

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

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

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

PRESENT - Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynt Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Basso, Fox, Gallagher, Nolan.

ABSENT - Charles, Gomez, Butera, Mead

17 Present - 4 Absent

Mr. Charles and Mrs. Butera were ill
Mr. Mead was out of town

PUBLIC SPEAKING - Dave Ryan, 28 Shore Road

MINUTES - Minutes of the Common Council Meeting held October 7, 1997. Mr. Setaro made a motion to adopt the minutes as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox. Motion carried unanimously.

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

- 2 - Approve resolution and application for State Department of Social Services Emergency Shelter Services Grant 1997/98 -\$94,908
- 3 - Approve resolution and application for City Welfare Department to accept Federal Emergency Management Agency 1997/98 Phase XIV Program funds for emergency food and shelter through United Way of Northern Fairfield County in an amount not to exceed \$7,000
- 4 - Approve resolution designating institutions as depositories of City Funds and authorize City Treasurer to execute all necessary agreements, open accounts and value deposits in said institutions pursuant to C.G.S. Section 7-402 and City Charter Section 6-1
- 5 - Approve resolution and accept Country Way, Fairway Drive and Royal Pine Drive as City roads within the Mayfair Estates subdivision, authorize Corporation Counsel to complete settlement of all outstanding issues between the City and developers of said roadways and authorize Corporation Counsel to acquire easements necessary to accomplishing acceptance of the roadways
- 6 - Approve revised resolution amending amount of Connecticut State Library Grant for materials and services increasing access to information resources for non-English speaking populations - \$13,347.30
- 7 - Approve reappointment of Francis Kieras as a member of the Richter Park Authority for a term to expire on September 1, 2000.
- 11 - Approve reappropriation of Library Donation Funds in the amount of \$17,770 for computer maintenance and salary and benefits for librarian for Technology Center
- 14 - Approve reappropriation of \$329 from Elderly Services donations account to Commission on Aging budget for office supplies
- 15 - Approve and authorize reappropriation of \$19,869 to Animal Control Fund for year end encumbrances
- 20 - Approve eighteen month extension of time for sewer and water extensions for Berkshire Corporate Park

- 22 - Receive Planning Commission report of October 15, 1997 recommending condemnation of a portion of Concord Street and approve condemnation of same and the related resolution submitted as item 7 on the Common Council Agenda of September, 1997.
- 23 - Receive Planning Commission report of October 15, 1997 recommending lease agreement between City and First Congregational Church for use of space for City Middle and High School Reach and Rebound Program and approve said lease
- 25 - Receive report from Corporation Counsel regarding Robin Hill Water Company acquisition and take no action at this time
- 29 - Receive report and approve recommendations to approve request for sewer and water extensions by Avalon Properties Inc. 53-55 Sand Pit Road
- 30 - Receive Progress Report and approve recommendations to defer action on proposal regarding Down on the Farm Property until City land use commissions have acted on same.

Mr. Boynton made a motion that the Consent Calendar be adopted as read. Seconded by Mrs. Coladarci. Motion carried unanimously.

1 - RESOLUTION - School Readiness Grant and Quality Enhancement Grant

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 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 accept said grant, and execute such documents as are necessary for the accomplishment of the purposes hereof.

Mr. Boynton made a motion to accept the communication and adopt the Resolution. Seconded by Mr. Scalzo. Motion carried unanimously.

2 - RESOLUTION - Homeless Shelter

RESOLVED by the Common Council of the City of Danbury:

THAT 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 an Emergency Shelter Services Grant and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Federal Emergency Management Agency Agreement

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the Welfare Department of the City of Danbury has applied for funds not to exceed \$7,000.00 from said program to help offset the cost of operating the City's Homeless Shelter at 41 New Street; and

WHEREAS, the grant period extends from October 1, 1997 through September 30, 1998, with no local match required.

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

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

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Deposit of Public Funds

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 7-402 of the Connecticut General Statutes provides the authority for a public official of a municipality to hold and to control, as well as to deposit public money and trust funds received or held by him in qualified public depositories or in such other authorized institutions as are deemed fully secured; and

WHEREAS, Section 6-1 of the Charter of the City of Danbury designates the Treasurer of the City of Danbury as the official duly authorized to maintain custody of and to disburse all funds of the City and to deposit such funds in such banks or other depositories as the Common Council shall prescribe; and

WHEREAS, it is in the best interests of the City of Danbury, and it is the determination of the Common Council that the following institutions shall be the depositories of City funds as designated by law:

Chase Manhattan Bank, N.A.
Citizens Bank
Peoples Bank
Fleet National Bank
First Union
MBIA Municipal Investors Service Corporation
AMBAC Assurance Corporation
Union Savings Bank
Nutmeg Savings Bank
Savings Bank of Danbury
State Street Bank and Trust
Bank Boston
Webster Bank

NOW, THEREFORE BE IT RESOLVED THAT, the Treasurer of the City of Danbury be and is hereby authorized to execute all necessary agreements, open such accounts and make such deposits as are necessary and prudent in the institutions above described for purposes of maintaining the custody and protection of funds of the City and to do all things which may be necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Mayfair Estates

WHEREAS, the City of Danbury has considered the acceptance of roadways within the subdivision 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 if all outstanding issues between the City and the developers, Mr. Dalessio and Mr. Novella can be resolved; 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 easement acquisitions 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; and,

WHEREAS, the acquisition of said easements, the resolution of said issues and the acceptance of said roads are in the best interests of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT Country Way, Royal Pine Drive and Fairway Drive be and hereby are accepted as public highways of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to complete the settlement of all outstanding issues between the City and the developers of Country Way, Royal Pine Drive and Fairway Drive, Mr. Dalessio and Mr. Novella, in accordance with the terms described by Corporation Counsel;

AND BE IT FURTHER 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 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; said eminent domain actions, if necessary, are to be commenced on or before May 1, 1998.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Collection Development Grant

RESOLVED by the Common Council of the City of Danbury:
WHEREAS, the Connecticut State Library has made funds for competitive grants available to public libraries within Connecticut for the purpose of assisting Connecticut libraries in providing materials and services which will increase access information resources for non-English speaking populations; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of \$13,347.30, which requires a local cash match of \$2000.00 and an in-kind match of \$1,655.28; and

WHEREAS, the Danbury Public Library has used documentation from the Danbury schools, Greater Danbury Literacy Volunteers, the Greater Danbury Chamber of Commerce and its own circulation records of ESL materials to determine the need for ESL support in the Spanish and Portuguese speaking communities; and

WHEREAS, the Danbury Public Library wishes to provide increased numbers of books, audiobooks and videos to assist in learning English from Spanish and Portuguese and initiate a two workstation computer center with CD-ROMS for independent learning of English as a Second Language.

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

1. In accordance with the requirements of the Grant Award, the City of Danbury will provide a local cash match of \$2,000 and an in-kind match of \$1,655.28 the sum of which totals at least 25% of the amount of the grant.
2. All prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$13,347.30 upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Francis Kieras to the Richter Park Authority for a term to expire September 1, 2000. The appointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Request from Jack Kozuchowski for permission to accept a donation in the sum of \$10,000 from the Rotary Clubs of Danbury for the Rogers Park Pond Restoration Project. Mrs. Abrantes made a motion to receive the communication, accept the donation and credit the proper line item and send a letter of thanks. Seconded by Miss Fox. Motion carried unanimously.

9 - COMMUNICATION - Donation of \$5,000 from Duracell for the Still River Restoration Project and a donation of \$2,500 from Energy Research Corporation towards the construction of a Handicap access area for the same project. Mr. Arconti made a motion to both communication accept both donations, credit the proper line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

10 - COMMUNICATION - Request from Police Chief Robert Paquette for permission to accept the donation of a 486 computer which has been anonymously donated to the Victim's Advocate. Miss Fox made a motion to accept the donation. Seconded by Mr. Shuler. Motion carried unanimously.

11 - COMMUNICATION - Request from Library Director Betsy McDonough for authorization to transfer Library Donation funds into the library's operating budget and benefits accounts. The request was granted on the Consent Calendar.

12 - COMMUNICATION - Request from Director of Finance Dominic Setaro for permission to accept the donation of 52 boxes of forms donated to the City for the Data Processing Department from Rodenstock. Miss Fox made a motion that the forms be accepted and a letter of thanks sent. Seconded by Mrs. Basso. Motion carried unanimously.

13 - COMMUNICATION - Letter from Department of Elderly Services Director Leo McIlrath requesting permission to accept donations in the amount of \$153 for the Danbury Senior Center. Mr. Machado made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Boynton. Motion carried unanimously.

14 - COMMUNICATION & CERTIFICATION - Request from Leo McIlrath for a transfer of funds in the amount of \$329 from the Elderly Service donations account to the Commission on Aging budget. The request was granted on the Consent Calendar.

15 - COMMUNICATION - Request from Director of Finance Dominic Setaro for permission to reappropriate \$19,869 to the Animal Control Fund. The transfer of funds was authorized on the Consent Calendar.

16 - COMMUNICATION - Request from the Veterans Council of Danbury for the sum of \$6,000 to complete the restoration of the memorial for World War II Veterans killed in action in Rogers Park. Mr. Boynton made a motion to accept the communication and authorize the sum not to exceed \$6,000. Seconded by Mrs. Basso. Motion carried unanimously.

17 - COMMUNICATION - Request for reimbursement of sewer repair bill. Mrs. Abrantes asked that this be referred to an ad hoc committee the City Engineer, the Superintendent of Public Utilities, the Risk Manager and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallagher, Buzaid and Mead to the committee.

18 - COMMUNICATION - Tax sale acquisition at 386 Main Street. Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Planning, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Buzaid, Gallagher and Mead to the committee.

19 - COMMUNICATION - Proposed address change at 22 Indian Avenue. Mrs. Abrantes asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

20 - COMMUNICATION - Request for extension of time for sewer and water extensions at Berkshire Corporate Park. The extension of time was granted on the Consent Calendar.

21 - COMMUNICATION - Request for sewer extension at 12 Morton Street. Miss Fox asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. The Mayor so ordered and appointed Council Members Esposito, Boynton and Nolan to the committee.

22 - COMMUNICATION - Report from Planning Commission regarding condemnation of Concord Street. The report was received and the recommendation condemning a portion of Concord Street and the related resolution submitted as item 7 on the Common Council Agenda of September, 1997 were approved on the Consent Calendar.

23 - COMMUNICATION - Report from the Planning Commission recommending the lease agreement between the City and First Congregational Church for use of space for City Middle and High School Reach and Rebound Program was received and the lease approved on the Consent Calendar.

24 - COMMUNICATION - Reports regarding road acceptance - Hawthorne Cove Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Arconti, Fox and Basso to the committee.

25 - COMMUNICATION - Report from Corporation Counsel regarding Robin Hill Water Company acquisition was received and no action taken on the Consent Calendar.

26 - COMMUNICATION - City of Danbury v. Novella and Dalessio. Mr. Setaro asked that this be moved to the end of the agenda for executive session. There was no objection.

27 - COMMUNICATION - City of Danbury v. Topside Sealers, Inc. and Republic Powdered Metals, Inc. and City of Danbury v. Arthur J. Stucklen. Mr. Setaro asked that this be moved to the end of the agenda for executive session. There was no objection.

28 - DEPARTMENT REPORTS - Elderly Services, Engineering, Public Buildings, Public Utilities, Landfill, Welfare, Highways, Police Chief, Fire Chief, Fire Marshall. Mr. Setaro made a motion to accept 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 Miss Fox. Motion carried unanimously.

29 - REPORT - Request for Sewer and Water Extension - 53-55 Sand Pit Road.

Mrs. Coladarci submitted the following report:

The subcommittee to review the request for sewer and water extensions at 53-55 Sand Pit Road met at 7:00 P.M. in Room 432 in City Hall on October 23, 1997. In attendance were committee members Coladarci, Fox and Nolan. Also in attendance were Director of Public Works Jack Schweitzer, Superintendent of Public Utilities William Buckley, and Mr. Peter Scalzo, attorney for Mr. Mark Forlenza, a site developer for Avalon Properties, Inc.

Ms. Coladarci explained that the motion from the Planning Commission was for a positive recommendation for the request for sewer and water extension on October 15th and that the Planning Commission approved the full project on September 17th. Mr. Schweitzer stated that the Common Council previously approved an application and the extensions must be re-approved. He added that the departments will work together with Avalon on the details of the project. The scope of the project was discussed.

Ms. Fox made a motion that it be recommended to the full Common Council to approve the request for sewer and water extensions by Avalon Properties, Inc. at 53-55 Sand Pit Road subject to the eight steps. The motion was seconded by Mr. Nolan and passed unanimously. The eight steps were then discussed for the benefit of Mr. Scalzo.

The report was adopted on the Consent Calendar.

30 - PROGRESS REPORT - Down on the Farm Property

Mr. Setaro submitted the following report:

The committee appointed to review the Down on the Farm property met on October 27, 1997 at 7:00 PM in Room 432 of City Hall. In attendance were committee members Setaro, Arconti and Mead. Also in attendance were Assistant City Assessor Colleen Velez, Mr. Joe Whalen and Kate Downes Nadel representing Green Chimneys Childrens' Services and several members of the public who have previously been active in the Down on the Farm program.

Mr. Setaro stated that the purpose of the meeting was to provide the committee and Council members an update regarding a proposal which Green Chimneys has been putting together for the Down on the Farm property. Mr. Whalen explained that his organization hoped to revitalize the farm and provide a community resource, that he hoped to accomplish the project by obtaining some state funding and that he envisioned that six to eight area children would be housed at the dwelling located on the property in a group home. He added that the Green Chimneys Board had previously approved the concept albeit in preliminary form, that the Planning Department and land use commissions would soon be reviewing the proposal and that a lease arrangement with the City is envisioned.

Committee members expressed their support for a proposal which would be narrowly tailored to the location and would provide community access to a rehabilitated and working farm. Mr. Arconti moved that the meeting adjourn until such time as the City land use commissions have acted on the Green Chimneys proposal for rehabilitation of the Down on the Farm property. Seconded by Mr. Mead and passed unanimously.

The Progress Report was adopted on the Consent Calendar.

The Common Council went into Executive Session and reconvened at 8:55 P.M.

26 - Mr. McAllister made a motion to approve the settlement as outlined in Executive Session by the Assistant Corporation Counsel. Seconded by Mr. Boynton. Motion carried with Mr. Setaro abstaining.

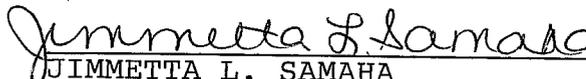
27 - Mr. McAllister made a motion to approve the settlement as outlined in Executive Session by the Assistant Corporation Counsel. Seconded by Mr. Shuler. Motion carried unanimously.

Mayor Enriquez extended all committees.

The Mayor, as well as several members of the Common Council requested points of personal privilege in order to wish their departing colleagues good luck and to thank them for their service to the City.

There being no further business to come before the Common Council a motion was made at 9:17 P.M. by Mr. Boynton for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk