

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

RE: Minutes of the Common Council Meeting held January 6, 1998.

The meeting was called to order at 7:35 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The Members were recorded as:

PRESENT - Scalzo, McAllister, Smith, Boynton, Buzaid, Esposito, Machado, Shuler, Adames, Setaro, Esposito, Levy, Abrantes, Charles, Basso, Falzone, Fox, Gallagher, Moore, Saracino

ABSENT - Arconti

20 Present - 1 Absent

Mr. Arconti is out of town on business

PUBLIC SPEAKING

Dick Murray, 4 Circle Terrace; Katherine Brasich, 10 Clapboard Ridge Road; Norman Winnerman, 28 Nancy Drive; Mae Clark Fay, 7 Ford Avenue; John R. Mitchell, 19 Mountainville Avenue; Eileen Mitchell, 19 Mountainville Avenue; Lynn Waller, 83 Highland Avenue; Monique LeCoz, 23 Woodbury Drive.

Mayor Eriquez delivered his annual State of the City address.

MINUTES - Minutes of the Common Council Meeting held December 2, 1997 and the Special Common Council Meeting held December 1, 1997. Mr. Setaro made a motion that the minutes be adopted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox. Motion carried unanimously.

CONSENT CALENDAR - John Esposito presented the following items for the Consent Calendar:

- 1 - Approve Resolution modifying licensing fees for food service establishments in accordance with Section 8A-6 of the Code of Ordinances
- 3 - Approve application and Resolution for State Department of Transportation 1998 Expanded Driving Under the Influence Enforcement Program grant - \$6,350
- 4 - Approve application and Resolution for State Department of Environmental Protection for Connecticut Outdoor Recreation Fund grant - \$24,000
- 5 - Approve Resolution to accept \$250 Connection Fair Plan Grant for purchase of a camera for the Fire Department
- 7 - Confirm reappointment of John Schweitzer to the Building Code Board of Appeals
- 8 - Confirm reappointment of Rafael Pina to the Civil Service Commission
- 9 - Confirm reappointment of William Sullivan, Edward Moore, Sr. and John Hoffer to the Library Board of Directors
- 10 - Confirm reappointment of Frank Malone and Edward Manuel to the Planning Commission
- 11 - Confirm reappointment of Joseph Canale, Jr and Jack Sullivan to the Redevelopment Agency
- 15 - Approve reappropriation of \$456 from Elderly Services Donations Account to Commission on Aging budget for professional services fees
- 16 - Approve Consent Order No. 1523 between City of Danbury and State DEP regarding City gasoline pumping facility and authorize Mayor to execute same
- 17 - Approve transfer of \$400 from Mashantucket Pequot Fund account to Cultural Commission Account for Community programs

- 18 - Approve license agreement between Brian Michalek and City of Danbury regarding Bear Mountain ranger cottage, authorize Corporation Counsel to make necessary adjustments which do not alter the material terms of the agreement and authorize Mayor to execute the agreement
- 20 - Approve transfer of \$10,000 to Fire Department Special Services Account for purposes of firewatch
- 21 - Approve reappropriation of \$3,270 of commuter railroad parking fees to the Parking Authority for administrative fees and cleaning services for the railroad station
- 29 - Receive communication and approve appointment of Ernest & Young as City Auditors for 1997-98 audit
- 32 - Receive committee report regarding tax sale acquisition at 386 MainStreet and approve recommendation to declare property surplus and refer matter to Tax Assessor for price determination
- 33 - Receive report regarding request for sewer extension at 12 Morton Street and approve recommendation in support of request
- 34 - Receive Progress Report regarding transfer of property to Habitat for Humanity
- 35 - Receive Progress Report regarding acceptance of Hawthorne Cove Road

Mayor Enriquez noted that item 17 should read \$4,000 rather than \$400. Mr. Boynton made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Buzaid, with the correction noted. Motion carried unanimously.

1 - RESOLUTION - Health and Housing Department Food Service Establishment Fees

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted a Food Service Establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances; and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of a schedule of annual fees to be collected to defray the expense of Food Service Establishment licensing;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY, THAT:

The Director of Health is hereby authorized and empowered to impose the following annual fees for all licenses issued after the date hereof.

1. All Food Service Establishments, except food stores and markets, having a seating capacity of from zero to seventy-four (74) seats shall pay an annual fee of Fifty Dollars (\$50.00).

2. All Food Service Establishments, except food stores and markets, having a seating capacity of seventy-five (75) or more seats shall pay an annual fee of One Hundred Dollars (\$100.00).

3. All food stores and markets shall pay an annual fee of Fifty Dollars (\$50.00).

4. Any Food Service Establishment which fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances prior to August 1 of the applicable fiscal year shall be subject to a late payment fee of Fifty Dollars (\$50.00).

5. The fees established in paragraphs 1 through 3 hereof are intended to defray the costs associated with routine periodic inspections with routine periodic inspections of Food Service Establishments. All such establishments requiring additional inspections due to the existence of conditions observed during routine inspections, which require correction and therefore reinspection, shall pay a fee of Fifty Dollars (\$50.00) per reinspection.

6. Any plan review and inspection required pursuant to Section 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of Food Service Establishments shall be performed by the Director of Health or his designee upon payment of a fee of One Hundred Dollars (\$100.00).

7. All Food Service Establishments requiring more than one preoperational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first preoperational inspection which require correction and therefore reinspection, shall pay a fee of Fifty Dollars (\$50.00).

8. Any temporary Food Service Establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of a Twenty Dollar (\$20.00) license fee.

9. No license fee shall be required of a not-for-profit agency operating a Food Service Establishment.

10. All annual licenses shall be effective during the fiscal year commencing on July 1 of each year.

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Housatonic Valley Tourism District

Miss Fox made a motion that the Resolution be adopted. Seconded by Mrs. Abrantes. Mrs. Basso asked that this be referred to an ad hoc committee. Mayor Eriquez appointed Council Members Setaro, Levy and Basso to the committee.

3 - RESOLUTION - 1998 Expanded DUI Enforcement Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation Division of Highway Safety has made a grant available in the amount of \$6,350.00 for the 1998 Expanded Driving Under the Influence Enforcement Program, and

WHEREAS, the grant period is March 17, 1998 through October 31, 1998 and a 50% local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and the Danbury Police Department, acting through its Chief, Robert Paquette or his designee, are hereby authorized to apply for said grant and to accept grant funds if approved and Mayor Gene F. Eriquez is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor, Chief Paquette or his designee in applying for such grant funds are hereby ratified.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Connecticut Outdoor Recreation Fund

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Environmental Protection has made a grant available in the amount of \$24,000.00; and

WHEREAS, this grant will be used toward costs associated with both water and sewer lines, and the restroom installation at Tarrywile Park; and

WHEREAS, a local cash match of \$36,000 will be required.

NEW, THEREFORE, BE IT RESOLVED THAT, Mayor Gene F. Eriquez is hereby authorized to apply for said grant and to accept grant funds if approved and Mayor Gene F. Eriquez is authorized to sign all contracts necessary to effectuate the purposes of said grant.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Connecticut Fair Plan Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Fair Plan has made a grant available in the amount of \$250.00; and

WHEREAS, the grant will be utilized to purchase a Pentz Zoom Camera for the use of the Danbury Fire Department; and

WHEREAS, no local match is required.

NOW, THEREFORE BE IT RESOLVED THAT Gene F. Eriquez or his appointed designee is authorized to accept said grant on behalf of the Danbury Fire Department.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Assignment of Real Property Tax Lien

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes §12-195h authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid taxes on real property; and,

WHEREAS, on August 15, 1997 the City of Danbury assigned certain real estate tax liens appearing on the grand lists of October 1, 1982 through October 1, 1995 to Transamerica Business Credit Corp. (hereinafter referred to as, "Transamerica"); and,

WHEREAS, the assignment agreement between the City of Danbury and Transamerica authorizes the assignment of future tax liens by the city to Transamerica, provided that the Common Council authorizes the assignment of said liens; and,

WHEREAS, the assignment of tax liens filed by the Danbury Tax Collector for the grand list of October 1, 1996 against those properties to which previously assigned tax liens relate is found to be in the best interests of the City of Danbury;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that, Mayor Gene F. Eriquez be and hereby is authorized to assign any and all such liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand list of October 1, 1996. Mayor Eriquez is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

Miss Fox made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Charles. Motion carried unanimously.

7 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the reappointment of John Schweitzer to the Building Code Board of Appeals for a term to expire January 1, 2003. The reappointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Rafael F. Pina to the Civil Service Commission for a term to expire January 1, 2004. The reappointment was confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez requesting the confirmation of William Sullivan, Edward Moore, Sr. and John Hoffer to the Library Board of Directors for terms to expire January 1, 2001. The reappointments were confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Enriquez requesting confirmation of the reappointments of Frank Malone and Edward Manuel to the Planning Commission for terms to expire January 1, 2001. The reappointments were confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Enriquez requesting confirmation of the reappointments of Joseph E. Canale, Jr. and Jack Sullivan to the Redevelopment Agency of the City of Danbury for terms to expire January 1, 2003. The reappointments were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Probate Judge Dianne Yamin requesting the consolidation of the Probate Courts of Danbury and New Fairfield. Mr. Setaro asked that this be referred to an ad hoc committee Mayor Enriquez so ordered and appointed Council Mmembers Levy, Smith and Moore to the committee.

13 - COMMUNICATION - Request from the Danbury PAL Bambino Baseball League to donate sportslighting at the Visconti Memorial Stadium in Roge Park. Dean Esposito asked that this be referred to an ad hoc committee, the Director of Parks and Recreation and a representative of Bambino Baseball. Mayor Enriquez so ordered and appointed Council Members Setaro, Dean Esposito and Saracino to the committee.

14 - COMMUNICATION - Request from Director of Elderly Services Leo McIlrath to accept donations in the amount of \$337.00 for use of the Danbury Senior Center. Mr. Scalzo made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

15 - COMMUNICATION & CERTIFICATION - Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$456 from the Elderly Services donations account to the Commission on Aging budget. A certification of Funds was attached. The transfer of funds was authorized on the Consent Calendar.

16 - COMMUNICATION - DEP Consent Order Stage II Vapor Recovery - concerning necessary modifications to our gasoline pumping facility located at the Public Works complex on Danbury-Newtown Road. The Consent Order was approved and Mayor Enriquez authorized to execute same on the Consent Calendar.

17 - COMMUNICATION & CERTIFICATION - Request from the Danbury Cultural Commission for the sum of \$4,000 to replace funds not received from Union Carbide Corporation. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

18 - COMMUNICATION - Renewal of the Bear Mountain ranger cottage license agreement with Brian Michalek. The approval of the license agreement and the authorization for the Corporation Counsel to make necessary adjustments which do not alter the material terms of the agreement and the authorization of the Mayor to execute the agreement were granted on the Consent Calendar.

19 - COMMUNICATION - Report from Police Chief Robert Paquette outlining the fact that a 20 miles per hour speed limit is currently in effect within 500 yards of every city school. This limit is a result of a blanket speed limit policy established in 1946. This policy expired January 1, 1998. The Police Chief stated that it is his intent to request that the City Traffic Engineer evaluate each school location. Mr. Levy made a motion to receive the report. Seconded by Dean Esposito Motion carried unanimously.

20 - COMMUNICATION - Request from Fire Chief Carmen Oliver that the sum of \$10,000 be transferred to the Special Services Account for fire watch. The request was granted on the Consent Calendar.

21 - COMMUNICATION - Request from the Finance Department to reappropriate the sum of \$3,270 collected from the Danbury Railroad Commuter Parking Fees to use for administration fee and for cleaning services. The reappropriation was approved on the Consent Calendar.

22 - COMMUNICATION - Application for a deferral of assessment increase attributable to construction or improvements within the City for City Center Developers for 1 Ives Street. Mr. McAllister made a motion that the deferral be granted on the condition that the deferral be conditioned on the acceptance of the design criteria as specified. Seconded by Mr. Boynton. Motion carried unanimously.

23 - COMMUNICATION - Request for tax abatement for the Bishop Curtis Homes. Dean Esposito asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

24 - COMMUNICATION - Request from Clay Pierce to purchase city land at 44 Padanaram Road. Mr. McAllister asked that this be referred to the Planning Commission and the Tax Assessor for a report back within thirty days. Mayor Eriquez so ordered.

25 - COMMUNICATION - Request from Attorney Douglas J. Lewis for resolution of sewer and water bills for property at 4 Division Street. Mr. Machado asked that this be referred to an ad hoc committee the Superintendent of Public Utilities, the Corporation Counsel and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Scalzo, Shuler and Basso to the committee.

26 - COMMUNICATION - Reports regarding request to purchase property on Deerfield Avenue. Mr. Falzone asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

27 - COMMUNICATION - Report from Corporation Counsel regarding request to purchase property at 44 Padanaram Road. Mrs. Abrantes asked that this be referred to the Planning Commission and the Tax Assessor for reports back within thirty days. Mayor Eriquez so ordered.

28 - COMMUNICATION - Request from the residents of Ford Avenue for repaving of that road. Miss Fox asked that this be referred to the City Engineer for a report back within thirty days.

29 - COMMUNICATION - Request from Director of Finance Dominic Setaro asking for the appointment of Ernst & Young to perform the City audit for the fiscal year ending June 30, 1998. The appointment of Ernst & Young was made on the Consent Calendar.

30 - DEPARTMENT REPORTS - Tree Department, Public Works, Public Utilities, Engineering, Department of Elderly Services, Highways, Public Buildings, Health and Housing, Fire Marshall, Fire Chief, Welfare Police Chief. Mr. Setaro made a motion to accept the department reports and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox. Motion carried unanimously.

31 - REPORT - Policies and Procedures related to "moms and pops" solid waste disposal.

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the policies and procedures relating to "moms and pops" solid waste disposal met on December 15, 1997 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Gallagher, Esposito and Moore. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer, Director of Finance Dominic Setaro and Corporation Counsel Eric Gottschalk.

Mr. Buckley began the meeting by giving a brief history of the "moms and pops" solid waste disposal operation, including the reduction in the hours of the operation from six days to a total of 16 hours per week. He additionally stated that the present operation had various inadequacies; including a problem in acquiring proper staffing, and further, that the Mayor having recognized these inadequacies had appointed a committee to address these concerns. Mr. Setaro stated that the committee was planning to meet with the Mayor and that the present operation was running a significant deficit which would be increased by the end of the year tonnage fee. Mr. Esposito expressed his concerns about the inadequate hours of the operation and the large number of citizens who were being affected. Mr. Moore had some questions regarding the committee's recommendation to the Mayor.

Mr. Esposito moved to request the Mayor recommend a remedy to the current inadequacies of the "moms and pops" solid waste disposal operation. Seconded by Mr. Moore and passed unanimously.

Miss Fox made a motion to receive the report and adopt its recommendations. Seconded by Mr. Charles. Motion carried unanimously.

32 - REPORT - Tax Sale Acquisition - 386 Main Street

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the tax sale acquisition at 386 Main Street met on December 15, 1997 at 8:00 P.M. in City Hall. In attendance were committee members Buzaid, Gallagher and Basso, as well as Corporation Counsel Eric Gottschalk.

Attorney Gottschalk recommended that the committee show intent to sell the property at a price to be determined by the Tax Assessor and subsequently agreed upon by the parties involved.

Mr. Gallagher moved that this property be declared surplus and this matter be referred to the Assessor for price determination. Seconded by Mrs. Basso and carried unanimously.

The Report was adopted on the Consent Calendar.

33 - REPORT - Request for Sewer Extension - 12 Morton Street

John Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 12 Morton Street met on December 15, 1997 at 7:30 P.M. in City Hall. In attendance were committee members John Esposito and Ernest Boynton. Mary Saracino was unable to attend due to a personal commitment. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, and the applicant William Coffey of Pembroke Pumping Company.

Mr. Esposito read the application for sewer extension at 12 Morton Street and the intended use for a single family residential in an RA8 Zone. He also read a letter dated November 24, 1997 from the Planning Commission giving a positive recommendation for the sewer extension at 12 Morton Street. Mr. Coffey stated that the present condition of the property could result in a serious health problem. He would begin the work as soon as the necessary permits were in order. Mr. Buckley and Mr. Schweitzer spoke favorably of the request providing all the necessary requirements were met.

Mr. Boynton made a motion to approve the request with the usual eight steps required relative to the installation of the sewer extension. The motion was seconded by Mr. Esposito and passed unanimously.

The report was adopted on the Consent Calendar.

34 - PROGRESS REPORT - Transfer of Property - Habitat for Humanity

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the request for a transfer of property to Habitat for Humanity met on December 15, 1997 at 7:00 P.M. in City Hall. In attendance were committee members Buzaid and Setaro. Also in attendance were Edwin Allen, Paulette Pepin, John Loehr, Robert Metcalfe and Donald Winkley. Mrs. Saracino was absent.

Mrs. Pepin recommended the project. Mr. Allen explained the use of the property would be for a one family dwelling, possibly two family. Mr. Buzaid asked if there were any concrete plans that they could show the committee. They had none.

Mr. Setaro moved that the committee hold another meeting when the Planning Department could be present to go over specifics with the committee. Seconded by Mr. Buzaid. Motion carried unanimously.

The Progress Report was adopted on the Consent Calendar.

35 - PROGRESS REPORT - Acceptance of Hawthorne Cove Road.

Mr. Arconti submitted the following report:

The committee appointed to review the request for the acceptance of Hawthorne Cove Road met on December 8, 1997 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Arconti, Fox and Basso. Also in attendance were Fire Chief Carmen Oliver, Fire Department Communications Coordinator Patrick Sniffen, City Engineer Jack Schweitzer, Corporation Counsel Eric Gottschalk and several representatives of the Hawthorne Cove homeowners association.

Patrick Sniffen discussed the E-911 system and assured those present that all 911 calls from the Hawthorne Cove area go to Danbury dispatch and that the Danbury Fire Department provides primary response to the area. Because of its proximity to Brookfield, there had previously been some questions amongst Hawthorne Cove residents as to which town provides emergency response.

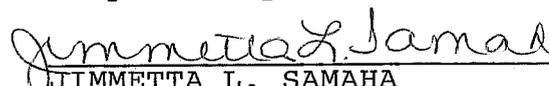
Discussion ensued regarding the acceptance of Hawthorne Cove Road and the short connector to Shore Road as public roadways. These have been private roads since their inception and under control of the Hawthorne Cove homeowner's association. The association has attempted to have these roads accepted by the City in the past. It was agreed by those present to pursue a course whereby the City and the members of the Hawthorne Cove Association would share in the cost of making the necessary improvements to these roads so that they can be accepted into the public highway system. The City Engineer will determine the extent of work required and develop a preliminary cost estimate and the representatives of the homeowners association will discuss this approach with their membership. The committee will meet again when further information is available from the City Engineer. The meeting adjourned at 8:53 P.M.

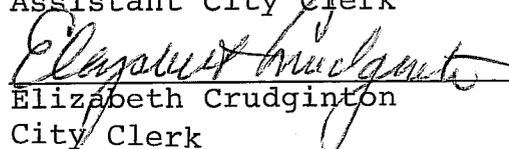
The Progress Report was adopted on the Consent Calendar.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made at 9:00 P.M. by Mr. Falzone for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk


Elizabeth Crudginton
City Clerk

ATTEST: