

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

RE: Minutes of the Common Council Meeting held September 4, 1996

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

PRESENT - Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynton, Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Basso, Butera, Fox, Mead

ABSENT - Charles, Gomez, Carboni, Gallagher

17 Present - 4 Absent

Mr. Charles had another commitment and Mr. Gallagher was out of town on business.

PUBLIC SPEAKING

1. Marilyn Glen, 179 South King Street - Spoke regarding item 18. Please refer this to committee for further discussion.

2. Ann Marie Kratch, 7 Driftway Point Road - Please join these petitions with the ones already in committee regarding item 23.

(At 7:40 P.M. Mr. Gomez arrived and was marked present)

ANNOUNCEMENTS

September 12 - Council Member John Esposito's birthday
September 25 - Council Member Marcia Fox's birthday

September 7 - Danbury Public Library Rededication Ceremony
Scott Fanton Museum Art Auction at Music Center
Taste of Danbury 10th Anniversary Party
September 8 - News Times 10K Connecticut Classic Road Race
Taste of Danbury on Danbury Green
Beaver Brook Firehouse Annual Clambake

September 9 - Ann Olsen Benefit Golf Tournament
September 10 - Western Connecticut State University Convocation
September 11 - 2nd Annual CACD Town Meeting at Westconn
United Way Day of Caring

September 13 - Opening of the Connecticut Freedom Trail
September 19 - Margerie Reservoir Water Treatment Plant
Ground Breaking Ceremony at 11:30 a.m.

September 20-
22 Irish Festival at Rogers Park
21 Carter Marshall & Jennie Bryant Lodges Joint
Ball at Ramada Inn

September 22 Yom Kippur observed
Red Cross Benefit Golf Tournament

September 25 Mayor's Cup Golf Tournament
September 26 Old Timers Annual Awards Dinner
September 28 VASA Order of Americans Dinner Dance
Connect 96 Day

Danbury Children's First Community Picnic
Bethel Community Care Day
American Red Cross 90th Anniversary Dinner Dance

September 29 St. Nicholas Byzantine Catholic Church & Annex
Dedication Ceremony

September 30 AIDS Project Golf Tournament

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

- 3 - Approve Resolution authorizing tax abatement for Beaver Street Apartments Cooperative, Inc. in the amount of \$31,500
- 8 - Approve the Reappointment of Dennis Keeler to the Richter Park Authority
- 10 - Approve appointment of Frank Klecha to the Conservation Commission
- 12 - Approve appointment of John Deeb as a regular member and Mark Boughton and Leroy Parker as alternate members of the Planning Commission
- 25 - Approve subordination agreement between the City of Danbury and Robert M. Steinberg and Ann Marie Prybylski
- 28 - Accept the committee report and approve award of \$169.01 to owners of property located at 14 Laurel Street for overpayment of taxes
- 29 - Accept committee report and approve recommendation that no action be taken on request for sewer and water extensions on Wibling Road
- 30 - Approve request by Broad Street Associates for an 18 month extension of sewer and water approval dated July 6, 1994.
- 38 - Approve reappropriation of \$330,464.33 to Water Fund Accounts and \$10,091.75 to Sewer Fund Accounts from Enterprise Funds
- 39 - Approve Resolution and authorize Mayor to accept \$213,996.00 from Connecticut Department of Public Health for AIDS Prevention Grant
- 40 - Accept report and approve recommendation that the City obtain necessary easements to allow Royal Pine Drive, Fairway Drive and Country Way to become considered City roadways
- 41 - Accept report and adopt Resolution between the City and the Pleasant Acres Homeowners Association authorizing the purchase of Northease Utilities property for \$3,500 and authorizing the Mayor to enter into agreements allowing City representatives to enter onto the property
- 42 - Approve City donations of 150 tons of crushed stone not to exceed a value of \$1,800 to Regional Training Officers Community Shooting Range at the FCI
- 43 - Approve transfer of \$14,000 from Hatters Park Revenue Account to Capital Line Item entitled Hatters Park Improvements for repairs to the banquet room, residence and main building
- 44 - Accept report and approve Mutual Fire Aid Agreements between City of Danbury and the Towns of Bethel and Redding

Mrs. Coladarci made a motion to accept the Consent Calendar as presented. Seconded by Mr. Buzaid. Mr. Arconti stated that regarding item 41, the Director of Finance has reported that a Certification of Funds is not needed. Motion carried unanimously.

1 - RESOLUTION - Library Technology Grant Application

WHEREAS, P. L. 98-40 (Federal Library Services and Construction Act Title II) provides for federal funds for library construction; and

WHEREAS, the Danbury Public Library plans to make application to the Connecticut State Library for the funding period of September 1996 - July 1998 for a grant of \$501,667, which requires a local cash match of \$650,000, which local cash match is required by July 1998 or 1999, if a one-year extension is requested; and

WHEREAS, the City of Danbury has the right to refuse the grant at any time if local funding is not available; and

WHEREAS, the Danbury Public Library will use the grant money for the following purposes;

1. remodel the second floor of the Union Savings bank building at 158 Main Street for a public technology center, in the event that the City Works 2000 bond package is successful in November 1996; and

2. connect the present library at 170 Main Street with the second floor of the Union Savings Bank building with an ADA compliant elevator; and

3. provide forty public parking spaces for Danbury Library customers, with the purchase of the parking lot and building at 158 Main Street.

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign said application and that the Mayor and the Director of the Danbury Public Library are hereby authorized to do any and all things necessary to effectuate the purposes thereof; provided, however, that any amendments to said application requiring additional expenditure of City of Danbury funds must receive prior approval by the Common Council.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Buzaid. Motion carried unanimously.

2 - RESOLUTION - Traffic Control Project - Route 37 at the Intersection of Jeanette Street - Mr. Levy asked that this be referred to an ad hoc committee, the City Engineer and the Traffic Engineer. Mayor Eriquez so ordered and appointed Council Members Abrantes, McAllister and Basso to the committee.

3 - RESOLUTION - Beaver Street Apartments Cooperative, Inc. Abatement from the State of Connecticut.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under § 8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Contract with Beaver Street Apartments (9-25-73) and a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$2,257,000; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is \$31,500 for the Grand List of October 1, 1995;

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

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;

2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury.

3. That the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1995;

4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of § 12-167 of the Connecticut General Statutes, as amended;

5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Connecticut Drug Enforcement Grant Program

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 \$484,368.00 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 \$242,184.00 is to be designated for law enforcement, 40% of the total amount, or \$193,747.00 is to be applied to drug education, and the remaining 10%, or \$48,437.00 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 1996 through September 30, 1997 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 therefor and to take any additional actions necessary to effectuate the purposes hereof.

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

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

5 - RESOLUTION - Juvenile Justice and Delinquency Prevention Act - Mr. Levy asked that this be referred to an ad hoc committee, and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Scalzo, Shuler and Mead to the committee.

6 - ORDINANCE - Commission on Persons with Disabilities. Mr. Gomez asked that this be deferred to public hearing. Mayor Eriquez so ordered.

7 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointments of Jose Agosto, Jr., Gary Marshall Coe, and Kenneth Carter Utter as police officers with the Danbury Police Department. Mr. McAllister made a motion that the communication be accepted and the appointments confirmed. Seconded by Mr. Levy. Motion carried unanimously. Mayor Eriquez introduced the new officers and their families.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Dennis Keeler to the Richter Park Authority for a term to expire September 1, 1999. The reappointment was confirmed on the Consent Calendar.

9 - COMMUNICATION - Appointments to Commission on Persons with Disabilities. WITHDRAWN

10 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Frank Klecha to the Conservation Commission for a term to expire July 1, 1999. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Appointment to the Environmental Impact Commission. WITHDRAWN

12 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of John Deeb as a regular member and Mark Boughton as an alternate member of the Planning Commission for terms to expire January 1, 1999 and of the appointment of Leroy W. Park as an alternate member of the Planning Commission. Confirmation was granted on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez requesting permission to accept the donation of two Cannondale Mountain Bikes for the City's Bicycle Patrol. The donation from the Cannondale Bicycle Corporation has a retail value of \$2,000. Mrs. Butera made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Mr. Esposito asked if this comes under the program for expansion. The Mayor said it would and also be used for the Safe Neighborhoods Program. Motion carried unanimously.

14 - COMMUNICATION - Letter from Mayor Eriquez requesting permission to accept the donation of a fax machine for the Health Department from the American Lung Association. Mrs. Abrantes made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

15 - COMMUNICATION - Letter from Will Taylor asking permission to do some repair work on the Old Great Plain School House as a project in order for him to achieve the rank of Eagle Scout. Mr. Mead made a motion to accept the communication and approve the project. Seconded by Mrs. Basso. Mrs. Basso asked who pays for the materials. The Mayor stated that all materials are donated. Motion carried unanimously.

16 - COMMUNICATION - Letter from Mayor Eriquez requesting that an ad hoc committee be established to codify incentives such as a Deferrment on Assessments attached to job and grand list growth. Mrs. Butera asked that this be referred to an ad hoc committee, the Director of Finance, Chairman of the Economic Task Force and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Setaro, Levy and Mead to the committee.

17 - COMMUNICATION - Emergency Repairs to Engine 21. WITHDRAWN

18 - COMMUNICATION - Request from Childcare Connections requesting the sum of \$5,000 to aid in the assistance of finding daycare for City residents. Miss Fox asked that this be referred to an ad hoc committee, the Director of Finance and the Director of Childcare Connections. The Mayor so ordered and appointed Council Members Boynton, Gallagher and Basso to the committee.

19 - COMMUNICATION - Request from the Danbury Fish and Game Club to use the old Constables Building on Hayestown Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Director of Parks and Recreation, the Building Inspector, the Corporation Counsel and the Chairman of the Parks and Recreation Commission. Mayor Eriquez so ordered and appointed Council Members Valeri, Buzaid and Mead to the committee.

20 - COMMUNICATION - Parcliff Development Association request for amendment to sewer and water approvals. Mr. Arconti asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Scalzo, Coladarci and Basso to the committee.

21 - COMMUNICATION - Request from James Heussner for an easement from the City of Danbury to construct a sewer line on Old Neversink Road. Mrs. Abrantes asked that this be referred to the City Engineer and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

22 - COMMUNICATION - Hazardous Materials Response Proposal. Mr. Gomez asked that this be referred to an ad hoc committee, the Director of Finance, the Fire Chief, Jack Kozuchowski and the Chamber of Commerce. Mayor Eriquez so ordered and appointed Council Members Setaro, Levy and Mead to the committee.

23 - COMMUNICATION - Petition for sewer extension on North Driftwa Point Road and Elmcrest Drive. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Director of Public Utilities. Mayor Eriquez so ordered and appointed the same committee already studying this issue, Council Members Levy, Shuler and Mead.

24 - COMMUNICATION - Reports regarding Long Ridge Road. Mr. Scalzo asked that these be referred to the Planning Commission. Mayor Eriquez so ordered.

25 - COMMUNICATION - Report from Corporation Counsel recommending approval of the Subordination Agreement with Robert M. Steinberg and Ann Marie Prybylski. The report was accepted and approved on the Consent Calendar.

26 - COMMUNICATION - Request to purchase unused land on Olympic Drive. Mrs. Coladarci asked that this be referred to the City Engineer and the Director of Planning. Mayor Eriquez so ordered.

27 - DEPARTMENT REPORTS - Public Utilities, Public Buildings, Tree Department, Public Works, Engineering, Health and Housing, Highways, Police, Fire Chief, Fire Marshall, Parks and Recreation. Mr. Setaro made a motion that the reports be accepted 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. Motion carried unanimously.

28 - REPORT - Request for Refund of Overpayment of Taxes

Mr. Levy submitted the following report:

The Common Council Committee appointed to review a request for refund of overpayment of taxes on property at 14 Laurel Street met on August 20, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Butera and Mead. Also in attendance were Tax Assessor Robert Coyne, Director of Finance Dominic Setaro, Corporation Counsel Les Pinter, Council Member Pauline Basso, ex-officio, and the petitioners Mr. and Mrs. Dascano.

Mr. Levy gave a short overview of the request. He then asked Mr. Coyne to explain the error. Mr. Coyne stated that since 1987 the Dascanos have been paying taxes on a 22' by 22' shed that belongs to the property owner next to them. The property owner next to the Dascanos was also paying taxes on the same shed. Mr. Coyne said this was due to a "judgment error" by the Assessors Office. Mr. Pinter and Mr. Coyne explained that under Section 12-60 of the Connecticut General Statutes "Correction of Clerical Error in Assessment" could only go back to 1993. There is nothing in the Connecticut General Statutes or local ordinances to adjust for the prior years. Mr. Pinter explained that in the Statutes there is no reference to "Judgement Error" only "Clerical Error". He also said that if the committee felt sympathetic to the Dascano's request it could be handled in the form of a claim.

After additional discussion, the committee concluded that this was a very unique occurrence and should be handled as a claim. Mrs. Butera made a motion to award the claimant \$169.01 subject to certification of funds by the Director of Finance. Seconded by Mr. Mead and passed unanimously.

The report was accepted on the Consent Calendar.

29 - REPORT - Request for Sewer and Water Extensions on Wibling Road.

Mrs. Abrantes submitted the following report:

The Common Council Committee appointed to review the petition for sewer and water extensions on Wibling Road met on June 25, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Abrantes, Boynton and Basso. Also in attendance was City Engineer Jack Schweitzer.

Ms. Abrantes cited a positive recommendation by the Planning Commission. Mr. Boynton stated that this request had been approved in 1993. Mr. Schweitzer also recommended acceptance of this sewer and water extension at this time. Ms. Basso was concerned that no one from JVS Aviation was present at this meeting. Ms. Abrantes moved to recess the meeting to another time.

The committee reconvened at 7:00 P.M. on July 16, 1996 in Room 432 in City Hall. In attendance were committee members Abrantes and Basso. Also in attendance was a member of the public, Lynn Waller. Mr. Schweitzer and Mr. Buckley were unable to attend.

Ms. Basso made a motion to take no action on the request for sewer and water extensions on Wibling Road at this time. Seconded by Ms. Abrantes. Motion carried unanimously.

The report was accepted on the Consent Calendar.

30 - COMMUNICATION - Request from Broad Street Associates for an 18 month extension on sewer and water approvals granted in July of 1994. The extension was granted on the Consent Calendar.

31 - COMMUNICATION - Petition for water extension on 3-5 South Street. Mrs. Butera asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Boynton, Esposito and Basso to the committee.

32 - COMMUNICATION - Petition for sewer and water extensions on Jeanette Road. Miss Fox asked that this be referred to the City Engineer for a survey and to the Planning Commission. Mayor Eriquez so ordered.

33 - COMMUNICATION - Hatters Park Bowling Lanes Lease. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Parks and Recreation, the Director of Finance and the Petitioner. Mayor Eriquez so ordered and appointed Council Members Fox, Charles and Mead to the committee.

34 - COMMUNICATION - Consent Order submitted by the State Department of Environmental Protection affording the City of Danbury an additional opportunity to dispose of household waste by persons who choose not to contract with a hauler. The agreement will run until December 31, 1996. Mr. Setaro made a motion to accept the communication and approve the Consent Order 034-015. Seconded by Mr. Boynton. Mr. Mead pointed out an error in the date. Mayor Eriquez stated that this would be corrected. Motion carried unanimously.

35 - COMMUNICATION - Letter from Jack Kozuchowski requesting a supplemental appropriation for the budget of the Danbury Airport for the purpose of remediating a soil contamination on City property at the Executive Air terminal on Miry Brook Road. Mrs. Butera made a motion to accept the communication and send out orders for bids. Seconded by Mr. Buzaid. Motion carried unanimously.

36 - COMMUNICATION - Letter from At-Large Council Member Joyce Carboni resigning from the Common Council due to time constraints. Mr. Mead made a motion to accept the resignation with regret. Seconded by Mrs. Basso. Mrs. Butera and Mr. Setaro, along with the Mayor, said it was a pleasure to work with Mrs. Carboni. Motion carried unanimously.

37 - COMMUNICATION - Recommendation from Republican Town Committee Chairman Michael McLachlan recommending that Vincent P. Nolan be appointed to fill the vacancy on the Common Council. Mr. Mead made a motion that the communication be accepted and that Vincent Nolan be appointed to fill the vacancy. Seconded by Mrs. Basso.

Mr. Mead stated that Mr. Nolan has served in good stead and will do so again. Mr. Valeri, Mr. Setaro and Mr. Buzaid spoke on this nomination. Motion carried with Mr. Valeri and Mr. Esposito voting in the negative.

38 - COMMUNICATION - Letter from Director of Finance Dominic Setaro certifying that the sum of \$330,464.33 should be reappropriated to the Water Fund accounts and \$10,091.75 be reappropriated to the Sewer Fund accounts so that projects can be completed and equipment accepted. The reappropriations were approved on the Consent Calendar.

39 - RESOLUTION - AIDS Prevention Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services, through its AIDS Prevention Program, has made grant funds available to full-time health departments to provide HIV health education information and expanded services for the period of July 1, 1996 through June 30, 1997; and

WHEREAS, grant funds not to exceed \$213,916, requiring no local match, will be made available to the Danbury Health and Housing Department for its AIDS Risk Reduction Outreach Education Program, HIV Counseling and Testing Services, its Needle Exchange Program and its Ryan White Title II Case Management Program, upon approval of a grant application therefor; and

WHEREAS, the Danbury Health and Housing Department will provide these services to the general public with particular attention given to individuals concerned about possible exposure to HIV, serving both residents and non-residents with no restrictions on who may be served;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, or William J. Campbell, Director of Health, as his designee, are authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor or the Director of Health regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof, which do not require expenditure of City funds, with the State of Connecticut Department of Public Health Services regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

The Resolution was adopted on the Consent Calendar.

40 - REPORT - Road Acceptance at Mayfair Estates

Mrs. Coladarci submitted the following report:

The subcommittee to review the road acceptance of Mayfair Estates met at 7:15 PM on November 21, 1995, 7:00 PM on July 11, 1996 and at 7:30 PM on August 27, 1996. In attendance were Eileen Coladarci and Ernest Boynton. Also in attendance were Mr. Jack Schweitzer, Director of Public Works, Mr. Eric Gottschalk, Corporation Council and Thomas Arconti, ex-officio. Mr. Levy attended ex-officio on July 11th, Mr. Scozzafava was in attendance on November 21st.

Mr. Schweitzer gave a brief history of years of difficulties with Mayfair Estates. The City could not obtain drainage rights so could not accept the roads as city roads. The roads have received little maintenance and have started to deteriorate. To accept these roads, the City must obtain easements from the property owners to correct the drainage problems.

Mr. Gottschalk explained the premise behind Ordinance #17-34, the City's private road ordinance. He also stated that there is insufficient bond money available for the needed work to the area, as well as for easements for drainage and turnarounds. The developer's plans contain two of the twelve easements needed, so these two easements can be taken by the City.

Mr. Schweitzer brought out the list containing the names of the owners of the properties on which the City will need easements. Mr. Schweitzer went through the list and asked those in attendance if they were willing to work with the City. By granting an easement to the city: the property owners retain the right to use property but City can go on property to clear or repair pipe. Eight property owners were in attendance and agreed to the needed easements. Two (2) residents, Mr. Carlucci and Ms. Render, were not at the meeting. Letters were sent to both residents.

Mrs. Carlucci would not agree to an easement until her drainage is corrected. Ms. Render did not want the City on her property. Mr. Gottschalk also talked to the attorney for one of the developers. The attorney, Mr. Daley, said that his client, in conjunction with the other developer and his attorney are willing to pick up the cost of acquisition for a cost of \$5,000 to \$10,000. The amount in the passbook for the development of Mayfair Estates is approximately \$35,000. Mr. Gottschalk explained to the attorney that if they cover the cost of acquisition, the City would consider their obligations complete. He then told Mr. Daley that the City would contact him with an appraisal for further discussions.

Mr. Boynton moved that the Committee recommend that the Corporation Council work with the Engineering Department in the preparation of legal descriptions in order to obtain the necessary easements serving Mayfair Estates to allow the roads within the estates, Royal Pine Drive, Fairway Drive and Country Way to become City roads. The motion was seconded by Ms. Coladarci and passed unanimously.

The report was accepted on the Consent Calendar.

41 - REPORT & RESOLUTION - Pleasant Acres Water Project

Mr. Arconti submitted the following report and resolution:

The committee appointed to review the request concerning a Pumping Station for the Pleasant Acres Water Project met on August 27, 1996 at 7:00pm in City Hall. In attendance were councilmembers Arconti and Coladarci, City Engineer, Jack Schweitzer, Supt. of Public Utilities, Bill Buckley and Corporation Counsel, Rick Gottschalk.

The Pleasant Acres Water Project was previously approved by the Common Council with a total project cost not to exceed \$1.2 million. The acquisition of necessary land and the construction of a pumping station were included in the original planning process. Mr. Buckley explained the engineering decisions behind the selection of the parcel of land under consideration for acquisition. The parcel is owned by Northeast Utilities and they have indicated their willingness to make it available for conveyance to the City in conjunction with this pumping station request. The City is required to pay a \$3,500 fee to begin the acquisition process. Pending Planning Commission and other land-use agency approvals, the City would then purchase the parcel at fair market value. These costs will be funded through the assessment of property owners benefiting from this project. The City's Tax Assessor will be involved in determining the fair market value of the property.

Mr. Buckley also explained the need to move quickly with this project in order to get the pump station building constructed prior to the cold weather season.

Councilwoman Coladarci moved to recommend that the Common Council adopt the attached resolution authorizing the purchase of the Northeast Utilities parcel, subject to Planning Commission approval, and also authorize the expenditure of \$3,500, pending certification by the Director of Finance, to Northeast Utilities to begin the acquisition process and to further authorize the Mayor to enter into an agreement which will allow the City to gain "early entry" onto the property to allow for pre-construction related work. Councilman Arconti seconded the motion and it passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury and the Association of Homeowners of Pleasant Acres, Inc. have entered into an agreement providing for the improvement and acquisition of the Pleasant Acres water system by the City of Danbury; and,

WHEREAS, this project includes the construction of a pumping station to serve the customers of the Pleasant Acres water system; and,

WHEREAS, in order to obtain a site for said pumping station, the City must acquire a parcel of land from Northeast Utilities; and,

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with Northeast Utilities upon the amount to be paid for its interest in said parcel;

NOW THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the parcel of property described in Exhibit A attached hereto and made a part hereof, either by negotiation or by eminent domain through the institution of suit against Northeast Utilities, its successors and assigns and the holders of mortgages encumbering the property, if any.

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

42 - COMMUNICATION - Letter from Mayor Enriquez requesting that the City donate 150 tons of crushed stone at a cost not to exceed \$1,800 to the Regional Training Officers Community Shooting Range at the FCI. The donation was approved on the Consent Calendar.

43 - COMMUNICATION & CERTIFICATION - Request from Director of Parks and Recreation Robert Ryerson for the sum of \$14,000 produced from rental of Hatters Community Park be appropriated to the line item Improvements at Hatters Community Park. A certification of funds was attached. The request was granted on the Consent Calendar.

44 - REPORT - Mutual Fire Aid Agreements with Bethel and Redding.

Mr. Gallagher submitted the following report:

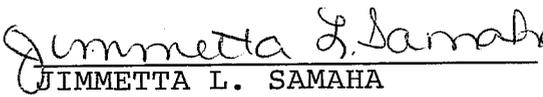
The Common Council Committee appointed to review the mutual fire aid agreements with Bethel and Redding met on Wednesday, August 28, 1996 at 7:00 P.M. in Room 432 of City Hall. In attendance were committee members Gallagher, McAllister and Mead. Also in attendance were Fire Chief Carmen Oliver, Corporation Counsel Laszlo Pinter and President of the Danbury Volunteer Fire Council Bernard Gallo.

Mr. Pinter explained that these are interlocal agreements for fire protection and simply clarify procedures and protocol. He added that these agreements had existed verbally for some time. After brief discussion Councilman Mead moved to recommend approval of these agreements to the Common Council, seconded by Councilman McAllister and approved unanimously.

The report was accepted on the Consent Calendar.

There being no further business to come before the Common Council a motion was made at 8:25 P.M. by Mr. Setaro for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk