

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

RE: Minutes of the December 1, 1998 Common Council Meeting

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 - Scalzo, McAllister, Arconti, Smith, Boynton, Dean Esposito, Machado, Shuler, Setaro, John Esposito, Levy, Basso, Gallagher, Moore, Saracino

ABSENT - Buzaid, Adames, Abrantes, Charles, Falzone, Fox

15 Present - 5 Absent

Mr. Falzone and Ms. Fox were working

PUBLIC SPEAKING - Mary Reynolds, 15 Library Place

MINUTES - Minutes of the Common Council Meeting held November 5, 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 Mr. Levy. Motion carried unanimously.

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

1 - Approve resolution and authorize Mayor to sign an agreement entitled "First Supplemental to the Original Agreement dated April 3, 1997 between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of Intersection Improvements Utilizing Federal Funds from the Surface Transportation Program".

2 - Approve application and resolution for EPA environmental Education Grant - \$24,000

3 - Approve application and resolution for Reader's Digest Foundation education grant for South Street School - \$1,200

4 - Approve application and resolution for Reader's Digest Foundation education grant for Roberts Avenue School - \$1,500

5 - Approve resolution permitting the establishment of installment payments for assessments for Racing Brook Meadows water system improvements - Scuppo Road

8 - Confirm reappointment of Mario Tiani, Robert Gentry and Fil Cerminara as members of the Parks and Recreation Commission

9 - Confirm reappointment of Manny Furtado, Lawrence Rinaldo and Shailesh Nagarsheth as members of the Environmental Impact Commission

10 - Confirm appointment of Michael Kallas and William Coffey, Sr. as members of the Redevelopment Agency

12 - Approve appropriation of \$641,000 to Police Department Special Services Account for contractual services

13 - Approve transfer of \$15,000 to the Fire Department Special Services Account for fire watch

14 - Receive report from the Director of Parks and Recreation dated November 17, 1998 regarding request for skateboard park

28 - Receive report and approve positive recommendation regarding request for sewer and water extensions - Shelter Rock Road

29 - Receive report and approve positive recommendation regarding request for sewer extension - 23 Newtown Road

30 - Receive report and approve positive recommendation concerning approval of the grant application and adoption of the related resolution and refer the DATAHR property acquisition to the Planning Commission for a report

Mr. Boynton made a motion to receive the Consent Calendar and adopt it as presented. Seconded by Dean Esposito. Motion carried unanimously.

1 - **RESOLUTION** - Traffic Signals and Intersection Modernization Project

RESOLVED by the Common Council of the City of Danbury:

State Project No. 34-255/285

Federal Aid Project No. STOP-000S(474)/STOP-000S(763)

RESOLVED, that Gene F. Eriquez, Mayor, be and hereby is, authorized to sign the agreement entitled: "First Supplemental To The Original Agreement dated April 3, 1997 between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of Intersection Improvements Utilizing Federal Funds from the Surface Transportation Program."

The Resolution was approved and the Mayor authorized to sign the agreement on the Consent Calendar.

2 - **RESOLUTION** - Environmental Education Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Environmental Protection Agency has made available environmental education grants for the purposes of creating a network of outdoor learning and research centers for environmental studies; and

WHEREAS, the City of Danbury Department of Health and Housing is desirous of applying for said grant, with the Old Quarry Nature Center acting as the lead agency for purposes of the programs; and

WHEREAS, the grant is to be submitted in conjunction with the Friends of the Old Quarry Nature Center, the Danbury School System and the City of Danbury; and

WHEREAS, the grant request will be in the sum of \$18,000, with a local cash match of \$6,000 provided by the Friends, for a total grant budget of \$24,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, be and hereby is authorized to execute such documents as are required in order to make application for said grant and to take such additional actions as are necessary to effectuate the purposes hereof.

The application and resolution were approved on the Consent Calendar.

3 - **RESOLUTION** - Reader's Digest Grant, South Street School

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Reader's Digest Foundation has made funds available for collaborative school public library programs for the benefit of children of Fairfield County, Connecticut; and

WHEREAS, the Danbury Public Library and South Street School have made application to the Reader's Digest Foundation for a grant of \$1,200 with no local match required; and

WHEREAS, the Danbury Public Library and South Street School will work together to improve students writing and reading through dramatization of literature and take students to the Danbury Public Library to become familiar with the library's services and resources and insure students have a Danbury Public Library card.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT, all prior acts of authorized personnel 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 is hereby authorized to accept grant funds in the amount of \$1,200 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 City of Danbury funds must receive prior approval by the Common Council.

The application and resolution were approved on the Consent Calendar.

4 - **RESOLUTION** - Reader's Digest Grant, Roberts Avenue School

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Reader's Digest Foundation has made funds available for collaborative school public library programs for the benefit of children of Fairfield County, Connecticut; and

WHEREAS, the Danbury Public Library and Roberts Avenue School have made application to the Reader's Digest Foundation for a grant of \$1,500 with no local match required; and

WHEREAS, the Danbury Public Library and Roberts Avenue School will work together to improve students writing and reading through dramatization of literature and take students to the Danbury Public Library to become familiar with the library's services and resources and insure students have a Danbury Public Library card.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT, all prior acts of authorized personnel 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 is hereby authorized to accept grant funds in the amount of \$1,200 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 City of Danbury funds must receive prior approval by the Common Council.

The application and resolution were approved on the Consent Calendar.

5 - **RESOLUTION** - Racing Brook Meadows Water System Improvements - Scuppo Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused water system improvements to be made known as the Racing Brook Meadows Water System Improvement-Scuppo Road; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said improvements; and

WHEREAS, the Common Council has determined the amount of said assessments after public hearing, all according to law; and

WHEREAS, the Code of Ordinance Sec.21-56 et seq. authorize the installment payment of assessments levied as the result of benefits derived from the installation of Waterworks improvements; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before January 1, 1999 provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of water benefit assessments in connection with the Racing Brook Meadows Water System Improvements:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Three Thousand Thirty Dollars and 00/100 (\$3,030.00) (Lot 14094) and Seven Thousand Three Hundred Eighty Five Dollars and 00/100 (\$7,385.00) (Lot FI4098).
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.74 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

Stephen R. Johnson. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Setaro. Motion carried unanimously.

8 - **COMMUNICATION** - Letter from Mayor Eriquez requesting the confirmation of the reappointments of Mario Tiani, Robert Gentry and Fil Cerminara to the Parks & Recreation Commission for terms to expire December 1, 2001. The reappointments were confirmed on the Consent Calendar.

9 - **COMMUNICATION** - Letter from Mayor Eriquez requesting the confirmation of the reappointments of Manny Furtado, Lawrence Rinaldo and Shailesh Nagarsheth to the Environmental Impact Commission for terms to expire December 1, 2001. The reappointments were confirmed on the Consent Calendar.

10 - **COMMUNICATION** - Letter from Mayor Eriquez requesting confirmation of the appointment of Michael Kallas to the Redevelopment Agency for a term to expire January 1, 1999 and William Coffey, Sr. for a term to expire January 1, 2001. The appointments were confirmed on the Consent Calendar.

11 - **COMMUNICATION** - Request from the Director of Parks and Recreation for permission to accept a donation from Children First to send an employee to the National Safety Inspectors Certification course in Huntington, New York. Dean Esposito made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

12 - **COMMUNICATION** - Request from Police Chief Robert Paquette requesting the sum of \$641,000 for the Special Services Account for contractual police services. Upon collection, these funds become an indirect revenue for the City. The appropriation was approved on the Consent Calendar.

13 - **COMMUNICATION** - Request from Fire Chief Carmen Oliver for the sum of \$15,000 to be transferred to the Special Services account for fire watch. The transfer of funds was approved on the Consent Calendar.

14 - **COMMUNICATION** - Report from Director of Parks and Recreation stating that he is in the process of review the request for a skateboard park in the City. The communication was received on the Consent Calendar.

15 - **COMMUNICATION** - Request for traffic light at Newtown Road and Woodside Avenue. Mr. McAllister asked that this be referred to the Police Chief and the Traffic Engineer for reports back. Mayor Eriquez so ordered.

16 - **COMMUNICATION** - Letter from Wesley Pollitt describing problems he has observed throughout the City. Mr. Levy asked that this be referred to the Director of Public Works for a report back. Mayor Eriquez so ordered.

17 - **COMMUNICATION** - Offer to donate two lots of one-quarter acre each to the City. The lots are known as Lots 3 and 5 Beach Road.

Mr. Setaro asked that this be referred to the City Engineer, the Planning Director, the Planning Commission and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

18 - **COMMUNICATION** - Request for acceptance of Jireh Lane as a City Road. Mr. Arconti asked that this be referred to the City Engineer, the Director of Planning, and the Planning Commission for reports back. Mayor Eriquez so ordered.

19 - **COMMUNICATION** - Proposal for Down on the Farm Property - Regional Hospice. Mr. Machado asked that this be referred to the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered.

20 - **COMMUNICATION** - Sale of Surplus Property - Birch Trail, Settlers Hill Road and Old Hayrake Road. Mr. McAllister asked that this be referred to the Corporation Counsel for a report back. Mayor Eriquez so ordered.

21 - **COMMUNICATION** - Request to accept Fieldstone Drive as a City Road. Dean Esposito asked that this be referred to the City Engineer, the Director of Planning, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered.

22 - **COMMUNICATION** - Request to donate two parcels near Candlewood Lake to the City. Mr. Levy asked that this be referred to the City Engineer, the Director of Planning, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered.

23 - **COMMUNICATION** - Proposed transfer of title for 27 1/2 Main Street. Mr. Machado asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

24 - **COMMUNICATION** - ARC IceSports Revisions - WITHDRAWN

25 - **COMMUNICATION** - New England Aircraft Sales - Lease Agreement. Mr. Levy asked that this be referred to an ad hoc committee, the Airport Administrator, the Corporation Counsel, the Director of Finance, the Planning Commission and a representative of New England Aircraft. Mayor Eriquez so ordered and appointed Council Members Scalzo, Shuler and Saracino to the committee.

26 - **COMMUNICATION** - Request to sell surplus property. Dean Esposito asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

27 - **COMMUNICATION** - GAR Electroformer, Inc. - Settlement of Claim. Mr. Setaro asked that this be deferred to the end of the agenda for executive session. Without objection, Mayor Eriquez so ordered.

28 - **COMMUNICATION** - Request for Sewer and Water Extensions - Shelter Rock Lane

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Shelter Rock Lane met on November 16, 1998 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Boynton and Saracino. John Esposito was

absent due to the work commitments. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, A. Peter Damia, Esq., J. Moody and Ralph Gallagher.

The applicant described the reasons for this request which complies with the Plan of Development. Mr. Buckley and Mr. Schweitzer reviewed this request and had no objection subject to the normal eight steps.

Mrs. Saracino made a motion to recommend approval of this request subject to the normal eight steps. Seconded by Mr. Boynton. Motion carried unanimously.

The report was received and the positive recommendation approved on the Consent Calendar.

29 - **REPORT** - Request for Sewer Extension - 23 Newtown Road

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 23 Newtown Road met on November 16, 1998 in Room 432 in City Hall. In attendance were committee members Boynton and Saracino. John Esposito was absent due to a business commitment. Also in attendance were Superintendent of Public Utilities William Buckley and City Engineer Jack Schweitzer.

The Planning Commission issued a positive recommendation. Mr. Buckley and Mr. Schweitzer gave the committee an overview of this extension and would recommend approval subject to the normal eight steps.

Mrs. Saracino made a motion to recommend approval subject to the normal eight steps. Seconded by Mr. Boynton. Motion carried unanimously.

The report was received and the positive recommendation approved on the Consent Calendar.

30 - **REPORT** - Resolution for DATAHR Property Acquisition

Mr. Setaro submitted the following report:

The committee appointed to review the resolution regarding the DATAHR property acquisition met at 7:00 PM on November 23, 1998 in Room 432 of City Hall. In attendance were committee members Setaro, Levy and Basso. Also attending was Jack Kozuchowski, Environmental Services Coordinator and Council Members Saracino and Moore, ex-officio.

Mr. Kozuchowski explained that adoption of the resolution at issue would authorize the Mayor to apply for DEP grant funds for open space, that the two parcels at issue are owned by DATAHR and could serve as an environmental learning center and be used for passive recreation and that these parcels represent the largest undeveloped swamp area in Danbury and have been designated for preservation in the plan of development. He added that the grant is for one half of the property value, \$127,000, that the City has a strong application since the parcels at issue have been designated as a priority for preservation by the State DEP

and that this application would not prejudice additional grant applications for future City acquisitions, such as the parcel abutting Tarrywile Park, due to the priority designation of these parcels by the DEP.

Council members discussed the location of the property across from Lake Place and behind Danbury Square Mall, the benefits of future use by the public, and that if awarded, the appropriation of the funding of the City share of the cost, \$127,000 would come back to the Council for consideration.

Mr. Levy moved to recommend to the Common Council approval of the grant application, adoption of the proposed resolution regarding the DATAHR property acquisition and referral of the acquisition issue to the Planning Commission. Seconded by Mrs. Basso and passed unanimously.

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Datahr Rehabilitation Institute ("Datahr") has acquired parcels of property, more particularly described in the attached Schedule A, located within the Still iver watershed, which it wishes to convey to the City of Danbury; and,

WHEREAS, the conveyance of said property to the City of Danbury would be in the best interests of Datahr and the City in that it will allow Datahr to use the proceeds to better serve area residents with disabilities while insuring that the property is preserved as open space in perpetuity; and,

WHEREAS, the Connecticut General Assembly, by its adoption of P.A. 98-157, has made grant funds available to municipalities pursuant to the Protected Open Space and Watershed Land Acquisition Grant Program for the purpose of acquiring land for open space and watershed protection; and,

WHEREAS, the City of Danbury wishes to make application for said grant in the amount of one hundred and twenty seven thousand, five hundred dollars (\$127,500.00), representing fifty percent of the appraised value of the property; and

WHEREAS, if said grant is awarded to the City of Danbury, it is prepared to appropriate the remaining fifty percent of the cost of acquisition as its local share;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Danbury that:

1. An application for assistance be made to the Commissioner of the Department of Environmental Protection for a Protected Open Space and Watershed Land Acquisition Grant for the purpose of acquiring the aforementioned property;

2. It is the intention of the City of Danbury that, should its application be selected for funding by the Commissioner of Environmental Protection and be provided funds allocated by the state Bond Commission, that adequate funding will be provided for maintaining the property as open space;

3. Mayor Gene F. Eriquez be and hereby is authorized and directed to execute and file such application and to act as authorizing correspondent;

4. Mayor Gene F. Eriquez is hereby authorized to enter into such agreements and contracts and execute all documents necessary for said grant with the State of Connecticut;

5. The proposed acquisition is in accordance with the Plan of Development of the City of Danbury, and that should said grant be made, said land will remain as open space in perpetuity in accordance with the provisions of Public Act 98-157.

The report was received and the positive recommendation concerning approval of the grant application and adoption of the related resolution approved and the DATAHR property acquisition referred to the Planning Commission on the Consent Calendar.

Mayor Eriquez extended all committees.

32 - **COMMUNICATION** - Mr. Setaro made a motion to add a request from DAYO for a contribution so the team and cheerleaders can travel to Florida for the Pop Warner Superbowl. Seconded by Mr. Levy. Motion carried with Mr. Gallagher voting in the negative.

Mr. Setaro made a motion, pending certification, to appropriate the sum of \$4,000 for DAYO. Seconded by Mr. Levy. Motion carried unanimously.

At 8:08 P.M. Mr. Setaro made a motion to enter into Executive Session to consider item 27. Seconded by Mr. Gallagher. Motion carried unanimously.

At 8:20 P.M. the Common Council reconvened in public session. Mr. McAllister made a motion to approve the recommendations of Corporation Counsel concerning item 27. Seconded by Mr. Shuler. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made at 8:21 P.M. by Mr. Gallagher for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk

