

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

RE: Minutes of the Common Council Meeting held August 6, 1997

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

Present - Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynton Valeri, Shuler, Setaro, Esposito, Levy, Basso, Fox, Mead, Nolan

Absent - Buzaid, Machado, Charles, Gomez, Butera, Gallagher

15 present 6 absent

Mr. Buzaid and Mr. Gallagher were out of town
Mr. Charles had a previous committment

PUBLIC SPEAKING

Emile Coladarci, 49 Hospital Avenue - spoke in opposition to item 30. Asked that the Common Council not sell land at the expense of the children. Traffic will also be an issue.

Mary West, 21 Second Avenue - President of the Oakland Avenue Neighborhood Association. Spoke in favor of the Balmforth Avenue Playground/Action Child Care Center. Read remarks from a prepared statement.

Iris West Randall, 1 Farview Avenue - Spoke in favor of the Balmforth Avenue/Action Child Care Center. This is about giving the children a safe environment. Voting in favor of this proposal will give the children s safe environment.

Edward Lopes, President of the Danbury Police Union - Spoke regarding item 1. The Union is 100% behind the re-organization but would like to be part of the process. There are many collective bargaining issues at stake. Ordinance should be reconsidered or withdrawn.

Robin Dann, 6 Third Avenue - asked the Common Council to vote against the MCAA proposal to buy land on Hospital Avenue. The traffic now is outrageous. There will be more danger to the children.

Ray Montalvo, 213 Candlewood Park - not sure what item 5 means but he hopes it will help the people of Danbury, not people from outside

Lorraine Seder, 224 Great Plain Road - spoke in opposition to the MCAA proposal to buy property on Hospital Avenue. Read a prepared statement which is on file for public inspection.

Tim Connors, Superintendent of Schools - There does not appear to be a buffer between the school and the treatment center. Take into consideration the safety of the children and the separation of adults and children.

Mark Roderick, 16 Second Avenue - spoke in support of the Balmforth Avenue/Action Daycare Center. The demolition of the Castro building will enhance the neighborhood.

Beverly Myer, 16 High Street - spoke in support of the Balmforth Avenue/Action Daycare proposal.

Lola Akins, 14 Oakland Avenue - Hopes Action Daycare can now have a home of its own.

Lynn Waller, 83 Highland Avenue - use foresight before selling off property. Hospital Avenue site could be used for full day kindergarten.

Mike Hrabscak, Fox Den Road - supports the fencing of private pools ordinance. This ordinance is needed. Please vote for it.

Cynthia Halas, 61 Hospital Avenue - spoke against the MCAA proposal. This would bring drugs back into the neighborhood.

ANNOUNCEMENTS

- August 10th - Emile Buzaid's Birthday
- August 15th - Ernest Boynton's Birthday & anniversary on the 25th
- August 16th - Connie Shuler's Birthday
- August 24th - Vinnie Nolan's Birthday

- August 2-8 - New England Regional PAL/Bambino Tournament
Rogers Park

- August 9 & 10 - Rogers Park Playscape at Rogers Park
8:00 a.m. to 4:00 P.M.
- August 10th - CityCenter Criterium Bicycle Race - 8:00 a.m.
- August 13th - Danbury Fair Mall Employment Outreach Program
5:30 P.M.
- August 16-17 - Rogers Park and South Street School Playscape
- August 16th - Jaycees Twilight 5K Run

CONSENT CALENDAR - Mr. Esposito presented the following items for the Consent Calendar:

- 5 - Approve Resolution and application for Connecticut Department of Labor Community Employment Incentive Program Grant funds - \$37,044.00
- 6 - Receive communication and approve Resolution for acceptance by City of roadways located within the Robinview Terrace subdivision and authorizing Corporation Counsel to obtain inconsistent interests in said roads
- 8 - Approve Resolution and application to combine U.S. Department of Justice Community Oriented Policing Services COPS Ahead and COPS Universal grants \$450,000
- 14 - Approve reappropriation of \$597 from the Elderly Services donations account to the Commission on Aging budget for office supplies
- 17 - Confirm reappointment of Richard Murray as a member of the Housatonic Valley Tourism Commission
- 20 - Approve reappropriation of \$1,835 of Danbury Railroad Commuter Parking fees to the Parking Authority for administration
- 21 - Approve transfer of \$3,093.33 from the Contingency Account to the Lake Authority Account for yearly assessment
- 26 - Approve extension of Planning Commission approval for City sewer and water lines for Crystal Bay project for a period of eighteen months
- 27 - Approve extension of Planning Commission approval for City water lines for Deer Park Estates subdivision for a period of eighteen months
- 29 - Approve subordination of City interest in a loan made to Sidney Groves pursuant to the Federal Rental Rehabilitation Loan Program and approve the sale of property owned by Sidney Groves which is the subject of a Rental Rehabilitation Loan Program Agreement
- 31 - Receive communication from Director of Public Works regarding Lake Avenue sidewalks and take no action at this time
- 32 - Receive communication from Director of Public Works regarding Pocono Road, Richmond Avenue, Alexander D Avenue area sanitary sewer project and take no action at this time

- 34 - Receive reports regarding request to purchase City land on Mountainville Avenue and take no action at this time
- 38 - Receive report and approve recommendations regarding road acceptance at Mayfair Estates
- 39 - Receive report and approve recommendations regarding proposed sewer and water mains - Federal Road
- 40 - Receive report and approve recommendations regarding street renumbering on Ford Avenue
- 41 - Receive report and approve recommendations regarding request for water extension at 22 Clapboard Ridge Road
- 42 - Receive report and approve recommendations regarding request to purchase unused portion of Olympic Drive
- 43 - Receive report and approve recommendations regarding lease for 403 Main Street
- 45 - Receive report and approve recommendations regarding air traffic control tower lease
- 47 - Receive report and approve recommendations regarding street renaming of Lake Shore Drive to Lower Lake Road and street renumbering of Lower Lake Road
- 48 - Receive report and approve recommendations regarding exchange of property on Newtown Road

Mr. Boynton made a motion to accept the consent calendar as presented. Seconded by Mr. Shuler. Miss Fox clarified item 42 that no action was being taken at this time. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held July 1, 1997 and the Special Meeting held July 14, 1997. Mr. Setaro made a motion that the minutes be adopted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Levy.

Mr. Nolan made an amendment regarding the minutes of the Special Common Council Meeting of July 14, 1997 to reflect item 4 the dollar amount of the Honeywell contract of 4.1 million over a ten year period and his concern of the proper posting of the ad hoc committee meeting. Also, he stated that there was no mention with regard to the Mayor's report, which was more of a lecture, on the privatization of the wastewater treatment plant. The method of reporting was lacking in conviction, the information was pertinent and should have been reflected in the minutes. Seconded by Mr. Mead.

Mr. Scalzo pointed out that the Honeywell committee report which was read into the record refers to the dollar amount in the second paragraph. Mr. Levy asked if it was essential to have discussion printed verbatim or would the tape be sufficient. Mayor Eriquez that the minutes are not meant to be a transcript, but an overall view and the tapes are kept for anyone to listen to.

Miss Fox moved the question. Seconded by Mr. Setaro. Motion carried with Council Members Scalzo, Basso and Nolan voting in the negative. Motion carried. Motion to amend carried, with Council Members Scalzo, Arconti and Valeri voting in the negative.

Main motion, as amended, carried unanimously.

1 - ORDINANCE - Police Department. Mrs. Coladarci asked that this be deferred to public hearing and a committee of the whole. Mayor Eriquez so ordered.

2 - ORDINANCE - Department of Permit Coordination. Mrs. Coladarci asked that this be deferred to public hearing and a committee of the whole. Mayor Eriquez so ordered.

3 - ORDINANCE - Review and Evaluation of Governmental Entities. Miss Fox asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - RESOLUTION - School Readiness Council

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, through the State Board of Education is making available to priority school districts a School Readiness and Child Day Care Grant Program pursuant to Public Act 97-259; and

WHEREAS, the purpose of this program would be to expand and enhance school readiness and child day care programs in the priority municipalities; and

WHEREAS, the City of Danbury and its Board of Education are desirous of participating in this grant program;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and Schools Superintendent Timothy Connors be and hereby are authorized to make application for the said grant, and execute such documents as are necessary for the accomplishment of the purposes hereof.

Mrs. Abrantes made a motion to accept the communication and adopt the resolution. Seconded by Mr. Boynton. Motion carried un-animously.

5 - RESOLUTION - Community Employment Incentive Program (CEIP)

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 placement projects for recipients of SAGA medical; and

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

WHEREAS, the City of Danbury Welfare Department is eligible to receive a grant of \$37,044. for the period of July 1, 1997 to June 30, 1998 upon approval of an application therefor

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury and Deborah A. MacKenzie, Director of Welfare, are 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 was adopted on the Consent Calendar.

6 - RESOLUTION - Foreclosure, Tax Lien Sale - Road Acceptance

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is considering the acceptance of roadways within the subdivision known as Robinwood Terrace; and

WHEREAS, said roadways are shown and designated on the final approved subdivision map filed in the Office of the Danbury Town Clerk as Map #5476; and

WHEREAS, the said roadways were dedicated to public use by the then owner by virtue of the filing of said map; and,

WHEREAS, eminent domain proceedings may be necessary to finally establish the status of said roads as highways within the public highway system of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the foregoing roads as shown on Town Clerk Map #5476 be and hereby are accepted as public highways and that the Corporation Counsel of the City of Danbury is hereby authorized to acquire any remaining inconsistent interests in said roads either by negotiation or by eminent domain through the institution of suit against those parties claiming an interest therein, including the holders of mortgages encumbering the properties, if any.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Lead Based Paint Hazard Control in Privately Owned Housing Grant

WHEREAS, the U. S. Department of Housing and Urban Development is making funds available to assist Local Governments in initiating or expanding programs to identify and control lead-based hazards in eligible privately owned housing units, and

WHEREAS, the grant is competitive and requires a 10% local match.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to apply for said grant and to sign all contracts or agreements and to do all things necessary to effectuate the purposes of said grant.

Miss Fox made a motion to accept the communication and adopt the Resolution. Seconded by Mr. Shuler. Mrs. Basso asked who will qualify for this money. Mayor Eriquez stated that property owners who have rental property in the City will qualify, both existing and new.

Motion carried unanimously.

8 - RESOLUTION - COPS Ahead - COPS Universal

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Office of Community Oriented Policing Services ("COPS") of the U.S. Department of Justice acting under and by virtue of the U.S. Violent Crime Control and Law Enforcement Act of 1994 has authorized the Danbury Police Department to hire six additional Police Officers upon application for and approval of grant funds under its COPS AHEAD Program; and

WHEREAS, the COPS Office will provide a maximum grant amount of \$75,000 per officer hired under its COPS AHEAD and COPS UNIVERSAL Programs, said grant to cover a three year period with a 25% local match required; and

WHEREAS, grant funds may be used by each authorized agency to increase its actual sworn force up to a maximum of 2.5 percent over its actual October 1, 1994 force level, or the full number of officers requested if below 2.5%.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and the Danbury Police Department, acting through its Chief Robert Paquette 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 or agreements therefor and to do all things necessary to effectuate the purposes of said grant. Any prior acts of the Mayor, Chief Paquette or his designee in applying for such grant are hereby ratified.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the promotion of Sergeant Robert Myles to the position of Lieutenant with the Danbury Police Department. Sgt. Miles is an 11 year veteran. Promotion is effective upon swearing in. Mr. McAllister made a motion that the communication be accepted and the promotion confirmed. Seconded by Mrs. Coladarci. Motion carried unanimously.

10 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the promotions of Office Shaun McColgan to the position of sergeant and Office Adam Fernand to the position of sergeant within the Police Department. Promotion is effective upon swearing in. Mr. McAllister made a motion that the communication be accepted and the promotions confirmed. Seconded by Mrs. Coladarci. Motion carried unanimously.

11 - COMMUNICATION - Letter from Director of Health William Campbell requesting permission to accept an in-kind donation of services to install an examining table, cabinets and reupholstery for the Health and Housing Department's Mobile Health Van. Miss Fox made a motion that the donations be accepted and letters of thanks sent. Seconded by Mr. Shuler. Motion carried unanimously.

12 - COMMUNICATION - Request from Police Chief Robert Paquette requesting permission to accept from the International Association for Identification expenses for Officer Roger Brooks to be a speaker at a regional meeting of the Minnesota division of International Association for Identification; and permission to accept the donation of tuition, lodging, transportation and meal costs for a National Leadership Development Conference which has been offered to Captain Andrew Woods by Mothers Against Drunk Driving. Mr. Boynton made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Mead. Motion carried unanimously.

13 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie requesting permission to accept shelving and a sofa from Ethan Allen to the City's Emergency Shelter for Homeless Adults; and overall donations from Ethan Allen to several community agencies totaling \$60,000.00. Mrs. Abrantes made a motion that the donations be accepted, the proper line items credited and a letter of thanks sent. Seconded by Mr. McAllister. Motion carried unanimously.

14 - COMMUNICATION & CERTIFICATION - Request from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$597 from the Elderly services donations account to the Commission on Aging budget for the office supplies account. A certification of funds was attached. The request was approved on the Consent Calendar.

15 - COMMUNICATION & CERTIFICATION - Request from Emanuel Merullo for the sum of \$8,800.00 for part-time services for the Personnel Department for a clerk at the rate of \$10 per hour. A certification of funds was provided. Mr. Setaro made a motion that the sum of \$8,800 be appropriated for a part time clerk for the personnel department. Seconded by Miss Fox. Mrs. Basso asked if this was due to the elimination of the Civil Service Director. Mayor Eriquez said it was not; it was due to the full time person taking a promotion. After the renovations of City Hall, this position will be reconfigured. Mr. Nolan asked if the elimination of the Civil Service Examiner was permanent. Mayor Eriquez said that it was.

Motion carried unanimously.

16 - COMMUNICATION - Request from Mayor Gene F. Eriquez for confirmation of the appointments of David Bunting, Levi Newsome for terms to expire August 1, 200, Ed Prybylski, and Thomas Evans for terms to expire August 1, 1999 and Paul Swenson for a term to expire August 1, 1998 to the Conservation Commission. Mr. Setaro made a motion to receive the communication and confirm the appointments. Seconded by Mrs. Abrantes. Mr. Mead asked how many members there are. The Mayor said that there are 7. Mr. Mead asked if there are any Republicans. The Mayor stated that there are not due to the fact that no Republican has expressed an interest in serving on this commission. He would certainly consider appointing a Republican if one were to come forth. Motion carried unanimously.

17 - COMMUNICATION - Request from Mayor Eriquez requesting confirmation of the reappointment of Richard Murray to the Housatonic Valley Tourism Commission for a term to expire July 1, 2000. The reappointment was confirmed on the Consent Calendar.

18 - COMMUNICATION - Leinert Industries, Lease at Danbury Airport. Mr. Setaro made a motion that this be deferred to the end of the agenda for executive session. Seconded by Mr. Mead. Motion carried unanimously.

19 - COMMUNICATION - Request for ordinance regarding wheelchairs. Mr. McAllister asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

20 - COMMUNICATION - Request from the Director of Finance Dominic Setaro requesting that the sum of \$1,835 be reappropriated to the Parking Authority. The sum represents fees collected for parking at the Danbury Railroad Station. The transfer was authorized on the Consent Calendar.

21 - COMMUNICATION - Request from Director of Finance Dominic Setaro requesting that the sum of \$3,093.33 be transferred from the Contingency Account to the Lake Authority Account for the City's yearly assessment. The transfer of funds was authorized on the Consent Calendar.

22 - COMMUNICATION - Letter from Brian Gantert, Chief of the King Volunteer Fire Company requesting that \$980.35 be allocated to that company to cover repairs to their 1986 Mack pumper that was struck by Truck #1 on Pembroke Road. Mrs. Abrantes made a motion to reimburse King Street Volunteer Fire Company for the sum of \$980.35, subject to certification of funds. Seconded by Miss Fox. Mr. Boynton asked if there was any insurance to cover this. Mayor Eriquez stated that there is insurance, but there is a deductible. Mr. Boynton asked if this would come from the Contingency Account. Mayor Eriquez stated that it would. Motion carried unanimously.

23 - COMMUNICATION - Request for sewer and water extesnion, Mill Plain Cut-off. Mr. McAllister 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 Fox, Charles and Mead to the committee.

24 - COMMUNICATION - Request for Water Extension at Westville Avenue Ext. 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 Buzaid, Butera and Basso to the committee.

25 - COMMUNICATION - Request for Sewer and Water Extension on Briar Ridge Road. Miss Fox 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 Nolan to the committee.

26 - COMMUNICATION - Request for Extension of time for sewer and water extensions for the Crystal Bay Project on Hayestown Road. The extension of time was granted for eighteen months on the Consent Calendar.

27 - COMMUNICATION - Request for extension of time for water installation on Deer Park Road. The request was granted for eighteen months on the Consent Calendar.

28 - COMMUNICATION - Request from Personnel Director Emanuel Merullo requesting approval of the Memorandum of Agreement between the City of Danbury and the Danbury Municipal Employees Association for successor agreement between the parties for the three (3) year period beginning July 1, 1997 and expiring June 30, 2000; and a Memorandum of Agreement between the City of Danbury and the Teamsters Local #677 for the period commencing July 1, 1997 and expiring June 30, 1999. Mr. Setaro made a motion to receive the communication and approve the Memoranda of Agreement. Seconded by Mr. Boynton. Motion carried unanimously.

29 - COMMUNICATION - Report from Corporation Counsel Eric L. Gottschalk recommending that the subordination agreement requested by Sidney Groves be approved. Subordination of City interest in a loan made to Sidney Groves pursuant to the Federal Rental Rehabilitation Loan Program was approved, as was the sale of property owned by Sidney Groves which is the subject of a Rental Rehabilitation Loan Program Agreement on the Consent Calendar.

30 - COMMUNICATION - Reports regarding MCCA request to purchase property on Hospital Avenue for a substance abuse rehabilitation center. Mr. McAllister asked that this be referred to an ad hoc committee, the Planning Director, the Corporation Counsel, the Tax Assessor, the MCCA and a representative of the Board of Education. Mayor Enriquez so ordered and appointed Council Members Arconti, Fox and Mead to the committee.

31 - COMMUNICATION - Report from City Engineer Jack Schweitzer outlining work that would need to be done in order to construct sidewalks on Lake Avenue. The communication was received and no action taken on the Consent Calendar.

32 - COMMUNICATION - Summary of the survey conducted by the City Engineer regarding the sanitary sewer project for Pocono Road, Richmond Avenue, Alexander D Avenue area. The communication was received on the Consent Calendar and no action taken at this time.

33 - COMMUNICATION - Report from the Planning Director stating that the application from G. E. Capital Services, Inc. for a "Deferral of Assessment Increases Attributable to Construction or Improvements within the City of Danbury" meets the eligibility criteria of Section 18-25 of the Code of Ordinances. Mr. Levy made a motion to approve the application and authorize the Mayor to sign the agreement. Seconded by Mr. Shuler. Motion carried unanimously.

34 - COMMUNICATION - Reports regarding the request to purchase City property on Mountainville Road. The reports were received and no action taken on the Consent Calendar.

35 - COMMUNICATION - Reports regarding the request to purchase a portion of the Danbury Green at 1 Ives Street. Mr. Setaro made a motion to receive the reports, deny the request and authorize lease agreements. Seconded by Miss. Fox. Motion carried unanimously.

36 - DEPARTMENT REPORTS - Welfare, Police, Fire Chief, Fire Marshall, Department of Elderly Services, Engineering, Health, Department of Public Works and Highways. Mr. Setaro made a motion to accept the department reports as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox. Motion carried unanimously. Mr. Nolan asked why there were no written reports on the landfill. Mr. Buckley stated that there have not been written reports on the landfill, but will be glad to add the landfill to his monthly report. Motion carried unanimously.

REPORT & ORDINANCE - Fencing of Private Pools

Mr. Setaro submitted the following report and ordinance:

The committee of the whole met in the Common Council Chambers of City Hall at 7:25PM on July 14, 1997 to review an ordinance regarding fencing of private pools. Assistant Corporation Counsel Les Pinter explained that the proposed ordinance requires that pools in excess of two feet of water have a fence of at least four feet in height, that the ordinance clarifies the current regulation enforced through the building code and that the purpose of the ordinance is one of safety of children. Council members expressed their support of a regulation which promotes the safety of children, that they were concerned about impacting upon the rights of private property owners and the date upon which the ordinance would take effect.

Mr. Boynton moved to recommend to the Common Council adoption of the ordinance as proposed, seconded by Mr. Scalzo. Ms. Fox moved the question, seconded by Mr. Scalzo and passed 10 - 3, with Council members Arconti Mead and Nolan voting in the negative and Mr. Boynton abstaining. The main motion passed 10 - 3 with Council members Coladarci, Mead and Nolan voting in the negative and Mr. Boynton abstaining.

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

THAT Chapter 6 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of Sections 6-11 through 6-15 which shall read as follows:

Sec. 6-11. Enclosure of swimming pools required.

Any outdoor swimming pool shall be completely surrounded by means of a fence or wall not less than four (4) feet above the ground at any point. All openings in the fence or wall shall be secured by a gate or door equipped with a self closing, self latching mechanism placed at least four (4) feet above the ground and made inaccessible from the outside to small children. A natural barrier, hedges or pool cover is not permitted as an enclosure.

Sec. 6-12. Enforcement; Building Official.

The Building Official shall be responsible for enforcement of the provisions of Sections 6-11 through 6-15 hereof in accordance with the provisions of the Connecticut Basic Building Code (BOCA) as amended and in accordance with the enforcement by citation procedure established pursuant to Section 12-34 of the Code of Ordinances, which shall not be mutually exclusive.

Sec. 6-13. Applicability; Building Code; Retroactivity

Swimming pool enclosures shall be constructed in accordance with the technical requirements and specifications of the provisions of this Chapter and the Connecticut State Building Code (BOCA) as amended and shall apply to any pool presently in existence and any pool built within the City of Danbury subsequent to the date hereof. It is the specific intent hereof that this legislation be deemed expressly retroactive in order to accomplish the intent of protecting the health, safety and welfare of the community.

Sec. 6-14. Swimming Pools Defined.

For the purpose of this Chapter, "outdoor swimming pool" means a body of water in an artificial or natural receptacle or other container, in ground or above ground, designed to contain water having a depth of two (2) feet or more, used publicly or privately by adults or children, or both, whether or not any charge or fee is imposed for such use and whether or not the user is an owner, lessee, operator, licensee, concessionaire, invitee or guest and shall include all structures, appurtenances, equipment, appliances and other facilities intended for the operation and maintenance of such pools.

Sec. 6-15. Compliance within sixty (60) days.

All unenclosed outdoor swimming pools must be properly enclosed not later than sixty (60) days from the effective date of this ordinance or thirty (30) days from the date of notification from the building official, whichever is earlier.

Mr. McAllister made a motion to receive the report and amend Chapter 6 of the Danbury Code of Ordinances by the addition of Sec. 6-11 as proposed. Seconded by Mr. Scalzo.

Mr. Mead stated that the Connecticut Basic Building Code specifies this requirement for all new pools. Mr. Mead proceeded to read from the code. Building officials can enforce safe pools already. Mr. Nolan stated that he feels government is stepping in unnecessarily. This is an important issue and should be debated thoroughly. It is not fair to change the rules for property owners who have had their pools for a long time. This is a constitutional issue.

Mr. Levy pointed out that this would not be a redundant ordinance according to the Corporation Counsel and the Building Department officials. Some pool owners have taken advantage of the loophole in the code. There is not a bridge since the 1970 issue.

Mr. Boynton asked about the height of the pool and the actual fence. Building Inspector Leo Null explained that if a pool is 4 feet high it acts as a barrier. There should be a fence at least around the stairs or pump area. The building inspectors respond to many complaints. People do not want to hear that the pool is too old. Many times children come close to drowning. People do not want to hear that the City cannot do anything. Mr. Boynton asked if fencing around the perimeter of the yard would suffice. Mr. Null that it would if it was reasonable.

Mr. Mead asked where the 1970 date comes from. Mr. Null stated that it comes from the State. After reading further from the Code Mr. Mead stated that the building department already has all the power it needs.

Mr. McAllister made a motion to move the questions. Seconded by Mr. Scalzo. Motion carried unanimously.

Main motion carried with Mr. Nolan and Mr. Mead voting in the negative.

38 - REPORT & RESOLUTION - Road Acceptance at Mayfair Estates

Mrs. Coladarci submitted the following:

The subcommittee to review the road acceptance at Mayfair Estates met at 8:05 P.M. in the Fourth Floor Lobby in City Hall on July 22, 1997. In attendance were committee members Coladarci, Boynton and Basso. Also in attendance were Corporation Counsel Eric Gottschalk and Council Members Nolan and Levy, ex-officio. Also in attendance were numerous residents of the area being discussed.

Mr. Gottshalk provided a brief update, explaining that during the past year the City obtained the needed appraisals and went back to the original developers to ask for the cost of those appraisals. The appraisals were completed in April of this year and the developer's attorneys agreed to compensate the City of Danbury in an amount not to exceed \$10,000 to transfer the roadways to the City.

The discussion was opened up to the residents for further questions. It was determined that if all goes according to schedule, Mayfair Estates will become City property in about 90 days following full Common Council approval in August.

Mr. Boynton made a motion to recommend that the Common Council 1) accept Country Way, Fairway Drive and Royal Pine Drive, which constitute Mayfair Estates, as City roads; 2) reaffirm the acquisition of the needed easements; and 3) approve the settlement of all outstanding issues between the City and the developers, Mr. Dalessio and Mr. Novella. The motion was seconded by Mrs. Basso and passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is considering the acceptance of roadways within the subdivisions known as Mayfair Gates/Mayfair Estates; and

WHEREAS, the acceptance of these roadways will only be possible if they can be acquired together with certain drainage and turnaround easements; and

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

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owners involved upon the amount to be paid for the easements over the affected parcels of real property; and,

WHEREAS, a renewal of the authorizations identified herein initially approved by the Council on November 7, 1996 is required in order that any acquisition will conform to the requirements established by law.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the easements described in Exhibit A through I attached hereto and made a part hereof by February 1, 1998, either by negotiation or by eminent domain through the institution of suit against the interested property owners and the holders of mortgages encumbering the properties, if any.

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

39 - REPORT - Proposed Sanitary Sewer and Water Mains
Federal Road

Mr. Setaro submitted the following report:

The committee of the whole met on July 14, 1997 at 7:25PM in the Common Council Chambers of City Hall to review the proposed sewer and water mains to Federal Road. Several Federal Road property owners spoke in opposition to the project at the public hearing preceding the meeting. Council members stated that they supported the extension of sewer and water mains to Federal Road but due to the opposition of property owners and despite previous efforts by City officials to lessen the burden to property owners, Council members felt that the project should be delayed until such time as the cost concerns of the property owners could be addressed.

Mr. Arconti moved to receive the report and recommend to the Common Council to deny extension of sewer and water mains to Federal Road at this time. Seconded by Ms. Fox and passed unanimously.

The Report was accepted on the Consent Calendar.

40 - REPORT - Street Renumbering - Ford Avenue

Mr. Setaro submitted the following report:

The committee of the whole met on July 14, 1997 at 7:25 P.M. in the Common Council Chambers in City Hall to review the renumbering of Ford Avenue. Memo to the Council from the Planning Department stated that it is critical to assign street addresses to residents of Ford Avenue in a logical sequence to ensure appropriate emergency services response as well as improved delivery of services.

Mr. Scalzo moved to recommend to the Common Council adoption of the renumbering proposal for Ford Avenue put forward by the Planning Department. Seconded by Ms. Fox and passed unanimously.

The report was adopted on the Consent Calendar.

41 - REPORT - Request for Water Extension - 22 Clapboard Ridge
Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for water extension at 22 Clapboard Ridge Road met on June 18, 1997 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Machado, Shuler and Nolan. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer and the petitioner, Wayne Lawrence.

A positive recommendation from the Planning Commission was mentioned. Mr. Lawrence explained that a city hydrant lays nine feet away from his property and he needed city water to meet some updating requirements in his building such as sprinkler system, and expressed his willingness to meet city requirements. Mr. Buckley elaborated on technical aspects such as water pressure and planning. Mr. Schweitzer had no objections to this request.

Mr. Nolan made a motion to recommend to the Common Council approval of the applicant's request subject to the normal eight steps. Seconded by Mr. Shuler. Motion carried unanimously.

The report was adopted on the Consent Calendar.

42 - REPORT - Request to purchase Unused Portion of Olympic Drive

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the request to purchase an unused portion of Olympic Drive met on June 10, 1997 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Shuler, Machado and Basso. Also in attendance were City Engineer Jack Schweitzer; Director of Planning Dennis Elpern sent a report, and for the petitioners Attorney J. Timothy Deakin, Attorney Charles N. Denais, Realtor John Tossi and Mary Ellen Bergtson.

The request to purchase this unused portion of Olympic Drive would be for the future extension of a 50 foot drive. Property owner Joel Urice voiced his objection to the sale because no formal plans were submitted outlining what the property will be used for. There was also a question concerning wetlands and would an EIC study be necessary. Other concerns were what would happen if the well went dry; would the City have to pay to put in water to the homes on Olympic Drive. The Planning Commission issued a negative report. The petitioners want to obtain the 50 foot strip to get into the 26 acres of land for subdivision into two pieces of property. This would be put into an agreement with the City not to have the property subdivided into anymore than two parcels, approximately 12 to 13 acres each. Mr. Machado stated that the difficulty is that the Planning Commission rejected this proposal and how would we come to a positive agreement.

Mr. Machado made a motion to take no action at this time. Seconded by Mrs. Basso and passed unanimously. 21

The report was accepted on the Consent Calendar.

43 - REPORT - Lease at 403 Main Street

Mr. Setaro submitted the following report:

The committee appointed to review the lease for 403 Main Street met on July 22, 1997 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Setaro, Levy and Mead. Also in attendance were Director of Finance Dominic Setaro, Jr., Welfare Department Director Deborah MacKenzie and Assistant Corporation Counsel Les Pinter. Also attending were Council Members Basso and Nolan, ex-officio.

Mr. Pinter stated that the lease at issue was for space to be utilized by the Welfare Department, that the lease terms were substantially the same as that which had been previously in existence between the parties and that the term of the lease was for three years. The Directors of Finance and Welfare added that the lease at issue pertains to less space than had previously been leased by the City for the Welfare Department and that the City Hall addition may not include the Welfare Department but that in any event the time that would be involved in moving the equipment and personnel of the Welfare Department to City Hall would indicate that any move would not be complete until well into the third year of the lease.

Mr. Levy moved to recommend to the Common Council adoption of the lease as proposed between the City of Danbury and Victorian Associates LLC. Seconded by Mr. Mead and passed unanimously.

The report was accepted on the Consent Calendar.

44 - REPORT - Request to Dispose of Surplus Equipment for the Landfill.

Mr. Setaro submitted the following report:

The committee appointed to review the request to dispose of surplus landfill equipment met on July 22, 1997 at 7:00PM in Room 432 of City Hall. In attendance were committee members Setaro, Levy and Mead. Also in attendance were Director of Finance Dominic Setaro, Jr., Purchasing Agent Warren Platz and Superintendent of Public Utilities William Buckley. Councilwoman Basso also attended ex-officio.

Mr. Platz explained that the equipment at issue was a 1992 tub grinder and a 1985 trash compactor, that the purchase price of the tub grinder was \$100,000 and the trash compactor \$12,000, and that the equipment had exceeded its useful life and the current value is \$50,000 and \$3,000, respectively. He added that should this equipment be offered for purchase through the sealed bid process then it will produce income for the City based upon the demand for the equipment. Mr. Buckley stated that the compactor is unneeded as the landfill is closed, the tub grinder is expensive to maintain and that the same service can be offered more cost effectively by renting the equipment and utilizing the service of a vendor when necessary.

Mr. Mead moved to recommend to the Common Council that the tub grinder and trash compactor at issue be declared surplus equipment, and that it be offered for sale through the sealed bid process. Seconded by Mr. Levy and passed unanimously.

Mr. Boynton made a motion to receive the report and adopt its recommendations. Seconded by Mr. Shuler. Mrs. Basso made a motion to amend the report to set a minimum bid of \$40,000. Seconded by Mr. Mead. After Mayor Enriquez explained the sealed bid process to Mrs. Basso, she withdrew her amendment, as did the seconder.

Motion carried unanimously.

45 - REPORT - Air Traffic Control Tower Lease

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the Air Traffic Control Tower Lease met on July 15, 1997 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Machado, Shuler and Mead. Also in attendance were Assistant Corporation Counsel Les Pinter. Due to a prior commitment at the Airport, the Airport Administrator was unable to attend.

Mr. Machado noted the positive recommendation from the Planning Commission subject to the approval of the Airport Administrator. Attorney Pinter transmitted the favorable opinions expressed to him by Paul Estefan, the Airport Administrator, regarding the lease approval. Mr. Pinter further explained, on a map, the tower location and that the approval of the lease will permit the government rights to install and maintain utilities.

Mr. Mead made a motion to recommend to the Common Council approval of the air traffic control tower lease as presented by the City of Danbury to the U. S. Government. Seconded by Mr. Shuler and passed unanimously.

The report was adopted on the Consent Calendar.

46 - REPORT - Balmforth Avenue Playground/Action Child Care Center.

Mr. Setaro submitted the following report:

The committee appointed to review the Balmforth Avenue Playground/Action Child Care Center met at 7:00PM on July 29, 1997 in Room 432 of City Hall. In attendance were committee members Setaro and Mead. Also attending were Planning Director Dennis Elpern, Corporation Counsel Eric Gottschalk, Council members Basso and Nolan, ex-officio, Glenda Armstrong and Elsie Nicholson representing CACD, Mary West, President of the Oakland Avenue Neighborhood Association, as well as several Rowan Street residents.

Mr. Setaro stated that the Planning Commission made a positive recommendation for the proposal before the committee at its June 18, 1997 meeting. Ms. Armstrong explained that previous sites considered for Action Day Care had become cost prohibitive, that CACD is seeking to lease the Balmforth Avenue playground site for purposes of constructing a 6,000 sq. ft. building which would serve as the Action Day Care Center, and that the Center currently has 100 enrolled children but that she anticipated that the enrollment would increase and include children with special needs. She added that the estimated cost of the project is approximately \$600,000 and that their aim is to have the Center open at the new site within one year.

Mr. Elpern stated that the City would be removing the Castro building from the corner of Rowan Street and Balmforth Avenue and that that parcel would become the new site for the Balmforth Avenue Playground, that CDBG funds would be used in part to fund the cost of removing the structure and that the demolition project is currently being bid. Ms. West stated that the Oakland Avenue neighborhood association supports the Action Day Care proposal and offered strong support for the demolition and removal of the Castro Building which she noted was a neighborhood priority. Mr. Gottschalk stated that the proposed lease arrangement was consistent with other initiatives in which the City is engaged where City owned property is leased to provide community services.

Mr. Mead moved to recommend to the Common Council approval of leasing the Balmforth Avenue Playground site to CACD for purposes of constructing a structure to serve as the Action Day Care Center for a lease term of 20 years at nominal rent and such other terms as shall be negotiated and agreed to between the parties. Seconded by Mr. Setaro and passed unanimously.

Mr. Shuler made a motion that the report be received and its recommendations adopted. Seconded by Mrs. Abrantes.

Mrs. Abrantes stated that removing an eyesore and putting in a daycare center is a positive avenue. Mr. Setaro gave a historic background on this issue. Mr. Mead encouraged support for this proposal. Mrs. Basso asked if the Castro building will be torn down before any building is constructed. Mayor Eriquez stated that the intent is to demolish the building first.

Mayor Enriquez acknowledge the work of then Senator Jim Maloney and State Representative Robert Godfrey for their hard work in obtaining the bond allocation for this project. Mayor Enriquez announced that he will encourage the CACD Board to name the center the Dorothy C. Outlaw Childcare Development Center and will establish a building committee to work with the Board and assist them in any way. The bid opening to demolish the building will be Monday, August 11.

Mr. Nolan stated that he detected a hint of doubt that we can make the demolition of the building happen. He asked if he were misreading the Mayor's comments. Mayor Enriquez stated that he was.

The motion carried unanimously.

47 - REPORT - Street Renaming: Lake Shore Drive to Lower Lake Road, Street Renumbering: Lower Lake Road

Mr. Setaro submitted the following report:

The committee of the whole met on July 14, 1997 at 7:25PM in the Common Council Chambers of City Hall to review the street renaming of Lake Shore Drive to Lower Lake Drive and the street renumbering of Lower Lake Drive. Ms. Sharon Calitro, Assistant Planning Director explained that based upon meetings with residents who would be effected by the change in street name and renumbering, the Planning Department had amended its request to change the name of Lake Shore Drive to Lower Lake Road and to renumber same. Residents had spoken at the public hearing preceding the meeting in support of the changes to Lower Lake Road.

Mr. Boynton moved to recommend to the Common Council that the name Lake Shore Drive be changed to Lower Lake Road and that the Planning Department proceed with the renumbering of Lower Lake Road. Seconded by Mr. Mead and passed unanimously.

The report was adopted on the Consent Calendar.

48 - PROGRESS REPORT - Exchange of Property on Newtown Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request to exchange property on Newtown Road met on July 22, 1997 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Gallagher, Esposito and Mead. Also in attendance were Tax Assessor Bob Coyne, Assistant Corporation Counsel Les Pinter and the petitioners, George Chaber and Dimitri Chaber and their attorney, Paul Jaber.

Mr. Jaber explained that the request was for the exchange of a parcel of city land (17,281 square feet) for a parcel of the Chaber's property (438 square feet), access to a potential road at the intersection of Newtown and Old Newtown Roads and slope rights at the rear of the property. Superintendent of Public Utilities William Buckley, having joined the meeting, expressed concern about the location of buildings in regard to the proposed property and requested clarification from the Engineering Department.

Mr. Mead moved to continue the meeting until such clarification could be acquired. Seconded by Mr. Esposito and passed unanimously.

The report was received on the Consent Calendar.

The Mayor extended all committees.

Mr. Levy made a motion to add item 49, donations to the Department of Elderly Services. Seconded by Mr. Scalzo. Motion carried unanimously.

49 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations for the use of the Senior Center in the amount of \$198.00. Mr. Setaro made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Mead. Motion carried unanimously.

At 9:54 P.M. Mr. Nolan made a motion to enter into Executive Session to discuss item 18. Seconded by Mr. Boynton. Motion carried unanimously.

At 10:24 P.M. the Common Council reconvened in open session. Mr. Setaro made a motion to authorize the Corporation Counsel to resolve the matter of Leinert Industries and the City of Danbury and the property be withdrawn from the bidding requirements and the lease referred to the Planning Commission. Seconded by Miss Fox. Motion carried unanimously.

Mr. Setaro asked for a point of personal privilege and extended congratulation to the Mayor and his wife, Marta, on the occasion of their 20th wedding anniversary which they will celebrate on August 20.

Mayor Enriquez expressed his gratitude to Airport Administrator Paul Estefan for the great work he did during the recent airplane crash at the Airport.

There being no further business to come before the Common Council a motion was made at 10:27 P.M. for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk