

TO: Mayor Gene F. Eriquez and Members of the Common Council
RE: Minutes of the Common Council Meeting held March 2, 1999

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, Arconti, Smith, Buzaid, Boynton, Dean Esposito, Machado, Shuler, Setaro, John Esposito, Levy, Coco, Basso, Fox, Moore, Saracino

ABSENT: Abrantes, Gallagher, Falzone, Charles

Mr. Gallagher and Ms. Abrantes were working, Mr. Falzone was on vacation and Mr. Charles was ill

PUBLIC SPEAKING

Monique LeCoz, Woodbury Drive spoke in favor of Item No. 21 regarding the Taylor family farm.

Mark Nolan, 25 Town Hill Avenue spoke on behalf of Item No. 17 to clarify The Non Profit Rental Housing Corporation's request.

MINUTES – Minutes of the Common Council Meeting held February 2, 1999. 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 – Mr. John Esposito presented the following items for the Consent Calendar:

3 – Approve Resolution levying the property tax for the Danbury Downtown Special Services District for the fiscal year beginning July 1, 1999 and ending June 30, 2000 and establish the tax rate of 1.765 mills.

5 – Approve application and resolution for Western Connecticut Agency on Aging Title 111-B funds in the amount of \$4,000 for an emergency generator for the Senior Center.

6 – Approve application and resolution for Federal FAA and State DOT Grant for Airport Tree Management Study \$292,500.

8- Confirm reappointment of Kris Ginty to the Commission on Persons with Disabilities for a term to expire on March 1, 2002.

10 – Confirm appointment of Robert Feinson to the Library Board of Directors for a term to expire January 1, 2002.

11 – Approve reappropriation of \$497.50 from Elderly Services donations account to the Commission on Aging budget for printing.

19 – Receive positive Planning Commission report dated February 24, 1999 and approve purchase of Caretakers House at Richter Park.

22 – Approve proposed restricted building area and utility easement area next to Community Health Center subject to submission of easement documents by Main Elmwood, LLC satisfactory to Office of Corporation Counsel.

23 – Approve City receipt of permanent easement for road and snow storage at Ridgeside Road.

27 – Approve six months extension of time for sewer connection for Lot No. 2 Depalma Lane on the conditions previously approved by the Common Council and recommended in a committee report dated April 2, 1996.

28 – Approve eighteen month extension of time for sewer extension for Kenosia Avenue sewer (South end).

29 – Approve revised final assessments as proposed by the City Engineer for Pleasant Acres water system improvements.

30 – Receive report and approve positive recommendation regarding sewer and water extensions on Oil Mill Road for proposed condominium project.

Mr. Levy made a motion that the consent Calendar be adopted as presented. Seconded by Mr. Shuler. Motion carried unanimously.

1 – **ORDINANCE** – Peddlers Sec. 11-4

Letter from Corporation Counsel, Eric L. Gottschalk, and Ordinance amending Section 11-4 of the Danbury Code of Ordinances reducing the maximum license fee that municipalities can charge in connection with the issuance of peddlers licenses from \$250 to \$200 per year pursuant to Connecticut General Statutes. Mr. Arconti asked that this be referred to Public Hearing. Mayor Eriquez so ordered.

2 – **RESOLUTION** – National Community Development Week.

Resolved by the Common Council of the City of Danbury:

WHEREAS, the week of March 29 – April 4, 1999 has been designated as National Community Development Week, City of Danbury, is a participant in the Community Development Block Grant program which funds a myriad of social service, economic development, and housing programs in this community, and

WHEREAS, in this community and in communities throughout the nation, twenty four years of Community Development Block Grant program funding has developed a strong network of relationships between this local government, residents and the many non-profit agencies that provide services and help make possible our commitment to those neighborhoods, and

WHEREAS, this community recognizes that the Community Development Block Grant program is a partnership of Federal, state and local government, business, non-profit and community efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts,

THEREFORE BE IT RESOLVED, that during National Community Development Week 1999, this community will give special thanks and recognition to all participants whose hard work and devotion to the neighborhood and their low and moderate income residents help insure the quality of effectiveness of the Community Development Block Grant program, and

BE IT FURTHER RESOLVED, that this community, along with the service providers and others whose names are appended to this resolution, hereby petition the U.S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, and of its vital importance to the community and to the people who live in its lower income neighborhoods, and

BE IT FURTHER RESOLVED, that copies of this resolution be conveyed to the appropriate elected and appointed officials of the Federal government and that this community's name, and the names of its non-profit service providers, be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant program and maintenance of its essential features over the course of the next session of Congress.

Mr. Boynton made a motion to adopt the Resolution, designating the week of March 29 – April 4, 1999 as National Community Development Week. Seconded by Mr. Buzaid. Motion carried unanimously.

3 – **RESOLUTION** – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury.

**A RESOLUTION LEVYING THE PROPERTY TAX
FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT
FOR THE FISCAL YEAR BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000**

SECTION 1. The sum of One Hundred Thirty Five Thousand, Eight Hundred Sixty One Dollars (\$135,861) representing the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Three Thousand, Four Hundred Dollars (\$133,400) for the fiscal year beginning July 1, 1999 and ending

June 30, 2000, and minus indirect revenues of \$-0-, and minus estimated available "Surplus" of \$-0- plus taxes reserved in the amount of \$2,461, is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the corrected annual Grand List as of October 1, 1998.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 1999 and ending June 30, 2000 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.765 MILLS

SECTION 3. The taxes levied and assessed herein provided shall be due and payable in four equal installments on July 1, 1999, October 1, 1999, January 1, 2000, and April 1, 2000 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 1999, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 1999 and ending June 30, 2000.

The resolution establishing the annual tax levy for the Downtown Special Services District in accordance with the provision of Section 19B-7 of the Danbury Code of Ordinances was approved on the Consent Calendar.

4 – **RESOLUTION** – Local Capital Improvement Program

Resolved by the Common Council of the City of Danbury

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

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$440,799.00 to cover the cost of the addition and renovations to the City Hall Building; and

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

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

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

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

Projects-Completed/Reimbursed

034-88-010	City Hall Roof Replacement	\$ 65,311.00
034-88-020	Replace Tanks/Boilers - City Bldgs	220,875.00
034-89-010	Replace Cross Street Bridge	35,775.00
034-89-020	Repair/Replace Roofs - City Bldgs	176,700.00
034-89-030	Water Services - Tarrywile	123,668.23
034-89-050	Rebuild/Repave Highways	83,617.00
034-89-070	Replace Cross Street Bridge	234,245.00
034-90-010	Rebuild/Repave Highways	59,945.00
034-90-020	Downtown Green Design	35,000.00
034-90-040	Roof-Fire/Police Maintenance Bldgs	81,971.83
034-91-010	Rebuild/Repave Roads	517,828.42
034-92-010	Downtown Green Construction	114,999.54
034-92-020	Library Book Security System	39,807.75
034-92-030	Triangle Street Bridge	109,000.00
034-92-040	Cross Street Bridge	94,320.74
034-92-050	Rebuild/Repave Highways	143,878.00
034-93-010	Rebuild/Repave Highways	318,011.52
034-93-020	Replace Triangle Street Bridge	90,176.83
034-93-030	Replace/Renovate HVAC-City Hall	60,000.00
034-94-010	Rebuild/Repave Highways	387,682.06
034-94-020	Library Cooling Tower	25,127.00
034-94-030	Tarrywile Park Farmhouse	28,000.00
034-95-010	Rebuild/Repave Highways	449,196.95
034-95-020	Rogers Park Field Improvements	14,749.00
034-96-010	Rebuild/Repave Highways	437,352.68
034-96-020	Field Improvements- Rogers Park	19,420.30
034-97-010	Rebuild/Repave Highways	203,533.68
034-97-020	Renovation – Library Tech Center	260,000.00

Uncompleted Projects

034-98-010	Rebuild/Repave Highways	434,024.52
034-98-020	Renovate Farm Bldg-Tarrywile Park	25,000.00

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$440,799.00 for the addition and renovations to the City Hall Building to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

Mr. Setaro made a motion to approve the application and resolution for funding under the state Local Capital Improvement Program for the addition and renovations to the City Hall building in the amount of \$440,799. Seconded by Ms. Fox. Motion carried unanimously.

5 – **RESOLUTION** – Western Connecticut Agency on Aging

RESOLVED by the Common Council of the City of Danbury.

WHEREAS, the Western Connecticut Area Agency on Aging has made funds for available to the Department of Elderly Services for the purchase of a new generator; and

WHEREAS, this grant, which requires a local cash match of \$4000.00, would also require the City of Danbury to find and purchase the generator and all accessories to install same; and

WHEREAS, this generator could be used to help provide emergency shelter for seniors and other in case of severe power outages or other potential problems.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to sign any and all papers necessary to effectuate the purposes of this grant.

The application and resolution that will allow the City of Danbury Department of Elderly Services to apply for and accept funding from the Western Connecticut Agency on Aging for the purchase of an emergency generator for the Danbury Senior Center was approved on the Consent Calendar.

6 – **RESOLUTION** – Airport Grant Tree Management Plan

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 do a study to determine the location of obstructions to the approaches of Runway 8 and 26 and perimeter fencing on the Danbury Municipal Airport which will improve the safety and efficiency of airport operations; and

WHEREAS, the City of Danbury is seeking to apply in total for \$300,000; the federal and state share in an amount not to exceed \$292,500 with a local match of two and one half percent (2 ½%) equaling an amount not to exceed \$7,500.

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 application and resolution to apply for funds from the Federal Aviation Administration and the State of Connecticut Department of Transportation in the amount

of \$292,500 for funding for an Airport Tree Management study and perimeter fencing was approved on the Consent Calendar.

7 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of the promotional appointments of Jeffrey R. Herald, Charles Slagle and Robert J. Keenan, Jr. to Captain within the Danbury Fire Department. Mr. Levy moved to confirm the appointments. Seconded by Ms. Basso. Mr. McAllister abstained from voting. The motion carried unanimously.

8 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of the appointment of Barry W. Rickert as Fire Marshall to the Danbury Fire Department. Mr. Setaro moved to confirm the appointment. Seconded by Mr. Levy. Motion carried unanimously.

9 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of the reappointment of Kris Ginty to the Commission on Persons with Disabilities for a term to expire March 1, 2002. The communication was received and the reappointment confirmed on the Consent Calendar.

10 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of the appointment of Robert Feinson to the Library Board of Directors for a term to expire January 1, 2002. The communication was received and the reappointment confirmed on the Consent Calendar.

11 – **COMMUNICATION AND CERTIFICATION** – Request from Director of Elderly Services, Leo McIlrath, for a transfer of funds in the amount of \$497.50 from the Elderly Services Donations Revenue Account to the Commission on Aging budget for the printing account. A certification of funds was attached. The communication was received and the transfer of funds was authorized on the Consent Calendar.

12 – **COMMUNICATION** – Request from Director of Elderly Services, Leo McIlrath, for permission to accept donations in the total amount of \$231.50. Mr. Arconti made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

13 – **COMMUNICATION** – Request from Director of Welfare and Social Services, Debbie MacKenzie, for permission to accept the donation of a framed print. Mr. Machado moved to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

14 – **COMMUNICATION** – Request from Director of Danbury Public Library, Elizabeth McDonough, for permission to accept donations in the amount of \$75. Mr. Scalzo made a motion to receive the communication, accept the donations, credit the proper line items and send letter of thanks. Seconded by Mr. Arconti. Motion carried unanimously.

15 – **COMMUNICATION** – Request from Library Director, Elizabeth McDonough, for the transfer of \$2,449 from the Library's Regular Salaries line item into the FICA and Health Insurance accounts in order to cover benefits for the remainder of this fiscal year for the hiring of a full time Community Relations Coordinator. A certification of funds

was attached. Mr. Levy made a motion to accept the transfer of funds. Seconded by Mr. D. Esposito. The motion carried with Mr. Moore and Ms. Basso voting in the negative.

16 – **COMMUNICATION AND CERTIFICATION** – Request from Corporation Counsel, Eric L. Gottschalk, for an appropriation and transfer of funds in the amount of \$95,000 to the Litigation Special Account and Outside Services Account. A certification of funds was attached. Mr. Setaro made a motion to receive the communication and authorize the transfer of funds into the proper accounts. Seconded by Ms. Fox. The motion carried unanimously.

17 – **COMMUNICATION** - A letter from Mark J. Nolan, President, The Non Profit Rental Housing Corporation, requesting the acceptance of .06+/- acres of land due to the construction of Palace View Senior Housing Development and the upgrading and re-alignment of Bank Street. Mr. McAllister asked that the matter be referred to the Acting City Engineer and the Planning Commission. Mayor Eriquez so ordered.

18 – **COMMUNICATION** – Letter from Corporation Counsel, Eric L. Gottschalk, proposing the acceptance of a modification to a disposal agreement between the City of Danbury and P&G Sanitation, Inc. (P&G) whereby P&G would provide tire and scrap metal disposal services to the City for a period of three years at no cost. Mr. Arconti moved to accept the communication and contract modification. Seconded by Mr. McAllister. Motion carried unanimously.

19 – **COMMUNICATION** – Report from the Planning Commission with a positive recommendation for the offer of purchase of the Caretakers House at Richter Park as the parcel is totally surrounded by the Park Authority lands, the Authority has a use for it and the funds for such a transaction. The communication was received and accepted on the Consent Calendar.

20 – **COMMUNICATION** – Reports from Director of Finance, Assistant Corporation Counsel, Planning Commission and the Acting City Engineer regarding the proposed donation of land off Newtown Road (Assessor's Lot #L12030). Mr. Setaro moved to deny acceptance of the donation of land. Seconded by Ms. Basso. Motion carried unanimously.

21 – **COMMUNICATION** – Report from Corporation Counsel regarding Mr. Taylor's offer to convey the development of rights associated with the Taylor family farm to the City in the form of a conservation easement. Attorney Gottschalk recommended a Planning Commission report be made as a first step. Mr. Setaro referred the matter to the Planning Commission. Mayor Eriquez so ordered.

22 – **COMMUNICATION** – Reports from Assistant Corporation Counsel, Acting City Engineer and Planning Commission with positive recommendations for a proposed restricted building area and utility easement area next to the Community Health Center were received and accepted subject to the submission of easement documents by Main Elmwood, LLC satisfactory to the Office of Corporation Counsel and approved on the Consent Calendar.

23 – **COMMUNICATION** – Reports regarding the proposed conveyance of property on Ridgeside Road for road and snow storage. The reports from the Acting City Engineer

and Assistant Corporation Counsel were received and conveyance of property on Ridgeside Road to the City of Danbury approved on the Consent Calendar.

24 – **COMMUNICATION** – Request from Patricia A. Ellsworth, P.E., Acting City Engineer for authorization of the City to apply to the Housatonic Valley Council of Elected Officials for \$6 Million of the Surface Transportation Program (STP) grants and to conduct necessary work including public information meetings to facilitate implementation of preliminary engineering design and construction for improvements for North Street, Padanaram Road and Pembroke Road under STP. E. Boynton moved to accept the communication and authorize the City to apply for funds. Seconded by Mr. McAllister.

25 – **COMMUNICATION** – Letter from SNET requesting an easement on one of three possible City owned parcels to place communications equipment cabinets. Mr. Scalzo asked that the matter be referred to the City Engineer, Corporation Counsel, Planning Director and Planning Commission. Mayor Eriquez so ordered.

26 – **COMMUNICATION** – Letter from Kathy-Ann Gobin and Michael Duffy requesting a sewer extension and survey on Boulevard Drive. Mr. Machado asked that the matter be referred to the City Engineer for a survey. Mayor Eriquez so ordered.

27 – **COMMUNICATION** – Letter from Dee Stanley requesting a six month extension of time for sewer connection for Lot No. 2 Depalma Lane. The communication was received and approved on the Consent Calendar on the conditions previously approved by the Common Council and recommended in a committee report dated April 2, 1996.

28 – **COMMUNICATION** – Letter from Attorney Paul S. McNamara requesting the extension of time for a previously approved sewer extension for Kenosia Avenue Sewer (south end). The communication was received and approved on the Consent Calendar.

29 – **COMMUNICATION** – Report from Engineering Department on revised final assessments as proposed by the City Engineer for Pleasant Acres water system improvements. The Communication was received and approved on the Consent Calendar.

30 – **COMMUNICATION** – Report from Common Council Committee recommending the acceptance of a request for sewer and water extension on Oil Mill Road for proposed condominium project. Communication was received and approved on the Consent Calendar.

31 – **DEPARTMENT REPORTS** – Fire Chief, Fire Marshall, Police Chief, Elderly Services, Water Department, Highway Department, Health and Housing, Engineering. Mr. Setaro made a motion that the department reports be accepted as submitted 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 Ms. Fox. Motion carried unanimously.

32 – **COMMUNICATION** – Mr. Setaro moved to add a communication from Mayor Eriquez requesting the confirmation of the appointment of Robert Zarbock to the Environmental Impact Commission for a term to expire December 1, 1999. Mr. Levy seconded and the motion carried unanimously. Mr. Setaro moved to confirm the

appointment to the Environmental Impact Commission. Seconded by Ms. Basso. Motion carried unanimously.

33 – **COMMUNICATION** – Mr. Setaro moved to add a communication from Mayor Eriquez requesting the confirmation of the appointment of Edward T. Torian to the Board of Assessment Appeals for a term to expire June 30, 2002. Mr. Levy seconded and the motion carried unanimously. Mr. Shuler moved to confirm the appointment to the Board of Assessment Appeals. Seconded by Mr. Machado. Motion carried unanimously.

34 – **COMMUNICATION** – Mr. Boynton moved to add a communication from the Common Council Committee, Mr. Levy seconded and the motion carried unanimously to accept a communication from a Common Council Committee appointed to review the request for a water extension on Pocono Lane. Mr. Arconti made a motion to accept the request. Seconded by Mr. D. Esposito. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council, a motion was made by Mr. Arconti for the meeting to be adjourned at 8:45 and seconded by Dean Esposito.

Respectfully submitted,

Katie Gallagher

ATTEST:

Elizabeth Crudginton
City Clerk