

TO: Mayor Eriquez and Members of the Common Council

RE: Minutes of the Common Council Meeting held November 9, 2000

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

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

ABSENT – Buzaid

19 Present – 1 Absent – 1 Vacancy

PUBLIC SPEAKING – Patricia Mota, 24 Ta'Agan Point Road

MINUTES – Minutes of the Common Council Meeting held October 3, 2000 and the Special Common Council Meeting held October 19, 2000. Mr. Gogliettino 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 Mrs. Abrantes and passed unanimously.

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

3 - Adopt the Resolution to apply for and accept grant funding in the amount of \$32,102 from the United States Department of Justice Assistance

4 - Adopt the Resolution to apply for and accept grant funding in the amount of \$41,564 from the State of Connecticut Department of Labor

5 - Adopt the Resolution to apply for and accept grant funding in the amount of \$471,032 from the State Office of Policy and Management for our Drug Enforcement Program

7 - Adopt the Resolution to apply for and accept grant funding in the amount of \$97,580 from the State Department of Social Services

11 – Approve the reappointment of Paul Estefan as a Parking Ticket Hearing Officer

12 – Approve the appointment of Doris Pietras to the Commission on Persons with Disabilities

13 – Approve the appointment of Richard Lewis as an alternate to the Commission on Persons with Disabilities

14 – Approve the appointment of Sharon Kelly to the Commission on Aging

18 – Approve the transfer of \$15,000 into the Fire Department Special Services Account

19 – Approve the transfer of \$770 from the Elderly Services Donations Revenue Account to the Commission on Aging budget

22 – Approve the extension of time for a sewer and water extension on Broad Street for a period not to exceed eighteen months

32 – Approve the report and recommendations regarding the Recycling and Solid Waste Disposal Agreement with the clarification that the semi-annual payments are \$28,500 each for a total annual sum of \$57,000

33 – Approve the report and recommendation regarding Hawthorne Cove Road

35 – Approve the agreement with the State of Connecticut regarding the design of Tarrywile Lake Dam Repairs, acting as the Flood and Erosion Control Board

Michael Moore made a motion that the Consent Calendar be adopted as read. Seconded by Mrs. Abrantes. Motion carried unanimously.

1 – COMMUNICATION – Resignation of Joseph Coco

Letter of Resignation from Seventh Ward Common Council Member Joseph Coco effective October 25, 2000. Mr. Arconti made a motion to accept the resignation of Joseph C. Coco. Seconded by Mr. Shuler. Motion carried unanimously.

2 – RESOLUTION – Ice Facility – GMAC Forbearance Agreement

Mrs. Abrantes asked, without objection, that this be deferred to the end of the agenda for executive session.

3 – RESOLUTION – Local Law Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Justice, Bureau of Justice Assistance (BJA) under the Fiscal Year 2000 Omnibus Appropriations Act (Pub.L. 104-208) has advised the City of Danbury of its eligibility to apply to BJA for a direct award of \$32,102.00 under this program with a local cash match of \$3,567.00 required; and

WHEREAS, the funding under this new program will be used by the Danbury Police Department to purchase various items of equipment to enhance effective law enforcement within the City of Danbury, and

WHEREAS, the grant period will run for 24 months from the date of the initial payment received.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to apply for and accept such grant award and the Mayor is authorized to sign any contracts/documents in connection therewith and do all things necessary to effectuate the purposes of said grant.

The Resolution to apply for and accept grant funding in the amount of \$32,102 from the United States Department of Justice Assistance was adopted on the Consent Calendar.

4 – RESOLUTION – Community Employment Incentive Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Labor will make grant funds available to municipalities under its Community Employment Incentive Program (CEIP) to fund employment projects for recipients of SAGA benefits and specific Medicaid recipients; and

WHEREAS, the State of Connecticut Department of Labor and municipal Welfare Departments are working together to advance their mutual goal of assisting recipients to secure employment and attain economic self sufficiency; and

WHEREAS, the City of Danbury Welfare Department is eligible to receive a grant of up to \$41,564.00 for the period of July 1, 2000 to June 30, 2001 upon approval of an application therefore.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for said funds, to accept the grant if approved and the Mayor is further authorized to execute any contracts therefor and to do all things necessary to effectuate the purposes of the grant award.

The Resolution to apply for and accept grant funding in the amount of \$41,564 from the State of Connecticut Department of Labor was adopted on the Consent Calendar.

5 – RESOLUTION – Drug Enforcement Grant #11

RESOLVED by the Common Council of the City of Danbury:

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

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

WHEREAS, the grant period is effective July 1, 2000 through June 30, 2001 and no local cash match is required;

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

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

The Resolution to apply for and accept grant funding in the amount of \$471,032 from the State Office of Policy and Management for our Drug Enforcement Program was adopted on the Consent Calendar.

6 – RESOLUTION – Magnet School

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to construct a magnet school on property now forming a part of the west side campus of Western Connecticut State University (hereinafter referred to as “WCSU”); and,

WHEREAS, WCSU is willing to transfer a parcel of land located on the west side campus to the City for the purpose of establishing such a magnet school, provided that the parties can agree upon adequate consideration; and,

WHEREAS, WCSU wishes to acquire Roberts Avenue School from the City of Danbury; and

WHEREAS, the City of Danbury is willing to transfer Roberts Avenue School to WCSU, provided that the parties can agree upon adequate consideration and provided further that prior to said transfer, a new elementary school is constructed on a site adjacent to Broadview Middle School;

WHEREAS, the acquisition of a site for the proposed magnet school and the transfer of Roberts Avenue School to WCSU for adequate consideration are both in the best interests of the City of Danbury and supported by the Common Council;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to undertake formal negotiations with WCSU representatives in an effort to establish the terms and conditions associated with each of the above referenced transfers.

Mr. Saadi made a motion to receive the communication and adopt the Resolution. Seconded by Mrs. Saracino. Motion carried unanimously.

7 – RESOLUTION – Emergency Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services has made available a grant in the amount of \$97,580.00 for the operation of the Emergency Shelter; and

WHEREAS, the grant period is October 1, 2000 through September 30, 2001; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that Mayor Gene F. Eriquez. Mayor of the City of Danbury is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for this Emergency Shelter Grant and to affix the corporate seal.

The Resolution to apply for and accept grant funding in the amount of \$97,580 from the State Department of Social Services was adopted on the Consent Calendar.

8 – RESOLUTION – Environmental Protection Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the property at 13 Barnum Court, owned by the City through foreclosure, is limited from resale due to levels of mercury contamination in the soils that do not meet Connecticut's Voluntary Remediation Standards; and

WHEREAS, a detailed environmental assessment and Remediation Design conducted for the City by TRC Environmental Consultants has identified "phytoremediation" – the use of plants to decontaminate the soils – as a viable clean-up alternative; and

WHEREAS, the Environmental Protection Agency (EPA) has expressed interest in sponsoring this site as a phytoremediation demonstration project and has funding to support the initial engineering and pilot studies through an "Environmental Research Cooperative Grant"; and

WHEREAS, a full-scale phytoremediation project on the site has the potential to de-contaminate the property at a much reduced cost to the City or future developers.

NOW, THEREFORE BE IT RESOLVED that the Common Council authorizes the Danbury Health Department to apply for the grant funds up to \$50,000.00 to support the engineering and pilot studies and to authorize the Mayor to accept such funds, if awarded, and enter into any contractual agreements with the Environmental Protection Agency that would allow the executive of said grant.

Mr. McAllister moved to adopt the resolution to continue to seek funding and refer this to an ad hoc committee, the Director of Health, a representative of the EPA, and the Director of Finance. Seconded by Mrs. Basso. Motion carried unanimously. Mayor Eriquez appointed Council Members Michael Moore, Gogliettino and Saracino to the committee.

9 – COMMUNICATION – Millennium Project

Request from Director of Finance Dominic Setaro for acceptance of donations to the Millennium Project. Mr. McAllister made a motion to receive the communication, accept the donations, credit the proper line item and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Appointment of Charles Volpe as Purchasing Agent

Letter from Mayor Eriquez requesting confirmation of the appointment of Charles J. Volpe, Jr. as Purchasing Agent for the City of Danbury effective December 1, 2000. Mr. Scalzo made a motion that the communication be received and the appointment confirmed. Seconded by Mrs. Basso. Motion carried unanimously.

11 – COMMUNICATION – Reappointment as Parking Ticket Hearing Officer

Letter from Mayor Eriquez requesting confirmation of the reappointment of Paul Estefan as a Parking Ticket Hearing Officer for a term to expire July 1, 2002. The reappointment was approved on the Consent Calendar.

12 – COMMUNICATION – Appointment to the Commission on Persons with Disabilities

Letter from Mayor Eriquez requesting confirmation of the appointment of Doris Pietras to the Commission on Persons with Disabilities for a term to expire March 1, 2001. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Appointment as Alternate to the Commission on Persons with Disabilities

Letter from Mayor Eriquez requesting confirmation of the appointment of Richard Lewis as an alternate to the Commission on Persons with Disabilities for a term to expire March 1, 2002. The appointment was confirmed on the Consent Calendar.

14 – COMMUNICATION – Appointment to the Commission on Aging

Letter from Mayor Eriquez requesting confirmation of the appointment of Sharon Kelly to the Commission on Aging for a term to expire October 1, 2003. The appointment was confirmed on the Consent Calendar.

15 – COMMUNICATION – Donations to the Department of Elderly Services

Request from the Director of Elderly Services Leo McIlrath for permission to accept donations for the use of the Senior Center in the total amount of \$220.00. Mr. Gogliettino 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.

16 – COMMUNICATION – Donation to the Health Department

Request from Director of Health William Campbell for permission to accept the donation of donuts, bagels and muffins for the four food safety related training sessions being provided by the Health Department on October 20 and 23 and November 9 and 13, 2000 from Antonio Cerveira of the White Street Dunkin Donuts. Mrs. Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Michael Moore. Motion carried unanimously.

17 – COMMUNICATION – Donations to the Library

Request from Library Director Betsy McDonough for permission to accept donations in the amount of \$60 from the Danbury/New Fairfield Newcomers Club and from Carol Ekonomides in the amount of \$9.30. Mr. McAllister made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

18 – COMMUNICATION – Fire Department Special Services Account

Request from Fire Chief Carmen Oliver that the sum of \$15,000 be transferred into the Special Services Account due to the continuous Fire Watch at the Mall. The transfer of funds was approved on the Consent Calendar.

19 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath that the sum of \$704.00 from the Elderly Services donations account to the Commission on Aging budget be authorized. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

20 – COMMUNICATION – Petition to accept Caraway Drive as a City Road

Mrs. Abrantes asked that this be referred to the Corporation Counsel, the Planning Director, and the Director of Public Works for reports back within thirty days. Mayor Eriquez so ordered.

21 – COMMUNICATION – Request for Water Extension – 19 & 21 Cedar Street

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

22 – COMMUNICATION – Request for Extension of Time on Broad Street

The request for an extension of time for a sewer and water extension on Broad Street for a period not to exceed eighteen months was approved on the Consent Calendar.

23 – COMMUNICATION – Request to purchase City Property at 7 Society Hill

Mr. Scalzo asked that this be referred to the Director of Finance, the Corporation Counsel, the Director of Planning, the Planning Commission and the Director of Public Works for reports back within thirty days. Mayor Eriquez so ordered.

24 – COMMUNICATION – Road Widening Parcel on East Lake Road

Mr. McAllister asked that this be referred to the Director of Public Works and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

25 – COMMUNICATION – Public Buildings/Teamsters Contract

Request for a transfer of funds from the Contingency Account to the Public Buildings Salaries Regular line item in the amount of \$21,465 for the settlement of the Public Buildings Teamsters Contract. Mr. Arconti made a motion to approve the agreement and authorize the transfer of funds. Seconded by Mrs. Abrantes. Motion carried unanimously.

26 – COMMUNICATION – Mootry Peak

Request from Mayor Eriquez that the Common Council approve the purchase of a 17 acre parcel of land encompassing Mootry Peak located adjacent to Tarrywile Park for a purchase price of \$189,000.00. A positive recommendation from the Planning Commission was attached. The communication was received and the purchase authorized on a motion made by Mrs. Abrantes. Motion carried unanimously.

27 – COMMUNICATION – 303-307 White Street Road Widening Strip

Mr. Furtado 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 – Executive Air

Mr. McAllister asked that this be referred to an ad hoc committee, the Airport Administrator and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallagher, Machado and Martin Moore to the committee.

29 – COMMUNICATION & RESOLUTION – Ta'Agan Point Public Water Supply System

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the residents served by the Ta'Agan Point water supply system have experienced long standing problems associated with the quantity and quality of water drawn from their community well system; and

WHEREAS, the State of Connecticut Department of Public Health has been monitoring the situation for years and appointed a receiver in an attempt to ameliorate the problems; and

WHEREAS, notwithstanding good faith efforts made by the receiver to date, the residents believe that the system remains inadequate, unreliable and at times unsafe; and

WHEREAS, although the Public Utilities Division of the Danbury Department of Public Works has installed an emergency feed line to provide a temporary source of water, a permanent solution is required; and

WHEREAS, an extension of the Danbury public water supply system to be funded through the assessment of benefits against those properties benefited by the extension is in the best interests of the public; 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 owners hereinafter named upon the amount, if any, to be paid for the interests to be so acquired;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire certain water line easements from the affected property owners on or before May 1, 2001, either by negotiation or by eminent domain through the institution of suits against said property owners, their successors and assigns, and their mortgage holders and encumbrancers, if any. Preliminary maps showing the affected areas are attached hereto and incorporated herein as Exhibits A through F.

Mr. Arconti made a motion to receive the communication, adopt the Resolution and defer this item to public hearing and authorize the City to acquire easements as outlined. Seconded by Dean Esposito. Motion carried unanimously.

30 – COMMUNICATION – Wastewater Treatment Facility Agreement Amendment

Amendment to the Wastewater Treatment Facility Agreement that changes pump station number 13 by replacing the Plumtrees Road Pumping Station with the Kenosia Avenue Pumping Station. Mr. Arconti made a motion to receive the communication and approve the amendment. Seconded by Dean Esposito. Motion carried with Mrs. Basso voting in the negative and Mr. Furtado abstaining.

31 – COMMUNICATION – Douglas Kovatch and Tower Park v. Johns Manville

Request from Corporation Counsel Eric Gottschalk requesting permission to enter into a class action suit regarding foam roofing insulation installed at the New Street Fire Headquarters. Mr. Levy made a motion to receive the communication and authorize the Corporation Counsel to enter the claim. Seconded by Mr. McAllister. Motion carried unanimously.

32 – REPORT – Recycling and Solid Waste Disposal Agreement

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the proposed amendment to the Recycling and Solid Waste Disposal Agreement met at 7:00 P.M. on October 26, 2000 in City Hall. In attendance were committee members Arconti, Abrantes and Basso. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro, Director of Public Works William Buckley, Council Members Warren Levy and Harry Scalzo, ex-officio and members of the public.

Attorney Gottschalk reviewed the proposed changes to the agreement, explaining that the amendments are basically accounting changes that will allow the City to make lump sum payments to AWD. Permits will no longer be required and coupons issued to disabled veterans, POWs and certain disabled citizens will no longer require individual reimbursement by the City.

Mr. Setaro stated that he views these proposed changes as beneficial to the City as they will eliminate unnecessary administrative expenses and will streamline the procedure with AWD. There will be no negative impact on the residents who choose to use this system, as AWD will not limit the number of coupons or permits nor deny their legitimate use. The City will make semi-annual payments in the amount budgeted (\$57,000) for this purpose.

Mrs. Abrantes moved to recommend that the Common Council approve the amendments to the Recycling and Solid Waste agreement with AWD, as proposed. Seconded by Mrs. Basso and passed unanimously.

The report and recommendations regarding the Recycling and Solid Waste Disposal Agreement with the clarification that the semi-annual payments are \$28,500 each for a total sum of \$57,000 were approved on the Consent Calendar.

33 – PROGRESS REPORT – Hawthorne Cove Road

Mr. Arconti submitted the following Progress Report:

The Common Council Committee appointed to review the Resolution regarding Hawthorne Cove Road met at 7:30 P.M. on October 26, 2000 in City Hall. In attendance were committee members Arconti and Basso. Mrs. Smith had a previous commitment. Also in attendance were Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro, Director of Public Works William Buckley, Council Members Manny Furtado, Warren Levy and Harry Scalzo, ex-officio, residents of Hawthorne Cove and members of the public.

Attorney Gottschalk and Mr. Buckley reviewed the history of this project and the actions that the City has taken to date. In 1998, the Common Council approved the acceptance of Hawthorne Cove Road as a public highway, with the agreement that the City would contribute \$80,000 towards the improvements and the residents would be assessed for the remainder of the costs. The City Engineering and Highway Departments have prepared a full set of plans and are ready to seek bids. The City's estimate for this project is around \$450,000.

Mrs. Ryan, representing the Hawthorne Cove Property Owners Association stated that a majority of the residents still want to proceed with this project, but there is concern about the City's high estimate for its completion. There was much discussion about the costs, easements and assessment methods for this project. The Association received a bid, based upon the City's plan, of approximately \$272,000. It was recommended that the best approach would be to obtain firm bids on the plans and specs, so that realistic assessment estimates could be reviewed by the residents and a decision whether or not to proceed can be made on the facts.

Mrs. Basso moved to table action on this resolution at this time while the Hawthorne Association provides the necessary easements in a form suitable to Corporation Counsel and the City obtains bids so that a decision can be made on whether to proceed with the project. Seconded by Mr. Arconti and passed unanimously.

The Progress Report and recommendation were approved on the Consent Calendar.

34 – DEPARTMENT REPORTS – Health and Housing, Welfare, Public Works, Fire Chief, Fire Marshall, Department of Elderly Services. 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.

35 – COMMUNICATION – Tarrywile Lake Dam Repairs

Request from the Director of Public Works William Buckley that the Common Council acting as the Flood and Erosion Control Board authorize the Mayor to enter into an agreement for the design portion of the Tarrywile Lake Dam project.

The agreement with the State of Connecticut regarding the design of the Tarrywile Lake Dam Repairs, acting as the Flood and Erosion Control Board, was approved on the Consent Calendar.

The Mayor extended all committees.

At 9:12 P.M., Mr. Gogliettino made a motion to enter into Executive Session. Seconded by Dean Esposito. Motion carried unanimously.

The Common Council reconvened in open session at 9:45 P.M.

2 – RESOLUTION – Ice Facility – GMAC Forbearance Agreement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as a result of the default by ARC Ice Sports Danbury, Inc. under the Redevelopment contract of December 2, 1997, the City of Danbury exercised its right of reverter and reacquired title to the Danbury Ice Arena land and building on June 6, 2000, subject to the rights of GMAC Commercial Credit LLC, the authorized mortgage holder ("GMAC"); and,

WHEREAS, the City of Danbury has selected Mancini Duffy as the leader of its design team and Canlan Ice Sports Corp as its consultant and construction manager and has appropriated the sum of \$1,402,818 from various sources for the purpose of completing the Ice Arena project; and,

WHEREAS, the City of Danbury has resumed construction of the Danbury Ice Arena project and will now diligently pursue its completion; and

WHEREAS, the forbearance of GMAC in connection with its right to foreclose its mortgage as well as the satisfaction and release thereof is in the best interests of the City of Danbury as the City seeks to sell the Ice Arena to a qualified owner;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to negotiate and execute a forbearance agreement on behalf of the City of Danbury with GMAC containing those terms and conditions under which GMAC shall agree not to initiate foreclosure proceedings, thus allowing the sale of the Danbury Ice Arena to proceed.

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

There being no further business to come before the Common Council a motion was made by Mr. Gallagher for the meeting to be adjourned at 9:46 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

ELIZABETH CRUDGINTON
City Clerk