

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

RE: Minutes of the Common Council Meeting held November 5, 1998

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

**PRESENT** - McAllister, Arconti, Smith, Boynton, Dean Esposito, Shuler, Setaro, John Esposito, Levy, Abrantes, Basso, Falzone, Fox, Gallagher, Moore, Saracino

**ABSENT** - Scalzo, Buzaid, Machado, Adames, Charles

16 Present - 5 Absent

**PUBLIC SPEAKING** - There were no members of the public wishing to address the Common Council.

**MINUTES** - Minutes of the Common Council Meeting held October 6, 1998. Mr. Setaro made a motion to accept the minutes as presented 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 Ms. Fox. Motion carried unanimously.

**CONSENT CALENDAR** - The following items were presented by John Esposito for the Consent Calendar:

2 - Approve application and resolution for State Department of Education Early Reading Success Grant - \$25,469

4 - Authorize Mayor Gene F. Eriquez to submit to the State Department of Transportation and execute Supplemental Application for East Pearl Street Bridge Replacement through the State Local Bridge Program

15 - Approve reappropriation of \$681 from Elderly Services donations account to the Commission on Aging budget for Professional Services Fees and Outside Services

19 - Approve transfer of \$44,000 from Contingency Account to Employee Service Benefits Account for purposes of employee retirement payments

30 - Receive Planning Commission report of October 21, 1998 meeting at which time the lease of constables building was tabled and take no action pending receipt of Planning Commission action

31 - Receive positive Planning Commission report of October 21, 1998 regarding offer to purchase land at 386 Main Street and approve purchase of land by the Islamic Society subject to the terms and conditions described at the October, 1998 meeting of the Common Council

32 - Receive positive report and approve recommendation regarding final assessments - Racing Brook Meadows Water System Improvements Scuppo Road

33 - Receive report and approve positive recommendation regarding an ordinance withholding building applications when taxes on public utility fees are delinquent

35 - Receive report and approve positive recommendation regarding request for sewer extension at 9 Zinn Road

36 - Receive report and approve positive recommendations pending certification by the Director of Finance regarding purchase of Robin Hill Water Company

37 - Receive report and approve positive recommendation regarding correction of drainage problem on Ford Avenue

Mr. Setaro made a motion that the Consent Calendar be adopted with the following changes - regarding item 4 after the word program, the words "and adopt the attached resolution" be added and item 30 removed. Seconded by Mr. Levy. Motion carried unanimously.

1 - **RESOLUTION** - Drug Enforcement Grant #10

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding in the amount of \$469,750.00 pursuant to Public Act 89-390, an act concerning prevention and treatment of substance abuse and enforcement of drug laws; and

WHEREAS, 50% of the funding, or \$234,875.00 is to be designated for law enforcement, 40% of the total amount, or \$187,900.00 is to be applied to drug education, and the remaining 10%, \$46,975.00 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 1998 through September 30, 1999 and no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for said grant on behalf of the City of Danbury, to accept the grant award, if a made, subject to the terms and conditions established in connection therewith by the State of Connecticut, to execute any contracts/agreements therefore and to take any additional actions necessary to effectuate the purposes hereof.

BE IT FURTHER RESOLVED THAT any past actions of Mayor Gene F. Eriquez to effectuate the purposes of this grant award are hereby ratified.

Mr. Arconti made a motion to receive the communication and adopt the Resolution. Seconded by Mrs. Abrantes. Motion carried unanimously.

(At 7:50 P.M. Mr. Scalzo arrived and was marked present)

2 - **RESOLUTION** - Early Reading Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Public Library and the Danbury Public Schools are desirous of entering into a joint effort to provide after school and summer reading activities and services for grades k through 3, in the Danbury elementary schools, under the Early Reading Success Grant; and

WHEREAS, the Danbury Public Schools expect to receive a grant from the State Department of Education for the purposes of this program; and

WHEREAS, the Danbury Public Library, as subgrantee, intends to use these funds through June 30, 1999 to establish and maintain a program of reading and activities to benefit these children; and

WHEREAS, the funding to be provided to the Library is \$25,469.00, with the Danbury Public Library providing an additional \$10,500.00 in funding. This will be obtained from grants in place and the Library operating budget.

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Public Library and the Danbury Public Schools be and hereby are authorized to enter into an agreement formalizing the after school and summer reading program, and that Mayor Gene F. Eriquez is authorized to execute such document(s) on behalf of the City of Danbury and take such other actions as are required to effectuate the purposes thereof.

The Communication was received and the resolution adopted on the Consent Calendar.

3 - **RESOLUTION** - Per Capita Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita grant funds available for 1998-99 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a contribution grant award application was earlier approved in the amount of \$35,105.72; and

WHEREAS, a supplemental grant of \$33,755.50 for a total grant award of \$68,861.22 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 1998 through June 30, 1999.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, is hereby authorized to apply for and accept said per capita grant funds of \$68,861.22 to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

Mr. Setaro made a motion to receive the communication, approve the application and adopt the resolution. After discussion, Mr. Boynton made a motion to move the question. Seconded by Mr. McAllister.

Motion carried with Council Members Basso, Moore and Saracino voting in the negative. Main motion carried with Council Members Basso and Moore voting in the negative.

4 - **RESOLUTION** - East Pearl Street Bridge Replacement

RESOLVED by the Common Council of the City of Danbury:

SUBJECT: East Pearl Street Bridge Replacement  
State Local Bridge Program  
Supplemental Application

DESCRIPTION: Bridge No. 034038

BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute a document entitled "CONNECTICUT DEPARTMENT OF TRANSPORTATION STATE LOCAL BRIDGE PROGRAM SUPPLEMENTAL APPLICATION" for the purposes of the East Pearl Street Bridge Program supplemental funding requirements, together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The communication and received and the Resolution adopted on the Consent Calendar.

5 - **RESOLUTION** - Datahr Property Acquisition

Mrs. Basso asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Setaro, Levy and Basso to the committee.

6 - **COMMUNICATION** - Letter from Mayor Eriquez requesting confirmation of the appointments of Marcia Kendall and Michael Steinard to the Environmental Impact Commission for terms to expire December 1, 1999. Mr. Setaro made a motion that the communication be received and the appointments confirmed. Seconded by Mr. Levy. Motion carried unanimously.

7 - **COMMUNICATION** - Request from Director of Welfare Deborah MacKenzie for permission to accept the donation of a fax machine to the City's Emergency Shelter. Mrs. Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

8 - **COMMUNICATION** - Request from Director of Parks and Recreation Robert Ryerson for permission to accept a donation in the amount of \$20. Mr. Falzone made a motion to receive the communication, accept the donation and credit the proper line item. Seconded by Mrs. Saracino. Motion carried unanimously.

9 - **COMMUNICATION** - Request from the Director of Elderly Services Leo McIlrath for permission to accept donations from Green Funeral Home, Inc. - \$150; Putnam Lake Seniors - \$50; and Center School PTO - \$50 for the 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 Mrs. Basso. Motion carried unanimously.

10 - **COMMUNICATION** - Request from the Director of Elderly Services Leo McIlrath for permission to accept the donation of six new IBM computers, six sets of speakers, two printers and one color scanner from SeniorNet, Inc. for the use of the new "SeniorNet" Program. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Arconti. Motion carried unanimously.

11 - **COMMUNICATION** - WITHDRAWN

12 - **COMMUNICATION** - Letter from Acting Corporation Counsel Eric Gottschalk requesting that the Common Council accept a substantial donation from the Estate of Edward L. Farioly to the Danbury Public Library in accordance with a letter from Attorney Richard Hanna and the terms of the attachment. Mr. Setaro made a motion to receive the communication, accept the donation according to the terms of the attachment and send a letter of thanks. Seconded by Ms. Fox. Motion carried unanimously.

13 - **COMMUNICATION** - Letter from Mayor Eriquez requesting the acceptance of a donation from The Ad Pros for the development of a logo and slogan for The Danbury Millennium Project. Mrs. Abrantes made a motion to receive the donation and send a letter of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

14 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro requesting permission to accept donations in the amount of \$1,000 from Michael B. Osborne and \$1,000 from Paul and Nancy Smith and \$1,000 from Donald Weeden. Mr. Levy made a motion to receive the communication, accept the donations, credit the proper line item and send letters of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

15 - **COMMUNICATION** - Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$681.00 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** - Request from Mayor Gene F. Eriquez regarding the PAL Youth Center. Union Savings Bank and PAL have requested that the City extend the term of the land lease from the present twenty-five years to a total of forty years. They have also requested that the City assign all Hatters park revenues directly to the bank and finally they have asked that the City place approximately \$24,000 representing the first year's payment on the new \$350,000 loan component in escrow with the bank. These fund have already been appropriated and are due and payable to PAL by the City in connection with project site work. Mr. Setaro made a motion to receive the communication, approve the extention of the land lease from twenty-five years to forty years, assign Hatters Park revenues to the lender, place \$24,000 in escrow and authorize Mayor Eriquez to take the necessary steps to ensure these actions. Seconded by Ms. Fox. Motion carried unanimously.

17 - **COMMUNICATION** - Request from Mario Ricoszi, Director of Permit Coordination for a waiver of the bidding process for off-site improvements regarding Redevelopment Parcel 5 and 5A. Mr. Boynton

made a motion to receive the communication and waive the bidding process for Redevelopment Parcel 5 and 5A. Seconded by Mrs. Abrantes. After much discussion, Ms. Fox made a motion to move the question. Seconded by Mr. Gallagher. Motion carried with Council Members Basso, Moore and Saracino voting in the negative. Main motion carried with Council Members Basso and Moore voting in the negative.

18 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro for a transfer of funds from the Contingency Account in the amount of \$100,143 to the Uninsured Worker's Compensation Account for three new compensation awards under the heart and hypertension statute. A certification of funds was attached. Mr. Setaro made a motion to receive the communication and approve the transfer of the sum of \$100,143 to the Uninsured Worker's Compensation Account from the Contingency Account. Seconded by Mr. McAllister. Motion carried unanimously.

19 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro for a transfer of funds in the amount of \$44,000 from the Contingency Account to the Employee Service Benefits Account to cover the shortfall due to a number of retirements. The transfer of funds was authorized on the Consent Calendar.

20 - **COMMUNICATION** - Request from Thomas L. Williams to build a skateboard park in the City of Danbury. Mr. Scalzo asked that this be referred to the Director of Parks and Recreation for a report back within thirty days. Mayor Eriquez so ordered.

21 - **COMMUNICATION** - Request from the Perna Family for the installation of a sidewalk on Great Plain Road between St. Gregory's Church and the Municipal Garage at the Stadley Rough Road intersection. Mr. Arconti asked that this be referred to the City Engineer for the report back within thirty days. Mayor Eriquez so ordered.

22 - **COMMUNICATION** - Request for Sewer and Water Extension at Mill Plain 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 Gallagher, Arconti and Saracino to the committee.

23 - **COMMUNICATION** - Deer Park Subdivision, Louis Allan Drive. Mr. Falzone asked that this be referred to the Director of Finance, the Corporation Counsel, the Director of Planning, the City Engineer and the Planning Commission for reports back within thirty days.

24 - **COMMUNICATION** - Request to purchase property at the corner of Cedar Trail and Pine Trail. Mrs. Abrantes asked that this be referred to the Director of Finance, the Planning Director, the Corporation Counsel, the City Engineer and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

25 - **COMMUNICATION** - Request to purchase property at 20 Harvest Hill Road. Mr. Levy asked that this be referred to the Director of Finance, the Planning Director, the Corporation Counsel, the City Engineer and the Planning Commission. Mayor Eriquez so ordered.

26 - **COMMUNICATION** - Acceptance of Mountain Laurel Lane, Laurel Heights Subdivision. Mrs. Abrantes asked that this be referred to the

Planning Commission, the Planning Director, the Corporation Counsel and the City Engineer for reports back within thirty days. Mayor Eriquez so ordered.

27 - **COMMUNICATION** - Application for a deferral of assessment increases for the Savings Bank of Danbury. Mr. Setaro made a motion to receive the communication and approve the deferral of assessment increases as per section 18-25 of the Code of Ordinances. Seconded by Dean Esposito. Motion carried unanimously.

28 - **COMMUNICATION** - Application for a deferral of assessment increases for Waterworks. Mr. Setaro made a motion to receive the communication and approve the deferral of assessment increases as per section 18-25 of the Code of Ordinances. Seconded by Mrs. Abrantes. Motion carried unanimously.

29 - **COMMUNICATION** - Water Main Extension, Anchor Street, Cedar Street, Denver Terrace, Ivy Lane, Alison Lane, Eugene Lane, Sylvan Lane. Mr. McAllister asked that this be referred to public hearing. Mayor Eriquez so ordered.

30 - **COMMUNICATION** - Report from Planning Commission regarding the lease of Constables Building. Mr. Setaro moved that the positive report of the Planning Commission be received and the lease agreement approved. Seconded by Mrs. Abrantes. Motion carried unanimously.

31 - **COMMUNICATION** - Report from Planning Commission regarding the offer to purchase land at 386 Main Street. The positive report from the Planning Commission was received and the offer accepted, subject to terms and conditions in the report on the October, 1998 Common Council Agenda, on the Consent Calendar.

32 - **REPORT** - Final Assessments - Racing Brook Meadows Water System Improvements - Scuppo Road

Mr. Setaro submitted the following report:

The Committee of the Whole met on October 26, 1998 at 7:25 P.M. in the Common Council Chambers in City Hall to review the final assessments for the Racing Brook Meadows Water System Improvements on Scuppo Road. No one spoke to this item at the public hearing preceding the meeting. Ms. Fox moved to recommend to the Common Council approval of the final assessments as to Racing Brook Meadows Water System improvements on Scuppo Road. Seconded by Ms. Abrantes and passed unanimously.

The report was received and the assessments approved on the Consent Calendar.

33 - **REPORT & ORDINANCE** - Withholding building applications when taxes or public utility fees are delinquent

Mr. Setaro submitted the following report and ordinance:

The Committee of the Whole met on October 26, 1998 at 7:25 P.M. in the Common Council Chambers in City Hall to review an ordinance regarding the withholding of building applications when taxes or public

utility fees are delinquent. The Director of Finance explained that the state legislature had recently passed legislation enabling municipalities to enact ordinances of this type and that this ordinance was modeled on that which the Council has previously adopted regarding the withholding of building permits when real property taxes are delinquent. No one spoke to this item at the public hearing preceding the meeting.

Ms. Fox moved to recommend to the Common Council approval and adoption of the proposed revision to Section 6-1 of the Danbury Code of Ordinances regarding the withholding of building applications when taxes or public utility fees are delinquent. Seconded by Mrs. Saracino and passed unanimously.

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

THAT Section 6-1 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 6-1. Withholding building applications when taxes or public utility fees are delinquent.

(a) Approval withheld. Pursuant to the provisions of section 7-148 of the Connecticut General Statutes, and except when otherwise provided in subsection (b) hereof, the building official of the City of Danbury shall withhold approval of building applications when taxes or water or sewer rates, charges or assessments imposed by the City of Danbury are delinquent for the property for which an application was made.

(b) Exceptions. Notwithstanding the provisions of subsection (a) hereof, the building official may:

(1) Issue a demolition permit;

(2) Issue a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the building official determines that such repairs should be performed immediately to protect the safety of the public or of the occupants of the structure; or

(3) Issue a permit to perform work to restore a structure damaged by fire, provided that the building official obtains evidence satisfactory to the City of Danbury that the City will receive the proceeds of a fire insurance policy in an amount sufficient to cover any such delinquency.

The report was received and the Ordinance adopted on the Consent Calendar.

34 - **REPORT & ORDINANCE** - Real Property tax abatement in connection with remediation of environmentally impacted sites

Mr. Setaro submitted the following report and ordinance:

The Committee of the Whole met on October 26, 1998 at 7:25 P.M. in the Common Council Chambers in City Hall to review an ordinance regarding real property tax abatement in connection with remediation of environmentally impacted sites. The Director of Finance explained that the monetary benefit offered in the ordinance is limited to \$5,000 per year

per applicant since a tax deferral benefit may already have been offered as to the structure which may be proposed to be built on the contaminated property and that the remediation benefit must be budgeted annually. He added that the proposed ordinance was drafted based upon the ordinance permitting the Council to approve tax abatements based upon an application and staff review.

Council members spoke in favor of the proposed ordinance however specific questions were raised regarding whether (i) the application window could be increased to 180 days rather than 90 days, (ii) whether the applicant and/or property owner would be eligible for the benefit offered in the ordinance if that entity were responsible for creating the situation which they sought to remediate, (iii) whether the \$5,000 per year benefit was sufficiently meaningful given the exorbitant cost of environmental remediation, (iv) whether the applicant should be required to specify with clarity the scope of the proposed remediation program and (v) whether the length of time the applicant is given to remediate, 7 years, is excessive.

Given that staff counsel was unavailable to address these inquiries, Mr. Gallagher moved to recommend that the proposed ordinance section 18-27 regarding real property tax abatement in connection with remediation of environmentally impacted sites be forwarded to the Common Council without recommendation. Seconded by Mr. Shuler and passed unanimously.

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-27, which said section reads as follows:

**Sec. 18-27. Real property tax abatement in connection with remediation of environmentally impacted sites.**

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to grant property tax abatements to owners who undertake redevelopment and remediation of environmentally impacted properties; and whereas promoting economic growth within the City of the Danbury while encouraging the remediation of environmentally impacted sites represents an opportunity to further important goals deemed to be in the best interests of the city; now, therefore, pursuant to the provisions of Public Act 97-109, the City does hereby provide for the abatement of real property taxes in accordance with the further provisions hereof.

(b) Application and eligibility. An application to the City for an abatement of all or a portion of the real property taxes due on eligible real property during a period of redevelopment and environmental remediation of the site, not to exceed a period of seven years, may be made by the party owning any such property. In order for an applicant to be eligible for the benefits provided by this section, upon receipt of a report from the Coordinator of Environmental Services of the City of Danbury, the Common Council must find that:

- (1) The applicant's property is in need of redevelopment or remediation as a result of environmental contamination or pollution.
- (2) The applicant proposes to conduct, or is conducting, environmental site assessment, demolition, remediation or other clean-up activities on the property in question;
- (3) The applicant is prepared to commence said activities promptly, if he or she has not already done so, and continue said activities during the term of the tax abatement agreement, which shall not exceed seven years;

- (4) The applicant proposes to enter into a written agreement with the City establishing, among other things, a method for determining the amount of the tax abatement to be granted during the term of the agreement. The amount of said abatement shall be determined on a quarterly basis and, subject to the limitations established in subdivision (b)(5) hereof, shall be equal to the expenses incurred by the applicant for environmental site assessment, demolition, remediation, or other clean-up activities during the calendar quarter immediately preceding the due date of each quarterly real property tax payment. Each such application shall also include the applicant's estimate of the cost of the environmental site assessment, demolition, remediation or other clean-up activity upon which the tax abatement is to be based.
- (5) The amount of any tax abatement provided for hereunder shall not exceed one thousand, two hundred and fifty (\$1,250.00) dollars, per applicant, per calendar quarter, nor shall the amount of any such tax abatement in any given quarter exceed the real property tax due in said quarter with respect to the property which the applicant proposes to redevelop and remediate.

(c) Application procedure.

- (1) All applications shall be submitted to the Coordinator of Environmental Services on forms supplied by said Coordinator.
- (2) The Coordinator of Environmental Services shall review each application so submitted and shall forward each such application to the Common Council within 30 days of receipt, together with the Coordinator's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.
- (3) Upon receipt of an application and report from the Coordinator of Environmental Services, the Common Council shall either approve the application, reject the application, or return the application to the Coordinator for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Coordinator of Environmental Services which addresses the reasons for rejection by the Common Council.
- (4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner of the property, as specified herein.

(d) Tax abatement agreement.

- (1) The tax abatement agreement shall be signed by the owner and the Mayor of the city and shall refer to and incorporate the application as approved by the Common Council, shall reflect the environmental condition that requires redevelopment or remediation, and shall specify the period of such redevelopment or remediation which shall commence, if it has not already done so, on the date of the agreement and continue during the term thereof.
- (2) The tax abatement agreement shall provide a method for determining the amount of the tax abatement.

- (3) The tax abatement agreement shall be contingent upon the continuation of the redevelopment and remediation process with respect to the property for those purposes specified in the agreement creating such abatement and such abatement shall cease and the tax abatement agreement shall terminate upon the sale or transfer of the property for any other purpose unless the city shall have consented thereto.
- (4) The tax abatement agreement shall provide for a recapture of any tax previously abated in the event of sale, provided that such recapture shall not exceed the original amount of taxes abated and may not go back further than the date of the agreement.
- (5) The tax abatement agreement shall not apply to taxes levied under section 19B-3 of the Danbury Code of Ordinances applicable to Downtown Special Services District taxes.
- (6) The tax abatement agreement shall be in effect for a period of seven years or until all environmental site assessment, demolition, remediation or other clean-up activities have been completed, whichever occurs first. The agreement shall also terminate if at any time the Coordinator of Environmental Services determines that the owner of the property is in default under the terms of said agreement, and has failed to cure said default after notice and an opportunity to do so. In the event of default termination, the owner of the property, as herein provided, shall be liable for any taxes for which he or she would have been liable in the absence of such agreement.
- (7) The tax abatement agreement shall further provide that the agreement is contingent upon the following conditions:
  - a. The property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the Zoning Regulations, as required;
  - b. That the tax abatement shall cease if at any time during the term of the tax abatement agreement there is any delinquency in the payment of taxes or sewer or water charges or assessments on or related to the use of the property; and
  - c. That the tax abatement shall cease upon the sale or transfer of the improvements unless the new owner of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner, as herein provided.

(e) Miscellaneous provisions.

- (1) The Coordinator of Environmental Services shall have the sole responsibility for determining the cost of the activities to be performed pursuant to the tax abatement agreement.
- (2) A copy of any tax abatement agreement entered into pursuant to the provisions of this section shall be forwarded to the Tax Collector, who shall adjust the tax records of the city accordingly.
- (3) The Coordinator of Environmental Services shall advise the Tax Collector of the amount of the tax abatement to which the applicant is entitled in each calendar quarter during which an abatement agreement

is in effect. In the event that the tax abatement agreement is terminated as a result of a default by the owner, the Coordinator shall so advise the Tax Collector, who shall readjust the tax records of the city in accordance with the provisions of this section.

- (4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the city.
- (5) The Coordinator of Environmental Services is authorized to establish written procedures and technical specifications for the administration of this section.
- (6) The Common Council shall establish a limit on the number of applications to be approved in any fiscal year. Applications shall be processed on a first come, first served basis.

Mr. Setaro made a motion to receive the report and adopt the Ordinance. Seconded by Mr. Levy. Motion carried unanimously.

35 - **REPORT** - Request for Sewer Extension - 9 Zinn Road

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 9 Zinn Road met on October 13, 1998 at 7:40 P.M. in Room 432 in City Hall. In attendance were committee members Scalzo, Levy and Moore. Also in attendance were City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley.

Mr. Schweitzer stated that City sewer was available and would be an easy extension for the petitioner. Mr. Scalzo read the positive recommendation made by the Planning Commission at its meeting on August 19, 1998.

Mr. Levy made a motion to recommend to the full Common Council approval of the request for the sewer extension at 9 Zinn Road following the normal eight steps for sewer extensions. The motion was seconded by Mr. Moore and passed unanimously.

The Report was approved on the Consent Calendar.

36 - **REPORT** - Round Hill Water Company

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the acquisition of the Robin Hill Water Company met on October 13, 1998 at 7:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Scalzo, Gallagher and Saracino. Also in attendance were Corporation Counsel Eric Gottschalk, City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Bert Bertram representing Robin Hill Water Company and Council Members Warren Levy, Dean Esposito, Martin Moore and Pauline Basso, ex-officio.

Mr. Buckley gave a detailed account of the background leading up to the final agreement with the affected property owners and the City. This included the evaluation by consultants for the City, the easements necessary to facilitate the purchase, the value and assets of the water company and the costs related to the acquisition and the interconnection of the water company with our existing public water system.

Mr. Scalzo read the positive recommendation for the acquisition of the Robin Hill Water Company by the Planning Commission at their August 19, 1998 meeting. Their reason being that the benefited property owners have agreed to assume ultimate

responsibility for the costs of acquisition and the interconnection of the water company with the City's existing public system. Mr. Schweitzer and Attorney Gottschalk reassured the committee that all of the above is in order and included in the contract.

After much discussion for clarification purposes by everyone present, Mr. Gallagher made a motion to recommend to the Common Council the purchase of the Robin Hill Water Company for the negotiated price of \$275,000 and \$127,000 for the necessary improvements and interconnection costs and to execute the contract of sale. The motion was seconded by Mrs. Saracino and passed unanimously.

The Report was approved on the Consent Calendar.

### 37 - REPORT - Ford Avenue

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the drainage problem on Ford Avenue met on June 18, 1998 at 6:30 P.M. It was noted that the petitioner had not been contacted. Committee Member Abrantes motioned to continue the meeting to a later date.

On September 23, 1998 at 6:30 P.M. the committee reconvened. In attendance were committee members McAllister, Abrantes and Saracino. Also in attendance were City Engineer Jack Schweitzer and several residents of Ford Avenue.

The report from the Engineering Department was read, as were letters from the petitioner. Mr. Schweitzer informed the committee that the drainage problem was caused by the contractor. The sewer line and pump station were constructed in 1990. It was also noted that the City called the bond on this project.

Several residents spoke. They indicated that after the pumping station was built the drainage problem began. After heavy rains the area remains flooded and covered with water. The problem is far worse in the winter when the water freezes. It renders the road impassable. The mailman has stopped delivering mail because of these conditions.

Mrs. Abrantes motioned to continue the meeting until October 13, 1998 to obtain additional information. Seconded by Mrs. Saracino. Motion carried unanimously.

On October 13, 1998 the committee reconvened at 5:00 P.M. with Committee Members McAllister, Abrantes and Saracino in attendance along with City Engineer Jack Schweitzer and several residents of Ford Avenue. Mrs. Abrantes reported that the contractor is no longer in business.

Each of the committee members expressed concern that the City should have access to the pumping station at all times. In the winter this access would be impeded if the drainage was not corrected. Mr. Schweitzer was asked about the cost of correcting this drainage problem. He indicated that it would be between \$10,000 - \$15,000.

Mrs. Abrantes made a motion that the City spend a sum of money not to exceed \$10,000 to correct the drainage problem on Ford Avenue so the City can have clear access to the pumping station at all times. This is pending certification from the Finance Director. The motion was seconded by Mrs. Saracino and passed unanimously. Several residents spoke. They indicated that it would not cost that much money.

The Report was approved on the Consent Calendar.

### 38 - PROGRESS REPORT - Use and Rules and Regulations of Rogers Park

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the use and the rules and regulations of Rogers Park met on October 13, 1998 at 7:30 P.M. in City Hall. In attendance were committee members Dean Esposito and Mary Saracino. Also in attendance were Director of Parks and Recreation Robert Ryerson, Officer Bill Melillo of the Danbury Police Department and Council Members Basso and Moore, ex-officio.

Committee Member Emile Buzaid could not attend due to a prior commitment. The Director of the Scott-Fanton Museum also could not attend.

Mr. Esposito opened the meeting with a brief explanation of why he requested a committee to review the rules and regulations of the City's parks. In the past few months he stated that he has been getting many calls from residents about problems at Rogers Park. Some of the complaints were about the volume of the music and the sale of alcohol in the park. Mr. Ryerson explained that some of the functions have been given permission to have alcohol and that the groups are told when they get a permit about the rules and regulations of the park and that they must be adhered to. Mr. Ryerson also explained that the strip of land next to the Ives house is overseen by the Scott-Fanton Museum Committee and they have been giving some groups permission to use the property.

Mrs. Saracino asked if there might be a better location for these larger functions. Mr. Ryerson stated that he has had some discussion with Police Chief Paquette on the possibility of a better location. Chief Paquette mentioned Western Connecticut State University may be willing to hold some of the larger functions at their westside campus. Mrs. Basso said she felt that the downtown green would be a better location for many of the functions now being held in the park.

Mr. Esposito stated that he felt the committee should look further into the possibility of asking some of the larger functions to move to a better location. He also asked that the committee be given a current copy of the rules and regulations for City parks and a list of the different groups using them currently. Mr. Ryerson said he would provide the committee members with as much information as he could. Mr. Esposito stated that he felt the sale and consumption of any alcohol beverage on City property should not happen, especially in the City's parks. Mrs. Saracino was in full agreement with banning alcohol in the parks and made a motion to continue the committee and requested that the members of each group be asked to attend the next meeting. Mr. Esposito seconded the motion and asked that the Scott-Fanton Museum Committee be contacted to attend. Motion carried unanimously.

Mr. Setaro made a motion to receive the report and adopt its recommendations. Seconded by Mr. Falzone. Motion carried unanimously.

39 - **DEPARTMENT REPORTS** - Police Chief, Highways, Public Utilities, including Landfill, Fire Chief, Fire Marshall, Engineering, Department of Elderly Services, Health and Housing. Mr. Setaro made a motion to accept the department reports as presented 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 Dean Esposito. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 9:20 P.M. by Mrs. Basso for the meeting to be adjourned.

Respectfully submitted,

---

JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

---

Elizabeth Crudginton  
City Clerk

