

COMMON COUNCIL MEETING AGENDA

JUNE 2, 1987

Meeting to be called to order at 8:00 P.M. by the Honorable Mayor James E. Dyer

PLEDGE OF ALLEGIANCE TO THE FLAG

PRAYER

ROLL CALL

Council Members - Johnson, Sollose, Philip, DeMille, Godfrey, Flanagan, Zotos, Hadley, Rotello, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Farah, Smith, Torian

21 Present 0 Absent

NOTICES & ANNOUNCEMENTS BY MAYOR DYER

CONSENT CALENDAR

The Consent Calendar was

MINUTES

Minutes of the Common Council Meeting held May 5, 1987 and the Special Common Council Meeting held May 11, 1987.

The Minutes were

01 CLAIMS

✓ Eunola Cote, Sandra Andritter, ✓ Nancy and Ken Wildman, ✓ Ronald King, Margaret Posner, Grace K. Merrick. ✓

The claims were

02 ✓ RESOLUTION

Danbury Police Department - Grant for Information Systems Network

The Resolution was

03 ✓ RESOLUTION

Grant from the Western Area Agency on Aging for two Aides

The Resolution was

04 ✓ RESOLUTION

Relocatable Classroom Project at Roberts Avenue School

The Resolution was

05 ✓ RESOLUTION

AIDS Risk Reduction Grant

The Resolution was

COMMON COUNCIL MEETING AGENDA

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06 ✓
COMMUNICATION

Promotion within the Police Department

The Communication was

07 ✓
COMMUNICATION

Appointment to the Fair Rent Commission

The Communication was

08 ✓
COMMUNICATION

Appointment to Parks and Recreation Commission

The Communication was

09 ✓
COMMUNICATION

Appointment to the Commission on the Handicapped

The Communication was

010
COMMUNICATION

Sidewalk Replacement - Main Street/White Street - WITHDRAWN

011 ✓
COMMUNICATION

Request for Funds - CACD Neighborhood Summer Camp

The Communication was

012 ✓
COMMUNICATION

Request for Reconsideration of Sunrise Ridge Condominium Association Emergency Repairs Easement

The Communication was

013 ✓
COMMUNICATION

Drainage Problem on Boulevard Drive

The Communication was

014 ✓
COMMUNICATION

Drainage Problem - 12 Pocono Point Road

The Communication was

015 ✓
COMMUNICATION

Drainage Problem - Cozy Hollow Road

The Communication was

016 ✓
COMMUNICATION

Report from Director of Public Works on Drainage Problem on Wedgewood Drive

The Communication was

017 ✓
COMMUNICATION

Traffic Problems in the City

The Communication was

018 ✓
COMMUNICATION

Request for Capitola Road to be accepted as a City road

The Communication was

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019 ✓
COMMUNICATION

Landfill Areas for Scrap Metal
The Communication was

020 ✓
COMMUNICATION

Request to Purchase Land on Backus Avenue
The Communication was

021 ✓
COMMUNICATION

Offer of Parcel of Land under Chapter 4, Section B, Paragraph 5
of the City's Subdivision Regulations
The Communication was

022 ✓
COMMUNICATION

Offer of Sale to the City - Property on Spring and Beaver Streets
The Communication was

023 ✓
COMMUNICATION

Lease between the City of Danbury and the United States of
America
The Communication was

024 ✓
COMMUNICATION

Request for Repairs to Citizens Hose Fire Apparatus
The Communication was

025 ✓
COMMUNICATION

Education Enhancement Act
The Communication was

026 ✓
COMMUNICATION

Zoning Board of Appeals - Licensing of General and Limited
Repairs
The Communication was

027 ✓
COMMUNICATION

Reports from the Corporation Counsel and the City Engineer
regarding Danbury Square Box Co.
The Communication was

028

DEPARTMENT REPORTS

Sanitarian/Public Health
Inspectors Report
Fire Marshall
Fire Chief
Police Department

Coordinator of Environment-
al and Occupational Health
Services
Airport Administrator
Public Works Department

The Reports were

029 ✓
REPORT AND
ORDINANCE

Special Services District for Downtown
The Report and Ordinance were

COMMON COUNCIL MEETING AGENDA

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030 ✓
REPORT AND
ORDINANCE

Noise and Hearing Damage
The Report and Ordinance were

031 ✓
REPORT AND
ORDINANCE

Updating Public Works Ordinances
The Report and Ordinances were

032 ✓
REPORT AND
CERTIFICATION

Request for Signal Revision at Route 53 and Liberty Street
The Report and Certification were

033 ✓
REPORT

Condition of Roads on South King Street
The Report was

034 ✓
REPORT

Request for Sewer Abatement - 68 Abbott Avenue
The Report was

035 ✓
REPORT

Request for Sewer Extensions - 7 Pocono Lane and 2 Claremont Terrace
The Report was

036 ✓
REPORT

Tax Collector - Suspense List
The Report was

037 ✓
REPORT

Request for Sewer Extension on Aunt Hack Road
The Report was

038 ✓
REPORT

Boughton Street Lease
The Report was

039 ✓
REPORT

Request for Sewer and Water Extensions - Garamella Boulevard
The Report was

040 ✓
REPORT

IMS Group - Long Term Lease at Tarrywile Park
The Report was

041 ✓
REPORT

Relocatable Classrooms at Roberts Avenue School
The Report was

COMMON COUNCIL MEETING AGENDA

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042 ✓
PROGRESS
REPORT

Conditions on Shelter Rock Road and Plumtrees Road

The Progress Report was

043 ✓
PROGRESS
REPORT

Off-Site Space Committee

The Progress Report was

044 ✓
PROGRESS
REPORT

Proposed "Boot" Ordinance

The Progress Report was

045 ✓
PROGRESS
REPORT

Request for Funds from the Clothing Plus Bank

The Progress Report was

046 ✓
mobile home ord.

PUBLIC SPEAKING SESSION

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



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone 354 - 5501

94 Railroad Street
New Milford, Connecticut 06776

An Equal Opportunity Employer

RECEIVED
MAY 4 1987

Ans'd.....

In reply, refer to Unit 1910

May 1, 1987

Schultz Construction, Inc. and
The City of Danbury
Post Office Box 417
Round Lake, New York 12151

Gentlemen:

Subject: Danbury - Permit No. 4-092613
Claimant - Ms. Sandra Andritter
17 Stoney Brook Drive, B6
Glastonbury, Connecticut 06033

In a letter dated March 31, 1987, a copy of which is attached, Ms. Sandra Andritter has notified us concerning a claim of property damage to her motor vehicle on January 22, 1987, as a result of the subject permit operations.

Be advised that, under the terms of your permit, you agreed to assume any and all liability for injury, damage, or loss from such work undertaken relating to said permit.

Please notify your insurer of this claim and request that it be investigated. By copy of this letter, we are so notifying Ms. Andritter and any further correspondence on your part should be directed to her.

RECEIVED
MAY 12 1987

OFFICE OF CITY CLERK

May 1, 1987

Please keep this office informed of the action you take to resolve this matter.

Very truly yours,



John W. Preston
District Maintenance Manager
Bureau of Highways

cc: Ms. Sandra Andritter - All further correspondence should be directed to the Permittee or his insurer

City of Danbury, Department of Public Works
Newtown Road, Danbury, Connecticut 06810
Reliance Insurance Company of New York
41 State Street, New York, New York 12207
Agent - Fuller & O'Brien, Incorporated
75 State Street, New York, New York 12207

①

#870506

COMMISSIONER'S OFFICE

APR 6 1987

CLAIMS DIVISION
3-31-87

To Whom it may concern,

While traveling towards I-84 on Padanaram Road on Jan 22, 1987 I drove over a very large pothole in the road just before the intersection of Golden Hill Road and directly across from the 7-11 store.

As the incident report states, it was 7²⁰_{pm} that this had occurred. The tire went flat almost immediately and caused irreparable damage.

There were no caution signs or orange barrels in the road. The gas station that I

①

Stopped at also said that I was the sixth person to stop here because of the pothole, but I was probably the first to call to report it to the police. I felt it was necessary to report this public hazard because someone could be seriously injured.

Enclosed are the receipts for expenses I have had due to the pothole.

As a taxpayer of this fine state to which some of those funds are to uphold the roads, I felt it only right to submit the bills to this state. The total cost came to \$121⁰⁰.

COMMISSIONER'S OFFICE

APR 6 1987

CLAIMS DIVISION

Incident # 87-02717

work=524-2281 H:659-4687

Sincerely

Sandra Andritter
17 Stoney Brook Dr
B.6
Glastonbury, CT

06033



CITY OF DANBURY
DANBURY, CONNECTICUT 06810



DEPARTMENT OF POLICE
120 MAIN STREET

JAMES E. DYER, MAYOR

NELSON F. MACEDO, CHIEF
(203) 797-4611

May 22, 1987

Honorable Mayor James E. Dyer
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Mayor Dyer:

I am requesting approval of the resolution supporting the Danbury Police Department's grant application for financial assistance for enhancing our Information Systems Network.

If Part I of the grant application is approved by the State of Connecticut, Justice Planning division, the State will evaluate our present system. After completion of Part I, the State may consider granting the Danbury Police Department up to \$10,000 in financial assistance to enhance our present computer system.

Should any funding be appropriated by the State of Connecticut, the City of Danbury will be required to provide equal matching funds.

Thank you for your anticipated assistance in this matter.

Very truly yours,

Nelson F. Macedo
Chief of Police

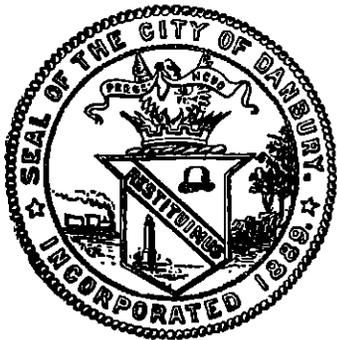
NFM:ks

cc: City Clerk

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut through its Office of Policy and Management, Justice Planning Division, has made a program and funds available to assist local police departments in utilizing computer technology to improve department effectiveness; and

WHEREAS, said program is to operate in two (2) phases:

Phase I in which the Justice Planning Division conducts a needs assessment to evaluate the need and desirability of expending funds on such improvements; and

Phase II in which the City of Danbury is to review the needs assessment report and, in concert with the Justice Planning Division, establish a computer system configuration, including software and training for the Police Department of the City of Danbury.

WHEREAS, the Police Department will benefit from the establishment of such a system; and

WHEREAS, a grant application of \$10,000.00 with a local cash match of \$10,000.00 has been processed by the Danbury Police Department;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT past acts of the Danbury Police Department in applying for said grant be and hereby are ratified, and that any and all additional acts by the Danbury Police Department and Mayor James E. Dyer necessary to effectuate the purposes hereof be and hereby are ratified.



CITY OF DANBURY
DANBURY, CONNECTICUT 06810
JAMES E. DYER, MAYOR

Commission on Aging
Municipal Agent
80 Main Street

(203) 797-4686
(203) 797-4687

May 22, 1987

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

Dear Members of the Common Council,

The Danbury Commission on Aging has submitted a proposal to the Western Area Agency on Aging for salaries and fringe benefits for two aides who will service alzheimers disease victims at "Interweave" - the Danbury Adult Day Care Center, at 198 Main Street.

The total amount requested is \$22,450 with no City match funds required.

The grant is to begin July 1, 1987 and end on June 30, 1988.

The Commission hereby requests approval to accept said grant award.

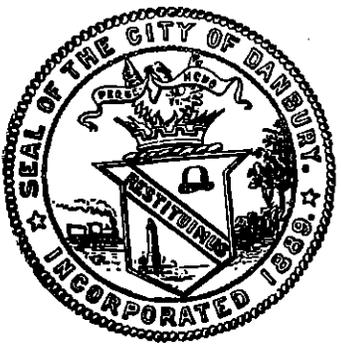
Sincerely,

Leo McIlrath, Director
Department of Elderly Services
City of Danbury

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

June 2 A. D., 19 87



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act, through the Connecticut Department on Aging, in accordance with Sections 17-137(c)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. have made available funds to public agencies; and

WHEREAS, the Danbury Commission on Aging has processed a grant application for Interweave, the Danbury Adult Day Care Center located at 198 Main Street, Danbury, Connecticut, for the period 7/1/87 - 6/30/88, in order that salaries and fringe benefits may be provided for two aides who will provide services for the victims of alzheimer's disease; and

WHEREAS, application for grant funds to the Western Connecticut Area Agency on Aging, Inc. in the amount of \$22,450.00 is being made for this purpose;

NOW, THEREFORE, BE IT RESOLVED THAT the past actions of the Danbury Commission on Aging in applying for said grant be and hereby are ratified, and that any and all additional acts by the Danbury Commission on Aging and Mayor James E. Dyer necessary to effectuate the purposes hereof be and hereby are authorized.

4

DANBURY PUBLIC SCHOOLS
School Administration Building, Mill Ridge
Danbury, Connecticut 06811
(203) 797-4700

ANTHONY L. SINGE Ph.D.
Superintendent of Schools
797-4701

May 22, 1987

Mayor James E. Dyer
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Dyer:

As part of the filing process for a school building construction grant, the filing town's legislative body (Common Council) must authorize the project to proceed.

With that in mind, I am kindly requesting that at the June meeting of the Common Council, the following authorizations be granted for the relocatable classroom project at Roberts Avenue School.

1. The Danbury Board of Education be designated as the Building Committee for the project.
2. The preparation of schematic drawings and outline specifications.
3. The Board of Education file an application for the school building project.

This is standard procedure in the grant application process and I trust it can be expedited through the consent calendar process. If there is need for further information or representation, it can be provided.

Thank you for your assistance not only in this matter but also in bringing this entire project to fruition.

Sincerely,



c: D. Setaro
E. Crudgington ✓
C. McManus
M. Farah



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

June 2 _____ A. D., 19 87

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Board of Education has determined that additional classroom space is needed at Roberts Avenue School; and

WHEREAS, the Board wishes to apply for State funds to implement a relocatable classroom project; and

WHEREAS, said project is in the best interest of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT in order to further the aforesaid project:

1. The Danbury Board of Education is hereby designated as the Building Committee for the project.
2. The preparation of schematic drawings and outline specifications by and on behalf of the Danbury Board of Education is hereby authorized.
3. The Danbury Board of Education is hereby authorized to apply to the State Commissioner of Education for grant funds necessary to complete said project and to accept or reject said grant on behalf of the City of Danbury.



5

CITY OF DANBURY

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

HEALTH AND HOUSING DEPARTMENT
20 WEST STREET

(203) 797-4625

May . 27, 1987

TO: Elizabeth Crudginton, City Clerk
FROM: William P. Quinn, Director of Health
REF: AIDS Risk Reduction Grant

Please place the attached resolution on June 2, 1987
Common Council meeting agenda.

The resolution is for the Health and Housing Department to
receive a grant for AIDS education.


William P. Quinn



RESOLUTION

5

CITY OF DANBURY, STATE OF CONNECTICUT

June 2 _____ A. D., 19⁸⁷

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services, through the Preventative Health and Health Services Block Grant, has made grant funds available to full-time local health departments to be used to conduct a program to provide health education information to both the youth and general public in Danbury regarding Acquired Immune Deficiency Syndrome (AIDS); and

WHEREAS, the City of Danbury, through the Danbury Health and Housing Department, has formulated a Health Education/Risk Reduction Program for Danbury area residents; and

WHEREAS, a grant award of up to \$10,000.00 has been processed by the Danbury Health and Housing Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified; and that further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized; and

BE IT FURTHER RESOLVED THAT to accomplish said program James E. Dyer, 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 State of Connecticut Department of Health Services.



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

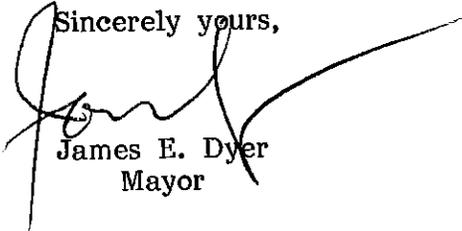
May 27, 1987

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I am appointing William Melillo, 12 E. Hayestown Road, Danbury, CT as a Sergeant in the Police Department. Mr. Melillo placed first on the Civil Service list. He is currently a member of the traffic division. The appointment will be effective upon swearing-in.

Sincerely yours,


James E. Dyer
Mayor

JED:ral

cc: Civil Service
Personnel
Chief Macedo



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

June 2, 1987

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of John P. Coleman, 11 Lindencrest Drive, Danbury to the Fair Rent Commission for a term to expire on July 1, 1988.

Mr. Coleman is a graduate of Fairfield University and is employed at the Grolier Corporation.

Sincerely,

James E. Dyer
Mayor

JED:mad



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

June 2, 1987

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of William Lavelle, 6 Terre Haute Road, Danbury to the Parks and Recreation Commission for a term to expire on December 1, 1989.

Mr. Lavelle is a self employed real estate agent and has been active in many recreational activities.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Dyer", is written over the typed name and title.

James E. Dyer
Mayor

JED:mad



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CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

June 2, 1987

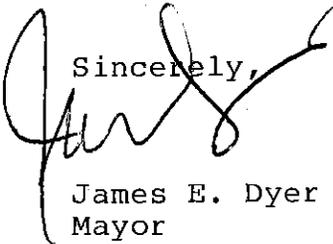
Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of Irene K. Hiltunen, 46 Aunt Hack Road, Danbury to the Commission on Handicapped for a term to expire on March 1, 1990.

Mrs. Hiltunen is a Clinical Supervisor at the Danbury Visiting Nurse Association.

Sincerely,



James E. Dyer
Mayor

JED:mad



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

June 2, 1987

Honorable Members of the Common Council
Danbury, Connecticut

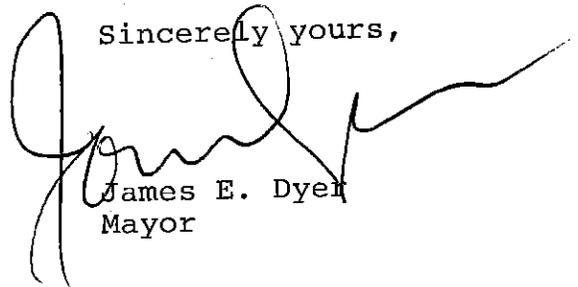
Dear Council Members:

I am seeking your support for the attached application from CACD Neighborhood Services Program requesting \$5,200 to operate a summer camp for low income children.

The camp would provide supervised recreation at Rogers Park for children between the ages of 6 - 12 who live in low income developments. Geraldine Worthington, Director of CACD Neighborhood Services Program has received support for this program from the parents and children in the low income developments and from the Parks and Recreation Department.

CACD would like to start the program July 6, 1987 and run to August 14, 1987. Due to the time constraints a decision needs to be made as soon as possible. I urge you to support this worthwhile program. A certification of funds from Dominic Setaro effective July 1, 1987 will be sent at the July Common Council meeting.

Sincerely yours,



James E. Dyer
Mayor

Attachments

cc: Geraldine Worthington

11

**A REQUEST FOR ASSISTANCE
NEIGHBORHOOD SUMMER CAMP**

PROPOSAL SUMMARY: The tenants of the city's low income housing developments propose a Neighborhood Summer Camp to provide daily activities for 75 - 80 children.

This Program is necessary because the children in these communities, between the ages 6 - 12, do not have access to programs that provide recreation and age appropriate stimulation under trained supervision.

NATURE OF THE PROGRAM: The Neighborhood Summer Camp will be operated out of a city park (Rogers Park) with access to necessary support facilities, such as cafeteria, toilets, telephones, etc.

The Program will provide recreational opportunities in sports, arts and crafts, adventure, field trips, and other enriching activities.

A lunch approved by the National School Lunch Program will be provided daily.

A full time paid staff member will supervise CACD Summer Youth Experience Program Enrollees (14 - 21 yrs), Adult Volunteer, and other neighborhood volunteer staff.

The Program will operate as a division of the CACD Neighborhood Services Program.

Transportation from Eden Drive, Laurel Gardens, High Ridge Gardens, Mill Ridge Gardens, and other low income developments will be provided.

PARTICULARS:

Service Population: Low Income children ages 6 - 12

Program Sponsor: CACD Neighborhood Service Program
Geraldine Worthington, Director

Schedule: Daily or as weather permits 8:00 AM to 2:00PM

Features: Recreation, enrichment, lunch

SUPPORT AGENCIES:

City of Danbury, (Funding)
Community Action Committee of Danbury (Adm. Supports)
Danbury Housing Authority (Funding)
Danbury Public Schools (Use of Building & Transport Assist.)
Parks and Recreations (Camp sites)

BUDGET EXPLANATION

PERSONNEL:

Staff Person would be responsible for day to day operations of camp.

MEALS:

Meals will be provided through the State Department and School System.

TRANSPORTATION:

Transportation will be donated by the Danbury Bus Company.

SUPPLIES:

\$1000.00 will be used to buy supplies such as cups, paper, glue, crayons, pencils, etc. to be used for arts and crafts. (some supplies will be donated)

EQUIPMENT:

\$500.00 will be used towards the purchase of bats, balls, gloves, rackets, nets, etc. (some equipment will be donated)

FIELD TRIP(S)

\$2000.00 will be used for the admission fees for field trips.

RENT:

Donated by the School System.

POSTAGE AND COPYING:

\$50.00 is to be spent on "Thank You" notes and to send out information on the Camp.

PAYROLL PROCESSING:

\$100.00 will be used towards the purchase of checks and opening a new account.

*Danbury Housing Authority is donating \$630.00 towards the camp. The reason for this donation is that their regulations state that they are to give low-income housing projects \$3.00 for recreation. They have not been doing this so they are donating the money to the camp project.

90 units in Laurel Gardens

60 units in Eden Drive

60 units in High Ridge

210 total units X \$3.00 per unit = \$630.00

*Money to be used towards lunches on field trips.

*Adessi Jewelers is donating \$250.00 to buy ice cream for the kids in the camp.

*Berol Corporation is donating pencils for the kids to write with.

SUNRISE RIDGE CONDOMINIUM ASSOCIATION

38 Padanaram Avenue #17-A
Danbury, CT 06811

12

May 18, 1987

Common Council, City of Danbury
155 Deer Hill Avenue
Danbury Connecticut 06811

To the Members of the Danbury Common Council:

We, the undersigned owners, residents, and concerned citizens, wish to thank you for your time and consideration at the emergency meeting of the Common Council last Monday night. We are extremely disappointed in the Council's decision in light of the great danger to life and property posed by the imminent failure of the retaining wall. Given the urgency of the situation, the meeting was held on very short notice and unfortunately, may have prevented the Council members and other City officials from being fully informed of all the facts. We would like to take a few moments to summarize the situation from our viewpoint.

There is general agreement among all parties that the failure of the retaining wall constitutes a significant risk to life and property, primarily to Sunrise Ridge. To minimize the danger, we have cooperated with the Building Department in evacuating Building C and cordoning off the retaining wall. However, there is also a definite life and property threat to the adjoining properties on Juniper Ridge. Mr. Null of the Building Department and our consulting engineers all believe that if the wall does fail, there is a high probability of sections of the adjoining properties also sliding down the hill. Residents of Juniper Ridge and their children are in as much danger as any occupant of Sunrise Ridge should the soil failure occur while they are working or playing in their backyards. In order to minimize the danger to human life, the adjoining property owners should also cordon off a large portion of their backyards.

The situation with the retaining wall affects many more people than just the adjoining Juniper Ridge and Sunrise Ridge residents. Utility poles are located on the boundary of the Juniper Ridge properties. Any large soil failure could damage or destroy those poles and could impact sections of the city. Several references have been made regarding decreased property values and the effect on the surrounding neighborhood should the trees be removed from the top of the ridge. We believe in the event of a wall and related soil failure, the resulting damage would more adversely affect all Juniper Ridge property values than the recommended temporary plan of action. It should be noted that most of those trees are not located on their property, but on Sunrise Ridge's property or the small buffer strip whose ownership is somewhat unclear.

The opinion by the City Engineer that several alternative solutions may exist were unfortunately taken as fact. As we discovered in contacting various firms and engineers, retaining walls are a specialty and require expertise in such areas as soil and structural engineering. Although the City Engineer is a certified civil engineer, he probably lacks the expertise in dealing with retaining walls and their repair. Due to the time constraints, he likely has not yet conferred with outside experts such as the Building Department's consultant for their opinions.

During the past four weeks, we have consulted several engineers including the firm which Juniper Ridge has claimed to have contacted. All are in general agreement regarding the danger and urgency of the situation. A number of solutions have been considered including several which worked from the front or sides. Due to safety considerations, options involving any initial work from the front were considered unfeasible. Contractors are unwilling to approach from the front since a failure of the wall seems imminent. Other alternatives were evaluated but proved unfeasible after further study due to safety, physical constraints, or time factors. The solution proposed by our consulting engineer is a temporary one aimed at relieving the immediate danger posed by the movement of the wall and soil. A second engineer specializing in soil dynamics has concurred with the temporary measures. A permanent solution will be developed concurrently with the emergency excavation, but requires further analysis of the wall and the soil to insure that additional problems do not arise in several years.

Many cases of financial hardships and emotional strains can be made for both Juniper Ridge and Sunrise Ridge residents. In the long run, it is the Sunrise Ridge owners who will be bearing the bulk of the hardships. Insurance does not cover any of the cost of repair nor any damages arising from the failure of the wall. Contents of the buildings are also not covered. The liability on Sunrise Ridge units alone should the wall fall will be in excess of \$1.5 million.

At present, 10 units have been vacated due to the condemnation order. The displaced have had to make other living arrangements while continuing to pay taxes, mortgages, insurance, etc. as if they were still here. During the repairs, residents of Juniper Ridge will be inconvenienced, but not physically displaced. At the conclusion, their property will be restored. While two Juniper Ridge owners are experiencing financial difficulties since they are trying to sell, at least three of our owners have had firm sales fall through and subsequently lost deposits on properties they were intending to buy. Several of our owners may also be facing bankruptcy.

Name

Address

Elaine Lord

38 Padanaram Ave 22B

Joseph P. Pesenti

P.O. Box 2131 Danbury CT

Ron Bonwetter

38 Padanaram Ave 35C

J. Guglielmo

38 " " 36C

Mary J. Prunzio

38 Padanaram Ave 10A

Agnes M. Messmore

38 Padanaram Ave #18B

James P. Messmore

38 Padanaram Ave #18

John + Joe McCabe

38 Padanaram Ave 3AC

Christie Rauti

6 Yorkshire Rd Pottersville NY 12903

Melissa J. Melody

West Lake Shores Dr.

Woro Guroz

2624 Windmill Dr

Patricia S. Woodward

412 Longdale Road

Pat Calouan

P.O. Box 278

Ellen Wolff

18 Olympic Dr. Danbury CT

K. M. Kerkstein

12-A Sunrise Ridge Danbury CT

Deane L. Lippi

38 Padanaram Avenue, A-6

Judy Otto

38 Padanaram Avenue, 3A

The situation isn't a "Sunrise Ridge problem" or a "Juniper Ridge problem", nor should such distinctions be made. The problem and the solution affects both parties and needs to be resolved as quickly as possible. Regrettably, our neighbors have been very unwilling to discuss the situation when we approached them the past two weeks regarding access across their property. In view of the great danger present, we chose to ask the City Council for help in obtaining an easement, resulting in Monday night's meeting.

Our structural engineer will be meeting as soon as possible with the City Engineer to resolve the conflict in opinions. We believe that once the City Engineer fully understands the situation and has consulted with the necessary experts, he will approve the temporary measures. With the limited space we have to work with, any actions to quickly relieve the danger must involve the Juniper Ridge properties. We strongly urge that you reconsider your decision before the risks escalate and much more serious issues need to be addressed.

<u>Name</u>	<u>Address</u>
<u>Dwight J. Gray</u>	<u>38 Padanaram Ave - Unit #5</u>
<u>John A. Skidde</u>	<u>38 Padanaram Ave Unit 5</u>
<u>Marion P. Liberati</u>	<u>38 Padanaram Ave. Unit #28</u>
<u>Kevin Liberti</u>	<u>38 PADANARAM AV. #28</u>
<u>Michael P. Meyer</u>	<u>38 PADANARAM AVE., #18</u>
<u>Audrey C. Moore</u>	<u>38 Padanaram Ave, A-11</u>
<u>Pat Brothers</u>	<u>38 Padanaram Ave, 7A</u>
<u>Bill Cote</u>	<u>38 Padanaram Ave. 37C</u>
<u>Wadley B. Prentiss</u>	<u>38 Padanaram Ave 33C</u>
<u>John Muzzie</u>	<u>38 Padanaram Ave 27B</u>

cc: Mayor James Dyer, City of Danbury
Attny Ward Mazzucco
Mr. Steven Vegh, Danbury News-Times

May 19, 1987

Dear Mr. Hadley:

I would appreciate it very much if you would kindly look into the drainage problem on Boulevard Drive.

Mr. Gervesoni and Mr. Friscia walked Boulevard Drive today and there is a definite problem concerning water run-off onto the road with resultant silt sedimentation build-up and mud basins on the side of the road. The thinking was to connect these problem areas to the existing storm basins already in the area.

Would you kindly see what can be done to facilitate this water problem. Thank you for your cooperation.

Sincerely,



Janet Gershwin
93 Boulevard Drive
Danbury
Connecticut 06810

Mr. Philip Hadley
15 Ridge Road West Terrace
Danbury
Connecticut 06810



14

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

May 12, 1987

Honorable James E. Dyer
Danbury, Connecticut

Re: Drainage Problem - 12 Pocono Point Road

Dear Mayor Dyer:

Please appoint a committee of the Common Council to review a drainage problem at 12 Pocono Point Road. The owner, Peter Janis, claims the newly paved road and drainage system has directed large quantities of water on to his property, undermining a stone wall and adversely affecting the septic system on the property.

When the committee schedules a meeting date, the owner of the property would like to attend. His address is Peter Janis, 26 Easter Avenue, White Plains, New York 10605. His telephone number is 914-328-9059 or 212-627-1744.

Mr. Janis advises that because of the water problem he is having and the effect it is having on the septic system, he cannot use the house, rent it or sell it.

Sincerely,

A handwritten signature in cursive script that reads "Peter Philip" followed by a small flourish.

Peter Philip
Councilman - 3rd Ward



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

May 12, 1987

Honorable James E. Dyer
Danbury, Connecticut

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Sincerely,

Peter Philip

Peter Philip
Councilman - 3rd Ward



15

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

May 12, 1987

Honorable James E. Dyer
Danbury, Connecticut

Re: Drainage Problem - Cozy Hollow Road

Dear Mayor Dyer:

Mrs. Joseph Castronova, 13 Cozy Hollow Road (phone - 792-0608) has requested that an ad hoc committee of the Common Council be appointed to review a drainage problem on Cozy Hollow Road.

Apparently, property owners at 15, 17 and 19 Cozy Hollow Road have to keep their sump pumps running all year long. In the winter this creates severe icing problems. In the spring and summer, it is mosquitos. A committee review will have to determine how this water can be directed to the drainage system in the area.

Sincerely yours,

Peter Philip

Peter Philip
Councilman - 3rd Ward

cc: John DeMille
Mrs. Joseph Castronova



16

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

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

**BASIL J. FRISCIA
DIRECTOR OF PUBLIC WORKS**

May 19, 1987

TO: MAYOR JAMES E. DYER & MEMBERS OF THE COMMON COUNCIL
FROM: B.J. FRISCIA, DIRECTOR OF PUBLIC WORKS
SUBJECT: WATER DRAINAGE PROBLEM--WEDGEWOOD DRIVE

As requested at the April Common Council meeting I submit the following report on subject complaint.

Dave Gervasoni and I visited the site and agree that a problem exists. We propose to raise driveway lips, repair curbing and patch portions of the roadway.

We should complete this work in the next fiscal year during the paving season.

BJF:mp
cc: Dan Minahan
Dave Gervasoni

RECEIVED
MAY 20 87
OFFICE OF CITY CLERK



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

May 12, 1987

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

As you are well aware, the City of Danbury faces a serious traffic problem. Each day more accidents occur due to our congested roads along with the malfunctioning of several traffic lights throughout the City. From the direction of South Street to North Street or Commerce Park to White Street, the traffic at times is backed up for miles. What normally takes a commuter ten minutes is now taking that person forty minutes to reach his destination.

I would like to request at this time that an ad hoc committee of the Common Council be appointed to look into this serious matter as soon as possible.

Sincerely yours,

Donald Sollose

Donald Sollose
Councilman - 2nd Ward

18

LAW OFFICES
FRIEDLAND AND EVANS

RALPH L. FRIEDLAND, P.C.*
KENNETH M. EVANS

OF COUNSEL
DEBORAH HORWITZ BENSON
*ALSO MEMBER OF FLORIDA BAR

93 GREENWOOD AVENUE
BETHEL, CONNECTICUT 06801-252
AREA CODE 203
PHONE 743-7644

May 7, 1987

Mrs. Betty Crudgington
Danbury Town Clerk
City Hall
Deer Hill Avenue
Danbury, CT 06810

Re: Capitola Road

Dear Mrs. Crudgington:

We, the majority of homeowners of Capitola Road, respectfully request that you bring to the Common Council this Petition requesting that you make our road a City road.

As you may or may not know, Capitola Road, approximately 1900 feet long, has no current deed for it. As a result, the City does "limited maintenance" which consists of plowing in the Winter and grading in the Spring.

Unfortunately, due to the growth of the City and particularly the great increase in traffic in the area, this limited maintenance is no longer appropriate.

The road as it stands now is in severe disrepair, including:

1. Large potholes which are numerous and unavoidable;
2. The narrowness of the road which constricts the easy flow of two-way traffic;
3. Improper drainage of the road, causing large ravines on either side and making driving hazardous;
4. As a result of a private road which drains onto Capitola Road, the road may be totally unpassable.

Although grading the road is a welcome relief, it is clearly a temporary measure that is obsolete within days.

Please take these problems under advisement as soon as possible.

Mrs. Betty Crudginton

-2-

May 7, 1987

We ask that the City convert this private road into a City road and maintain it as such. We feel that doing so would greatly increase the market value of the land and the quality of life of the taxpayers.

Thanking you in advance for your courtesy, I remain

Very truly yours,

Amy Schuchat, Attorney
for Capitola Road Association

AS:djn

Mike + Joni Stone
14 Capitola

Judith + Myke Vinocur, MD
P.O. Box 2725
Danbury CT 06813

Stewart E. Ross
22 CAPITOLA RD.

Nancy Jusky
15 Capitola Rd.

Lenore Proffi
20 CAPITOLA RD.

Malcolm + Ruth [unclear]
6 CAPITOLA RD.

[Handwritten signature]
18 Capitola Rd.

Catherine Wallace
8 CAPITOLA ROAD

Bonnie Cossan
7 Capitola Rd

Charles + Paula Anderson
4 Capitola Rd.



19

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

June 2, 1987

Honorable Mayor James E. Dyer
Honorable Members of the Common Council
Danbury, Connecticut

Re: Problem with the lack of Landfill Areas for
Scrap Metal

Dear Mayor and Council Members:

It has been brought to my attention by Mr. James Kery of Kery Autobody, 24 Federal Road, Danbury, Connecticut that scrap metal removal has become a major problem to him and others in his line of business. Local landfills and scrap yards will not accept scrap metal such as bumpers, fenders, doors, etc. This has caused shops such as his to store these items on-site and subsequently become junkyards.

I would appreciate an ad hoc committee being established to investigate this problem to determine the extent of the problem and to determine what solutions may be recommended.

Respectfully,

Ernest M. Boynton

Ernest M. Boynton
Councilmember-at-Large

TO JED

FROM EL Gottschalk

SUBJECT Backus Ave - Tisano

DATE 5/13/87

MESSAGE

Suggest this letter be referred to the Council. If the property is ever to be declared surplus the Council would have to do it. See Code § 2-133.

SIGNED

REDIFORM 4S 468
POLY PAK (50 SETS) 4P468
carbonless

NO REPLY NECESSARY

REPLY REQUESTED - USE REVERSE SIDE

TISANO REALTY
30 SWEET BRIAR COURT
STAMFORD, CT. 06905

MAY 13 1987

Richard L.
20

May 8, 1987

Mayor James Dyer
City of Danbury
155 Deer Hill Avenue
Danbury, Ct. 068

To Whom It May Concern:

I'am property owner of a building on Backus Avenue, Lot #F17010 that is 2.3 acres.

I would like this letter to be on record that if the City should decide to sell any or part of, Lot #F 17008 or Lot #F 17011 that I would be most interested in purchasing either lot.

Very truly yours,

Patrick Tisano
Patrick Tisano

p/

21

LAW OFFICES
EBERHARD & EBERHARD
FOUR MOSS AVENUE
P. O. BOX 87
DANBURY, CONNECTICUT 06810-0087
(203) 743-4464

BROOKFIELD OFFICE
BROOKFIELD, CONN. 06805
(203) 775-0085

DANIEL T. EBERHARD
ROBERT V. EBERHARD
COUNSEL
LOUIS A. DEFABRITIS
(1920-1983)

May 20, 1987

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

Gentlemen:

My clients, Howard E. Buhse and Jansen Moyes, Jr., Co-Trustees of a Trust created under the Will of Virginia D. Buhse, have a subdivision application pending before the Planning Commission of the City of Danbury.

Chapter 4, Section B, paragraph 5 of the City's Subdivision Regulations requires the Applicant to offer to the City of Danbury parcel "X" before final approval.

Therefore, pursuant to said regulation, I have enclosed a copy of the proposed Trustee's Deed; an A-2 survey map of such strip of land and a proposed Certificate of Title.

If the Council decides to accept said offer and if the Commission votes to approve the Application, I will then deliver the executed originals to you.

If you have any questions, please don't hesitate to call.

Sincerely yours,



Robert V. Eberhard

RVE:rch
Enclosures

CC: Danbury Planning Commission

RECEIVED
MAY 20 1987
OFFICE OF CITY CLERK

21

CERTIFICATE OF TITLE

TO: CITY OF DANBURY
155 Deer Hill Avenue
Danbury, CT 06810

This is to certify that after examination of the Land Records, as indexed, of the City/~~Town~~ of Danbury, County of Fairfield and State of Connecticut, to the date hereof, I am of the opinion that the owners in fee simple of the property described on the attachment hereto, entitled "Description of Property" ~~is~~ are HOWARD E. BUHSE and JANSEN NOYES, JR., as CO-TRUSTEES under Trust created under the Will of VIRGINIA D. BUHSE, and that said premises are subject only to the following:

1. Any and all provisions of any ordinance, municipal regulation or public or private law.
2. Any state of facts an accurate survey or a personal inspection of the premises might disclose.
3. Any leases not of record, or any rights of occupancy of any tenant or licensee, or rights of persons in possession, if any.
4. Any title to any portion of the premises which lies within the bounds of any existing street, road, lane or avenue.
5. Taxes to the City/~~Town~~ of Danbury for the List of October 1, 1985 have been paid in full. Taxes on the List of October 1, 1986 not yet due and payable.
6. Notes and legends as appear on said map.
7. The effect, if any, of an easement to the Danbury and Bethel Gas & Electric Company and the Southern New England Telephone Company dated September 10, 1934 and recorded in Volume 196 at page 106 of the Danbury Land Records.
8. The rights of others to pass and repass over said Parcel "X".

Dated at Danbury, Connecticut, this day of , 1987.

ROBERT V. EBERHARD of
EBERHARD & EBERHARD
Attorneys at Law

21

Description of Property

All that certain piece or parcel of land located on Boyce Road in the City of Danbury, County of Fairfield and State of Connecticut, known as Parcel "X" which parcel is more particularly shown on a certain map entitled: "Final Subdivision Heritage Estates, Section 2B, Total Area 13.214 AC., Danbury, Connecticut, Scale 1" = 100', Zone: RA-40, Date: Sept. 16, 1986, Revised: April 2, 1987, Owner of Record: Estate of Virginia D. Buhse", which map is to be filed in the Office of the Town Clerk of the City of Danbury.

21

TESTAMENTARY TRUSTEE'S DEED

KNOW YE THAT, We, HOWARD E. BUHSE of 85 Middle River Road, Danbury, Connecticut, and JANSEN NOYES, JR., of 299 Hollow Tree Ridge Road, Darien, Connecticut, as CO-TRUSTEES under Trust created under the Last Will and Testament of VIRGINIA D. BUHSE, late of 85 Middle River Road, Danbury, Connecticut, duly qualified as Co-Trustees, for consideration paid, grant to CITY OF DANBURY, a municipal corporation located in the County of Fairfield and State of Connecticut, with Testamentary Trustee Covenants, the following described property:

All that certain piece or parcel of land located on Boyce Road in the City of Danbury, County of Fairfield and State of Connecticut, known as Parcel "X" which parcel is more particularly shown on a certain map entitled: "Final Subdivision Heritage Estates, Section 2B, Total Area 13.214 AC., Danbury, Connecticut, Scale 1" = 100', Zone: RA-40, Date: Sept. 16, 1986, Revised: April 2, 1987, Owner of Record: Estate of Virginia D. Buhse", which map is to be filed in the Office of the Town Clerk of the City of Danbury.

Said premises are subject to:

1. Any and all provisions of any ordinance, municipal rules or regulations or public or private law.
2. Current taxes due the City of Danbury.
3. Notes and legends as appear on said map.
4. The effect, if any, of an easement to the Danbury and Bethel Gas & Electric Company and the Southern New England Telephone Company dated September 10, 1934 and recorded in Volume 196 at page 106 of the Danbury Land Records.
5. The rights of others to pass and repass over said Parcel "X".

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto it the said grantee, its successors and assigns to it and their own proper use and benefit forever. And We, the said CO-TRUSTEES, our heirs and assigns, do hereby covenant with it the said Grantee, its successors and assigns, that we have full power and authority as CO-TRUSTEES aforesaid to grant and convey the above described premises in manner and form aforesaid and for ourselves and our heirs, executors and administrators, we do further covenant to warrant and defend the same to it the said Grantee, its successors and assigns, against the claims of any person or persons whomsoever, claiming by, from or under us as CO-TRUSTEES aforesaid.

THE ATRIUM  BY DESOTO

22

DeSoto Real Estate, Inc.
457 Main Street, Danbury, Connecticut 06811
(203) 792-8777

A PROFESSIONAL COMMUNITY AT THE GATEWAY TO DANBURY

May 21, 1987

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

Dear Council Members,

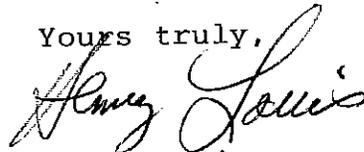
Enclosed you will find information regarding two properties for sale, side by side, on Elm St. and Beaver St. in Danbury. I feel these two properties could be very beneficial to the City of Danbury for Future Low Income Highrise, similar to those which the city already has on the corner of Spring St. and Beaver St.

The income from both properties can well support the cost of the three buildings.

The frontage from these buildings on Elm St. would be 92 ft. and Beaver St., 137 ft. or more.

The owners are very anxious to sell. If you have any questions, please call Henry Louis, DeSoto Real Estate, Inc., at 792-8777.

Yours truly,



Henry Louis
Realtor

HL:jh
encl.

DeSoto Real Estate, Inc.
457 Main Street, Danbury, Connecticut 06811
(203) 792-8777
A PROFESSIONAL COMMUNITY AT THE GATEWAY TO DANBURY

62188	112 ELM ST & 112 1/2	DANBURY	COMMERCIAL
Styrs	Age	Lot Size	Zone
ML 3448	CONCRETE	28	RH-3
LI 400	WD BLOCK	Run Type	LIQUOR-MULTI-FAM-WEN.
UCYBS	UNKNOWN	Heatng	W
Constr	Frontage	Water	CITY
Cl Rpt	Parking	Sewer	CITY
Ft Ld	Occup	Elect	
	MEGO		
Dr	BLVETSI, MARIO & ANNE	Ph	787-8861
Ag	THOMAS C. ASHINGTON	Ph	782-8777
		Code	30
		City	MO
		Lot	2280
		Dist	04/87
		Lockbox	N

AREA 3 \$385,000 #2266



Specifications For 112 & 112 1/2 Elm Street Danbury, Ct.

Warehouse \$500 New 400 amp service, compressors don't stay
Liquor store \$400. Jan.1988 lease goes up to \$480.

Apt. #A	\$525.	5 room,	2 bd.	new electric heat	200 amp service
Apt. #B	\$525.	4 room,	3 bd.	" " " "	" " "
Apt. #C	\$450.	4 room,	2 bd.	" " " "	" " "
Apt. #D	\$525.	4 room,	2 bd.	" " " "	" " "

Building #2

Apt. #1	\$475.	5 room,	3 bd.
Apt. #2	\$525.	4 room,	2 bd.

3 Garages \$ 75. \$25 each per month
\$4000. per month gross expenses \$1000 per month
Net operating income = \$3000. per month

- * Bldg #1 & #2 all apts. repainted, new roof on both about 1 yr. ago
- * Bldg.#2 New gutters and leaders
- * Storm windows on some of the apartments, sheetrock in hallway to be replaced. Office ceiling to be repaired. Outside of buildings to be repainted.
- * Expenses could be reduced significantly when coolers are disconnected. These refrigerators use about \$2000. per year in water costs
- * Present owner needs to lease the warehouse for 6-8 months after sale at an agreed upon price.
- * Present tenant in Apt.#C pays reduced rent in return for work performed.

\$385,000.



UNITED STATES DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION
 NEW ENGLAND REGION
 12 NEW ENGLAND EXECUTIVE PARK
 BURLINGTON, MASSACHUSETTS

LEASE NO: DTFA12-87-L-R1825
 FACILITY: LOC/DME, RUNWAY 8
 LOCATION: DANBURY MUNICIPAL AIRPORT, DANBURY, CONNECTICUT

LEASE BETWEEN

CITY OF DANBURY

and

THE UNITED STATES OF AMERICA

THIS LEASE, made and entered into this _____ day of _____ in the year one thousand and eighty-seven, by and between THE CITY OF DANBURY, a municipal corporation located in Fairfield county originating and existing under the laws of the State of Connecticut, whose address is 155 DEAR HILL AVENUE, DANBURY, CONNECTICUT, for itself and its heirs, executors, administrators, successors and assigns, hereinafter called the Lessor, and THE UNITED STATES OF AMERICA, hereinafter called the Government.

WITNESSETH: The parties hereto for the consideration hereinafter mentioned covenant and agree as follows:

1. For the term beginning on July 7, 1987, and ending on September 30, 1987, the Lessor hereby leases to the Government the properties described in Exhibit A, B, C, D, E, and F, attached hereto and made a part hereof,

a. together with a right-of-way for ingress to and egress from the premises; a right-of-way or rights-of-way for establishing and maintaining a pole line or pole lines for extending electric power and telecommunications facilities to the premises; and a right-of-way for subsurface power, communication and water lines to the premises; all rights-of-way to be over the said lands and adjoining lands of the Lessor, and unless herein described by metes and bounds, to be by routes reasonably determined to be the most convenient to the Government;

b. and the right of grading, conditioning, installing drainage facilities, seeding the soil of the premises, and removal of all obstructions from the premises which may constitute a hindrance to the establishment and to the maintenance of air navigation and telecommunications facilities;

c. and the right to make alterations, attach fixtures and erect additions, structures and signs in or upon the premises hereby leased, which alterations, fixtures, additions, structures and signs shall be and remain the property of the Government and may be removed upon the date of expiration or termination of this Lease, or within ninety (90) days thereafter, by or on behalf of the Government or its grantees or purchasers of said alterations, fixtures, additions, structures and signs.

2. This Lease may, at the option of the Government, be renewed from year to year and otherwise upon the terms and conditions herein specified. The Government's option shall be deemed exercised and the Lease renewed each year for one (1) year unless the Government gives the Lessor thirty (30) days written notice that it will not exercise its option before this Lease or any renewal thereof expires; provided that no renewal thereof shall extend the period of occupancy of the premises beyond the Thirtieth Day of September 2007, and provided further that adequate appropriations are available from year to year for the payment of rentals.

3. For and in consideration of the benefit to the Danbury Municipal Airport and the general public using same, the Lessor grants to the Government all terms and conditions stated herein at no cost.

4. This Lease is subject to the Contract Disputes Act of 1978 (Public Law 95-563).

Except as provided in the Act, all disputes arising under or relating to this Lease shall be resolved in accordance with this Article.

a. As used herein, "claim" means a written demand or assertion by one of the parties seeking as a legal right the payment of money, adjustment or interpretation of Lease terms or other relief arising under or relating to this Lease.

b. A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time or is disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

c. A claim by the Lessor shall be made in writing and submitted to the Contracting Officer for a decision. A claim by the Government against the Lessor shall be subject to a decision by the Contracting Officer.

23

For Lessor claims of more than \$50,000, the Lessor shall submit with the claim a certification that the claim is made in good faith, the supporting data are accurate, and complete to the best of the Lessor's knowledge and belief and the amount requested accurately reflects the contract adjustment for which the Lessor believes the Government is liable. The certification shall be executed by the Lessor if an individual. When the Lessor is not an individual, the certification shall be executed by a senior company official in charge of the Lessor plant or location involved, or by an officer or general partner of the Lessor having overall responsibility for the conduct of the Lessor's affairs.

For Lessor claims of \$50,000 or less, the Contracting Officer must render a decision within 60 days. For Lessor claims in excess of \$50,000, the Contracting Officer must decide the claim within 60 days or notify the Lessor of the date when the decision will be made.

The Contracting Officer's decision shall be final unless the Lessor appeals or files suit as provided in the Act.

The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies of the Executive Branch of the Federal Government are expressly authorized to decide.

The Government shall pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each six-month period as fixed by the Treasury Secretary during the pendency of the claim.

Except as the parties may otherwise agree, pending final resolution of a claim by the Lessor arising under this Lease, the Lessor shall proceed diligently with the performance of the Lease and its terms in accordance with the Contracting Officer's decision.

5. Rights-of-way herein granted shall be assured to the Government's duly authorized agents, representatives, contractors and employees.

6. The Government may terminate this Lease in whole or in part at any time by giving at least (30) days notice in writing to the Lessor. Said notice shall be sent by certified or registered mail.

23

7. The Government shall surrender possession of the premises upon the date of expiration or termination of this Lease. If the Lessor by written notice at least fifteen (15) days before the date of expiration or termination requests restoration of the premises, the Government at its option shall within ninety (90) days after such expiration or termination, or within such additional time as may be mutually agreed upon, either (1) restore the premises to as good condition as that existing at the time of the Government's initial entry upon the premises under this Lease or any preceding lease (changes to the premises in accordance with paragraph 1.a., 1.b. and 1.c. above, ordinary wear and tear, damage by nature's element and by circumstances over which the Government has no control excepted) or (2) make an equitable adjustment in the lease amount for the cost of such restoration of the premises or the diminution of the value of the premises if unrestored, whichever is less. Should a mutually acceptable settlement be made hereunder, the parties shall enter into a supplemental agreement hereto effecting such agreement.

8. No Member of Congress or Resident Commissioner shall be admitted to any share or part of this Lease or to any benefit to arise therefrom.

9. The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this Lease upon an agreement or understanding for a commission, brokerage, percentage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this Lease without liability or, in its discretion, to deduct from amounts otherwise due under this Lease or other consideration the full amount of such commission, brokerage, percentage or contingent fee.

10. The Lessor hereby warrants that it has acquired and possesses an adequate real estate right in the property described herein and that it is authorized to grant to the Government the rights and interests set forth herein.

11. The Lessor grants to the Government the right to utilize any existing power lines, control lines, conduits or other facilities of the Lessor which are adaptable to use in connection with the purposes of this covenant.

12. The Lessor agrees to bear all cost associated with the relocation, replacement or modification of the Government's facility constructed on the leased premises when it is made necessary by airport improvements or changes made or caused to be made by the Lessor which in the Government's opinion impair or interrupt the technical and/or operational characteristics of the facility. The payment of such relocation, replacement or modification cost shall be made by the Lessor to the Government based on the Government's cost estimates. In the event that the actual costs of relocation, replacement or modification exceed or are less than the Government's estimates, the Lessor shall pay only the actual costs. When relocations, replacements or modifications are necessary due to causes not attributable to either party, funding responsibility shall be determined by the Government on a case-by-case basis. The conditions herein stated do not preclude the Lessor from applying for assistance under the Airport Improvement Program.

The Government shall have the exclusive right to determine how all the facets of the relocation of a Government facility will be accomplished. This includes but is not limited to the engineering, site selection, procurement of equipment, construction, installation, testing, flight inspection and recommissioning of the facility.

13. In order to insure continuing proper operation of the Localizer, the Lessor agrees that within the restrictive easement cited in Exhibit F not to erect or allow to be erected any structure of any kind of nature nor to perform or allow to be performed any excavation, grading or planting operations without the prior concurrence of the Government.

The Lessor further agrees not to permit the presence of parked or free-moving aircraft, vehicles or equipment within the restrictive easement which are not under the control of tower personnel when the facilities are in operation. The Lessor agrees to provide and maintain no-parking signs within these areas when required.

In the event of natural erosion, the Lessor agrees to perform corrective grading, planting and excavation within the restrictive easement. Such work shall be accomplished during a period which is mutually agreeable to both the Lessor and the Government.

The Lessor further agrees to provide and maintain markings as required on all paved areas to delineate the limits of the critical area.

23

14. The Lessor grants to the Government, subject to the approval of the Danbury Tree Warden (which approval shall not be unreasonably withheld), the right and privilege to cut or remove at its discretion any or all trees inclusive of brush and undergrowth from the tracts of land identified on Drawing No. NE-C-24890-000/C in the interests of maintaining the operational integrity of the existing and/or future facilities located thereon. The natural growth cut under this proviso will become the property of the Government and may be disposed of as deemed necessary.

TO THE LESSOR:

TO THE GOVERNMENT:

The City of Danbury
155 Dear Hill Avenue
Danbury, CT 06810

Federal Aviation Administration
New England Region, ANE-55
12 New England Executive Park
Burlington, MA 01803

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written:

THE CITY OF DANBURY

UNITED STATES OF AMERICA

BY: _____

BY: _____

Walter C. Peer

TITLE: _____

TITLE: Realty Contracting Officer

DATE: _____

DATE: _____

I, _____, certify that I am the
of the _____

(State, Municipality or other Public Authority)

named in the foregoing agreement; that _____,

who signed Lease No. _____ on behalf of _____,

was then _____ of said _____;

that said agreement was duly signed for and in behalf of said _____

_____ by authority of its governing body

and is within the scope of its powers.

(Signature)

(Corporate Seal)

23

DTFA12-87-L-R1825 - 7

STATE OF _____)
COUNTY OF _____) ss:

On this _____ day of _____, 1987 A.D., personally
appeared before me _____,
to me known to be the person or persons described in and who executed Lease
Number DTFA12-87-L-R1825, and acknowledged that _____
signed and sealed the same as _____ free voluntary act and deed
for the uses and purposes therein mentioned.

Given under my hand and official seal: _____
NOTARY PUBLIC

Residing at: _____

My Commission Expires: _____

PROPERTY RIGHTS

23

Exhibit "A" - Localizer Antenna Site Plot

From a point marking the intersection of the end of runway and centerline of Runway 8, proceed N70°13'56"E, 2644.52 feet to a point; thence proceed S19°46'4"E, 315.23 feet to a point; thence proceed N73°13'56"E, 25.00 feet to a point marking the point of beginning of the localizer antenna site plot;

thence proceed S16°46'4"E, 50.00 feet to a point;
thence proceed S73°13'56"W, 50.00 feet to a point;
thence proceed N16°46'4"W, 100.00 feet to a point;
thence proceed N73°13'56"E, 50.00 feet to a point;
thence proceed S16°46'4"E, 50.00 feet to the point of beginning of said

localizer antenna site plot.

Said parcel contains 0.115 acres of land more or less.

All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

Exhibit "B" - Localizer Equipment Shelter and DME Site Plot

From a point marking the intersection of the end of runway and centerline of Runway 8, proceed N70°13'56"E, 2456.27 feet to a point; thence proceed S19°46'4"E, 542.40 feet to a point marking the point of beginning of the localizer equipment shelter and DME site plot;

thence proceed N73°14'E, 60.00 feet to a point;
thence proceed S16°46'E, 60.00 feet to a point;
thence proceed S73°14'W, 60.00 feet to a point;
thence proceed N16°46'W, 60.00 feet to the point of beginning of said

localizer equipment shelter and DME site plot.

Said parcel contains 0.083 acres of land more or less.

All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

Exhibit "C" - Localizer/DME Access Road Right-of-Way

From a point marking the intersection of the end of runway and centerline of Runway 8; proceed N70°13'56"E, 2297.56 feet to a point; thence proceed S19°46'4"E, 232.1 feet to a point marking the point of beginning of the centerline for a 30 foot wide access road right-of-way;

thence proceed S19°1'E, 172.4 feet to a point marking the point of curvature of an arc mentioned hereinafter;

thence proceed in a generally southeasterly direction along an arc of 60 foot radius 37.0 feet to a point marking the point of tangency of said arc;

thence proceed S54°20'E, 144.4 feet to a point marking the point of curvature of an arc mentioned hereinafter;

thence proceed in a generally easterly direction along an arc of 60 foot radius, 54.9 feet to a point marking the point of tangency of said arc;

thence proceed N73°14'E, 19.9 feet to a point marking the end of the centerline.

Said parcel contains 0.295 acres of land more or less.

All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

PROPERTY RIGHTS

83

Exhibit "D" - Localizer Cable Route Right-of-Way

From a point marking the intersection of the end of runway and centerline of Runway 8; proceed N70°13'56"E, 2456.27 feet to a point; thence proceed S19°46'4"E, 542.40 feet to a point; thence proceed N73°14'E, 45.30 feet to a point marking the point of beginning of the centerline for a 10 foot wide localizer cable route right-of-way;

thence proceed N39°15'W, 155.1 feet to a point;
thence proceed N58°28'E, 129.0 feet to a point marking the end of the centerline.
Said parcel contains 0.065 acres of land more or less.
All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

Exhibit "E" - Power Cable Route Right-of-Way

From a point marking the intersection of the end of runway and centerline of Runway 8; proceed N70°13'56"E, 2456.27 feet to a point;

thence proceed S19°46'4"E, 542.40 feet to a point;
thence proceed S16°46'E, 60.00 feet to a point;
thence proceed N73°14'E, 60.00 feet to a point marking the point of beginning of the centerline for a 10 foot wide power cable route right of way;
thence proceed S28°56'E, 216.9 feet to a point;
thence proceed S55°19'E, 496.0 feet to a point marking the end of the centerline.
Said parcel contains 0.164 acres of land more or less.
All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

Exhibit "F" - Localizer Restrictive Easement

Lands contained within the localizer restrictive easement must be protected from unlimited and uncontrolled movement of surface traffic, the erection of all interference sources, metallic structures, fences, and extensive vegetation growth.

From a point marking the intersection of the end of runway and centerline of runway 8; proceed N70°13'56"E, 2644.52 feet to a point;
thence proceed S19°46'4"E, 315.23 feet to a point;
Said point being a center of a 250 foot radius and mentioned hereinafter;
thence proceed N53°38'16"W, 250 feet more or less to a point marking the point of beginning of the localizer restrictive easement;
thence proceed on said arc of 250 foot radius northerly then easterly 211.1 feet more or less to a point;
thence proceed S16°46'4"E, 489.9 feet more or less to a point;
thence proceed on said arc of 250 foot radius southerly then westerly 211.2 feet more or less to a point;
thence proceed S73°13'56"W, 850 feet more or less to a point;
thence proceed N16°46'4"W, 400 feet more or less to a point;
thence proceed N73°13'56"E, 850 feet more or less to a point marking the point of beginning of said localizer restrictive easement.
Said parcel contains 9.989 acres of land more or less.
All bearings are true bearings based on Runway 8-26 centerline N70°13'56"E.

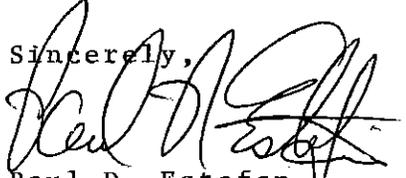
23

May 26, 1987

Hon. James E. Dyer, Mayor and
Hon. Members of Common Council
City of Danbury
Danbury, CT 06810

Dear Mayor and Council Members:

The enclosed lease between the City of Danbury and the United States of America is concerning the Localizer, Distance Measuring Equipment that is to be installed here at the Airport. The FAA needs the city property to install this equipment so it can reduce the minimums for aircraft flying in adverse weather. This lease is not only being done at Danbury, but at other airports throughout the nation. The FAA expects to start work around mid-june of this year on this project. I have forwarded a copy of this lease to the Corporation Counsel's office for their review. If anybody has any questions, please feel free to contact me.

Sincerely,

Paul D. Estefan
Airport Administrator

Enclosure

disk/Paul45



24

CITY OF DANBURY

DANBURY, CONNECTICUT 06810

FIRE DEPARTMENT
19 NEW STREET

JAMES E. DYER, MAYOR

CHARLES J. MONZILLO, CHIEF
(203) 748-5260

May 13, 1987

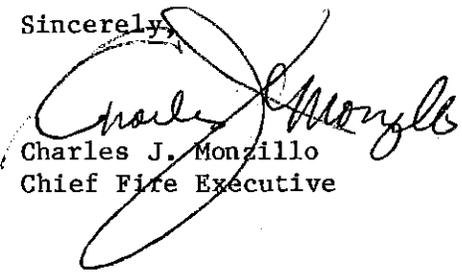
To: Mayor James E. Dyer
From: Charles J. Monzillo, Chief Fire Executive
Subject: Request for Repairs to Fire Apparatus

Accompanying this request is a letter from Citizens Hose Company, Engine Company 6.

This firefighting unit has been a great asset to the Danbury Fire Department in its availability of response, large diameter hose capacity (1st in the City), and in making their fire apparatus available for use by the career section during periods of breakdowns of the career fire apparatus.

Their request of \$5,600.00 to repair their booster tank is necessary. It is my understanding Engine 6 submitted this request in the capital budget and operating volunteer budget. Neither requests have been granted.

Sincerely,



Charles J. Monzillo
Chief Fire Executive

CJM:n
6REPAIR file
MAYOR disk
Enclosure

Citizens Hose Co. No. 6

DANBURY, CONN. 06810

rec'd
5-12-87
24

May 12, 1987

Charles J. Monzillo
Chief Fire Executive
Danbury Fire Department
19 New Street
Danbury, Connecticut 06810

Dear Chief Monzillo,

I respectfully request the sum of \$5,600.00 for the purpose of replacing the booster tank on our pumper.

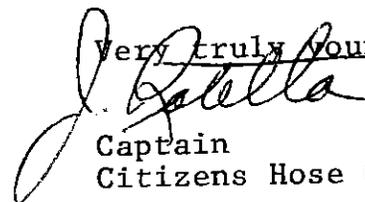
The truck is twelve years old and has served the City of Danbury well. The pumper has been loaned to the career division on numerous occasions during your administration and prior to Chief Bertalovitz' retirement.

The tank is failing rapidly. There is evidence of water in the rear compartments. The company has been advised to replace it rather than to attempt a non-warranty repair.

The tank replacement will keep our company in service and avoid excessive down time. The truck will be ready as a back-up to the career division.

Thank you for your consideration in this matter.

Very truly yours,



Captain
Citizens Hose Co. No. 6

Legislative Bulletin²⁵

CONNECTICUT CONFERENCE OF MUNICIPALITIES • 956 CHAPEL STREET, NEW HAVEN, CONNECTICUT 06510 PHONE (203) 772-2168

May 8, 1987, Number 87-20

Accounting Methods Under the Education Enhancement Act:

Remedial Legislation Passes General Assembly

RECEIVED
MAY 11 1987

The General Assembly has passed, and the Governor is expected to sign, a bill that provides municipalities with a method to budget Education Enhancement Act grants in a manner that conforms to generally accepted accounting principles.

Background

The 1986 Education Enhancement Act makes grants available for school districts to, among other things, raise teachers' salaries. The Act requires that a municipality credit the school district's account from which teachers' salaries are paid by the amount of such grants and treat such grants as teacher salary allocation in excess of the school district's budgeted appropriation for teacher salaries, rather than town revenue. This requirement raised concerns with finance directors and others over the correct budgeting of such grants.

Subst. S.B. 216 was drafted in response to these concerns. It is compromise language developed through the efforts of CCM, the Government Finance Officers Association (GFOA), Connecticut Association of Boards of Education (CABE), and the State Department of Education. This new language will be in effect as soon as the Governor signs the bill into law.

Description of the Bill (see over for text)

Subst. S.B. 216 does the following:

- o Provides that Education Enhancement Act grants in FY 1986-87 be considered to have been appropriated to the board of education of each school district, instead of requiring a town's chief fiscal authority to credit a district's teacher salary account with funds not appropriated to it.
- o Provides that in FY 1987-88 and FY 1988-89, such grants are also to be treated as a direct appropriation to the school board unless two conditions are met. If (1) the fiscal authority and school board agree in writing and (2) an amount equal to the grants has been appropriated to the school board, then the fiscal authority may budget the grants as it sees fit.

As mentioned above, the bill is effective from its passage.

Further Information

If you have any questions concerning this or any other legislation, please call CCM at 772-2168.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

**DEPARTMENT
OF FINANCE**

May 13, 1987

TO: Common Council via
Mayor James E. Dyer

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

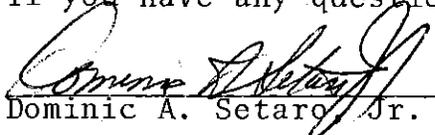
RE: Education Enhancement Act

Attached you will find a copy of a Legislative Bulletin received from the Connecticut Conference of Municipalities which indicates that the General Assembly has passed a bill that provides municipalities with a method to budget Education Enhancement Act grants in a manner that conforms to generally accepted accounting principles.

As you know, this past fiscal year the Board of Education received \$100,000 for teacher-pupil ratio aid; that \$100,000 was used by the Board of Education to reduce its expenditures. The Government Finance Officers Association requested that the State of Connecticut repeal the section of this Act which pertains to that clause of crediting expenditures which is in direct conflict with accounting principles. As a result, this legislation which has passed now requires that the cities for the fiscal years ending June 30, 1987, 1988 and 1989 treat this teacher-pupil ratio money as city revenue which must be appropriated to the Board of Education. As a result of this, I am requesting that this item be placed on the agenda of the June Common Council meeting and that the necessary adjustments will be made to the Board of Education's budget upon passage by the Common Council. Keep in mind we are required to give the money to the Board of Education (this is just a formality).

I am requesting that this action be taken in anticipation that the Governor will sign this bill and a special meeting will not have to be called as a result of this item being placed on the June agenda.

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



Dominic A. Setaro, Jr.

DAS/af
Attachment

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



26

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

May 21, 1987

ZONING BOARD OF APPEALS
797-4595

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

Dear Members of the Council:

Enclosed please find a copy of a letter written by myself, as Chairman of the Zoning Board of Appeals of the City of Danbury, to the Commissioner of Motor Vehicles of the State of Connecticut.

I have been on this Board for over 25 years and have seen many instances where the applicants make promises to the Board, receive their approval of location, and then renege on their promises resulting in eyesores in the City of Danbury. I feel revisions should be made to the pertinent statutes to give us some latitude in attaching conditions to the grant of a certificate of location for a gasoline station or repairing business. The Board agrees.

I ask for your support and for any help you may give myself and the Board in making the public aware of the situation.

Thank you..

Very truly yours,

Henry C. Schum
Chairman

HCS:jl
Encl.



26

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

ZONING BOARD OF APPEALS
797-4595

May 6, 1987

Commissioner of Motor Vehicles
State of Connecticut
60 State Street
Wethersfield, Connecticut 06109

RE: Licensing of General and Limited Repairs

Dear Sir:

As Chairman of the Zoning Board of Appeals for the City of Danbury, I would like to take the opportunity to raise an issue which is bothersome to the Board and arises under Section 14-54 of the Connecticut General Statutes. As you know, that section requires a certificate of approval of the location for any license issued to a repairer or dealer of motor vehicles. Section 14-55 of the Connecticut General Statutes sets forth the method of hearing and the method of publication of the notice of the decision granting or denying the application. Nothing contained in the statute gives any right to the local authority to put conditions on such approval.

The only limitation on the type of approval is the actual license which must either be for a general repairer, a limited repairer, or a new or used car dealership. Over the years, it has been our experience on the Zoning Board of Appeals that representations made by applicants indicating the type of limitations they intend to impose on the operation of their business have not always been adhered to and, in fact, are unenforceable by the Board. For example, if a party states that it wants a general repairer license but is willing to limit the scope of its operation, there is no way for the Board to make this a condition of the approval of the location.

This situation also works to the detriment of the applicant where the Board feels that it must restrict a license to a limited

Commissioner of Motor Vehicles
Page 2
May 6, 1987

repairers license even though some of the work which would be allowed under a general repairers license might be applicable to a particular site. In this situation the Board has denied general repairers licenses because there is no mid-ground between the limited and general license.

I have discussed this matter with my fellow Board members and they are unanimous in their belief that Section 14-54 and 14-55 of the Connecticut General Statutes should be revised to give the Board some latitude in attaching conditions to the grant of a certificate of location approval. To this end, I am asking our Mayor, James Dyer as well as our Common Council members and our state representatives to join me in pursuing a modification of the statutes to allow reasonable discretion in the Board of Appeals in reviewing and granting location certificates. The Board feels strongly that it should have the power to enforce conditions which applicants are often willing to impose on licenses in order to obtain approvals. On behalf of the Board I am seeking to enlist your help in correcting this situation that derives from the licensing scheme as controlled by your department. I thank you in advance for your anticipated cooperation in this matter and look forward to hearing from you concerning this at your earliest convenience.

Very truly yours,
Henry C. Schum
Henry C. Schum, Chairman
Danbury Zoning Board of Appeals



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

ENGINEERING DEPARTMENT
203-797-4641

April 30, 1987

JOHN A. SCHWEITZER, JR.
City Engineer

Councilwoman Constance McManus
Chairman
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Councilwoman McManus:

Danbury Square Box Co., Inc.
John Allen, Broad Street

The situation as presented in Attorney William W. Sullivan's March 12, 1987 letter to the Common Council is correct.

The proposal to have the property owner convey to the City of Danbury his interest in the portion of Broad Street in question is acceptable to us conditional on the submittal of a map and legal documents satisfactory to the City.

If you require any additional information, please give me a call.

Very truly yours,


John A. Schweitzer, Jr.
City Engineer

PAE/JAS/sd

c: Basil Friscia
Eric L. Gottschalk

RECEIVED

MAY 13 1987

OFFICE OF CITY CLERK



27

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

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

PLEASE REPLY TO:

DANBURY, CT 06810

June 2, 1987

Hon. James E. Dyer, Mayor
Hon. Members of the Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut

Re: Danbury Square Box Co., Inc. - Broad Street

Dear Mayor and Council Members:

Please be advised that this office is now in receipt of a proposed map and deed conveying all rights which J. J. Allen, Jr. may have in and to Broad Street to the City of Danbury. These materials have also been reviewed by the Engineering Department and found acceptable. Please obtain a Planning Commission Report and consider the acceptance of this conveyance in your usual fashion.

Sincerely yours,

Eric L. Gottschalk
Assistant Corporation Counsel

ELG:cr

Attachment

RECEIVED

MAY 22 1987

OFFICE OF CITY CLERK

To all People to Whom these Presents shall Come. Greeting:

21

Know Ye, That JOHN J. ALLEN, JR., of Broad Street, Danbury,
Connecticut 06810

herein designated as the Releasor,

for the consideration of No consideration

received to Releasor's full satisfaction from the CITY OF DANBURY, a municipal
corporation,

whose mailing address is 155 Deer Hill Avenue

herein designated as the Releasee,

Danbury, Connecticut 06810
does by these presents remise, release and forever Quit-Claim unto the said Releasee and to the Releasee's heirs,
successors and assigns forever, all the right, title, interest, claim and demand whatsoever as the said Releasor
has or might to have in or to

All that certain piece or parcel of land situated in the City of
Danbury, County of Fairfield and State of Connecticut, being more
particularly shown as a section of the same outlined in heavy black
lines and labeled "21,863 S. F., 0.502 Ac." on a certain map entitled
"MAP SHOWING PROPERTY OF JOHN J. ALLEN, JR. TO BE CONVEYED TO CITY OF
DANBURY, DANBURY, CONNECTICUT, SCALE: 1" = 40', AREA: .0.502 AC, ZONE:
IL-40, DATE: MAR. 26, 1987", it being the intention of the Releasor
herein to release to the City of Danbury all his right, title and
interest in and to Broad Street, so-called, all as more particularly
shown on the map hereinabove referred to.



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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 the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a chapter, to be numbered XIXB, which said chapter reads as follows:

CHAPTER XIXB - DOWNTOWN SPECIAL SERVICES DISTRICT

19B-1 Purpose and Intent

Section WHEREAS, The City of Danbury supports the revitalization of its downtown; and

WHEREAS, Revitalization requires improvements to the image and to the physical appearance of downtown; and

WHEREAS, Such improvements will benefit directly the owners of downtown property; and

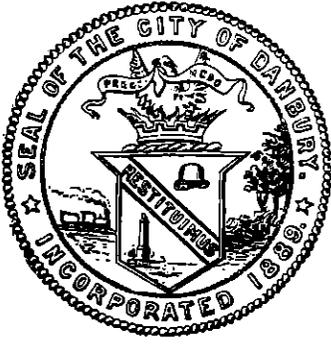
WHEREAS, Chapter 105a of the Connecticut General Statutes entitles any municipality having a population in excess of 35,000 according to the most recent federal census to establish by ordinance of its legislative body within its confines a special services district to promote the economic and general welfare of its citizens and property owners; and

WHEREAS, Such a district enables property owners to tax themselves and administer such revenues to provide benefits and services for the district;

Now THEREFORE, in accordance with Chapter 105a of the Connecticut General Statutes, the City of Danbury does hereby establish a special services district within its confines, to be created and operated according to the procedures set out in Chapter 105a. The purpose of the district shall be to prevent further deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business through physical, economic, and social improvements; to work with the government of the City of Danbury to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the City's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district through a long-term operations strategy allocating organizational and financial responsibility.

19B-2 DEFINITIONS

Section For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:



29

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

1. District shall be the municipal special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in Section 19B-4, Subsection 1, of this ordinance.
2. Property shall be real property within the district that is identified in the tax records of the City of Danbury as a parcel of land and/or building for which there is a map and lot number assigned by the Assessor's Office of the City of Danbury.
3. Property owner shall be the holder of record of a taxable interest in real property within the District.
4. Holder of record of a taxable interest in real property shall be the corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator, or other form of entity or any combination thereof as identified in the records of the City of Danbury.
5. Lessor of Property shall be the holder of a leasehold interest in real property within the district who has subleased all or a portion of said leasehold interest as distinguished from a property owner.
6. Lessee of property shall be the tenant occupying and in possession of premises located on a property in the district.
7. Ex-officio shall denote a non-voting member.
8. Board of Commissioners shall be the executive body elected by the holders of record of a taxable interest in real property to govern the district.
9. Commissioner shall be any single member of the Board of Commissioners, with the exception of the ex-officio members.
10. Fiscal year shall be July 1 to June 30, unless it is changed by vote of the Board of Commissioners and approved by majority vote of the holders of record of a taxable interest in real property.
11. Assessed value of real property for each fiscal year shall be the value of real property as listed on the grand list of the municipality, in effect as of October of the prior year.

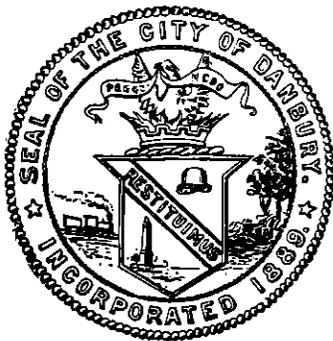
Section 19B-3 POWERS OF THE DISTRICT

1. District Legal Status

a. The district is a body politic and corporate subject to such status and regulations that govern such a legal body.

2. Powers

The district shall have the following powers:



29

ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

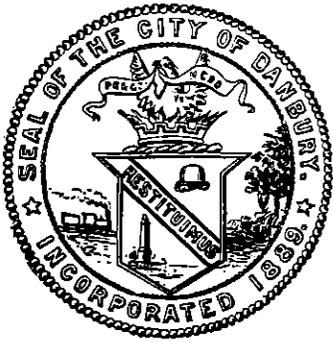
Be it ordained by the Common Council of the City of Danbury:

- a. to sue and be sued;
- b. to acquire, hold and convey any real estate, real or personal;
- c. to contract;
- d. to borrow money, provided any obligation incurred for this purpose shall be discharged not more than one year after it was incurred, and such district may pledge any tax levies received against any such obligation;
- e. to recommend to the Common Council of the City of Danbury the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district;
- f. to construct, own, operate and maintain public improvements;
- g. to provide, within such district, some or all of the services which said City of Danbury is authorized to provide therein, such as security services or cleaning services excluding therefrom any elementary or secondary public education services and provided that such services are not now being provided within any portion of the area included in such district by any multi-town body or authority;
- h. to retain legal counsel with the approval of the Common Council;
- i. to buy, lease, and operate buses, mini-buses or other transportation for shuttle service in the downtown area;
- j. to receive and use gifts and donations for the purposes of the district;
- k. to construct, acquire, or obtain leasehold interests in motor vehicle parking facilities within such district;
- l. to operate a motor vehicle parking facility within such district;
- m. to enter into, fund, and perform agreements which reduce the cost of motor vehicle parking to residents and visitors of such district;
- n. to operate revenue-sharing facilities or events and to use the revenues for district purposes.

Section 19B-4 BOUNDARY OF THE DISTRICT

1. Description

The boundary of the district shall be all that certain piece or parcel of land described on Schedule A attached hereto and made a part hereof



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

2. Eligibility of Tax Exempt Property

All property therein shall be included in the district. For the purpose of this district, the property owners of tax exempt property within the district will not be eligible to vote, nor will they be subject to any tax levies, unless the tax exempt status changes. If the tax exempt status changes, the property shall be subject to the district tax levy in accordance with Section 19B-7 of this ordinance, and such levy shall be pro-rated to cover the period from the change of the tax status to the end of the fiscal year.

Section 19B-5 PROCEDURE FOR THE REFERENDUM ESTABLISHING THE DISTRICT

1. Referendum: Voting Procedure

a. Within 45 days of the passage of this ordinance by the Common Council, a ballot shall be prepared and mailed to all holders of record of taxable interest in real property within the district boundary as established by Section 19B-4 of this ordinance.

b. The ballot shall be mailed to the address used by the Tax Collector of the City of Danbury for tax collection purposes. The ballots are to be returned by mail or in person to the Town Clerk postmarked or delivered within 15 business days of the initial mailing.

c. Each property owner regardless of the number of properties of record in his name shall be entitled to cast only one ballot which will be so counted in determining whether the necessary majority of property owners have voted in favor of the referendum.

d. The ballot shall be signed by the property owner(s) having at least 50% interest in said property, or a representative of the owner(s) duly authorized to cast such ballot.

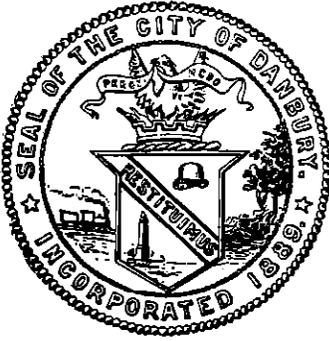
2. Referendum: Oversight and Tabulation of Results

a. The referendum ballot shall be overseen by 3 supervisors appointed by the Mayor. The supervisors shall count ballots, and determine results of the referendum, and shall rule on any contested ballots.

b. For the purposes of determining whether the majority of property owners has voted in favor of the resolution, each ballot will be counted in two ways. An abstention will be considered to oppose the district.

i. Each ballot will be counted as a single vote for or against the district regardless of the number of properties of record in his name, except as otherwise provided in Section 19B-5, Subsection 3.c.

ii. Each ballot will be weighted by the assessed value of the property for which the ballot is cast except as otherwise provided in Section 19B-5, Subsection 3.c.



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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:

c. A majority of the property owners by number as hereinbefore defined in Section 19B-5, Subsection 1.c. and by assessed value must vote in favor of the district for the district to be approved.

d. If the district is not approved, this ordinance shall be null and void.

3. Referendum: Appeal

a. Ballots cast for a property owner shall be available for inspection by holders of record of a taxable interest in the property at the Office of the Town Clerk for five business days after the close of the referendum period.

b. Holders of record of a taxable interest in the property may contest in writing the ballot cast to the supervisors of the referendum. All appeals must be submitted within five business days of the close of the referendum period.

c. The supervisors shall evaluate the validity of the appealed ballot. The supervisors will review evidence submitted by the voter and the appellant in making their determination. They may change the ballot if sufficient evidence of improper vote is presented by the appellant. If the supervisors, after a review of the evidence, determine that the ballot was properly cast by owner(s) of a majority interest in said property, then said ballot is binding upon all owners of said property. If the supervisors, after a review of the evidence, determine that the appealed ballot was cast by an owner of only 50% of the interest in said property, then said ballot shall be given a 1/2 weight both as to the count by number and the count by assessed value. The decision of the supervisors shall be final.

Section 19B-6 DISTRICT ORGANIZATION AND OPERATIONS

1. Commencement of District Operations

a. Within 20 business days of the referendum results creating a district, the Mayor shall call a general meeting of the property owners to nominate and elect the Board of Commissioners.

b. The Board of Commissioners shall meet within 20 business days of the general meeting to prepare the bylaws governing their operations and those of subsequent general meetings.

c. The Board of Commissioners shall prepare the first year's budget for the district and submit it for consideration to the general meeting of the property owners by October 1 of that fiscal year.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

2. Board of Commissioners

a. The Board of Commissioners shall have five members, two ex-officio members, and three alternates. The five positions on the board will be elected at large from the entire district. Three alternates shall also be elected, to substitute for absent commissioners on a rotating basis. The Commissioners shall be elected from any of the following categories: property owners, lessors of property, lessees of property and employees of any of the aforesaid categories. Any provision to the contrary notwithstanding, it is understood that at any time a commissioner no longer fits in any one of the aforesaid categories, said commissioner shall automatically be terminated. The Board of Commissioners is hereby empowered to fill any vacancies which occur on the Board of Commissioners. The two ex-officio members will be the Mayor and the President of the Common Council.

b. The Board of Commissioners shall be the executive body governing the day-to-day operations of the district. The board shall make administrative decisions and interpret policy for the district.

c. At the first meeting of the Board of Commissioners, bylaws shall be drafted for the operating procedures of the board. The operating bylaws may expand upon the procedures necessary to perform district functions.

d. The term of the five commissioners and the three alternates shall be for two years.

e. With the exception of the first election of the Board of Commissioners, a nominating committee shall be appointed by the Board to prepare nominations for the biennial election. Nominations may also be made at the time of the general meeting.

f. Commissioners shall be elected by a plurality vote of a quorum of property owners present at the general meeting.

g. The Board of Commissioners shall elect officers. The positions shall be determined at the first meeting of the board after the district is created and incorporated into the operating bylaws.

h. The Board of Commissioners shall hire such staff assistance as is considered necessary to perform their duties and as is approved in the budget submitted to the general meeting.

i. The Board of Commissioners and its staff shall be authorized to conduct the business of the district in a responsible manner.

3. General Meetings of Property Owners

a. There shall be an annual meeting of district property owners present or by proxy to approve the yearly budget and to conduct other such business as is determined necessary.



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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:

b. Special meetings may be called by the Board of Commissioners to conduct business that can not be postponed until the annual meeting.

Section 19B-7 DISTRICT REVENUE AND BUDGET

1. District Budget

a. As soon as practical after the enactment of this Special Services District, the district shall adopt a budget for the balance of the fiscal year at a special meeting of property owners, present or by proxy, and shall file said interim budget with the Director of Finance or Comptroller of the City of Danbury forthwith. Thereafter the district shall adopt an annual budget at a general meeting of property owners, present or by proxy, and shall file the budget with the Director of Finance or Comptroller on or before February 1 each year. The annual budget may be amended as provided in the bylaws of the district. Amended budgets must be filed with the Director of Finance or Comptroller within 15 days of adoption.

b. Upon the adoption of the interim budget the Board of Commissioners shall recommend to the Common Council of the City of Danbury a levy upon taxable interests in real property within said district. Thereafter the Board of Commissioners shall recommend to the Common Council of the City of Danbury, on or before April 1 of each year, a levy upon taxable interests in real property within such district. In accordance with Section 7-339r(d) of the Connecticut General Statutes, it shall be the obligation of the Common Council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy and it shall be the obligation of the City to collect such levy for the benefit of the district.

c. Said Budget shall include an amount to reimburse the City of Danbury for ordinary, customary and usual charges incurred by the City of Danbury for those services performed on behalf of the Special Services District such as preparing and mailing tax bills, collection of taxes and accounting services. Any controversy or dispute arising out of the amount claimed by the City of Danbury as reimbursement for said charges shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

2. Collection of Levy

a. The levy upon taxable interests in real property in the district shall be due and payable in four parts, on July 1, October 1, January 1, and April 1, following the adoption of the levy for the fiscal year. On or before July 1 each year, the Tax Collector of the City of Danbury shall bill holders of taxable interest in real property in the district. Any provision to the contrary notwithstanding it is herein provided that as soon as practical following the imposition of the levy based on the interim budget the Tax Collector of the City of Danbury shall bill holders of taxable interest in real property in the district, which tax bill shall be due and payable on January 1, 1988 following the issuance of said bill.

b. Delinquent interest charges shall be assessed on late district tax payments and shall be computed in the same manner as used for establishing delinquent charges on regular property tax bills of the City.



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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:

c. The Tax Collector of the City of Danbury shall collect the district tax, interest charges and any other revenue of the district and shall deposit said monies received in a special revenue fund of the City to be maintained by the Treasurer of the City for the benefit of the District.

3. Disbursement of Funds

a. No disbursement shall be made from said fund except in compliance with Chapter VI Section 6-1 of the Revised Charter of the City of Danbury as the same may be amended from time to time and provided further that said disbursement is based upon the written request of a duly authorized representative of the district and only in accordance with the then current approved annual budget of the Board of Commissioners of the district. The district shall set forth in its bylaws procedures for approving disbursement of funds and for requesting such disbursement from the City, including but not limited to, a procedure approved by the Treasurer of the City of Danbury whereby, upon the request of a duly authorized representative of the district, the Treasurer of the City shall issue checks payable to a special bank account established by the Board of Commissioners and upon which account duly authorized members or agents of the Board of Commissioners may issue checks provided said disbursements are in accordance with the then current annual budget of the Board of Commissioners of the district.

b. All orders on contracts for expenditures approved by the Board of Commissioners on behalf of the District which meet the criteria established in Section 7-339q of the Connecticut General Statutes shall be awarded to the lowest responsible bidder only after public invitation to bid, which shall be advertised in the newspaper having circulation in such special services district.

Section

19B-8 MUNICIPAL OBLIGATIONS

1. Maintenance of Effort and Services

Notwithstanding the powers of the District defined in Section 19B-3 of this ordinance, the City shall continue to be obligated to provide existing municipal services within the district. Further, in keeping with the intent of this ordinance, which is to improve the district through a cooperative effort of the City and the property owners of the district, the City agrees to maintain the existing level of municipal services provided within the district.

2. Municipal Regulations

The district shall be subject to such ordinances of the City as apply to private organizations conducting business with the municipality (e.g., zoning, inland wetland regulations, etc.). The City may waive local fees which may apply to activities conducted by the district.

Section

19B-9 DISSOLUTION OF DISTRICT

The district may be dissolved as provided in Section 7-339s of Chapter 105a of the Connecticut Statutes.



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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:

Section 19B-10 SEVERABILITY CLAUSE

All provisions of the Danbury Code of Ordinances in conflict herewith shall not apply to the district and if for any reason any word, clause, paragraph or section of this ordinance shall be held to make the same unconstitutional, this ordinance shall not hereby be invalidated and the remainder of the ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is hereby repealed, it being understood that said statutes shall take precedence over this ordinance.

Section 19B-11 EFFECTIVE DATE

This ordinance shall within ten (10) days be published in its entirety in the Danbury News Times and shall become effective upon approval in accordance with Section 19B-5 hereof.

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SCHEDULE A

ALL those certain pieces or parcels of land situate in the City of Danbury, County of Fairfield and State of Connecticut lying within the following perimeters:

Commencing at a point on the easterly side of Main Street, which point marks the intersection of said easterly side of Main Street with the southerly side of land now or formerly of the New York, New Haven and Hartford Railroad Company; thence running in an easterly direction along the southerly line of said land now or formerly of the New York, New Haven and Hartford Railroad Company to its intersection with the westerly side of Balmforth Avenue; thence running along the westerly side of Balmforth Avenue in a southerly direction across White Street to Patriot Drive; thence continuing in a southerly direction along the westerly side of Patriot Drive across Liberty Street to the southerly side of Liberty Street; thence continuing in a southerly direction along the westerly side of Liberty Street to its intersection with Keeler Street; thence across Keeler Street in a straight line to the northeast corner of Parcel I14372 as shown on the Assessor's Map Sheet No. I14; thence running southerly along the easterly boundary of said Lot I14372 147' more or less; thence turning and running in a westerly direction along the southerly boundary of said Lot I14372 until the intersection of the easterly boundary of Lot I14383 as shown on said Assessor's Map with the southerly boundary of Lot I14372; thence turning and running in a southerly direction until said easterly boundary of Lot I14383 intersects with the northerly side of Center Street; thence running along the northerly side of Center Street to Main Street; thence running across Main Street in a straight line to the northerly side of Boughton Street; thence running along the northerly side of Boughton Street to Foster Street; thence turning and running along the easterly side of Foster Street to West Street; thence running across West Street in a straight line to the southwest corner of Lot I14148 as shown on said Assessor's Map; thence running along the westerly boundary of said Lot I14148 145' more or less; thence turning and running along the northerly boundary line of Lot I14148 and Lot I14147 on said Assessor's Map to the intersection of the westerly boundary line of Lot I14174 with the northerly boundary line of Lot I14147 as shown on said Assessor's Map; thence turning and running along the westerly boundary lines of Lot I14174, Lot I14172, Lot I14171 and Lot I14170 to the intersection of the southerly boundary line of Lot I14169 with the westerly boundary line of Lot I14170 as shown on said Assessor's Map; thence turning and running in a westerly direction along the southerly boundary line of said Lot I14169 to the westerly boundary line of said Lot I14169; thence running in a northerly direction along the westerly boundary line of said Lot I14169 to the northerly boundary line of Lot I14169; thence running in an easterly direction along the northerly boundary line of said Lot I14169 to the intersection of the westerly boundary line of Lot I14162 with the northerly boundary line of Lot I14169; thence running in a northerly direction along the westerly boundary line of Lot I14162 to Library Place; thence running across Library Place in a straight line to the southwest corner of Lot I14016; thence running in a northerly direction along the westerly boundary line of Lot I14016 to the northerly boundary line of said Lot I14016; thence turning and running in an easterly direction along the northerly boundary line of Lot I14016 to the intersection of the westerly boundary line of Lot I14015 with the northerly boundary line of Lot I14016; thence running in a northerly direction along the westerly boundary lines of Lot I14015, Lot I14014, Lot I14013, Lot I14274 and Lot I14012 to the intersection of the westerly boundary line of said Lot I14012 with the southerly boundary line of Lot I14001; thence running in a

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westerly direction along the southerly boundary line of Lot I14011 to the westerly boundary line of said lot I14011; thence turning and running in a northerly direction along the westerly boundary line of Lot I14011; Lot I14010 and Lot I14009 to the intersection of the westerly boundary line of said Lot I14009 with the southerly boundary line of Lot I14007; thence turning and running in a westerly direction along the southerly boundary lines of Lot I14007, Lot I14004, Lot I14003 and Lot I14002 to the westerly boundary line of said Lot I14002; thence turning and running in a northerly direction along the westerly boundary of said Lot I14002 to Elm Street; thence running acrosss Elm Street in a straight line to the southwest corner of Lot H14356 as shown on Assessor's Map Sheet No. H-14; thence running in a northerly direction along the westerly boundary of said Lot H14356 to the easterly side of the Still River; thence running in a northerly direction along the easterly side of the Still River to Rose Street; thence running in an easterly direction along the southerly side of Rose Street to Main Street; thence running across Main Street in a straight line to the point or place of beginning.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Noise and Hearing Damage Ordinance

The Common Council held a public hearing on the proposed noise and hearing damage ordinance on May 27, 1987 at 8:15 P.M. in the Council Chambers.

The Council met as a committee of the whole following the public hearing and recommends to the Common Council that the ordinance be adopted.

Respectfully submitted,

Constance McManus
CONSTANCE McMANUS
Chairman



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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: subsection 12-14 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

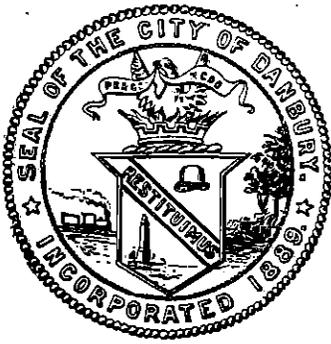
Sec. 12-14(a) Statement of Purpose.

The purpose of this section is to carry out and effectuate the public policy of the State of Connecticut, the Federal Government and the City of Danbury concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the city limits of the City of Danbury. A second purpose is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.

(b) Enforcement. In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this section shall be in accordance with specified guidelines indicated and delineated in subsection 12-14(e).

(c) Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (1) *Residential zone.* Single-family residence zones and multi-family residence zones as defined by the zoning regulations of the City of Danbury and all uses associated therewith, either permitted as of right or as specially excepted uses.
- (2) *Commercial zone.* General commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the City of Danbury and all uses associated therewith, either permitted as of right, or specially excepted uses.
- (3) *Industrial zone.* Shall mean industrial district as defined by the zoning regulations of the City of Danbury.



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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:

- (4) All other zones not included within categories 1, 2 and 3 herewith.
- (5) *Daytime hours.* Hours between 6:30 a.m. and 10:00 p.m., Monday - Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays and holidays.
- (6) *Night-time hours.* The hours between 10:00 p.m. and 6:30 a.m., Sunday evening through Saturday morning except that "night" shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. on Sunday and holidays.
- (7) *Decibel.* A logarithmic unit of measurement used in measuring magnitudes of sound. The symbol is dB.
- (8) *Motor vehicle.* Defined as per section 14-1(30) of the Connecticut General Statutes.
- (9) *Noise.* Any excessive noise or noise disturbance, the intensity of which exceeds the standards set forth in section 12-14(e) of this ordinance.
- (10) *Person.* Any individual, firm, partnership, association, syndicate, company, trust, corporation, agency or administrative subdivision of the state or other legal entity of any kind.
- (11) *Premises.* Any building, structure, land, or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements owned or controlled by a person.
- (12) *Sound.* A transmission of energy through solid, liquid, or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which in air evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.
- (13) *Sound level meter.* An instrument to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters.



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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:

- (14) *Domestic power equipment.* Equipment including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.
- (15) *Construction.* Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights of way, structures, utilities or similar property.
- (16) *Emergency work.* Any work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- (17) *Muffler.* A device for abating sounds such as escaping gases.
- (d) General Prohibition. It shall be unlawful for any person within the City of Danbury to make, continue or cause to be made or continued, any loud, unnecessary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city as outlined in section 12-14(e) herein.

1. *PROHIBITED ACTS.*

- (a) Blowing horns or whistles or other such devices.
- (b) Playing radios, phonographs or other sound systems from which sound emission is cast upon the public streets or parks of the city.
- (c) Excessive and measurably loud shouting, singing or other vocal noises.
- (d) The keeping of any animal or bird shut up or tied up in any yard, enclosure, stable, or other place within the city which, by frequent repeated barking, howling, crying or singing causes frequent or long continued excessive noise.



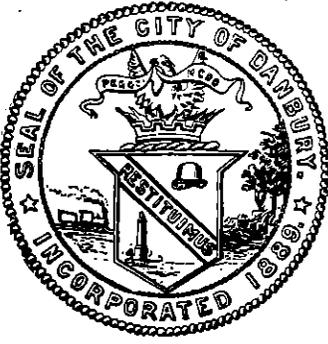
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ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

- (e) Discharging of exhaust from steam, gasoline, or other engine without muffler device.
- (f) Construction or building operations and/or excavation not excepted within the provisions for emergency or other municipal or governmental construction project.
- (g) Motor vehicle and motorcycle noise including and limited to horns, discharge of exhaust and noise caused by excessive or reckless driving. All motor vehicles and motorcycles operated within the limits of the City of Danbury shall, in addition, be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the Connecticut General Statutes.
- (h) The creation within the city of any excessive noise in the vicinity of any school, institution of learning, church, court, hospital or nursing home while the same is in use, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, court, hospital or nursing home. The noise standards relating to this item are set forth in section 12-14(e) herein.
- (i) The construction (including excavation), demolition, alteration or repair of any building within the city, other than during daytime hours as defined in section 12-14(c).

(e) Noise Level Measurement Procedures and Methods. For the purpose of determining noise levels as set forth in this ordinance, the following guidelines shall be applicable:



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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:

- (1) The Danbury Police Department as directed by the Chief of Police shall enforce the provisions of this ordinance pertaining to the measurement of noise levels and the issuance of notices of violation.
- (2) Police personnel designated by the Chief of Police shall be trained in current sound measurement techniques and principals of sound measuring equipment and instrumentation.
- (3) Instruments used to determine sound level measurements shall conform to guidelines for sound level meters as defined and described in section 12-14(c) of this ordinance.
- (4) The instrument manufacturer's specific instructions for the preparation and use of the instruments shall be followed.
- (5) The following guidelines shall be used to determine and establish appropriate noise levels beyond the boundaries of his, her or its premises.

<i>Zone</i>	<i>Noise Level</i>	<i>dBA</i>
Residential	Daytime Hours	65
	Nighttime	55
Commercial	Daytime Hours	75
	Nighttime	75
Industrial	Daytime Hours	85
	Nighttime	85

All noise level measurements shall be exact and shall be measured at the time the noise in question is being emitted.

All measurements shall be reported and filed with the Danbury Police Department.

(f) Exclusions. Maximum noise levels established pursuant to section 12-14(e) hereof shall not apply to any noise emitted by or related to:

- (1) Natural phenomemon.
- (2) Any bell or chime from any building clock, school or church.

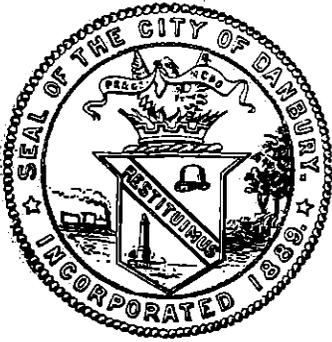


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ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

- (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.
- (4) Warning devices required by OSHA or other state or federal safety regulations.
- (g) Exemptions. The following noises shall be exempt from these regulations subject to special conditions as spelled out.
- (1) Noise created as a result of an emergency.
 - (2) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
 - (3) Noise from snow removal equipment or other equipment or activities specifically licensed or under permit from the City of Danbury, including but not limited to parades, sporting events, concerts and fireworks displays.
 - (4) Any activity undertaken by the City of Danbury in a governmental capacity.
 - (5) Noise generated by construction equipment during daytime hours.
 - (6) Noise created by any aircraft flight operations.
 - (7) Activities conducted by the State of Connecticut or by the Government of the United States.
- (h) Penalties. Any persons in violation of any of the provisions of this ordinance should be fined in the amount not to exceed \$50.00 Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.



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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:

(i) Variance and Contracts.

- (1) *Variations:* Any person living or doing business in the City of Danbury may apply to the Common Council for a variance from one or more of the provisions of this ordinance.
- (2) *Contracts:* Any written agreement, purchase order or contract whereby the City of Danbury is committed to an expenditure of funds in return for work, labor services, supplies, equipment, materials or a combination thereof, shall contain provisions to the effect that any equipment or activity which is subject to the provisions of this ordinance will be operated, conducted, constructed or manufactured in accordance with the provisions of this ordinance.

(j) Severability. All provisions of the zoning regulations of the City of Danbury which are more stringent than those set forth herein shall remain in full force and effect and shall prevail over inconsistent provisions hereof.

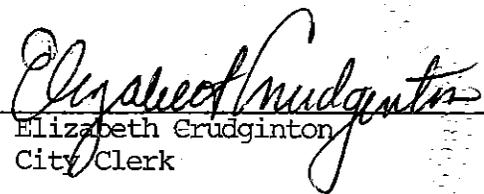
If, for any reason, any word, clause, paragraph, or section of this ordinance shall be held to be unconstitutional, the remainder of this ordinance shall continue in full force and effect and shall not thereby be invalidated.

Any provision herein which may be in conflict with the Connecticut General Statutes or the Public Health Code of the State of Connecticut or the general laws or public health laws of the Government of the United States shall not be applied in such a manner as to be inconsistent with said state or federal laws, it being understood that state and federal law shall take precedence over this ordinance.

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 - June 2, 1987.
Approved by Mayor James E. Dyer - June 3, 1987.

Attest:


Elizabeth Crudginton
City Clerk



31

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

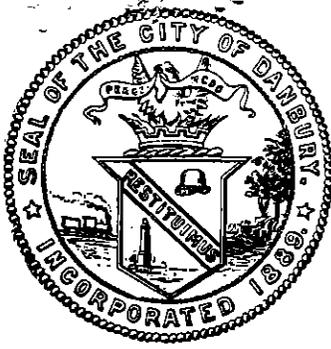
Re: Amendments to the Public Works Ordinances

The Common Council held a public hearing regarding the proposed amendments to the Public Works ordinances on May 27, 1987 at 8:00 P.M. in the Common Council Chambers.

The Common Council met as a committee of the whole following the public hearing and recommends to the Common Council that the amendments be adopted.

Respectfully submitted,

Constance McManus
CONSTANCE McMANUS
Chairman



31

ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

April 7, 1987

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

THAT subsection 17-25(o) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(o) *Sidewalks.* Sidewalks shall be concrete and shall be a minimum of five (5) feet wide.

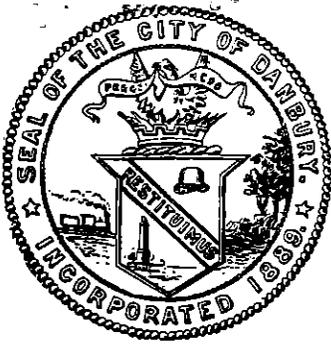
Concrete sidewalks shall be laid on a six (6) inch compacted bank run gravel base, built to grade, and constructed of concrete four (4) inches thick, except that where they cross driveways they shall be six (6) inches thick, having expansion joints with premoulded fillers spaced every twenty (20) feet and having suitable weakened plain joints.

The sides of all walks will be backfilled with suitable material thoroughly compacted and finished flush with the top of the walk. All surplus material shall be removed and the site left in a neat and presentable condition.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Section 17-29 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 17-29 Guard rails.

When, in the opinion of the superintendent of highways, guard railing is necessary to protect the traveling public, they shall be installed as directed by the superintendent of highways or his designee and said guard rails shall conform to applicable state highway department specifications.



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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 subsection (a) of Section 17-61 of the Code of Ordinances of Danbury, Connecticut be amended to read as follows:

(a) Work under the permit shall begin within thirty (30) calendar days, and shall be completed by December first or such other expiration date as shall be designated on the permit. No work shall be done between December first and March first, except as provided in section 17-60 above.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Section 17-66 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 17-66. Final inspection and acceptance of permit work.

Final inspection of work performed under the permit shall be made by the superintendent of highways or his designee. The purpose of such inspection shall be to ascertain whether the work has been performed in accordance with the terms of the permit and in a manner satisfactory to the city.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT subsection (D) of Section 17-79 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(D) *Bituminous concrete overlay.* The permittee shall overlay the entire road width with bituminous concrete. The temporary pavement (except cold patch mix which shall be removed) specified under section 17-77 shall serve as a base for permanent pavement. The permittee shall fill all depressions and potholes with bituminous concrete and properly clean and prepare the entire road surface to receive a final overlay of bituminous concrete.

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 and the City of Danbury, Connecticut.

Adopted by the Common Council - June 2, 1987

Approved by Mayor James E. Dyer - June 3, 1987.

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk



CITY OF DANBURY

32

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

DEPARTMENT
OF FINANCE

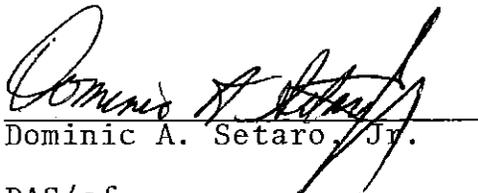
May 15, 1987

TO: Common Council via Mayor James E. Dyer Certification #40

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

We hereby certify the availability of \$8,000.00 to be transferred from the General Fund fund balance account to a new capital line item for traffic signal revision at Main Street and Liberty Street.

Balance of G.F. Fund Balance	\$2,381,692.61
Less pending requests	-0-
Less this request	8,000.00
	<u>\$2,373,692.61</u>



 Dominic A. Setaro, Jr.
 DAS/af



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Signal Revision at Route 53 and Liberty Street

The Committee to consider the request of Chief Macedo for signal revision at Route 53 (Main Street) and Liberty Street met May 13, 1987 at 8:00 P.M. In attendance were committee members Godfrey, Butera and Charles; Council Member John Esposito, ex-officio, Chief Macedo and Traffic Engineer Ali Khorasani, Mary Ann Frede (Downtown Council), Roberta Audino (Hartwell Brady Lady) and David Louis.

Chief Macedo explained the difficulties arising out of the lack of a left-turn signal for traffic traveling south on Main Street and trying to turn left at Liberty eastbound. Frustrated drivers, especially during rush hours, often have to run the signal as it turns red as the only way to avoid traffic northbound on Main. The traffic engineer noted that the new signalization would result in a longer cycle, but felt that this disadvantage was outweighed by the advantages of an exclusive left turn signal. The new signal should be programmed to coincide with the left turn signal for traffic northbound on Main turning west onto West Street.

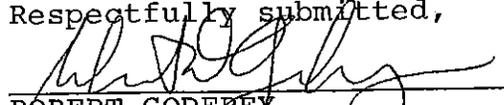
Councilman Godfrey reported that he had spoken with Director of Finance, Dominic Setaro, who stated that there are funds available in surplus which could be placed in a capital line item. The cost is \$16,000. The City will have to provide half of the funds and the State will provide the remaining half. All citizens present spoke strongly in favor of the request.

Council Member Butera moved to recommend that the request be granted and \$8,000 be appropriated to a capital line item. Seconded by Mr. Charles. Motion carried unanimously.

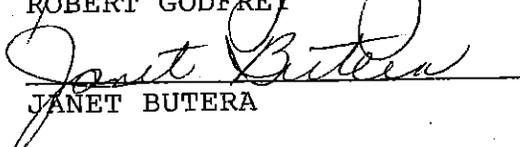


LOUIS CHARLES

Respectfully submitted,



ROBERT GODFREY



JANET BUTERA



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Road Improvements on South King Street

The Common Council Committee appointed to review the condition of roads on South King Street between Darrell Road and Franklin Street Ext. met on Monday, May 26, 1987 at 7:35 P.M. in Room 432 in City Hall. In attendance were committee members Johnson, DaSilva and McManus. Also attending were Public Works Director Basil Friscia, Comptroller Dominic Setaro and Clarice Osiecki. City Engineer Jack Schweitzer was on vacation.

The committee recommended that \$100,000 be appropriated for repairs for the drainage problem in the King Street area. The money will come either from the Public Improvements Bond Issue or from excess state funds. If the money comes from excess state funds, this money will have to be reappropriated by the Common Council.

Meeting adjourned at 8:05 P.M.

Respectfully submitted,

Beverly B. Johnson
BEVERLY JOHNSON

Joseph DaSilva
JOSEPH DaSILVA

Constance McManus
CONSTANCE McMANUS



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

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Respectfully submitted,

BEVERLY JOHNSON

JOSEPH DaSILVA

CONSTANCE McMANUS



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Sewer Abatement - 68 Abbott Avenue

The committee to study a request for a sewer abatement at 68 Abbott Avenue met at 8:15 P.M. on May 20, 1987. In attendance were Committee Members DaSilva, Charles and Smith. Also in attendance were the petitioners John and Victor Heelan.

Mr. DaSilva passed out a communication from Corporation Counsel Theodore Goldstein, stating that a recommendation made at a meeting in April, 1987 to abate the interest charges on the sewer assessment for 68 Abbott Avenue has no basis unless a clerical error was made. He stated that a sewer assessment is equivalent to a tax and that an abatement cannot be given on a tax unless a clerical error is made.

The committee reviewed the history of the petition. Messrs. Heelan first requested an abatement on January 28, 1977, within a year of the completion of the installation of a sanitary sewer line on Abbott Avenue. A second communication was sent on October 28, 1980. A third letter was sent on April 16, 1984. A fourth letter is dated January 25, 1986 and the fifth and final request was dated April 21, 1986. The last communication, sent to Corporation Counsel Theodore Goldstein, is the only one responded to by the City.

The request for an abatement is based on the fact that the Heelan home is connected to an old, private sewer line and the petitioner believed that the newer installation is of no benefit to their property. It was explained that the existance of the line by their property does properly constitute a benefit because it is available for connection when the older line fails.

Mr. Charles moved that the failure on the part of the City to respond to requests for abatement on the property at 68 Abbott Avenue constitutes a clerical error of omission. The first two petitions were made well within the six year limitation for

filing abatement requests. A recommendation is therefore made to abate any and all interest charges up to June 30, 1987. The assessment of \$816.28 and a lien fee of \$12.50 shall be paid. Mr. Smith seconded the motion. Motion carried unanimously.

Meeting adjourned at 9:25 P.M.

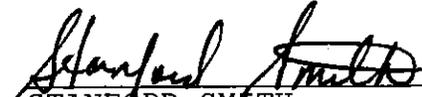
Respectfully submitted,



JOSEPH DaSILVA



LOUIS CHARLES



STANFORD SMITH



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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Honorable Members of the Common Council

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Respectfully submitted,

JOSEPH DaSILVA

LOUIS CHARLES

STANFORD SMITH



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Sewer Extension - 7 Pocono Lane and
2 Claremont Terrace

The Common Council Committee appointed to review the request of Timothy P. Dennehy for a sewer extension to 7 Pocono Lane and 2 Claremont Terrace met at 7:00 P.M. in City Hall on May 11, 1987. In attendance were committee members Hadley, Zotos and Esposito, ex officio. Mr. Flanagan was absent. Also attending were Anthony DiMauro, Jr., Timothy Dennehy and William Buckley, Superintendent of Public Utilities.

The Committee reviewed the petition and the positive recommendation of the Planning Commission (letter of January 23, 1987) as well as a letter from City Engineer Jack Schweitzer, Jr. in which he stated that the plan submitted is conceptually acceptable.

Mr. Buckley stated that the petition is within the planned service area of the City and that the sewer would service a three bedroom home on each lot.

After further discussion, Mr. Zotos moved that the committee recommend that the Common Council approve the petition subject to the eight stipulations listed below. Mr. Hadley seconded the motion and it carried unanimously.

1. The petition shall bear all costs relative to the installation of said sewer line.

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 sewer 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 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 sewer lines.

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

Meeting adjourned at 7:10 P.M.

Respectfully submitted,


PHILIP N. HADLEY, Chairman


NICHOLAS ZOTOS


STEPHEN T. FLANAGAN



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

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35

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NICHOLAS ZOTOS

STEPHEN T. FLANAGAN



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Tax Collector's Suspense List

The ad hoc committee to review the request of Tax Collector Catherine Skurat to transfer uncollectible taxes to the Suspense List met in the Fourth Floor Lobby in City Hall on May 13, 1987 at 7:00 P.M. Present were Committee Members Louis Charles, Louis Rotello and Nicholas Zotos, as well as Tax Collector Catherine Skurat.

State Statutes, Section 12-165, states that the Collector shall deliver at least once a year to the Common Council said list of uncollectible taxes. Mrs. Skurat presented a list of automobiles, airplanes and personal property taxes that were being transferred to said Suspense List. She also stated that a regular employee worked part-time on suspense taxes. The amount of suspense taxes is \$282,543.67 to be transferred to the Suspense List.

Councilman Rotello made a motion to accept the Suspense List. Seconded by Mr. Zotos. Motion carried unanimously.

Respectfully submitted,

Louis Charles
LOUIS CHARLES, Chairman

Louis Rotello
LOUIS ROTELLO

Nicholas Zotos
NICHOLAS ZOTOS



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

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Honorable Members of the Common Council

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Councilman Rotella made a motion to accept the Suspense List. Seconded by Mr. Zotos. Motion carried unanimously.

Respectfully submitted,

LOUIS CHARLES, Chairman

LOUIS ROTELLO

NICHOLAS ZOTOS



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Sewer Extension on Aunt Hack Road

The Common Council Committee appointed to review the request for sewer extension on Aunt Hack Road met on May 19, 1987 at 6:45 P.M. in City Hall. Present were Committee Members Esposito, Johnson and Zotos. Also attending were Jack Schweitzer, City Engineer, William Buckley, Superintendent of Public Utilities, Petitioner Richard J. Ramey and David E. Williamson, Consulting Engineer.

Mr. Williamson presented plans of the project and outlined the sewer extension. It was noted by Mr. Schweitzer and Mr. Buckley that this was the first time they had viewed the proposed plans. Mr. Buckley stated that the request to extend the sewer is from a larger sewer line that is not as yet installed. He also stated that he is troubled that the proposed extension may be too close to the City's water shed.

Mr. Ramey agreed to check the approximate extension as to the City's water supply and resubmit the petition as necessary.

Mr. Zotos moved that since the petition is not complete at this time and questions remain, the application be denied without prejudice. Motion carried. Meeting adjourned at 7:30 P.M.

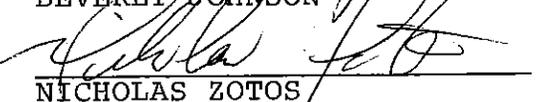
Respectfully submitted,



JOHN ESPOSITO, Chairman



BEVERLY JOHNSON



NICHOLAS ZOTOS



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

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Respectfully submitted,

JOHN ESPOSITO, Chairman

BEVERLY JOHNSON

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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Boughton Street Lease

The Common Council Committee appointed to review the Boughton Street property lease met on May 19, 1987 at 7:30 P.M. in Room 432 in City Hall. Present were Committee Members Smith, Butera and Hadley. Also attending were Police Chief Nelson Macedo and Lt. Arthur Sullo.

Councilman Smith discussed the issue of the proposed Boughton Street Lease that will expire June 30, 1987 with AMD Realty Company. Assistant Corporation Counsel Eric Gottschalk informed the Common Council of four (4) changes the lessor proposes. They are:

1. Extend the lease for two (2) years, through June, 1989.
2. Increase the rent from \$750 per month to \$900 per month.
3. Eliminate the City's right to terminate the lease (without cause) prior to the expiration date.
4. Prohibit the use of the area behind Henry Dick & Son Furniture Store and Warehouse as means of ingress and egress to the leased premises.

Lt. Sullo stated it would be short by \$1300 due to increase in rental for the budgeted taxes for the property for years 1987-88.

Mrs. Butera made a motion to accept the lease as presented and to get certification for increase for \$1300 in line 024500 Rental Real Estate Account in the Police Budget. Seconded by Mr. Hadley. Motion carried unanimously. It was further recommended that Chief Macedo request the funding after June 30, 1987. Meeting ajourned at 7:55 P.M.


PHILIP HADLEY

Respectfully submitted,


STANFORD SMITH, Chairman


JANET BUTERA



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

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June 2, 1987

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2. Increase the rent from \$750 per month to \$900 per month.
3. Eliminate the City's right to terminate the lease (without cause) prior to the expiration date.
4. Prohibit the use of the area behind Henry Dick & Son Furniture Store and Warehouse as means of ingress and egress to the leased premises.

Lt. Sullo stated it would be short by \$1300 due to increase in rental for the budgeted taxes for the property for years 1987-88.

Mrs. Butera made a motion to accept the lease as presented and to get certification for increase for \$1300 in line 024500 Rental Real Estate Account in the Police Budget. Seconded by Mr. Hadley. Motion carried unanimously. It was further recommended that Chief Macedo request the funding after June 30, 1987. Meeting ajourned at 7:55 P.M.

Respectfully submitted,

PHILIP HADLEY

STANFORD SMITH, Chairman

JANET BUTERA



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Water and Sewer Extensions for Garamella
Boulevard

The Common Council Committee appointed to review the request for water and sewer extensions for Garamella Boulevard met at City Hall at 8:15 P.M. on May 19, 1987. Present were Committee Members Esposito, Johnson and Zotos. Also attending were John Schweitzer, City Engineer, William Buckley, Superintendent of Public Utilities, Paul Schierloh from the Department of Health and Housing, Engineer Robert Lister and Lewis Zurlo, Architect.

Mr. Lister and Mr. Zurlo presented the plans of the project and outlined the sewer and water extensions. Mr. Buckley stated that he had reviewed the application with Mr. Schweitzer and the plans have their approval.

Mrs. Johnson moved that the committee recommend that the application be granted subject to the restrictions listed below. Seconded by Mr. Zotos. Motion carried.

1. The petitioner shall bear all costs relative to the installation of said sewer and water extensions.
2. The petitioner shall submit as-built drawings of these extensions 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 sewer and water lines with 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 water and sewer lines as the City Engineer's office determines are of potential benefit to other land-owners 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.

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

Meeting adjourned at 8:45 P.M.

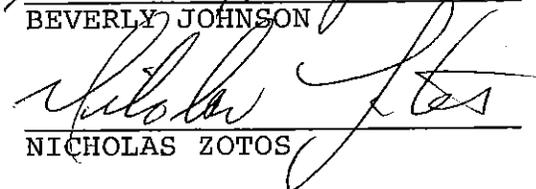
Respectfully submitted,



JOHN ESPOSITO, Chairman



BEVERLY JOHNSON



NICHOLAS ZOTOS



39

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

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Respectfully submitted,

JOHN ESPOSITO, Chairman

BEVERLY JOHNSON

NICHOLAS ZOTOS



40

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: IMS Group - Long Term Lease at Tarrywile Park

The Common Council Committee appointed to review the proposal of Stephen Daum (IMS Group) for a long term lease for an annual fair at Tarrywile Park met for the second time at 10:15 P.M. in City Hall on May 11, 1987. In attendance were committee members Hadley, Cassano and DeMille. Mr. Daum was out of town on business and unable to attend.

The committee concerned itself with two reports that it had requested at its last meeting, one from Dominic A. Setaro, Jr., the Acting Director of Finance and the other from Robert Ryerson, the Director of Parks and Recreation.

After a discussion of the financial aspects of the plan and the intended use of the Park by the voters, Mr. DeMille made a motion to deny the lease upon the recommendation of the City Comptroller and the Director of Parks and Recreation. Seconded by Mr. Cassano. Motion carried unanimously. Meeting adjourned at 10:25 P.M.

Respectfully submitted,


PHILIP N. HADLEY, Chairman


ANTHONY J. CASSANO


JOHN R. DeMILLE



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

40

COMMON COUNCIL

REPORT

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Honorable Members of the Common Council

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Respectfully submitted,

PHILIP N. HADLEY, Chairman

ANTHONY J. CASSANO

JOHN R. DeMILLE



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Relocatable Classrooms at Roberts Avenue School

The Common Council Committee appointed to review the Board of Education's request that it be designated to apply to the State on behalf of the City for funding of relocatable classrooms at Roberts Avenue School met on May 19, 1987 with representatives of the Board and the Schools Administration. The Board, moreover, requested that the City fund half of the estimated cost of \$350,000 while the Board would fund the other half from its 1987-88 budget. The State reimbursement of 55% will be paid to the City over a period of five years.

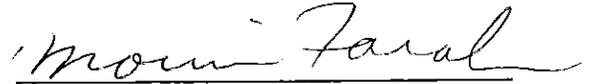
The Board asked that the reimbursement to the City's General Fund be committee to capital improvements in the schools. Following a discussion on planning and zoning regulations and on the priority category of the State's funding of the project, the committee requested additional information.

Another meeting of the committee was held on May 28, 1987 during which the requested information was provided. The following documents were reviewed: a letter from the Planning Commission giving the project a positive recommendation; a letter from L. G. Sedney to the Superintendent in which he outlined the planning and zoning requirements; and a letter from the State's Coordinator of School Facilities in which he explained the priority category of the project giving it a probability of Category I or at worst Category II.

The committee agreed with all the Board's requests except the commitment to give the Board of Education the reimbursed money from the State each year for the next five years. Instead, the committee explained that it would urge the Common Council to give a favorable consideration to allocate the reimbursed money to the schools' capital budget each year.

Councilman Charles moved to recommend that the Board of Education's request be approved with the exception of the reimbursement provision and contingent on meeting zoning requirements. Councilman Farah seconded the motion. Motion carried.

Respectfully submitted,


MOUNIR FARAH, Chairman


LOUIS CHARLES


EDWARD TORIAN

DANBURY PUBLIC SCHOOLS
Danbury, Connecticut

41

TO: Dr. Anthony L. Singe
FROM: Walter E. Skowronski *WES*
RE: Roberts Avenue Update
DATE: May 26, 1987

Subsequent to the meeting with the Common Council Committee on the Roberts Avenue appropriation, I did meet with Mr. Sedney of the Planning Department and School Facilities Unit.

Mr. Sedney stated he would be sending correspondence to you indicating the results of our meeting, highlighting the Planning Department's concerns. The concerns revolve around the need for construction permits and site planning to observe setbacks (distances from other property boundaries). This latter concern was forwarded to Mr. Chin who is developing the site plan. This is a requirement for our filing for the reimbursement and is a construction specification requirement, as the positioning of the facility will affect fire code construction requirements as well as connections with existing power and water sources.

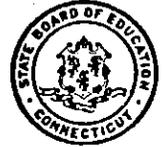
My meeting with School Facilities Unit personnel resulted in general agreement on the proposed building specifications. You did receive correspondence from the School Facilities Unit indicating this project has been placed on the 1987-1988 priority list. I have attached a schedule defining the priority categories. Indications from school facility personnel are that this would be a Category I project and certainly no worse than a Category II. The indication from these same personnel was that all Category I and Category II projects have been funded for as long as anyone can remember - "The State will have to be bankrupt for these projects (Category I & II) not to be funded." I could not get a specific commitment since the final prioritization is set by committee. My feeling from the nature of our conversation was that this will be a Category I project.

I have put together a complete package of materials accompanying this correspondence and will insure that Mr. Farah's committee has copies.

WES/bs



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



May 14, 1987

41

Dr. Anthony L. Singe
Superintendent of Schools
Danbury Public Schools
Administration Building
Mill Ridge
Danbury, CT 06811

Dear Dr. Singe:

Subject: Application for Proposed School Building Project (ED-040)

Pursuant to your submission and our review of Form ED-040 "Application for School Building Project" for relocatable classroom project at Roberts Avenue School, the following identification has been assigned to be used on all subsequent submissions relating to this particular project:

State Project Number: 034-87-084 RE

The percentage of reimbursement for this project is undertermined at this time.

Please inform your board of education, town financial officers, architects and other interested parties who may be making submissions to our office of the proper identification number.

This project has been opened as a Priority Project and will be included on the 1987-88 Priority List. Please provide the following information by JUNE 14, 1987.

- ED-040 is complete. Please refer to section on Application Process.
- Item 6a. Please submit evidence of age of roof.
- Item 6b. Please submit evidence of final judgment and attorney certification that statute of limitations has expired and of futility of litigation and/or arbitration.
- Item 6c. Please submit evidence of final judgment or statement from registered architect or engineer that the roof was improperly designed or constructed.
- Item 6d. Please submit statement certifying amount of recovery, if any.
- Item 7. _____

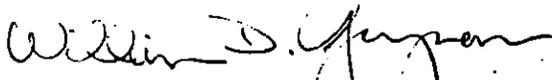
APPLICATION PROCESS

Please be mindful of the following application procedures:

1. Enclosed for your information is a listing of ineligible and limited eligible costs.
2. NOTE: SECTION 10-292 OF THE CONNECTICUT GENERAL STATUTES STATES THAT NO PHASE OF A SCHOOL BUILDING PROJECT SHALL GO OUT FOR BIDDING PURPOSES PRIOR TO WRITTEN APPROVAL BY THE STATE DEPARTMENT OF EDUCATION OF THE FINAL PLANS AND SPECIFICATIONS. Form ED-042 is the Request for Review of Plans and Specifications.
3. Please refer to the School Construction Grants Manual - Procedures for Local Education Agencies (April 1987) for further instructions.
4. Priority Data Schedules (Forms C-1, C-3, C-4, C-5) which are due August 15 will be sent to you under separate cover.

Please contact me at 566-7546 should you have any questions regarding this Application Process. Thank you.

Sincerely,



William D. Guzman, Coordinator
School Facilities Unit
Bureau of Grants Processing
Division of Management and Budget

CATEGORY DESCRIPTIONS

41
Dr. SINKEL
F.Y.T.

Category One (1) is primarily required to:

create new facilities or alter existing facilities to provide for mandatory instructional programs pursuant to Title 10 of the General Statutes, including, but not limited to, special education; the arts; career education; consumer education; health and safety; language arts including reading, writing, grammar, speaking, spelling and library media centers; mathematics; physical education; science including laboratories; and at least at the secondary level one or more foreign languages and vocational education including shops; or for physical education facilities in compliance with Title IX of the U.S. Elementary and Secondary Education Act of 1972 where such programs or such compliance cannot be provided within existing facilities.

Category Two (2) is primarily required to:

create new facilities or alter existing facilities (a) to enhance mandatory instructional programs pursuant to Title 10 of the General Statutes, including but not limited to special education; the arts; career education; consumer education; health education and safety; language arts including reading, writing, grammar, speaking, spelling and library media centers; mathematics; physical education; science including laboratories; social studies; and at least at the secondary level one or more foreign languages and vocational education including shops, where such programs are at least provided within existing facilities; (b) to provide comparable facilities among schools to all students at the same grade level or levels within the school district unless such project is otherwise explicitly included in another category pursuant to this section; or (c) to meet standards for accreditation.

Category Three (3) is primarily required to:

create new facilities or alter existing facilities to provide supportive services, including, but not limited to, curricular resource areas; guidance and other counseling; health; nutrition; social work; general administration; energy conservation projects; and roof replacements.

Category Four (4) is primarily required to:

create new facilities or alter existing facilities to provide for but not necessarily be limited to, swimming pools; auditoriums; outdoor athletic facilities; tennis courts; elementary playgrounds; and site improvement.

Category Five (5) is primarily required to:

create new facilities or alter existing facilities to provide for ancillary areas, including, but not limited to, storage; garages; parking; and general recreation.

RECEIVED

CATEGORY DESCRIPTIONS

41

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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

LEONARD G. SEDNEY
Planning Director

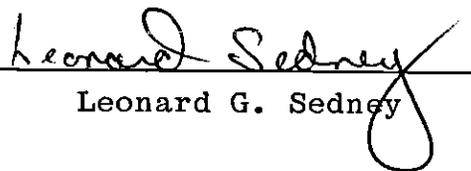
JAMES E. DYER, MAYOR

PLANNING DEPARTMENT
797-4525

TO: Dr. Anthony Singe, Superintendent of Schools
FROM: Leonard G. Sedney, Planning Director
RE: Requirements for Approval of Relocatable Classrooms
Roberts Avenue School
DATE: May 26, 1987

Mr. Walter Skowronski asked that I send you a memo confirming my discussion with him.

In order to construct relocatable classrooms a zoning permit and building permit are needed. A zoning permit can be secured by outlining the location of the proposed classrooms on a survey map, and submitting an application to the Planning Department. Information of requirements for securing a building permit can be obtained from Leo Null, Building Inspector.


Leonard G. Sedney



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

JAMES E. DYER, MAYOR

June 2, 1987

Progress Report

The Common Council committee appointed to review conditions of drainage, traffic, and maintenance on Shelter Rock and Plumtree roads met on February 23 and March 26 with representatives of the neighborhood and the staff of the Department of Public Works. The Public Works Department has been cooperative and has responded positively to the complaints of the residents. Efforts, which lie within the means of the Department, to alleviate the undesirable conditions will commence shortly. Another meeting will be scheduled soon and a final report will be given to the Council once the work is completed.

Respectfully Submitted,

Mounir Farah, Chairman

John Esposito

Robert Godfrey



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

JAMES E. DYER, MAYOR

43
June 2, 1987

Len Sedney

Progress Report

The Common Council Committee appointed to study the need for off-site space for City offices met on February 23 and on March 31. The Committee received a detailed statement from each City department, including the Danbury Public Library, regarding their present and future space requirements. After examining all these needs and the options to meet them, Councilman Boynton moved to recommend to the Council that the focus of the Committee's attention be placed on expanding the present City Hall and on obtaining additional areas, if available, in its vicinity. Councilman DeMille seconded the motion which was passed unanimously.

Future meetings of the Committee will investigate options to alleviate some pressing conditions at the Library and will develop detailed proposal about the City Hall for the Council.

Respectfully Submitted,

Mounir Farah, Chairman

Mounir Farah

Bernard Gallo

John DeMille
John DeMille

Ernest Boynton

Ernest M. Boynton

Gene Enriquez

Gene Enriquez

Edward Torian

Edward Torian

Len Sedney



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

PROGRESS REPORT

June 2, 1987

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

Re: Proposed Boot Ordinance

The Common Council committee appointed to review the proposed "Boot" ordinance was postponed on May 11, 1987 due to the emergency Common Council meeting that was scheduled for the same time.

After consultation with the Corporation Counsel's office, it was decided to reschedule the meeting for June 8, 1987 at 7:30 P.M., since the Parking Authority and its attorney had not finalized their proposal.

Respectfully submitted,

PHILIP N. HADLEY, Chairman

ROBERT GODFREY

EDWARD T. TORIAN



CITY OF DANBURY

45

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

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

Re: Request for Funds from the Clothing Plus Bank

The Common Council Committee appointed to review the request for funds from the Clothing Plus Bank met at City Hall at 7:00 P.M. in City Hall. Present were Committee Members Esposito, and Torian. Councilman Gallo was unable to attend as was Finance Director Dominic Setaro. Also present were Camilla Worden, President and Susan Pandolfi, Secretary of the Clothing Plus Bank.

Mrs. Worden gave an outline of the functions and financial status of the organization. She also stated that because of a change in its Board of Directors and a realignment of responsibilities, the future plans as well as the financial needs are not quite clear at this time.

Mr. Torian moved that the committee meet again at a future date so as to give the Clothing Bank a chance to make a second presentation to the committee and the Director of Finance. Seconded by Mr. Esposito. Motion carried.

Meeting adjourned at 8:15 P.M.

Respectfully submitted,



JOHN ESPOSITO, Chairman



EDWARD TORIAN



BERNARD GALLO



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

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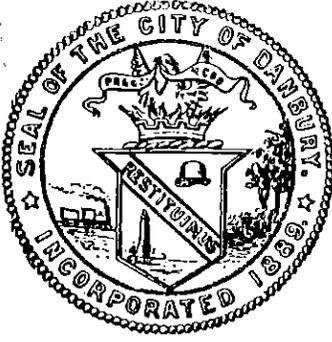
Meeting adjourned at 8:15 P.M.

Respectfully submitted,

JOHN ESPOSITO, Chairman

EDWARD TORIAN

BERNARD GALLO



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

June 2, 1987

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

The City of Danbury adopts the Mobile Home Personal Property Tax option established by the 1987 Mobile Home Act (S. B. 623).