

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

RE: Minutes of the Common Council Meeting held January 5, 1999

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, Smith, Arconti, Buzaid, Dean Esposito, Machado, Shuler, Adames, Setaro, John Esposito, Levy, Abrantes, Basso, Falzone, Fox, Gallagher, Moore, Saracino

ABSENT - Boynton, Charles

19 Present - 2 Absent

Mr. Boynton was ill

PUBLIC SPEAKING

Jennifer Lavery - 10 Anchor Street

Alan Schacht - 15 Cedar Street

The Mayor delivered his State of the City address.

MINUTES - Minutes of the Common Council Meeting held December 1, 1998. Mr. Setaro made a motion to adopt 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 application and resolution for FAA and State DOT Grant for

Airport Improvements - \$1,714,964.55

2 - Receive correspondence from Corporation Counsel dated December 9, 1998 and declare vacant the seventh ward Council seat formerly held by Ingris Adames

6 - Approve reappropriation of \$2,268.50 from Elderly Services donations account to Commission on Aging budget for part time services, printing and binding, outside services, postage, office supplies and equipment not classified

7 - Approve transfer of \$8,370 from revenues collected for firefighter candidates application fees to Civil Service Professional Services Account

9 - Confirm reappointments of Betty Jane Hull and Dimples Armstrong to Danbury Public Library Board of Directors

10 - Receive communication from Mayor Gene F. Eriquez appointing Eileen Coladarci, Joseph Scozzafava and Council Members Boynton, Scalzo and Moore as members of the Governmental Entities Review and Investigations Committee

25 - Receive positive Planning Commission report dated December 21, 1998 and approve transfer of title to property located at 27 1/2 Main Street to Transamerica

26 - Receive positive Planning Commission report dated December 21, 1998, declare list of City owned properties surplus and offer for sale

- 27- Receive positive Planning Commission reports dated December 21, 1998 regarding Datahr property acquisition
- 28- Receive communication from Acting City Engineer dated December 2, 1998 regarding request for sidewalks on Great Plain Road and take no action
- 29- Receive report from Corporation Counsel dated December 3, 1998 regarding disposal of surplus property
- 31- Receive report from Superintendent of Public Utilities dated December 18, 1998 regarding item 16 of the December, 1998 Council agenda
- 32- Receive report from Acting City Engineer regarding request for installation of traffic signal on Newtown Road at Woodside Avenue and take no action pending further information from the State Traffic Commissioner
- 33- Receive report and positive recommendation and approve request for sewer and water extensions on Mill Plain Road
- 34- Receive report tabling final assessments for water system improvements at Pleasant Acres
- 35- Receive report and positive recommendation and approve proposal to proceed with the limited scope water extension project to Anchor Street, Cedar Street, Denver Terrace, Ivy Lane, Alison Lane, Eugene Lane

Mr. Levy made a motion that the Consent Calendar be adopted as presented. Seconded by Mrs. Abrantes. Mr. Scalzo moved that the Police Chief's report be added to item 32. Motion carried unanimously.

1 - **RESOLUTION** - Airport Improvement Grant

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 rehabilitate the general aviation apron at Executive Air Service, LLC and do a wildlife study at the Danbury Municipal Airport which will improve the safety and efficiency of airport operations; and

WHEREAS, the City of Danbury intends to rehabilitate the general aviation apron at Executive Air Service, LLC and do a wildlife study at the Danbury Municipal Airport which will improve the safety and efficiency of airport operations; and

WHEREAS, additional costs of excavation necessitate an adjustment to the cost of the project, additional grant funds must be requested, resulting in an increased local match; and

WHEREAS, the City of Danbury will amend its original application in total for \$1,758,938 federal and state share in an amended amount not to exceed \$1,714,964.55 with a local match of two and one-half percent (2 1/2%) equaling an amount not to exceed \$43,973.45.

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 Corporation Counsel Eric Gottschalk rendering an opinion that the Seventh Ward Common Council seat held by Ingris Adames should and may be declared vacant since it has been determined that Ms. Adames has left the area. The communication was received and the Seventh Ward Common Council seat declared vacant on the Consent Calendar.

3 - **COMMUNICATION** - Request from Library Director Betsy McDonough for permission to accept a donation from Wayne R. Fruhwald in the amount of \$175.00. Mr. Arconti made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

4 - **COMMUNICATION** - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$2,207.75 for the use of the new "SeniorNet" Computer Program at the Danbury Senior Center. Mr. Arconti made a motion that the communication be received, the donations accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Buzaid. Motion carried unanimously.

5 - **COMMUNICATION** - Request from Director of Finance Dominic Setaro for permission to accept donations to the Millennium Project in the total amount of \$6,000. Mr. McAllister 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.

6 - **COMMUNICATION & CERTIFICATION** - Request from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$2,268.50 from the elderly services donations account to the Commission on Aging budget. A certification of funds was attached. The reappropriation of funds was approved on the Consent Calendar.

7 - **COMMUNICATION & CERTIFICATION** - Request from Acting Personnel Director/Chief Examiner Julio Lopez for the sum of \$8,370.00 to be transferred from the revenues collected from the Firefighter candidate's application fee to the Professional Services Account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

8 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Lt. James H. Johnson to the position of Deputy Fire Marshall in the Danbury Fire Department. Mr. Levy made a motion that the communication be received and the appointment confirmed. Seconded by Mrs. Basso. Motion carried unanimously.

9 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the reappointments of Betty Jane Hull and Dimples Armstrong to the Library Board of Directors for terms to expire January 1, 2002. The reappointments were confirmed on the Consent Calendar.

10 - **COMMUNICATION** - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointments of Council Members Ernest

Boynton, Harry Scalzo and Martin Moore and public members Eileen Coladarci and Joseph Scozzafava to the Governmental Entity Review and Investigation Committee. The appointments were confirmed on the Consent Calendar.

11 - **COMMUNICATION** - Donation of land off Newtown Road to the City. Mr. McAllister asked that this be referred to the City Engineer, the Director of Planning, the Planning Commission, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered.

12 - **COMMUNICATION** - Conveyance of Parcels X and Y on Map No. 10659 Stadley Acres from J.M.R. Construction to the City of Danbury. Mrs. Abrantes asked that this be referred to the City Engineer, the Planning Commission and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

13 - **COMMUNICATION** - Request for easements at 70 Main Street. Dean Esposito asked that this be referred to the Planning Director, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered.

14 - **COMMUNICATION** - Request from Berkshire Corporation Park for the Common Council to approve the water mains servicing the Park in phases due to the size and complexity of the water installation. Mr. Levy asked that this be referred to the Superintendent of Public Utilities. Mayor Eriquez so ordered.

15 - **COMMUNICATION** - Request for an additional seven inches around the Redevelopment Parcel 5 and 5A building to accommodate architectural columns and facing which will project beyond the property boundary and a request to lease the temporary shoring in place to continue to support the roadway or structure. Mr. Setaro made a motion, subject to Planning Commission approval that the request for an up to an additional seven inches around the building to accommodate architectural columns and a facing which will project beyond the property boundary and the request to leave the temporary shoring in place to continue to support the roadway or structure should any work be done in the area in the future be granted. Seconded by Mr. Shuler. Motion carried unanimously.

16 - **COMMUNICATION & CERTIFICATION** - Request for funds from the Contingency Account to replace City Hall Diesel Fuel Tank and to remove and abandon the gasoline tank at the Police Department headquarters. Mr. Palanzo requests the sum of \$32,175.00. A certification of funds was attached. Mr. Scalzo made a motion that the sum of \$32,175.00 be appropriated from the Contingency Account to replace City Hall Diesel Fuel Tank and to remove and abandon the gasoline tank at the Police Department. Seconded by Mr. Scalzo. Motion carried unanimously.

17 - **COMMUNICATION** - Letter from Corporation Counsel Eric Gottschalk requesting that the City enter into an agreement with Lazy Creek Mill LLC to convey 12 acres to City, in fee, in exchange for a 2.38 acre parcel of City property and a payment of \$15,000, as part of the landfill closure effort. A certification of funds was attached. Mr. Machado asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

18 - **COMMUNICATION** - Request from Otto G. Densk that the City continue to maintain a heavily wooded parcel of land on Old Hayrake Road as permanent open space and reverse its prior decision to dispose of this land. Mr. Arconti asked that this be referred to an ad hoc committee, the Planning Director, the Planning Commission, the Director of Finance and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Scalzo, Levy and Saracino to the committee.

19 - **COMMUNICATION** - Request from Douglas King requesting payment of a sewer repair bill at 112 South Street. Dean Esposito asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the Director of Finance, the Corporation Counsel and the Risk Manager. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Buzaid and Moore to the committee.

20 - **COMMUNICATION** - Request for sewer and water extensions on Oil Mill Road. Mr. Machado 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, Gallagher and Basso to the committee.

21 - **COMMUNICATION** - Request for sewer and water extensions at 42A Main Street. Mr. Arconti asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Buzaid, Dean Esposito and Saracino to the committee.

22 - **COMMUNICATION** - Request for water extension at 62 Federal Road. Mr. McAllister asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Smith and Moore to the committee.

23 - **COMMUNICATION** - Request for water extension on Westville Avenue Extension. Mr. Levy asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Fox, Gallagher and Basso to the committee.

24 - **COMMUNICATION** - Request for sewer and water extensions at 45 Maple Avenue. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Shuler, Dean Esposito and Saracino to the committee.

25 - **COMMUNICATION** - Planning Commission report regarding 23-27 1/2 Main Street. The positive Planning Commission report was received and the transfer of title to Transamerica approved on the Consent Calendar.

26 - **COMMUNICATION** - Planning Commission report regarding surplus properties. The positive Planning Commission report was received , the list of City owned properties declared surplus and offered for sale on the Consent Calendar.

27 - **COMMUNICATION** - Planning Commission Report on Datahr Property. The positive Planning Commission report was received on the Consent Calendar.

28 - **COMMUNICATION** - Report from City Engineer on the request for sidewalks on Great Plain Road. The report was received on the Consent Calendar and no action taken.

29 - **COMMUNICATION** - Report from the Corporation Counsel regarding surplus properties. The report from the Corporation Counsel was received on the Consent Calendar.

30 - **COMMUNICATION** - Reports on Jansen Street. Mr. Setaro asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel, Jack Kozuchowski, the Planning Director and the petitioners. Mayor Eriquez so ordered and appointed Council Members Arconti, Gallagher and Moore to the committee.

31 - **COMMUNICATION** - Report from Superintendent of Public Utilities regarding item 16 from the December agenda. The report was received on the Consent Calendar.

32 - **COMMUNICATION** - Reports from the City Engineer and the Police Chief regarding the installation of a traffic signal on Newtown Road at Woodside Avenue. The reports were accepted on the Consent Calendar and no action taken pending further information from the State Traffic Commissioner.

33 - **REPORT** - Request for Sewer and Water Extension - Mill Plain Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Mill Plain Road met on December 14, 1998 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher and Arconti. Also in attendance were Acting City Engineer Patricia Ellsworth, Director of Public Utilities William Buckley and the applicant's representatives Peter Scott and Robin Kahn.

Mr. Scott gave an overview of the request for sewer and water extension for the project which will entail development of the Hilton Garden Inn. Mr. Gallagher stated that the Planning Commission had given a positive recommendation for this request. Ms. Ellsworth and Mr. Buckley both recommended granting this request in conjunction with the standard eight steps.

Mr. Arconti moved to approve the request for sewer and water extensions for the Hilton Garden Inn on Mill Plain Road in conjunction with the standard eight steps. The motion was seconded by Mr. Gallagher and passed unanimously.

The report was adopted on the Consent Calendar.

34 - **REPORT** - Final Assessments - Water System Improvements Pleasant Acres

Mr. Setaro submitted the following report:

The Committee of the Whole met at 8:10 P.M. on December 21, 1998 in the Common Council Chambers in City Hall to review final assessments regarding water system improvements at Pleasant Acres. Superintendent Bill Buckley explained that the residents of Pleasant Acres had petitioned the City to extend water to their area and that the project included a pump station. At the public hearing prior to the meeting many residents raised questions regarding their assessments and, in particular, several property owners on Valley Stream Drive indicated that they were assessed for the water line when the line runs behind the properties.

After discussion, Mr. Boynton moved to table the issue of final assessments to Pleasant Acres pending calculation and of new assessments excluding the Valley Stream Drive homes, that the proposed final assessments for Pleasant Acres be listed according to street address and that the Council schedule a future meeting to take up the issue of final assessments to Pleasant Acres. Seconded by Mr. Arconti and passed unanimously.

The report was adopted on the Consent Calendar.

35 - **REPORT** - Proposed Water Mains - Anchor Street, Cedar Street, Denver Terrace, Ivy Lane, Alison Lane, Eugene Lane, Sylvan Road

Mr. Setaro submitted the following report:

The committee of the whole met at 8:10 P.M. on December 21, 1998 in the Common Council Chambers in City Hall to review proposed water mains to Anchor Street, Cedar Street, Denver Terrace, Ivy Lane, Alison Lane, Eugene Lane and Sylvan Road. Petitions had previously been submitted to the Council requesting the water extension to these streets based upon possible health concerns and failing wells. The City Engineer submitted to Council members survey responses showing a majority of property owners opposed to the extension. Superintendent of Public Utilities Bill Buckley stated that the project could be scaled down to include a majority of those residents in favor of the water extension, that the preliminary cost assessments sent to residents would not be substantially changed if the project were delayed and that the cost assessment is based upon a four part formula. The limited scope project would include all of Anchor Street and Denver Terrace and portions of Cedar Street and Ivy Lane.

Approximately twenty residents spoke at the public hearing preceding the meeting, evenly divided between those in favor and opposed to the project, at which time many residents of Anchor Street implored approval of the project citing the urgency of the situation. After discussion, Mr. Gallagher moved to recommend to the Council approval of the limited scope water extension project as outlined by the Superintendent of Public Utilities. Seconded by Mr. McAllister and passed unanimously.

The report was adopted on the Consent Calendar.

36 - **DEPARTMENT REPORTS** - Fire Chief, Fire Marshall, Police Chief, Engineering, Public Utilities, including Landfill, 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 Mr. Falzone. Motion carried unanimously.

Mayor Eriquez extended all committees.

37 - Mr. Setaro made a motion to add item 37 - a report regarding the proposed use of City owned land on Union Avenue - to the agenda. Seconded by Mr. Levy. Motion carried with Council Members Basso and Gallagher voting in the negative.

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the proposal for use of City owned land on Union Avenue met on December 28, 1998 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Shuler, Dean Esposito and Saracino. Also in attendance were Mayor Gene F. Eriquez, Acting City Engineer Patricia Ellsworth, Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Director of Finance Dominic Setaro and the petitioners, Joseph DaSilva, Jr., and Hal Stillson of H&R Designs.

A presentation was made by Mr. DaSilva and Mr. Stillson for new, affordable home ownership opportunities. Mayor Eriquez presented the proposal to provide the City owned Union Avenue property for the development of affordable, owner occupied housing in accordance with the Maples LLC plans.

The Common Council is requested to consider the discontinued use of Union Avenue in an effort to join City owned property on Union Avenue (approximately 1/4 acre) with property owned by DaSilva and Sons Real Estate. The purpose is to facilitate the development of fourteen to twenty town homes on the combined site with owner occupancy as a requirement. The Planning Commission, in accordance with existing land use regulations, will determine the number of homes to be set for the site. All homes will have a two car garage and a minimum of 1,400 square feet of living space. The prices are to be within the \$125,000 level. The committee requests that the homes be built in accordance with the architectural design presented and replicate elements of the former Erickson House.

A motion was made by Mrs. Saracino to request that the Common Council deed the land to Maples, LLC, discontinue Union Avenue, quit claim the deed to the road to Maples LLC and the office of the City Engineer determine the right of way for the northern portion of Union Avenue. The Council would deed the City land for \$1.00 to Maples LLC for the proposed project. All of the above is in reference to the map dated November 17, 1998 for Maples LLC and a conceptual site plan prepared by New England Land Survey dated November 17, 1998.

This project is to commence within six months subsequent to Planning Commission approval. Maples LLC would provide the City of Danbury the necessary easement for sewer and water extension to facilitate the project.

The motion was seconded by Mr. Shuler and passed unanimously. A motion to adjourn was made by Mrs. Saracino at 8:15 P.M., seconded by Mr. Shuler and passed unanimously.

Mr. Levy made a motion to receive the report and adopt its recommendations and including tht the project is to commence within six months subsequent to Planning Commission approval. Seconded by Mrs. Abrantes. Mr. Levy offered an amendment to include that the project shall conclude within eighteen months. Seconded by Mr. McAllister. Motion to amend carried unanimously. Main motion, as amended, carried with Council Member Basso voting in the negative.

38 - Mr. Setaro made a motion to add item 38 - communication from Attorney Ward Mazzucco requesting an extension of the sewer and water extension approvals on Broad Street. Seconded by Mr. Levy. Motion carried with Council Members Basso, Falzone and Gallagher voting in the negative.

Mr. Setaro mde a motion that the communication be received and a six month extension for the sewer and water extensions be granted. Seconded by Mrs. Abrantes. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made at 8:51 P.M. by Mr. Scalzo for the meeting to be adjourned.

Respectfully submitted.

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk