present 2 Absent

PUBLIC SPEAKING

MINUTES - Minutes of the Common Council Meeting held Februry 4,  
1992

CONSENT CALENDAR - The Consent Calendar was presented by

① ORDINANCE - Voting Districts for City of Danbury House Districts

② ORDINANCE - Sewer and Water Extensions

√3 RESOLUTION - Local Capital Improvement Program

√4 RESOLUTION - Department of Children & Youth Services Grant-In-Aid

√5 COMMUNICATION - Recommendation for Zoning Commission Vacancy

√6 COMMUNICATION - Appointments to the Interlocal Negotiating  
Committee - Newtown

√7 COMMUNICATION - Reappointments to the Commission on Persons with  
Disabilities

√8 COMMUNICATION - Reappointments to the Commission on Aging

√9 COMMUNICATION - Appointment to the Environmental Impact Commission

√10 COMMUNICATION - Donations to the Department of Elderly Services

√11 COMMUNICATION - Donations to the Library

√12 COMMUNICATION - Request for Funds - Welfare Department

√13 COMMUNICATION - Request for Transfer of Funds - Department of  
Elderly Services

√14 COMMUNICATION - Request for Charter Revision Commission

- ✓16 COMMUNICATION - CADAC Letter of Award
- ✓17 COMMUNICATION - R. W. Granger - Subcontractors
- ✓18 COMMUNICATION - Zoning Violations - 84 Franklin Street - Friendly Food Store
- ✓19 COMMUNICATION - Request for ad hoc committee - Leash Law
- ✓20 COMMUNICATION - City of Danbury v. Murray and Pagni
- ✓21 COMMUNICATION - Reports from Corporation Counsel, Planning Commission and Planning Department regarding the request to donate open space to the City
- ✓22 COMMUNICATION - Reports from Planning Department, Planning Commission and City Engineer regarding request to purchase land on Middle River Road
- ✓23 DEPARTMENT REPORTS - Engineering, Parks and Recreation, Police, Fire Chief, Fire Marshall, Health & Housing, Department of Elderly Services
- ✓24 REPORT & ORDINANCE - Zoning & Planning Commission Alternates
- ✓25 REPORT & ORDINANCE - Compliance with Permit Parking Regulations
- ✓26 REPORT & ORDINANCE - Civilian Parking Violations Enforcement Officers
- ✓27 REPORT & CERTIFICATION - Overtime Account - Fire Department
- ✓28 REPORT & CERTIFICATION - Third Street Sewers
- ✓29 REPORT - Purchase of Property at 8 Boughton Street
- ✓30 REPORT - Fire Marshalls - Special Events
- ✓31 REPORT - Fitness Equipment Donation to the Fire Department
- ✓32 REPORT - Danbury Cemetery Association
- ✓33 PROGRESS REPORT - Education Budget Liasion Committee

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

MARCH 3, 1992

- 3 - Approve Local Capital Improvement Program Application
- 4 - Approve application for Department of Children & Youth Services Grant-in-Aid
- 6 - Approve appointments to Interlocal Negotiating Committee - Louis Charles, Joseph Scozzafava, Eric Gottschalk, John Schweitzer and Paul Galvin
- 7 - Approve reappointments of Grace Scire and Richard Hunt to the Commission on Persons with Disabilities
- 8 - Approve reappointment of Lee Green to the Commission on Aging
- 9 - Approve appointment of Kathryn Gleason to the EIC
- 13 - Approve request for transfer of funds - Department of Elderly Services - \$616.00
- 15 - Approve authorization of Mayor to sign DEP Consent Order
- 16 - Approve CADAC Letter of Award grant of \$5,665.00
- 20 - Approve settlement of \$516.75 in City of Danbury v. Murray & Pagni
- 21 - Approve receipt of reports from Corporation Counsel, Planning Commission and Planning Department regarding request to donate open space to City and deny request
- 24 - Approve Ordinance concerning Zoning and Planning Commission Alternates
- 25 - Approve Ordinance concerning compliance with Parking Violation Regulations
- 26 - Approve Ordinance concerning Civilian Parking Violation Enforcements Officers
- 28 - Approve installation of Third Street Sanitary Sewer
- 29 - Approve receipt of reports on purchase of property at 8 Boughton Street and take no action
- 30 - Approve receipt of reports on Fire Marshalls - Special Events and take no action at this time
- 31 - Approve acceptance of Fitness Equipment to Fire Department
- 32 - Approve agreement with Danbury Cemetery Association for \$14,414.40 for 1992-93
- 33 - Approve receipt of progress report from Education Budget Liaison Committee



3

# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

DOMINIC A. SETARO, JR.  
DIRECTOR OF FINANCE

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

February 20, 1992

MEMO TO: Common Council via  
Mayor Gene F. Eriquez

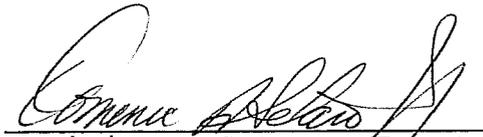
FROM: Dominic A. Setaro, Jr.  
Director of Finance

RE: Local Capital Improvement Program

The City of Danbury will be applying for funding under the State Local Capital Improvement Program. The Common Council is required to approve resolutions to make applications for these funds. Attached are the resolutions in reference to the Local Capital Improvement Program requesting funding for the following:

Downtown Green Improvements	\$115,000.00
Book Security System - Library	\$ 40,000.00

Please place these items, along with the attached resolutions, on the March Common Council agenda for its approval.

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

DAS/jg

Attach.



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$115,000.00 to cover the costs of the Downtown Green Improvements; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five-year period by the Danbury Planning Commission on February 13, 1992; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for completed and reimbursed project numbers:

034-88-010	City Hall Roof Replacement and/or Repair	\$ 65,311.00
034-88-020	Replacement of Tanks and Boilers in City Buildings	220,875.00
034-88-050	Rebuild and/or Repave Highways	83,617.00
034-89-020	Repair and/or Replace Roofs - City Buildings	176,700.00
034-89-030	Water Services - Tarrywile Park	123,668.23
034-90-010	Rebuild and/or Repave Highways	59,945.00
034-89-010	Cross Street Bridge Replacement	35,775.00
034-91-010	Rebuild/Repave Roads	517,828.42
	Uncompleted Projects:	
034-89-070	Replace Cross Street Bridge	234,245.00
034-90-020	Downtown Green Design	35,000.00
034-90-040	Roof Replacement - Fire Dept./ Police Maintenance	95,000.00

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$115,000.00 for the Downtown Green Improvements, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$40,000.00 to cover the costs of the Book Security System at the Library; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five-year period by the Danbury Planning Commission on February 13, 1992; and

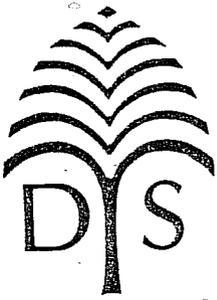
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034-90-020	Downtown Green Design	35,000.00
034-90-040	Roof Replacement - Fire Dept./ Police Maintenance	95,000.00

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$40,000.00 for the Book Security System at the Library, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.



DANBURY YOUTH SERVICES INC.

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To: Honorable Gene Eriquez, Mayor  
Honorable Members of the Danbury Common Council

From: James J. Walsh *JW*  
Executive Director

Date: February 21, 1992

Subject: Resolution for State of Connecticut  
Dept. of Children & Youth Services (DCYS)  
Grant-In-Aid

Attached please find a draft resolution that will enable our agency, via the City of Danbury to apply for DCYS funding for the 1992-93 fiscal year.

The grant, not to exceed \$85,000, will be the fifteenth year that we will get funds for the following: Youth & Family Counseling, Crisis Intervention and Substance Abuse Prevention Programming. We will use part of our City of Danbury Appropriation for the Local Match.

Since the application is due in April, I would appreciate it if this resolution was put on the consent calendar.

If you have any questions please contact me at 748-2936.

Thank you for your support.

JJW/enm

cc: Eric Gotschalk-Ass't. Corp. Counsel  
Betty Crudginton-City Clerk ✓



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed Eighty-Five Thousand (\$85,000) Dollars are available from the State of Connecticut Department of Children and Youth Services for 1992-93 Youth Services Bureau Operations; and

WHEREAS, the continuation of the Youth Services Bureau for a fifteenth year is deemed to be in the best interest of the City of Danbury;

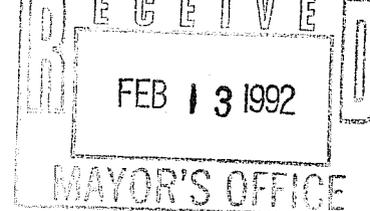
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of Gene F. Eriquez, as Mayor of the City of Danbury, in applying for said funds be and hereby are ratified and that Mayor Gene F. Eriquez be and hereby is authorized and directed to contract with the State of Connecticut Department of Children and Youth Services for a state cost-sharing grant not to exceed \$85,000 for a Youth Services Bureau for the fiscal period commencing July 1, 1992.

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury is authorized to execute any and all documents, applications or other pertinent instruments to effectuate the purposes of this program.

DEMOCRATIC TOWN COMMITTEE

P. O. BOX 164

DANBURY, CONNECTICUT 06810



February 13, 1992

Honorable Mayor  
Gene F. Eriquez  
City Hall  
155 Deer Hill Ave.  
Danbury, CT. 06810

Honorable Council President  
Joseph DaSilva  
157 Kohanza Street  
Danbury, CT. 06810  
-Mailed-

-Hand Delivered-

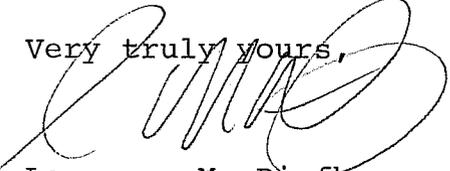
RE: Zoning Commission Vacancy

Dear Gene & Joe:

There exists, as you know, a vacancy on the Zoning Commission created by the resignation of Carol Thibodeau. At a meeting of the Danbury Democratic Town Committee held on Monday, February 10, 1992, the membership voted unanimously in support of Anthony DiCaprio as the individual we recommend to fill that vacancy. Mr. DiCaprio is presently an Alternate Member of the Commission and we feel strongly that he is most qualified to serve as a regular member. As an aside, Mr. DiCaprio has chosen not to seek a position on the Democratic Town Committee for the term beginning in March. He has been a member of the Committee for the past four years.

If you have any questions or concerns, please do not hesitate to contact me. On behalf of the Town Committee, I urge the Council to support him.

Very truly yours,



Lawrence M. Riefberg

LMR/kaps

cc: Mr. Anthony DiCaprio

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# DEMOCRATIC TOWN COMMITTEE

P. O. BOX 164

DANBURY, CONNECTICUT 06810

February 13, 1992

Honorable Mayor  
Gene F. Eriquez  
City Hall  
155 Deer Hill Ave.  
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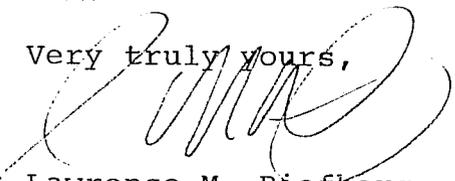
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Very truly yours,



Lawrence M. Riefberg

LMR/kaps

cc: Mr. Anthony DiCaprio



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# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511

March 3, 1992

Honorable Members of the Common Council  
City of Danbury, Connecticut

Dear Council Members:

I am appointing the following individuals to serve on the Interlocal Negotiating Committee for the purpose of considering the request of the Town of Newtown for an allocation of capacity at the Wastewater Treatment Facility in accordance with the action of the Common Council on February 4, 1992:

Councilman Charles  
Councilman Scozzafava  
Attorney Eric Gottschalk, Corporation Counsel (Acting)  
John A. Schweitzer, Jr., Director of Public Works (Acting)/City Engineer  
Paul Galvin, General Foreman Public Utilities Department

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene F. Enriquez".

Gene F. Enriquez  
Mayor

GFE:sr



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511

March 3, 1992

Honorable Members of the Common Council  
City of Danbury, Connecticut 06810

Dear Council Members,

I hereby submit, for your confirmation, the following individuals for reappointments to the Commission on Persons with Disabilities:

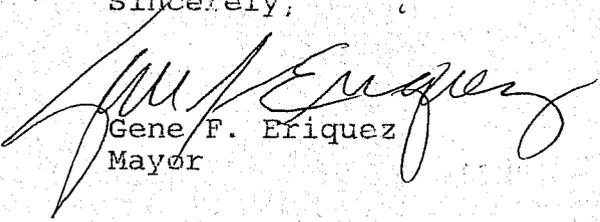
Mrs. Grace Scire (D)  
10 Filmore Avenue  
Danbury, CT 06810  
Term to Expire: March 1, 1995  
(as a regular member)

Mr. Richard Hunt (U)  
8 Homestead Avenue  
Danbury, CT 06810  
Term to Expire: March 1, 1994  
(Filling unexpired term of G. Scire  
as alternate member)

Ms. Scire and Mr. Hunt both currently serve as members of the Commission.

Thank you, in advance, for your consideration of these appointments.

Sincerely,

  
Gene F. Eriquez  
Mayor



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# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511

March 3, 1992

Honorable Members of the Common Council  
City of Danbury, Connecticut 06810

Dear Council Members,

I hereby submit, for your confirmation, the following individual for reappointment to the Commission on Aging:

Mrs. Lee Green (D)  
36 Park Avenue  
Danbury, CT 06810  
Term to Expire: January 1, 1995

Mrs. Green has been an active participant since she was appointed last fall.

Thank you, in advance, for your consideration of this reappointment.

Sincerely,

Gene F. Eriquez  
Mayor



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511

March 3, 1992

Honorable Members of the Common Council  
City of Danbury, Connecticut 06810

Dear Council Members,

I hereby submit, for your confirmation, the following individual for appointment to the Environmental Impact Commission as an alternate member:

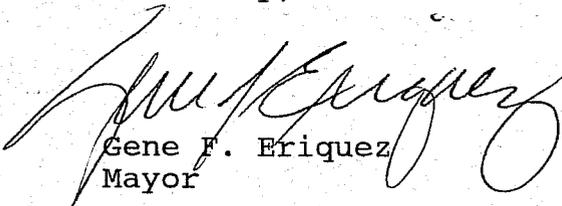
Mrs. Kathryn M. Gleason (D)  
13 Weindorf Lane  
Danbury, CT 06810  
Term to Expire: December 1, 1993  
(Filling vacancy)

Mrs. Gleason has most recently served as Hazardous Waste Manager for a local company. She has extensive working knowledge of State and Federal regulations and is familiar with DEP and EPA requirements. Her educational background includes an undergraduate degree in Chemistry and a graduate degree in Business Administration.

Mrs. Gleason is a Danbury native.

Thank you, in advance, for your consideration of this appointment.

Sincerely,

  
Gene F. Eriquez  
Mayor



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# 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

**"Interweave"**

**Adult Day Care Center**  
198 Main Street  
(203) 792-4482

February 26, 1992

Mayor Gene Eriquez and  
Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Mayor Eriquez and Members of the Common Council:

The following donations have been given to the Department of Elderly Services to supplement the 1991-92 budget line item for printing of the monthly newsletters.

We would ask that the \$143.70 be accepted and transferred into the Printing line item of the Commission on Aging budget.

Glen Hill Recreation Dept.	25.00
Poppy Negri	57.70
Robert/Ann Lashinger	10.00
Helen Quimette	25.00
Stella Goff/Beverly Simmons	11.00
Anonymous	<u>15.00</u>
	\$143.70

Respectfully,

*Leo McIlrath*  
Leo McIlrath, Director  
Department of Elderly Services

February 4, 1992

Mayor Gene Eriquez

Danbury City Hall

Dear Mayor Eriquez:

The Library has received the following donations:

<u>DONOR</u>	<u>AMOUNT</u>
1. Kim D. Giarratana 16 E. Pembroke Road Danbury, CT 06811	\$25.00
2. John C. Perkins 6803 Algonquin Court Annandale, VA 22003	10.00

The funds need to be credited to the Book line-item #02-07-101-061201.

Please place the above on the agenda for the February Common Council meeting.

Sincerely,



Betsy McDonough

c: D. Setaro  
City Clerk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

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

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

March 3, 1992

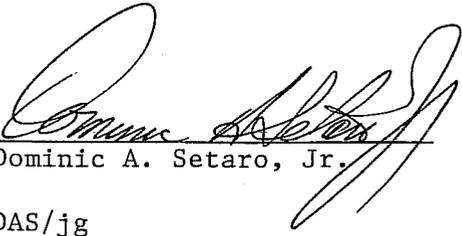
## CERTIFICATION

MEMO TO: Common Council via  
Mayor Gene F. Eriquez

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

We hereby certify the availability of \$40,000 to be transferred from the attached list of accounts. These funds are to be placed in the Welfare Department account #02-05-100-026000. Please note that the Public Welfare line item will also be increased by an additional \$360,000 which will be reimbursed by the State of Connecticut. The offset will be to the Public Welfare Revenue line item in the amount of \$360,000. This transfer is permitted by the City Charter during the last four months of the fiscal year.

Should you have any questions, feel free to give me a call.

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

DAS/jg

Attach.

CIVIL SERVICE	Professional Services 02-01-183-020100	\$ 6,000.00
	Legal & Public Notices 02-01-183-022500	2,000.00
PERSONNEL DEPARTMENT	Regular Salaries 02-01-185-010100	3,346.00
	Part-Time Services 02-01-185-011001	1,000.00
	Professional Services 02-01-185-020100	1,000.00
	Leased Equipment 02-01-185-024501	778.00
	Outside Services 02-01-185-029500	400.00
HEALTH DEPARTMENT	Regular Salaries 02-04-101-010100	10,000.00
SCHOOLS	Health & Welfare 02-06-001-072000	3,686.00
REGISTRARS	Part-Time Services 02-01-131-011001	2,000.00
	Training Courses 02-01-131-021001	200.00
	Conferences 02-01-131-021002	150.00
	Printing & Binding 02-01-131-022000	300.00
	Maint. Office Furn. & Equip. 02-01-131-035400	200.00
	Office Supplies 02-01-131-040100	200.00

E.I.C.	Professional Services 02-01-178-020100	1,000.00
	Postage 02-01-178-020501	150.00
ZONING COMMISSION	Printing & Binding 02-01-181-022000	1,000.00
	Outside Services 02-01-181-029500	386.00
ZBA	Legal & Public Notices 02-01-182-022500	1,000.00
	Outside Services 02-01-182-029500	300.00
F.I.C.A.	F.I.C.A. 02-09-120-070100	<u>4,904.00</u>
	TOTAL	\$40,000.00



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

Welfare Department  
797-4569

February 26, 1992

Gene F. Eriquez, Mayor  
City of Danbury  
Danbury, CT 06810

RE: Request for funds

Dear Mayor Eriquez:

In order for the Welfare Department to meet the expected demands for General Assistance, I am requesting that an additional \$40,000. be approved and allocated for the balance of FY 1991-92.

The \$40,000. represents the City's 10% share of \$400,000.

A copy of this request is being sent to the Common Council for inclusion on the March 1992 agenda.

Sincerely,

Deborah MacKenzie  
Director of Welfare

DM:bbc

cc: Joseph DaSilva, Common Council President  
Dominic Setaro, Director of Finance



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# CITY OF DANBURY

DANBURY, CONNECTICUT 06810  
DEPARTMENT OF ELDERLY SERVICES  
COMMISSION ON AGING

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

**Municipal Agent**  
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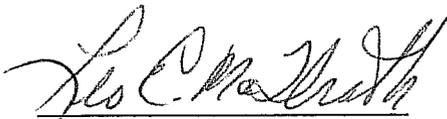
February 26, 1992

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

FROM: Leo McIlrath, Director  
Department of Elderly Services

RE: Additional Funds

I hereby request that \$616 be transferred from the Commission on Aging's Revenue Account 681000 to the Commission on Aging's budget line item for Communication Services 02-05-167-020300. I have been advised by the Director of Finance that no certification of funds is necessary.

  
Leo McIlrath

LM/jg

83 Highland Ave.  
Danbury, Ct. 06810  
203-748-3681  
Feb. 18, 1992

Mr. Louis Charles  
Common Council Ward 7  
54 Morris Street  
Danbury, Ct. 06810

Dear Mr. Charles,

I would like you to put on the agenda for the next common council meeting, the request to reestablish a Charter Revision Committee for the purpose of reconsidering the idea of an automatic referendum on our annual budget.

I realize this idea has been considered before, but in these tight economic times, we must allow the people to help decide on these budgets.

Please feel free to call me if I can be of any help to you in this matter.

Sincerely,

*Lynn Waller*

Lynn Waller



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

)

) DSO - 91 - 07

VS

)

CITY OF DANBURY

) WEST LAKE RESERVOIR DAM,
LOWER KOHANZA DAM, UPPER
KOHANZA DAM, PADANARAM,
MARGERIE LAKE DIKE, BOGGS
) POND DAM, DANBURY

CONSENT ORDER

A. With the agreement of The City of Danbury ("Respondent"), the
Commissioner of Environmental Protection ("the Commissioner")
finds:

- 1. Respondent is the owner of certain dams ("dams") located in
Danbury, Connecticut. The dams are more fully described as
follows:

The West Lake Reservoir Dam is located 1 3/4 miles
southwest of the Route 7 and Interstate 84 interchange in
the City of Danbury, Connecticut. The coordinates of the
dam are approximately 41 degrees 24.25' north latitude
and 73 degrees 30' west longitude. The dam is located on
a tributary of Padanaram Brook in the Housatonic River
Basin. The dam is identified as #03414 on the State of
Connecticut DEP dam inventory.

The Lower Kohanza Dam is located on Kohanza Brook in the
City of Danbury, Fairfield County, Connecticut,
approximately 2 miles upstream from the confluence with
Still River which is a tributary of the Housatonic
River. The location of the dam is defined by latitude
N41 degrees 24.91' and longitude W73 degrees 28.7' on the
Danbury, Connecticut United States Geologic Service
Quadrangle Map. The dam is identified as #03403 on the
State of Connecticut DEP dam inventory.

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The Upper Kohanza Dam is located on Kohanza Brook in the City of Danbury, Fairfield County, Connecticut, approximately 3 miles upstream from the confluence with Still River which is a tributary of the Housatonic River. The location of the dam is defined by latitude N41 degrees 25.3' and longitude W73 degrees 29.4' on the Danbury, Connecticut United States Geologic Service Quadrangle Map. The dam is identified as #03401 on the State of Connecticut DEP dam inventory.

The Padanaram Reservoir Dam is located approximately 3 miles northwest of downtown Danbury and 3,700 feet north of the intersection of Padanaram Road and Pembroke Road in the City of Danbury, Connecticut. The coordinates of the dam are approximately 41 degrees 26' north latitude and 73 degrees 29' west longitude. The dam is located on Padanaram Brook in the Housatonic River Basin. The dam is identified as #03406 on the State of Connecticut DEP dam inventory.

Margerie Lake Dike is located approximately 600 feet south of the junction of Route 39 and Route 37 in the Town of New Fairfield. The coordinates of the dike are approximately 41 degrees 27.5' N by 73 degrees 29.3' W. The dike is identified by State of Connecticut DEP dam inventory number 03402.

Boggs Pond Dam is located approximately 1,100 feet west of the junction of Aunt Hack Road and Autumn Drive in the Town of Danbury. The coordinates of the dam are approximately 41 degrees 25.0' N by 73 degrees 31.5' W. The dam is identified by State of Connecticut DEP dam inventory number 03422.

2. In a Consent Order dated December 22, 1986, the City of Danbury agreed, among other things, to complete the following schedule of dam repairs and maintenance:
  - a. West Lake Dam
    - i. Complete the following maintenance by June 1, 1987:
      - (a). Cut brush, trees and remove stumps from the dam.
      - (b). Replace riprap where necessary.
      - (c). Install a V-notch weir at the toe to monitor seepage.
      - (d). Repair voids in the mortared riprap.

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(e). Gatehouse masonry should be repointed/stones replaced.

- ii. Complete design plans for major improvements according to the findings and recommendations of the Phase I Inspection Report of the Army Corps of Engineers dated July 1980, by December 1, 1989.
- iii. Complete repairs/improvements by December 1, 1990.

b. Lower Kohanza Dam

- i. Complete the following maintenance by June 1, 1987:
  - (a). Replace missing riprap where necessary.
  - (b). Cut brush, trees and remove stumps from dam and within 25' of the downstream toe.
- ii. Monitor seepage at left abutment by installation of monitoring weirs by June 1, 1987.
- iii. Complete design plans for major improvements according to the findings and recommendations of the Phase I Inspection Report of the Army Corps of Engineers dated May 1981, by December 1, 1991.
- iv. Complete construction of repairs/improvements by December 1, 1992.

c. Upper Kohanza Dam

- i. Complete the following maintenance by June 1, 1987:
  - (a). Repair the spillway training walls and channel.
  - (b). Secure the outlet valve chamber.
- ii. Complete design plans for major improvements according to the findings and recommendations of the Phase I Inspection Report of the Army Corps of Engineers dated May 1981, by December 1, 1993.
- iii. Complete construction of repairs/improvements by December 1, 1994.

d. Padanaram Reservoir Dam

- i. Provide record drawings of repairs/improvements implemented during spring of 1986 by June 1, 1987.
- ii. Complete design plans for major improvements according to the findings and recommendations of the Phase I Inspection Report of the Army Corps of Engineers dated July 1980, by December 1, 1995.

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iii. Complete construction of repairs/improvements by December 1, 1996.

3. This consent order has been prepared to modify and supplement the dam repair schedule(s) provided by the December 22, 1986 consent order, and fully achieves that purpose.
4. By agreeing to the issuance of this Consent Order, Respondent makes no admission of fact or law with respect to the matters addressed herein.

B. With agreement of the Respondent, the Commissioner, acting under Sections 22a-6 and 22a-402 of the Connecticut General Statutes, orders the Respondent as follows:

1.a. On or before February 14, 1992, the Respondent shall retain a professional engineer licensed to practice in Connecticut and acceptable to the Commissioner to prepare the studies, repair designs, and documents required by this consent order and to oversee the actions required by this consent order, and by the specified date notify the Commissioner in writing of the identity of such engineer. Respondent shall retain such engineer until this consent order is fully complied with and within ten (10) days after retaining any engineer other than the one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other engineer. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable engineer unacceptable.

b. On or before July 1, 1992 Respondent shall:

- i. Install a V-notch weir to monitor seepage at the West Lake Dam.
- ii. At the Lower Kohanza Dam cut all brush and trees within twenty-five (25) feet of the downstream toe of the dam embankment, or on so much of said area as is owned by the City of Danbury, and install weirs at the left dam abutment for monitoring seepage which is occurring in this area.
- iii. At the Margerie Lake Dike cut all brush and trees on the downstream embankment, cut all brush and trees within twenty-five (25) feet of the downstream toe of the dam embankment, or on so much of said area as is owned by the City of Danbury, restore suitable vegetated cover on the embankment and implement a program to monitor seepage exiting the existing toe drain system.
- iv. At the Boggs Pond Dam cut all brush and trees on the downstream embankment, cut all brush and trees within twenty-five (25) feet of the downstream toe of the dam embankment or on so much of said area as is owned by the City of Danbury.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof.

- c. On or before October 1, 1992 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to the Lower Kohanza Dam:
  - i. Provide spillway discharge capacity for the Probable Maximum Flood (PMF) event at the dam.
  - ii. Restore riprap protection on the dam's upstream slope.
  - iii. Increase the crest width of the dam embankment, flatten the downstream slope and install a toe drain system.
  - iv. Remove all trees and brush from the dam and from within 25 feet of the downstream toe of the dam or on so much of said area as is owned by the City of Danbury.
  - v. Restore the outlet works to operating condition and rehabilitate or replace the upstream gatehouse.
  - vi. Implement all operation and maintenance procedures prepared for the dam by Roald Haestad, Inc. and submitted to DEP on January 30, 1984. Update the dam's Operation and Maintenance Manual to reflect the dam repairs to be performed.
  - vii. Prepare an Emergency Operations Plan for the dam in accordance with the DEP's Dam Emergency Operation Guidelines, a copy of which is attached to this consent order.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(c) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)(a) of this consent order that such work has been completed in accordance with the approved plans and specifications.

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- d. On or before October 31, 1992 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to the West Lake Dam:
- i. Provide adequate spillway capacity to allow the safe passage of the Probable Maximum Flood (PMF) at the dam.
  - ii. Flatten the downstream slope of the dam and provide a graded filter and intercepting drain to control seepage.
  - iii. Revise and expand the Emergency Operation Plan for the dam in accordance with DEP Emergency Operation Plan Guidelines, a copy of which is attached to this consent order.
  - iv. Implement all operation and maintenance procedures prepared by Roald Haestad, Inc. for the dam, which were submitted to DEP on January 30, 1984. Update the dam's Operation and Maintenance Manual to reflect the dam repairs to be performed.
  - v. Investigate the water accumulation in the downstream gate vault and provide for drainage of same.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(d) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)(a) of this consent order that such work has been completed in accordance with the approved plans and specifications.

- e. On or before January 1, 1993 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to Margerie Lake Dike:
- i. Establish a uniform elevation of the dike crest.
  - ii. Restore the deteriorated brickwork of the toe drain.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(e) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)(a) of this consent order that such work has been completed in accordance with the approved plans and specifications.

- f. On or before January 1, 1994 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to Boggs Pond Dam:
  - i. Relocate the spillway discharge channel away from the toe of the dam.
  - ii. Investigate and repair the leakage occurring at the left side of the spillway.
  - iii. Restore the riprap erosion protection on the upstream slope.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(f) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)(a) of this consent order that such work has been completed in accordance with the approved plans and specifications.

This schedule shall be modified by the parties as necessary in the event that any portion of the repairs enumerated above in paragraph B(1)(f) require the city's acquisition of private property to undertake said repairs.

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- g. On or before January 1, 1994 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to the Upper Kohanza Dam:
  - i. Provide discharge capacity at the dam adequate for the Probable Maximum Flood (PMF) event.
  - ii. Flatten the downstream slope of the embankment to increase its stability.
  - iii. Replace the low level outlet.
  - iv. Implement all operation and maintenance procedures prepared by Roald Haestad, Inc. for the dam, which were submitted to DEP on January 30, 1984. Update the dam's Operation and Maintenance Manual to reflect the dam repairs to be performed.
  - v. Prepare an Emergency Operation Plan for the dam in accordance with the DEP Emergency Operations Plan Guidelines, a copy of which is attached to this consent order.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(g) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)a of this consent order that such work has been completed in accordance with the approved plans and specifications.

- h. On or before January 1, 1995 Respondent shall submit to the Commissioner for his review and written approval engineering plans and specifications for the following repairs to the Padanaram Reservoir Dam:
  - i. Provide discharge capacity at the dam adequate for the one-half Probable Maximum Flood (1/2 PMF) event.
  - ii. Restore or replace the existing outlet works.

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- iii. Remove all brush from the upstream dam embankment, restore the dam embankment to the elevation of the top of the masonry portion of the dam, and provide erosion protection to the dam's upstream embankment slope.
- iv. Repoint open joints and provide weep holes for the downstream face of the dam's stone masonry section.
- v. Implement all operation and maintenance procedures prepared by Roald Haestad, Inc. for the dam which were submitted to DEP on January 30, 1984. Update the Operation and Maintenance Manual to reflect the dam repairs to be performed.
- vi. Prepare an Emergency Operations Plan for the dam in accordance with the DEP Emergency Operations Plan Guidelines, a copy of which is attached to this consent order.

Unless another deadline is specified in writing by the Commissioner, Respondent shall, in accordance with Section 22a-402 of the Connecticut General Statutes, award a construction contract for the dam repairs approved in this paragraph (B)(1)(i) on or before 90 days after the Commissioner's written approval, initiate construction on or before 180 days after the Commissioner's written approval and complete construction on or before 540 days after the Commissioner's written approval.

Within fifteen (15) days of the completion of such work, Respondent shall notify the Commissioner in writing thereof. Said notification shall include a statement by the engineer retained by Respondent pursuant to paragraph B(1)a of this consent order that such work has been completed in accordance with the approved plans and specifications and shall include as-built drawings of the repairs completed, and depicting those dam repairs and improvements completed at the dam in 1986.

2. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the satisfaction of the Commissioner.
3. Progress reports. On or before the last day of each month following issuance of this consent order, and continuing until all actions required by this consent order have been completed as approved and to the satisfaction of the Commissioner, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to comply with this consent order to date.
- 4a. Stipulated future penalties. If Respondent fails to comply with any requirement of this consent order or of any document approved hereunder, or fails to comply on time with any requirement, Respondent shall pay the following civil

For each of the first ten days following the date compliance was required, two hundred fifty dollars (\$250).

For each day thereafter, until compliance is achieved, five hundred dollars (\$500).

- b. Payment of the amounts specified in paragraph (4)(a) of this consent order shall be submitted to the Commissioner within thirty (30) days of the date that Respondent became aware or should reasonably have become aware of such violation. Failure to pay such penalties within thirty days shall not result in additional penalties under paragraph (4)(a) of this consent order, provided that Respondent shall pay interest at a rate of six percent per year on any penalty which is not paid when due, beginning on the first day on which the penalty was past due.
- c. In an action by the Commissioner to enforce the civil penalty provisions of this paragraph, the Commissioner need prove only that Respondent failed to comply with a requirement of this consent order or of any document approved hereunder within the time specified. Respondent waives the opportunity to contest the amount of any penalty specified herein or the justification for its imposition, except that Respondent may prove compliance or that compliance was impossible due only to an event beyond the reasonable control of Respondent which was unforeseeable and the results of which could not have been avoided or repaired or caused to be avoided or repaired by Respondent or an agent, employee or representative of Respondent in order to prevent the noncompliance. Increased cost shall not constitute such impossibility. Respondent shall have the burden of going forward and of persuasion with respect to any allegation of impossibility. If Respondent claims that compliance was impossible due to an event specified in this paragraph, in addition to the notice required by paragraph 9, Respondent shall also submit a written notice to the Commissioner within thirty (30) days of becoming aware of such event stating the time of the event, the reasons that the event resulted in the noncompliance, and all activities which the Respondent and its agents, employees and representatives took to avoid or repair the results of the event and prevent the noncompliance. Failure of Respondent to submit this information to the Commissioner within thirty (30) days of becoming aware of the event shall render the provisions of this paragraph regarding allowance of claims of impossibility of no force and effect as to the particular incident involved.

5. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to Wesley Marsh, Department of Environmental Protection, Bureau of Water Management, Inland Water Resources Division, 165 Capitol Avenue, Hartford, Conn. 06106, and shall be by certified or bank check payable to the Connecticut Department of Environmental Protection. The check shall state on its face, "Bureau of Water Management civil penalty."
6. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days after the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as he deems necessary to carry out the purposes of this consent order. Disapproval of documents submitted by the Respondent which the Respondent believes, in good faith, to be in complete and approvable form, shall not result in the imposition of civil penalties pursuant to paragraph 4 (c) of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or his agent.
8. Dates. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means one calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

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9. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or any document required hereunder, Respondent shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

10. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by a responsible agent or employee of the Respondent, or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2), of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties under chapters 439 and 446j of the Connecticut General Statutes.

12. False statments. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.

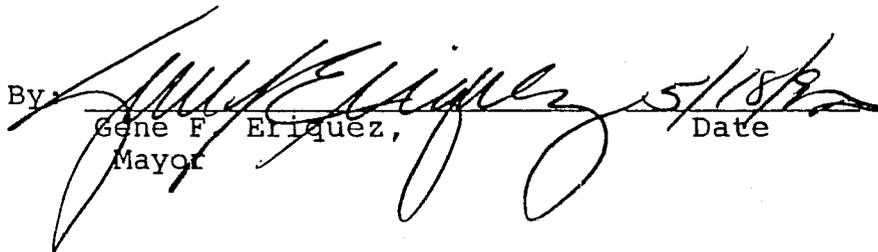
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19. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent becomes aware of a change in any information submitted to the Commissioner, under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
  
20. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Wesley Marsh, Supervising Environmental Analyst  
DEP/Water Management Bureau  
Inland Water Resources Division  
165 Capitol Avenue, Rm. 207  
Hartford, Connecticut 06106

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order. A resolution of the City of Danbury's Common Council granting such authorization is attached hereto as Exhibit A.

The City of Danbury

BY:  5/18/92  
Gene F. Enriquez, Date  
Mayor

Issued as a final order of the Commissioner of Environmental Protection on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Timothy R.E. Keeney  
Commissioner





# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

GENE F. ERIQUEZ  
MAYOR

(203) 797-4511

March 3, 1992

Honorable Members of the Common Council  
City of Danbury, Connecticut 06810

Dear Council Members,

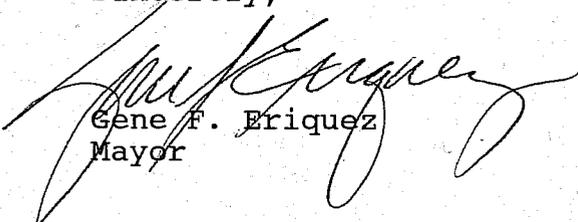
I have received notification from the State of Connecticut Alcohol and Drug Abuse Commission (CADAC) that a \$5,665 grant for the City of Danbury has been awarded.

This money will once again be used by Midwestern Connecticut Council on Alcoholism (MCCA) to run their Student Assistance Programs in Danbury public schools. The grant is to fund salary and benefits for a staff person who works with students in the prevention and early intervention of alcohol or drug abuse.

The Local Substance Abuse Prevention Council, appointed by me, is an initiative to support the local substance abuse prevention programs and to increase community awareness focusing on the prevention of youthful substance abuse.

Thank you, in advance, for your consideration of this matter.

Sincerely,

  
Gene F. Eriquez  
Mayor



## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the prevention of and early intervention in cases of alcohol or drug abuse among high school students is in the best interests of the City of Danbury; and

WHEREAS, the City of Danbury wishes to continue the Student Assistance Program in Danbury schools for that purpose; and

WHEREAS, the State of Connecticut is authorized to make grant funds available for said purpose; and

WHEREAS, the City of Danbury wishes to obtain a grant in an amount not to exceed \$5,665.00 to cover the costs of continuing said program from July 1, 1991 through June 30, 1992; and

WHEREAS, it is in the best interests of the City of Danbury that said funds be authorized for use by and provided to the Midwestern Connecticut Council on Alcoholism by virtue of an agreement with the Danbury School System for purposes of effectuating this program;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application for said grant and to enter into and amend any necessary contract with the State of Connecticut if such a grant is offered to the City of Danbury; and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to take any additional action necessary to accomplish the purposes hereof.



162-A BUTTERNUT LANE  
CANDLEWOOD PARK  
DANBURY, CT 06811  
203-748-6263

Donald Boughton  
11 Bullet Hill Rd.  
Danbury, Ct. 06810

February 24, 1992

Mr. Boughton,

After the School Board meeting, I feel it would be in the best interest of the city, that this matter regarding R. W. Granger's failure to pay local sub-contractors, should be brought up at the next Common Council meeting.

As you are well aware, R.W. Granger has been awarded another contract by the City of Danbury.

Thanking you in advance,

A handwritten signature in cursive script, appearing to read 'Carmen K. Deicke'.

Carmen K. Deicke  
President, Deicke Brothers Truckin' Inc.

cc.. Common Council, City of Danbury

February 19, 1992

Mayor Gene Eriquez and the Common Council  
City of Danbury,  
Connecticut

c/o Councilman Louis T. Charles, Jr.

RE: ZONING VIOLATIONS  
FRIENDLY FOOD STORE  
84 FRANKLIN STREET  
DANBURY, CONNECTICUT

1. This location is zoned for Residential Non-Conforming use only which stipulates that this location was originally zoned for the sale of meats and groceries.
2. A picnic table (equipped with a beach umbrella during the summer) and benches is located on 33 feet of City property in front of the store and is used by the owner's customers for consuming coffee, rolls, soups, grinders and hot and cold meals, which are prepared in the kitchen located in the store.
3. This is a catering business with a fully-equipped kitchen, which can provide food for up to 100 people. Note attached advertisement, page 203 of the Danbury Telephone Directory. A huge menu is displayed in the back of the store, advertising daily specials: hot and cold meals, grinders, soups, etc.
4. A steel garbage dumpster on John Street obstructs over half of the sidewalk. Also another large wooden dumpster-type box partially obstructs the sidewalk, along with milk crates, cardboard boxes, and mop and pail.
5. On the John Street side, at his own expense, he had a strip of Colprovia replace grass between the sidewalk and curb to encourage vehicles to park off the road and partially on the sidewalk.
6. No off-street parking exists for this location, and with the volume of trucks and vehicles starting to arrive at 6:00 AM, he has his employees park in front of neighboring residences in order to leave room closer to his store for his customers.

The congestion is unbearable.

7. He also had three (3) tables with accompanying chairs placed in the grocery store, which he was forced to remove with a Cease and Desist Order. He appealed this order to the Zoning Board of Appeals, but on the day of the hearing, he withdrew his appeal and removed the tables and chairs. (This shows he knew a violation existed and also to cover up his other violations and discourage inspection.)

Why didn't the Zoning Enforcement Officer Wayne Skelly pursue the other violations?

8. On January 30, 1992, Wayne Skelly came up with a decision concerning only one (1) of the several Zoning violations, the violation regarding the sale of take-out sandwiches.

He said "That this was just an intensification of a non-conforming use and not an extension of a non-conforming use and is allowed under Zoning law."

We disagree.

He said when he "caddied at the Ridgewood Country Club in the late 60's and early 70's, many of the caddies would go into the Ridgewood Market," which was owned by Mr. John Falvo, "and buy sandwiches."

Mr. Falvo disputes this statement.

What Mr. Falvo did was slice 25¢ or 30¢ worth of ham or bologna, wrap it and price the package. The kids would go to the bread shelf, pick up a small Italian roll, go to the check-out counter, pay for them and go outside and make their own sandwiches. No mustard, relish or condiment of any kind was given.

This was only done as a favor for the caddies.

The present store sells hundreds of grinders and coffee. Grinders range from regular size to giant 6' or more subs.

Also in his January 30 decision, Mr. Skelly did not mention the hot and cold meals, daily specials, soups, and the complete kitchen, catering service and all the other zoning violations listed.

Why?

9. Regardless of what Mr. Skelly says, this is a fast food, truck stop restaurant. The sale of meat and groceries is secondary to the cooked food and sandwiches.
10. Trucks, buses, automobiles and a conglomeration of other vehicles (back-hoes, tractors, golf carts, etc.) start at 6:00 AM and a very serious traffic congestion begins. Many of the trucks and cars leave their engines running, polluting the air with exhaust fumes which permeate into the neighboring homes.
11. The Mayor, Gene Eriquez, and his Mayoral Aide, Basil Friscia, are well aware of these violations, and were notified personally.
12. It is not our intention to deprive anyone of a livelihood, but let him do it legally within the realm of the Zoning Laws which exist for a Residential Non-Conforming Use Business, as has been done by all previous proprietors for 50-plus years.

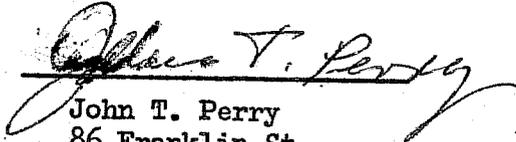
To: Mayor Gene Eriquez  
and the Common Council

-3-

February 19, 1992

13. We would like to see a fair, unbiased committee from the Common Council come up and inspect the listed violations that exist at 84 Franklin Street and render a fair decision.

Thank you.



John T. Perry  
86 Franklin St.  
Danbury, CT



John Falvo  
81 Franklin St.  
Danbury, CT

ers (Cont'd)

Hot Bagels 15 Backus Av .....744-6702  
CIA'S DELI .....790-9889  
RBO MARKET INC .....748-9891  
WEISS CATERERS .....744-1725  
ADVERTISEMENT OPPOSITE PAGE)  
INN INC THE .....Ridg 438-2541  
House The .....Newt 426-9392

ALLEN INN .....744-1776  
(SEE ADVERTISEMENT PAGE 206)

PASTA SHOP .....Newt 426-3425

RESTAURANT THE  
THE FERNS RESTAURANT

Circa 1690 Country Inn

FINE INTERNATIONAL FOODS

- WEDDINGS
- BANQUETS
- PARTIES

BEAUTIFUL BANQUET ROOM

New Milford 355-2704

329 Kent Rd New Milford

IDE INN .....Newt 426-7001  
(SEE ADVERTISEMENT NEXT PAGE)

FOR THOUGHT CATERERS .....New Milford 354-0645

WORKS LIMITED .....New Milford 354-3005

ERS INTERNATIONAL INC .....Ridg 431-3668

HILL INN THE .....775-0089  
(SEE ADVERTISEMENT OPPOSITE PAGE)

LDLY FOOD STORE THE

CATERING FOR  
ALL OCCASIONS

- Up to 100 People -

FAX # 743-4756

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IMPORTING .....748-4423

(SEE ADVERTISEMENT PAGE 206)

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Delicatessen Of Bethel .....792-2444

ony Hill Rd Bthl

'S DELICATESSEN OF RIDGEFIELD

Platters-6Ft Grinders-Smoked Fish

Main .....Ridg 438-3044

RISON INN

itage Inn) Heritage Vlg Sthbry .....Woodbury 264-8200

(SEE ADVERTISEMENT NEXT PAGE)

(Continued Next Page)

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### DANBURY HILTON

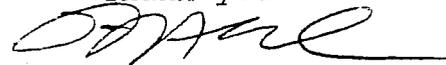
AND Towers

18 Old Ridgebury Road, Danbury, Ct. 06810 (Easy Access - Exits 2 Or 2a Off I-84)

Honorable Mayor Gene F. Eriquez  
Honorable Members of the common council

I would like a committee to be formed to look into the possibility that a leash law be enacted in the city of Danbury.

Thank you



Michael Falzone  
Councilman 2nd ward

c.c. Jimmetta Samaha Assisant City Clerk



20

# CITY OF DANBURY

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

February 12, 1992

PLEASE REPLY TO:  
59 Main Street  
DANBURY, CT 06810

Elizabeth Crudington  
City Clerk  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

RE: City of Danbury v Curtis Murray  
and Cynthia Pagni, Collection  
Case for \$1,033.50  
Invoice # 254

---

Dear Betty:

I am writing to request that a proposed settlement in the amount of Five Hundred Sixteen and 75/100 (\$516.75) Dollars in the above entitled matter be put on the Agenda of the next Council meeting.

This case arises out of a motor vehicle accident between a 1989 City of Danbury Police cruiser and a car owned by Mr. Curtis Murray and driven by a college roommate of his daughter's, Cynthia Pagni. Ms. Pagni is not a resident of Connecticut and is no longer a student at WestConn. Should I get a Judgment against her I doubt I would ever collect it.

Our Police vehicle sustained One Thousand Thirty-Three and 50/100 (\$1,033.50) Dollars worth of property damage. Ms. Pagni's vehicle was also damaged. No physical injuries were suffered as a result of this accident.

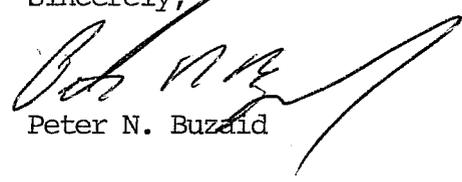
Mr. Murray contends that Ms. Pagni was operating the vehicle involved without his or his daughter's permission. Since I do not have any evidence to show that Ms. Pagni had permission to use the vehicle I would be unable to make a sufficient evidentiary showing to impute negligence for this accident to the owner Mr. Murray and have the Court find him vicariously liable for the operator, Pagni.

Elizabeth Crudington  
February 12, 1992  
Page 2.

20

Since complete success in this case is unlikely I would urge the Council to approve the proposed settlement of Five Hundred Sixteen and 75/100 (\$516.75) Dollars or one-half ( $\frac{1}{2}$ ) the loss sustained as it is the most favorable outcome possible.

Sincerely,



Peter N. Buzaid

PNB:mh

cc: Dom Setaro  
Tom Fabiano  
Eric Gottschalk



21

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

(203) 797-4525

February 26, 1992

To: Mayor Gene F. Eriquez and the Common Council

From: Susan S. Decina, Assistant Planning Director *SD*

Re: Transfer of Open Space from Tanglewood Realty

---

We have been asked to review the request of Tanglewood Realty to transfer ownership of a parcel of land located at Tanglewood Drive and Joe's Hill Road to the City of Danbury.

The subject property is a 5.937 acre tract of land which the developer was required to set aside for open space when the subdivision was approved in 1977. A map is attached for your reference.

Properties located to the north, east and west of the open space are residential lots which are part of the Tanglewood Estates subdivision. The 6.811 acre tract of land located to the south of the property is an open space area created for an adjacent subdivision also approved in 1977, Wintergreen Hill Estates. This adjacent open space parcel is still owned by Compratt Construction, the developer of Wintergreen Hill Estates.

The topography of the open space is gently sloping, opening into a nearly level basin at its southern end. It was noted in the minutes of the Planning Commission's January 19, 1977 meeting, at which the subdivision was discussed, that most of the open space consisted of wetlands and that the developer thought it best to preserve the wetlands. The City's Designated Inlands Wetlands Map indicates that this area contains wetlands. As it is dedicated open space, further development of this site is not permitted.

At the time the subdivision was approved, the Subdivision Regulations did not address the issue of ownership of the open space. In 1978, Section 4.A.3. of the Subdivision Regulations was amended to state "[w]here the proposed open space is contiguous to other publicly owned open space, and in the opinion of the Planning Commission is suitable for community use, it shall be offered at no cost to the City of Danbury or other such public agency." There is no contiguous publicly owned open space contiguous to this property. Additionally, environmental constraints may render the property unsuitable for community use. Presently, Section 4.A.3. also states that "[w]here the proposed open space is not contiguous to other publicly owned open space land it shall be deeded to either a non-profit land conservation trust, or to the lot owners of the subdivision, such that each lot owner possesses an undivided interest in the designated open space and is jointly and severally responsible for the payment of taxes on and maintenance of the designated open space." While the developer may wish to pursue these options, he is not required to.

It is our opinion that there is little value in accepting the open space. If the Council wishes to consider accepting open space parcels from subdivisions created before 1978, they may be faced with other donations of land from private owners of open space and the potential for greater loss of tax revenue.

If you need any additional information, please contact our office.

c: Dennis Elbern



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

## PLANNING COMMISSION

(203) 797-4525

February 24, 1992

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

8-24 Referral - Tanglewood Estates - Transfer of Open Space to the City

Dear Council Members:

The Planning Commission at its meeting February 19, 1992 motioned a negative recommendation for the request of Tanglewood Estates for a transfer of open space to the City for the reason the Commission does not see any benefit to the City, only loss if this land is transferred to the City. Nor real use can be done by the City. Accepting this land will be setting a terrible precedent for accepting open space not contiguous to City owned land. We are also transmitting a copy of the Planning Department report on this item.

The motion was made by Mr. Zaleta, seconded by Mr. Sibbitt and passed with "ayes" from Commissioners Zaleta, Sibbitt, Hyman, and Elder.

Sincerely yours,

  
Joseph Justino  
Chairperson

Attachment

JJ/jlc



21

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PLANNING & ZONING DEPARTMENT**  
(203) 797-4525

February 19, 1992

To: Planning Commission  
From: Planning Department  
Re: 8-24 Referral:  
Tanglewood Estates - Transfer of Open Space

---

Tanglewood Realty, the developer of the Tanglewood Estates subdivision, has offered to transfer ownership of the open space to the City of Danbury. The open space is a 5.937 acre tract of land which was created when the subdivision was approved in 1977. The open space has frontages along both Joe's Hill Road and Tanglewood Drive, a road created by this subdivision. A map is attached for your reference.

Properties located to the north, east and west of the open space are residential lots which were part of the Tanglewood Estates subdivision. The 6.811 acre tract of land located to the south of the property is an open space area created for an adjacent subdivision also approved in 1977, Wintergreen Hill Estates. This adjacent open space parcel is still owned by Compratt Construction, the developer of Wintergreen Hill Estates.

The topography of the open space is gently sloping, opening into a nearly level basin at its southern end. It was noted in the minutes of the Planning Commission's January 19, 1977 meeting, at which the subdivision was discussed, that most of the open space consisted of wetlands and that the developer thought it best to preserve the wetlands. The official Wetlands Map shows this area as being within a wetland area. As it is dedicated open space, further development of this site is not permitted.

At the time the subdivision was approved, the Subdivision Regulations did not address the issue of ownership of the open space. In 1978, Section 4.A.3. of the Subdivision Regulations was amended to state "[w]here the proposed open space is contiguous to other publicly owned open space, and in the opinion of the Planning Commission is suitable for community use, it shall be offered at no cost to the City of Danbury or other such public agency." There is no contiguous publicly owned open space contiguous to this property. Presently, Section 4.A.3. also states that "[w]here the proposed open space is not contiguous to other publicly owned open space land it shall be deeded to either a non-profit land conservation trust, or to the lot owners of the subdivision, such that each lot owner possesses an undivided interest in the designated open space and is jointly and severally responsible for the payment of taxes on and maintenance of the designated open space." Since the previous edition of the Subdivision Regulations do not address the issue of ownership, it is advisable to use the present language in making a determination to the appropriateness of acquiring this property.





# CITY OF DANBURY

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

February 24, 1992

PLEASE REPLY TO:

DANBURY, CT 06810

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

Re: Open Space - February Agenda Item #24

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report on the above-referenced matter. This item relates to a request by Mr. George Davon on behalf of Tanglewood Realty. Mr. Davon asked that the Common Council consider the acceptance of his offer of Lot No. B12029 in Tanglewood Estates. That lot was dedicated as open space in accordance with the Planning Commission approval of the Tanglewood subdivision.

First, you should be aware that there are many open space lots in Danbury that were created as integral parts of the subdivisions in which they are located. Recently approved subdivisions contain open spaces owned jointly by the owners of the remaining lots; however, in earlier subdivisions the developers retained ownership of these spaces. In those early cases, once the building lots were sold, the open space parcels became the developers' only connection with the subdivision. Since the lots represent a tax burden and a liability risk, the developers have no interest in continuing to own them.

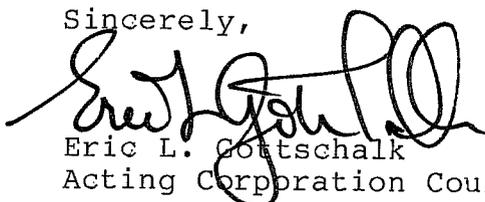
Unfortunately, the reasons that make these open spaces unattractive from the developers' point of view also make them a burden for the City. To accept the offer made by Mr. Davon would result in an increased risk of liability should anyone be

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council  
Re: Open Space - February Agenda Item #24  
February 24, 1992

injured on the lot. Further, acceptance of the offer would remove the lot from the tax rolls. Accordingly, I cannot recommend that the offer be accepted.

That having been said, I think it should be pointed out that the issue raised by Mr. Davon should be addressed. It is my belief that only the General Assembly can correct matters. I have already suggested that the Legislature review the possibility of amending the statutes to give each owner of property in any subdivision containing open space an undivided interest in the space. While I recognize that such a proposal is not without problems, it is the only equitable way to insure that those who benefit by the open spaces share in responsibility for them.

Sincerely,



Eric L. Gottschalk  
Acting Corporation Counsel

ELG:r



22

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

(203) 797-4525

February 26, 1992

To: Mayor Gene F. Eriquez and the Common Council

From: Susan S. Decina, Assistant Planning Director *SD*

Re: Request to purchase land at Rockwood Lane

---

We have been asked to review the offer of Mr. Dennis Crowley to purchase City owned land located at Rockwood Lane.

The subject parcel of land consists of approximately 4.61 acres in area and can be identified on the attached map as Tax Assessor's Lot # B08004. The property is presently vacant and contains mostly steep terrain. According to the Topographic Maps of the City, the parcel contains two peaks, one at elevation 798.3 and the other at elevation 817.8, which reflect the ruggedness of the terrain in the area. The grade of the property would be a significant hinderance to development of the property.

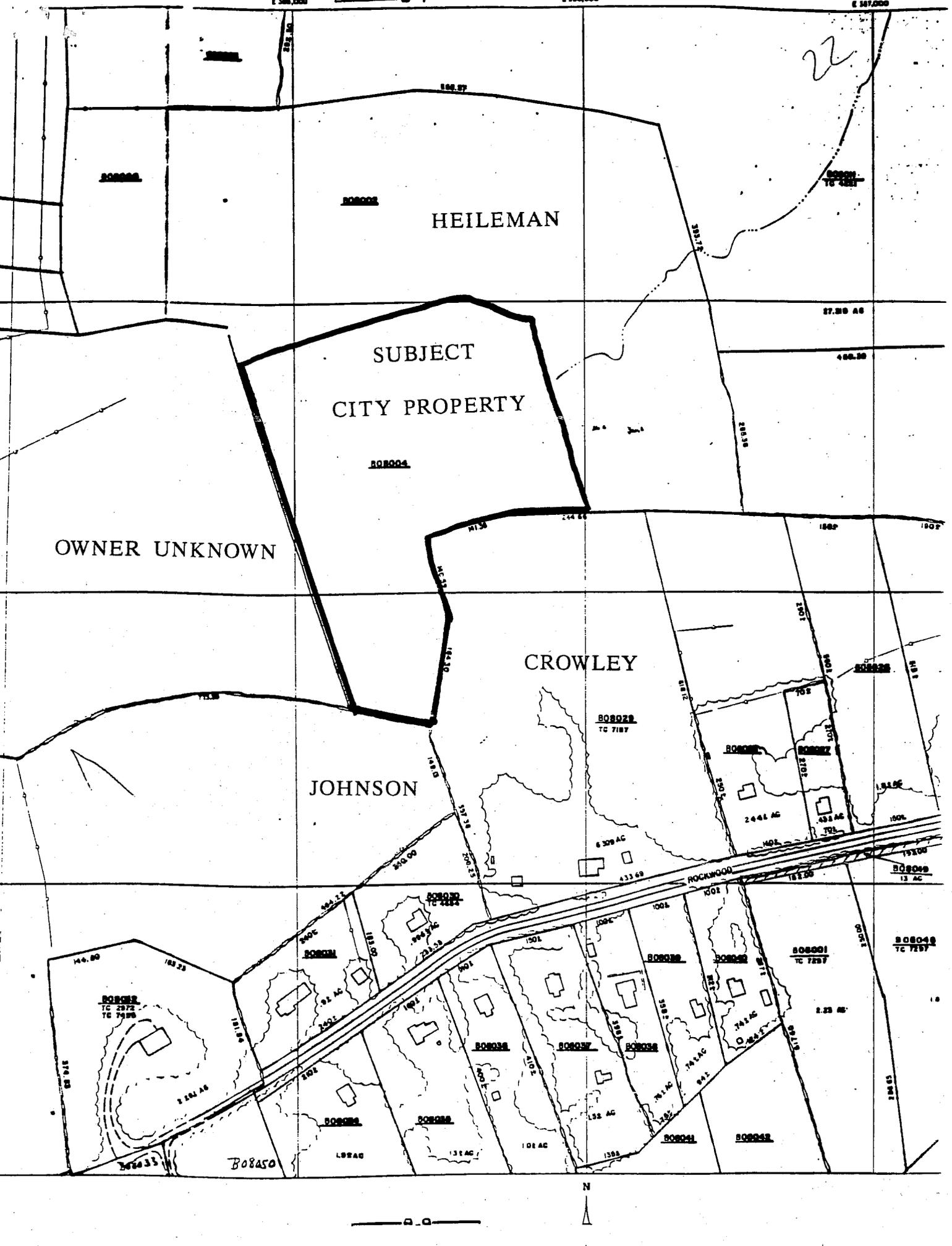
Another limiting factor to future development is the lack of access to the property. The site is landlocked by private property. Mr Crowley owns adjacent property to the south, as does Mr. John Johnson. Both the Crowley and Johnson properties have frontage on Rockwood Lane. Property located to the north and east of the subject site are landlocked and owned by the Heileman family and an unknown owner. The area is zoned RA-80, a two-acre single family residential zone.

The property is located in a public water supply watershed of the City. While continued municipal ownership and retention as open space affords the greatest protection of the water supply, there are several factors to be considered which minimize the amount of potential risk in selling the property: the existing topography and the lack of access. Additionally, Rockwood Lane is a private road where subdivisions are not permitted. Therefore, it is unlikely that a subdivision resulting in the creation of another building lot will occur by the transference of the property. It is most likely that the property will only be used to increase the area of the adjacent privately owned lots.

A review of the Tax Assessor's records and the Map Index of the Danbury Land Records did not reveal the origin of the City's ownership of this land. The Tax Assessor's records note the owner as the "Town of Danbury" suggesting that the property was owned by the municipality before consolidation occurred in 1965. Our review did not find any survey of the subject property. If the Council is considering the sale of the property, it may be best to have Corporation Counsel review the land records for title information to this parcel. Depending on the result of the counsel's search, it may be necessary to also have a survey done of the site.

In conclusion, it would seem that the sole purpose in retaining ownership of the property would be to provide maximum protection of the watershed. However, consideration should be given to the factors limiting any further development, i.e., topography, accessibility, and unlikely chance of creating another building lot. Our department would not object to the sale of this land.

c: Dennis Elpern



HEILEMAN

SUBJECT  
CITY PROPERTY

OWNER UNKNOWN

CROWLEY

JOHNSON

ROCKWOOD

B08018  
TC 2372  
TC 7908

B08019  
TC 2372  
TC 7908

B08020  
TC 2372  
TC 7908

B08022  
TC 7187

B08023  
TC 7187

B08024  
TC 7187

B08025  
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TC 7287

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B08048  
TC 7187

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22

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

February 19, 1992

ENGINEERING DEPARTMENT  
(203) 797-4641

JOHN A. SCHWEITZER, JR., P.E.  
CITY ENGINEER

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

Dear Mayor Eriquez and Common Council Members:

A January 27, 1992 request by Dennis Crowley to purchase land known as Assessor's Lot #B08004 (Item 22 of the minutes of the February 4, 1992 Common Council minutes) has been referred to our office for a thirty day report.

Lot #B08004 is a landlocked parcel of land located north of Rockwood Lane. This parcel of land is shown in yellow on the enclosed section of the City zoning map.

We were unable to determine when and from whom the City acquired this parcel of land. The Tax Assessor's office also reviewed its files and was not able to provide us with information on this lot other than it being Lot #B08004 being 4.6 acres more or less in area and being listed as owned by the "Town of Danbury".

On the enclosed section of the City zoning map we have shown in green other parcels of land owned by the City of Danbury in the vicinity of Rockwood Lane. None of the other City owned parcels of land are contiguous to Lot #B08004. We, therefore, see no benefit to the City by the possession of this particular landlocked lot. Transfer to a private property owner would also have the benefit of adding this lot to the City's tax base.

However, before a final decision is made relative to this parcel of land, further investigation into the ownership, size, etc. of this parcel should be made. We recommend that the Corporation Counsel's office advise you further on these issues.

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

(continued on page 2)

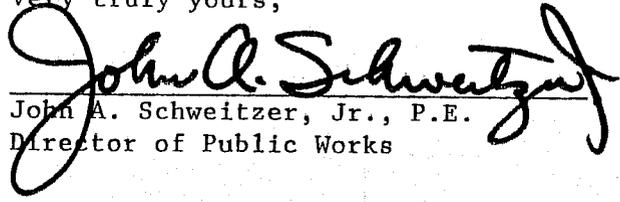
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TO: Mayor Gene F. Eriquez  
Common Council

February 19, 1992

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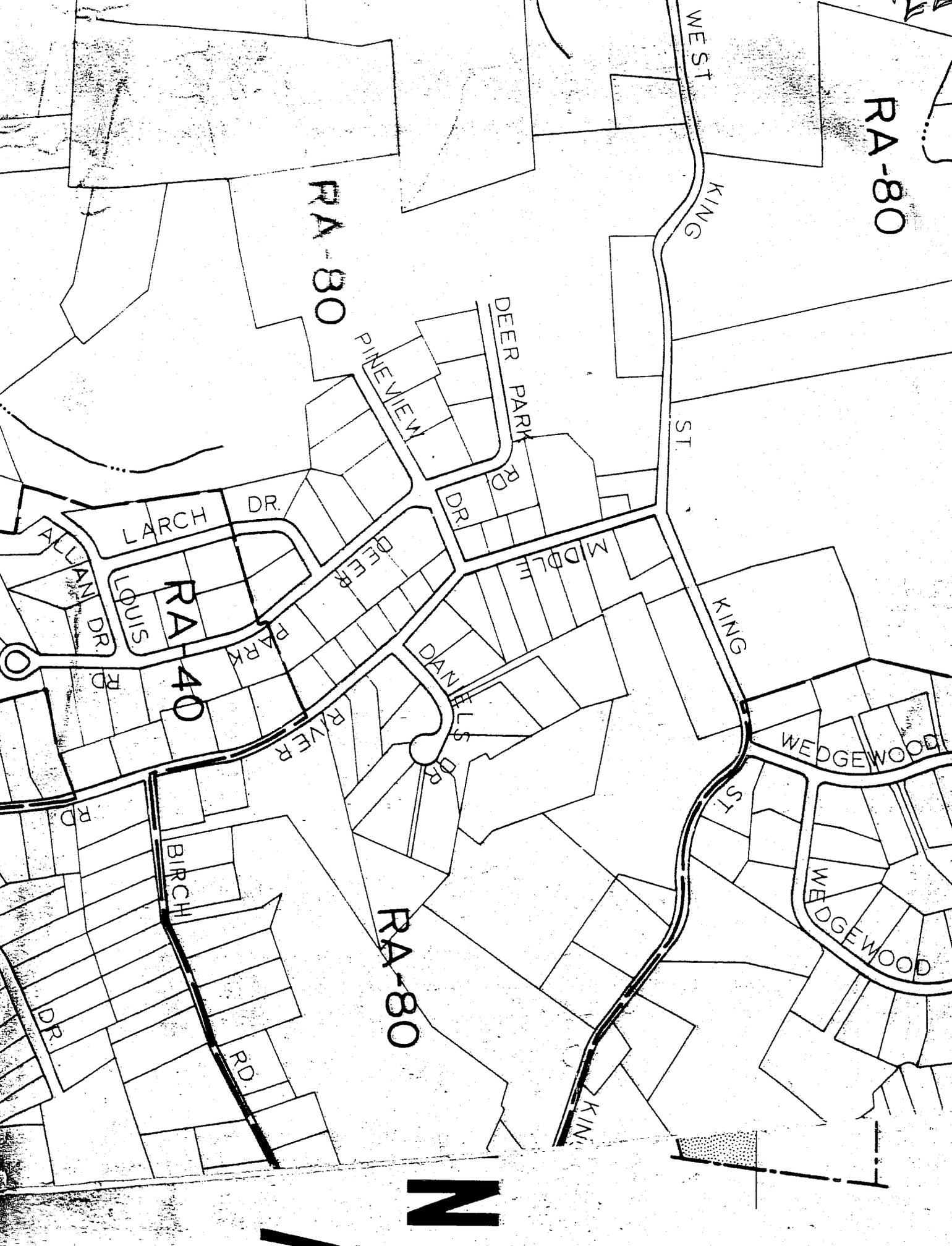
Very truly yours,

  
John A. Schweitzer, Jr., P.E.  
Director of Public Works

JAS/PAE/gw

Enclosure

c: Basil Friscia  
Eric L. Gottschalk, Esq.  
Susan Decina with encl.



RA-80

RA-80

RA-40

RA-80

N

WEST KING

KING

ST

KING

ST

WEDGEWOOD

WEDGEWOOD

DEER PARK RD

PINEVIEW

DR

MIDDLE

DANIEL'S DR

RIVER

BIRCH

LARCH DR

LOUIS

ALLAN DR

RD

DR

RD

RD



22

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

## PLANNING COMMISSION

(203) 797-4525

February 24, 1992

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

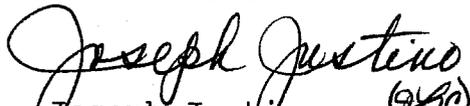
Re: 8-24 Referral - Request to purchase land on Middle River Road

Dear Council Members:

The Planning Commission at its meeting February 19, 1992 motioned for a positive recommendation with the recommendation that the Common Council follow procedures for selling surplus property. There apparently is no long range plan for this property and it appears to be surplus land.

The motion was made by Mr. Elder, seconded by Mrs. Hyman and passed with "ayes" from Commissioners Elder, Hyman, Sibbitt, and Zaleta.

Sincerely yours,

  
Joseph Justino (JJC)  
Chairperson

JJ/jlc



24

# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Alternates to the Planning and Zoning Commissions

The Common Council met as a Committee of the Whole at 7:18 P.M. on February 18, 1992 to review proposed ordinances concerning alternates to the Planning and Zoning Commissions. These ordinances designate the provisions for the seating of alternates on these bodies.

Mr. Boughton moved to recommend approval of the proposed ordinances. The motion was seconded by Mrs. Butera and passed unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
JOSEPH DaSILVA, Chairman



25

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Permit Parking Violations

The Common Council met as a Committee of the Whole at 7:18 P.M. on February 18, 1992 to review a proposed ordinance concerning compliance with permit parking violations. This ordinance would empower the Danbury Parking Authority to enforce violations of permits as well as meter violations.

Mrs. Butera moved to recommend approval of the proposed ordinance. Mrs. Outlaw seconded the motion which carried unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
JOSEPH DaSILVA, Chairman

25



**ORDINANCE**  
**CITY OF DANBURY, STATE OF CONNECTICUT**  
**COMMON COUNCIL**

March 3, 1992

---

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a Section to be numbered 19-34 which said section reads as follows:

**Sec. 19-34. Compliance with permit parking regulations.** No person shall park in off-street parking facilities or spaces for which permits are issued by the Danbury Parking Authority unless said person shall have complied with the terms, conditions and regulations established by said Authority for the use of said facilities or spaces.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and Section 3-10 of the Charter of the City of Danbury, Connecticut.

Adopted by the Common Council - March 3, 1992  
Approved by Mayor Gene F. Enriquez - March 4, 1992

ATTEST: Jimmetta L. Samaha  
JIMMETTA L. SAMAHA  
Assistant City Clerk



26

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

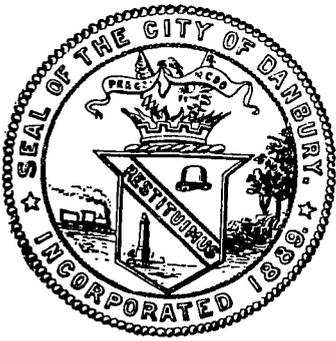
Re: Appointment of Civilian Parking Violation Enforcement  
Officers

The Common Council met as a Committee of the Whole at 7:18 P.M. on February 18, 1992 to review a proposed ordinance concerning the appointment of civilian parking violation enforcement officers. The Mayor would appoint and the Common Council would confirm such officers.

Mr. Boughton moved to recommend approval of the proposed ordinance. The motion was seconded by Mrs. Butera. Motion carried unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
JOSEPH DaSILVA, Chairman



26

**ORDINANCE**  
**CITY OF DANBURY, STATE OF CONNECTICUT**  
**COMMON COUNCIL**

March 3, 1992

---

Be it ordained by the Common Council of the City of Danbury:

THAT Section 19-40 of the Code of Ordinances is hereby redesignated as Subsection 19-40(a) and that the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a Subsection to be numbered 19-40(b) which said subsection reads as follows:

**19-40(b).** At the request of the Danbury Parking Authority, the Mayor shall appoint and the Common Council shall confirm one or more civilian parking violation enforcement officers. Said officers shall be employed by and be under the direction and control of the Danbury Parking Authority. Said officers shall have authority to issue notices of violation for any instances of violation of the provisions of this section or of the provisions of section 19-34 hereof.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and Section 3-10 of the Charter of the City of Danbury, Connecticut.

Adopted by the Common Council - March 3, 1992  
Approved by Mayor Gene F. Eriquez - March 4, 1992

ATTEST: Wimmetta L. Samaha  
WIMMETTA L. SAMAHA  
Assistant City Clerk



27

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Overtime Needs in the Fire Department

The Common Council Committee appointed to review the overtime needs in the Fire Department met at 7:30 P.M. in Room 432 on February 25, 1992. In attendance were committee members Gallo and Dean Esposito. Mr. Fazio was absent. Also in attendance were Council Member John Esposito, ex-officio, Director of Finance Dominic Setaro, Director of Personnel Manny Merullo, Fire Chief Antonio Lagarto and Members of the Fire Department.

Mr. Gallo opened the meeting by stating that some funds had already been transferred from within the Health and Safety section of the budget to the Fire Department Overtime Account. These funds are \$55,000 from the Police Department, \$23,517.84 from the lapsed salary account, Fire Department and \$25,050 from accounts frozen from within the Fire Department. These funds, in addition to the \$31,299.15 transferred from the Contingency Account at the February Common Council Meeting leave a shortfall of \$109,133.01. Mr. Gallo read a letter to the committee from the Director of Finance Dominic Setaro recommending the accounts from which these funds can be transferred. It was noted that during the last four months of the fiscal year, funds can be transferred from one department to any other department.

Dean Esposito made a motion to recommend to the Common Council the transfer of \$109,133.01 from the following accounts to the Fire Department Overtime Account:

Lake Authority	02-01-192-072807	
	Lake Authority	\$ 1,733.00
Public Works	02-03-109-010100	
	Regular Salaries	5,543.00
Insurance	02-09-130-073600	
	Workers Compensation	
	Claims (uninsured)	20,000.00

27

Insurance	02-09-150-071100	
	Employees Group Insurance	\$ 66,857.01
Welfare	02-09-151-071002	
	Union Welfare Contributions	15,000.00
		<u>\$109,133.01</u>

Seconded by Mr. Gallo. Motion carried unanimously.

Respectfully submitted,

  
 \_\_\_\_\_  
 BERNARD P. GALLO, Chairman

  
 \_\_\_\_\_  
 DEAN ESPOSITO

  
 \_\_\_\_\_  
 MICHAEL S. FAZIO



27

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Overtime Needs in the Fire Department

The Common Council Committee appointed to review the overtime needs in the Fire Department met at 7:30 P.M. in Room 432 on February 25, 1992. In attendance were committee members Gallo and Dean Esposito. Mr. Fazio was absent. Also in attendance were Council Member John Esposito, ex-officio, Director of Finance Dominic Setaro, Director of Personnel Manny Merullo, Fire Chief Antonio Lagarto and Members of the Fire Department.

Mr. Gallo opened the meeting by stating that some funds had already been transferred from within the Health and Safety section of the budget to the Fire Department Overtime Account. These funds are \$55,000 from the Police Department, \$23,517.84 from the lapsed salary account, Fire Department and \$25,050 from accounts frozen from within the Fire Department. These funds, in addition to the \$31,299.15 transferred from the Contingency Account at the February Common Council Meeting leave a shortfall of \$109,133.01. Mr. Gallo read a letter to the committee from the Director of Finance Dominic Setaro recommending the accounts from which these funds can be transferred. It was noted that during the last four months of the fiscal year, funds can be transferred from one department to any other department.

Dean Esposito made a motion to recommend to the Common Council the transfer of \$109,133.01 from the following accounts to the Fire Department Overtime Account:

Lake Authority	02-01-192-072807	
	Lake Authority	\$ 1,733.00
Public Works	02-03-109-010100	
	Regular Salaries	5,543.00
Insurance	02-09-130-073600	
	Workers Compensation	
	Claims (uninsured)	20,000.00

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Insurance	02-09-150-071100	
	Employees Group Insurance	\$ 66,857.01
Welfare	02-09-151-071002	
	Union Welfare Contributions	15,000.00
		<u>\$109,133.01</u>

Seconded by Mr. Gallo. Motion carried unanimously.

Respectfully submitted,

BERNARD P. GALLO, Chairman

DEAN ESPOSITO

MICHAEL S. FAZIO



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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

February 26, 1992

### CERTIFICATION

MEMO TO: Common Council via  
Mayor Gene F. Eriquez

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

RE: Fire Department Overtime

I hereby certify the availability of \$109,133.01 to be transferred from the following accounts to the Fire Department overtime account #02-02-110-010500.

Lake Authority	02-01-192-072807	
	Lake Authority	\$ 1,733.00
Public Works	02-03-109-010100	
	Regular Salaries	5,543.00
Insurance	02-09-130-073600	
	Workers' Compensation Claims (Uninsured)	20,000.00
Insurance	02-09-150-071100	
	Employees' Group Insurance	66,857.01
Welfare	02-09-151-071002	
	Union Welfare Contributions	<u>15,000.00</u>
	TOTAL	\$109,133.01

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

DAS/jg





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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Third Street Sanitary Sewer Project

The Common Council met as a committee of the whole at 7:18 P.M. to review a proposed sanitary sewer installation on Third Street. Several property owners along this proposed line spoke in favor of the sewer at the preceding public hearing.

Mr. Falzone moved to recommend approval of the installation of a sanitary sewer on Third Street. The funds for this project to be appropriated from the sewer fund fund balance (surplus) pending certification. There will be a nineteen (19) year payment schedule established for this project. Mrs. Coladarci seconded the motion which passed unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
JOSEPH DaSILVA, Chairman



28

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

January 30, 1992

ENGINEERING DEPARTMENT  
(203) 797-4641

JOHN A. SCHWEITZER, JR., P.E.  
CITY ENGINEER

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

Dear Mayor Eriquez and Common Council Members:

**Proposed Sanitary Sewer  
Third Street  
Public Hearing**

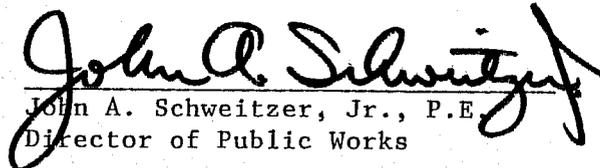
As directed by the Common Council at its October 1, 1991 meeting (reference Item 23 of the meeting minutes), our office has prepared cost estimates applicable to those properties which would benefit by the above noted sanitary sewer installation.

Enclosed please find a copy of a summary sheet listing property owners' names, property addresses and each lot's estimated assessment.

According to the Common Council minutes referred to above, the next step in the process is for the Common Council to hold a public hearing on the matter.

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

Very truly yours,

  
John A. Schweitzer, Jr., P.E.  
Director of Public Works

JAS/PAE/gw

Enclosure

PRELIMINARY ASSESSMENTS - SANITARY SEWER PROJECT  
THIRD STREET

20

<u>HOUSE NO.</u>	<u>LOT NO.</u> ( <u>OLD LOT NO.</u> )	<u>OWNER</u>	<u>TOTAL</u>
14 Third Street	J11169 (93)	Aldina A. Caprio	\$5,500.00
12 Third Street	J11170 (92-91)	Clarence L. Beers, Jr. Winifred L. Beers	\$9,200.00
8 Third Street	J11173 (89-90)	Ronald L. Scattolini Sandra C. Scattolini	\$9,300.00
4 Third Street	J11175 (87)	Michael J. Kolesar Gertrude A. Kolesar	\$5,400.00
2 Third Street	J11178 (81)	Vincent N. Novaco	\$5,400.00
3 Third Street	J11184 (52)	Carmen Frisch	\$10,200.00
5 Third Street	J11185 (53)	James L. O'Hara	\$9,100.00
7 Third Street	J11186 (54)	Michael K. Will Carl Will	\$10,500.00
18 Virginia Avenue	J11187 (67)	Aventino A. Almeida Berta Almeida	\$7,400.00
6 Third Street	J11174 (88)	Larry B. Dann Robin M. Dann	\$6,000.00



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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

February 19, 1991

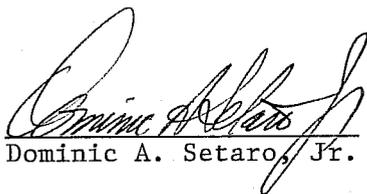
CERTIFICATION

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

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

RE: Third Street Sewers

I hereby certify the availability of \$78,000 to be transferred from the Sewer Fund fund balance to a new capital line item in the Sewer Fund budget entitled, "Sanitary Sewers, Third Street".

  
Dominic A. Setaro, Jr.

DAS/jg



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Purchase of Property at 8 Boughton Street

The subcommittee to review the offer to sell property at 8 Boughton Street met February 19, 1992 in Room 432 in City Hall at 7:00 P.M. In attendance were Committee Members Coladarci and Butera. Also in attendance were Lt. Art Sullo, Dan Leppo of the Planning Department and Director of Public Works Jack Schweitzer. Mrs. Butera moved to waive the rules so those in attendance can speak. Seconded by Mrs. Coladarci and passed unanimously.

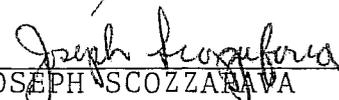
Lt. Sullo spoke on behalf of Police Chief Nelson Macedo stating that although it was very considerate of the Murphy's to offer their house for sale to the City, the Department's primary interest for now is the property at 116 Main Street which the Council had previously cleared for negotiations. The Department would love to have both properties but due to economic constraints it would cost too much money to bring the Murphy house up to commercial code or to demolish the house and use the property as a parking lot.

Mrs. Butera said that after listening to Lt. Sullo's report from the Chief she would like to make a motion to do nothing at the present time. Once the City has a surplus of funds, if the property is still up for sale, the City can again look into the possibility of a purchase. The motion was seconded by Mrs. Coladarci and passed unanimously.

Respectfully submitted,

  
EILEEN S. COLADARCI, Chairman

  
JANET D. BUTERA

  
JOSEPH SCOZZARO



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

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Lt. Sullo spoke on behalf of Police Chief Nelson Macedo stating that although it was very considerate of the Murphy's to offer their house for sale to the City, the Department's primary interest for now is the property at 116 Main Street which the Council had previously cleared for negotiations. The Department would love to have both properties but due to economic constraints it would cost too much money to bring the Murphy house up to commercial code or to demolish the house and use the property as a parking lot.

Mrs. Butera said that after listening to Lt. Sullo's report from the Chief she would like to make a motion to do nothing at the present time. Once the City has a surplus of funds, if the property is still up for sale, the City can again look into the possibility of a purchase. The motion was seconded by Mrs. Coladarci and passed unanimously.

Respectfully submitted,

\_\_\_\_\_  
EILEEN S. COLADARCI, Chairman

\_\_\_\_\_  
JANET D. BUTERA

\_\_\_\_\_  
JOSEPH SCOZZAFAVA



20

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Fire Marshalls - Special Events

The Common Council Committee appointed to review the policy of the Danbury Fire Department regarding the necessity of hiring a Fire Marshall for various events met at 7:30 P.M. on February 18, 1992. In attendance were committee members DaSilva, Gallo and Boughton. Also in attendance were Fire Chief Antonio Lagarto, Fire Marshall Alan Schacht, Deputy Fire Marshalls R. Whitlock, Carmen Rao and Barry Rickert, Director of Finance Dominic Setaro and Council Members Arconti, Trocolla, Scalzo and John Esposito, ex-officio.

Mr. DaSilva explained the reason for requesting this committee. He asked why this policy was instituted within the last two years and why a Fire Marshall is needed at various affairs in City schools on the weekends when none are required at events during the school day or at the many events that occur throughout the City in the many other types of facilities. These would include restaurants, movie theaters, catering halls and hall rental facilities which may attract large crowds.

Mr. Schacht gave a rundown of how and why the procedure took place. He stated that a number of problems have arisen at Danbury High School, Rogers Park Junior High School and Broadview Junior High School. These included overcrowding, blocking of exits, stringing of electrical wire and improper equipment. He, Chief Lagarto and Mr. Rickert said that the principal and teachers are responsible for fire safety in the schools and that the schools are regularly inspected. Movie theaters have fixed seating and therefore do not need a Fire Marshall. Halls and restaurants are inspected. Mr. Rao stated that events in schools are more of a problem than in private places. Mr. Schacht said that Wilton, Ridgefield, Hartford and Waterbury also employ the practice of using Fire Marshalls at events as those discussed.

Chief Lagarto stated that when the problems at school events stop occurring this practice will be stopped, or if the same group was to meet frequently without problems a Fire Marshall would not be mandated for that group. 30

Mr. Boughton moved to take no action at this time, as a committee has met with Fire officials who explained the reasons for needing a Fire Marshall at the various events with a satisfactory explanation. Seconded by Mr. Gallo and passed unanimously.

Respectfully submitted,

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JOSEPH DaSILVA, Chairman

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BERNARD P. GALLO

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DONALD BOUGHTON



20

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 3, 1992

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Honorable Members of the Common Council

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Mr. Boughton moved to take no action at this time, as a committee has met with Fire officials who explained the reasons for needing a Fire Marshall at the various events with a satisfactory explanation. Seconded by Mr. Gallo and passed unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
JOSEPH DaSILVA, Chairman

  
\_\_\_\_\_  
BERNARD P. GALLO

  
\_\_\_\_\_  
DONALD BOUGHTON



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Fitness Equipment Donation to the Danbury Fire Department

The subcommittee appointed to review Mr. Larry Johnson's donation of fitness equipment to the Danbury Fire Department, met February 20, 1992 at 7:30P.M. in Room 432 at City Hall. In attendance were Councilman Thomas Arconti, Councilwoman Deborah Gogliettino, and Councilman Joseph Scozzafava. Also in attendance were Fire Chief Anthony Lagarto, City Risk Manager Thomas Fabiano, City Personnel Director Manny Merullo, City Corporation Counsel Eric Gottschalk, Larry Johnson, Louis DeMici, President Danbury Firefighters Association, Local 801, Danbury Firefighters: Bob Vosburgh, Ray Rodriquez, Ronald Bowers, Pete Siecienski, Stephen Johnson, and Councilmen Bernie Gallo and John Esposito, ex-officio.

Chairperson Arconti thanked the previous sub-committee their thorough work. He then read the written questions submitted by Councilman Scalzo and those submitted by Councilwoman Denehy, and stated that the answers to most of these questions were contained in the minutes of the previous sub-committee meeting. He also reviewed the charge of this sub-committee which was to discuss guidelines on use of this equipment, should it be accepted.

Councilman Scozzafava moved to waive the rules to allow discussion. Councilwoman Gogliettino seconded. Motion passed unanimously. Councilman Arconti stated that there was an issue about the ownership of some pieces of the equipment being donated. Larry Johnson explained that four individuals owned various pieces of equipment which they kept and used at one location. He said there was a mix-up amongst what the other three owners retrieved. Mr. Johnson beleives the matter has been straightened out to everyone's satisfaction. Mr Johnson also stated that he is the sole owner of all the fitness machines being considered, and that he would like the City to accept the donation of that equipment to the Danbury Fire Department.

Chief Lagarto distributed a set of proposed guidelines that he and others in the Fire Dept. developed. Mr. Merullo expressed concern about some of the conditions set forth in the guidelines and whether they affect contractual obligations or conditions of employment. Chief Lagarto responded that use of this fitness equipment would be entirely voluntary on an individual basis and these guidelines are proposed in response to concerns raised by CIRMA. He also stated that members of the Union were involved in drafting the guidelines.

Councilwoman Gogliettino asked Corporation Counsel about voluntary use and the possible effects on contractual obligations. Counsel Gottschalk indicated that the City and the Union could formally adopt a set of guidelines and add them to the current contract.

Councilman Esposito stated that he understands that the Common Council can accept the equipment without becoming involved in how it is used and believes the Council should focus on the issue of acceptance only. He also noted a letter from the president of the Fire Union requesting favorable consideration of this donation. Councilman Arconti agreed and stated it is up to the Fire Chief and those with expertise in these areas to decide upon and implement appropriate guidelines for use. He further stated that it is evident that those individuals will do so.

Councilman Scozzafava asked Risk Manager Fabiano for his opinion on this matter, Mr. Fabiano believes the positive aspects will outweigh any negative aspects.

Councilwoman Gogliettino moved to recommend that the Council accept the donation of Larry Johnson's fitness equipment to the Fire Department with the understanding that Chief Lagarto, the City Risk Manager, the City Corporation Counsel and the appropriate Fire Union representatives will review, implement and maintain all guidelines for use of this equipment, as they deem appropriate . Seconded by Councilman Scozzafava. Motion passed unanimously.

Meeting was adjourned at 8:25P.M.

Respectfully Submitted,

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Thomas J. Arconti, Chairman

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Deborah Gogliettino

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Joseph Scozzafava



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

## COMMON COUNCIL

### REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Danbury Cemetery Association

The Common Council Committee appointed to review the request of the Danbury Cemetery Association met on February 24, 1992 at 7:30 P.M. in City Hall. In attendance were committee members John Esposito and Boughton. Kathy Dennehy was unable to attend. Also in attendance were W. Montesi Superintendent of Wooster Cemetery, J. Thayer Bowman, member of the Wooster Cemetery Executive Board, Director of Welfare Deborah MacKenzie and Director of Finance Dominic Setaro.

Mr. Bowman spoke of the existing agreement between the Association and the City. The Association maintains over 2,000 graves owned by the City. The Association maintains and preserves the lots. By agreement, the cost of the service is \$5.55 per grave for a total of \$11,111.40 for 1990-91. The Association is willing to continue the agreement for an additional year commencing July 1, 1992 at a cost of \$7.20 per grave for a total cost of \$14,414.40.

Mr. Montesi explained the rising cost of maintenance of the cemetery, thus the increase of the cost of perpetual care of the graves. Ms. MacKenzie stated that it is her responsibility to purchase City owned graves for indigent people of Danbury. The graves presently purchased are done so with perpetual care. However, this was not the case years ago.

Mr. Boughton spoke of understanding the present economic conditions of the present time and the future cost of maintaining the graves. He asked if the City and the Association could possibly come to some agreement that would include a permanent amount for the perpetual care. Both Mr. Setaro and Mr. Bowman agreed that this was a possibility. Mr. Boughton made a motion that the City accept the proposal to extend the agreement with the Danbury Cemetery Association for the year beginning July 1, 1992 through June 30, 1993 in the amount of \$14,414.40. He also recommended that the Cemetery Association come up with a proposal for next year that would include a permanent amount for perpetual care, payable over a period of years which will benefit the City and the Association. The funding for this agreement will be included in the

1992 City budget. The motion was seconded by Mr. Esposito and carried unanimously.

Respectfully submitted,

  
JOHN J. ESPOSITO, Chairman

  
KATHLEEN DENNEHY

  
DONALD BOUGHTON



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

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1992 City budget. The motion was seconded by Mr. Esposito and carried unanimously.

Respectfully submitted,

JOHN J. ESPOSITO, Chairman

KATHLEEN DENNEHY

DONALD BOUGHTON



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

March 3, 1992

Honorable Mayor Gene F. Eriquez  
Honorable Members of the Common Council

Re: Education Budget Liasion Committee

The ad hoc Education Budget Liasion Committee met on Wednesday, February 19, 1992 at 7:50 P.M. In attendance were committee members Gogliettino, Setaro and Scalzo. Also present were Council Members DaSilva, Cipriani and Trocolla, ex-officio. Committee Members Fazio and Scozzafava were absent.

Mrs. Gogliettino asked for a motion to waive the rules of the meeting in order to allow discussion between committee members and ex-officio members. Mr. Setaro made the motion with a second by Mr. Scalzo. Mr. DaSilva discussed the background and role of the liasion committee and all ex-officio members present answered questions from committee members about the supervisory table of organization in the Danbury school system and other items in the school budget.

After a lenthly discussion about potention areas for reduction in the school budget, a motion was made by Mr. Scalzo to adjourn. Seconded by Mr. Setaro and unanimously passed. The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

  
DEBORAH R. GOGLIETTINO, Chair

  
HARRY W. SCALZO

  
CHRISTOPHER SETARO

  
MICHAEL S. FAZIO

  
JOSEPH SCOZZAFAVA



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

March 3, 1992

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Honorable Members of the Common Council

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Respectfully submitted,

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DEBORAH R. GOGLIETTINO, Chair

\_\_\_\_\_  
HARRY W. SCALZO

\_\_\_\_\_  
CHRISTOPHER SETARO

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MICHAEL S. FAZIO

\_\_\_\_\_  
JOSEPH SCOZZAFAVA