

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

RE: Minutes of the Common Council Meeting held January 4, 2000

Mayor Eriquez called the meeting to order at 7:35 P.M. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

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

ABSENT – McAllister, Smith, John Esposito

18 Present – 3 Absent

Mr. Esposito was absent due to a family illness, Mr. McAllister was working and Mrs. Smith was ill.

PUBLIC SPEAKING

1. Karl Murphy, 120 Main Street – spoke in favor of item 17
2. Hank Blevio, 70 Beaver Street – spoke regarding item 26

Mayor Eriquez delivered the State of the City address

MINUTES – Minutes of the Common Council Meeting held December 7, 1999. Mr. Arconti 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 Mrs. Abrantes. Motion carried unanimously.

CONSENT CALENDAR – Mrs. Abrantes submitted the following items for the Consent Calendar:

- 2 - Adopt Resolution to apply for and accept funding from the Women's Club of Danbury/New Fairfield in the amount of \$2,700 for the Senior Chorale
- 3 - Acting as the Flood and Erosion Control Board adopt a resolution authorizing Mayor Gene F. Eriquez to execute agreements and other documents concerning the Miry Brook Emergency Watershed Repair Project
- 4 - Adopt Resolution to apply for and accept funding from FEMA in the amount of \$1,000 for the purchase of supplies for the Homeless Shelter
- 5 - Approve the appointment of Gregory Williams as an alternate member on the Environmental Impact Commission
- 7 - Approve the appointment of Thomas Evans to the Parks and Recreation Commission
- 8 - Approve the appointments of Dennis Keeler and Francis Kelly to the Richter Park Authority
- 9 - Approve the appointments of Joseph Justino and LeRoy Parker to the Planning Commission
- 10 – Approve the appointments of William Goodman, Harold Wibling and Joan Damia to the Danbury Library Board of Directors
- 11 – Approve the appointments of Norman Winnerman and Richard Cyr to the Parks and Recreation Commission
- 12 – Approve the appointment of Ernest Boynton to the Board of Tax Assessment Appeals
- 20 – Approve the transfer of funds in the amount of \$1,435 from the Elderly Services donations account to the Commission on Aging budget
- 21 – Approve the appointment of McGladrey and Pullen, LLP as independent auditors for the City of Danbury for the second year of its three year contract

24 – Receive the positive recommendation of the Planning Commission regarding the resolution for the Still River Corridor Project Lease with the Connecticut Department of Transportation

25 – Receive the positive recommendation of the Planning Commission regarding the Authorization of Corporation Counsel to acquire Temporary Easements, Authorization for the Mayor to Execute Agreement with National Resources Conservation Services, and Authorization for Mayor to Execute Agreement with the DEP.

27 – Approve an 18 month extension of time for the sewer and water extensions to 56 Pembroke Road

29 – Receive the correspondence and accept the donation

31 – Approve a lease for the AIDS Prevention Program at 2-16 West Street pending positive Planning Commission recommendation

32 – Confirm the appointment of Mayor Gene F. Eriquez as the City's representative to the HRRRA and of William Buckley, Acting Director of Public Works as the Alternate representative

36 – Approve the water extension, subject to the usual eight steps, to accommodate a fire hydrant at the Portuguese Cultural Club on Morgan Avenue

39 – Receive the report regarding 4 Division Street and take no action at this time

40 – Receive the reports regarding the request by Barden Corporation for the City to accept the Sanitary Sewer Line on Park Avenue and take no action at this time

41 – Receive the report regarding Cooper Road and take no action at this time

42 – Receive the report regarding the "Down on the Farm" property on Stadley Rough Road and approve the recommendation

43 – Receive the report regarding a water extension on Federal Road and approve its recommendation

44 – Receive the report regarding Weindorf Lane and approve the recommendation

45 – Receive the report regarding a water extension to 99 Beaver Brook Road and approve the recommendation

Mr. Scalzo made a motion to adopt the Consent Calendar as read. Seconded by Dean Esposito. Motion carried unanimously.

**1 – RESOLUTION – Brownfields Revolving Loan Fund
RESOLVED, by the Common Council of the City of Danbury:**

WHEREAS, the Federal Environmental Protection Agency Brownfields Revolving Loan Fund has been established to create loan programs and enable joint application and cooperative utilization of funding in order to remediate brownfield sites; and

WHEREAS, the Brownfields Economic Redevelopment Initiative enables PILOT programs between municipalities and private party loan candidates to enter in partnerships for purposes of said remediation; and

WHEREAS, in furtherance of the intent of this program, the City of Danbury seeks to form a coalition with the Valley Regional Planning Agency in order to submit a proposal to the U. S. EPA for an award of up to \$500,000 for each coalition member under the Brownfields Cleanup Revolving Loan Fund Program; and

WHEREAS, said funding would be used for and including site assessment, loan review and program administration at the former Mallory Hat Factory site; and

WHEREAS, an agreement establishing such a coalition will be necessary in order to establish an appropriate working relationship;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez or his authorized designee agency or individual(s) be and hereby is (are) authorized to execute all documents, letters and applications in order to secure funding by February 7, 2000 and establish a cooperative arrangement for purposes of remediation at the former Mallory Hat Factory site, and to execute such additional documents as may be required for the purposes thereof.

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

2 – RESOLUTION – Senior Chorale Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Women’s Club of Danbury/New Fairfield has made available a grant in the amount of \$2,700.00 for the Senior Chorale; and

WHEREAS, the Department of Elderly Services would like to apply for said grant for the use of a conductor and pianist; and

WHEREAS, these funds are needed to continue the Senior Chorale that will go out to nursing homes and other groups of seniors and disabled people.

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 funding from the Women’s Club of Danbury/New Fairfield in the amount of \$2,700 for the Senior Center was adopted on the Consent Calendar.

3 – RESOLUTION – Miry Brook Emergency Watershed Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council of the City of Danbury, at its regular meeting of December 7, 1999 adopted a resolution authorizing Mayor Gene F. Eriquez to execute such agreements as are necessary to secure federal and State Emergency Watershed Protection Program funding for the Miry Brook stream bank stabilization; and

WHEREAS, the City of Danbury has been advised by the Connecticut Department of Environmental Protection that the City Flood and Erosion Control Board must also render its approval; and

WHEREAS, the Common Council, pursuant to Code of Ordinance Section 2-38 acts as the Flood and Erosion Control Board; and

WHEREAS, it is in the best interests of the City of Danbury to make application, receive funding for this purpose and complete the work necessary to remediate the post Hurricane Floyd damage;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury acting as the Flood and Erosion Control Board pursuant to Section 2-38 of the City of Danbury Code of Ordinances, hereby and specifically designates and authorizes Mayor Gene F. Eriquez to execute and act on its behalf with respect to agreements entitled “AGREEMENT FOR CONSTRUCTION MIRY BROOK EMERGENCY WATERSHED REPAIR PROJECT DANBURY, CONNECTICUT”, “OPERATION AND MAINTENANCE AGREEMENT MIRY BROOK EROSION REPAIR PROJECT DANBURY, CONNECTICUT” and such other documents as may be required for the purposes of the Miry Brook remediation project.

Acting as the Flood and Erosion Control Board, a resolution authorizing Mayor Gene F. Eriquez to execute agreements and other documents concerning the Miry Brook Emergency Watershed Repair Project was adopted on the Consent Calendar.

4 – RESOLUTION – FEMA Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) working through the United Way of Northern Fairfield County, Inc., is allocating funds from its Phase XIV Program for the greater Danbury area to be used for emergency food and shelter; and

WHEREAS, the Welfare Department of the City of Danbury has applied for funds not to exceed \$1,521.00 from said program to help offset the cost of operating the City's Homeless Shelter at 41 New Street; and

WHEREAS, the grant period extends from October 1, 1999 through September 30, 2000 with no local match required;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Gene F. Eriquez, Mayor of the City of Danbury, and the Department of Welfare in applying for said grant are hereby ratified; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to accept said funds if offered through the United Way of Northern Fairfield County, Inc., and to execute any agreements or other documents necessary to effectuate the purposes of said grant.

The resolution to apply for and accept funding from FEMA in the amount of \$1,000 for the purchase of supplies for the Homeless Shelter was adopted on the Consent Calendar.

5 – COMMUNICATION – Appointment as Alternate to the EIC

Request from Mayor Eriquez that the appointment of Gregory Williams as an Alternate Member of the Environmental Impact Commission for a term to expire December 1, 2001 be confirmed. The appointment was confirmed on the Consent Calendar.

6 – COMMUNICATION – Appointments in the Fire Department

Request from Mayor Gene F. Eriquez that Firefighter Mark E. Perry's appointment as dispatcher and Firefighter William H. Weber's appointment as Deputy Fire Marshall be confirmed. Mr. Levy made a motion to receive the communication and confirm the appointments of Mark Perry as dispatcher and William H. Weber as Deputy Fire Marshall. Seconded by Mrs. Basso. Motion carried unanimously.

7 – COMMUNICATION – Reappointment to the Parks and Recreation Commission

Request from Mayor Eriquez that the reappointment of Thomas Evans to the Parks and Recreation Commission for a term ending December 1, 2001 be confirmed. The appointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Reappointments to the Richter Park Authority

Request from Mayor Eriquez that the reappointments of Dennis Keeler to the Richter Park Authority for a term to expire September 1, 2002 and Francis Kelly for a term to expire September 1, 2000 be confirmed. The reappointments were confirmed on the Consent Calendar.

9 – COMMUNICATION – Reappointments to the Planning Commission

Request from Mayor Eriquez that the reappointments of Joseph Justino and Leroy Parker to the Planning Commission for terms to expire January 1, 2003 be confirmed. The reappointments were confirmed on the Consent Calendar.

10 – COMMUNICATION – Reappointments to the Danbury Library Board of Directors

Request from Mayor Eriquez that the reappointments of William Goodman, Harold Wibling and Joan Damia to the Danbury Library Board of Directors for terms to expire January 1, 2003 be confirmed. The reappointments were confirmed on the Consent Calendar.

11 – COMMUNICATION – Reappointments to the Parks and Recreation Commission

Request from Mayor Eriquez that the reappointments of Norman Winnerman and Richard Cyr to the Parks and Recreation Commission for terms to expire December 1, 2002 be confirmed. The reappointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Appointment to the Board of Tax Assessment Appeals

Request from Mayor Gene F. Eriquez for confirmation of the appointment of Ernest Boynton to the Board of Tax Assessment Appeals for a term to expire June 30, 2002. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Request for Authorization of Funds for the position of Security and Information Services

Letter from Mayor Gene F. Eriquez requesting transfer of funds in the amount of \$12,000 to enable the City to create a position for an individual to provide Security and Information Services for the City Hall building. The Mayor has discussed this position with Mr. Thomas Dyer. A certification of funds was attached. Mr. Scalzo made a motion to receive the communication and authorize the funds as requested. Seconded by Mr. Furtado. Motion carried unanimously.

14 – COMMUNICATION – Donations to the Department of Elderly Services

Request from the Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$1,100 for the use of the Danbury Senior Center. Mrs. Abrantes 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.

15 – COMMUNICATION – Donation to the Danbury SeniorNet Computer Center

Request from Leo McIlrath for permission to accept a donation from SeniorNet National in the amount of \$1,000 for use of the Danbury SeniorNet Computer Center. Mrs. Abrantes made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

16 – COMMUNICATION – Donation to the Library

Request from Library Director Betsy McDonough for permission to accept a donation in the amount of \$500 from Joan Hempel. Mrs. Abrantes made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mrs. Saracino. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Police Department and Request for Waiver of Bid

Letter from Chief of Police Robert Paquette requesting acceptance of a proposed donation by the private foundation known as INVEST to supplement federal funding for the purchase of bulletproof vests. He also requests a waiver of the local bidding requirements for the purchase of bulletproof vests. Mr. Levy made a motion to receive the communication, accept the donation and request the waiver of the local bidding requirements. Seconded by Mr. Scalzo. Motion carried unanimously.

18 – COMMUNICATION – Purchase of CairnsIRIS

Request from Council Members Pauline Basso, Martin Moore and Mary Saracino that the sum of \$25,350 be allocated from the Contingency Fund to purchase a second CairnsIRIS for the Fire Department. Mr. Arconti made a motion to receive the communication. Seconded by Mrs. Abrantes. Motion carried unanimously.

19 – COMMUNICATION – Request for Traffic Signal at Franklin Street and Starr Avenue

Request from Council Members that a traffic light be installed at the intersection of Franklin Street and Starr Avenue due to the occurrence of serious accidents at this location. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Chief of Police and the Traffic Engineer. Mayor Eriquez so ordered and appointed Council Members Scalzo, Coco and Basso to the committee.

20 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$1,435 from the Elderly Services donation account to the Commission on Aging budget. The transfer of funds in the amount of \$1,435 from the Elderly Services donations account to the Commission on Aging budget was authorized on the Consent Calendar.

21 – COMMUNICATION – Appointment of Auditors

Request from Director of Finance Dominic Setaro requesting that the firm of McGladrey & Pullen, LLP be appointed as independent auditors for the City as required by the State. The appointment of McGladrey and Pullen, LLP as independent auditors for the City of Danbury for the second year of its three year contract was approved on the Consent Calendar.

22 – COMMUNICATION – Revised LOCIP Application

Notification from the Director of Finance that approximately \$29,000 from the existing LOCIP application will be allocated towards the purchase of a Thermal camera for the Fire Department. Mrs. Abrantes made a motion to accept the communication. Seconded by Mr. Shuler. Motion carried unanimously.

23 – COMMUNICATION – Funds for the Purchase of a Thermal Imaging Device

Letter from Mayor Gene F. Eriquez stating that the City has appropriated up to \$29,383 to be used for the purchase of a second Thermal Imaging Device for the Danbury Fire Department. Funds have been made available through the Local Capital Improvement Program. Mr. Levy made a motion to receive the communication. Seconded by Dean Esposito. Motion carried unanimously.

24 – COMMUNICATION – Planning Commission Report regarding the Still River Corporation

A report from the Planning Commission issuing a positive recommendation for the Resolution for the Still River Corporation. The positive recommendation of the Planning Commission regarding the resolution for the Still River Corridor Project Lease with the Connecticut Department of Transportation was received on the Consent Calendar.

25 – COMMUNICATION – Planning Commission Report regarding National Resources Conservation Service

A report from the Planning Commission issuing a positive recommendation for this request because it will mitigate impacts from Hurricane Floyd and will not necessitate the use of City funds. The positive recommendation of the Planning Commission regarding the authorization of Corporation Counsel to acquire temporary easements, authorization for the Mayor to execute an agreement with National Resources Conservation Services and authorization to execute an agreement with the DEP was received on the Consent Calendar.

26 – COMMUNICATION – Proposal for Mallory Hat Factory Site

Letter from Henry Blevio of Kingswood Kitchens expressing an interest in obtaining property known as the Mallory Hat Factory site. Mr. Machado made a motion to refer this to the Mayor's Office and the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

27 – COMMUNICATION – Water and Sewer Extensions – 56 Pembroke Road

Request from Attorney Paul Jaber requesting an eighteen month extension for sewer and water to the Hungarian American Club at 56 Pembroke Road. The eighteen month extension of time for the water and sewer extensions to 56 Pembroke Road was approved on the Consent Calendar.

28 – COMMUNICATION – Mallory Hat Factory

Letter from Jack Kozuchowski requesting that the sum of \$200,000 be appropriated for the purpose of immediate removal of the buildings from the Mallory Hat Factory site. A certification of funds was attached. Mr. Furtado made a motion to receive the communication and authorize the transfer of funds. Seconded by Mr. Levy. Motion carried unanimously.

29 – COMMUNICATION – Millennium Project

Request from the Director of Finance requesting acceptance of a donation in the amount of \$10,000 for the Millennium Project. The communication was received and the donation accepted on the Consent Calendar.

30 – COMMUNICATION – Veterans Graves

Request from Mayor Gene F. Eriquez that the sum of \$19,395 be appropriated for the purchase of 15 graves at St. Peter Cemetery and 15 graves at Wooster Cemetery for Danbury indigent wartime veterans. A certification of funds was attached. Mr. Pascuzzi made a motion to receive the communication and authorize the transfer of \$19,395 for the purchase of graves for veterans. Seconded by Mr. Shuler. Motion carried unanimously.

31 – COMMUNICATION – Lease for AIDS Prevention Program

Letter from Director of Health William Campbell requesting the approval of a lease with The Women's Center of Greater Danbury for the AIDS Prevention Program. The lease for the AIDS Prevention Program at 2-16 West Street, pending positive Planning Commission recommendation, was approved on the Consent Calendar.

32 – COMMUNICATION – Appointments to the HRRRA

Request from Mayor Gene F. Eriquez that his appointment as Danbury's representative to the HRRRA be confirmed, as well as the appointment of William Buckley as the Alternate representative. The appointment of Mayor Gene F. Eriquez as the City's representative to the HRRRA and of William Buckley as the Alternate representative was confirmed on the Consent Calendar.

33 – COMMUNICATION – Donation from the Pepsi Bottling Group

Request from Mayor Eriquez to accept a donation from the Pepsi Bottling Group. Mr. Saadi made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mrs. Saracino. Motion carried unanimously.

34 – COMMUNICATION – Donation to the Still River Greenway Project

Letter from Jack Kozuchowski requesting permission to accept a donation in the amount of \$12,000 to be used solely for the development of the Still River Greenway project for construction related initiatives that would move the project closer to completion. John Gogliettino made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Buzaid. Motion carried unanimously.

35 – COMMUNICATION – Request for sewer and water extension on Shelter Rock Road. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members John Esposito, Saadi and Basso to the committee.

36 – COMMUNICATION – Request for water extension on Morgan Avenue. The water extension, subject to the usual eight steps, to accommodate a fire hydrant at the Portuguese Cultural Club on Morgan Avenue was approved on the Consent Calendar.

37 – COMMUNICATION – Request for sewer and water extension on Larson Drive. Mr. Arconti asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Machado, Shuler and Martin Moore to the committee.

38 – COMMUNICATION – Late Charge – Sewer and Water Bill. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Abrantes, McAllister and Saracino to the committee.

39 – COMMUNICATION – Report on 4 Division Street

Report from Superintendent of Public Utilities William Buckley analyzing water and sewer usage at 4 Division Street, and stating that there is no justification for an adjustment. The report was received on the Consent Calendar and no action taken.

40 – COMMUNICATION – Reports regarding Sanitary Sewer Main on Park Avenue

Reports from the City Engineer, the Superintendent of Public Works, the Corporation Counsel and the Planning Commission recommending no action due to the need for additional information. The reports were received on the Consent Calendar and no action taken.

41 – COMMUNICATION – Reports regarding Cooper Road

Reports from the Corporation Counsel and the Director of Public Works regarding the request for sanding of Cooper Road, stating that the Common Council does not have the authority to authorize sanding of private roads. The reports were received on the Consent Calendar and no action taken.

42 – REPORT – Down on the Farm Property

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the Down on the Farm property lease met on December 15, 1999 at 7:15 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher, Smith and Moore. Also in attendance were Corporation Counsel Eric Gottschalk and Hillel Goldman representing the Regional Hospice of Western Connecticut.

Mr. Gallagher stated that the Common Council had, in principle, approved the use of the site for a children's bereavement center and that the role of the committee was to review the lease itself. Mr. Gottschalk stated that the lease was similar to others the City had approved in the past, with the term of the lease being 30 years, for \$1.00 per year and that the lessee was responsible for maintenance, repair and insurance on the property.

Mr. Moore moved to recommend to the Common Council approval of the Down on the Farm property lease. Seconded by Mrs. Smith. Motion carried unanimously.

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

43 – REPORT – Request for Water Extension on Federal Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for water extension on Federal Road met on December 15, 1999 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher and Basso. Committee Member Thomas Arconti was unable to attend due to business obligations. Also in attendance were Director of Public Utilities William Buckley and Doug Divesta of Consultant Engineers representing the petitioner.

Mr. Buckley stated that the request is for the Stew Leonard's expansion involving moving of water lines, as well as acquiring new easements for the installation of new line for fire hydrants as proposed in conjunction with the Fire

Department. Mr. Gallagher stated that the Planning Commission issued a positive recommendation.

Mrs. Basso moved to recommend to the Common Council approval of the request subject to the normal eight steps, as well as a ninth step encompassing relinquishment of the old easements. Seconded by Mr. Gallagher and passed unanimously.

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

44 – REPORT – Weindorf Lane

Mr. Machado submitted the following report:

The Common Council Committee appointed to review reports regarding Weindorf Lane met on December 14, 1999 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Shuler and Moore. Also in attendance were Superintendent of Public Utilities William Buckley and the petitioners, Dave and Diane Sanders.

Mr. Machado opened the meeting by reading the letter from Mrs. Sanders. He noted that both the Planning Commission and the Engineering Department had issued negative reports. Mr. Machado asked for Mr. Buckley's input.

Mr. Buckley reported that he went to the site with Corporation Counsel Eric Gottschalk. Attorney Gottschalk's conclusion was that this is private property and the City should not go onto private property. Mr. Buckley suggested that the Sanders could get some assistance through FEMA. He said that the culvert is undersized and that the pipe mentioned in the Sanders letter did not add to the erosion. Mr. Machado stated that he too had gone to look at the property and saw that it had been repaired.

Mr. Sanders said that the house was built in 1976 and the road existed before that. The old culvert was there before the house. Mrs. Sanders said that her point of contention is that the City appears to be using the culvert to handle runoff from upstream. The water that comes off Ward Drive is dumped into the culvert. She disagrees with the point that water from the road would go there anyway. The Highway Department came out after spring storms and replaced the pathway with new blacktop and put in a catch basin. A discussion followed between Mr. Buckley and the Sanders regarding piping size.

Mr. Machado said that he agrees that there is a deficiency in the culvert. Because there were other problems with erosion he does not believe that there was negligence on the part of the City.

Mrs. Sanders stated that since they had to have the repairs done they were hoping to recover some portion of the \$6,000 cost. Mr. Machado asked her to give the committee some idea of what they wanted the City to do. Mr. Sanders said that his biggest concern is for the future because they have implemented all they can afford to do.

Mr. Moore asked when the pipe was put in and why it was needed. Mrs. Sanders said that it was put in in 1996 and it takes water from Ward Drive. Mr. Moore asked if the City diverted the water and Mrs. Sanders said it did. Mr. Moore stated that if the City diverted the water, then some damage might be the responsibility of the City. Mr. Buckley asked the Sanders what they were looking for. Mr. Sanders said they were asking for \$1,000 - \$2,000. Mr. Buckley stated that according to his formula one-tenth of the cost would be appropriate.

Mr. Moore made a motion to recommend the allocation of \$600 based on that estimation and stipulating that future damage is not the responsibility of the

City unless the runoff situation changes. Seconded by Mr. Shuler. Motion carried unanimously.

Mrs. Sanders asked who would be responsible for scooping out the sand from Ward Drive that accumulates in the catch basin. Mr. Buckley said that the Sanders should keep an eye on it and alert the City to dig it out perhaps once every five or six years.

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

45 – REPORT – Request for Water Extension – 99 Beaver Brook Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for water extension at 99 Beaver Brook Road met on December 14, 1999 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Coco and Saracino. Also in attendance were Superintendent of Public Utilities William Buckley and the petitioner, Daniel Bertram.

Mr. Machado opened the meeting by reviewing the request for water extension at 99 Beaver Brook Road by BRT Corporation. He noted the positive report of the Planning Commission. He asked Mr. Buckley for his input.

Mr. Buckley stated that previously there were two houses on the site. Service ran from Beaver Brook Road to Swanson Avenue. The extension is acceptable to him subject to the normal eight steps, which allows him to work with the developer. Mr. Machado asked what the facilities would be used for. Mr. Bertram stated that it would be used for self-storage units.

Mrs. Saracino made a motion to approve the request for water extension to 99 Beaver Brook Road, subject to the normal eight steps. Seconded by Mr. Coco. Motion carried unanimously.

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

46 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Department of Elderly Services, Health and Housing, Engineering, Public Utilities, Public Buildings, Fire Marshall. Mr. Arconti made a motion to receive the department reports 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 Mrs. Saracino. Motion carried unanimously.

The Mayor extended all committees.

Mayor Eriquez appointed the Education Budget Committee, which will consist of Council Members Matthew Gallagher, Harry Scalzo, Helena Abrantes, Connie Shuler, and Mary Saracino.

The MCCA subcommittee will now be Council Members Levy, Machado and Martin Moore. The Mill Plain Traffic Count committee will now be Council Members Gallagher, Pascuzzi and Martin Moore and the Property at 89 Rose Hill Avenue committee will now be Council Members Arconti, Abrantes and Basso.

47 – Mr. Arconti made a motion to add item 47 to the agenda. Seconded by Mrs. Abrantes. Motion carried with Mr. Gallagher voting in the negative.

COMMUNICATION – Letter from Mayor Eriquez appointing Council Members Levy, Furtado and Martin Moore to the Governmental Entities Review and Evaluation Committee. He also appointed public members C. Richard Hale and James LaClair.

Mr. Scalzo made a motion to receive the communication and confirm the appointment of the committee. Seconded by Mrs. Saracino. Motion carried unanimously.

There being no further business to come before the Common Council, a motion was made at 9:05 P.M. by Mr. Gallagher for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk