

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

RE: Minutes of the Common Council Meeting held June 1, 1999

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

**PRESENT** – Scalzo, McAllister, Arconti, Smith, Buzaid, Dean Esposito, Machado, Shuler, Charles, Setaro, John Esposito, Levy, Abrantes, Coco, Basso, Fox, Gallagher, Moore, Saracino

**ABSENT** – Boynton, Falzone

19 Present            2 Absent

**PUBLIC SPEAKING** – No members of the public requested speaking time before the Common Council.

**MINUTES** – Minutes of the Common Council Meeting held May 4, 1999. Mr. Setaro made a motion to approve 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:

2 - Approve application and resolution for State Department of Public Health Drinking Water Revolving Fund program funding - \$16,765,043.

3 - Approve application and resolution for U.S. Department of Housing Community Development Block Grant Twenty-Fifth Year funding - \$686,318.41.

4 - Approve application and resolution for State Department of Public Health Preventive Health Services Block Grant in an amount not to exceed \$8,003.

6 - Approve reappropriation of \$440 from Elderly Services donations account to Commission on Aging budget for professional service fees.

10 – Approve continuance of City issuing free coupons for mom and pop trash disposal for disabled veterans, POWs and citizens with handicapped license plates and waive the \$15 annual permit fee for these persons, limiting the waive to one per household.

12 – Approve request to expand planning easement by the City to Main Elmwood LLC for premises located at 70 Main Street subject to positive Planning Commission report.

14 – Receive positive Planning Commission report dated May 25, 1999 and accept Jireh Lane as a City roadway.

15 – Receive positive Planning Commission report dated May 3, 1999 regarding request to purchase property on Woodside Avenue.

24 – Receive reports from City Engineer and Corporation Counsel and negative report from Planning Commission regarding discontinuance of a portion of Oil Mill Road and take no action at this time.

25 – Receive reports from Director of Planning, Corporation Counsel and City Engineer regarding donation of Beach Road properties and take no action.

26 – Receive report and approve recommendations regarding amending code section 11-4 pertaining to peddler's fees.

27 – Receive report and approve recommendations regarding amending code section 10-16(1)(l) regarding Danbury Housing Maintenance and Occupancy Code.

28 – Receive report and approve recommendations of governmental entities review; renew Cultural Commission, Commission on Aging and Parking Authority for five years and renew Youth Commission and Commission on the Status of Women for two years and refer Ordinance to public hearing.

29 – Receive report and approve recommendations and resolution regarding Neighborhood Assistance Act.

30 – Receive report and approve positive recommendation regarding Lake Kenosia Associates Sewer Project, subject to positive Planning Commission recommendation.

31 – Receive report and approve positive recommendation regarding Board of Education computers – Dell Lease

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

1 – **ORDINANCE** – Noise Ordinance

Dean Esposito asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 – **RESOLUTION** – Drinking Water State Revolving Fund

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health is making available loans through the Safe Drinking Water Act (SDWA) for the establishment of a Drinking Water Revolving Fund (DWSRF) program, and

WHEREAS, the Drinking Water Revolving Fund program is to assist public water systems with financing infrastructure upgrades needed to achieve and maintain compliance with SDWA requirements to protect public health, and

WHEREAS, as determined by the City of Danbury Department of Public Utilities three eligibility loan applications will be submitted pursuant to this Fund program as follows:

1. Pleasant Acres in the amount of \$1,197,850
2. Water Transmission Main – Phase IV and V in the amount of \$2,257,548
3. Marjorie and West Lake in the amount of \$16,765,043 and

WHEREAS, loan funding is expected to be available in the Fall of 1997 at an interest rate set at one-half of the market rate.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is authorized to apply for and accept said loan and to execute such documents necessary for the accomplishment of the purposes thereof.

The Resolution was adopted on the Consent Calendar.

3 – **RESOLUTION** – Community Development Block Grants – PY 25

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1987, as amended, which authorized the Community Development Block Grant; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act; and

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 1999 through July 31, 2000 for the Twenty-Fifth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

The Resolution was adopted on the Consent Calendar.

4 – **RESOLUTION** – Preventive Health Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$8,003; and

WHEREAS, the grant will cover the period of September 1, 1999 through June 30, 2000 with a local in kind match of 25% required; and

WHEREAS, the funding will be used for a Youth Violence Prevention program in conjunction with the School Based Health Center located at Danbury High School.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded;

AND, FURTHER, Mayor Gene F. Eriquez is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

The Resolution was adopted on the Consent Calendar.

5 – **COMMUNICATION** – Donations to the Department of Elderly Services

Request from Director Leo McIlrath requesting permission to accept donations in the total amount of \$100 for the use of the Senior Center. Mr. McAllister made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Dean Esposito. Motion carried unanimously.

6 – **COMMUNICATION & CERTIFICATION** – Reappropriation of Donated Funds

Request from the Director of Elderly Services for a transfer of funds in the amount of \$440 from the Elderly Services donations account to the Commission

on Aging budget for the Professional Services Fees account. A certification of funds was attached. The request was approved and the transfer of funds authorized on the Consent Calendar.

7 – **COMMUNICATION** – Offer to sell property on Churchill Road to the City. Mrs. Abrantes asked that this be referred to the Director of Planning, the City Engineer, the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

8 – **COMMUNICATION** – Litigation Expenses

Request from Corporation Counsel Eric Gottschalk for the sum of \$34,000 for the remainder of the fiscal year for continuing legal matters. A certification of funds was attached. Mr. Setaro made a motion to authorize the transfer of funds in the amount of \$18,227 from the Contingency Account and the sum of \$15,773 from State Unemployment Compensation Account to the Litigation Special Account #02-01-150-020108. Seconded by Mrs. Abrantes. Motion carried unanimously.

9 – **COMMUNICATION** – Agreement between the City of Danbury and Teamsters Local #677 for the Public Utilities Water and Maintenance Divisions effective July 1, 1998 through June 30, 2002. Mr. Levy made a motion to receive the communication and approve the agreement between the City of Danbury and Teamsters Local #677 for the Public Utilities Water and Maintenance Divisions effective July 1, 1998 through June 30, 2002. Seconded by Dean Esposito. Motion carried unanimously.

10 – **COMMUNICATION** – Mom and Pop Exemptions

Request from Director of Finance Dominic Setaro recommending that the Common Council authorize the issuance of free coupons for disabled veterans, POWs and citizens with handicapped license plates and waive the annual \$15 permit fee. In addition, he recommends that the Common Council consider limiting the number of free permits to one per household. The communication was received and the recommendations authorized on the Consent Calendar.

11 – **COMMUNICATION** – Joseph Shac, 60 West Wooster Street

Letter from Attorney Elie Coury advising that he represents Joseph Shac of 60 West Wooster Street who is 89 years old and is living on social security. He is asking for relief for a delinquent utility account in the amount of \$4,454.61. Mr. Levy asked that this be referred to an ad hoc committee, the Director of Finance, the Corporation Counsel and the Superintendent of Public Utilities. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Buzaid and Saracino to the committee.

12 – **COMMUNICATION** – Main Elmwood, LLC/Request to Expand Easement

Letter from Attorney Paul Jaber requesting permission to extend the utility easement and restriction granted in March, 1999 for premises located at 70 Main Street. The reason the utilities are being installed is to provide access to the Danbury Hospital Health Care facility and to the Senior Center. The easement will be for the installation of the electric, gas and water lines for the sprinkler system. The extension of easement and restriction was granted on the Consent Calendar subject to a positive Planning Commission recommendation.

13 – **COMMUNICATION** – Republic Foil – Resolution of Tax Appeal  
WITHDRAWN

14 – **COMMUNICATION** – Report from the Planning Commission giving a positive recommendation for the acceptance of Jireh Lane as a City road. The report was approved on the Consent Calendar.

15 – **COMMUNICATION** – Report from the Planning Commission giving a positive recommendation for the request to purchase property on Woodside Avenue. The report was adopted on the Consent Calendar.

16 – **COMMUNICATION** – CACD Lease Amendment

Letter from Corporation Counsel Eric Gottschalk advising that as a result of a recent directive from the Connecticut Health and Education Facilities Authority, which is providing funding for the project, the lease term must be modified from the presently approved thirty years to a term of fifty years. Mr. Levy made a motion to amend the CACD lease, subject to Planning Commission approval, from the present thirty years to a term of fifty years. Seconded by Mr. Shuler. Motion carried unanimously.

17 – **COMMUNICATION** – Tax Abatement – Palace View Housing Limited Partnership

Report from Corporation Counsel Eric Gottschalk recommending that the City grant a real property tax abatement at the rate of 25% for a period of five years commencing with respect to tax payments on the Grand List of 1998. The tax abatement would allow Palace View Housing Limited Partnership to set rents at levels below those which it would otherwise be compelled to charge. Mr. Setaro made a motion to approve the agreement and grant a real property tax abatement at the rate of 25% for a period of five years commencing with respect to tax payments on the Grand List of 1998 and authorize the Mayor to execute the necessary agreements on behalf of the City. Seconded by Mrs. Saracino. Motion carried unanimously.

18 – **COMMUNICATION** – Earth to Kids Vehicle Lease

Request from Director of Public Utilities William Buckley for approval of a lease agreement between the City of Danbury and the Housatonic Resource Recovery Authority for a vehicle known as the Earth to Kids van. The Earth to Kids van is driven to schools and after school sites. At these sites children board the van and participate in an educational curriculum involving recycling, clean water, clean air and other environmental issues. The lease will enable the City to enter into an agreement with HRRRA giving HRRRA exclusive use of this vehicle for the length of this contract. HRRRA will use the vehicle not only in Danbury but also in the entire region.

Mrs. Abrantes made a motion to receive the communication and approve the lease of the Earth to Kids Vehicle to the HRRRA. Seconded by Mr. Setaro. Motion carried unanimously.

19 – **COMMUNICATION** – Report from the Chief of Police regarding traffic conditions on Westville Avenue and recommendations to alleviate the problems. Mr. Setaro made a motion to receive the report and approve the recommendations. Seconded by Mr. Levy. Motion carried unanimously.

20 – **COMMUNICATION** – SNET Report to acquire easement on Aunt Hack Road.

Mr. Arconti asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel and a representative of SNET. Mayor Eriquez so ordered and appointed Council Member Levy, Coco and Moore to the committee.

21 – **COMMUNICATION** – Request to purchase City owned land on Jackson Drive. Ms. Fox asked that this be referred to the City Engineer for a report back within thirty days. Mayor Eriquez so ordered.

22 – **COMMUNICATION** – Report regarding SNET request for easement at 35 Hayestown Road.

Mr. McAllister asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel and a representative of SNET. Mayor Eriquez so ordered and appointed Council Members Levy, Coco and Moore to the committee.

23 – **COMMUNICATION** – Reports regarding request to purchase property adjacent to 41 Woodside Avenue. Mr. Scalzo asked that this be referred to an ad hoc committee, the City Engineer and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Boynton, John Esposito and Basso to the committee.

24 – **COMMUNICATION** – Report regarding discontinuance of a portion of Oil Mill Road.

Report from the Planning Commission issuing a negative recommendation because there is an application pending before the Environmental Impact Commission for a condominium project on this road; a report from the Corporation Counsel outlining legal issues on discontinuance of a roadway; and a report from the City Engineer stating that they do not have a problem with the discontinuance of this section of Oil Mill Road since they do not foresee the need for the City to extend Oil Mill Road in the future.

The reports were received on the Consent Calendar and no action taken.

25 – **COMMUNICATION** – Reports regarding donation of properties on Beach Road.

Report from City Engineer Patricia Ellsworth describing what lots are being offered to the City; report from Assistant Corporation Counsel Les Pinter outlining the legal issues regarding the acceptance of these two lots; and a report from the Planning Commission stating that they are unaware of any possible benefit to the City to acquire these lots. They urge that the lots be combined by the owner prior to sale to meet the minimum lot area required in the RA-20 Zoning District.

The reports were received on the Consent Calendar and no action taken.

26 – **REPORT & ORDINANCE** – Peddlers Section 11-4

Mr. Setaro submitted the following report:

The Common Council met as a committee of the whole on March 22, 1999 at 7:10 P.M. in the Common Council Chambers in City Hall to review an ordinance pertaining to peddlers, section 11-4 of the City Code. Assistant Corporation Counsel Les Pinter explained that the only change to the existing ordinance is a lowering of the license fee from \$250 to \$200, which was mandated by state statute.

Mr. Scalzo moved to recommend to the Common Council adoption of section 11-4(B) of the Code of Ordinances as amended. Seconded by Mrs. Abrantes and passed unanimously.

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

THAT Subsection 11-4(B) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-4. Peddlers.

(B) License required; issuance. No peddler, as herein defined, except those exempt under the General Statutes of the State of Connecticut or this section, shall be permitted to conduct business within the City of Danbury without first obtaining a license. The chief of police of the City of Danbury or his designee may authorize the Town Clerk of the City of Danbury to issue a license to any peddler authorizing such peddler to barter, sell, to exhibit for the sale of, or to exhibit for the purpose of taking orders for the sale of his goods or merchandise in the City of Danbury provided such peddler shall have fully complied with the provisions hereof and shall have made payment of the sum of two hundred dollars (\$200) to the Town Clerk of the City of Danbury for said license. Each license so issued shall contain a full face photograph of the licensee.

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

27 – **REPORT & ORDINANCE** – Danbury Housing Maintenance and Occupancy Code

Mr. Setaro submitted the following report:

The Common Council met as a committee of the whole on May 24, 1999 immediately following a public hearing in the Common Council Chambers.

Council President Christopher Setaro read a joint letter from Director of Health William Campbell and the Director of Welfare Deborah MacKenzie stating that this is the first step in a joint proposal by the Health and Housing Department and the Welfare and Human Services Department to provide needed tools to address serious code emergencies such as a lack of heat.

The purpose of this proposed revision to allow the Emergency Housing Repair Fund in the code to be used to provide temporary emergency housing to persons affected by imminent safety hazards during the period when code agencies are causing necessary repairs to be made.

Mr. Boynton made a motion recommending adoption of the proposed ordinance revision. Seconded by Mr. Charles. Motion carried unanimously.

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

THAT Subsection 10-16(1)(I) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-16. Order for the abatement of nuisance.

(1)(I) A fund to be known as the “housing relocation and repair fund” is hereby created and established to be administered pursuant to rules and regulations adopted by the code enforcement division of the health department in consultation with the directors of the health and welfare departments. Said fund shall be used for the purpose of defraying the costs associated with emergency housing repairs and with providing emergency housing necessitated by code enforcement activities. For purposes of this section, “code enforcement activities” shall include, but shall not be limited to, administrative or judicial action intended to achieve compliance with provisions of the Housing Maintenance and Occupancy Code, the Fire Safety Code, the Building Code and the Public Health Code. Into such fund will be deposited such monies as shall be appropriated or allotted by the Common Council or shall be realized from the sale of bonds

issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, for that purpose, or such amounts as may be received as grants-in-aid under any state or federal program, or such other monies that shall be made available to the fund.

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

28 – **REPORT & ORDINANCE** – Governmental Entities Review and Evaluation

Mr. Setaro submitted the following report:

The Common Council met as a committee of the whole on May 24, 1999 immediately following a public hearing in the Common Council Chambers.

Mr. Setaro read a report recommending that the Cultural Commission, the Commission on Aging and the Parking Authority be renewed for five years; and that the Youth Commission and the Commission on the Status of Women be renewed by two years.

Ms. Fox made a motion to accept the report and approve the recommendations contained therein. Seconded by Mrs. Saracino. Motion carried unanimously.

The report was received and the Ordinance deferred to Public Hearing on the Consent Calendar.

29 – **REPORT & RESOLUTION** – Neighborhood Assistance Act

Mr. Setaro submitted the following report:

The Common Council met as a committee of the whole on May 24, 1999 immediately following a public hearing in the Common Council Chambers.

Mr. Setaro read a report recommending that the Cultural Commission, the Commission on Aging and the Parking Authority be renewed for five years; and that the Youth Commission and the Commission on the Status of Women be renewed by two years.

Ms. Fox made a motion to accept the report and approve the recommendations contained therein. Seconded by Mrs. Saracino. Motion carried unanimously.

The Common Council met as a committee of the whole on May 24, 1999 immediately following a public hearing in the Common Council Chambers.

Christopher Setaro stated that under the Neighborhood Assistance Act agencies can accept contributions from businesses who receive tax credits.

Mr. Boynton made a motion to the adopt the Resolution as presented. Seconded by Mr. Levy. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Neighborhood Assistance Act Program is available for area non profits to submit applications for funding; and

WHEREAS, the Act provides tax credits for businesses which contribute to community programs having received both municipal and state approval; and

WHEREAS, certain local and area organizations are seeking to apply through Danbury for such tax credits; and

WHEREAS, said organizations and their requests are as set forth on the attached schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through its Common Council, hereby approves, subject to a public hearing as required by law, those organizations set forth in the schedule, for participation in the Neighborhood Assistance Program and authorize Gene F. Eriquez, Mayor of the City of Danbury to take such actions as may be necessary for the accomplishment of the purposes hereof.

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

30 – **REPORT** – Lake Kenosia Associates Sewer Project

Mr. Setaro submitted the following report:

The Common Council, acting as the Water Pollution Control Authority, met on May 24, 1999 immediately following a public hearing in the Common Council Chambers.

Corporation Counsel Eric Gottschalk stated that the Common Council acted to approve the extension of utilities to this project in 1996. Funds were never certified and are not available. The developer originally proposed it as his project, now it is being proposed as a City project. He would obtain the money at our interest rates and he would pay over 19 years, as is standard. The project would come back for a public hearing when completed. The developer has waived his right to appeal the assessment.

Mr. Setaro asked if the Planning Commission had acted on this proposal. As of this date, it had not.

Mr. Boynton made a motion to approve the project, subject to a positive recommendation of the Planning Commission. Seconded by Ms. Fox. Motion carried unanimously.

The report was adopted on the Consent Calendar.

31 – **REPORT** – Board of Education Computers – Dell Lease

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the Board of Educations lease with Dell for computers met on May 17, 1999 at 7:30 P.M. in Conference Room Two in City Hall. In attendance were committee members Scalzo, Levy and Moore. Also in attendance were Director of Finance Dominic Setaro, Director of Finance for the Schools John Torok and the Director of Technology Services for the Schools Arthur W. Colley.

Mr. Setaro stated that Assistant Corporation Counsel Les Pinter was not in today and Corporation Counsel Rick Gottschalk stated that he could not find anything wrong with the lease. However, Mr. Setaro suggested that if the committee should vote to approve the lease they should do so pending legal review.

Mr. Scalzo stated that the lease was for four years for a total cost of \$698,715 for 500 units. Mr. Torok stated that 215 would be leased in this fiscal year and 285 thereafter. Mr. Torok gave an overview of the hardware to be included. The objective is to install computer hardware needed to provide

network computer access in every instructional area at Danbury High School, ACE, Broadview and Rogers Park Middle Schools and networked elementary schools. PC's are slated to be installed at Danbury High School and ACE and approximately 120 Macintosh and 60 PC's will be removed from the high school and reallocated for use at the middle and elementary schools.

Mr. Levy asked if the contract is financially beneficial. Mr. Setaro said that it was a good price. Mr. Setaro suggested that the Board of Education incorporate specs as part of the lease. Mr. Torok stated that this is a boiler plate lease and there will be modifications. Mr. Pinter can make language changes as needed, and the specifications shall be part of the lease.

Mr. Levy made a motion to approve the lease as discussed, subject to Corporation Counsel review. Seconded by Mr. Scalzo. Motion carried unanimously.

The report was adopted on the Consent Calendar.

32 – **DEPARTMENT REPORTS** – Police Chief, Fire Chief, Fire Marshall, Highways, Health and Housing, Engineering, Department of Elderly Services, Welfare, Public Utilities. 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. Levy. Motion carried unanimously.

33 – Ms. Fox made a motion to add item 33, request from The American Legion Auxiliary for permission to use 2 voting machines on June 25, 1999 at Western Connecticut State University for the 1999 session of Laurel Girls' State. Seconded by Mr. Setaro. Motion carried with Mr. Gallagher voting in the negative.

Letter from Joan H. Graham requesting the use of two voting machines to be used by Laurel Girls' State on June 25, 1999 at Western Connecticut State University. Mr. Setaro made a motion to receive the communication, approve the request subject to the signing of an indemnification agreement. Seconded by Ms. Fox. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 8:35 by Mr. Gallagher for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Assistant City Clerk