

COMMON COUNCIL MEETING

MARCH 7, 1989

Meeting to be called to order at 8:00 P.M. by Mayor Sauer

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

Bourne, Connell, Gallo, Moran, Renz, Esposito, Farah, Godfrey,  
Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Bundy,  
Butera, Danise, DaSilva, Eriquez, Regan.

16

Present

5

Absent

CONSENT CALENDAR

The Consent Calendar was presented by

MINUTES of the Common Council Meeting held February 7, 1989 and the Special Common Council Meeting held February 21, 1989. The Minutes were

✓ 1 RESOLUTION - Youth Services Bureau Operations  
The Resolution was

✓ 2 ORDINANCES - Housatonic Resources Recovery Authority  
The Ordinances were

✓ 3 COMMUNICATION - Donations to the Department of Elderly Services  
The Communication was

✓ 4 COMMUNICATION & CERTIFICATION - Outside Services Account, Corporation Counsel's Office  
The Communication and Certification were

✓ 5 COMMUNICATION - Conflict of Agreement between the City and Richard P. Jowdy  
The Communication was

✓ 6 COMMUNICATION - Contributions, Living Memorials  
The Communication was

✓ 7 COMMUNICATION - Lease of Space at Ives Manor, Health Department  
The Communication was

✓ 8 COMMUNICATION - Water Rate Increases  
The Communication was

✓ 9 COMMUNICATION - Request for an ad hoc committee regarding City Vehicles  
The Communication was

✓ 10 COMMUNICATION - Request for contribution to Marian Anderson Annual Award  
The Communication was

- ✓11 **COMMUNICATION** - Appeals from the Board of Tax Review  
The Communication was

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- ✓12 **COMMUNICATION** - Request for an ad hoc committee to review proposed changes in Ordinances governing the Landfill and Recycling Center  
The Communication was

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- ✓13 **COMMUNICATION** - Educational Enhancement Act Money  
The Communication was

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- ✓14 **COMMUNICATION** - Littering along Lake Avenue  
The Communication was

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- ✓15 **COMMUNICATION** - Candlewood Park Concession Rental  
The Communication was

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- ✓16 **COMMUNICATION** - Proposed Sites for Scattered Site Development  
The Communication was

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- ✓17 **COMMUNICATION** - Mandated 911 Emergency Phone System  
The Communication was

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- ✓18 **COMMUNICATION** - Report from City Engineer regarding request for easement from Bernstein, Mountainville Avenue  
The Communication was

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- ✓19 **COMMUNICATION** - Reports from Director of Public Utilities and City Engineer regarding State Project no. 34-185 - Water Main Installation I-84 Rest Area  
The Communication was

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- ✓20 **COMMUNICATION** - Scott-Fanton Lease  
The Communication was

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- ✓21 **COMMUNICATION** - Danbury Preservation Trust - Erickson House  
The Communication was

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- ✓22 **COMMUNICATION** - Request to purchase land on Maple Avenue Ext. - Ashkar Associates  
The Communication was

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- ✓23 **COMMUNICATION** - Request to purchase land on Maple Avenue Ext. - Norman Carvalho  
The Communication was

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- ✓24 **COMMUNICATION** - Request for easement on Osborne Street Field  
The Communication was

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- ✓25 **COMMUNICATION** - Sewer Permit Fee - Mill Plain Package Store  
The Communication was

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- ✓26 **DEPARTMENT REPORTS** - Health Department, Police Department, Parks and Recreation, Airport Administrator, Fire Chief, Fire Marshall, Building Department, Superintendent of Public Utilities  
The Department Reports were

REPORT & ORDINANCE - Landfill Ordinance 16A-32(h)  
The Report and Ordinance were

- ✓28 REPORT - Military Museum at Tarrywile Park  
The Report was

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- ✓29 REPORT - Sheridan Street Drainage Easement  
The Report was

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- ✓30 REPORT - Request for Sewer and Water Extensions, 20 and 22 Virginia Avenue  
The Report was

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- ✓31 REPORT - Sewer Rate Increases  
The Report was

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- ✓32 REPORT - Capitola Road  
The Report was

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- ✓33 REPORT - Request for Sewer Extension, Danbeth Partners  
The Report was

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- ✓34 REPORT - Request of Ashkar Associates to purchase land on Maple Avenue Ext.  
The Report was

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- ✓35 REPORT - Exchange of Easements, Tan Mar Drive  
The Report was

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- ✓36 REPORT - Conflict with Water Department  
The Report was

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- ✓37 PROGRESS REPORT - Sunset Review Commission  
The Progress Report was

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- ✓38 PROGRESS REPORT - Cross Street Bridge  
The Progress Report was

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- ✓39 PROGRESS REPORT - Lake Kenosia Commission Grant  
The Progress Report was

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- ✓40 COMMUNICATION - Tarrywile Park Mansion, Appropriation of Funds  
The Communication was

**PUBLIC SPEAKING SESSION**

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

- 141 Communication - East Stars Plain Rd
- ✓42 Report and ordinance - Tarrywile Park
- ✓43 Report - Request for sewer and water extensions
- ✓44 Report - Grant from the Connecticut Alcohol & Drug Abuse
- Drainage Easement

43  
Committee over

COMMON COUNCIL - ROLL CALL

<u>NAME</u>	<u>YES</u>	<u>NO</u>
LOVIE D. BOURNE		
BARRY J. CONNELL		✓
BERNARD P. GALLO		
HANK S. MORAN	✓	✓
GARY D. RENZ	✓	✓
JOHN J. ESPOSITO	✓	✓
MOUNIR A. FARAH		✓
STEPHEN T. FLANAGAN	✓	
NICHOLAS ZOTOS	✓	
ARTHUR T. CRESCI		
JAMES E. NIMMONS, JR.		
MICHAEL S. FAZIO		
WILLIAM H. SHAW		✓
ANTHONY J. CASSANO	✓	
LOUIS T. CHARLES	✓	
ROGER M. BUNDY	✓	
JANET BUTERA	✓	
MARI ANN DANISE		✓
JOSEPH DaSILVA	✓	
GENE F. ERIQUEZ	✓	
ARTHUR D. REGAN	✓	✓

10

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# 10

COMMON COUNCIL - ROLL CALL

<u>NAME</u>	<u>YES</u>	<u>NO</u>
LOVIE D. BOURNE		
BARRY J. CONNELL		✓
BERNARD P. GALLO		
HANK S. MORAN	✓	
GARY D. RENZ		✓
JOHN J. ESPOSITO	✓	
MOUNIR A. FARAH		✓
STEPHEN T. FLANAGAN	✓	
NICHOLAS ZOTOS	✓	
ARTHUR T. CRESCI		
JAMES E. NIMMONS, JR.		
MICHAEL S. FAZIO		
WILLIAM H. SHAW		✓
ANTHONY J. CASSANO		✓
LOUIS T. CHARLES	✓	
ROGER M. BUNDY		✓
JANET BUTERA		
MARI ANN DANISE		✓
JOSEPH DaSILVA	✓	
GENE F. ERIQUEZ	✓	
ARTHUR D. REGAN		✓

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## RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

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

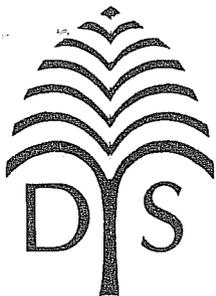
RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed EIGHTY THOUSAND (\$80,000) DOLLARS are available from the State of Connecticut Department of Children and Youth Services for 1989-1990 Youth Services Bureau Operations; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of Joseph H. Sauer, Jr., as Mayor of the City of Danbury, in applying for said funds be and hereby are ratified and that Mayor Joseph H. Sauer, Jr. 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 \$80,000 for a Youth Service Bureau for the fiscal period commencing July 1, 1989.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all related documents, applications or other pertinent instruments pursuant to this program.



DANBURY YOUTH SERVICES INC.

received  
2/17/89

1

STEPHEN C. GALLAGHER, CHAIRPERSON

JAMES J. WALSH, EXECUTIVE DIRECTOR

To: Honorable Joseph H. Sauer, Jr. Mayor  
Honorable Members of the Danbury Common Council

From: James J. Walsh *James J. Walsh*  
Executive Director

Date: February 17, 1989

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 1989-90 fiscal year.

The grant, not to exceed \$80,000, will be the twelfth year that we will get funds for the following: Youth & Family Counseling, Big Brothers/Big Sisters, 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/ps



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

PLEASE REPLY TO:

DANBURY, CT 06810

February 27, 1989

Hon. Joseph H. Sauer, Jr., Mayor  
Hon. Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Housatonic Resources Recovery Authority  
Ordinance Amendments

Dear Mayor and Common Council Members:

At your request, I have reviewed the ordinance changes proposed by Jacqueline Heneage of HRRRA. The changes, I am advised, represent amendments to the HRRRA by-laws. Accordingly, we have prepared the changes for your review, in adoptable form. A copy is attached for your review.

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

Sincerely,



Eric L. Gottschalk  
Assistant Corporation Counsel

ELG:r

Attachments



# 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

March 1, 1989

Members of the Danbury Common Council  
City Hall - 155 Deer Hill Avenue  
Danbury, Connecticut  
06810

Dear Members of the Common Council:

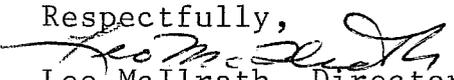
The Department of Elderly Services has received donations for two different activities sponsored by the department.

1. The Northeast Utilities Service Company donated \$517.00 for the purpose of responding to "emergency" situations affecting senior citizens, e.g. people without food, clothing, shelter, etc when there is no other service available for them.

2. A number of organizations donated \$100.00 to the "Cellmates" - the Danbury Senior Center Band - for the purpose of purchasing a Personal Monitor for their future performances.

This department asks that both of these donations may be accepted - that the amount of \$517.00 be put into the Commission on Aging Budget line item 049500 - (Materials & Supplies Not Classified) and that \$100.00 be transferred into line item 062000 (Communication Equipment).

The Comptroller Office states that no certification is necessary.

Respectfully,  
  
Leo McIlrath, Director  
Department of Elderly Services



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

February 14, 1989

PLEASE REPLY TO:

DANBURY, CT 06810

Hon. Joseph H. Sauer, Jr., Mayor  
Hon. Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut

Re: Outside Services Account

Dear Mayor and Council Members:

Major litigation cases involving the City of Danbury have caused the depletion of the Corporation Counsel's Outside Services Account to a current deficit of approximately \$6,220. Two of these major cases are Connecticut Air Services and Della Construction. As I anticipate that these cases will continue over the next several months at least, I am requesting that the Common Council further appropriate the sum of \$25,000 to the Corporation Counsel Outside Services Account (029500). Thank you for your consideration to this request.

Very truly yours,

Robert T. Resha  
Corporation Counsel

RTR:cr



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT  
OF FINANCE**

February 24, 1989

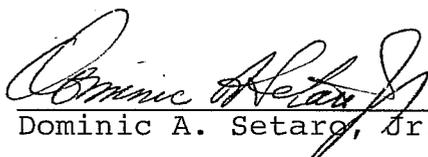
Certification #21

TO: Common Council via  
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

We hereby certify the availability of \$25,000.00 to be transferred from the General Fund fund balance to the Corporation Counsel's Outside Services Account #02-01-150-029500.

Estimated Balance of G.F. Fund Balance	\$269,090.84
Less pending requests	-0-
Less this request	25,000.00
	<u>\$244,090.84</u>

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

DAS:af



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

KENNETH R. TRIPP  
ADMINISTRATIVE ASSISTANT TO MAYOR

(203) 797-4511

February 14, 1989

Honorable Members of the Common Council  
City of Danbury  
155 Deer Hill Ave.  
Danbury, Connecticut 06810

Re: Conflict of Claim by Richard P. Jowdy

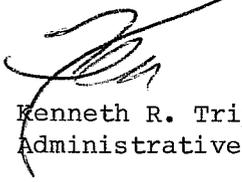
Dear Council Members:

In December, 1988, you referred to the Mayor's Office for resolution, the claim of Mr. Richard P. Jowdy for \$600.00 for the water used by the City during the construction of Post Office Street.

I have spoken to Mr. Jowdy, who alleges an agreement between the City and himself was verbally agreed upon. I have been unable to confirm that the agreement ever existed. The Mayor's office is unable to authorize payment of this claim.

I suggest that this request be considered a claim against the City and be processed as such.

Sincerely yours,

  
Kenneth R. Tripp  
Administrative Assistant to Mayor

KRT:cjz



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT  
OF FINANCE**

March 8, 1989

MEMO TO: Members of the Common Council

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

RE: Item #6, March 7, 1989 Agenda: Contributions,  
Living Memorial

Please be advised that the General Fund account to be credited for all donations for the "Living Memorial Program" will be 02-08-145-047500, agricultural materials and supplies within the Forestry Department's budget.

  
Dominic A. Setaro, Jr.

DAS:af



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PUBLIC WORKS**  
**(203) 797-4537**

**DANIEL J. MINAHAN**  
**DIRECTOR OF PUBLIC WORKS**

March 1, 1989

*DJM*  
TO: MAYOR JOSEPH H. SAUER, JR., & MEMBERS OF THE COMMON COUNCIL  
FROM: D.J. MINAHAN, DIRECTOR OF PUBLIC WORKS  
RE: CONTRIBUTIONS, LIVING MEMORIAL FOR THE CITY OF DANBURY

Please place on the March Common Council agenda, the acceptance of the attached copies of checks from the Danbury Garden Club and the Lion's Club. I am asking that they be accepted by the Common Council for the City of Danbury as per the "Living Memorial Program" established by the February Council approval.

Please direct the checks through the Comptroller's office to the appropriate accounts in the Public Works Department.

Thank you for your cooperation in this matter.

DJM:mp  
cc: City Clerk  
D. Setaro  
(w/checks)

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# Lions Club of Danbury

MEETINGS: THURSDAYS AT 12:15  
POST OFFICE BOX 461  
DANBURY, CONNECTICUT 06813

RECEIVED  
MAR 1 1989



February 24, 1989

Daniel Minihan, Director  
Danbury Public Works Dept.  
Newtown Road  
Danbury, CT 06810

Re: Lions Living Memorial Program

Dear Dan:

Thank you for your invaluable assistance in shepherding the proposed "Living Memorial" program through the Common Council. We are very pleased with their acceptance of a program which, while honoring deceased Lions, will also serve to beautify the City of Danbury and further enhance its claim to No. 1 ranking.

As per our discussion, enclosed is a check in the amount of \$350 to reimburse the City for the cost of one (1) green mountain maple and three (3) flowering crab trees. These trees are to honor the memories of four distinguished citizens and members of the Danbury Lions Club. These men are: Byron T. Johnson; Edward Crotty; Jules J. Bielizna; and Francis R. O'Neill.

Invitations to the tree planting ceremony are being sent to the families of these deceased members and to the Garden Club of Danbury. Of course, all Lions are also invited. It is my understanding that the ceremony, fittingly, will take place on Arbor Day, Friday, April 28th, and will begin at the Vietnam Memorial in Rogers Park, at 10:00 a.m.

Once again Dan, on behalf of the entire membership of the Danbury Lions Club, thank you for your great contribution to what we all hope will be an annual event.

Yours sincerely,

Peter J. Olivo, Chairman  
Living Memorial Committee

PJO:clb

cc: R. Engstrom  
G. Good  
J. Murphy

*The Danbury Garden Club*  
*Danbury, Connecticut*

RECEIVED  
FEB 22 1989

February 17, 1989

City of Danbury  
Mr. Daniel Minahan, Director of Public Works  
Newtown Road  
Danbury, Ct. 06810

Dear Mr. Minahan:

The Danbury Garden Club would like to contribute to the  
"Byron T. Johnson Living Memorial" tree planting project.

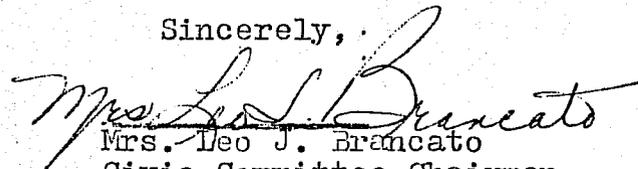
We are enclosing our check in the amount of \$50.00,  
payable to the City of Danbury, for a Kousa Dogwood tree.

The Forestry Department states that this tree is available.

The Danbury Garden Club wishes to have this tree planted  
in honor of Mr. Byron T. Johnson on Arbor Day.

Thank you for your courtesy.

Sincerely,



Mrs. Leo J. Brancato  
Civic Committee Chairman  
Danbury Garden Club

Enclosure 1



LIONS CLUB OF DANBURY  
PROJECT ACCOUNT

P.O. Box 461  
DANBURY, CT 06810

1017

51-110/211

2-24-1989

PAY TO THE  
ORDER OF

CITY OF DANBURY

\$ 350 <sup>00</sup>/<sub>100</sub>

THREE HUNDRED FIFTY AND <sup>00</sup>/<sub>100</sub>

DOLLARS

Union Trust

UNION TRUST COMPANY  
DANBURY OFFICE  
DANBURY, CONNECTICUT 06810

FOR TREES

*C.R. Engstrom*

TREASURER

⑈001017⑈ ⑆⑆021101108⑆ 1⑆675 167⑆

DANBURY GARDEN CLUB

6 GREEN AVENUE  
DANBURY, CT 06810

172

*Feb. 17* 1989

51-7249/2211

PAY TO THE  
ORDER OF

*City of Danbury*

\$ 50.00

*Fifty and 00/100*

DOLLARS



Danbury Savings and Loan

MAIN OFFICE  
DANBURY, CONNECTICUT 06810

MEMO

*Rec - Johnson News*

*Mary D. McGettrick*

⑈221172490⑈ 915 765 4⑈ 0172

SAFETY PAPER



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

(203) 797-4625

**HEALTH AND HOUSING DEPARTMENT**  
**20 WEST STREET**

February 6, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Dear Mayor Sauer and Members of the Common Council:

Our AIDS Education Program and our activities associated with the Connecticut Alcohol and Drug Abuse Commission grant have created an overcrowding problem at our Ives Manor office space. We have two hundred thirty four square feet at Ives Manor. In the near future we will have a staff of six full and part time employees using this space. At present it is crowded with seating and storage space for two full time and one part time positions.

For this reason, your approval regarding a lease at \$7,800 for 600 square feet of office space is requested. The annual rent will be \$7,800 and utilities are estimated at \$1,500.

The new space will provide more appropriate quarters for department and grant staff. It will also allow us to house related services in the same office. This will enable us to establish a beneficial working relationship.

Thank you for your consideration of this important matter.

Sincerely,

William J. Campbell, M.P.H.  
Director of Health

ts

cc: Ken Tripp  
Melonie Bonjour



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**WATER AND SEWER DEPARTMENTS**  
**797-4539**

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

February 3, 1989

TO: Councilman William Shaw  
FROM: Mr. William J. Buckley, Supt. of Public Utilities  
RE: WATER RATES

\*\*\*\*\*

At at recent meeting with Dominic Setaro we had the opportunity to review the current status of our water fund. As we looked at our collections for the 1988 calendar year starting in March of 1988, we concluded that we were \$700,000.00 less than we anticipated in terms of monies collected. Trying to project ahead to March and June of 1989, the two billing periods that complete the fiscal year 88-89, we have revised our estimates to a lower projection. Originally for the fiscal year 1988-89 we projected collecting 4.8 million dollars. We now estimate that we will only collect 4.4 million dollars.

It now appears that the 7 percent increase that I have estimated back in November will no longer be sufficient to cover our expenditures for the upcoming year. I have trimmed my budget as best I can and have finalized a budget to present to the Mayor which only increases spending 7.9 percent over last years amount, yet because of our collections, a 7 percent increase in rates will not be sufficient to balance the budget.

My proposed budget includes my projected work on the Tarrywile project which I have presented to the Council. Our estimate at the current time is that it will be necessary to adjust the rates in June

~~14.50~~  
~~350%~~

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of 1989 at a rate of 25 percent. I will work closely with Mr. Setaro prior to you scheduling another subcommittee meeting to precisely identify the effect of that rate structure and to prepare it in a form that I prepared the analysis of the 7 percent increase. Going back to my original analysis, we can project the affect on the residential customer of being something in the order of \$40.00 for the year rather than the \$11.00 projected for the 7 percent increase. It appears that collections across the entire City have slowed and will affect all aspects of operations. I will wait to hear from you regarding the scheduling of a meeting and should you have any additional questions that you would want discussed at the meeting, do not hesitate to contact me in advance and I will attempt to prepare responses to them.

WJB:bds

cc: Mayor Joseph H. Sauer, Jr.  
Mr. Dan Minahan  
Mr. Dominic Setaro



# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

COMMON COUNCIL

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Water Rate Increases

Dear Mayor and Council Members:

The committee report on the water rate increase was submitted to the Common Council and referred to Public Hearing. The original increase of 7% will be insufficient and Mr. Buckley is requesting a total of 25% increase.

I request that this matter be referred to the original committee for appropriate action.

Sincerely yours,

*William H. Shaw*  
William H. Shaw

February 27, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: City Vehicles

I respectfully request a five member ad hoc committee be appointed to research the feasibility of forming a motor pool for city vehicles used for the purpose of conducting city business.

They could be reserved either on a daily basis or on an as needed basis. This committee could also study whether there would be a cost saving by paying department personnel on a mileage basis, if they would be required to use their vehicles.

The undersigned has received calls from constituents reference city vehicles at shopping centers, and other commercial enterprises on weekends and evenings.

Respectfully submitted,

William H Shaw  
William H. Shaw



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## CITY OF DANBURY CULTURAL COMMISSION

256 Main Street  
Danbury, Connecticut 06810  
(203) 797-4508

February 28, 1989

Danbury Common Council  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Dear Common Council Members:

Marian Anderson is Danbury's most famous resident. She has been acclaimed by presidents and kings, and in August of this year, Danbury will have the privilege of hosting thousands who will come to pay her tribute.

Her magnificent voice thrilled audiences at home and abroad for 40 years. Conductor Toscanini described her as "A voice heard once in a hundred years." She sang at the inaugurations of Presidents Roosevelt and Kennedy and was appointed as a delegate to the United Nations by President Eisenhower because of her concern for a better world.

To honor Miss Anderson in her own city, The Charles Ives Center for the Arts has initiated a drive for a \$500,000 endowment to provide an annual award in her name for gifted young American concert and opera singers.

Funds are being raised from Miss Anderson's admirers across the country by the Ives Center's Marian Anderson Celebration Committee. David A. E. Carson, president and chief executive officer of Peoples Bank is campaign chairman.

As part of the fund raising effort, and to celebrate Miss Anderson's lifetime achievements, a celebration concert will take place at the Ives Center on August 12th. Metropolitan Opera Star Jessye Norman, Violinist Isaac Stern, and Conductor Julius Rudel will perform, donating their talents in admiration and love for Marian Anderson. Proceeds from the concert will go to the Marian Anderson Award fund.

Thousands of people will flock to Danbury on August 12th to pay tribute to this great lady. The concert will have a significant economic impact on the city.

We are asking the City of Danbury to contribute \$10,000 to this worthy endeavor which will bring continuing attention to Danbury as the number one city in the nation.

*Benjamin DaSilva*

Benjamin DaSilva, Jr.  
Chairman  
Danbury Cultural Commission

*June K. Goodman*

June K. Goodman,  
Chairwoman  
Marian Anderson Celebration Committee



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

PLEASE REPLY TO:

March 7, 1989

DANBURY, CT 06810

Hon. Joseph H. Sauer, Jr., Mayor  
Hon. Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Appeals from the Board of Tax Review -  
1. Grolier Incorporated v. City of Danbury  
2. Automation Industries, Inc. v. City of Danbury  
3. Samuel Young v. City of Danbury  
4. Sanford Dean Kaufman, Stanley Klein and Roy Young,  
Co-Executors of the Estate of Samuel Young v.  
City of Danbury

Dear Mayor and Council Members:

After several months of discussion and negotiation in the above-referenced matters, there are settlement proposals and stipulations on the table which will, hopefully, resolve the litigation. The consideration of the Common Council of the proposals is requested.

Please note that no specific information regarding the settlement proposals is attached, as these issues are in litigation and revelation of such information may jeopardize the position of the City. It would therefore be appropriate to either refer this to committee and/or to discuss in executive session.

Should you have any further questions in the meantime, please do not hesitate to call.

Very truly yours,

Laszlo L. Pinter  
Assistant Corporation Counsel

LLP:cr

Re: Appeals from Board of Tax Review  
March 7, 1989

---

11  
- 2 -

c: Robert T. Resha, Esq.  
Corporation Counsel

Jonathan S. Bowman, Esq.

Anne T. DeFlumeri, C.C.M.A.  
Tax Assessor

Dominic A. Setaro, Jr.  
Acting Director of Finance/Comptroller



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

**LANDFILL DEPARTMENT**  
**(203) 797-4605**

**MICHAEL A. CECH**  
**General Mgr. of Solid Waste**

February 28, 1989

The Honorable Joseph H. Sauer, Jr.  
Common Council Members  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Sauer and Common Council Members:

I respectfully request the formation of a Council Committee to review proposed changes in the ordinances governing the Landfill and Recycling Center. A detailed list of these proposed changes will be submitted to the appropriate council members upon the formation of the committee.

Thank you for your assistance.

Sincerely,

Michael A. Cech  
Gen. Mgr. of Solid Waste

cc: Daniel Minahan  
Dave Gervasoni  
file



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

## DEPARTMENT OF FINANCE

February 22, 1989

MEMO TO: Common Council via  
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

RE: Educational Enhancement Act Money

Per the resolution approved by the Common Council at its April 7, 1987 meeting in reference to the appropriation of Educational Enhancement Act funds, please be advised that the City of Danbury has received from the State of Connecticut a total of \$485,363.00. Per the agreement the School Department budget for 1988-89 must be increased by the same amount (\$485,363.00). The breakdown of the amount of money received from the State of Connecticut is as follows:

\$114,227.00 is the amount that is to be paid out for salary aid to teachers to raise the minimum starting salary of various teaching positions.

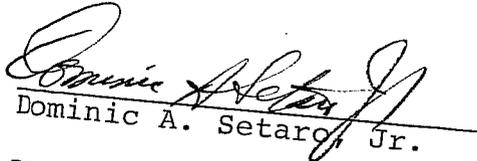
\$300,000.00 was received for teacher/pupil ratio. These monies by law are required to be reappropriated to the School Department for teacher/pupil ratio statistics.

\$71,136.00 is minimum aid for salaries of which 100% is to be paid out for salary incentives by the School Department.

Please place this memo on the March 1989 Common Council agenda for approval so that the additional funds in the amount of \$485,363.00 will be appropriated to the School Department budget, and I will amend the revenue of the City in a like amount.

Common Council via  
Mayor Joseph H. Sauer  
February 22, 1989  
Page 2

If I can be of any further assistance, feel  
me a call.

  
Dominic A. Setaro, Jr.

DAS:af

c: Dr. Anthony Singe, Supt. of Schools  
Walter E. Skowronski

14  
February 22, 1989

WE THE UNDERSIGNED would like to request that the Common Council of the City of Danbury appoint a subcommittee to explore remedies to the problem of excessive littering along Lake Avenue. We would request that the councilmen for the Sixth Ward be included on said committee.

Section 9-23 of the City Health Code expressly states that littering is against the law, but many people fail to respect this rule. Suggested remedies include 1) Placing trash cans along Lake Avenue (particularly at the corner of Lake Avenue and Abbott Avenue and near the store fronts approaching I-84) and 2) Placing "No Littering" signs on the sidewalk to discourage people from using Lake Avenue as their trash receptacle. If the city took these measures, the appearance of the area would be improved, the residents would take more pride in the upkeep of Lake Avenue, and motorists and pedestrians wouldn't be as tempted to use Lake Avenue as a garbage heap.

Thank you for your help.

Signed,

Allison A. Cross

Jeffery R. Cross

Jamune Balling

George Massink

Alice L. Sauer

Beverly L. Cusack

Charlotte L. Cusack

Jane Vucita

William C. D.D.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT  
OF FINANCE**

February 21, 1989

MEMO TO: Common Council via  
Mayor Joseph H. Sauer

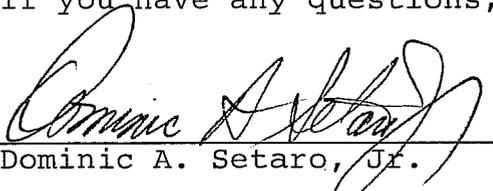
FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

RE: Candlewood Park Concession Rental

Enclosed you will find a copy of a memo from Mr. Robert G. Ryerson, Parks & Recreation Director, in reference to an abatement for lease payments for the months of June, July and August for the concession stand at Candlewood Park.

I also draw to your attention a memo from Assistant Corporation Counsel, Eric Gottschalk, in which he indicates that the Common Council must take action to abate these lease payments. The total amount is \$2,600.00. I hereby request that you place this item on the March agenda of the Common Council for its approval of the abatement.

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

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

DAS:af  
Enclosures

c: Robert Ryerson  
Eric Gottschalk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

PLEASE REPLY TO:

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

February 10, 1989

DANBURY, CT 06810

To: Kimberly G. Redenz, Assistant Comptroller  
From: Eric L. Gottschalk, Assistant Corporation Counsel  
Re: Candlewood Park Concession Stand - yours of 2-6-89

---

The Poodiack lease is attached. If I understand what happened, we built a new stand but it wasn't ready in time for the tenant to use it for the full season.

I have looked through the lease and there really isn't any language that helps us make an objective decision about what the remedy should be. From an equitable point of view, I have no difficulty with what Robert Ryerson is proposing. I think though that we should not make this kind of decision internally. The Common Council should be informed and asked to consider a fair resolution of the problem.

I might add, for your benefit, that if this were to be pursued by the tenant, a court would certainly find a remedy which would most likely involve the kind of solution which is now being proposed. As a landlord we have placed ourselves in the position of assuring the tenant that we do, in fact, have something to rent.

  
Eric L. Gottschalk C.R.

ELG:r

Attachment



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

15

DEPARTMENT OF PARKS & RECREATION  
HATTERS COMMUNITY PARK  
7 E. HAYESTOWN RD.

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

February 3, 1989

TO: Kimberly Redenz, Assistant Comptroller  
FROM: Robert G. Ryerson, Parks & Recreation Director  
RE: Candlewood Park Concession Rental

---

Due to construction of a new service center, the city was unable to acquire the Certificate of Occupancy to open the concession stand in May of 1988.

We, in essence, were unable to honor the lease agreement which requires payments in June, July and August totaling \$2,600.

Mr. Poodiak opened late July 1988 and missed two-thirds of the available weekends, of which Memorial Day and July fourth are his greatest revenue producers.

He is a good tenant and has cooperated during all this inconvenience.

I would recommend that we charge Mr. Poodiak for one-third of the 1988 total.

RGR:fl

c: Dominic A. Setaro, Jr.  
Eric L. Gottschalk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DEPARTMENT  
OF FINANCE

February 6, 1989

MEMO TO: Eric Gottschalk, Assistant Corporation Counsel  
FROM: Kimberly G. Redenz, Assistant Comptroller  
RE: Candlewood Park Concession Rental

Please advise as to whether or not this is legal for us to do. The lease I have on this is one page and does not address this type of situation. If you feel Mr. Ryerson's recommendation to charge Mr. Poodiak one-third is justifiable, please notify me so we may bill them accordingly.

---

Kimberly G. Redenz

KGR:af  
Enclosure

# THIS LEASE,

Made by this agreement between

15

The City of Danbury

LANDLORD and

Michael Poodiack

TENANT, WITNESSETH:

Whenever used herein, the singular number shall include the plural, and plural the singular, and the use of any gender shall be applicable to all genders.

The Landlord does hereby lease to the Tenant and the Tenant does hereby hire from the Landlord the Concession Stand located at the Danbury Candlewood Park

for the term of five (5) years from the 20th day of May, 1986, for the term rent of

payable as follows:

\$ 260.00	at time of lease signing
\$ 624.00	on June 15, 1986
\$ 858.00	on July 15, 1986
\$ 858.00	on August 15, 1986
\$ 884.00	on June 15, 1987
\$ 858.00	on July 15, 1987
\$ 858.00	on August 15, 1987
\$ 884.00	on June 15, 1988
\$ 858.00	on July 15, 1988
\$ 858.00	on August 15, 1988
\$ 884.00	on June 15, 1989
\$ 858.00	on July 15, 1989
\$ 858.00	on August 15, 1989
\$ 884.00	on June 15, 1990
\$ 858.00	on July 15, 1990
\$ 858.00	on August 15, 1990

And the said Landlord covenants with the said Tenant that he has good right to lease said Premises in manner aforesaid, and that Landlord will suffer and permit said Tenant (he keeping all the Covenants on his part, as hereinafter contained) to occupy, possess and enjoy said premises during the term aforesaid, without hindrance or molestation from Landlord or any person claiming by, from or under Landlord.

And the said Tenant covenants with the said Landlord to hire said premises and to pay the rent therefor as aforesaid, that Tenant will commit no waste, nor suffer the same to be committed hereon, nor injure nor misuse the same; and also that Tenant will not assign this lease nor underlet a part or the whole of said premises, nor make alterations therein, nor use the same for any purpose but that hereinbefore authorized, without written permission from said Landlord but will deliver up the same at the expiration or sooner determination of this tenancy, in as good condition as they are now in, ordinary wear, fire and other unavoidable casualties excepted.

15  
Provided, however, and it is further agreed that if the said rent shall remain unpaid days after the same shall become payable as aforesaid, or if the said Tenant shall assign this Lease, or underlet or otherwise dispose of the whole or any part of said demised premises, or use the same for any purpose but that hereinbefore authorized, or make any alterations therein without consent of the Landlord in writing, or shall commit waste or suffer the same to be committed on said premises, or injure or misuse the same, or shall violate any of the agreements herein by the Tenant to be performed, then this Lease shall thereupon, by virtue of this express stipulation therein, expire and terminate, and the Landlord may, at any time thereafter re-enter said premises, and the same have and possess as of the Landlord's former estate, and without such re-entry, may recover possession thereof in the manner prescribed by the statute relating to summary process; it being understood that no demand for rent, and no re-entry for condition broken, as at common law, shall be necessary to enable the Landlord to recover such possession pursuant to said statute relating to summary process, but that all right to any such demand, or any such re-entry is hereby expressly waived by the said Tenant.

And it is further agreed between the parties hereto, that whenever this Lease shall terminate either by lapse of time or by virtue of any of the express stipulations therein, the said Tenant hereby waives all right to any notice to quit possession, as prescribed by the statute relating to summary process, as well as any right to a trial by jury.

And it is further agreed that in case the said Tenant shall, with the written consent of the said Landlord endorsed hereon, or on the duplicate hereof, at any time hold over the said premises, beyond the period above specified as the termination of this Lease, then the said Tenant shall hold said premises upon the same terms, and under the same stipulations and agreements as are in this Instrument contained, and no holding over by said Tenant shall operate to renew this Lease without such written consent of said Landlord.

And it is further agreed between the parties hereto, that the Tenant shall comply with, and conform to all the Laws of the State of Connecticut, and the by-laws, rules and regulations of the City and Town within which the premises hereby leased are situated, relating to Health, Nuisance, Fire, Highways and Sidewalks, so far as the premises hereby leased are, or may be concerned; and to save the Landlord harmless from all fines, penalties and costs for violation of or non-compliance with the same.

And it is further agreed that said premises shall at all times be open to the inspection of the Landlord and his agents and for necessary repairs by either party. Upon reasonable notice, said premises shall also be open to the Landlord and his agents to show for purchase, mortgage or lease.

And it is further agreed that the said Tenant shall pay for all water, gas and electricity used and consumed on said leased premises during the term aforesaid, in addition to the rent hereinbefore provided for.

And it is further agreed between the parties to these presents, that in case the building or buildings erected on the premises hereby leased shall be partially damaged by fire or otherwise, the same shall be repaired as speedily as possible at the expense of the said Landlord that in case the damage shall be so extensive as to render the building or demised premises untenable the rent shall cease until such time as the building shall be put in complete repair; but in the case of the total destruction of the premises, by fire or otherwise, the rent shall be paid up to the time of such destruction and then and from thenceforth this Lease shall cease and come to an end.

And Tenant further covenants and agrees that no refuse or garbage shall be allowed to accumulate or remain in or upon the leased premises.

And it is further agreed that this lease shall cease and terminate at the option of the Landlord if the Tenant shall be adjudicated bankrupt or shall compound Tenant's debts or assign Tenant's estate or effects contained in the leased premises for payment thereof, or if a receiver of the Tenant's property shall be appointed, or if this Lease shall, by operation of law, devolve upon or pass to anyone other than the Tenant, or if an execution shall be levied against the estate of the Tenant contained in leased premises, and shall not be satisfied within seventy-two (72) hours thereof. Upon such termination all future installments of rent and other sums due or to become due hereunder shall immediately become due and payable and acceptance by the Landlord of any sum from other than the Tenant shall not be deemed to be a waiver of any of the Landlord's rights and remedies hereunder.

And it is further agreed that the failure of the Landlord to insist upon a strict performance of any of the terms, conditions and covenants herein shall not be deemed a waiver of any rights or remedies that the Landlord may have, and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions and covenants herein contained.

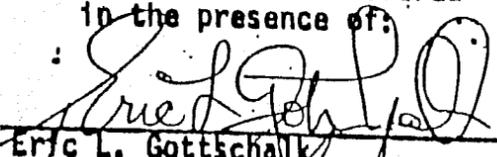
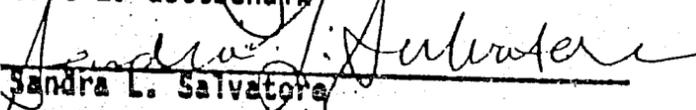
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and it is further agreed that this lease contains the entire agreement between the parties and that all representations relating to said premises and to this Lease are included herein.

**And Tenant** covenants and agrees that this Lease and all the rights of the Tenant herein shall be subordinate to the lien of any bona fide mortgage or mortgages now on or which may hereafter be placed upon the said premises by the Landlord or the successor in title to the Landlord, during the term of this Lease; and said Tenant further covenants and agrees to execute any further instrument or instruments which the Landlord or successor in title to the Landlord may at any time require to subordinate this Lease to the lien of any such mortgage or mortgages, and the Tenant hereby appoints the Landlord or the successor in title to the Landlord the attorney in-fact of the Tenant, irrevocably, to execute and deliver such instruments for and in the name of the Tenant.

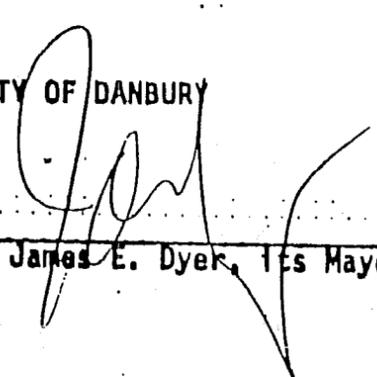
And that the Tenant agrees to carry and maintain for the benefit of the City of Danbury, throughout the term of this lease, general public liability insurance against claims for bodily injury or death occurring upon or in the demised premises and property damage and products liability to afford protection to the limit of One Million (\$1,000,000.00) Dollars procurrance. The Tenant agrees to deliver Certificates of Insurance naming the City of Danbury as additional insured, and detailing said coverage upon execution of this lease.

In witness whereof, the parties hereto have hereunto set their hand and seals, and to a duplicate of the same tenor and date, this 27th day of March A. D., 1986.

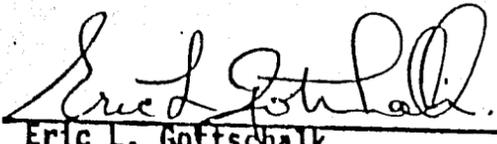
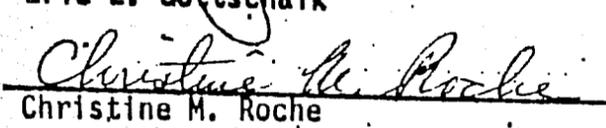
Signed, sealed and delivered in the presence of:

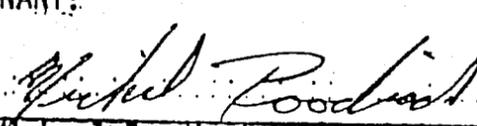
  
Eric L. Gottschalk  
  
Sandra L. Salvatore

CITY OF DANBURY

By:   
James E. Dyer, Its Mayor

TENANT:

  
Eric L. Gottschalk  
  
Christine M. Roche

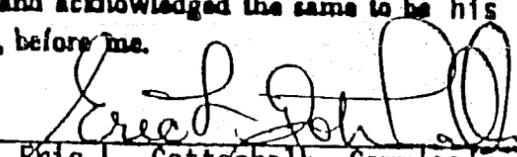
By:   
Michael Poodlack

State of Connecticut, }  
County of Fairfield }

ss. Danbury

March 27, A. D., 19 86

Personally appeared James E. Dyer, who acknowledged himself to be the Mayor of the City of Danbury, a municipal corporation, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, and the free act and deed of said corporation, before me.

  
Eric L. Gottschalk, Commissioner of the Superior Court

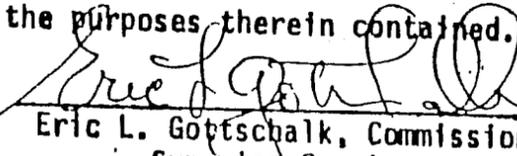
State of Connecticut, }  
County of Fairfield }

ss. Danbury

March 20 A. D., 19 86

Personally appeared Michael Poodlack

signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed, and that he executed the same for the purposes therein contained.

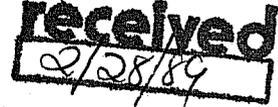
  
Eric L. Gottschalk, Commissioner of the Superior Court

# Housing Authority of the City of Danbury

P.O. BOX 86  
2 MILL RIDGE ROAD  
DANBURY, CONNECTICUT 06811  
TEL: AREA CODE 203  
744-2500

ROBERT J. DORAN, CHAIRMAN  
SAMUEL DEIBLER, VICE CHAIRMAN  
ROBERT KOVACS, TREASURER  
SHERRY YOUNG  
RICHARD J. KILCULLEN

BERNARD FITZPATRICK, EXECUTIVE DIRECTOR



February 28, 1989

Mayor Joseph Sauer  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut

Dear Mayor Sauer:

Enclosed please find a list of the proposed sites for the Scattered Site Development of the Housing Authority of the City of Danbury. We are proposing to erect seventeen single family homes, twenty duplex houses and one triplex building. These would be erected on land obtained from the City of Danbury, the State of Connecticut and land owned by the Housing Authority of the City of Danbury.

The use of these sites will accommodate all sixty proposed units of federal low-income family housing. I have been assured by HUD that these sites will be acceptable to the federal government.

Thank you for all of your assistance throughout this arduous process. Through the mutual efforts of the City of Danbury, the housing authority, and the State and Federal governments we can make this dream a reality.

Sincerely,

A handwritten signature in cursive script that reads "Bernard Fitzpatrick".

Bernard Fitzpatrick  
Executive Director



<u>Owner</u>	<u>Address</u>	<u>Census Tract</u>	<u>Plot Plan #</u>	<u># of Units</u>	<u>Current Zone</u>	<u>Type of Building</u>	<u># of Buildings</u>
City	Gregory St. (Hakim St. Ext.)	2107	G 13043 G 13045	10	RM-3	Duplex	5
City	Maple Ave.	2101	I 13023	10	RM-12	Duplex	5
City	Maple Ave. Union Ave.	2102	I 13074	3	RM-12	Triplex	1
City	Broad St.	2104	K 13179	1	RA-8	Single	1
City	Broad St.	2104	K 13178	1	RA-8	Single	1
City	Broad St.	2104	K 13177	1	RA-8	Single	1
City	Broad St.	2104	K 13176	1	RA-8	Single	1
City	Sleepy Hollow Rd.	2107	G 14081	1	RA-8	Single	1
City	Osborne St.	2103	J 12232	10	RH-3	Single	10



11

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

March 7, 1989

Honorable Members of the  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Mandated 911 Emergency Phone System

Dear Council Members:

The Fall, as mandated by State law, we will be initiating a 911 emergency phone system for our community. The equipment needed to handle the calls is already in place and the communication apparatus is housed at our main Fire Department headquarters on New Street.

At this time I would like to propose that a committee to study the staffing of this equipment be established. There are many questions that need to be addressed such as the most effective way to inform our citizens of this soon to be implemented system so that its usage can be fully realized. We should also study the feasibility of staffing the 911 answering position with disabled veterans, retirees, or affirmative action individuals. Any of these groups could reduce the amount paid in salaries.

Sincerely yours,

*Barry J. Connell*  
Barry J. Connell  
Council Member - 2nd Ward



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

February 28, 1989

ENGINEERING DEPARTMENT  
(203) 797-4641

JOHN A. SCHWEITZER, JR.  
CITY ENGINEER

Mayor Joseph Sauer, Jr.  
Common Council Members  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Ct. 06810

Dear Mayor Sauer and Common Council Members:

Request for Access Easement  
to Property of Stanley Bernstein  
Mountainville Avenue

This office has reviewed the request for an easement for access purposes across City property on Mountainville Avenue to land owned by Stanley Bernstein.

This request involves a portion of the same site presently being reviewed by the Common Council with respect to the transfer of a lease from the Scott-Fanton Museum to Community Action for the construction of a day care center.

We recommend that no action be taken on this matter until a decision is made with respect to the transfer of the present Scott-Fanton Museum lease to Community Action. If the lease remains in the name of The Scott-Fanton Museum, does the City have the right to solely negotiate an easement or does the Scott-Fanton Museum have some legal jurisdiction? If the lease is transferred to Community Action, no easement should be considered until a final site plan for the day care center has been prepared and approved and a determination has been made that such an access easement will have no negative impact on the day care center plan or operation.

A similar request for an easement was made to the Common Council by Mr. Bernstein in 1982. For your reference, enclosed please find copies of Common Council minutes and background letters on this 1982 request.

(Continued on page 2)

TO: Mayor Joseph Sauer, Jr.  
RE: Request for Access Easement

February 28, 1989

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

Very truly yours,

*John A. Schweitzer, Jr. P.E.*  
John A. Schweitzer, Jr., P.E.  
City Engineer (P.A.E.)

JAS/PAE/gw

Enclosures

October 5, 1982

037 - REPORT - Easement on Mountainville Ave.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Mr. Stanly Bernstein for an easement to his property on Mountainville Avenue. An on-site inspection was conducted. Mr. Bernstein has a twelve foot opening into his property and asked to buy an easement to enlarge his access in order to develop this piece of land.

In checking with Counsel it was determined that the sale of an easement was not a viable option because the City would maintain liability for this property. The alternative would be the sale of a small parcel of land which would provide additional access.

This option however, does not seem feasible because the cost of the survey work is more than the value of the land. The committee further feels that there may be other available options that the petitioner may seek to alleviate his problem.

It is therefore the recommendation of the Public Works Committee that no action on this petition be taken at this time.

The Report was accepted by the Common Council, on the Consent Calendar.



18  
44-8501  
8513

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,  
CORPORATION COUNSEL

ERIC L. GOTTSCHALK  
THOMAS A. FRIZZELL  
THOMAS G. WEST

ASSISTANT CORPORATION  
COUNSEL

September 23, 1982

PLEASE REPLY TO:

DANBURY, CT 06810

Councilman Joseph DaSilva  
Common Council, City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Stanley Bernstein - Mountainville Avenue

Dear Councilman:

I have examined the Danbury Land Records in an effort to discover whether or not an express easement serves the Bernstein property located off Mountainville Avenue. The details follow.

In 1920 4.85 acres of land with 186' of frontage on Mountainville Avenue was owned by Josephine Signor. The parcel ran to a depth of 836' and was rectangular in shape with the exception of a small parcel approximately 224' long and 60' wide in the southwesterly corner fronting on Mountainville Avenue. The parcel included both the property owned by Mr. Bernstein and by Mr. Esposito. The property was subsequently transferred and by 1955 it was owned by Harry B. and Hattie M. Gilbert.

On June 16, 1955 all property fronting on the easterly side of Mountainville Avenue was transferred to Shirl A. Thompson with no express reservation of any easement or right-of-way to pass over that property from the parcel retained by the Gilberts in the rear (now the Stanley Bernstein parcel). This, together with the absence of any language in the conveyance to Mr. Esposito granting easement rights, is a good indication that no express easement through that property serves the Bernstein piece.

On March 28, 1962 the Gilberts conveyed the rear parcel to Mr. Bernstein with no express easement serving the property from front, back or either side.

Councilman Joseph DaSilva

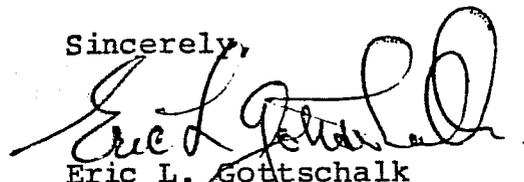
Re: Stanley Bernstein - Mountainville Avenue

September 23, 19

While the above strongly suggests that no such express easement exists, a definitive answer would require a full search of the Land Records for each bounding property owner, since it is possible that easement rights through property in the back or on the sides might have been obtained and not recited in the deed to Mr. Bernstein. If that were the case, the rights could be extinguished by the failure to recite them in the Land Records within the last 40 years. Additionally, as I indicated to you earlier, the possibility exists that an easement "by necessity" could arise by operation of law, although this chance is lessened, if not lost, by the small accessway formed by the abutting lot, also owned by Mr. Bernstein.

In conclusion, I have been unable to find any easement rights serving the Bernstein parcel off of Mountainville Avenue. I further believe that the possibility of discovering such an easement through the process of a full search of each bounding property owner is remote. I might add that the process, if undertaken, will be extremely time consuming. If you have any additional questions, or wish to see my notes for various volumes and pages, please feel free to contact me.

Sincerely,



Eric L. Gottschalk  
Assistant Corporation Counsel

ELG:cr

10  
APRIL 6, 1982

✓ 011- COMMUNICATION - Request from Mr. Stanley Bernstein for an easement on Mountainville Avenue to allow access to his property. ✓

Councilman Eriquez requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

(212) 894-8501  
(212) 894-8513

# Stanley Bernstein Poly-Fol Corp.

INSTITUTIONAL INSTALLATIONS. ARTIFICIAL FOLIAGE & FLOWERS, LIVE PLANTINGS  
SALES • RENTALS • MAINTENANCE

80-00 COOPER AVENUE  
GLENDALE, N.Y. 11385

March 2, 1982

*Handwritten initials*

APR 7 - 1982  
Engineering Dept.

Honorable James E. Dyer  
Mayor  
City Hall  
Danbury, Conn. 06810

Dear Mayor Dyer:

I am writing this letter to ask the City of Danbury to sell me an easement (as per the enclosed map), that would allow me access to the property I own on Mountainville Avenue.

I would appreciate any help you and the Common Council can offer me and if there are any questions you may have, I will be more than happy to cooperate.

Very truly yours,

*Stanley Bernstein*  
Stanley Bernstein



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

February 28, 1989

ENGINEERING DEPARTMENT  
(203) 797-4641

19  
JOHN A. SCHWEITZER, JR.  
CITY ENGINEER

Mayor Joseph Sauer, Jr.  
Common Council Members  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Ct. 06810

Dear Mayor Sauer and Common Council Members:

State Project No. 34-185  
Water Main Installation  
I-84 Rest Area

This department and the Superintendent of Public Utilities have reviewed plans for the above noted water main extension.

The proposal to provide service to buildings at the I-84 rest area via a water main extension is generally acceptable to us.

This water main extension should be considered as similar to water main extensions by private developers in the City. We recommend that Common Council permission for this extension include the 8 conditions attached to other water extension approvals. The City should own this extension to insure that proper maintenance is performed.

Enclosed for your information please find copies of the January 26, 1989 letter we sent to the State's engineer relative to the submitted plans.

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

Very truly yours,

*John A. Schweitzer, Jr., P.E.*  
John A. Schweitzer, Jr., P.E.  
City Engineer (P.A.E.)

JAS/PAE/gw

Enclosure

c: William Buckley, Jr.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

January 26, 1989

ENGINEERING DEPARTMENT  
(203) 797-4641

19  
JOHN A. SCHWEITZER, JR.  
CITY ENGINEER

Mr. Joseph Burgio, P.E.  
F.G.A. Services, Inc.  
830 Maple Avenue  
Hartford, Ct. 06114

Dear Mr. Burgio:

State Project No. 34-185  
Water Main Installation  
I-84 Rest Area - Danbury

This office and Superintendent of Public Utilities William Buckley, Jr. have reviewed the plans submitted under cover of your December 21, 1988 letter.

We offer the following comments:

A. Miscellaneous

1. The plans should be stamped by a licensed State of Connecticut professional engineer.

2. The contractor is to meet with the City's inspector prior to the start of construction to review City standards for materials and methods of construction.

B. Plan

1. The proposed wet tap is to be made south of the 16" butterfly valve in Old Ridgebury Road. A butterfly valve was installed on each side of the bridge in order to allow the section of water main crossing the bridge to be taken out of service if a leak or other problem occurred at the bridge. Service south of the butterfly valve could be maintained in such a situation.

2. The City is to be provided ownership of and an easement for the 8" portion of water main and the two fire hydrants. All services will remain the State's property and responsibility to maintain.

(continued on page 2)

TO: Mr. Joseph Burgio, P.E.  
RE: State Project No. 34-185

January 26, 1989

3. It is not clear to us just what buildings and other facilities will be served. All water connections should be clearly shown. How is it proposed to provide water service to drinking fountains, etc.?

4. Each building served is to have its own separate service which connects to the main itself. Each service is to have its own valve and meter.

5. City policy calls for water services to be as short as possible and to run generally perpendicular to the main. Therefore, please revise the location of the service to the truck weighing station to the vicinity of Station 16+50.

6. Two services are shown to the truck weighing station. For your future information, the service shown originating at the rest station is not acceptable. The City does not allow two buildings to be served off of the same service.

7. Will there be adequate room between the water main and the storm sewer at Station 15+70 to properly set in the fire hydrant? Will adequate bearing be available for the fire hydrant's thrust block?

8. A thrust block is to be installed at the wet tap. This thrust block as well as the thrust block shown at the plug on the detail sheet should be shown on the plan and profile also.

9. Details of the meter pit(s) are to be approved by the Public Utilities Department prior to the start of construction.

10. Picnic tables and concrete slabs removed during construction are to be reinstalled outside of the easement area not put back in their original locations. Signs which must be moved are to be put back in locations which are not on top of the water main.

11. Is it proposed to save or remove the trees in the vicinity of Station 12+0? If they will remain, adequate separation distance between them and the water main must be provided. The City will accept no responsibility for damage to or the future death of these trees.

12. A pipe laying plan for the restrained sections of pipe is to be submitted for review and approval prior to the start of construction.

#### C. Profile

1. The wet tap and valve are to be horizontal, not as shown.
2. What is the purpose of the 3/4" corp. bend at Station 18+65?

(continued on page 3)

TO: Mr. Joseph Burgio, P.E.  
RE: State Project No. 34-185

January 26, 1989

3. It is assumed that test holes at the electric line, the gas lines and at other utilities as warranted will be done prior to construction to allow for revisions to the plans to be resubmitted for approval if found to be necessary. We will especially want to review the proposed gas mains crossings when this information is available.

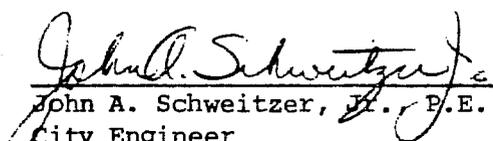
4. Have you verified that the change in vertical direction at Station 17+75 can be made with joint deflection and no bend? We remind you and the contractor that the City specification for maximum deflection at a joint is 80% of the manufacturer's recommended maximum deflection at a joint.

5. Have you verified that adequate restrained joint pipe is being provided at bends? The static pressure in this area is estimated to be between 90 and 100 psi.

Enclosed for your reference please find a copy of the City of Danbury water department Rules and Regulations.

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

Very truly yours,

  
\_\_\_\_\_  
John A. Schweitzer, Jr., P.E.  
City Engineer

JAS/PAE/gw

Enclosure

C: William Buckley, Jr.



19

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**WATER AND SEWER DEPARTMENTS**  
797-4539

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

January 10, 1989

TO: City of Danbury Common Council

FROM: Mr. William J. Buckley, Supt. of Public Utilities

RE: ITEM #9 ON THE COMMON COUNCIL AGENDA OF JANUARY 3, 1989

\*\*\*\*\*

Dear Common Council:

At your meeting on January 3, 1989 you referred to me for a report within a 30 day period, item #9 which was a State project #34-185 (construction change order water main installation). I have discussed this proposal a number of times with the State of Connecticut Department of Transportation Engineers and although I agree in concept that water can be provided to the site, I have not reviewed any plans for the proposal as of this date. Generally what happens is that after plans are submitted to the City Engineers office, he will seek input from me and my department concerning our review either by forwarding us copies of the appropriate sections of the plans or by asking us to come to his office to review the appropriate sections so that only one set of engineering comments go back to the petitioner, in this case the State of Connecticut.

This is a water extension and I assume that it has been also forwarded to the Planning Department to which engineering comments will be sent prior to Planning Department taking any formal action. Once you, as the Common Council, have received a report from Planning and should you find that favorable, you will probably have included in

it comments from my department and Mr. Schweitzer's. In either case, I will make a point of notifying you when my review of the plans are complete, however, I am not certain that I will have the opportunity to review them prior to the 30 day period since I do not have them in my office at this time. It maybe advisable in the meantime for you to take no action until you receive comment from Planning, comment from the Engineering Department, and a comment from me after the reviews are complete. If you would so desire to have me attend the meeting to discuss this in further detail once that review is complete, I would be happy to do so. Please advise.

WJB:bds

cc: Mr. Dan Minahan  
Mr. Dennis Elpern  
Mr. Jack Schweitzer

Danise  
Connell  
Flanagan 20



# CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

(203) 797-4511

February 27, 1989

Hon. Common Council Members  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut

Re: Scott-Fanton Museum Lease

Dear Council Members:

At the February Council meeting you accepted a progress report which provided that, "...upon necessary approvals by the Environmental Impact Commission, the Planning Commission, the Engineering Department and upon the Corporation Counsel's approval of the lease, within thirty days, the committee will meet again to take final action."

I would like to suggest that the common council consider the adoption of a resolution which would clarify the action taken in February. As things stand now, Community Action is in the position of having to expend significant sums to obtain various approvals without having a firm and final commitment from the council that it will approve the lease. To further complicate things, there has been no formal termination of the present lease between the city and Scott-Fanton Museum.

In order to protect the interests of all parties involved in this transaction, I recommend that the council take the following action:

1. Terminate the present lease between the City of Danbury and The Scott-Fanton Museum and Historical Society Inc.; on such terms as are deemed to be appropriate by the council and the Museum.

2. Authorize the execution of a lease between the City of Danbury and the CACD containing whatever terms are deemed to be appropriate by the council and the CACD. Should you so desire, the execution of this lease may be made contingent upon receipt by CACD of all approvals which may be necessary to complete the project.

Honorable Common Council Members  
Scott-Fanton Museum and CACD  
Page Two

This approach has several benefits. First, by terminating the present lease between the city and the museum, it clears the way for the city to lease the property to CACD. Second, by authorizing the execution of the lease between the city and the CACD it provides some assurance to CACD that a lease will, in fact, be offered. Third, by making the final execution of the lease contingent upon receipt, by CACD, of all necessary approvals, it insures both parties that neither will be bound to enter into the lease unless all approvals are in hand.

Please give this matter your careful consideration. I urge you to support this worthwhile effort.

Sincerely,



Joseph H. Sauer, Jr.  
Mayor

JHS:cjz



21

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

PLEASE REPLY TO:

February 6, 1989

DANBURY, CT 06810

Hon. Mayor Joseph H. Sauer, Jr.  
Hon. Members of the Common Council  
City of Danbury  
Danbury, Connecticut

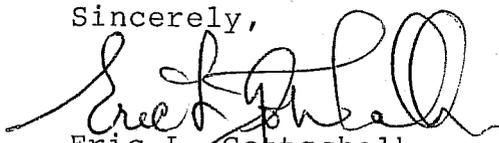
Re: Danbury Preservation Trust - Erickson House

Dear Mayor and Council Members:

Please find enclosed a copy of a letter I received today from Attorney Anthony J. DiPerrio in connection with the above. You may recall that the City agreed to convey a parcel of City land to the Trust for the purpose of relocating the above referenced structure. Subsequently, the Preservation Trust discovered that the house was too large to fit properly on the lot. As a result, last September the Council voted to discontinue a portion of Union Avenue, effectively making Union Avenue narrower; with the understanding that the Trust would seek the assistance of the Traffic Authority in making the remainder of Union Avenue one way.

Attorney DiPerrio has now discovered that the underlying title to that portion of Union Avenue which the City discontinued is owned by a person or persons unknown. Since it had been the Preservation Trust's plan to attempt to acquire the discontinued portion from the legal owner, this discovery poses something of a problem. Accordingly, Mr. DiPerrio is now asking that the City of Danbury commence an action which would result in the acquisition of the underlying fee to the discontinued portion of Union Avenue by the City through condemnation. Since the Common Council must approve such an approach, I felt it best to forward this material to you.

Sincerely,



Eric L. Gottschalk  
Assistant Corporation Counsel

ELG:r

Enclosure

c: Anthony J. DiPerrio, Esq.

21  
ANTHONY J. DiPERRIO II

ATTORNEY AT LAW  
57 NORTH STREET, SUITE 301  
DANBURY, CONNECTICUT 06810

FEB 3 - 1989

AREA CODE 203  
744-5225

January 31, 1989

Eric L. Gottschalk, Esq.  
Corporation Counsel  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: City of Danbury to Danbury Preservation Trust

Dear Rick:

I enclose herewith Danbury Preservation Trust proposed Invitation for Bid and accompanying exhibits. Bob Resha informed me that you have previously acquainted yourself with this matter.

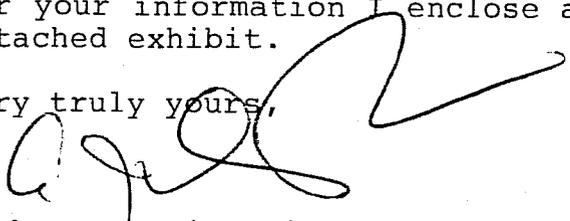
Briefly, in November of 1987 the Common Council agreed to transfer to the Danbury Preservation Trust a parcel of land located at the corner of Garamella Blvd. and Union Avenue for the relocation of the Erickson House. In order to more appropriately situate the house on the property in August of 1988 Lewis Zurlo wrote the Common Council requesting that the western end of Union Avenue be reduced in width to a one way street and the surplus area be given to the Danbury Preservation Trust. In its September, 1988 meeting the Common Council endorsed this plan.

Although the City has maintained Union Avenue for in excess of 75 years, it appears that legal title was never granted to the City. It further appears that the legal owner is unknown.

In order to effectuate this plan, The Danbury Preservation Trust hereby requests that the City of Danbury acquire Title to the roadway by either commencing a Condemnation Proceeding or by bringing an adverse possession action.

I would be happy to discuss this with you at your convenience. For your information I enclose a proposed Invitation for Bid and attached exhibit.

Very truly yours,

  
Anthony J. DiPerrio

AD:ha  
enc.

24 August 1988

ARCHITECTURE + INTERIOR DESIGN

Mr. Jim Nimmons  
PRESIDENT OF THE COMMON COUNCIL

363 MAIN STREET  
DANBURY CONNECTICUT 06810

City of Danbury  
155 Deer Hill Ave  
Danbury, Ct. 06810

LEWIS ZURLO AIA PH 203 748-4647  
DAN KISTLER AIA PH 203 748-4647

Re: Discontinuance of Union Ave

Dear Mr. Nimmons,

On behalf of the Danbury Preservation Trust and the Connecticut Trust for Historic Preservation we are requesting that Union Ave be discontinued in its present form and reduced in width. If the Common Council agrees we would then proceed to ask the traffic authorities of The City of Danbury to make Union Ave one way.

The Planning Agency, the Chief of Police, the Engineering Department and the Mayor's office have given their general support to this idea with the ultimate goal being to relocate the Erickson House to the corner of Maple Ave and Garamella Boulevard.

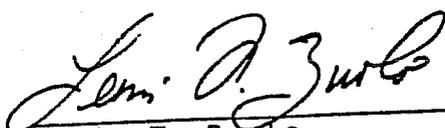
If a successful bidder is obtained to move the Erickson House to the above mentioned site, that bidder would be responsible to obtaine all legal documents and permits required by the City of Danbury.

THE WESTERN END OF

If Union Ave is reduced in width and made one way we believed it will make the intersection of Union Ave and Maple Ave safer as well as making it possible to move the Erickson House to the adjoining site.

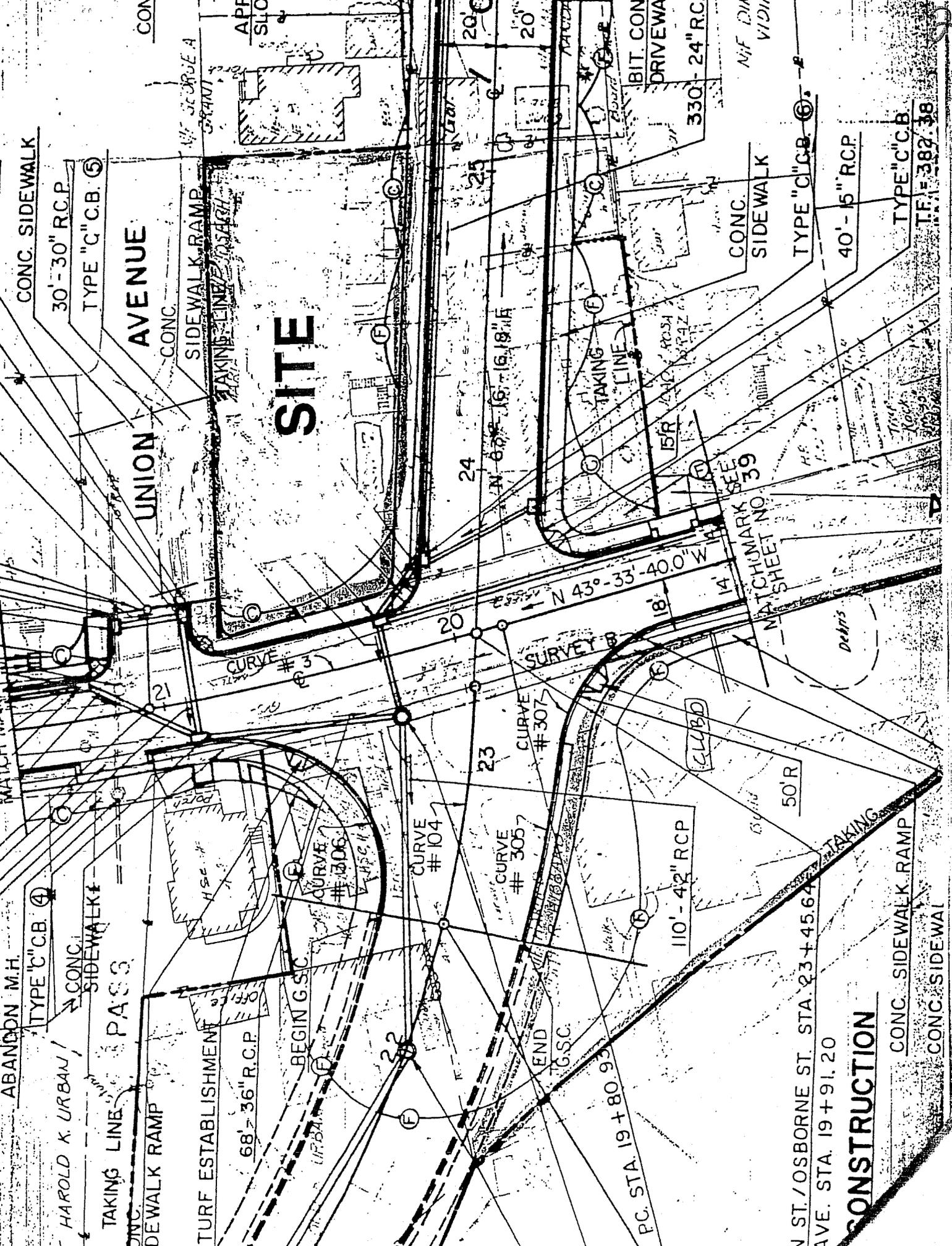
Thank you for your consideration of this proposal.

Sincerely,

  
Lewis F. Zurlo

cc: Mayor Sauer  
J. Schweitzer  
N. Macedo  
R. Durkin  
R. Gottschalk

703



CONC. SIDEWALK  
30'-30" R.C.P.  
TYPE "C" C.B. ⑤

UNION AVENUE

CONC. SIDEWALK RAMP

**SITE**

TAKING LINE

BIT. CONC. DRIVEWAY  
330'-24" R.C.

CONC. SIDEWALK

TYPE "C" C.B. ⑥

40'-15" R.C.P.

TYPE "C" C.B.

T.F. = 382.38

CONC. SIDEWALK

TAKING LINE

CURVE # 3

CURVE # 104

CURVE # 3057

CURVE # 3075

110'-42" R.C.P.

50'R

PC. STA. 19+80.93

END T.G.S.C.

BEGIN G.S.C.

68'-36" R.C.P.

OFFICE

H.S.E.

DEBRIS

CLUB

50'R

DEBRIS

ABANDON M.H.  
HAROLD K. URBAN  
TAKING LINE  
SIDEWALK RAMP  
CONC. SIDEWALK

TURF ESTABLISHMENT  
68'-36" R.C.P.  
UNION AVENUE

CONC. SIDEWALK RAMP  
TAKING LINE

N ST./OSBORNE ST. STA. 23+45.64  
AVE. STA. 19+91.20

**CONSTRUCTION**

CONC. SIDEWALK RAMP  
CONC. SIDEWALK

MATCHMARK SEE  
MATCH SHEET NO 39

N 43°-33'-40.0" W  
14'

NIF DIM  
VIDI



52

21

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

September 7, 1988

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

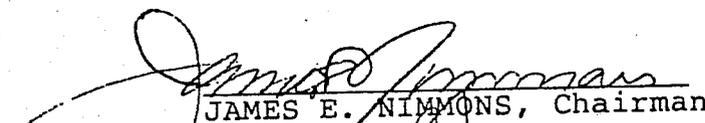
Re: Conveyance of Property on Union Avenue for the Relocation  
of the Erickson House - Historic Preservation

The committee appointed to review the above subject met on August 30, 1988 at 7:30 P.M. in City Hall. In attendance were committee members Nimmons, Fazio and Flanagan. Also present were Robert Steinberg representing the Danbury Preservation Trust, Jerrold Davis, Hank Moran and Lovie Bourne, ex-officio, and City Engineer Jack Schweitzer.

A letter dated August 24, 1988 from Mr. Zurlo was read which outlined the general concept for relocating the Erickson House on Padanaram Road to the corner of Maple Avenue and Garamella Boulevard for historic preservation purposes.

After a general discussion and a question and answer period, a motion was made by Mr. Fazio and seconded by Mr. Nimmons to recommend approval of the concept to the Common Council. Should a successful bidder be obtained for the relocation project, said bidder would be responsible for obtaining all legal documents and permits required by the City of Danbury.

Respectfully submitted,

  
JAMES E. NIMMONS, Chairman

  
MICHAEL S. FAZIO

  
STEPHEN T. FLANAGAN

MAPLE AVENUE

21

ONE WAY

ADDITIONAL SITE REQUESTED

SITE TRANSFER PREVIOUSLY APPROVED

UNION AVENUE

GARAMELLA BOULEVARD

BALMFORTH AVENUE

ERICKSON HOUSE SITE  
NO SCALE: 4/12/88

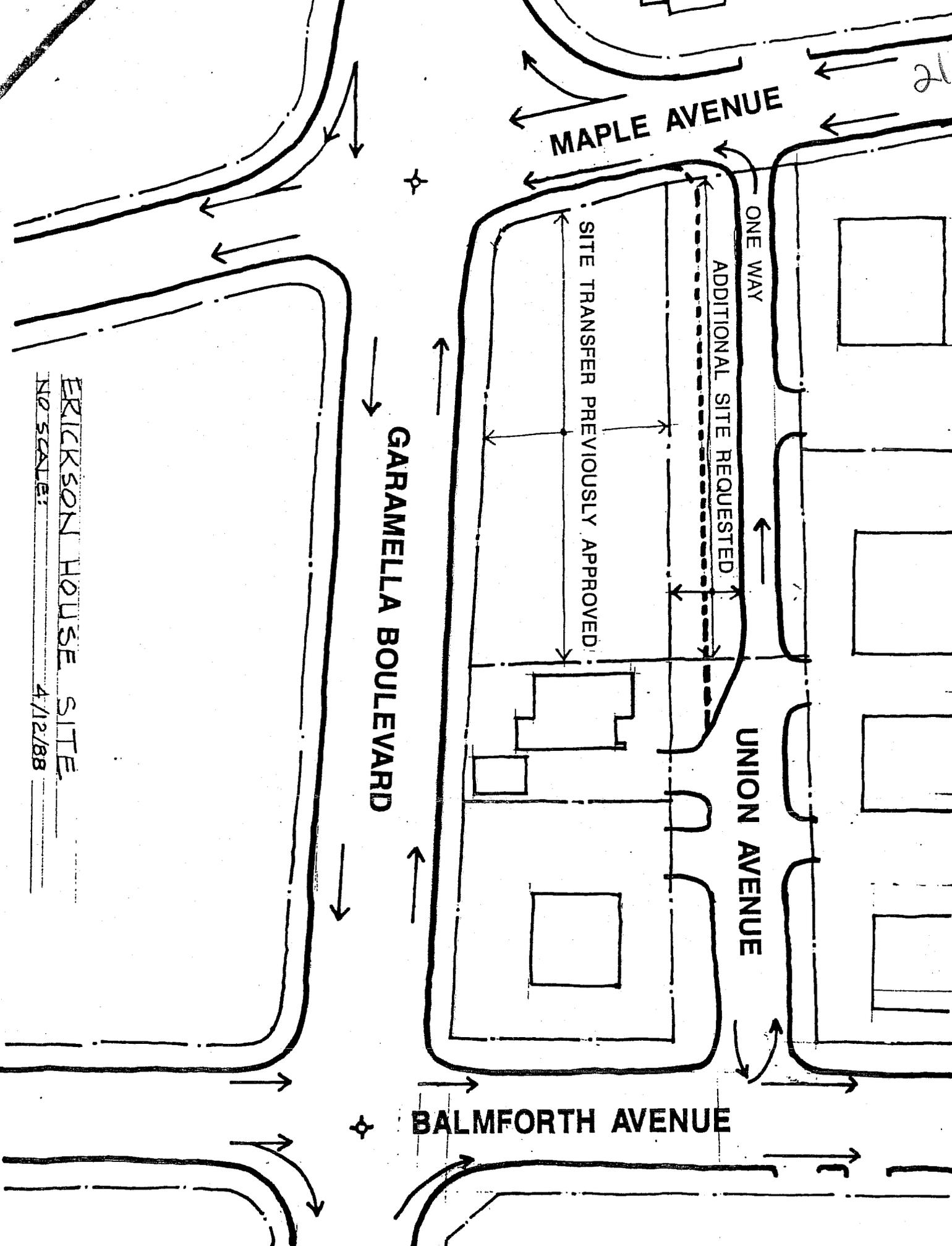




Exhibit D

21

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

November 5, 1987

Honorable Mayor James E. Dyer  
Honorable Members of the Common Council

Re: Request for Transfer of Land to Danbury Preservation Trust

The committee to consider the transfer of City land to the Danbury and Connecticut Preservation Trusts met on August 19, 1987 and October 28, 1987 at 7:30. In attendance were committee members Flanagan, Eriquez and Godfrey. Paulette Pepin of the Danbury Preservation Trust attended the first meeting.

At the August meeting Mrs. Pepin explained that the Trust sought a piece of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the relocation of the historic Ericson house from 3 Padanaram Road. The Trust will sponsor the relocation and restoration of the house which will then be sold on the open market. Resale will be contingent upon deed restrictions which will guarantee the preservation of the structure along accepted historic preservation guidelines. After discussion the committee tabled the item until the Corporation Counsel could review the legal aspects of the proposal.

At the October meeting the committee reviewed Mr. Gottschalk's response (attached) and discussed the project. Mr. Godfrey moved that the request of the Danbury Preservation Trust and the Connecticut Preservation Trust for the transfer of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the purposes of the relocation and restoration of the historic Ericson house be granted. Seconded by Mr. Eriquez. Motion carried unanimously.

The committee noted that upon the completion of this project the structure will be added to the grand list and a now vacant piece of property left over from the road improvement project will once again produce tax revenue. Meeting adjourned at 7:45 P.M.

\_\_\_\_\_  
GENE ERIQUEZ  
  
\_\_\_\_\_  
ROBERT GODFREY

Respectfully submitted,  
  
\_\_\_\_\_  
STEPHEN FLANAGAN, Chairman



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

September 4, 1987

PLEASE REPLY TO:

DANBURY, CT 06810

ODORE H. GOLDSTEIN  
CORPORATION COUNSEL  
ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
SANDRA V. LEHENY  
LAWRENCE M. RIEFBERG  
ASSISTANT CORPORATION  
COUNSEL

Councilman Stephen T. Flanagan  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Connecticut

Re: Conveyance of City Property for  
Purposes of Historic Preservation

Dear Steve:

Please find enclosed a copy of a letter I received this week from Janice Elliott together with a copy of a document she enclosed titled "Declaration and Grant of Preservation Restrictions and Covenants." That document is intended for use upon resale of the property by the Connecticut Trust. It is intended to guarantee that the purchaser of the property from the Trust will preserve, maintain and restore the character of the structure.

With respect to our transfer to the Trust, I propose that we use a standard deed to which we would add language similar to the following:

The Grantee acknowledges that the City of Danbury has agreed to convey the aforesaid property upon the condition that within three years the Grantee shall use the property as a site for a structure of historical, architectural, archaeological or cultural significance to the State of Connecticut, its municipalities and the nation.

The Grantee accordingly agrees to use the property for the aforesaid purpose and for no other purpose. The Grantee further agrees that upon subsequent transfer of the property, together with improvements thereon, by the Grantee the Grantee shall require any such purchaser to execute a Declaration and Grant of Preservation Restrictions and Covenants in a form substantially similar to that attached hereto as Attachment A.

Representatives of the Grantor may inspect the premises at reasonable intervals upon reasonable notice to the Grantee in order determine whether or not the covenants, restrictions, agreements and obligations recited herein are being adhered to and observed. In the event of a non-performance or violation of any duties of the Grantee, its successors or assigns under any covenant, restriction, agreement or obligation provided herein, the Grantor may sue for money damages. Should the Grantor resort to the remedy set forth in this paragraph or to any other remedy it may have at law or in equity, it may recover from the Grantee herein all costs and expenses incurred in connection with such remedies including but not limited to court costs and reasonable attorney's fees.

With that language in place the City would be amply protected by guaranteeing both the placement of a significant structure on the site as well as its future preservation.

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

Sincerely,

  
Eric L. Gottschalk  
Assistant Corporation Counsel

ELG:cr

c: Janice L. Elliott  
Director of Real Estate Programs  
Connecticut Trust for Historic  
Preservation

Enclosures

Mr. Gallo submitted the following report which was accepted by the Common Council on the Consent Calendar:

Request for Sewer Extension - 5 Pembroke Road

Meeting was held on October 19, 1987 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Gallo, DeMille and Smith. Also attending were Jack Schweitzer, William Buckley and the petitioner, Ivan Vrba. It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

- 1. The petitioner shall bear all costs relative to the installation of said
- 2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
- 3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
- 4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
- 5. That upon completion of installation, title to said line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
- 6. The petitioner shall convey ownership of and easements to all or such portions of the lines as the City Engineer's Office determines are of potential benefit to other landowners in the City. Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
- 7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended lines.
- 8. This approval shall expire eighteen (18) months following the date of Common Council action.

43 - REPORT - Request for transfer of land to Danbury Preservation Trust.

Mr. Flanagan submitted the following report which was accepted by the Common Council on the Consent Calendar:

The committee to consider the transfer of City land to the Danbury and Connecticut Preservation Trusts met on August 19, 1987 and October 28, 1987 at 7:30. In attendance were committee members Flanagan, Eriquez and Godfrey. Paulette Pepin of the Danbury Preservation Trust attended the first meeting.

At the August meeting Mrs. Pepin explained that the Trust sought a piece of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the relocation of the historic Ericson house from 3 Padanaram Road. The Trust will sponsor the relocation and restoration of the house which will then be sold on the open market. Resale will be contingent upon deed restrictions which will guarantee the preservation of the structure along accepted historic preservation guidelines. After discussion the committee tabled the item until the Corporation Counsel could review the legal aspects of the proposal.

At the October meeting the committee reviewed Mr. Gottschalk's response (attached) and discussed the project. Mr. Godfrey moved that the request of the Danbury Preservation Trust and the Connecticut Preservation Trust for the transfer of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the purposes of the relocation and restoration of the historic Ericson house be granted. Seconded by Mr. Eriquez. Motion carried unanimously.

The committee noted that upon the completion of this project the structure will be added to the grand list and a now vacant piece of property left over from the road improvement project will, once again produce tax revenue. Meeting adjourned at 7:45 P.M.

44 - REPORT - Water Problems on Indian Head Road.

Mr. Gallo submitted the following report which was accepted by the Common Council on the Consent Calendar:

The Common Council Committee appointed to review water problems on Indian Head Road met on October 26, 1987 at 8:00 P.M. in City Hall. In attendance were committee members Gallo, Sollose and Torian. City Officials present were City Engineer Jack Schweitzer, Superintendent of Public Works William Buckley and Councilman Joseph DaSilva. Property Owners present were Frank Hurley, Calvin Joyce, Ray Tomanio, Richard Beckenbach, Marianne Dahill and Beatrice Dahill. Representing the developer was his engineer, David Williamson.

The committee met on June 17th, October 19th and October 26, 1987. The meeting of June 17th was when the property owners explained the difficulties they have been experiencing since Huntington Farms was started on Barnum Road. There were three issues involved:

1. flooding to their properties;
2. flooding of their septic systems; and
3. possible contamination of their wells.

The neighbors involved were having some difficulty contacting the developer necessitating the need to bring this to the Common Council. Through the efforts of Councilman Gallo and the Mayor's Office, the developer was contacted and the problems explained. The developer, through his representative, Mr. Williamson, agreed there was a problem and would resolve this with the following steps:

1. widen, make deeper and straighten the brook running between the property owners;

Mr. Charles submitted the following report:

The ad hoc committee appointed to study the request for funding for additional school nurses met on August 22, 1988 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Charles, Nimmons and Renz. Also in attendance were Council Members Bourne, Shaw, Bundy and Connell, ex officio, Dominic Setaro, Eric Gottschalk, Dr. Anthony Singe, W. Throop, Barbara Baker and Nancy Marcus, Members of the School Board.

Mr. Charles stated that the meeting was called for the express purpose to recommend funds in the amount of \$78,000 to fund the hiring of 3.5 nurses in order to fully service the entire school system. The School Board presented a certified document approved by the Board on August 17, 1988 and signed by Nancy Marcus as its secretary. Said document is attached. Discussion followed concerning available funding for the hiring of the nurses.

A motion was made by Mr. Renz and seconded by Mr. Nimmons to forward this issue to the Common Council recommending the appropriation of \$78,000 to hire 3.5 additional nurses for the fiscal year 1988-89. The motion was carried unanimously.

Mr. Zotos made a motion that the report be accepted and the appropriation of funds authorized. Seconded by Mr. Eriquez.

Mr. Moran asked if there was a guarantee from the Board of Education that this money would only be used for hiring of the nurses. Mr. Charles stated that he is willing to trust the Board. Mr. Fazio stated that during the budget process the Council voted to cut \$200,000 from the Contingency Account and funds for this should not come from this account. Mrs. Bourne made a motion to suspend the rules to allow the Comptroller Dominic Setaro to address the Council. Seconded by Mr. Moran Motion carried with Council Members Esposito, Cassano, Charles and Butera voting in the negative. Mr. Setaro addressed the Council on the importance of not draining the account. Discussion followed on the pros and cons of expending the funds at this time. Motion carried with the Members voting as follows:

Yes - Renz, Esposito, Godfrey, Flanagan, Zotos, Cassano, Charles, Butera, DaSilva, Eriquez. No - Bourne, Connell, Moran, Cresci, Nimmons, Fazio, Shaw, Bundy, Regan.

52 - REPORT - Conveyance of Property on Union Avenue for the Relocation of the Erickson House - Historic Preservation.

Mr. Nimmons submitted the following report:

The committee appointed to review the above subject met on August 30, 1988 at 7:30 P.M. in City Hall. In attendance were committee members Nimmons, Fazio and Flanagan. Also present were Robert Steinberg representing the Danbury Preservation Trust, Jerrold Davis, Hank Moran and Lovie Bourne, ex-officio, and City Engineer Jack Schweitzer.

A letter dated August 24, 1988 from Mr. Zurlo was read which outlined the general concept for relocating the Erickson House on Padanaram Road to the corner of Maple Avenue and Garamella Boulevard for historic preservation purposes.

After a general discussion and a question and answer period, a motion was made by Mr. Fazio and seconded by Mr. Nimmons to recommend approval of the concept to the Common Council. Should a successful bidder be obtained for the relocation project, said bidder would be responsible for obtaining all legal documents and permits required by the City of Danbury.

The report was accepted on the Consent Calendar.



**ASHKAR ASSOCIATES**

26 North St.  
Danbury, CT 06810  
(203) 792-8550

Outside CT  
1-800-457-3337  
Inside CT  
1-800-527-3337

February 7, 1989

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

Dear Council Members;

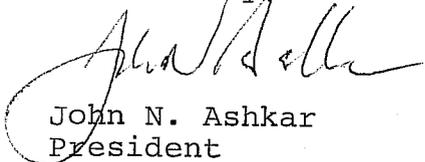
Pursuant to a meeting held on February 6 with a Common Council committee appointed to review my request to acquire land owned by the City on Maple Ave., I was advised that because the property was not declared Surplus Land by the Common Council that my petition was being denied without prejudice.

In accordance with the City of Danbury Ordinance Section 2-133 this letter is to officially request the Common to declare the subject parcel of property on Maple Ave., directly behind my property as Surplus Land.

It is also my intent to request the Common Council to allow me the opportunity to purchase the property or to at least have the opportunity to bid on the property because of my position as an abutter. I would appreciate a timely response to this request and expeditious handling of this matter so I may move ahead with my present plans for a new building.

Thank you for your consideration.

Yours truly,



John N. Ashkar  
President

A & S AUTO SALES

88 Balmforth Ave. Danbury, Connecticut 06810  
Days 743-1588 Eves 748-3360

NORMAN CARVALHO & DOROTHY CARVALHO\*\* PROPERTY OWNERS

FEBRUARY 07, 1989

COUNCILMAN PRES. JAMES NIMMONS  
COMMON COUNCIL  
CITY OF DANBURY, CT.

DEAR MR. COUNCIL PRESIDENT:

WE ARE AGAIN WRITING TO REQUEST RECONSIDERATION OF OUR PREVIOUS REQUEST TO PURCHASE SURPLUS LAND ON BALMFORTH AVE. & MAPLE AVENUE EXT. ADJOINING OUR PROPERTY. IT HAS BEEN KNOWN SINCE 1985 THRU THE COMMON COUNCIL THAT WE TRIED TO PURCHASE SPANO & CHENNEY PROPERTY.

NO ONE ELSE HAS SUFFERED THE HARDSHIP THAT WAS IMPOSED ON US, BY THE CITY OF DANBURY. I HAVE LOST ON STREET PARKING, CAN'T GET IN OR OUT OF OUR DRIVEWAY, ETC. HAZARD MOVEMENT WITH 3 LANE HIGHWAY.

THE CITY OF DANBURY HAVE SINCE SOLD US A SMALL REMAINING PORTION OF THE CHANNEY PROPERTY, BUT THEY ALSO HAD THE SPANO PROPERTY LISTED AS SURPLUS.

AGAIN I ASK FOR THE OPTION TO PURCHASE THE SPANO PARCEL. AS PREVIOUSLY AGREED TO BY THE CITY OF DANBURY AS PER ATTACHED LETTER ENCLOSED.

YOUR CO-OPERATION AND CONSIDERATION WILL BE GREATLY APPRECIATED. PLEASE NOTIFY ME AS TO AVAILABILITY OF SURPLUS LAND.

SINCERELY,

*Norman Carvalho*  
*Dorothy Carvalho*  
NORMAN CARVALHO  
DOROTHY CARVALHO

NC/DC

# CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

## REPORT

October 6, 1987

Honorable Mayor James E. Dyer  
Honorable Members of the Common Council

Re: Request of A&S Auto Sales to purchase property  
on Balmforth Avenue

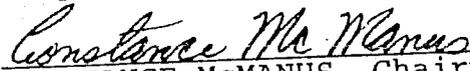
The Common Council Committee appointed to study the request of A&S Auto Sales to purchase property on Balmforth Avenue met on December 16, 1986 and on September 14, 1987. Present at the December meeting were committee members Gallo and McManus, City Corporation Counsel Theodore Goldstein, Attorney Robert Talarico and the petitioners Norman and Dorothy Carvalho.

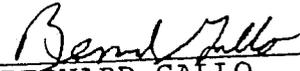
It was determined that no action could be taken on the petition until an updated survey was obtained. The committee also requested the Mr. Goldstein research the statutes to determine whether the property, when declared surplus, had to be made available to all interested owners of adjoining property or if it could be offered to Mr. Carvalho only.

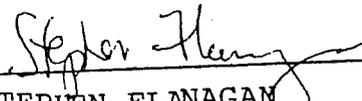
The committee met again in September with the same participants. City Engineer Jack Schweitzer submitted the attached report and survey. Mr. Goldstein stated that his interpretation of the law would allow the City to offer the land for sale to one specific adjoining property owner instead of all.

Accordingly, a motion was made by Mr. Gallo and seconded by Mrs. McManus that the subject property be declared surplus and that it be offered for sale to Norman and Dorothy Carvalho for a price to be determined by the Tax Assessor. The committee voted to recommend that the stipulations suggested by the City Engineer be written into the deed.

Respectfully submitted,

  
CONSTANCE MCMANUS, Chair

  
BERNARD GALLO

  
STEPHEN FLANAGAN

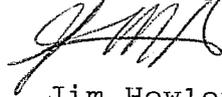
24  
February 26, 1989

TO: Danbury Common Council

RE: Easement to connect to storm drainage on Osborne  
field for the creation of parking.

I am requesting this easement to allow drainage for parking to be created in the area of Elwell Place & Griffing Ave. Presently there is no off street parking for my property at 23 Griffing Ave. This parking would alleviate this problem in an older neighborhood in desperate need of parking relief. Before any work begins of course the proper permits and review of the engineering dept. will be satisfied. After your consideration, please inform me of the procedure you wish me to follow. If you have any questions or would like any further explanation please do not hesitate to contact me.

Sincerely,



Jim Howley

(H) 775-8744

(W) 743-6734

Mill Plain  
Package Store

Discount Liquors, Wine, Beer  
71 Mill Plain Rd. • Danbury, CT 06810  
Tel: 748-0776

John Marcy, Jr.

Arlene Marcy

Feb. 7, 1989

Mr. Nimmmons Pres.  
Common Council  
City of Danbury  
Deer Hill Ave.  
Danbury, Ct. 06810

Re: Mill Plain Package Store  
71 Mill Plain Rd  
Danbury, Ct. 06811

---

Dear Mr. Nimmmons:

On December 21, 1987 I was told by the Engineering Department, which had reviewed my plans for an addition to my store, that a sewer permit fee of \$1,929.00 had to be paid.

I felt that because I had already paid for city sewer hook up and that my addition was for storage use only, with no plumbing in the plans, that this fee was unjust.

I was told if a fee was not paid, I would be unable to obtain a building permit. I was also told at that time if I felt that this fee was unfair I would have to write a letter to the Common Council.

I would very much appreciate your consideration in this matter.

Sincerely,  
John G. Marcy, Jr.



27

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Review of Landfill Ordinance 16A-31 to 16A-34

The ad hoc committee appointed to review the proposed modification to the ordinance pertaining to the landfill ordinance 16A-31 to 16A-34 met on February 23, 1989 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan, Bourne and Flanagan. Also attending were Michael Cech, Dave Gervasoni, Les Pinter Mr. Van deMark-Hutchins and Council Members Danise and Connell, ex-officio.

Mr. Cech explained that the change sought by the Director of Public Works was to enable him to enforce the ordinance regulations, specifically with regard to Section 16A-32, subsection C, D and E which deals with deposits of wastes from outside of the City and the requirements for commercial permits and non-commercial permits. The intention is to issue permits to residents for bulky waste deposits and then randomly call to verify that the information is correct when a hauler brings waste into the landfill. Mr. Pinter stated that the Department Head should have the power to enforce the ordinance and this proposed change would do that.

Mr. Flanagan made a motion to change the attached ordinance to 16A-32H and change the end of the first sentence to read 16A-32 C, D, E. Seconded by Mrs. Bourne. Motion carried unanimously.

Respectfully submitted,

ARTHUR D. REGAN, Chairman

LOVIE D. BOURNE

STEPHEN T. FLANAGAN



27

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

March 7, 1989

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 subsection 16A-32(h) to read as follows:

16A-32(h) Adoption of regulations. The Director is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of section 16A-32, subsections (c)(d) and (e). At least one public hearing, notice of which hearing shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the city and by posting a notice of such hearing in a public place, shall be held by the Director of Public Works before any such regulation is adopted. After adoption every regulation shall within ten (10) days be published in its entirety in a newspaper having a general circulation in the city and unless it shall specify a later date become effective on the thirtieth day after such publication.

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 7, 1989.  
Approved by Mayor Joseph H. Sauer - March 9, 1989.

Attest: \_\_\_\_\_

*Elizabeth Crugginton*  
Elizabeth Crugginton  
City Clerk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Military Museum at Tarrywile Park

The ad hoc committee appointed to review the request to locate the Military Museum of Southern New England at Tarrywile Park met on February 22, 1989 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and DaSilva. Also attending were Richard Murray, Richard Palanzo, Paulette Pepin, John Valuzzo and Dolores Levy, as well as Council Members Moran and Charles, ex-officio.

Mr. Valluzzo explained his desire to acquire 10 to 15 acres of land at Tarrywile Park to establish a permanent location for the Military Museum of Southern New England. Mr. DaSilva noted that the Museum appears to be an impressive and rapidly growing well run museum. However, he did not feel that the Common Council should grant this request for land because no Master Plan of Development has been adopted yet for the Tarrywile Park Property.

Mr. DaSilva made a motion that this request be given to the Tarrywile Park Authority once it is established. Seconded by Mr. Regan and so voted.

Respectfully submitted,

ARTHUR D. REGAN, Chairman

JOSEPH DaSILVA

MICHAEL S. FAZIO



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

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Honorable Members of the Common Council

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Mr. DaSilva made a motion that this request be given to the Tarrywile Park Authority once it is established. Seconded by Mr. Regan and so voted.

Respectfully submitted,

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ARTHUR D. REGAN, Chairman

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JOSEPH DaSILVA

---

MICHAEL S. FAZIO



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Sheridan Street Drainage Easement

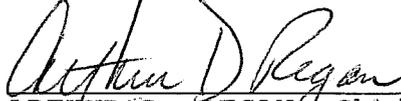
The ad hoc committee appointed to review the Sheridan Street Drainage Easement met on February 17, 1989 at 9:00 A.M. in the City Engineer's Office in City Hall. In attendance were committee members Regan and Bundy. Also in attendance were City Engineer Jack Schweitzer and Director of Public Works Daniel Minahan.

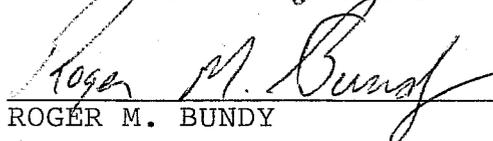
Mr. Minahan explained that sewer and storm drainage systems were tied together in this area of town along time ago and the plan is to separate the two systems and the drainage easement is necessary to do this.

Mr. Regan stated that the Planning Commission at its meeting on January 23, 1989 voted that the Common Council should first negotiate for the easement. If unsuccessful, the Common Council should come back for authority to condemn the property.

Mr. Bundy made a motion to obtain the necessary easement either through negotiations or, if necessary, through eminent domain. Seconded by Mr. Regan. Motion carried unanimously.

Respectfully submitted,

  
ARTHUR D. REGAN, Chairman

  
ROGER M. BUNDY



30

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Request for Sewer and Water Extensions, 20 & 22 Virginia Avenue

The committee regarding the above captioned matter met on February 17, 1989. In attendance were Committee Members Regan, Connell and Gallo. Also attending were City Engineer Jack Schweitzer and Director of Public Works Dan Minahan along with Council Members Roger Bundy, ex-officio.

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

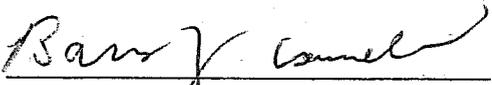
1. The petitioner shall bear all costs relative to the installation of said sewer and water lines.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and waterlines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

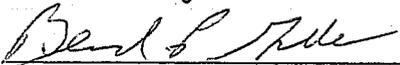
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and waterlines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

Respectfully submitted,

  
ARTHUR D. REGAN, Chairman

  
BARRY J. CONNELL

  
BERNARD P. GALLO



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Sewer Rate Increases

The Common Council Committee appointed to review the request for sewer rate increases met at 8:00 P.M. on February 16, 1989 in Room 432 in City Hall. In attendance were committee members Shaw, Esposito and Cresci. Also in attendance were William Buckley, Dan Minahan and Dominic Setaro.

The Public Utilities Department is requesting a sewer rate increase of approximately 30%. This increase is necessary to cover debt service which will account for approximately 20% of the sewer budget. The Common Council previously approved the new sewage treatment plant and the initial charges for the engineering study will be due in the upcoming year. This bond will be in the form of a twenty year loan, of which twenty percent will be a grant and the remainder will be charged at the rate of two percent interest. The present estimate of the bottom line for this plant is now approaching seventy million. This plant is mandated by the State of Connecticut and will be paid for by sewer users. The estimated sewer bill is presently averaging \$63.36 per year. The anticipated increase would result in an average bill of \$82.37 or an increase of approximately \$19.01 per year or \$1.58 per month. Mr. Setaro concurred with the necessity of these figures due to the general obligation bonds which we are anticipating.

Mr. Connell recommended that this request be referred to a public hearing. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

William Shaw  
WILLIAM H. SHAW, Chairman

Barry J. Connell  
BARRY J. CONNELL

John J. Esposito  
JOHN J. ESPOSITO



31

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

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The Public Utilities Department is requesting a sewer rate increase of approximately 30%. This increase is necessary to cover debt service which will account for approximately 20% of the sewer budget. The Common Council previously approved the new sewage treatment plant and the initial charges for the engineering study will be due in the upcoming year. This bond will be in the form of a twenty year loan, of which twenty percent will be a grant and the remainder will be charged at the rate of two percent interest. The present estimate of the bottom line for this plant is now approaching seventy million. This plant is mandated by the State of Connecticut and will be paid for by sewer users. The estimated sewer bill is presently averaging \$63.36 per year. The anticipated increase would result in an average bill of \$82.37 or an increase of approximately \$19.01 per year or \$1.58 per month. Mr. Setaro concurred with the necessity of these figures due to the general obligation bonds which we are anticipating.

Mr. Connell recommended that this request be referred to a public hearing. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

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WILLIAM H. SHAW, Chairman

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BARRY J. CONNELL

---

JOHN J. ESPOSITO



32

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Capitola Road

The ad hoc committee appointed to study the request that Capitola Road be considered a City highway met on February 22, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Connell and Gallo. Also in attendance were Director of Public Works Daniel Minahan, Engineer Jack Schweitzer and Council Members Moran and Charles, ex-officio.

A discussion was held concerning the research done by Assistant Corporation Counsel Eric Gottschalk. A motion was made by Mr. Gallo that the committee recommend to the Common Council that the situation be clarified by formally accepting Capitola Road. It should be noted that by this action the City of Danbury does not become obligated to improve Capitola Road, but rather to take reasonable care that it is maintainance free of defects that render it unsafe for public travel. Seconded by Mr. Connell. Motion carried unanimously.

Respectfully submitted,

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BARRY J. CONNELL, Chairman

---

BERNARD P. GALLO

---

NICHOLAS ZOTOS



30

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

PLEASE REPLY TO:

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

May 9, 1988

DANBURY, CT 06810

MEMO TO: Hon. James Nimmons, Common Council President  
FROM: Eric L. Gottschalk, Assistant Corporation Counsel  
RE: Status of Capitola Road

The above referenced matter was the subject of a meeting held in the office of City Engineer John A. Schweitzer, Jr. this morning. In attendance were Mr. Schweitzer, Public Works Director Daniel Minahan and I. The status of Capitola Road presents an unusual case:

While the City of Danbury has never acted to formally accept Capitola Road, the Public Works Department does plow, sand and grade it. Apparently, this maintenance has been performed to one degree or another for over thirty-five (35) years. Further, it appears that during this period the City accepted State funds in reimbursement for this effort.

Under the circumstances, it is possible that the City of Danbury may be deemed to have accepted this road by its conduct. It is accordingly our recommendation that the Common Council act to clarify the situation by formally accepting Capitola Road. It should be noted that by this action the City of Danbury does not become obligated to improve Capitola Road but rather to take reasonable care that it is maintained free of defects which render it unsafe for public travel.

8 OR 9 YEAR G<sup>o</sup> Sewer Line  
From DART

ELG

ELG:dms



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Request for Sewer Extension - Danbeth Partners

The Common Council Committee appointed to formalize the conditions of Danbeth Partners sewer extension met in the Fourth Floor Lobby in City Hall at 8:00 P.M. on February 9, 1989. In attendance were committee members Shaw, Flanagan and Bundy. Also in attendance were Jack Schweitzer, Bill Buckley, Attorney Ted Backer and Mr. Williamson, Engineer.

Mr. Shaw questioned those in attendance as to what benefits the City of Danbury would derive from this agreement. The building will be in the Town of Ridgefield, adding to their tax base, using Danbury water and disposing their sewage into the Danbury facility. Mr. Shaw also questioned if this will be the same sewer line that Largo Associates wanted to utilize for their \$40,000,000 complex on Danbury property. Mr. Buckley stated that it was and also that he is on the record that this is the risk you run when you give future sewer capacity away. Mr. Shaw introduced a letter from former Common Council President Connie McManus (attached). Also attached is the request dated November 17, 1988 from Assistant Corporation Counsel Eric Gottschalk, stating that the Common Council cannot refuse to grant Danbeth authority to construct the sewers.

Mr. Flanagan made a motion that the attached eight regular steps be added to the interlocal agreement in addition to a ninth step that sewer service is provided subject to the 1985 interlocal agreement. Seconded by Mr. Shaw. Motion carried unanimously.

Respectfully submitted,

William Shaw  
WILLIAM SHAW, Chairman

Roger M. Bundy  
ROGER M. BUNDY

Stephen Flanagan  
STEPHEN FLANAGAN



33

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

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Respectfully submitted,

---

WILLIAM SHAW, Chairman

---

ROGER M. BUNDY

---

STEPHEN FLANAGAN



30

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA  
CORPORATION COUNSEL

PLEASE REPLY TO:

ERIC L. GOTTSCHALK  
LASZLO L. PINTER  
JOHN JOWDY  
GEORGE S. SAKELLARES  
ASSISTANT CORPORATION  
COUNSEL

November 17, 1988

DANBURY, CT 06810

Hon. Joseph H. Sauer, Jr., Mayor  
Hon. Members of the Common Council  
City of Danbury  
Connecticut

Re: Danbeth Partners, Inc. - Sewer Extension

Dear Mayor and Council Members:

In 1985 the City of Danbury entered into an Interlocal Agreement with the Town of Ridgefield, attached as Exhibit A. Under the terms of that agreement the City agreed to provide capacity in its sewer system to serve a specific site located on Turner Road in Ridgefield. That site contains 98.433 acres and is currently owned by Danbeth Partners, Inc. Danbeth would now like to construct the necessary sewer extension and serve their site.

Since the decision to provide sewer service to this Ridgefield site has already been made, the Common Council cannot refuse to grant Danbeth authority to construct the sewer extension which is necessary to connect the site to the City's system. The Common Council does, however, have a responsibility to establish the conditions under which such an extension will be undertaken. Accordingly, it is the recommendation of this office that the Common Council act to formalize the conditions of this extension authorization. A copy of the conditions which are usually imposed by the Common Council upon those seeking to construct sewer extensions is attached hereto as Exhibit B. If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk  
Assistant Corporation Counsel

ELG:cr

Attachments

August 31, 1987

Dear Ric:

I've been thinking about our conversation of August 27th relative to consideration of water service for Danbeth. Apparently there is a belief that a connection to Danbury's water service differs somehow from an extension of Danbury's water service. This premise would allow entities outside of Danbury to make use of Danbury's water resources without the approval of the electorate of Danbury.

The advantage and significance of a connection versus an extension is a conservation of piping. The purpose of the moratorium of extension of sewer and water outside of Danbury was the conservation of Danbury's resources -- not the conservation of iron pipe.

For the record, I oppose any extension of Danbury resources not specifically approved by the appropriate elected representatives of Danbury, I oppose such extension today and I will oppose it in the future.

Sincerely,

*Connie McManus*

cc. Philip Hadley  
Louis Rotello  
William Buckley  
Jack Schweitzer

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

- . The petitioner shall bear all costs relative to the installation of said
- . The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
- . Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
- . If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
- . That upon completion of installation, title to said line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
- . The petitioner shall convey ownership of and easements to all or such portions of the lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
- . Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
- . No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended lines.
- 8. This approval shall expire eighteen (18) months following the date of Common Council action.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

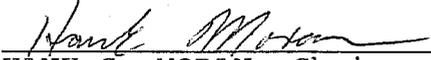
Re: Request of Ashkar Associates to purchase Property on Maple Avenue

The Common Council Committee appointed to review the request of Ashkar Associates to purchase property on Maple Avenue met in the Fourth Floor Lobby in City Hall on February 6, 1989 at 7:00 P.M. In attendance were Committee Members Moran, Gallo and Danise. Also in attendance were City Engineer Jack Schweitzer, Assistant Corporation Counsel Eric Gottschalk, Mr. and Mrs. Norman Carvalho, Ed Carvalho and Council Member Louis Charles, ex-officio.

Mr. Schweitzer opened the meeting by showing the assessor's map and a description and history of the property. A letter was read by the Committee dated November 21, 1988 and a Committee Report of the Common Council dated October 6, 1987 which stated: "Re: Request of A & S Auto Sales to Purchase Property on Balmforth Avenue." The committee concluded, and it was confirmed by the Common Council, that the subject land be declared surplus and that it be offered to Norman and Dorothy Carvalho for a price to be determined by the Assessor. The committee also voted to recommend that the stipulation suggested by the City Engineer be written into the deed. The property in question has not as yet been declared surplus.

Mr. Gallo made a motion that the petition of Ashkar Associates be denied without prejudice. Seconded by Mr. Moran. Motion carried unanimously.

Respectfully submitted,

  
HANK S. MORAN, Chairman

  
BERNARD P. GALLO

  
MARI ANN DANISE



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Request for Exchange of easements - Tan Mar Drive

The Common Council Committee appointed to review the request for an exchange of easements on Tan Mar Drive met at 7:30 P.M. on February 16, 1989 in Room 432 in City Hall. In attendance were Committee Members Shaw and Cresci. Also in attendance was William Buckley.

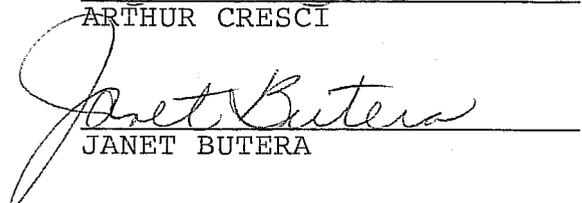
Mr. Buckley stated that this exchange would also benefit his department because they will maintain the easement. Part of the easement is to a water tank located on Spruce Mountain.

Mr. Cresci moved that the committee recommend to the Common Council that the exchange of easements be approved and authorize the Mayor to execute the agreement. Seconded by Mr. Shaw. Motion carried unanimously.

Respectfully submitted,

  
WILLIAM H. SHAW, Chairman

  
ARTHUR CRESCI

  
JANET BUTERA



36

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

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Mr. Cresci moved that the committee recommend to the Common Council that the exchange of easements be approved and authorize the Mayor to execute the agreement. Seconded by Mr. Shaw. Motion carried unanimously.

Respectfully submitted,

\_\_\_\_\_  
WILLIAM H. SHAW, Chairman

\_\_\_\_\_  
ARTHUR CRESCI

\_\_\_\_\_  
JANET BUTERA



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Conflict with the Water Department

The committee appointed to review a conflict with the Water Department met in Room 432 in City Hall on February 1, 1988 at 7:30 P.M. In attendance were committee members Moran, Esposito and Renz. Also attending were William Buckley, Paul Galvin and the complainant Harry Russell.

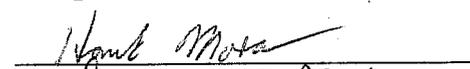
Mr. Moran read a letter from Mr. Russell to Mayor Sauer dated December 17, 1988 explaining his complaints. Mr. Buckley stated that according to Sections 21-5 and 21-6 of the Code of Ordinances, the billing was correct. The total bill was \$1,100.26. Neither party could produce maps of the water main in question. The committee then found out that the water main was a private line. During the course of discussion it became obvious that litigation would follow and it was now the committee's responsibility to arbitrate a reasonable solution to the problem. In breaking down the bill we find in labor 4 men, 7 hours @ \$20 per hour (4 hours morning, 3 hours afternoon), \$468.73 in material and service charges and tax of \$71.53. The work was completed in under 4 hours by Cioffoletti Construction on November 3, 1988.

It was apparent that these circumstances were singular and nothing in this report should be taken to say that everyone should take this route. It was felt that it would be better to have the Director of Public Utilities devote his time to his duties rather than spend 2 or 3 hours in a courtroom.

Mr. Moran made a motion to recommend to the Common Council to forgive the 4 men 3 hours in the afternoon for a total of \$240 plus \$18 in tax for a total of \$258. Seconded by Mr. Renz. Motion carried unanimously.

Respectfully submitted,

  
JOHN J. ESPOSITO

  
HANK S. MORAN, Chairman  
  
GARY D. RENZ



36

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

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Respectfully submitted,

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JOHN J. ESPOSITO

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HANK S. MORAN, Chairman

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GARY D. RENZ



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## PROGRESS REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

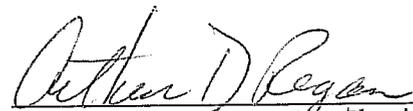
Re: Sunset Review Committee

The ad hoc committee appointed as a Governmental Entity Review and Investigation Committee pursuant to Section 2-177 of the Code of Ordinances of the City of Danbury met on February 22, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Regan, Flanagan and Rosenberg.

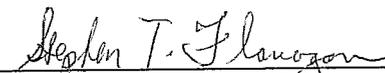
After reviewing the replies received from the various commissions it was determined that there was a general lack of necessary information to make a decision. Therefore, the committee proposed to make up a questionnaire to be sent to the commissions being reviewed.

Mr. Flanagan made a motion to adjourn.

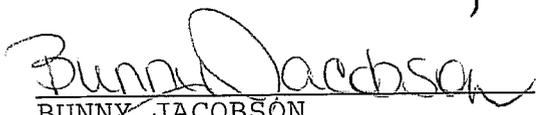
Respectfully submitted,

  
ARTHUR D. REGAN, Chairman

  
MICHAEL FAZIO

  
STEPHEN T. FLANAGAN

  
ED ROSENBERG

  
BUNNY JACOBSON



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

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MICHAEL FAZIO

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STEPHEN T. FLANAGAN

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ED ROSENBERG

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BUNNY JACOBSON



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

Progress  
REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Cross Street Bridge

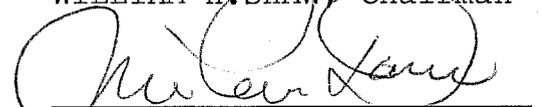
The committee appointed to review the status of the Cross Street Bridge met on January 19, 1989 at 7:00 P.M. in City Hall. In attendance were committee members Shaw, Danise and Esposito. Also in attendance were City Engineer Jack Schweitzer and Dan Minahan.

Mr. Esposito made a motion that the Mayor's Office in coordination with the City Engineer and the Director of Public Works apply for State funds to build the Cross Street Bridge. Seconded by Mrs. Danise. Motion carried unanimously.

On February 26, 1989, Mr. Minahan directed Mr. Schweitzer to apply for funds to build this bridge thus connecting major arteries in the City of Danbury. See enclosure from State Department of Transportation and Mr. Minahan's directive to Mr. Schweitzer.

Respectfully submitted,

  
WILLIAM H. SHAW, Chairman

  
MARI ANN DANISE

  
JOHN J. ESPOSITO



38

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PUBLIC WORKS**  
**(203) 797-4537**

**DANIEL J. MINAHAN**  
**DIRECTOR OF PUBLIC WORKS**

February 6, 1989

TO: John A. Schweitzer, Jr., City Engineer  
FROM: D.J. Minahan, Director of Public Works  
RE: D.O.T. Deficiency List-Local Bridge Program  
Fiscal Year 1990

I am forwarding to you for your immediate attention a letter from DOT with an application and also the local bridge program booklet from DOT regarding the Cross Street Bridge.

Please begin the application procedure as we have discussed. I will be checking with you prior to submission. We must have the applicaiton in place prior to the March 1, 1989 deadline. We should use the estimates and procedure that was discussed at the Ad Hoc Common Council meeting.

Thank you for your prompt attention to this matter.

cc: Mayor Sauer  
K. Tripp  
✓W. Shaw, Chairman Cross St. Bridge  
file



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION

24 WOLCOTT HILL ROAD, P.O. DRAWER A  
WETHERSFIELD, CONNECTICUT 06109



2/2/89

Office of the  
Commissioner

An Equal Opportunity Employer

January 25, 1989

Hon. Joseph H. Sauer, Jr.  
Mayor  
City  
155 Deer Hill Road  
Danbury, Connecticut 06810

RECEIVED  
FEB 2 1989

Dear Mayor Sauer:

Subject: Deficiency List - Local Bridge Program  
Fiscal Year 1990

Sections 13a-175p to 13a-175u, inclusive, of the Connecticut General Statutes, known as "The Local Bridge Program," provide financial assistance to the local municipalities for the rehabilitation or replacement of the structurally deficient bridges under their jurisdiction. The legislation and the regulations formulated for the program mandate that:

(a) As of January 1, 1985, July 1, 1985, and July 1 of each succeeding year, the Commissioner shall establish a priority rating for each bridge which is located within one or more municipalities, is owned in whole or in part by a municipality and which has a span length between the faces of abutments of 20 feet or more. Each priority rating shall be based upon the then most recently available data obtained by or submitted to and accepted by the Commissioner.

In compliance with that directive, please find included herewith the prioritized list of structurally deficient structures, the Adjusted Equalized Net Grand List Per Capita (AENGLC) which serves as the basis for determining your municipality's project grant percentage, legislation relating to the Local Bridge Program, the program regulations, a preliminary application form and Guidelines for Obtaining Funds under the Local Bridge Program to assist you in applying for the program for Fiscal Year 1990.

Be advised that the cutoff date for the submission of preliminary applications for Fiscal Year 1990 is March 1, 1989. If you intend to participate in the program, please complete the preliminary application form carefully and forward to: Mr. Anthony J. Basso, Administrator of the Local Bridge Program, Connecticut Department of Transportation, 24 Wolcott Hill Road, P.O. Drawer A, Wethersfield, Connecticut 06109.

Very truly yours,

*J. William Burns*  
J. William Burns  
Commissioner

Enclosure

38

CONNECTICUT DEPARTMENT OF TRANSPORTATION  
J. William Burns, Commissioner

Preliminary Application  
For Participation in the Local Bridge Program  
Sections 13a-175p through 13a-175u of the Connecticut General Statutes

Preliminary application is hereby made by the Municipality of  
Danbury for possible inclusion in the Local Bridge  
Program (Sections 13a-175p through 13a-175u of the Connecticut General Statutes)  
for the Fiscal Year 1990 for the following structure.

Location: Cross Street Bridge over Still River

Bridge Number: 03700

Length of Span: 70.2 feet

Sufficiency Rating: 12.22

Priority Rating: 8.09

Evaluation and Rating Data Accomplished by State Forces: Yes  No

Evaluation and Rating Data Accomplished by Others: Yes  No

(Professional Certification Required)

If Others, Name of Professional Engineer or Firm: \_\_\_\_\_

Connecticut Professional Engineers License Number: \_\_\_\_\_

Address: \_\_\_\_\_

Description of Existing Condition of Structure: (Attachments)

Description of Scope of Project: (Attachment) (Include Preliminary  
plans and specifications).

Preliminary Cost Figures:

Estimated Construction Costs (Include Detailed Estimate)	<u>\$ 842,000</u>
Preliminary Engineering Fees (Include Breakdown of Fees) (Not to Exceed 15% of Construction Costs)	<u>126,000</u>
Rights-of-Way Cost (If Applicable)	<u>20,000</u>
Construction Engineering (Inspection, Materials Testing) (Not to Exceed 15% of Construction Cost)	<u>126,000</u>
Municipally Owned Utility Relocation Cost	<u>2,000</u>
Contingencies (10%) (Construction Costs Only)	<u>84,000</u>
Total Estimated Project Cost	<u>\$ 1,200,000</u>

38

Financial Aid Data:

Project Grant:

Town's Allowable Grant Percentage 29.88 % of Total Cost.

Project Grant Request \$ 358,560

Project Loan:

(Maximum = 50% of Total Project Cost, 6% Interest, 10-year life,  
payable quarterly)

Project Loan Request \$ 600,000

Schedules: (Dates)

Design Completion: December 1, 1989

Property Acquisition Completion: February 1, 1990

Utilities Coordination Completion: February 1, 1990

Supplemental Application Submission: March 1, 1990

Advertising: April 1, 1990

Start of Construction: June 1, 1990

Completion of Construction: June 1, 1991

Transmit completed applications to:

Mr. Michael Lonergan, Administrator  
Local Bridge Program  
Connecticut Department of Transportation  
P. O. Drawer A  
24 Wolcott Hill Road  
Wethersfield, Connecticut 06109  
Telephone Number 666-7211

Signature: Joseph H. Sauls  
(Chief Elected Official, Town  
Manager, or Other Officer  
Duly Authorized)

Date: 2-28-89



38

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## Progress REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Cross Street Bridge

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Respectfully submitted,

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WILLIAM H. SHAW, Chairman

---

MARI ANN DANISE

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JOHN J. ESPOSITO



38

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PUBLIC WORKS**  
**(203) 797-4537**

**DANIEL J. MINAHAN**  
**DIRECTOR OF PUBLIC WORKS**

February 6, 1989

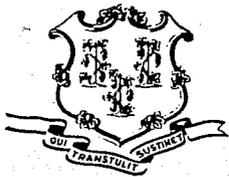
*DM*  
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FROM: D.J. Minahan, Director of Public Works  
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Fiscal Year 1990

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K. Tripp  
✓W. Shaw, Chairman Cross St. Bridge  
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STATE OF CONNECTICUT  
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38 3  
2/2/89

Office of the  
Commissioner

An Equal Opportunity Employer

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Mayor  
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155 Deer Hill Road  
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RECEIVED  
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Very truly yours,

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J. William Burns  
Commissioner

Enclosure



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Lake Kenosia Commission Grant

The Common Council Committee appointed to study the request of the Lake Kenosia Commission met in Room 432 on February 16, 1989 at 7:15 P.M. In attendance were Committee Members Shaw and Cresci. Mrs. Butera was absent. Also in attendance was William Buckley.

Mr. Cresci questioned Mr. Buckley on the baseline study funds requested by the Lake Kenosia Commission. It is Mr. Buckley's opinion that the information he has accumulated over quarterly inspections of the quality of the lake water might satisfy the State requirements of the requested baseline study. This would then authorize the commission to request a state grant. All applications must be submitted to the State by August.

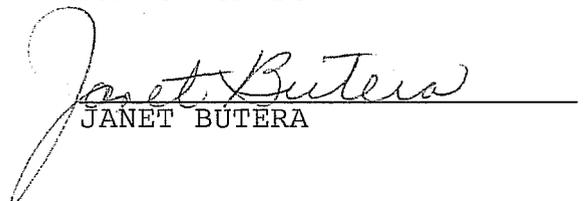
Mr. Shaw commented that with the present fiscal crisis in the City of Danbury, we should exhaust all possible avenues before committing local resources. Mr. Buckley will arrange a meeting with the Lake Kenosia Commission to provide them with the baseline information.

Mr. Cresci moved to delay any decision on this request until the above meeting. Seconded by Mr. Shaw. Motion carried unanimously.

Respectfully submitted,

  
WILLIAM SHAW, Chairman

  
ARTHUR CRESCI

  
JANET BUTERA



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT  
OF FINANCE**

March 8, 1989

Certification #22

MEMO TO: Common Council via  
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

Per Common Council approval, we hereby certify the availability of \$3,540.00 to be transferred from the General Fund fund balance to a new account entitled "Lake Kenosia Commission," 02-20-000-072920.

The above request for funds was approved by the Common Council on March 7, 1989 pending this certification.

Estimated Balance of G.F. Fund Balance	\$244,090.84
Less this request	3,540.00
	<u>\$240,550.84</u>

Dominic A. Setaro, Jr.

DAS:af



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Lake Kenosia Commission Grant

The Common Council Committee appointed to study the request of the Lake Kenosia Commission met in Room 432 on February 16, 1989 at 7:15 P.M. In attendance were Committee Members Shaw and Cresci. Mrs. Butera was absent. Also in attendance was William Buckley.

Mr. Cresci questioned Mr. Buckley on the baseline study funds requested by the Lake Kenosia Commission. It is Mr. Buckley's opinion that the information he has accumulated over quarterly inspections of the quality of the lake water might satisfy the State requirements of the requested baseline study. This would then authorize the commission to request a state grant. All applications must be submitted to the State by August.

Mr. Shaw commented that with the present fiscal crisis in the City of Danbury, we should exhaust all possible avenues before committing local resources. Mr. Buckley will arrange a meeting with the Lake Kenosia Commission to provide them with the baseline information.

Mr. Cresci moved to delay any decision on this request until the above meeting. Seconded by Mr. Shaw. Motion carried unanimously.

Respectfully submitted,

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WILLIAM SHAW, Chairman

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ARTHUR CRESCI

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JANET BUTERA



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT  
OF FINANCE**

March 8, 1989

Certification - Water Fund

MEMO TO: Common Council via  
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/  
Comptroller

Per Common Council approval, we hereby certify the availability of \$70,000.00 to be transferred from the Water Fund fund balance to the Water Fund capital budget line item 10-01-343-000000, transmission and distribution lines.

The above request for funds was approved by the Common Council on March 7, 1989 pending this certification.

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

DAS:af



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**WATER AND SEWER DEPARTMENTS**  
797-4539

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

February 28, 1989

TO: City of Danbury Common Council  
FROM: Mr. William J. Buckley, Supt. of Public Utilities  
RE: TARRYWILE LAKE MANSION APPROPRIATION OF FUNDS

\*\*\*\*\*

You may recall when I submitted my proposal to you for the Tarrywile Mansion project, I indicated that on March 1, 1989 we needed a \$100,000 appropriation from the Water Fund to the Water Budget in order to continue with this project. When we met at the Council meeting in February, we received authorization for \$30,000 of that money, along with certification from the Comptroller's office, from the Water Fund to Water Budget. That amount of money has been placed in the budget at this time. At this time I would ask that you, along with certification from the Comptroller's office that funds are available, authorize the balance of that money, \$70,000, to be appropriated to the Water Fund. This additional amount of money which was anticipated to be needed in January, will cover expenses of surveying mapping, engineering and designing of the pipeline as well as rental of equipment that maybe necessary to install 20 inch piping.

I am holding the 20 inch pipe for the last portion of the job and it is my hope that with the approval of the Water Budget I will be able to buy a piece of equipment to install 20 inch piping so that I do not have to rent one off the bid list. For your information, the rental of a back hoe large enough to install 20 inch pipe runs \$90.00

an hour and and with the 10 hour days that we would be working, can cost \$900.00 a day. We estimate that we can purchase that piece of equipment for approximately \$100,000.00 and this job alone would pay approximately half of the cost of that piece of equipment. For the time being, however, we will plan on renting what we need to get us to the July 1st date. Thank you for your cooperation.

WJB:bds

cc: Mr. Dan Minahan  
Mr. Dom Setaro



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

February 24, 1989

ENGINEERING DEPARTMENT  
(203) 797-4641

JOHN A. SCHWEITZER, JR.  
CITY ENGINEER

Mr. Michael Fazio, Councilman  
City of Danbury  
155 Deer Hill Avenue  
Danbury, Ct. 06810

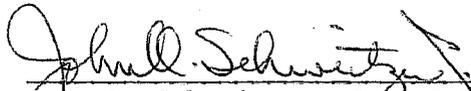
Dear Mr. Fazio:

East Starrs Plain Road  
Discontinued Portion

At your request we have prepared a description of the above referenced portion of road. A copy of this description is attached for your use.

If you have any questions on this matter, please contact this office.

Very truly yours,

  
\_\_\_\_\_  
John A. Schweitzer, Jr., P.E.,  
City Engineer

JAS/gw

- c: Daniel J. Minahan with enclosure
- Frank L. Cavagna with enclosure
- Eric Gottschalk with enclosure

DESCRIPTION OF THE DISCONTINUED PORTION OF EAST STARRS PLAIN ROAD

Commencing at the end of the accepted westerly portion of East Starrs Plain Road, said commencement point being 1860 feet more or less easterly and southerly from the intersection of Starrs Plain Road and East Starrs Plain Road, thence continuing in an easterly and northerly direction for a distance of 1925 feet more or less to the end of the easterly accepted portion of East Starrs Plain Road, said end point being 896 feet more or less westerly and southerly from the intersection of West Redding Road and East Starrs Plain Road.



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

## COMMON COUNCIL

### REPORT

Re: East Starrs Plain Road

February 7, 1989

The committee to review the request of Mrs. Katherine Gallagher concerning E. Starrs Plain road met on January 25, 1989 in the fourth floor lobby at City Hall.

In attendance were committee members DaSilva, Danise and Fazio. Also in attendance were Assistant Corporation Rick Gotshalk, Supt. of Highways Frank Cavagna, Director of Public Works Dan Minahan Attorney Frizzell and Mr. Gallagher.

A brief review of the problem was presented by Mr. Frizzell, who stated that Mrs. Gallagher could not develop a parcel of land on E. Starrs Plain Road because she could not get a permit due to a lack of frontage on a public highway.

It was the contention of Mr. Frizzell that E. Starrs Plain road remained a public highway even though a former Common Council had ruled that it was abandoned by the city.

But his argument was that the road had never been formally abandoned and that the road did not meet all the tests to be considered an abandoned road by statute.

Mr. Gallagher stated that it was not his intention to have the city improve the road and he only wanted permission to access E. Starrs Plain Road in a way that would allow him to transfer clear title with access.

After a lengthy discussion of the problem it became evident that the best solution for both Mrs. Gallagher and the city would be to have the city formally discontinue a section of E. Starrs Plain Road since it had been a town road and never was formally discontinued by action of the Council.

It was also discussed that by our formal discontinuance of the road beyond the Gallagher property, and our acknowledgement that the short piece that runs in front of the Gallagher parcel is still a public road would not in any way require the city to improve the road but would make the city responsible in a way that it is for any public highway.

Mr. DaSilva made a motion that the committee recommend to the council that since E. Starrs Plain is a public highway that the council discontinue that portion of E. Starrs Plain Road from the southerly line of the Gallagher

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property[I-25009] as shown on assessors maps I-25 and H-25  
(see attached schedule for specific discription) in a  
southely and westerly direction to the resumption of the  
improved portion. Second by Mrs. Danise. Motion Carried  
unanimously.

Respectfully submitted,

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Michael S. Fazio  
Chairman

---

Marianne Danise

---

Joseph DaSilva



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

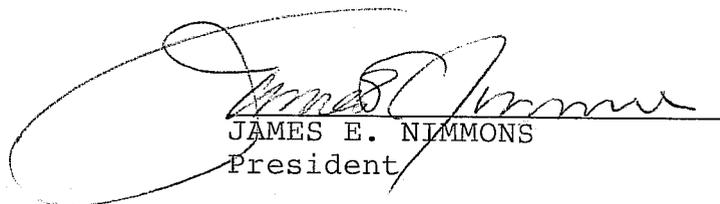
Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Tarrywile Park Authority

The committee of the whole appointed to review the above Ordinance met on February 28, 1989 in the Council Chambers in City Hall. In attendance were 20 Council Members with Mrs. Butera absent due to illness. On acceptance of the Authority, there seemed, from the beginning of the committee's discussion, a consensus of approval of the Authority. However, two key points surfaced regarding the text of the ordinance. One, Council Member Bourne questioned the content of Sec. 13A-53 regarding the Commission's authority. Two, Councilman Esposito requested a legal opinion addressing the question regarding a possible conflict with the City Charter.

The Chair requested Councilman Flanagan to have a legal opinion from Corporation Counsel ready for the March meeting. In regard to Council Member Bourne's question on Sec. 13A-53, she and Councilman Flanagan discussed this subject after the committee meeting and the Chair expects some mutual resolution prior to the March Council meeting. At this point, Councilman Flanagan made a motion to accept the Ordinance. Seconded by Mr. Enriquez. Motion carried with 18 yes and 1 abstention by Mrs. Bourne who had previously expressed her support for the authority.

Respectfully submitted,

  
JAMES E. NIMMONS  
President



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

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

THAT Chapter 13A of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding the following sections, to be numbered 13A-50 - 13A-55, which said sections read as follows:

**ARTICLE V. TARRYWILE PARK AUTHORITY**

**Sec. 13A-50. Creation; powers and responsibilities.**

(a) Creation. The Common Council of the City of Danbury (hereinafter referred to as "city"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Tarrywile Park Authority (hereinafter referred to as "authority"). Tarrywile Park shall extend to all lands, and additions thereto, of the former C.D. Parks property, except for lands subsequently deleted by Common Council through sale, lease, or other form of conveyance.

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

- (1) To administer, operate and maintain said Tarrywile Park, including all structures and land and any adjacent property owned by the city which is made part of the park;
- (2) To contract and be contracted with in order to administer, operate and maintain said park;
- (3) To make, amend and repeal bylaws, rules, and regulations not inconsistent with general law to carry out its purposes;
- (4) To use and develop park facilities as authorized by law only within said park in accordance with a duly approved Master Plan, as amended;
- (5) To fix and revise from time to time and to charge and collect fees, rents, and other charges for the use of any project or facilities thereof on behalf of the city and in an amount sufficient to (1) pay operating and maintenance expenses, and (2) pay the annual principal of and interest on bonds heretofore or hereafter issued by the city to finance the construction and reconstruction of park facilities withinsaid park and the principal of and interest on any obligations the authority may incur;
- (6) To pay over the net receipts annually in July of each year (gross receipts less operation and maintenance expenses, a reserve for capital improvements not exceeding twenty-five per cent ((25%)) of gross receipts for the fiscal year, and authority debt service from the operation of the park), to the treasurer of the city to be placed in the general fund of the city;
- (7) To make an annual audit, consistent with general law, of the financial transactions of the authority. The treasurer elected by the members of the commission shall be bonded in an amount determined pursuant to Section 7-148 of the General Statutes of Connecticut, as amended;
- (8) To issue its bonds, notes or other obligations as authorized by Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended, to be paid solely from the revenues of the authority;



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

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

- (9) To accept loans or grants from the city or any other person, government or agency thereof, for the purposes of the authority; and,
- (10) To appoint or dismiss an Executive Director and to adopt an annual budget for the administration of the park under the overall direction of the authority, the fiscal year of said budget to coincide with that of the City of Danbury.

**Sec. 13A-51. Powers and responsibilities reserved for the Common Council.**

The Common Council of the City of Danbury shall retain the following powers and responsibilities for the administration of Tarrywile Park.

- (a) Upon recommendation of the authority, final approval for (1) the issuance of all bonds, notes, or other obligations by the authority, and (2) the acquisition, purchase, sale, lease, or other conveyance of lands and property within or to be added to Tarrywile Park, and all conditions attached thereto.
- (b) Approval by majority vote of a Master Plan, and amendments thereto, for the development of the park, said plan to designate the construction, demolition, extension, renovation, or substantial improvement, excluding routine maintenance, of all structures, lands, lakes, ponds, and watercourses, conservation areas, park and recreational facilities, public utilities, roads and walkways, and other public facilities. All improvements to structures shall be compatible with the historic nature and character of the property. Prior to the adoption of said plan, (1) the use of the park shall be limited to authorized public and private functions at the Mansion and to existing municipal use of the property, and (2) improvements shall be limited to the restoration and maintenance of existing structures and features, including the provision of health and safety measures. Approval of the Master Plan and amendments thereto shall follow a public hearing and referral to the Planning Commission for review and report.

**Sec. 13A-52. Articles of incorporation.**

The articles of incorporation of the authority are as follows:

- (a) The name of the authority and the address of its principal office shall be: Tarrywile Park Authority, City Hall, Danbury, Connecticut.
- (b) The authority is created under Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended.
- (c) The participating political subdivision is the City of Danbury, Connecticut.
- (d) The initial members of the authority, their addresses, and terms of office, shall be as follows:

[List members, addresses, terms upon appointment]



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

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

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

**Sec. 13A-53. Commission of authority - Appointment; membership; terms.**

The Mayor of the city, with the approval of a majority of the Common Council, shall select and appoint the members of said authority which shall consist of nine (9) members. One of said members shall be a member of the Parks and Recreation Commission. The Director of the Department of Parks and Recreation shall be an ex-officio member of said authority. There shall be a maximum of six (6) members from any one political party. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members, two (2) years, and of the last three (3) initial members, three (3) years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.

**Sec. 13A-54. Same - Compensation of members.**

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

**Sec. 13A-55. Perpetual existence.**

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

**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 7, 1989.  
Approved by Mayor Joseph H. Sauer - March 9, 1989.

Attest: *Elizabeth Crudginton*  
Elizabeth Crudginton  
City Clerk



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Request for Sewer and Water Ext. 44Lake Avenue Ext.

The Common Council Committee appointed to review the request for sewer and water extension at 44 Lake Avenue Ext. met on March 6, 1989 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Shaw, Regan and Butera. Also attending were Bill Buckley, Paul Jaber, Albert Salame and Peter LaPoint as well as Council Member Joe DaSilva, ex-officio.

Mr. Buckley stated that City water on Mill Plain Road is as far as the Ethan Allen on one side and Kenosia Avenue on the other side. Sewer does not extend to the planned development directly across from the entrance to the Westside WesConn Campus. The agreed upon access for water would be to extend the water main from the Ethan Allen terminus to the site. Mr. Buckley said he will require 16" main to be used from the present 12" which runs up to the Ethan Allen. Mr. Buckley stated that using the larger pipe will enhance the City water line on Mill Plain road. The use of the larger pipe would entail a cost figure of approximately \$4 per linear foot. Buckley said the larger pipe coupled with the 2,700 foot extension of the water line would greatly benefit the City. Buckley further stated that as a further incentive to the acceptance of this project, according to City plans, he would be willing to provide material equal to the dollar value to the developer.

Mr. Shaw questioned Peter LaPoint as to any expense to the City regarding traffic lights and road improvements. He stated that this would all be paid for by the developer. Mr. Regan questioned Buckley as to whether he had any reservations about this project. Mr. Buckley said it would not only add to the City's tax base but also benefit the City in extending the water line 2,700 feet.

Mr. Regan a motion to approve the request for sewer and water extension with equivalent of \$4 per linear foot of water main extension on City approved plans and deliver to the developer material equal to the dollar value not to exceed \$12,000 and that the regular eight steps be complied with. Seconded by Mrs. Butera. Motion carried unanimously.

Respectfully submitted

WILLIAM H. SHAW  
Chairman

ARTHUR D. REGAN

JANET D. BUTERA

1. The petitioner shall bear all costs relative to the installation of said
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.  
  
Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
7. No Certificate of Occupancy shall be issued until the above request forms, documents, plans, etc. are received and the City owns the extended lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

Re: Grant from the Connecticut Alcohol and Drug Abuse Commission

The committee appointed to review the resolution of grant monies from the Connecticut Alcohol and Drug Abuse Commission met in Room 432 in City Hall. In attendance were Committee Members Moran, and Zotos. Also attending was Health Director William Campbell.

Mr. Campbell stated that this grant previously was for a six month period which expired on December 31, 1988 and that the State did not have the proper paperwork ready in time to continue this type of grant into 1989. The State had forwarded the sum of \$2,000 to the City which would have to be returned to the State when the new grant was forthcoming and accepted by the City. Notification of the new grant was received on February 23, 1989 and the grant now extends from February 24, 1989 through December 31, 1989. The new figure for that period is \$31,713 which includes salary, fringe, travel, training, education materials and supervision. A resolution has been prepared reflecting the new time span and dollar value for your consideration.

Mr. Zotos made a motion that this committee recommend to the Common Council to accept the resolution approving the grant from the Connecticut Alcohol and Drug Abuse Commission in the sum of \$31,713. Seconded by Mr. Moran. Motion carried unanimously.

Respectfully submitted,

---

HANK S. MORAN, Chairman

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NICHOLAS ZOTOS

---

MICHAEL S. FAZIO



**CONNECTICUT ALCOHOL and  
DRUG ABUSE COMMISSION**

999 Asylum Avenue  
Hartford, Connecticut  
06105  
CADAC 1 REV 11-80



DATE ISSUED	February 15, 1989
FISCAL YEAR	2/4/89 - 12/31/89
AWARD NUMBER	893026
GRANT APPLICATION NUMBER	26
FUNDING START DATE	2/4/89
FUNDING SOURCES	Federal
LICENSURE COMPLIANCE (C.G.S. 19-576 to 19-586, inclusive as amended)	<input type="checkbox"/> REQUIRED <input checked="" type="checkbox"/> NOT REQUIRED
Statutory Authority:	17-155hh (b) (2), (b) (3) and 17-226d.

ORIGINAL

MODIFICATION

Danbury Health Department  
AWARDEE (Corporate/Legal Name of applicant for funds)

20 West Street  
ADDRESS (of Awardee above)

Danbury, CT 06810

AWARDED BY:  
CONNECTICUT ALCOHOL AND DRUG ABUSE COMMISSION (hereinafter called the Commission)

**GENERAL CONDITIONS:**  
The named parties hereby enter into agreement subject to the terms and conditions stated herein and subject to the availability of appropriated funds. The Awardee shall provide the services described in the funding application, which is attached hereto and made a part hereof, for the consideration stated herein. This consideration is the determined maximum annual Commission participation in the funding application budget which states the total ordinary recurring operating expenses incurred directly and specifically in the performance of services funded under this Award. If the source of funds is federal, accounting records shall exhibit, separately, the application of such funds.

FUNDING PERIOD	PROGRAM NAME	AWARD AMOUNT	SPECIAL I.D.	SERVICE CATEGORY
2/4/89-12/31/89	ARROWS	\$31,713.00	400	Treatment

**PAYMENT RESTRICTIONS:**  
The Commission and the State of Connecticut assume no liability for payment hereunder until this Award is approved and signed below by an authorized official of the Commission, and the Awardee is so notified by the Commission in writing. Initial payment shall be made only after such approval. Subsequent payments shall be made in proportionate installments for the duration of this award. This Award may be reduced, suspended, modified or terminated at will by the Commission upon thirty (30) days written notice to the Awardee. The Awardee may terminate this Award at will upon thirty (30) days written notice to the Commission. Continuing payments shall be made only after receipt of the reports required in the terms and conditions of this Award, unless, in its sole discretion, the Commission waives such requirements in writing. Payments made under this Award and acceptance of financial reports are provisional, subject to audit of Awardee's accounting records.

This Award cancels upon its effective date, any Award (original or modification) currently in force between the Commission and the Awardee for a similar or identical program.

CHECK AS APPLICABLE: If yes, show % of LOA cancelled

YES  NO % \_\_\_\_\_

ACCEPTANCE OF AWARD,  
TERMS AND CONDITIONS:

AWARDEE (Corporate/Legal Name of applicant from the Commission)

Danbury Health Department

SIGNATURE (Authorized Official)

DATE (of Signature)

NAME (typed name of Authorized Official)

TITLE

Certification

I certify that the above named official who signed this Award on behalf of the Awardee holds the position indicated and that said Award is within the scope of the corporate powers of the Awardee. I further certify that the above named authorized official and, in his absence, the official named below, have been empowered to sign legal documents on behalf of the above named Awardee between the Awardee and the Connecticut Alcohol and Drug Abuse Commission. Furthermore, that a resolution to this effect was passed at a meeting of the corporation held as indicated.

AUTHORIZED OFFICIAL (typed name)

TITLE

RESOLUTION PASSED (date)

AT (address)

SECRETARY/CLERK OF THE CORPORATION/TOWN (typed name)

SIGNATURE (Secretary/Clerk)

attest

Subscribed and sworn  
to before me

DATE

SIGNATURE (Commissioner of Superior Court, Notary Public)

COMMISSION EXPIRES:

CONNECTICUT  
ALCOHOL AND DRUG  
ABUSE COMMISSION

TITLE

DATE

APPROVED AND ACCEPTED (Signature)

Executive Director

1. Uniform Administrative Procedures Act

Comply with any and all applicable regulations adopted by the Commission under the Uniform Administrative Procedures Act, Sec. 4-166 including Regulations of State Agencies sections 17-226d-1 through 17-226d-11, et seq. copies of which will be supplied upon request.

2. Social Services Block Grant Requirements

Agree to take such action as may be required, including the submission of routine reports and statistical information required by the Department of Human Resources. Failure to submit required forms shall result in disallowance of associated expenses.

3. Nondiscrimination

Agree and warrant that in the performance of this award, the Awardee shall not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, mental retardation or mental or physical disability, including but not limited to blindness, unless it is shown by such Awardee that such disability prevents performance of the work involved in any manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of the Awardee as relate to the provisions of Section 4-114a of the Connecticut General Statutes, as amended.

4. Cancellation for Noncompliance with Executive Orders

Understand that this award is subject to the provisions of Executive Orders number 3 and 17 of Governor Thomas J. Meskill, promulgated on June 16, 1971 and February 15, 1973, respectively. As such, this Award may be cancelled, terminated, or suspended by the Awarding agency or the State Labor Commissioner for violation of or noncompliance with said Executive Orders, or any state or federal law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this Award. The parties to this Award, as part of the consideration hereof, agree that Executive Orders number 3 and 17 are incorporated herein by reference and made a part hereof. The parties agree to abide by said Executive Orders and agree that the Awarding agency and the State Labor Commissioner shall have joint and several continuing jurisdiction in respect to performance of the Award in regard to the requirements of the above referenced Executive Orders, which are available upon request.

5. Admission and Discharge Reports

Report to the Statistical Information System of the Commission each admission, discharge, cumulative reports and such other routine information as required by the Commission and/or the Department of Human Resources, in accordance with CGS 17-155hh(a)(7). Such reports shall be submitted to the Commission at the time and in the form prescribed by the Commission, but shall be submitted no later than the seventh day of the following month.

6. Inpatient hospital Restriction

Agree not to use Alcohol, Drug Abuse and Mental Health Services Block Grant funds for inpatient hospital services.

7. Budget Variance

The following variances are allowable without prior Commission approval: a) line item of expenses (excluding salaries) up to 20% of the budget category or \$1,000.00, whichever is less; b) program to program shifts up to 10% of the budget category or \$2,000.00, whichever is less; c) annual salary increases up to 5%; however, the Commission must be notified in writing of any such variances.

8. Annual Audit Requirement

Provide, at its own expense, for an audit in accordance with the terms of Sec. 7-39a of the Connecticut General Statutes.

9. Program/Organizational Revisions

Agree that any proposed revisions in the funded program(s) as described in the attached funding application which substantially alter the nature or scope of such program(s) shall not be implemented until approval has been received in writing from the Commission. In addition, any changes in the organizational structure as shown in the Funding Application shall not be implemented without prior written Commission approval. The awardee shall notify the Commission in writing of any changes in key personnel as shown in the attached funding application.

10. Utilization/Program Performance

Maintain a level of utilization of funded services described as follows:

● Residential Services:

- These services shall be measured by the number of patient days utilized as reported to the Statistical Information System of the Commission and verified by the Commission.
- The minimum acceptable level of utilization for detoxification and shelter programs is 80% of the maximum attainable number of patient days.
- The minimum acceptable level of utilization for all other residential treatment programs is 85% of the maximum attainable number of patient days.

● Outpatient Treatment:

- These services shall be measured by the number of counseling sessions provided and the number of clients in treatment as reported to the Commission's Statistical Information System and in the required quarterly progress report. Such information shall be verified by the Commission.
- The minimum acceptable level of utilization is 80% of the budgeted capacity as indicated on Page 1 of the approved Funding Application and 80% of the number of counseling sessions indicated on "Exhibit B-3" of the approved Funding Application.

● Intervention, Prevention and Community Awareness Services:

- These services shall be measured by completion of service objectives described in "Exhibit B-1" of the approved Funding Application as reported in the required quarterly progress report.
- The minimum acceptable level of program performance is completion of 80% of the service objectives described in "Exhibit B-2" of the approved Funding Application.

- This Award is subject to a reduction in funding in the event of utilization below these minimum levels.

11. Special Conditions

Affirmative Action Statement

The Commission strongly supports the concept and implementation of affirmative action to overcome the present effects of past discrimination. The Commission urges its bidders, suppliers, contractors and awardees to implement affirmative action plans and programs of their own and hereby notifies all Commission bidders, suppliers, contractors and awardees that the Commission will not knowingly do business with, or make awards to, any individual or organization who has been found to have discriminated against any person or group on the basis of race, color, religious creed, age, marital status, national origin, sex, mental retardation or mental or physical disability.

**RESOLUTION**

**CITY OF DANBURY, STATE OF CONNECTICUT**

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

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



WHEREAS, the Center for Disease Control of the United States Government sponsors an AIDS Prevention Program, making funds available to local agencies and departments of health through the State of Connecticut Department of Health Services and the Connecticut Alcohol and Drug Abuse Commission; and

WHEREAS, the City of Danbury, through the Danbury Health and Housing Department has formulated an Acquired Immuno-deficiency Syndrome (AIDS) Outreach Education and Risk Reduction Counseling and Testing Program for the Danbury area; and

WHEREAS, the Connecticut Alcohol and Drug Abuse Commission, an independent agency attached to the Connecticut Department of Mental Health under its AIDS Prevention and Outreach Program has approved the application of the Danbury Health Department for funds in the amount of \$31,713 to fund two part-time Outreach workers to work in the intravenous drug community to provide comprehensive and understandable information on AIDS prevention, testing and substance abuse treatment under the supervision of the Danbury AIDS Program Coordinator; and

WHEREAS, said funding will cover the period from February 4, 1989 to December 31, 1989; and

WHEREAS, the program will serve the City of Danbury and the surrounding communities;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT to accomplish said program the Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the Connecticut Alcohol and Drug Abuse Commission.



# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

March 2, 1989

Honorable Mayor Joseph Sauer  
Honorable Members of the Common Council

RE: **LAKECREST DRIVE STORM DRAINAGE EASEMENTS**  
**Item #5, February 1989**

The committee charged to review the above met in City Hall, Room 432 at 7:40 P.M. on February 27, 1989.

Attending were committee members L. Bourne (Chair), M. Danise, and ex-officio members L. Charles, and H. Moran. Also, Lakecrest Drive property owners, Norman Buzaid, Jr., Dennis Daugherty, Anthony Simonowicz, Brian Smith, and Robert Spremulli.

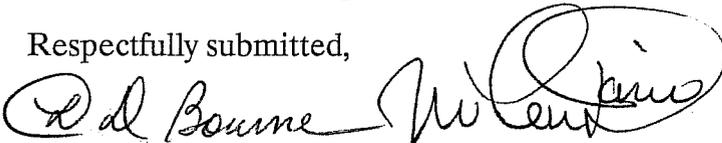
In beginning the discussion the Chair stated that a previous Council (2/86) had appropriated \$57,000 to bring the road up to specifications for City acceptance. Per Mr. Setaro, Acting Director of Finance, those funds are still available. She explained that a notification of this meeting and copies of Asst. Corporation Council's letter (2/7/89) were sent to all Lakecrest Drive property owners per the Tax Assessor's records, and to Southern New England Telephone Company.

After discussion with the property owners in attendance, it was stated by Mr. Smith that drainage is still a problem. Property owner Mr. Simonowicz is reluctant to give the City an easement. He is concerned about protruding manhole covers in his backyard which he states that no easements for this are on file. As this was not in our purview, he was advised to speak with Mr. Schweitzer and Atty. Pinter. Mr. Spremulli is not opposed to granting an easement, however, his concern is simply from a safety viewpoint of whether the drain will have a grating over it.

Mrs. Danise moved to recommend to the Council to adopt the attached resolution enabling Corporation Council to obtain necessary drainage easements required to bring Lakecrest Drive into compliance with the appropriate subdivision regulations and enable the City to accept said road. Seconded by Mrs. Bourne. Motion passed unanimously.

The documentation before us will enable the Corporation Council's office to renew eminent domain proceedings in order to obtain the necessary drainage easements. Per Mr. Pinter, a surety bond in the amount of \$70,000 is still in existence. This means that the City will be reimbursed for its expenses up to that amount. And although City Engineer, Jack Schweitzer's office has not updated the cost estimation, Mr. Schweitzer (after conversation with Frank Cavagna Highway Department) is confident that the work can still be done at the \$57,000 level baring unforeseen complications.

Respectfully submitted,



Lovie Bourne  
Chair

Mari Ann Danise

Bernard Gallo

- cc: Attorney Les Pinter
- Jack Schweitzer, City Engineer
- Frank Cavagna, Highway Department
- Dominic Setaro, Acting Director of Finance



# RESOLUTION

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CITY OF DANBURY, STATE OF CONNECTICUT

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

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on February 4, 1986 duly voted to approve the request to accept Lakecrest Drive and appropriate funding in the amount of \$57,000.00 to bring the road up to specifications for City acceptance; and

WHEREAS, the purposes of said project oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns, respective mortgage holders and lienors, if any, the affected properties being indicated by Tax Assessor's lot numbers.

## Partial Property Acquisitions

1. List No. C 12069  
(Lot 60) Robert B. Spremulli and Donna J. Spremulli ✓
2. List No. C 12081  
(Lot 73) Anthony M. Simonowicz and Maryanna T. Simonowicz ✓
3. List No. C 12082  
(Lot 74) David S. Grossman, Trustee for Mark Eanniello
4. List No. C 12083  
(Lot 75) Dennis W. Daugherty and Christine E. Louth ✓
5. Southern New England Telephone Co.  
(Utility Easement)



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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

March 7, 1989

Honorable Mayor Joseph H. Sauer  
Honorable Members of the Common Council

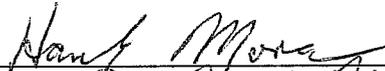
Re: Grant from the Connecticut Alcohol and Drug Abuse Commission

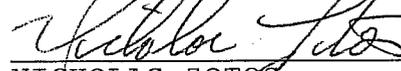
The committee appointed to review the resolution of grant monies from the Connecticut Alcohol and Drug Abuse Commission met in Room 432 in City Hall. In attendance were Committee Members Moran, and Zotos. Also attending was Health Director William Campbell.

Mr. Campbell stated that this grant previously was for a six month period which expired on December 31, 1988 and that the State did not have the proper paperwork ready in time to continue this type of grant into 1989. The State had forwarded the sum of \$2,000 to the City which would have to be returned to the State when the new grant was forthcoming and accepted by the City. Notification of the new grant was received on February 23, 1989 and the grant now extends from February 24, 1989 through December 31, 1989. The new figure for that period is \$31,713 which includes salary, fringe, travel, training, education materials and supervision. A resolution has been prepared reflecting the new time span and dollar value for your consideration.

Mr. Zotos made a motion that this committee recommend to the Common Council to accept the resolution approving the grant from the Connecticut Alcohol and Drug Abuse Commission in the sum of \$31,713. Seconded by Mr. Moran. Motion carried unanimously.

Respectfully submitted,

  
HANK S. MORAN, Chairman

  
NICHOLAS ZOTOS

  
MICHAEL S. FAZIO