

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

RE: Minutes of the Common Council Meeting held March 3, 1998

The meeting was called to order at 7:30 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The Members were recorded as:

PRESENT - McAllister, Arconti, Smith, Buzaid, Machado, Shuler, Setaro, John Esposito, Levy, Abrantes, Basso, Fox, Gallagher, Moore, Saracino

ABSENT - Scalzo, Boynton, Dean Esposito, Adames, Charles, Falzone

15 Present - 6 Absent

Mr. Scalzo and Mr. Falzone were working
Mr. Boynton and Mr. Charles were ill
Ms. Adames had a family emergency

PUBLIC SPEAKING - Lynn Waller, 83 Highland Avenue; John DeBiaso, 86 Mill Ridge Road; Dianne Yamin, 8 Johnson Drive. (At 7:35 P.M. Dean Esposito arrived and was marked present)

MINUTES - Minutes of the Common Council Meeting held February 3, 1998. Mr. Setaro made a motion that the minutes be adopted as submitted and the reading waived as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox. Motion carried unanimously.

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

- 2 - Approve resolution establishing mil rate of 1.765 for Downtown Special Services District for fiscal year 1998/99
- 3 - Approve application and resolution for Reader's Digest Foundation Grant for Danbury Library -. \$10,000
- 7 - Confirm reappointment of Grace Scire to the Commission on Persons with Disabilities
- 8 - Approve appointment of Glenn Wicklund as Constable to fill the vacancy of Harry McLachlan
- 12 - Approve reappropriation of \$795 from Elderly Services Donations Account to Commission on Aging budget for printing and binding
- 13 - Approve reappropriation of \$40,848 to General Fund Capital Account for the Library Technology Center
- 15 - Approve transfer of \$1500 of excess Mashuntucket Pequot revenue to Registrar of Voters Postage Account for costs related to annual voter canvas
- 17 - Approve request for permanent easement in favor of Redevelopment Parcels 5 and 5A subject to approval by the Planning Commission and refer item to Planning Commission
- 19 - Approve five year lease between City of Danbury and Michael Poodiak regarding concession stand at Candlewood Park beginning May 20, 1998
- 21 - Receive refund of \$570 for defective equipment related to the Fire Department and appropriate funds to account no. 035100
- 23 - Approve transfer of \$1,555 from Mashantucket Pequot Fund account to Planning Commission accounts for postage, subscriptions, legal notices and office supplies
- 24 - Approve transfer of \$1,500 from Mashantucket Pequot Fund account to Environmental Impact Commission accounts for postage, legal notices and office supplies
- 26 - Receive reports from Corporation Counsel and Deputy Director of Housing regarding Housing Authority complaints and take no action at this time

- 27 - Receive report from Police Chief regarding complaints and take no action at this time
- 28 - Approve reappropriation of \$128,000 of landfill revenue to Public Buildings account for utility service (\$35,000) and Landfill Recycling account for professional services (\$93,000)
- 29 - Approve transfer of \$1,900 from Mashantucket Pequot Revenue Account to Registrars Equipment Not Classified account for purchase of additional voting machines

Mayor Eriquez noted that item 19 should be referred to the Planning Commission. Mr. Levy made a motion that the Consent Calendar be adopted with that one amendment. Seconded by Mr. Setaro. Motion carried unanimously.

I - RESOLUTION - Local Capital Improvement Program

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$25,000.00 to cover the cost of Renovations to the Tarrywile Park Farm Building; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 18, 1998; and

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

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

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

Projects-Completed/Reimbursed

034-88-010	City Hall Roof Replacement	\$ 65,311.00
034-88-020	Replace Tanks/Boilers - City Bldgs	220,875.00
034-89-010	Replace Cross Street Bridge	35,775.00
034-89-020	Repair/Replace Roofs - City Bldgs	176,700.00
034-89-030	Water Services - Tarrywile	123,668.23
034-89-050	Rebuild/Repave Highways	83,617.00
034-89-070	Replace Cross Street Bridge	234,245.00
034-90-010	Rebuild/Repave Highways	59,945.00
034-90-020	Downtown Green Design	35,000.00
034-90-040	Roof-Fire/Police Maintenance Bldgs	81,971.83
034-91-010	Rebuild/Repave Roads	517,828.42
034-92-010	Downtown Green Construction	114,999.54
034-92-020	Library Book Security System	39,807.75
034-92-030	Triangle Street Bridge	109,000.00
034-92-040	Cross Street Bridge	94,320.74
034-92-050	Rebuild/Repave Highways	143,878.00
034-93-010	Rebuild/Repave Highways	318,011.52
034-93-020	Replace Triangle Street Bridge	90,176.83
034-93-030	Replace/Renovate HVAC-City Hall	60,000.00
034-94-010	Rebuild/Repave Highways	387,682.06
034-94-020	Library Cooling Tower	25,127.00
034-94-030	Tarrywile Park Farmhouse	28,000.00
034-95-010	Rebuild/Repave Highways	449,196.95
034-95-020	Rogers Park Field Improvements	14,749.00
034-96-010	Rebuild/Repave Highways	437,352.68
034-96-020	Field Improvements- Rogers Park	19,420.30
034-97-010	Rebuild/Repave Highways	203,533.68

Uncompleted Projects

034-97-020	Renovation - Library Tech Center	260,000.00
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NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$25,000.00 for Renovations to the Tarrywile Park Farm Building to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$434,024.52 to cover the cost of Rebuilding/Repaving Highways; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 18, 1998; and

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

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

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

<u>Projects-Completed/Reimbursed</u>		
034-88-010	City Hall Roof Replacement	\$ 65,311.00
034-88-020	Replace Tanks/Boilers - City Bldgs	220,875.00
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034-96-010	Rebuild/Repave Highways	437,352.68
034-96-020	Field Improvements- Rogers Park	19,420.30
034-97-010	Rebuild/Repave Highways	203,533.68

Uncompleted Projects

034-97-020	Renovation - Library Tech Center	260,000.00
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NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$434,024.52 for Renovations to the Tarrywile Park Farm Building to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

Miss Fox made a motion to receive the communication and adopt the Resolutions. Seconded by Mrs. Abrantes. Motion carried unanimously.

2 - RESOLUTION - Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

**A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY
DOWNTOWN
SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING
JULY 1, 1998 AND ENDING JUNE 30, 1999.**

SECTION 1. The sum of One Hundred Thirty Four Thousand, One Hundred and Fifty Nine Dollars (\$134,159) representing the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Twenty Nine Thousand, Eight Hundred and Ninety Nine Dollars (\$129,899) for the fiscal year beginning July 1, 1998 and ending June 30, 1999, and minus indirect revenues of \$-0-, minus estimated available "Surplus" of \$-0-, plus taxes reserved in the amount of Four Thousand Two Hundred Sixty Dollars (\$4,260) is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the annual Grand List as of October 1, 1997.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 1998 and ending June 30, 1999 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.765 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in quarterly equal installments on July 1, 1998, October 1, 1998, January 1, 1999, and April 1, 1999 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 1998, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 1998 and ending June 30, 1999.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Reader's Digest Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Reader's Digest Foundation has made funds available for public libraries who have successfully completed an initial grant program with the Reader's Digest Foundation; and

WHEREAS, the Danbury Public Library did successfully complete a series of six community based programs in 1996-97 which were completely funded by the Reader's Digest Foundation; and

WHEREAS, the Danbury Public Library has made application to the Reader's Digest Foundation for a renewal grant of \$10,000 with no local match required; and

WHEREAS, the Danbury Public Library wishes to continue offering creative interactive library programs to attract children and their parents to the library to experience the value and fun to be found there.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Danbury that all prior acts of the Director of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$10,000 upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring expenditure of the City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Welfare to Work Grant - HART

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Labor has made available grants for the Welfare to Work Programs; and

WHEREAS, the Housatonic Area Regional Transit District with the concurrence of the City of Danbury is interested in applying for said grant; and

WHEREAS, the grant amount of \$564,405 with HART revenues contributing an additional \$18,000 and

WHEREAS, no local cash match is required.

NOW, THEREFORE, be it RESOLVED THAT Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to execute a letter of support toward the accomplishment of this effort.

Mr. Arconti made a motion to receive the communication and adopt the Resolution. Seconded by Mr. McAllister. Motion carried with Mr. Setaro abstaining.

5 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Reynoldo Rodriguez to the position of EMS Coordinator with the Danbury Fire Department. Mr. McAllister made a motion to receive the communication and approve the appointment of Reynoldo Rodriguez as EMS Coordinator. Seconded by Mrs. Basso. Motion carried unanimously.

6 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of Robert E. Madore, Jose Pastrana, Brian P. Hayes, Adam Marcus, John P. Flannigan and Robert F. Morlock to the position of Police Officer with the Danbury Police Department. Mr. McAllister made a motion that the communication be received and the appointments confirmed. Seconded by Miss Fox. Motion carried unanimously.

7 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the reappointment of Grace Scire to the Commission on Persons with Disabilities for a term to expire March 1, 2001. The reappointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Republican Town Committee Chairman Michael McLachlan requesting that Glenn Wicklund be appointed to fill a vacancy for constable. The appointment was confirmed on the Consent Calendar.

9 - COMMUNICATION - Request from Director of Elderly Services Leo McIlrath for permission to accept donations in the amount of \$545.50. Mrs. Abrantes made a motion that the communication be received, the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

10 - COMMUNICATION - Request from Tree Supervisor Rick Smith for permission to accept a contribution in the amount of \$100 from Mr. and Mrs. Brancato for the planting of a flowering tree. Mr. Levy made a motion that the communication be received, the donation be accept, the donors wishes complied with and a letter of thanks sent. Seconded by Mr. McAllister. Motion carried unanimously.

11 - COMMUNICATION - Request from Jack S. Kozuchowski for permission to accept donated services of test borings for the footings of the bridge in the Still River Revitalization project from Melvyn Powers. Mr. Arconti made a motion to receive the communication, accept the donation of services and send a letter of thanks. Seconded by Mrs. Abrantes. Motion carried unanimously.

12 - COMMUNICATION & CERTIFICATION - Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$795 from the Elderly Services account to the Commission on Aging budget for the printing and binding account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

13 - COMMUNICATION - Request from Director of Finance Dominic Setaro to reappropriate the sum of \$40,848 in interest earnings to a General Fund Capital account for the Library Technology Center. The request was granted on the Consent Calendar.

14 - COMMUNICATION & CERTIFICATION - Request from Mayor Gene F. Eriquez for approval of an appropriation in the amount of \$29,600 to acquire two specialized street and sidewalk sweepers for the Department of Parks and Recreation. A certification of funds was attached. Mr. Setaro made a motion to receive the communication, appropriate the funds in the amount of \$29,600 and make the transfer to the Parks and Recreation Department. Seconded by Mr. Shuler. Motion carried unanimously.

15 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$1,500 to cover the annual voter canvas by the Registrars of Voters. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

16 - COMMUNICATION & RESOLUTION - Proposed resolution which would authorize the City, acting through the Redevelopment Agency, to acquire property at 195-97 Main Street pursuant to state law. Miss Fox asked that this be referred to the Planning Commission and the Redevelopment Agency. Mayor Eriquez so ordered.

17 - COMMUNICATION - Request for easement for redevelopment parcels 5 and 5A to allow foundation footings to be placed a few inches outside the property boundary lines. The request was granted on the Consent Calendar.

18 - COMMUNICATION - Request from Mayor Eriquez that a committee be established to review details of a proposal regarding surplus property at 89 Rose Hill Avenue. Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Finance, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Arconti, Fox and Basso to the committee.

19 - COMMUNICATION - Lease of Concession Stand at Candlewood Park. The five year lease was approved beginning May 20, 1998 on the Consent Calendar and referred to the Planning Commission.

20 - COMMUNICATION - Report from Corporation Counsel Eric Gottschal regarding the request to declare land adjacent to schools "non-surplus". The report stated that the inherent difficulty with such a proposal is that anything the current Common Council can do to restrict the use or conveyance of these properties, a future Common Council would have the power to undo. Mr. Arconti made a motion to receive the communication and accepts its recommendations. Seconded by Miss Fox. Motion carried with Council Members Basso, Moore and Saracino voting in the negative.

21 - COMMUNICATION - Request from Fire Chief Carmen Oliver to accept a refund of \$570 from the Waterous Company for a replacement part failure after 18 months of service and return the funds to Account #035100 from which they were originally expended. The request was granted on the Consent Calendar.

22 - COMMUNICATION - Request for sewer line repairs at 98 West Street. Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Finance, the Corporation Counsel, the Superintendent of Public Utilities and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Buzaid, Shuler and Saracino to the committee.

23 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$1,555 for the Planning Commission. The transfer of funds in the amount of \$1,555 from the Mashantucket Pequot Fund account to the Planning Commission for postage, subscriptions, legal notices and office

supplies was authorized on the Consent Calendar.

24 - COMMUNICATION & CERTIFICATION - Request for Funds in the amount of \$1,500 for the Environmental Impact Commission. The transfer of funds in the amount of \$1,500 from the Mashantucket Pequot Fund account to the Environmental Impact Commission for postage, legal notices and office supplies was granted on the Consent Calendar.

25 - COMMUNICATION - Reports from the Planning Commission and Tax Assessor regarding request to purchase property at 44 Padanaram Road. Mr. Setaro made a motion to declare the property surplus, start the bid proces and report back to the Common Council. Seconded by Mr. Levy. Motion carried unanimously.

26 - COMMUNICATION - Reports from the Corporation Counsel and the Associate Director of Housing regarding complaints filed by John DeBiaso. The reports were received and no action taken on the Consent Calendar.

27 - COMMUNICATION - Report from the Chief of Police regarding complaints filed by John DeBiaso. The report was received on the Consent Calendar and no action taken at this time.

28 - COMMUNICATION - Landfill Solid Waste Budget. Request from the Director of Finance that the sum of \$128,000 received in revenue for the "Mom & Pop" operation be reappropriated. The reappropriation of \$128,000 of landfill revenue to Public Buildings account for utility service (\$35,000) and Landfill Recycling account (\$93,000) for professional services was authorized on the Consent Calendar.

29 - COMMUNICATION - Certification of Funds by the Director of Finance for the sum of \$1,900 for the purchase of voting machines. The transfer of funds in the amount of \$1,900 from the Mashnatucket Pequot Revenue Account to Registrars Equipment Not Classified account for the purchase of voting machines was approved on the Consent Calendar.

30 - COMMUNICATION - Request for sewer extension at 18 Commerce Drive. Mrs. Abrantes asked that this be referred to an ad hoc committee the Superintendent of Public Utilites, the City Engineer and the Planning Commission. The Mayor so ordered and appointed Council Members Boynton, John Esposito and Moore to the committee.

31 - DEPARTMENT REPORTS - Police Chief, Fire Chief, Fire Marshall, Public Utilites including landfill, Highways, Health, Engineering, Elderly Services. Mr. Setaro made a motion to accept the department reports as submitted and waive the reading as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Levy. Motion carried unanimously.

32 - REPORT - Consolidation of New Fairfield and Danbury Probate Courts

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for the consolidation of the Danbury and New Fairfield Probate Districts met on February 17, 1998 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Smith and Moore. Also in attendance were Danbury Probate Judge Dianne Yamin, New Fairfield Probate Judge Peter Larkin and Council Members McAllister and Basso, ex-officio.

Mr. Levy read a letter from Judge Yamin to Mayor Gene F. Eriquez. The letter contained a request to add the Court merger to the Common Council agenda. The reason for the request was identified in material supplied to the committee. In 1995 the State Legislature enacted a bill which phases out the Succession Tax. As a result of that action the Probate Court will lose a substantial amount of revenue. To address this revenue shortfall the Probate Court Administrator and other court officials encourage voluntary merger of courts. This especially applies to smaller courts that are not receiving the required assistance from their towns.

Mr. Levy stated that since this request was prompted mainly for financial reasons, he requested that Judge Yamin submit additional information on the finances of the Danbury Probate Court and also on its caseload. The Judge indicated a concern for the possible increases of cases in two areas of social services that are non-revenue producing. The Danbury Court case tally sheets did not indicate that this was the trend. Parental Termination cases have gone down in the past three years by 59%. Mental Health Commitments of Children and Adults have gone down in the past three years by 48%. The total annual Court caseload had no major changes over the past three years. The Chairman's request for financial information regarding the Danbury Court was not provided. Judge Yamin did provide the following undocumented financial information.

The Danbury Court's last assessment paid to the Probate Court Administration was \$35,000. This is a percentage of the annual net income of the Court. The Court has a staff of four at a yearly cost of between \$18,000 to \$35,000 per position. This excludes the part-time position of the Judge. Staff medical insurance is paid by the State. The Judge's salary last year was \$40,000. The City of Danbury is responsible for supplying the Court with office space, utilities, insurance, equipment, vault space and maintenance. Also the City supplies the Court with \$13,000 for other supplies. The court entry fee this year was increased from \$90.00 to \$150.00 for matters other than probate. The Judge indicated that the Danbury Court is currently financially secure but may not be in a few years. She said that there is currently no statewide master plan to merge the 133 Probate Districts. Mrs. Smith was concerned that this merger could set an example for other small towns to request joining the Danbury Court. This could case added delay in service to the Danbury residents.

After a lengthy question and answer period, Mr. Levy said that this committee's statutory authority is limited to Danbury. To address the issues to which the Judge is making reference could only be meaningful with a master plan of consolidation for the entire State. This request was prompted mainly for financial reasons. There has been no information provided to the committee to indicate that the Danbury Court is in financial trouble. There has been no information provided that indicates the merger of the two courts has any benefit to Danbury residents. It may very well cause added delays in service to Danbury residents.

Mr. Levy made a motion to recommend to the full Common Council to take no action on this request. Seconded by Mrs. Smith. Motion passed with Members Levy and Smith voting in favor and Mr. Moore voting in the negative.

Mr. Arconti made a motion that the report be received and no action taken. Seconded by Mr. McAllister. The members were recorded as: Yes - McAllister, Arconti, Smith, Buzaid, Dean Esposito, Machado, Shuler, Setaro, John Esposito, Levy, Abrantes, Fox, Gallagher
No - Basso, Moore, Saracino. 13 Yes 3 No. Motion carries.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made at 8:50 for the meeting to be adjourned by Councilman Gallagher.

Respectfully submitted,

Jimmitta L. Samaha

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk