

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

RE: Minutes of the Common Council Meeting held August 4, 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, Boynton, Buzaid, Machado, Shuler, Setaro, John Esposito, Levy, Abrantes, Charles, Basso, Falzone, Fox, Gallagher, Moore

ABSENT - Smith, Arconti, Dean Esposito, Adames, Saracino

16 Present - 5 Absent

Mrs. Smith, Mrs. Saracino and Mr. Arconti were on vacation and Dean Esposito was working.

PUBLIC SPEAKING - Daniel Erickson, 60 Old Ridgebury Road, Lynn Waller, 83 Highland Avenue, Dan DeFlumeri, 16 Brushy Hill Road, Monique LeCoz, 23 Woodbury Drive, Barbara Monsky, 14 Shepard Road, Harry Russell, Glen Road and Mr. Visconti.

MINUTES - Minutes of the Common Council Meeting held July 7, 1998 and the Special Common Council Meeting held July 20, 1998. Mr. Setaro made a motion that the minutes be accepted 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 Mr. Levy. Mr. Gallagher noted that he was present at the July 20th meeting. Motion carried unanimously.

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

1 - Approve application and resolution for FAA and State DOT Airport Improvement Act grant for improvements to Danbury Municipal Airport in an amount not exceeding \$1,464,000.

4 - Confirm reappointments of Barbara Flanagan, James Esposito, William Murphy and Linda Molinaro to the Board of Ethics.

7 - Approve reappropriation of \$438 from Elderly Services donations account to Commission on Aging budget for Professional Services fees, Communication Services and Office Supplies.

10 - Refer to Planning Commission request to obtain easement agreements with property owners related to the Still River Restoration Project.

11 - Approve reappropriation of \$525,777 to water fund accounts as listed in certification from Director of Finance dated July 28, 1998.

12 - Receive positive Planning Commission report of November 6, 1996 and report from City Engineer regarding request for water main extension to Glen Road and Rubson Drive and take no action.

14 - Receive report from Director of Public Works dated May 20, 1998 and negative Planning Commission report dated June 18, 1998 regarding request to purchase property at 8 Settlers Hill Road, declare lot no. A07009 surplus and offer for sale by sealed bid process for an amount not less than \$10,135.54.

15 - Approve agreement between City of Danbury and State Department of Transportation for replacement of Old Newtown Road bridge, City Project No. 93-28, State Project No. 34-271, Federal Project No. BR2-6034(5).

17 - Receive communication regarding request to purchase properties on Settlers Hill Road and offer parcel for sale in accordance with action taken on item 14 above.

21 - Receive communication regarding petition for sewer hook-up on Ken Oaks Drive and Windaway Road and refer to Corporation Counsel and Director of Finance for reports.

23 - Receive report and approve recommendation to adopt amendments to Code of Ordinance sections 12-15 and 12-34 pertaining to Inland/Wetlands and Watercourse regulations.

25 - Receive report and approve recommendation to take no action regarding water run-off problem - Deer Park Estates.

26 - Receive report and approve recommendation to approve request for sewer and water extension on Mill Plain Road subject to usual eight steps.

28 - Receive report and approve recommendation to grant request for \$2,000 by Danbury Museum and Historical Society.

29 - Receive report and approve recommendation in support of request for sewer extension at 19-19A Sugar Hollow Road subject to the usual eight steps.

Mr. Charles made a motion to accept the Consent Calendar as presented. Seconded by Mr. Falzone. Motion carried unanimously.

1 - RESOLUTION - Revised Airport Resolution - Taxiway "F"

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury intends to expand general aviation apron and construct and mark taxiway "F" at the Danbury Municipal Airport which will improve the safety and efficiency of airport operations; and

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$1,464,000 with a local match of two and one-half percent (2 1/2%) equaling an amount not to exceed \$36,600.00.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, is hereby authorized to make application for said grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

The Resolution was adopted on the Consent Calendar.

2 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Vincent J. DiBernardino, 7 Lyrical Lane, Sandy Hook, Connecticut to the position of Police Officer in the Danbury Police Department. Mr. Falzone made a motion that the communication be accepted and the appointment confirmed. Seconded by Miss Fox. Motion carried unanimously.

3 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the promotional appointments of Captain Jeffrey J. Tierney and Captain Philip D. Curran to Assistant Chief within the Danbury Fire Department. Mr. McAllister made a motion to accept the communication and confirm the promotional appointments.

Seconded by Mr. Scalzo. Motion carried unanimously.

4 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the reappointments of Barbara Flanagan, James Esposito, William Murphy and Linda Molinaro to the Board of Ethics for terms to expire August 1, 2000. The reappointments were confirmed on the Consent Calendar.

5 - **COMMUNICATION** - Request from Police Chief Robert Paquette for permission to accept the donation of canine Cody from Officer Kevin Roth. Ownership of Canine Cody will remain with the City of Danbury until such time as the Canine or Officer Roth retires. Miss Fox made a motion to receive the communication, accept the donation of Canine Cody and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

6 - **COMMUNICATION** - Request from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$75.00 for use of the Danbury Senior Center. Mrs. Abrantes made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Charles. Motion carried unanimously.

7 - **COMMUNICATION & CERTIFICATION** - Request from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$438 from the Elderly Services Account to the Commission on Aging budget. A certification of funds was attached. The request was granted on the Consent Calendar.

8 - **COMMUNICATION** - Letter from Director of Finance Dominic Setaro recommending that the Common Council reappropriate funds generated this year from the sale of landfill coupons through July 24 in the amount of \$14,079 to the Recycling Solid Waste budget line item entitled, "Outside Services" account. Mr. Boynton made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. McAllister. Motion carried with Mrs. Basso voting in the negative.

9 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro requesting permission to accept a donation to the Millennium Project in the amount of \$2,500 from Boehringer Ingelheim. Mr. Scalzo made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

10 - **COMMUNICATION** - Request from Coordinator of Environmental & Occupational Health Services Jack Kozuchowski requesting permission to secure easement agreements with property owners for the development a hiking trail and installing floodplain and shoreline restoration projects along the Still River project. The request was granted on the Consent Calendar and referred to the Planning Commission.

11 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro requesting reappropriation of \$525,777.00 from the Water Fund to various accounts as customary for capital projects and equipment purchases which continue into the next fiscal year. The request was granted on the Consent Calendar.

12 - **COMMUNICATION** - Reports from the City Engineer and the Planning Commission regarding a water main extension on Glen Road and Rubson Drive. The reports were received on the Consent Calendar and no action taken.

13 - **COMMUNICATION** - Report from City Engineer regarding sewer extension on Route 37. Mrs. Abrantes asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Abrantes and Basso to the committee.

14 - **COMMUNICATION** - Reports from the City Engineer, the Director of Finance and the Planning Commission regarding the request to purchase property on Settlers Hill Road. The reports were received on the Consent Calendar and lot no. A07009 declared surplus and offered for sale by sealed bid process for an amount not less than \$10,135.54.

15 - **COMMUNICATION & RESOLUTION** - Replacement of Old Newtown Road Bridge.

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute the AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REPLACEMENT OF THE OLD NEWTOWN ROAD BRIDGE (BRIDGE NO. 051020) OVER THE STILL RIVER UTILIZING FEDERAL FUNDS AND A PROJECT GRANT UNDER THE STATE'S LOCAL BRIDGE PROGRAM together with such other documents as may be necessary for the accomplishment for the purposes thereof.

The agreement between the City of Danbury and State Department of Transportation for replacement of the Old Newtown Road bridge, City Project No. 93-28, State Project No. 34-271, Federal Project No. BR2-6034(5) was approved on the Consent Calendar.

16 - **COMMUNICATION** - Request from the Non Profit Rental Housing Corporation for real estate tax abatement for the Palace View Senior Housing on Main and Bank Streets. Mr. McAllister asked that this be referred to the Tax Abatement Committee. Mayor Eriquez so ordered.

17 - **COMMUNICATION** - Request from Douglas E. Goodfriend and Christine Halfar to purchase property on Settlers Hill Road. The communication was received on the Consent Calendar and the parcel offered for sale in accordance with action taken on item 14 above.

18 - **COMMUNICATION** - Request for sewer extension on 9 Zinn Road. Miss Fox asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Scalzo, Levy and Moore to the committee.

19 - **COMMUNICATION** - Request for sewer extension at 2 Windaway Road. Mrs. Abrantes asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Fox, Machado and Saracino to the committee.

20 - **COMMUNICATION** - Request for sewer extension at 4 Windaway Road. Miss Fox asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Fox, Shuler and Saracino to the committee.

21 - **COMMUNICATION** - Petition for sewer hookup on Ken Oaks Drive and Windaway Road. The communication was received on the Consent Calendar and referred to the Corporation Counsel and the Director of Finance for reports back within thirty days.

22 - **DEPARTMENT REPORTS** - Landfill and Recycling, Police, Public Utilities, Health and Housing, Department of Elderly Services, Engineering. 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.

23 - **REPORT & ORDINANCE** - Inland/Wetlands and Watercourse Regulations

Mr. Setaro submitted the following report:

The Committee of the Whole met on July 20, 1998 at 7:20 P.M. in the Common Council Chambers in City Hall to review an ordinance regarding inland/wetland and watercourse regulations. Mr. Kozuchowski, the Director of Environmental Services explained that the proposed ordinance would permit the citations to be issued by the Director of Health in response to violations of inland wetland regulations, that fines may be imposed up to \$100/day for continuing violations and that if adopted the ordinance would provide for an additional enforcement tool. Corporation Counsel Eric Gottschalk added that the citation powers contained within the proposed ordinance are consistent with past Council action and that any fines imposed would be collected through court action.

Mr. Levy moved to recommend to the Common Council adoption of the amendments to Code of Ordinance Sections 12-15 and 12-34 pertaining to inland wetland and watercourse regulations. Seconded by Mr. Scalzo and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-15, which said section reads as follows:

Sec. 12-15. Enforcement of Inland Wetlands and Watercourses Regulations.

Pursuant to the provisions of 1 of P.A.96-269 the City of Danbury does hereby establish a fine of one hundred dollars (\$100.00) for the violation of any provision of the Inland Wetlands and Watercourses Regulations of the City of Danbury. For purposes hereof, each day that any such violation continues shall be deemed to be a separate offense.

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

THAT Subsection 12-34(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec.12-34. Citations.

(a) In accordance with the provisions of the Connecticut General Statutes, in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) hereof may be enforced by citation.

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

THAT Paragraph (2) of Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 12-34. Citations

(b)(2) The health director or his designee shall be authorized to issue citations imposing fines for violations of the provisions of articles II, V and VI of Chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6, 10-7 and 10-10 of the Danbury Code of Ordinances, and for violations of the provisions of the Inland Wetlands and Watercourses Regulations of the City of Danbury in accordance with section 12-15 of the Danbury Code of Ordinances.

The report was received and the recommendation to adopt amendments to the Code of Ordinance sections 12-15 and 12-34 pertaining to Inland/Wetlands and Watercourse regulations approved on the Consent Calendar.

24 - **REPORT** - "Moms & Pops" Waste Disposal Plan

Mr. Setaro submitted the following report:

The Common Council met as the Committee of the Whole on July 20, 1998 at 7:30 P.M. in the Common Council Chambers in City Hall to review the "Moms and Pops" waste disposal plan. In a lengthy presentation, the Mayor and Director of Finance explained that due to the closure of the landfill the City is confronted with the issue of how to address the cost of continuing to provide the moms and pops solid waste disposal service, that by continuing to provide this service municipally either the user cost would rise considerably or the City appropriation required to maintain current user costs would be several hundred thousand dollars and that by contracting with AWD mom and pop users would pay an increase of \$1.00/bag (to \$3.00/bag) and a continued permit fee of \$15.00, with extended hours of operation at the AWD facility on White Street. The Mayor added that the proposed contract with AWD would extend for a two year period, that the AWD facility currently serves as the regional transfer station through HRRR contract with Wheelabrator, that recyclables would then be disposed of at the White Street location at no cost and that bulky waste could be disposed of at the location at a cost determined by the item.

By unanimous consent of the committee, members of the public raised questions regarding whether there might be additional illegal dumping if the Council were to approve the agreement with AWD, whether AWD may then have an advantage in any future negotiations with the City to continue the service if the agreement were adopted, whether traffic would substantially increase on White Street and whether bulky waste would be accepted and that the City should consider municipal solid waste collection as some larger cities provide.

Debate in support of contracting with AWD included arguments that the market should determine the cost of disposing of waste this type by Mr. Gallagher, that the environmental interests of the City would be served by the proposed agreement and that after the contractual period the agreement could be re-evaluated by Mrs Smith, that the agreement would provide substantially the same service as currently provided and address abuses of the system as it currently operates by Mr. Levy, and that the Public Works budget committee had looked to options such as that before the Council by Dean Esposito.

Debate opposed to the contract with AWD included arguments that the moms and pops waste disposal option is a service that is best offered by municipalities by Mrs. Saracino, that the City subsidizes many services and the mom and pop service should continue to be one, and that better management of the current system would result in cost effectiveness precluding the need for outsourcing by Mrs. Basso and that AWD is arguable non compliant with the contract with HRRR for solid waste disposal and that the City could be subjected to a penalty if AWD is found to have violated its contract by Mr. Moore.

Mr. Gallagher moved to recommend to the Common Council adoption of the proposed RSW Operation Agreement between the City and AWD. Seconded by Mr. Dean Esposito and passed 13-3 with council members Basso, Saracino and Moore voting in the negative.

Mr. Levy made a motion to receive the report and adopt the recommendations contained therein. Seconded by Mr. Boynton. Mr. Levy offered an amendment to the motion to waive the \$15 permit fee for the remainder of this fiscal year. Seconded by Miss Fox. Motion to amend carried with Mrs. Basso voting in the negative. After much discussion Mr. Falzone motioned to move the question. Motion carried with Council Members Scalzo, Basso, Gallagher and Moore voting in the negative. Main motion, as amended, carried with Council Members Basso and Moore voting in the negative and Council Member Falzone abstaining.

25 - **REPORT** - Water Run-Off Problem Deer Park Estates

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review a water run-off problem at Deer Park Estates met on July 21, 1998 at 7:30 P.M. in City Hall. In attendance were committee members Buzaid, Levy and Moore. Also in attendance were the petitioners, Mr. and Mrs. Joyner and City Engineer Jack Schweitzer.

Mr. and Mrs. Joyner claim that they are receiving excessive water running onto their property due to the development of an adjoining property. They further claim that those responsible for the development have not remedied the complaint. Mr. Schweitzer advised that this is a civil matter between property owners.

Mr. Moore made a motion to take no action as this is not pertinent to the parameters of the Common Council. Seconded by Mr. Levy. Motion carried unanimously.

The report was received and the recommendation to take no action approved on the Consent Calendar.

26 - **REPORT** - Request for Sewer and Water Extensions - Mill Plain Road

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Mill Plain Road met on July 20, 1998 at 6:35 P.M. in Room 432 in City Hall. In attendance were committee members Buzaid, Smith and Basso. Also in attendance were City Engineer Jack Schweitzer, Attorney Neil Marcus and Peter Scott. Also in attendance were Council Member Louis Charles, ex-officio and members of the public.

Mr. Scott presented the plans for “phase one” of a proposed commercial project to be located at the site of the old truck stop on Mill Plain. He showed the positions of two water extension and one sewer extension that were given approval by the Planning Commission. Mr. Schweitzer reviewed these plans and advised that what is proposed is appropriate and that as long as the required eight steps are followed, this request is standard and acceptable.

Mrs. Basso moved to accept the request and recommend it. Seconded by Mrs. Smith. Motion carried unanimously.

The report was received and the recommendation to approve the request for sewer and water extension on Mill Plain Road subject to the usual eight steps was approved on the Consent Calendar.

27 - **REPORT** - Agreement with Business Systems, Inc.

Mr. Levy submitted the following report:

The Common Council Committee appointed to review an agreement between BSI and the City of Danbury met on July 28, 1998 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Abrantes, and Basso. Also in attendance

were Fire Chief Carmen Oliver, Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro and Matt Coslia, representing BSI.

The Fire Chief gave an overview of the ambulance service operation. He indicated the operation was working well. The Director of Finance supplied information that indicated the use of the service was increasing, but was in good financial condition. The BSI representative said they have many letters of thanks for good performance. The Corporation Counsel said that the terms of this agreement were the same as the previous one.

Mrs. Abrantes made a motion to recommend approval of this agreement as presented for a five (5) year term. Seconded by Mrs. Basso. Motion passed unanimously.

Mr. Falzone made a motion to receive the report and approve the recommendations therein. Seconded by Mr. Boynton. Motion carried unanimously.

28 - **REPORT** - Request for Funds - Danbury Museum Historical Society

Mr. Levy submitted the following report:.

The Common Council Committee appointed to review a request for funds from the Danbury Museum and Historical Society met on July 28, 1998 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Abrantes and Basso. Also in attendance were Director of Finance Dominic Setaro, Debbie Lajoie, Mary Sorrentino and Elizabeth Ordway, representatives of the Danbury Museum and Historical Society.

Mr. Levy asked board members why they were requesting money so early in the current budget year. The board explained they had requested the money from the City at budget time. Their budget request was reduced by \$2,000 with the understanding they would receive the funds via the City's Safe Summer Program. Due to a communication glitch, the funds were not included in the program grant. The board members said that this would be a one time request to get the program started.

Mrs. Basso made a motion to recommend we approve the request for \$2,000 subject to certification of funds by the Director of Finance. Seconded by Mrs. Abrantes. Motion carried unanimously.

The report was received and the recommendation to grant the request for \$2,000 was approved on the Consent Calendar.

29 - **REPORT** - Request for Sewer Extension - 19-19A Sugar Hollow Road

Mrs. Smith submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 19-19A Sugar Hollow Road met in City Hall on Monday, July 27, 1998 at 7:00 P.M. In attendance were committee members Smith, Buzaid and Basso. Also in attendance were City Engineer Jack Schweitzer and Richard Clark, property manager for the above address.

The positive recommendation from the Planning Commission was read into the record. After an explanation and discussion about the proposed project, Mr. Schweitzer stated that he had no objection to this sewer extension.

Mrs. Basso moved to recommend that the Common Council approve the request for sewer extension at 19-19A Sugar Hollow Road with the inclusion of the usual eight steps. Seconded by Mr. Buzaid and passed unanimously.

The report was received and the recommendation in support of the request for sewer extension subject to the usual eight steps approved on the Consent Calendar.

30 - **COMMUNICATION** - Request from Superintendent of Schools Timothy Connors to reappropriate the sum of \$496,195 for the medical insurance reserve. Mr. Setaro made a motion that this item be added to the agenda. Seconded by Mr. Scalzo. Motion carried unanimously.

Mrs. Abrantes made a motion that the communication be received and the sum of \$496,195 returned to the Danbury Public Schools from the insurance company and deposited in the City General Fund account be reappropriated to the Board of Education. Seconded by Mr. Shuler. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 9:24 P.M. by Miss Fox for the meeting to be adjourned.

Respectfully Submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk