

TO: Mayor Gene Eriquez and Members of the Common Council

Re: Minutes of the Common Council Meeting held December 7, 1999

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

PRESENT – Levy, Scalzo, McAllister, Smith, Saadi, Buzaid, Dean Esposito, Machado, Shuler, Coco, Arconti, John Esposito, Abrantes, Pascuzzi, Basso, Furtado, Gallagher, Gogliettino, Michael Moore, Martin Moore

ABSENT – Saracino

20 Present – 1 Absent

Mrs. Saracino was working

PUBLIC SPEAKING

Gerald Daly, 30 Main Street – Chairman of Tarrywile Park Authority – spoke in favor of item 9

Allan Hindin, 256 Great Plain Road – spoke on item 24

MINUTES – Minutes of the Common Council Meeting held November 4, 1999 and the Special Common Council Meeting held December 1, 1999. Mr. Arconti made a motion that the minutes be adopted as presented 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 Dean Esposito. Motion carried unanimously.

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

2 - Adopt Resolution to apply for and accept a Children Learn and Play Grant from the State of Connecticut in the amount of \$5,323.40

3 - Adopt a Resolution to apply for and accept a Safe Kids Grant from the State of Connecticut in the amount of \$1,500.00

4 - Adopt a Resolution and approve the lease agreement with the State of Connecticut for the Still River Corridor project, pending the recommendation of the Planning Commission

14 – Approve the transfer of funds in the amount of \$485 from the Elderly Services donations account to the Commission on Aging budget

15 – Approve the transfer of funds in the amount of \$25,000 from the Contingency Account to the Parks and Recreation Department Outside Services line item

21 – Receive the report on Hayestown Heights and Rose Lane and approve the recommendation

22 – Approve the phased acceptance of utility extension for White Oak Estates – Pocono Lane

25 – Accept the offer of \$20,000 from Adam Negri to purchase Lots E17059 and E17060 on Ye Olde Road

28 – Receive the report from the Planning Commission regarding the resolution of Storm Drainage Easement on Ford Avenue and approve its recommendation

29 – Receive the report regarding the Tisano Lease and refer the matter to the Aviation Commission and the Airport Administrator

30 – Receive the reports regarding right of way issues at 115 Padanaram Road

31 – Receive Planning Commission report regarding offer to sell land on Beckerle Street to the City of Danbury and take no action

32 – Receive Planning Commission report regarding request to purchase City land on Rockwood Lane and take no action

33 – Receive report regarding the sewer line dispute on Michaud Road and approve the recommendation

35 – Receive report regarding sewer and water bills at 60 West Wooster Street and approve the recommendation

36 – Receive report regarding sewer repair bill at 112 South Street and approve the recommendation

37 – Receive the report regarding the acceptance of Fieldstone Road and approve the recommendation

38 – Receive the report regarding drainage problem at 24 Fairlawn Avenue and approve the recommendation

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

1 – **RESOLUTION** – Elderly Van Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation has made available a grant for the purpose of purchasing a van for use by the Department of Elderly Services; and

WHEREAS, the grant period is the federal fiscal year 2000 and the grant is in the amount of \$35,000.00; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for the said grant and to sign such documents as are necessary to effectuate the purposes hereof.

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

2 – **RESOLUTION** – Children Learn & Play Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Office of the Attorney General of the State of Connecticut has made funds available to not for profit organizations and governmental agencies to encourage recreational activities and learning by children in Connecticut; and

WHEREAS, current research indicates the importance of emergent literacy skills and brain development during the first three years of life; and

WHEREAS, the Danbury Public Library would use these grant funds to initiate a reading program for toddlers 18 to 24 months old and their caregivers for a year; and

WHEREAS, the Danbury Public Library has made application to the Office of the Attorney General of the State of Connecticut for a grant of \$5,323.40 with no local match required;

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

That all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury is hereby authorized to accept grant funds in the amount of \$5,323.40 upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution to apply for and accept a Children Learn and Play Grant from the State of Connecticut in the amount of \$5,323.40 was approved on the Consent Calendar.

3 – **RESOLUTION** – Safe Kids Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut has made available a grant in the amount of \$1,500.00 for the Safe Kids Program; and

WHEREAS, this grant, if awarded, will be used to help prevent injuries and to hold a "Family Safety Day" in May, 2000; and

WHEREAS, the grant term is from January 14, 2000 through June 30, 2000; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for the said grant and to sign such documents as are necessary to effectuate the purposes hereof.

The Resolution to apply for and accept a Safe Kids Grant from the State of Connecticut in the amount of \$1,500 was approved on the Consent Calendar.

4 – **RESOLUTION** – Still River Corridor

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has proposed the creation of a "linear park" in the Still River corridor in Danbury; and

WHEREAS, the State of Connecticut Department of Transportation, together with the State Office of Policy and Management has agreed to lease the City of Danbury 4.03 acres of land for the purposes of this Project; and

WHEREAS, the term of said Lease Agreement is for five (5) years from the date of its execution, together with two (2) additional five year renewal terms; and

WHEREAS, due to State time constraints, the Agreement must be executed by January 1, 2000, and upon Planning Commission approval, the Agreement is deemed approved; and

WHEREAS, there is no rental fee for the base term of this Lease Agreement; and

WHEREAS, it is in the best interests of the City of Danbury to enter into said Lease in order to accomplish the goals of the linear park concept;

NOW, THEREFORE , BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, be and hereby is authorized to enter into an agreement entitled 'LEASE AGREEMENT BETWEEN STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION AND CITY OF DANBURY STILL RIVER CORRIDOR, CITY OF DANBURY FILE NO. 34-124-10c FEDERAL AID PROJECT NO. N/A" and to execute such other and related documents as may be necessary to accomplish the purposes hereof.

5 – **COMMUNICATION** – Letter from Mayor Eriquez requesting that two members from the City's legislative body be selected to serve as representatives to the Pre/Post '67 Police Pension Board and to the Post '83 Pension Board as required by City ordinances.

Mr. Arconti made a motion that Harry Scalzo be confirmed to serve as the representative to both the Pre/Post '67 Police Pension Board and to the Post '83 Pension Board. Seconded by Mr. Levy. Mayor Eriquez stated that a motion has been made and were there any other nominations. Mr. McAllister moved that the nominations be closed. Seconded by Dean Esposito. Mayor Eriquez stated that there was a motion on the floor to elect Harry Scalzo. He said I'll try your minds. All in favor – 20 opposed – none. Motion carried unanimously.

6 – **COMMUNICATION** – Letter from Mayor Eriquez requesting that a member of the Common Council be selected to serve as a representative on the Fire Pension Board.

Mr. Machado moved to nominate Warren Levy. Seconded by Mr. Furtado. Motion carried with Mr. Pascuzzi abstaining.

7 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of Seth Krate to fill a vacancy on the Environmental Impact Commission for a term to expire December 1, 2000. Mr. Scalzo made a motion to receive the communication and confirm the appointment. Seconded by Dean Esposito. Motion carried unanimously.

8 – **COMMUNICATION** – Letter from Mayor Eriquez requesting the confirmation of the appointment of Christal Loubriel to fill a vacancy on the Environmental Impact Commission for a term to expire December 1, 2001. Mr. Saadi made a motion to receive the communication and confirm the appointment. Seconded by Mr. Shuler. Motion carried unanimously.

9 – **COMMUNICATION** – Letter from Mayor Eriquez requesting that the Common Council designate 100 acres of land acquired from RFC Property as park property to be administered, operated and maintained by the Tarrywile Park Authority pursuant to the provisions of section 13A-50 of the Code of Ordinances.

Dean Esposito made a motion to receive the communication and designate the 100 acres of land acquired from RFC Property as park property to be administered, operated and maintained by the Tarrywile Park Authority. Seconded by Mrs. Abrantes. Motion carried unanimously.

10 – **COMMUNICATION** – Request from Library Director Betsy McDonough for permission to accept donations from Linda Dillon Iribarren in the

amount of \$200 and from Annette Vetre in the amount of \$80.00. Mr. Coco made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

11 – **COMMUNICATION** – Letter from Police Chief Robert Paquette requesting permission to accept the donation of three M-14 rifles from surplus of the United States Army 1033 Program. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Buzaid. Motion carried unanimously.

12 – **COMMUNICATION** – Letter from Police Chief Robert Paquette requesting permission to accept a donation of \$10,000.00 from the Truancy Grant of the Danbury School District to the Police Department's Police-Youth Community Development Grant. Mrs. Abrantes made a motion to receive the communication, accept the donation, and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

13 – **COMMUNICATION** – Request from Director of Elderly Services Leo McIlrath requesting permission to accept class donations in the amount of \$403.00 for the month of October and donations in the amount of \$82.50 for use of the Senior Center. Dean Esposito made a motion to receive the communications, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

14 – **COMMUNICATION** – Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$485 from the Elderly Services donation account to the Commission on Aging Budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

15 – **COMMUNICATION** – Request from Parks and Recreation Director Robert Ryerson for the sum of \$25,000 to be transferred from the Contingency Account for the removal of hazardous trees. A certification of funds was attached. The transfer of funds in the amount of \$25,000 for the removal of hazardous trees was authorized on the Consent Calendar.

16 – **COMMUNICATION** – Request from Risk Manager Thomas Fabiano for the sum of \$57,475.00 to be transferred from the Contingency Account to the Uninsured Workers' Compensation Account for the award to Retired Police Officer Dallas Vondle. A certification of funds was attached. John Gogliettino moved to accept the correspondence and take the action as requested. Seconded by Mr. Shuler. Motion carried unanimously.

17 – **COMMUNICATION** – Request from Director of Finance Dominic Setaro seeking the authorization of the appropriation of \$224,052 from the Sewer Fund, Fund Balance to the Sewer Fund Outside Services line item for excess septage as per our contract with U. S. Filter. Mr. Levy made a motion to appropriate the sum of \$224,052 from the Sewer Fund, Fund Balance to the Sewer Fund Outside Services line item. Seconded by Dean Esposito. Motion carried 19 yes, 1 absent and Mr. Furtado abstaining.

18 – **COMMUNICATION** – Request from Habitat for Humanity asking to bid on a City owned lot on Blueberry Lane. Mr. Coco asked that this be referred to an ad hoc committee, the Director of Finance, the Director of Habitat for Humanity and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallagher, Coco and Martin Moore to the committee.

19 – **COMMUNICATION** – Request from Superintendent of Public Utilities William Buckley for permission to accept a donation of materials from the Kennedy Valve Company for a water line to be installed from Karen Road to the Down on the Farm Property. The estimate value of the donation is \$2,000. Mrs.

Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

20 – **COMMUNICATION** – Request from Fairway Asset Management for property tax abatement for environmental remediation for property at 43 Old Ridgebury Road. The request has been reviewed and approved by Jack Kozuchowski, Coordinator of Environmental & Occupational Health Services. John Gogliettino made a motion to accept the communication and approve the action as requested. Seconded by Mr. Buzaid. Motion carried unanimously.

21 – **COMMUNICATION** – Report from Superintendent of Public Utilities William Buckley concerning cost estimates for doing drainage work and making improvements to Hayestown Heights and Rose Lane in order to render it suitable to be taken over as a City road. The report was received and its recommendations approved on the Consent Calendar.

22 – **COMMUNICATION** – Letter from Corporation Counsel Eric Gottschalk approved the conveyance of sewer and water lines to the City on a phased basis as each section of the White Oak Estates project on Pocono Lane is completed and approved by the Public Works Department. The phased acceptance of utility extensions for White Oak Estates on Pocono Lane was approved on the Consent Calendar.

23 – **COMMUNICATION** – Request from Attorney Robin Kahn outlining a proposed settlement of a pending dispute between the Linron Gardens Condominium Association and the City of Danbury with regard to water charges. Mr. Arconti asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

24 – **COMMUNICATION** – Request from Dr. Allan Hindin for resolution of a drainage problem on Great Plain Road. Mrs. Abrantes asked that this be referred to an ad hoc committee, and the Director of Public Works. Mayor Eriquez so ordered and appointed Council Members Smith, Dean Esposito and Saracino to the committee.

25 – **COMMUNICATION** – Request from the Purchasing Agent Warren Platz for clarification of the request from Adam Negri to purchase City land on Ye Olde Road. The offer of \$20,000 from Adam Negri to purchase lots E17059 and E17060 on Ye Olde Road was approved on the Consent Calendar.

26 – **COMMUNICATION** – Request from Director of Finance Dominic Setaro asking for approval of a revised list regarding the LOCIP application and authorize transfer with those items as permitted by City Charter in the event final prices differ from the recent estimates. Dean Esposito made a motion that the communication be received and the recommendations approved. Seconded by Mr. Shuler. Motion carried unanimously.

27 – **COMMUNICATION** – Request that Cooper Road be sanded by the City. Mrs. Abrantes asked that this be referred to the Corporation Counsel and the Director of Public Works for reports back within thirty days. Mayor Eriquez so ordered.

28 – **COMMUNICATION** – Report from the Planning Commission issuing a positive recommendation for the resolution for a storm drainage easement on Ford Avenue. The report from the Planning Commission regarding the resolution for a storm drainage easement on Ford Avenue and approval of its recommendations was granted on the Consent Calendar.

29 – **COMMUNICATION** – Reports from the Planning Commission and the Assistant Corporation Counsel regarding the Tisano Lease. The Planning Commission issued a negative recommendation and the Corporation Counsel

advised that the lease be referred to the Aviation Commission and the Airport Administrator. The reports were received and the matter referred to the Aviation Commission and the Airport Administrator on the Consent Calendar.

30 – **COMMUNICATION** – Reports from the Health Department, the Chief of Police, the Director of Public Works and the Zoning Enforcement Officer regarding blocking of a right of way on 115 Padanaram Road. The reports were received on the Consent Calendar.

31 – **COMMUNICATION** – Reports from the Planning Commission, the Director of Planning, the City Engineer and the Director of Finance regarding the offer to sell land on Beckerle Street to the City. The reports recommended not purchasing the property. The reports were received on the Consent Calendar and no action taken.

32 – **COMMUNICATION** – Reports from the Planning Commission, the Director of Planning, the Director of Finance, and the City Engineer with negative recommendations. The reports were received on the Consent Calendar and no action taken.

33 – **REPORT** - Sewer Line Dispute

Mrs. Smith submitted the following report:

The Common Council Committee appointed to review a sewer line dispute on Michaud Road met on November 22, 1999 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Smith, Arconti and Moore. Also in attendance were Superintendent of Public Utilities William Buckley, the petitioner William Montesi and Council Member Michael Pascuzzi, ex-officio.

Mr. Montesi began by reviewing one of the letters regarding the dispute. It was decided not to review the entire history of the dispute because there were many people involved during the course of the project and it would be impossible to sort it all out. In an attempt to bring closure to the matter, Mr. Arconti proposed that Mr. Montesi be compensated for out of pocket expenses which total approximately \$1,847.00. Neither Mr. Buckley nor Mr. Montesi was happy with this solution, but concurred it would be a reasonable solution.

A motion was made by Mr. Arconti to reimburse Mr. Montesi in the amount of \$2,000 for the work that was performed and that the funds be included in the total cost of the project and final assessments. The additional \$153 was offered for bushes, etc, for which Mr. Montesi no longer had receipts. Seconded by Mr. Moore and passed unanimously.

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

34 – **REPORT** – Change of Name from Pickett Ridge Road to George Hull Hill Road

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request to change the name of Pickett Ridge Road to George Hull Hill Road met on November 18, 1999 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Dean Esposito and Pauline Basso. Matthew Gallagher was absent. Also in attendance were Superintendent of Public Utilities William Buckley and Council Member John Esposito, ex-officio.

Dean Esposito stated that Police Chief Robert Paquette made this request because the road currently has two names. The new computer system at the

Police Department cannot handle the two names now in effect. The Chief feels that the name should be changed for safety purposes. The Director of Planning and the Fire Chief concur with the name change. The Planning Commission issues a positive report.

John Esposito was concerned about mailing delivery. He suggested that in the future a representative of the postal service be invited to these meetings. Mr. Buckley noted that there are several other streets in similar situation. Mrs. Basso stated that safety should be the first concern.

Mrs. Basso made a motion to change the name of Pickett Ridge Road to George Hull Hill Road. Seconded by Dean Esposito. Motion carried unanimously.

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

35 – **REPORT** – Shac Joseph, 60 West Wooster Street

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request of Shac Joseph of 60 West Wooster Street met on November 18, 1999 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Dean Esposito and Emile Buzaid. Mary Saracino was absent. Also in attendance were Superintendent of Public Utilities William Buckley, Assistant Corporation Counsel Les Pinter, Director of Finance Dominic Setaro and Attorney Elie Coury for the petitioner, as well as Council Members John Esposito and Pauline Basso, ex-officio.

Attorney Coury stated that Shac Joseph is 91 years old and lives alone at 60 West Wooster Street. He has an outstanding sewer and water bill of approximately \$5,000. His only income is approximately \$450-500 per month from Social Security. The taxes accumulated due to a water line break that Mr. Joseph did not know about. Dominic Setaro noted that the property taxes are current and the actual sum of the sewer and water taxes is \$4,700.00. Mr. Coury stated that he will advise Mr. Joseph to get a reverse mortgage from a bank and once he gets the mortgage, the outstanding taxes will be paid. However, it will take him two or three months to get the mortgage. Mr. Buckley asked if Mr. Joseph could pay the current sewer and water charges while he is waiting for the mortgage. It would be approximately \$21 per quarter. Attorney Coury said he would take it up with his client.

Mr. Buzaid made a motion to allow Attorney Coury four months to obtain a reverse mortgage on behalf of Shac Joseph, contingent upon the current taxes being paid. Seconded by Dean Esposito. Motion carried unanimously.

The report regarding sewer and water bills at 60 West Wooster Street was received and its recommendations approved on the Consent Calendar.

36 – **REPORT** – Sewer Repair Bill at 112 South Street

Dean Esposito submitted the following report:

The Common Council Committee appointed to review a sewer repair bill at 112 South Street met at 8:05 P.M. in the Third Floor Caucus Room in City on November 18, 1999. In attendance were committee members Dean Esposito and John Esposito. Mrs. Saracino was absent. Also in attendance were Superintendent of Public Utilities William Buckley, Assistant Corporation Counsel Les Pinter, Director of Finance Dominic Setaro, Mr. and Mrs. King, Frank Shook and Howard Russell.

Dean Esposito gave an overview of the previous meeting held last May. Mr. King gave a synopsis of the history of the problem. He stated that he hired Frank Shook to dig out his property. Mr. Shook informed the committee that he discovered that the pipe was gone and the ground was pulverized. He said that the same thing had occurred at the Botelho property. Mr. Buckley gave an overview of the City's role in the situation. Mr. Buckley and Mr. Shook went over the map of the road and agreed that the City caused the damage.

John Esposito made a motion to pay the claim in the amount of \$6,903.06, pending certification, and that the petitioners sign a release from further claims prior to payment. Seconded by Dean Esposito. The motion carried unanimously.

The report regarding the sewer repair bill at 112 South Street was received and its recommendations approved on the Consent Calendar.

37 – **REPORT** – Fieldstone Drive – Road Acceptance

Mrs. Abrantes submitted the following report:

The Common Council Committee appointed to review the road acceptance of Fieldstone Drive met on September 16, 1999 at 6:00 P.M. in Room 432 in City Hall. In attendance were committee members Abrantes and Basso. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Patricia Ellsworth and the petitioners.

The committee met to discuss the road acceptance of Fieldstone Drive, which had previously been accepted in a prior committee several years ago. Mr. Buckley explained the situation with Fieldstone Drive and explained that the City would contribute the sum of approximately \$36,000 to bring the road up to required specifications and the road would become a City road. Mr. Buckley stated that the only monies retained from the bond held by the City was \$3,436.57 which would be applied to the work performed and confirmed that this matter was approved in a previous committee meeting several years ago.

A motion was made by Mrs. Basso to recommend to the Common Council the appropriation of approximately \$36,000 to bring Fieldstone Drive to proper specification for the roadway to become a City maintained roadway. If the Vision 21 bond package was approved during the election, the monies would be appropriated from the funds received from the bonds. Ms. Abrantes seconded the motion and the motion carried unanimously.

The report regarding the acceptance of Fieldstone Road was received on the Consent Calendar and its recommendations approved.

38 – **REPORT** – Drainage Problem at 24 Fairlawn Avenue

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the drainage problem at 24 Fairlawn Avenue met in City Hall on August 9, 1999 at 7:30 P.M. and on November 22, 1999 at 7:00 P.M. In attendance at both meetings were committee members Arconti, Coco and Basso. Also in attendance were Acting Director of Public Works William Buckley and the petitioners, Mr. and Mrs. Rubinow. Also in attendance at the November 22nd meeting was Council Member Michael Pascuzzi, ex-officio.

The Rubinows experienced flooding damage in their garage and downstairs family room on two occasions in the last two years. It appeared that the flooding was caused by runoff from the road, after the road was repaved in 1997. The Rubinows have lived at this address for more than twelve years and had not experienced any flooding problems prior to the road being paved. They

have submitted and collected an insurance claim from the City for the first incident and have an open claim with the City for the second occurrence.

During the course of this year, the City Highway Department has worked on rectifying this problem. They have reshaped and installed new curbing and milled the road pavement directly in front of the petitioner's driveway. In September, the Engineering Department performed a survey of the curb line and gutter on Fairlawn Avenue in front of the Rubinow's home. Mr. Buckley reported that the driveway crown is a good five inches above the gutter line and that the grades appear adequate to allow proper water flow on the roadway. He sees no problem with the road drainage as it now currently exists and believes the runoff problem onto the Rubinow's driveway has been fixed. This appears to be confirmed by the fact that the Rubinows have not experienced any further flooding problems since this work has been performed, including the period from Tropical Storm Floyd.

Mr. Coco moved to recommend that no further action be taken at this time, as it appears the flooding problem caused by the repaving of Fairlawn Avenue has been rectified. The motion was seconded by Mrs. Basso and passed unanimously.

The report regarding a drainage problem at 24 Fairlawn Avenue was received on the Consent Calendar and its recommendations approved.

39 – **Department Reports** – Highways, Police Chief, Fire Chief, Fire Marshall, Health and Housing, Elderly Services, Engineering, Public Utilities, Public Building Maintenance. Mr. Arconti 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 Dean Esposito. Motion carried unanimously.

40 – Mr. Arconti made a motion to add item 40, Request for Additional Funding for Police Special Services Account. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

A request from Chief of Police Robert Paquette for the sum of \$644,468 to be appropriated to the 1999-2000 FY Danbury Police Special Services fund. The funds are later returned to the City as indirect revenue. Mrs. Abrantes made a motion to receive the communication and appropriate the funds. Seconded by Mr. Furtado. Motion carried unanimously.

41 – Mr. Arconti made a motion to add item 41, Report regarding the Windaway Road Sanitary Sewer Extension. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole immediately following a public hearing on December 1, 1999.

Mr. Buckley gave a brief history of the project and recommended approval. Mr. Gogliettino made a motion to approve the sanitary sewer extension for Windaway Road. Seconded by Mr. Gallagher. Motion carried unanimously.

Dean Esposito made a motion to receive the report and adopt its recommendation. Seconded by Mr. Shuler. Motion carried unanimously.

42 – Mr. Arconti made a motion to add item 42, Report regarding the Lake Kenosia Sewer Project. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole immediately following a public hearing on December 1, 1999.

Mr. Machado made a motion to approve the acquisition of the easement so that the project can proceed and to reconfirm all prior approvals. Seconded by Mrs. Abrantes. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Lake Kenosia Associates, LLC has requested that the City of Danbury authorize the extension of public sewer facilities to serve its property at 7 Kenosia Avenue; and

WHEREAS, said project is in the best interests of the City of Danbury; and

WHEREAS, in order to proceed with said project it is necessary to acquire interests in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owner hereinafter named upon the amount, if any, to be paid for the interests to be so acquired;

NOW, THEREFORE, BE IT RESOLVED THAT the approval of the aforesaid project is hereby confirmed and that the Corporation Counsel of the City of Danbury is hereby authorized to acquire Sanitary Sewer Force Main Easements from the Lake Place Condominium Association on or before June 1, 2000, either by negotiation or by eminent domain through the institution of suits against said property owner, its successors and assigns and its mortgage holders and encumbrancers, if any. Legal description of the easement areas to be acquired are attached hereto as Exhibit A.

John Gogliettino made a motion to receive the report and adopt its recommendations and approve the resolution. Seconded by Mrs. Abrantes. Motion carried unanimously.

43 – Mr. Arconti made a motion to add item 43 Report and Sewer Use Charge Ordinance. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole immediately following a public hearing on December 1, 1999.

Mrs. Abrantes made a motion to adopt the Ordinance as presented. Seconded by Mr. Shuler. Motion carried unanimously.

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

THAT Section 16-32 of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a subsection designated as 16-32(c), which said subsection reads as follows:

Sec. 16-32. Sewer Use Charges.

(c) For purposes of this section, sewer use charges imposed upon military veterans' posts and organizations that are exempt from federal taxation under Section 501c(19) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be imposed at the residential rates established herein.

Mr. Levy made a motion to receive the report and adopt the Ordinance. Seconded by Mrs. Basso. Motion carried unanimously.

44 – Mr. Arconti made a motion to add item 44 Miry Brook Emergency Protection Project Natural Resources Conservation Services and Connecticut DEP Agreements. Seconded by Mrs. Abrantes. Motion carried with Mr. Gallagher voting in the negative.

Request from City Engineer Patricia Ellsworth that the Common Council adopt a resolution authorizing Mayor Gene F. Eriquez to execute agreements with both the United States Department of Agriculture Natural Resources Conservation Service and the State of Connecticut Department of Environmental Protective relative to the Miry Brook Emergency Watershed Protection Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Agriculture Natural Resources Conservation Services (NCRS) under the Emergency Watershed Protection Program has authorized funding in the amount of \$100,000.00 to stabilize stream banks and remove debris in the vicinity of the Danbury Municipal Airport, and

WHEREAS, the funds would allow for improvements on both Airport property and abutting private properties and such funding would be used for all construction related expenses; and

WHEREAS, agreements with both the State Department of Environmental Protection and the NCRS must be executed in order to proceed with the improvements; and

WHEREAS, said agreements also require the acquisition of several temporary work easements across portions of property owned by abutting property owners, whose property would be benefited by the project; and

WHEREAS, eminent domain proceedings will be necessary in the event the City of Danbury cannot agree with the owners named in the schedule attached hereto as to the amount to be paid for the interests to be taken in and to the real property described in the Schedule.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury be and hereby is authorized to execute such agreements as are necessary in order to secure funding for Emergency Watershed Protection Program and enable the improvements authorized.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as set forth in Schedule A attached hereto by June 6, 2000 either by negotiation or eminent domain through the institution of suit against the named property owner(s), their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

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

Mr. Levy made a motion to receive the communication entitled Miry Brook Emergency Protection Project Temporary Construction Easements and allow the Corporation Counsel to acquire easements and adopt the Resolution. Seconded by Mr. Shuler. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 8:55 P.M. by Mr. Gallagher for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk