

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

RE: Minutes of the Common Council Meeting held September 6, 2000

The meeting was called to order at 7:35 P.M. The Pledge of Allegiance and Prayer were offered. The members were recorded as:

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

**ABSENT** – Dean Esposito and Martin Moore

19 Present – 2 Absent

Mr. Moore was working

**PUBLIC SPEAKING** – Douglas Wise, 7 Fairfield Court – spoke regarding the ice rink

At 7:50 P.M. Dean Esposito arrived and was marked present

**MINUTES** – Minutes of the Common Council Meeting held August 1, 2000. Mr. Arconti made a motion that the minutes be accepted 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 the Resolution to apply for and accept a grant from the State of Connecticut Department of Public Health in the amount of \$13,106.

3 - Adopt the resolution to abate taxes on the property owned by Beaver Street Apartments, Inc. in an amount not to exceed \$31,500 and subject to State approval of funds for fiscal year 2000-2001.

4 - Adopt the resolution to acquire an easement across property on Ford Avenue for drainage purposes by negotiation or eminent domain proceedings.

10 – Approve the transfer of funds in the amount of \$460 from the Elderly Services Donations Revenue account to the Commission on Aging budget.

13 – Receive the report and approve the recommendation to take no action at this time, pending further investigation of water usage at the facility.

14 – Receive the report and approve the reimbursement of \$5,010 for work performed on the City owned water main at 39 Well Avenue.

16 – Approve the transfer of \$4,000 from the Contingency account to the Commission on Aging Contributions and Grants line item.

17 – Approve the amendment to the Highway State Aid budget line item “Maintenance of Highways, Curbs and Walks” to include an additional amount of \$1,420 and make the necessary adjustments to the revenue account.

18 – Receive the positive recommendation from the Planning Commission for the transfer of land at Mill Plain Road and Aunt Hack Road.

19 – Approve the request to obtain three easements in order to correct drainage problems around 36 Hillandale Road.

20 – Receive the correspondence and approve the conveyance of three parcels of land in the Renders Farm Subdivision for future road widening purposes.

21 – Approve the extension of time of a sewer extension to 3 Old Shelter Rock Road

22 – Receive the correspondence and approve the request, providing the petitioner covers the entire cost of the extension.

24 – Approve the request to terminate the ad hoc committee.

27 – Receive the report and approve the recommendation regarding the water line at 24-30 Mill Plain Road

28 – Receive the report and approve the recommendation to take no action at this time

29 – Receive the report and approve the recommendation to take no action at this time

Mr. Arconti made a motion to adopt the Consent Calendar, as read, with the deletion of item 22. Seconded by Mr. McAllister and passed unanimously.

1 – ORDINANCE – Panhandling and Truck Parking – WITHDRAWN

2 – RESOLUTION – Preventive Health Care Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$13,106.00; and

WHEREAS, the grant will cover the period of September 1, 2000 through June 30, 2001 with no local in kind match; and

WHEREAS, the funding will be used for a Youth Violence Prevention Program in conjunction with the School Based Health Centers located at Danbury High School and Broadview Middle.

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

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

The resolution to apply for and accept a grant from the State of Connecticut Department of Public Health in the amount of \$13,106 was approved on the Consent Calendar.

3 – RESOLUTION – Beaver Street Apartments Tax Abatement

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 §8-215 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 \$1,856,300; 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, 1999.

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, 1999;

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 {112-167 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 resolution to abate taxes on the property owned by Beaver Street Apartments, Inc. in an amount not to exceed \$31,500 and subject to State approval of funds for fiscal year 2000-2001 was adopted on the Consent Calendar.

#### 4 – RESOLUTION – Ford Avenue Improvements

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, the City of Danbury has been unable to acquire such interests through negotiations, making eminent domain proceedings necessary; 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 reauthorized to acquire said property interests as set forth in the exhibit attached hereto and made a part hereof by March 6, 2001, 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.

The resolution to acquire an easement across property on Ford Avenue for drainage purposes by negotiation or eminent domain proceedings was adopted on the Consent Calendar.

#### 5 – RESOLUTION – Northeast Utilities Foundation

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Northeast Utilities Foundation has made available the amount of \$100,000.00 for the construction of a pedestrian bridge and environmental education welcome center for the Still River Greenway; and

WHEREAS, the grant period is November 2000 through December, 2002 and no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Gene F. Eriquez and the Danbury Health and Housing Department, acting through Jack Kozuchowski or his

designee, are hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Gene F. Eriquez is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor, Jack Kozuchowski or their designee in applying for such grant funds are hereby ratified.

Mr. Furtado made a motion that the communication be received and the Resolution be adopted. Seconded by Mrs. Abrantes. Motion carried unanimously.

#### 6 – COMMUNICATION – Donation to Jarabocoa

Letter from Mayor Eriquez requesting that the City donate surplus traffic signal equipment to our sister city of Jarabocoa, Dominican Republic. Mr. McAllister made a motion to receive the communication and authorize the donation of surplus traffic signal equipment to Jarabocoa. Seconded by Mrs. Abrantes. Motion carried unanimously.

#### 7 – COMMUNICATION – Donation to the Library

Request from Library Director Betsy McDonough for permission to accept a donation in the amount of \$90 from Carolyn Baird for the BOOKS line item. Mr. Machado made a motion that the communication be received, the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Shuler. Motion carried unanimously.

#### 8 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$50 from Almost Family Adult Day Center and Augustana Homes. 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.

#### 9 – COMMUNICATION – Donations for the Still River Greenway “Bridging the Gaps” Project

Request from Mayor Eriquez for permission to accept donations to the City’s Health and Housing Department for the Still River Greenway “Bridging the Gaps” project in the following amounts: Pitney Bowes - \$5,000; Sealed Air Corporation - \$10,000; Bedoukian Research, Inc - \$50,000 and Mel Powers - \$10,000. Mr. Gogliettino made a motion to receive the communication, accept the donations, credit the proper line item and send letters of thanks. Seconded by Michael Moore. Motion carried unanimously.

#### 10 – COMMUNICATION & CERTIFICATION – Reappropriation of Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$460 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

#### 11 – COMMUNICATION – “Moms and Pops” Recycling and Solid Waste Disposal Agreement

Agreement streamlining the procedure with AWD which would eliminate the permit system and avoid the need to reimburse AWD for the cost of coupons. Mrs. Basso asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Arconti, Abrantes and Basso to the committee.

#### 12 – COMMUNICATION – Blueberry Lane Water Line

Letter from Corporation Counsel Eric Gottschalk recommending that the Common Council authorize the connection of the Blueberry Lane water line, which is nearing completion, with the City’s system in the absence of the normally required easements. Approval should be given with the understanding that the easements must be acquired and conveyed to the City together with the water line as soon as possible after the connection is completed. Mr. Levy made a motion that the communication be received and its recommendations adopted. Seconded by Mr. Furtado. Motion carried unanimously.

#### 13 – COMMUNICATION – Report on item 11, July Agenda

Report from Director of Public Works William Buckley regarding the request for an exemption, a waiver or a reduction in the debt services charges on water and sewer bills. He recommends that no action be taken since an Ordinance change would be required. The report was received and the recommendation to take no action at this time pending further investigation of water usage at the facility was approved on the Consent Calendar.

14 – COMMUNICATION – Cioffoletti, 39 Well Avenue – Water Line Repair

Memorandum from Director of Public Works William Buckley requesting reimbursement to Cioffoletti Construction in the amount of \$5,010 as payment for work done on a water main at 39 Well Avenue. The report was received and the reimbursement of \$5,010 was approved on the Consent Calendar.

15 – COMMUNICATION – Intersection of Franklin Street, Rose Hill Avenue and Starr Avenue

Report from City Engineer William Buckley, together with a memo from Traffic Engineer Abdul Mohamed in which he offers information and an additional recommendation. All recommendations are subject to the concurrence of the Local Traffic Authority. Mr. Arconti made a motion that the report be received. Seconded by Mrs. Abrantes. Motion carried unanimously.

16 – COMMUNICATION – Senior Center Generator

Certification from Director of Finance Dominic Setaro for a match of \$4,000 towards the purchase and installation of a new generator at the Danbury Senior Center. The transfer of funds was authorized on the Consent Calendar.

17 – COMMUNICATION – Highway State Aid

Certification from Director of Finance Dominic Setaro requesting approval of an amendment to the Highway State Aid budget in the amount of \$1,420.00. He will adjust the Highway State Aid Revenue account to offset this increase. The amendment to the Highway State Aid line item "Maintenance of Highways, Curbs and Walks" to include an additional amount of \$1,420 and make the necessary adjustments to the revenue account was approved on the Consent Calendar.

18 – COMMUNICATION – Report from Planning Commission – Transfer of Land at Mill Plain Road and Aunt Hack Road

The positive recommendation from the Planning Commission for the transfer of land at Mill Plain Road and Aunt Hack Road was adopted on the Consent Calendar.

19 – COMMUNICATION – 36 Hillendale Road – Drainage Problem

Request from Director of Public Works William Buckley requesting approval to obtain three easements that may be necessary to complete a project to correct a drainage problem at 36 Hillendale Road. Approval to obtain three easements in order to correct drainage problems around 36 Hillendale Road was granted on the Consent Calendar.

20 – COMMUNICATION – Renders Farm Development

Letter from Attorney Paul Jaber requesting acceptance of Parcels X, Y and Z to the City of Danbury for road widening purposes for Renders Farm subdivision on Stadley Rough and Fairway Drive. The correspondence was received and conveyance of the three parcels approved on the Consent Calendar.

21 – COMMUNICATION – Renewal of Sewer Extension to 3 Old Shelter Rock Road

Request from Peter Setaro for an extension of time to complete the sewer extension to 3 Old Shelter Rock Road. An extension of time was granted on the Consent Calendar.

22 – COMMUNICATION – Request for sewer and water extensions – Lot 21, Lakeside Drive and Juniper Ridge

Letter from Attorney Thomas Frizzell asking for approval of sewer and water extensions to Lot 21, Lakeside Drive and Juniper Ridge. Previous approval was given to Lots 21 and 23. Mr. Levy made a motion to allow the single petitioner to extend the sewer and water lines as requested. Seconded by Mr. Scalzo. Mr. Arconti noted that the cost of the extension would be \$20,000 and the Mr. Buckley has stated that some improvements may be made and the costs would be borne by the Water Fund. Motion carried unanimously.

#### 23 – COMMUNICATION – Request for Sewer and Water Extensions – Bear Mountain Road and Pembroke Road

Mr. McAllister asked that this be referred to an ad hoc committee, the Planning Commission, the Director of Public Works and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Furtado, Michael Moore and Basso to the committee.

#### 24 – COMMUNICATION – Request to terminate committee

Request from Council Member Warren Levy requesting that an ad hoc committee appointed to review a request for an easement on lot C10007, Aunt Hack Road and Lot 109081 at 35 Hayestown Road be terminated as the applicant has withdrawn the request. The request to terminate was granted on the Consent Calendar.

#### 25 – REPORT – Tour of the Ice Rink Facility

Mr. Arconti submitted the following report:

The Common Council met at the site of the Ice Rink Project on August 8, 2000 at 7:00 P.M. for a tour of the facility. In attendance were Council Members Arconti, Abrantes, Coco, Dean Esposito, John Esposito, Furtado, Gogliettino, Levy, Machado, Michael Moore, Pascuzzi, Saadi, Scalzo and Smith. Council Member Matt Gallagher arrived at the end of the meeting. Also in attendance were Mayor Eriquez, Assistant Corporation Counsel Dan Casagrande, Director of Finance Dom Setaro, Director of Public Works Bill Buckley and Superintendent of Public Buildings Rick Palanzo.

Mayor Eriquez distributed a copy of the Redevelopment Agency Resolutions dated June 6 and April 5, 2000 to all Council Members. He also presented a copy of the Ice Arena Facility Evaluation report prepared by DeCarlo & Doll, Inc. and by The Morganti Group, Inc. to the Council President. He explained that the copy is not inclusive of entirely clear photos. He also stated that Council Members and the public are welcome to review the complete original report which is available in his office. Mr. Arconti stated that the Council's copy of the report would be kept in the Common Council Workroom so that members may review it there at their convenience. He also stated that the report should not be removed from the room so that it remains available to all members.

Mayor Eriquez gave a brief history of the project. He then led a tour of the facility and described the various parts of the building. Council Members asked questions along the way regarding the structure and the intended uses within it, all of which were answered by the Mayor and the other department heads.

A discussion ensued regarding the current status of the facility. Mayor Eriquez explained that the facility is approximately 70% complete. The Morganti Group and the City Building Inspector each independently conducted a complete inspection and assessment of the facility and found that it is structurally sound. It will meet all NFPA and ADA requirements. It also conforms to Threshold Building requirements which are more stringent than normal building code requirements. The existing structure, as it stands, is valued at approximately \$7.1 million, despite claims by ARC that they spent more than that to get this far. There is a \$4.7 million mortgage on the property and liens claimed against ARC total approximately \$5 million. It is believed that the cost for completion will be substantially less than the \$8.9 million projected in the report. That figure includes many contingencies and several modifications to the existing plans, which may not be adopted. Mayor Eriquez stressed the fact that not one public dollar was spent on the construction of this building to date. It was completely a private project conducted with private funds.

Mayor Eriquez stated that he and his administration continue to work on a daily basis to develop a plan to complete the project in the most economical way possible and with the least risk to taxpayers.

Mr. McAllister made a motion to approve the report as read. Seconded by Mr. Scalzo. Motion carried unanimously.

26 – REPORT – Ta'Agan Point Water System

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the request regarding the Ta'Agan Point Water System met in City Hall on August 29, 2000 at 7:00 P.M. In attendance were committee members Arconti, Smith and Saracino. Also in attendance were Director of Public Works Bill Buckley, Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter, Michael Hage of the State Department of Public Health Water Supplies, Ron Black of RJ Black & Son (receiver of the water system), Council Members Scalzo, Levy and Dean Esposito, ex-officio and several residents of the Ta'Agan Point community.

The meeting began with several residents of Ta'Agan Point community describing the long standing problems they have experienced with the community well system at Ta'Agan Point. For more than twenty years they have had to deal with water outages and pressure problems, water quality problems and numerous "boil water" notices. The State of Connecticut, Department of Public Health has been monitoring the situation at Ta'Agan Point and in 1994 had ordered RJ Black & Sons to take over operations of the system as "receiver". The consensus at the meeting was that the company has improved the system somewhat and has been operating it to the best of their ability, but that the water system is still inadequate, unreliable and at times unsafe.

Mr. Buckley presented a conceptual plan to connect the Ta'Agan Point community to the City Water System. This could be accomplished by an extension from the Pleasant Acres community. He estimates that the project could be accomplished for a cost in the range of \$300,000 and that approximately 49 properties would benefit from the extension. He also explained the assessment method and Mr. Setaro explained the various payment options that would be available to the beneficiaries.

Mr. Hage expressed his support of the proposed plan. He also presented the committee with a map of other small private water systems in the area and asked that consideration be given to future extensions to these areas as well. He also spoke about State and Federal programs that might provide financial aid or low interest loans for this project. Mr. Buckley stated that he would explore those potential resources.

Mr. Buckley stated that in his opinion, the extension of City water is the only viable long-term solution to the water problems in this area. The committee discussed whether to proceed with the usual survey of residents or move directly to a preliminary plan and assessment and public hearing in order to expedite the process. It was determined that in lieu of the survey all of the affected property owners would be notified that this proposed project is being pursued and that they will have an opportunity to be heard at a public hearing.

Mrs. Saracino moved to recommend that the Department of Public Works be authorized to prepare a preliminary engineering design and assessment to extend city water to the Ta'Agan Point community, to be returned to the Common Council in order to hold a public hearing on the matter. Seconded by Mrs. Smith and passed unanimously.

Mrs. Abrantes made a motion to adopt the report as read. Seconded by Dean Esposito. Motion carried with Mr. Scalzo voting in the negative.

27 – REPORT – Request for Water Line at 24-30 Mill Plain Road

Mr. Pascuzzi submitted the following report:

The Common Council Committee appointed to review the request for a water line at 24-30 Mill Plain Road met in the Third Floor Caucus Room in City Hall at 7:30 P.M. In attendance were committee members Pascuzzi, Buzaid and Saracino. Also in attendance were Director of Public Works William Buckley, William Coffey from Pembroke Pumping for the petitioner, Lynn Waller and Council Members Basso and John Esposito, ex-officio.

Mr. Pascuzzi noted the positive report from the Planning Commission. Mr. Buckley explained the proposal. He discussed the water supply in the area. He supports this proposal as presented. Mr. Coffey stated that the well at the Mill Plain Road location failed in the beginning of February. He explained that the petitioner has since entered into an agreement with the City to use water from a fire hydrant on the adjoining property.

Mr. Buzaid made a motion that the project be approved. Seconded by Mrs. Saracino and passed unanimously.

The report was received and the recommendations approved regarding the water line at 24-30 Mill Plain Road on the Consent Calendar.

#### 28 – REPORT – Request for Sewer Extension – 3 Oak Lane

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on 3 Oak Lane met on August 23, 2000 at 7:00 P.M. in City Hall. In attendance were committee members Val Machado and Martin Moore. Mr. Shuler was absent. Also in attendance were City Engineer William Buckley and the petitioner, Robin Howell.

Mr. Machado noted the negative recommendation by the Planning Commission due to insufficient technical data. Mr. Buckley presented a preliminary design resultant from a prior sewer request made for the area. He also stated that he would recommend the approval of the extension subject to the regular eight steps. After further discussions and for economic reasons, Mr. Buckley suggested that the petitioner seek additional residents interested in the sewer extension and to pursue an assessment methodology.

Mr. Moore made a motion to take no action at this time. Seconded by Mr. Machado. Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

#### 29 – REPORT – Request for Water Extension – Bear Mountain Road and Pembroke Road

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request for water extension on Bear Mountain Road and Pembroke Road met on August 22, 2000 at 7:07 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Michael Moore and Basso. Also in attendance were Director of Public Works William Buckley and Attorney Neil Marcus.

Mr. Furtado noted a positive report from the Planning Commission. Attorney Marcus gave a history of the sewer line approval for this site and Mr. Buckley pointed out that the request was only for water extension. After discussion of the sewer and water lines, Mr. Furtado asked Mr. Buckley if it was his recommendation not to grant the water extension until the sewer line is approved. Mr. Buckley said that would be his recommendation.

Michael Moore made a motion to take no action at this time. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

#### 30 – COMMUNICATION – Request for Executive Session – Ice Arena

The Mayor, without objection, moved this item to the end of the agenda.

31 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Department of Elderly Services, Health and Housing, Engineering, Public Works, Welfare and Social Services, Fire Marshall

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.

32 – REPORT – Water Problems at 65 Main Street

Mr. Arconti moved to add this item to the agenda. Seconded by Mr. Levy. Motion carried with Mrs. Basso and Mr. Gallagher voting in the negative.

Mr. Levy submitted the following report:

The Common Council Committee appointed to review water problems at 65 Main Street met on August 15, 2000 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, John Esposito and Saracino. Also in attendance were City Engineer William Buckley, Council Members Pascuzzi and Basso, ex-officio and residents of the area.

Mr. Levy called the meeting to order and asked Mr. Buckley to give a description of the 160 AC area known as the East Ditch drainage system. The system was designed in 1891 and, for the most part, is still in good condition. Using maps and drawings, Mr. Buckley described the area and the route the pipe takes from Elmwood Park to the Still River. He said that the City does not have property easements along the route of the pipe and that the system is no longer adequate to handle the drainage. Committee members asked Mr. Buckley what the City could do to reduce flooding in the area for the short and long term. Mr. Buckley said in the short term the City has increased the level of maintenance on the system and will be increasing the pipe capacity in some areas. A smoke test will be conducted on the system to make sure sewage is not being discharged into the drainage lines. In the long term the City has asked Congressman Maloney's office if they could help with funding to evaluate and upgrade the system. It is estimated that the cost could be 4 to 6 million dollars. Residents then made comments and asked questions.

After much discussion, Mrs. Saracino made a motion as follows:

1. The City will continue to pursue federal funds to evaluate and upgrade the system.
2. The City will continue the increased level of maintenance and do small improvements to the system.
3. The Engineering Department will report back to the Common Council on the results of the smoke test.

The motion was seconded by John Esposito and passed unanimously.

Mr. McAllister made a motion to adopt the report as read. Seconded by Mr. Scalzo. Motion carried unanimously.

33 – REPORT – Request to Transfer City owned Fire House to Phoenix Hose

Mr. Arconti moved that this item be added to the agenda. Seconded by Mr. Shuler. Motion carried with Mrs. Basso and Mr. Gallagher voting in the negative.

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request to transfer a City owned fire house to Phoenix Hose Company met on August 16, 2000 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, Coco and Basso. Also in attendance were Assistant Corporation Counsel Laszlo Pinter, Fire Chief Carmen Oliver, Deputy Fire Chief Peter Siecienski, President of Phoenix Hose Robert Scalzo, Council Members Arconti, John Esposito, Scalzo,

Machado, McAllister, Gallagher, Pascuzzi, Saadi and Saracino, ex-officio, and members of the public.

Mr. Levy called the meeting to order and gave a short review of the Phoenix Hose Company's request. The committee met twice previously, on October 25, 1999 in City Hall and on November 20, 1999 at Phoenix Hose Company. The Planning Commission, at its October 6, 1999 meeting, gave a positive recommendation to the property transfer.

The committee met for the first time on October 25, 1999 at 7:00 P.M. in Conference Room 3C in City Hall. In attendance were committee members Levy, Coco, and Basso. Also in attendance were Director of Finance Dominic Setaro, Assistant Corporation Counsel Laszlo Pinter, Deputy Fire Chief Peter Siecienski, President of Phoenix Hose Company Robert Scalzo. At this meeting, the officers and members of Phoenix Hose Company explained the reason for the request. A deceased member of Phoenix Hose Company built the fire house in the 1950's. The fire house is now in need of some major repairs and upgrades. A list of estimates for repairs was supplied to the committee. It amounted to \$27,000. The Director of Finance was asked for his comments. He said there was no financial advantage to the City or Phoenix Hose Company in the transfer of ownership. Attorney Pinter said he saw no legal problems if the Common Council wanted to transfer the property ownership. The proposed terms and conditions of the transfer are as follows:

1. The City would transfer ownership of the property and building to Phoenix Hose Company for \$1.00.
2. Phoenix Hose Company agrees the ownership and use of the property would never change or the property would revert back to the City.
3. The City would increase Phoenix Hose Company annual grant to be equal to Beckerle Hose. Beckerle Hose owns its own building and receives a grant of \$7,000 more than Phoenix
4. The City will continue to pay for utilities as they do with Beckerle Hose Company.
5. The Phoenix Hose Company would do all property maintenance and would no longer submit a capital budget to the City.
6. The Phoenix Hose Company will pay for its own property insurance at a cost of \$3,811.00 per year.

After a lengthy question and answer period, Mr. Levy moved to adjourn the meeting and schedule a meeting at Phoenix Hose Fire House. The meeting adjourned at 8:00 P.M.

On November 20, 1999 at 10:00 a.m. the Committee met at Phoenix Hose Fire House with committee members Levy and Coco present. Mrs. Basso was absent due to a family emergency. President Scalzo showed the Committee around the fire house, inside and out. He pointed out the areas in need of repair. He said the Fire Company at its own expense has made most of the repairs over the last eleven years. The City annually gives the company a grant of \$19,641.00. This money is used for operations and equipment. With grant money, donations, and fundraising, the company just purchased a new fire truck. It cost \$184,000. They also pay for all other fire equipment and testing that is needed to serve the public. The Fire Company has asked for building maintenance money in its capital budget for several years. They have been told that the amount of money for capital expense must be over \$25,000.00. When they have asked for lesser amount of money for maintenance, it has not been funded. After touring the fire house and asking questions, Mr. Coco made a motion to adjourn at 11:00 a.m.

On August 16, 2000, the committee had its final meeting. Chief Oliver was asked for his comments. He said he would leave the decision to transfer the property up to the Common Council. The fire house ownership would have no effect on the Fire Department operations. The Chief said he spoke with the Superintendent of Public Buildings about the issue Phoenix Hose had with the upgrading of the electrical service. An upgraded electrical service is scheduled to be installed in October. The Deputy Chief said he was not in favor of transferring the ownership. These reasons were unrelated to the Fire Department operations. Council Member John Esposito noted that Phoenix Hose is one of the top responding volunteer companies in the City. The President of

Phoenix Hose was then asked for his comments. Mr. Scalzo felt that ownership by the fire company would build pride in the membership and lead to a stronger organization. He said many of the repairs that had been requested from the City could be done in a more timely and cost effective way by Phoenix Hose Company membership. The committee members and other attendees asked questions about funding for maintenance and made comments.

After a lengthy question and answer period, Mr. Coco made a motion to take no action on the request. Mrs. Basso seconded the motion. The motion passed with Mr. Coco and Mrs. Basso voting in favor and Mr. Levy opposed.

Mr. Furtado made a motion to accept the report as read and refer it to the Mayor's Task Force. Seconded by Mrs. Saracino. Motion carried unanimously.

34 – COMMUNICATION – Storm Drainage Easement – 23 Dogwood Drive

Mr. Arconti moved that this item be added to the agenda. Seconded by Mr. Levy. Motion carried with Mrs. Basso and Mr. Gallagher voting in the negative.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to correct a drainage problem on Dogwood Drive; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in the Schedule attached hereto containing the legal description of the property involved; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said property upon the amount, if any, to be paid for their respective interests to be taken in and to the real property listed on said schedule.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to March 6, 2001 property interests as set forth in the attached legal description either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

Mrs. Abrantes made a motion to receive the communication and adopt the Resolution. Seconded by Mrs. Basso. Motion carried unanimously.

Mayor Eriquez extended all committees.

At 9:13 P.M. Mr. Gallagher made a motion to enter into executive session. Seconded by Mr. Gogliettino and passed unanimously.

At 10:40 P.M. the Common Council reconvened in open session.

30 – COMMUNICATION – Mr. Arconti made a motion to take no action at this time. Seconded by Mrs. Basso. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made by Mr. Gallagher at 10:41 P.M. for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Assistant City Clerk