

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

RE: Minutes of the Common Council Meeting held October 5, 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, Boynton, Buzaid, Dean Esposito, Machado, Shuler, Pascuzzi, Setaro, John Esposito, Levy, Abrantes, Coco, Basso, Moore, Saracino

**ABSENT** – Falzone, Gallagher

19 Present – 2 Absent

Mr. Falzone was working

### **PUBLIC SPEAKING**

Fred Hammond, Danbury, spoke on item 1

Lisa Patton, East Lake Road – spoke on item 31

Diane Sanders, 15A Weindorf Lane – spoke on item 24

Mildred Reilly, 2 Ward Drive – spoke on item 24

At 7:55 P.M. Mr. Gallagher arrived and was marked present

**MINUTES** – Minutes of the Common Council Meeting held September 8, 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 CALENDER** – John Esposito presented the following items for the Consent Calendar:

3 - Approve Resolution requesting tax abatement from State of Connecticut for Beaver Street Apartment Corporation, Inc. in an amount not to exceed \$31,500

4 - Approve application and Resolution for State Department of Education Early Reading Success grant in an amount not to exceed \$30,000 in 1999-2000 and \$35,000 in 2000-2001

6 - Approve Resolution and First Supplemental Agreement between City of Danbury and Purcell Associates for engineering services in connection with the design and replacement of Thorpe Street Extension Bridge (State Project No. 34-270)

9 - Confirm appointment of Anthony Frank Vitti to the Commission on Persons with Disabilities

12 – Approve reappropriation of \$589 from Elderly Services donations account to Commission on Aging budget for professional services fees and printing and binding

18 – Receive communication regarding cutting of brush across from Putnam Towers, refer the communication to the Parks and Recreation Department to cut the brush and refer the communication to the Chief of Police for action

21 – Approve request for twelve-month extension of time for extension of sewer and water to 22 Clapboard Ridge Road

27 – Approve request of Michael Halas to maintain a parcel of City owned property at 28 Pembroke Road, subject to parties executing a revocable license and other documentation satisfactory to the Office of Corporation Counsel

28 – Receive positive report from City Engineer, approve request for City to accept conveyance of road widening parcels on Stadley Rough Road subject to approval of the Planning Commission

29 – Approve request for reimbursement for water line break at 15 Great Plain Road in the amount of \$807 subject to certification by the Director of Finance

30 – Approve request to reimburse Francis Kieras \$598 for damage resulting from storm drainage on McDermott Street

33 – Approve amendment to lease of 75 Balmforth Avenue to CACD for purposes of parking (83-85 Balmforth Avenue)

35 – Receive positive report regarding request for sewer and water extension at 13 Lakeside Road and approve recommendations and conditions

Mr. Levy made a motion that the Consent Calendar be adopted as read. Seconded by Dean Esposito. Motion carried unanimously.

1 – **RESOLUTION** – AIDS Prevention and Needle Exchange Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services, through its AIDS Prevention Program, has made grant funds available to full-time health departments to provide HIV health education information and expanded services for the period of July 1, 1998 through June 30, 2000; and

WHEREAS, for fiscal year 1999-2000 grant funding will be increased by \$5,180.00 to a new total of \$187,947.00 requiring no local match, made available to the Danbury Health and Housing Department for its AIDS Risk Reduction Outreach Program, HIV Counseling and Testing Services, with an additional \$1,000.00 to the Needle Exchange Program and its Ryan White Title II Case Management Program for a new total of \$51,000.00 upon approval of a grant application therefore; and

WHEREAS, the Danbury Health and Housing Department will provide these services to the general public with particular attention given to individuals concerned about possible exposure to HIV, serving both residents and non-residents with no restrictions on who may be served.

NOW, THEREFORE, BE IT HEREBY RESOLVED, THAT Gene F. Eriquez, Mayor of the City of Danbury is authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to make, execute and approve on behalf of the City of Danbury, all contracts/agreements or amendments thereof, which do not require expenditure of City funds, with the State of Connecticut Department of Public Health Services regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

Mr. Arconti made a motion that the communication be received, the resolution be adopted and the additional money accepted. Seconded by Mr. Buzaid. Motion carried with Mr. Moore and Mrs. Basso voting in the negative.

2 – **RESOLUTION** – Drug Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding in the amount of \$471,032.00 pursuant to Public Act 89-390, an act concerning prevention and treatment of substance abuse and enforcement of drug laws; and

WHEREAS, 50% of the funding, or \$235,515.00 is to be designated for law enforcement, 40% of the total amount, or \$188,413.00 is to be applied to drug education, and the remaining 10% or \$47,104.00 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 1999 through June 30, 2000 and no local cash match is required;

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

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

Mr. Boynton made a motion to receive the communication and adopt the resolution. Seconded by Mr. Shuler. Motion carried unanimously.

3 – **RESOLUTION** – Beaver Street Apartments Cooperative, Inc. Tax Abatement – State of Connecticut

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under s8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$2,257,000; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed \$31,500 for the Grand List of October 1, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;

2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury.

3. That the real property taxes abated on the subject property are not to exceed \$31,500 for the Grand List of October 1, 1998;

4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of s12-167 of the Connecticut General Statutes as amended;

5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

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

4 – **RESOLUTION** – Early Reading Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Public Library and the Danbury Public Schools are desirous of continuing a joint effort to provide after school and summer reading activities and services for grades K through 5, in the Danbury elementary schools, under the Early Reading Success Grant; and

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

WHEREAS, the Danbury Public Library, as subgrantee, intends to use these funds through June 30, 2001 to establish and maintain a program of reading and activities to benefit these children; and

WHEREAS, the funding to be provided to the Library is not to exceed \$30,000 in 1999-2000 and not to exceed \$35,000 in 2000-2001, with no other match required;

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

The resolution was adopted on the Consent Calendar.

5 – **RESOLUTION** – Storm Drainage Easement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on November 5, 1998, the Common Council authorized an expenditure to alleviate certain drainage problems on Ford Avenue in Danbury; and

WHEREAS, it is necessary and in the best interests of the City of Danbury to acquire interests in and to real property as hereinafter set forth in order to proceed with the work as authorized; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury is unable to acquire such interests through negotiations; and

WHEREAS, said properties are as set forth in the exhibit attached;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire said property interests as set forth in the exhibit attached hereto and made a part hereof by April 5, 2000, through negotiation or by eminent domain through the institution of suit against the interested property owner or owners and the holders of mortgages or other encumbrances affecting the properties, if any.

Mr. Setaro made a motion that the communication be received, the resolution adopted and referred to the Planning Commission. Seconded by Mr. Levy. Motion carried unanimously.

6 – **RESOLUTION** – Replacement of Thorpe Street Extension Bridge

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute the FIRST SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF DANBURY AND PURCELL ASSOCIATES FOR CONSULTANT ENGINEERING SERVICES FOR THE DESIGN OF THE REPLACEMENT OF THE THORPE STREET EXTENSION BRIDGE (BRIDGE NO. 05097), together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The communication was accepted and the resolution adopted on the Consent Calendar.

7 – **RESOLUTION** – Special Contaminated Properties Remediation Insurance

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has acquired the property of the former Mallory Hat Factory through a tax delinquency proceeding; and

WHEREAS, the condition of the buildings has deteriorated and present structural, health, and environmental hazards to the site and the surrounding community; and

WHEREAS, the Environmental Protection Agency has deemed the condition of the asbestos and the smokestack to justify emergency removal status and will remove said asbestos and smokestack in 1999, which will allow the City to demolish the remaining structures; and

WHEREAS, the State of Connecticut Department of Economic and Community Development (DECD) offers low interest (3%) loans through “Special Contaminated Property Remediation and Insurance Fund” (SCPRIF) program for building demolition and site remediation; and

WHEREAS, the City of Danbury intends to restore this site for the purpose of transferring the property, and has determined that the demolition of the structures on the property is a necessary prerequisite for redevelopment of the site; and

WHEREAS, the City of Danbury will be structuring a “property remediation and redevelopment” plan which will involve the reimbursement to the City for its costs under this program at the time of the transfer of the property.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby authorizes the City to make application under the SCPRIF low interest loan program for the demolition of the buildings on the property of the former Mallory Hat Factory on Rose Hill Avenue in the amount of \$350,000.00 and authorizes the Mayor to enter into agreements with the State of Connecticut in connection therewith.

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

8 – **COMMUNICATION** – Acceptance of Donation – Police Department

Request from Police Chief Robert Paquette to accept the donation of a training opportunity at the Northeast Child Maltreatment Conference offered by the Danbury Multi-Interdisciplinary Team to Detective Sgt. Shaun McColgan. The estimated value of the donation is approximately \$600.00. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Boynton. Motion carried unanimously.

9 – **COMMUNICATION** – Appointment to the Commission on Persons with Disabilities

Request from Mayor Eriquez for the confirmation of the appointment of Anthony Frank Vitti to the Commission on Persons with Disabilities for a term to expire March 1, 2000. The appointment was confirmed on the Consent Calendar.

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

Request from Director of Elderly Services Leo McIlrath for permission to accept donations in the total amount of \$155 for use of the Senior Center. Mrs. Abrantes made a motion to receive the communication, accept the donations, credit the proper line item and send letters of thanks. Seconded by Mrs. Saracino. Motion carried unanimously.

11 – **COMMUNICATION** – Donations to the Library

Request from Library Director Betsy McDonough for permission to accept donations in the total amount of \$76 to be credited to the Books and Office Supplies line items. Mr. Boynton made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mrs. Abrantes. Motion carried unanimously.

12 – **COMMUNICATION** – Reappropriation of Donated Funds

Request from the Department of Elderly Services Director Leo McIlrath for the transfer of funds in the amount of \$589 from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

13 – **COMMUNICATION** – Skateboard Park

Request from SKATE 2000 for a publicly funded skateboard park in Danbury. Mr. Levy asked that this be referred to the Director of Parks and Recreation for a report back within thirty days. Mayor Eriquez so ordered.

14 – **COMMUNICATION** – Amended Ambulance Budget

Memorandum from Director of Finance Dominic Setaro stated that the City has been notified by BSI as per Section 4.a that they are requesting an amendment to the budget which will go into effect October 1, 1999 regarding the administration of the billing functions previously done in-house by BSI. The proposal would be to subcontract for a company to handle the administration of claims, etc. Mr. Setaro recommends that the Common Council authorize an additional \$31,426 from the Ambulance Fund's Fund Balance to cover the net increase of service. He certified the availability of funds.

Mr. Levy made a motion to receive the communication and authorize the transfer of \$31,426 from the Ambulance Fund's Fund Balance to cover the net increase of service. Seconded by Dean Esposito. Motion carried unanimously.

15 – **COMMUNICATION** – RFC Property II – Tarrywile Lake

Request from Corporation Counsel Eric Gottschalk asking that the Mayor be granted authority to execute the contract of sale for the purchase of 100 acres west of Tarrywile Lake. Mr. Setaro made a motion to receive the communication and authorize the Mayor to execute the contract of sale, contingent upon approval by the Planning Commission. Seconded by Dean Esposito. Motion carried unanimously.

16 – **COMMUNICATION** – Water Run-off from Great Plain Road. Mr. Scalzo asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Arconti, Smith and Basso to the committee.

17 – **COMMUNICATION** – Tisano Lease with the City. Mr. McAllister asked that this be referred to the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

18 – **COMMUNICATION** – Request for a committee to cut brush and overgrowth. The communication was received on the consent calendar and referred to the Parks and Recreation Department and the Police Chief for action.

19 – **COMMUNICATION** – Request for a committee to study the feasibility of extending flood control measures. Mr. Arconti asked that this be referred to the Director of Public Works and the City Engineer for reports back within thirty days. Mayor Eriquez so ordered.

20 – **COMMUNICATION** – Request for a committee to resolve mailings of tax bills. Dean Esposito asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Smith, Scalzo and Moore to the committee.

21 – **COMMUNICATION** – Request for extension of time for sewer and water at 22 Clapboard Ridge Road. The communication was received and the extension of time granted on the Consent Calendar.

22 – **COMMUNICATION** – Request for sewer and water extension – 304 Federal Road. 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 McAllister, Smith and Moore to the committee.

23 – **COMMUNICATION** – Land grading at 39 Wedgewood Drive. Mr. Shuler asked that this be referred to the Superintendent of Public Works and the City Engineer for reports back within thirty days. Mayor Eriquez so ordered.

24 – **COMMUNICATION** – Excessive runoff damage on Weindorf Lane. Dean Esposito asked that this be referred to the Superintendent of Public Utilities and the City Engineer for reports back within thirty days. Mayor Eriquez so ordered.

25 – **COMMUNICATION** – Water and Sewer Bills for 4 Division Street. Mr. Levy asked that this be referred to the Superintendent of Public Utilities for a report back within thirty days. Mayor Eriquez so ordered.

26 – **COMMUNICATION** – Windaway Road Sanitary Sewer Extension. Mr. Setaro asked that this be deferred to public hearing. Mayor Eriquez so ordered.

27 – **COMMUNICATION** – Reports regarding the Halas Farm request. The request of Michael Halas to maintain a parcel of City owned property at 28 Pembroke Road subject to parties executing a revocable license and other documentation satisfactory to the Office of the Corporation Counsel was approved on the Consent Calendar.

28 – **COMMUNICATION** – Reports regarding Stadley Rough Road road widening parcels. The positive report from the City Engineer was received and the request for the City to accept conveyance of road widening parcels on Stadley Rough Road was approved subject to Planning Commission approval on the Consent Calendar.

29 – **COMMUNICATION** – Fifteen Great Plain Road. The request for reimbursement for a water line break at 15 Great Plain Road in the amount of \$807 subject to certification by the Director of Finance was approved on the Consent Calendar.

30 – **COMMUNICATION** – Reports regarding Francis Kieras. The request to reimburse Francis Kieras for \$598 for damage resulting from storm drainage on McDermott Street was approved on the Consent Calendar.

31 – **COMMUNICATION** – Blocking of City right of way. Mr. McAllister asked that this be referred to the Zoning Enforcement Officer, the Director of Health, the Superintendent of Public Works and the Chief of Police for reports back within thirty days. Mayor Eriquez so ordered.

32 – **COMMUNICATION** – Contract with Minolta Business Systems, Inc. and the Danbury Board of Education. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Director of Finance and the Superintendent of Schools. Mayor Eriquez so ordered and appointed Council Members Gallagher, Scalzo and Saracino to the committee.

33 – **COMMUNICATION** – Lease of 83-85 Balmforth Avenue to CACD for Parking. The amendment to the lease of 75 Balmforth Avenue to CACD for the purposes of parking at 83-85 Balmforth Avenue was approved on the Consent Calendar.

34 – **COMMUNICATION** – Linron Gardens v. City of Danbury-  
WITHDRAWN

35 – **REPORT** – Request for Sewer and Water Extension – 13 Lakeside Road

Mrs. Smith submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension at 13 Lakeside Road met on August 10, 1999 at 6:45 P.M. in Room 432 in City Hall. In attendance were committee members Smith, Coco and Basso. Also in attendance were Superintendent of Public Utilities William Buckley, Attorney Thomas Frizzell, Horst Rosentraeger, and Janine and Terry Goodsell.

Mr. Buckley explained how the request could be handled. There are no water or sewer lines on Lakeside Road near this address. The sewer line is on Juniper Ridge and some homes on Lakeside Road have City water. This request could be granted by upgrading existing services. The City would provide the materials and the labor. The combined cost would be \$15,000 for both water and sewer. If the petitioners wanted only one service the cost would be \$10,000. Mr. Buckley stated that there would be an engineering plan from Lakeside Road to Juniper Ridge Road. The City would want the right to have an easement and this would be part of the approval process. Mr. Buckley said that in addition to the normal eight steps, a ninth step would be needed for the easement and a contract with the City so that City personnel could be allowed onto the property.

Mrs. Basso made a motion to approve the process as stated above. Seconded by Mr. Coco. Motion carried unanimously.

The report was received and the recommendations and conditions approved on the Consent Calendar.

36 – **DEPARTMENT REPORTS** – Fire Marshall, Highways, Health & Housing, Fire Chief, Department of Elderly Services, Engineering, Public Utilities, Public Buildings, Police Chief. Mr. Setaro made a motion to accept the department reports as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Dean Esposito. Motion carried unanimously.

The Mayor extended all committees.

37 – Mr. Setaro made a motion to add item 37 to the agenda, Ridgebury Hills (formerly known as Glenwood Acres) Briar Ridge Road. Seconded by Mr. Levy. Motion carried unanimously.

Request from Attorney Robin Kahn that the terms of the sewer and water extension approval be modified so as to permit the developer of Ridgebury Hills to convey the sewer and water improvements in the subdivision to the City in phases. The phases would consist of such portions of the improvements as are acceptable to the Engineering and Public Works Department and to the Corporation Counsel.

Mr. Setaro made a motion to receive the communication and grant the request to modify the sewer and water extensions to allow the developer to convey the sewer and water improvements in the subdivision to the City phases, to consist of such portions of the improvements as are acceptable to the Engineering, Public Works Department and the Corporation Counsel, which would enable the developer to obtain certificates of occupancy for homes located within the areas conveyed to the City. Seconded by Dean Esposito. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made at 9:22 P.M. by Council Member Shuler for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Assistant City Clerk