

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

RE: Minutes of the Common Council Meeting held December 3, 1996

The meeting was 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, Boynton, Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Gomez, Basso, Fox, Gallagher, Mead, Nolan

ABSENT - Coladarci, Charles, Butera

18 Present 3 Absent

Mr. Charles had a previous committment

PUBLIC SPEAKING

(At 7:33 P.M. Mrs. Coladarci arrived and was marked present)

John Ward, 18 Garamella Boulevard - spoke regarding the loitering ordinance. It is not very good. Should be more narrowly defined. There may be a reason why prosecutors do not try these cases.

Robert James, Terryville (Council Member Warren Levy stated that in allowing Mr. James, a non-resident to speak a precedent should not be set allowing non residents or taxpayers to address the Council) - Mr. James stated that he works for Padukian Research and was involved in the September 14th accident. 911 was called but firemen and EMT's were not allowed in the building and fortunately he was able to walk outside despite his extensive burns. The DEP should be closer. Any extra training for fire personnel would be appreciated. Danbury should be prepared if there is another incident.

Monique LeCoz, 23 Woodbury Drive - feels that all sewer extension should be frozen until the problem at the landfill is taken care of. Regarding the supplemental police services for the Housing Authority, other places cannot get the police to act. Regarding the acceptance of roads, criteria should be strict.

(At 7:45 P.M. Mrs. Butera arrived and was marked present)

ANNOUNCEMENTS

Mayor Eriquez offered condolences to City Employees Jack Schweitzer and Gladys Hossan on the recent loss of their mother.

Mayor Eriquez offered congratulations to the Danbury High School Marching Band on being State Champions and to DAYO Football for both State Championship and New England Pop Warner Championship.

Mayor Eriquez wished everyone a Happy Chanuka and a Merry Christmas

- December 10 - Maria & Val Machado's Anniversary
- December 13 - Harry Scalzo's Birthday
- December 19 - Matt Gallagher's Birthday
- December 23 - Paul & Donna McAllisters Anniversary

- December 4 - 7th Annual Lions/CRIS Memorial Breakfast
- AmeriCares Free Clinic Open House - 7:00 P.M.
- CityCenter & Business Digest "The Gathering" Union Savings Galleria, 5-7:00 P.M.
- December 5 - Housatonic Valley Economic Development Partnership Annual Meeting - WestConn 8:00 a.m.
- 1st Night of Chanukah
- December 6 - Christian Community Outreach Ministries Community Concert - 6:30 P.M. St. James Church
- December 7 - Parents Leadership Workshop sponsored by Children First, Rogers Park Middle School 9:00 a.m.
- Holiday Express Train Ride, 10:15 a.m.
- Independent Hose Co. No. 4 Annual Dinner
- Immaculate High School Annual Auction - 7:00 P.M.
- December 8 - Holiday Express Train Ride - 10:15 a.m.
- ICAN Holiday Tour of Homes - Deer Hill Avenue

- December 11 - WLAD/Ethan Allen Annual Holiday Benefit - 5:00 P.M.
- Danbury Board of Education Annual Meeting - 7:30 P.M.
Danbury High School
- December 12 - Good Scout Luncheon, Ethan Allen Inn -12:00 noon
Regional Hospice of Western Conn, Evening of Appreciation
Tarrywile Mansion 5:00 P.M.
- December 13 - Holiday Party at Danbury Senior Center - 1:30 P.M.
- December 14 - Dream Come True of Western Conn. Breakfast with Santa
Holiday Inn 9:00 P.M.
Santa Special Train Ride from Union Station
Danbury Music Center Annual Nutcracker at Danbury High
School
- December 15 - Santa Special Train Ride at Union Station
- Danbury Music Center Annual Nutcracker
- December 19 - Greater Danbury Chamber of Commerce State of the City
Luncheon and presentation of the Previdi Award
Ridgewood Country Club 11:30 a.m.
- December 24 - City Hall closed at 12:00 noon for the Christmas Holiday
- December 25 - City Hall closed
- December 31 - City Hall closed at 12:00 noon for New Year's Eve
First Night Celebration

Mayor Enriquez gave an update on the odor from the landfill and spoke about the efforts being made by the City to control same. A gas recovery system is the long term solution and the plans will be submitted the the DEP on December 19th.

MINUTES - Minutes of the Common Council Meeting held November 7, 1996. Mr. Setaro made a motion to accept 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:

- 6 - Approve Resolution authorizing the Mayor to execute agreements between the City of Danbury and State of Connecticut for rights of way activities in conjunction with replacement of bridge no. 05097 on Thorpe Street Extension over Kohanza Brook utilizing funds under the Local Bridge Program - State Project No. 34-270, Federal Project No. BR2-6034(2)
- 8 - Approve temporary appointment of Attorney Thomas Parisot of Secor Cassidy and McPartland as Assistant Corporation Counsel for purposes of completing pending workers' compensation matters
- 9 - Approve reappointment of Robert Brunetti to the Richter Park Authority
- 10 - Approve reappointment of Michael Zotos and Mark Verna to the Environmental Impact Commission
- 11 - Approve reappointment of Norman Winnerman, Richard Cyr and Patrick O'Conner to the Parks and Recreation Commission
- 14 - Approve reappropriation of donated funds in the amount of \$359 from the Elderly Services donations account to the Commission on Aging budget account for office supplies
- 18 - Approve appointment of Hillel Goldman and Joyce Carboni and Council Members Ernest Boynton, Eileen Coladarci and Albert Mead, Jr. as members of the Governmental Entity Review and Investigation Committee
- 19 - Approve transfer of \$3,165.38 from the Contingency Account to Public Buildings Lien of Taxes Assessment Account #02-01-222-075000 for purposes of sewer assessments levied against city owned property on Morgan Avenue
- 23 - Receive positive Planning Commission report regarding acceptance of Riverview Drive as a City road and accept Riverview Drive as a City road, approve license agreements covering placement of commercial signage on municipal property located at White Turkey Road Extension and approve road lighting cost sharing agreement between the Berkshire Corporate Park and the City of Danbury
- 24 - Receive positive Planning Commission report regarding the sale of Settlers Hill Road Lot No. A07009 and Old Hayrake Road Lot No. E07116, declare both parcels surplus property and refer both parcels to the Purchasing Department for sale through the sealed bid process

- 25 - Receive positive Planning Commission report recommending sanitary sewer easements on Old Neversink Road and approve quit claim of City easements on Old Neversink Road to Mr. James Heussner for purposes of installing a sewer line
- 26 - Receive negative Planning Commission report regarding acceptance of Sylvan Road as a City road and take no action at this time
- 27 - Receive positive Planning Commission report regarding acceptance of Deer Park subdivision as City roadways and accept Deer Park Road, Larch Road and a portion of Louis Allan Drive as City roadways located within the Deer Park subdivision
- 28 - Receive negative Planning Commission report regarding request for Concord Road to be accepted as a City road and take no action at this time
- 33 - Approve transfer of \$1,750 from the Contingency Account to the Corporation Counsel Outside Services Account for title searches appraisals related to easement acquisitions by the City at Mayfair Estates
- 38- Approve report and recommendations and adopt ordinance regarding Board of Commissioners Downtown Services Special Tax District
- 40- Approve report and recommendations and adopt ordinance regarding citations
- 41- Approve report and recommendations and refer to public hearing ordinance regarding Economic Incentive proposal
- 43- Approve report and recommendations regarding request for an extension of road on Olympic Drive and take no action at this time
- 45- Approve report and recommendations regarding request for sewer extension on Patriot Drive and Pahquioque Avenue

Mr. Levy made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Gomez. Motion carried unanimously

Mayor Eriquez clarified that in item 41 section (b)(1) there are 5 points.

1 - RESOLUTION - Danbury Cultural Commission.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Union Carbide Corporation will provide to the Cultural Commission of the City of Danbury a grant/donation of \$5,000.00 to promote the Commission's stated goal of promoting Danbury's understanding and appreciation of its ethnic diversity; and

WHEREAS, the Danbury Cultural Commission has evidenced a strong desire to continue its work started in 1996 to develop increased harmony and empathy in relationships among the many ethnic, cultural and racial groups within our community; and

WHEREAS, the success of the Commission's programs during 1996 measured by the numbers of people affected by and responsive to these programs will allow the Commission to adjust and evaluate the success of its new programs during 1997;

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Cultural Commission is hereby authorized to accept said grant/donation of \$5,000.00 and that all past actions of the Commission in submitting a grant proposal are hereby ratified.

Mrs. Butera made a motion that the Resolution be adopted, the donation accepted and a letter of thanks sent. Seconded by Mrs. Abrantes. Motion carried unanimously.

2 - RESOLUTION - Safe Neighborhood 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 Police Department additional funds in the amount of \$975,000.00 as remainder funds to its existing grant for the Safe Neighborhood Program; and

WHEREAS, said award will cover the period of January 1, 1997 through December 31, 1999, with a local cash match to be provided through in-kind services and is part of a four-year State program; and

WHEREAS, said grant will subsidize 10 police officer positions at \$900,000.00 in addition to providing \$75,000.00 for crime prevention programs, thus allowing increased police presence in targeted neighborhoods, especially in areas where there has been increased firearms use;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and Chief Nelson F. Macedo, or his authorized representative, are hereby empowered to accept said funds and the Mayor is further authorized to execute any contracts/agreements therefor and to do all things necessary to effectuate the purposes hereof.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Mrs. Coladarci.

Mr. Gomez asked if this was for a specific area or all around the City. Mayor Eriquez stated that it is for a specific area and outlined same.

Motion carried unanimously.

3 - RESOLUTION - Palace Walk. Mr. Setaro asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

4 - RESOLUTION - Germantown/First Street Area Proposed Sanitary Sewer Extension Project Easements. Miss Fox asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

5 - RESOLUTION - Third Supplemental Agreement - Central Business District Traffic Signalization

RESOLVED by the Common Council of the City of Danbury:

State Project No. 34-255
Federal Aid Project No. M-000S(428)

Description: Third Supplemental Agreement Between the State of Connecticut and the City of Danbury for the Development of Contract Plans, Specifications and Estimates for Urban Systems Improvements for the Modernization and Coordination of Traffic Signals of the Central Business District.

RESOLVED THAT Gene F. Eriquez, Mayor, be and hereby is authorized to sign the agreement entitled "Third Supplemental Agreement Between the State of Connecticut and the City of Danbury for the Development of Contract Plans, Specifications and Estimates for Urban Systems Improvements for the Modernization and Coordination of Traffic Signals of the Central Business District"

Miss Fox made a motion to accept the communication and adopt the Resolution. Seconded by Mr. McAllister.

Mrs. Basso asked about the cost increase. Mayor Eriquez explained that the scope of the project has increased. Mrs. Basso asked if more was added than previously. Mayor Eriquez said that more is being done for the City and there are 40 different locations. Mr. Mead asked if there would be any additional costs to taxpayers. Mayor Eriquez stated that there would not be any further costs.

Motion carried unanimously.

6 - RESOLUTION - Agreement between the City and State for Rights of Way Activities regarding Thorpe Street Bridge

RESOLVED by the Common Council of the City of Danbury:

State Project No. 34-270
Right of Way Agreement No. 8.20-08(96)
Federal Project No. BRZ-6034(3)

THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute the AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR RIGHTS OF WAY ACTIVITIES IN CONJUNCTION WITH REPLACEMENT OF BRIDGE NO. 05097 ON THORPE STREET EXTENSION OVER KOHANZA BROOK UTILIZING FEDERAL FUNDS AND A PROJECT GRANT UNDER THE LOCAL BRIDGE PROGRAM.

The Resolution was adopted on the Consent Calendar.

7 - COMMUNICATION - Letter from Democratic Town Committee Chairman Joseph Walkovich recommending that Benjamin Chianese be appointed to fill the vacancy on the Zoning Commission due to the resignation of Michael Falzone. Mr. Setaro made a motion that the communication be accepted and that Benjamin Chianese be appointed to fill the vacancy on the Zoning Commission. Seconded by Miss. Fox. Miss Fox made a motion that the nominations be closed. Seconded by Mr. Valeri. Motion carried unanimously. Motion to appoint Benjamin Chianese carried unanimously.

8 - COMMUNICATION - Letter from Mayor Gene F. Eriquez asking that Attorney Thomas Parisot of the law firm of Secor, Cassidy and McPartland be appointed temporary Assistant Corporation Counsel for the limited purpose of completing pending workers' compensation matters. The appointment was confirmed on the Consent Calendar.

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

10 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Michael Zotos and Mark Verna to the Environmental Impact Commission for terms to expire December 1, 1999. The reappointments were confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Norman Winnerman, Richard Cyr and Patrick O'Conner to the Parks and Recreation Commission for terms to expire December 1, 1999. The reappointments were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept donations from Henri Dorcemus in the amount of \$50 and Anita Dominick Brown in the amount of \$100. Mrs. Abrantes made a motion to accept the communication, credit the proper line items and send letters of thanks. Seconded by Mr. Buzaid. Motion carried unanimously.

13 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath asking permission to accept donations in the total amount of \$202. Mr. Scalzo made a motion to accept the donations, credit the proper line items and send letters of thanks. Seconded by Mrs. Abrantes. Motion carried unanimously.

14 - COMMUNICATION - Request for Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$359 from the Elderly Services donation account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

15 - COMMUNICATION - Letter from Chris and Betty Miller donating a blue spruce to be used as a Christmas tree in Kennedy Park. Miss Fox made a motion to accept the tree and send a letter of thanks. Seconded by Mr. Mead. Motion carried unanimously.

16 - COMMUNICATION - Request from Fire Chief Carmen Oliver to accept a donation in the amount of \$50 from Mr. and Mrs. Markind. Mr. Arconti made a motion to accept the donation, credit the proper line item and send letter of thanks. Seconded by Mrs. Coladarci. Motion carried unanimously.

17 - COMMUNICATION - Letter from Director of Finance Dominic Setaro asking that the Common Council authorize acceptance of donations to the library and reappropriate \$7,405 as requested by the Library Director. Miss Fox made a motion that the donations be accepted and the funds reappropriated. Seconded by Mrs. Basso. Mr. Mead requested that letters of thanks be sent. Motion carried unanimously.

18 - COMMUNICATION - Letter from Mayor Eriquez appointed Council Members Ernest Boynton, Eileen Coladarci and Al Mead and public members Hillel Goldman and Joyce Carboni to the Governmental Entity Review and Investigation Committee. The appointments were approved on the Consent Calendar.

19 - COMMUNICATION - Request from Director of Finance Dominic Setaro that the sum of \$3,165.38 be appropriated from the Contingency Account to the Public Buildings Lieu of Taxes Assessment Account for property in the name of the City of Danbury on Morgan Avenue. The appropriation was approved on the Consent Calendar.

20 - COMMUNICATION - Germantown/FirstStreet Area Proposed Sanitary Sewer Easements - WITHDRAWN

21 - COMMUNICATION - Petition for Sewers on Mabel Avenue, Jeanette Road, Horseshoe Drive and Clayton Road. Mr. Scalzo asked that this be referred to the City Engineer for a survey. Mayor Eriquez so ordered.

22 - COMMUNICATION - Sewer Line at 54 Kenosia Avenue. Miss Fox 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 Fox, Machado and Mead to the committee.

23 - COMMUNICATION - Receipt of report from the Planning Commission regarding acceptance of Riverview Drive as a City road and acceptance of Riverview Drive as a City road, approve license agreements covering the placement of commercial signage on municipal property located at White Turkey Road Extension and approve road lighting cost sharing agreement between the Berkshire Corporate Park and the City of Danbury. Acceptance as approved on the Consent Calendar.

24 - COMMUNICATION - Receipt of positive Planning Commission report regarding the sale of Settlers Hill Road Lot No. A07009 and Old Hayrake Road Lot No. E07116, declare both parcels surplus property and refer both parcels to the Purchasing Department for sale through the sealed bid process. Acceptance was granted on the Consent Calendar.

25 - COMMUNICATION - Receipt of positive Planning Commission report recommending sanitary sewer easements on Old Neversink Road and approve quit claim of City easements on Old Neversink Road to Mr. James Heussner for purposes of installing a sewer line. Acceptance was granted on the Consent Calendar.

26 - COMMUNICATION - Receipt of negative Planning Commission report regarding acceptance of Sylvan Road as a City Road and to take no action at this time. Communication was accepted and no action taken on the Consent Calendar.

27 - COMMUNICATION - Receipt of positive Planning Commission report regarding acceptance of Deer Park subdivision as City roadways and acceptance of same as City roads. Acceptance was granted on the Consent Calendar.

28 - COMMUNICATION - Receipt of negative Planning Commission report regarding request for Concord Road to be accepted as City Road and take no action at this time. No action taken on the Consent Calendar.

29 - COMMUNICATION - Supplemental Police Services - Housing Authority of the City of Danbury. Mr. Boynton made a motion to accept the communication and authorize execution of the agreement. Seconded by Mr. Buzaid.

Mrs. Basso asked if this would come to the Common Council for renewal after one year. Mayor Eriquez stated that it will come before the Common Council only if funding is received. Mrs. Basso asked if a second dispatcher will be hired for the Police Department. Mayor Eriquez stated that there has been no need for an additional dispatcher and this will not be negotiated with the Police Union. Mrs. Basso stated that no quarterly reports have been received on the success of this program. Bernard Fitzpatrick apologized and will start to send reports.

Mr. Gomez stated that this is a good program and he likes the way it has been handled. Mr. Nolan asked if this program is in conflict with the Health Department needle exchange program. Mayor Eriquez stated that they have two different objectives.

Motion carried unanimously.

30 - COMMUNICATION - Request for light on Industrial Plaza Road. Miss Fox asked that this be referred to the City Engineer for a report back within thirty days. Mayor Eriquez so ordered.

31 - COMMUNICATION - Request for a review of the method of assessment. Mr. Gomez asked that this be referred to the Corporation Counsel, the City Engineer and the Director of Finance for reports back within thirty days. Mayor Eriquez so ordered.

32 - COMMUNICATION - Request for water extension on President's Street. Mr. Arconti 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 Nolan to the committee.

33 - COMMUNICATION & CERTIFICATION - Approval on the Consent Calendar of \$1,750 from the Contingency Account to the Corporation Counsel Outside Services Account for title searches appraisals related to easement acquisitions by the City at Mayfair Estates.

34 - COMMUNICATION - Request to officially name South Cove Road. Mrs. Coladarci asked that this be referred to the City Engineer, the Planning Director for reports back within thirty days. Mayor Eriquez so ordered.

35 - COMMUNICATION - Request for reimbursement of a broken sewer pipe on Rowan Street. Mrs. Abrantes asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

36 - COMMUNICATION - Bluebird Aviation Lease Assignment. Mrs. Coladarci asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

37 - DEPARTMENT REPORTS - Public Buildings, Engineering, Public Utilities, Public Works, Highways, Police, Parks and Recreation, Health and Housing, Welfare, Fire Chief, Fire Marshall, Department of Elderly Services. Mr. Setaro made a motion that the department 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 Miss Fox. Motion carried unanimously.

Mr. Setaro submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 7:20 P.M. on November 25, 1996 in the Council Chambers of City Hall to review an Ordinance which would expand the CityCenter Board of Commissioners from its current composition of 8 members to between 9 and 15 members.

Assistant Corporation Counsel Laszlo Pinter explained that the CityCenter Board seeks to increase its size to 12 members and that ex-officio members, the Mayor and Planning Director are not included in that number. Mr. Mark Nolan, Chairman of the CityCenter Board stated that the Board sought to increase its size in order to increase participation of downtown property owners, that the increased size would result in staggered terms and that since its inception in 1988 there had never been a tie vote. Committee members discussed the impact of increasing the size of the Board and the likelihood that votes of the CityCenter Board would result in a tie due to the even number of members.

Mr. Levy moved to recommend to the Common Council the adoption of the proposed subsection (b)(4) and subsection (10) of Section 19-B-6 of the Code of Ordinances and that subsection (b)(1) be amended to specifically set the composition of the Board of Commissioners at twelve (12) members. Seconded by Ms. Coladarci and passed unanimously.

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

THAT Paragraphs (b)(1) and (b)(4) of Section 19-B-6 of the Code of Ordinances of Danbury, Connecticut, are hereby amended and subsection (10) is hereby added to read as follows:

(b) Board of Commissioners:

(1) The board of commissioners shall have twelve (12) regular members and two (2) ex officio members. The commissioners shall be elected at large from the entire district, and may include members who are property owners, lessors of property, lessees of property and any employee(s) of the aforesaid categories. A majority of commissioners must at all times be property owners within the district. The board of commissioners is hereby empowered to fill any vacancies which occur on the board of commissioners. The two (2) ex officio members will be the mayor and the planning director.

(4) The term of office for commissioners shall be three (3) years. Terms shall be staggered so that at least one-third of the membership shall stand for election every year. At the election to be held in January, 1997, one-third of the full commission body shall be elected for a one (1) year term; one-third of the full commission body for a two (2) year term; and one-third of the full commission body for a three (3) year term. Thereafter, the term of all commissioners shall be three (3) years. Notwithstanding the foregoing, four (4) commissioners presently serving, whose terms expire January 1, 1998 shall continue to serve as members of the Board of Commissioners and shall comprise the first third to be designated as members of the newly designed Board of Commissioners. The above-described staggered elections shall therefore incorporate the continuing service of such four members through 1998. Upon the expiration of these four terms, these positions shall fold into the above described rotating sequence in a manner according with the above-referenced staggered sequence.

(10) Commissioners are required to attend at least fifty (50%) percent of all board meetings during a given calendar year. The chairman of the board of commissioners shall notify the board, in writing, of any commission member who has failed to so attend. Upon receipt of such written notification, the board may, after a hearing of the board during which the member in question may appear and respond to the notification, remove the violating member, and fill the vacant position in accordance with subsection (1) hereof.

The report was received and the ordinance adopted on the Consent Calendar.

39 - REPORT & ORDINANCE - Loitering, Unlaw Assemblies

Mr. Setaro submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:20 P.M. on November 25, 1996 in the Council Chambers of City Hall to review an Ordinance which would reduce the penalty for loitering from \$100 to \$90 in order to apply the citation procedure to this violation of the City Code of Ordinances.

Assistant Corporation Counsel Laszlo Pinter explained that by reducing the fine for violation of this section members of the Police Department may issue Infractions Summonses which do not require violator to appear in court and are payable by mail.

Mr. Mead moved to recommend to the Council the adoption of proposed (c) to Section 12-13 of the Code of Ordinances pertaining to loitering. Seconded by Ms. Fox and passed unanimously.

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

THAT subsection 12-13(c) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Section 12-13. Loitering, unlawful assemblies.

(c) Penalty for violation. Any person violating any of the provisions of this section shall be fined in an amount not exceeding ninety dollars (\$90.00).

Mr. Boynton made a motion to accept the report and adopt the ordinance. Seconded by Mrs. Coladarci and passed unanimously.

40 - REPORT & ORDINANCE - Citations

Mr. Setaro submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 7:20 P.M. on November 25, 1996 in the Council Chambers in City Hall to review an Ordinance which would authorize Danbury police officers to issue citations for, among others, violation of ordinances pertaining to loitering and unleashed animals.

Assistant Corporation Counsel Laszlo Pinter explained that three sections of the Code of Ordinances would be added to the citation procedure currently in place and that the citation procedure provides for a hearing process as opposed to judicial process, through which those charged with violations of particular City ordinances could be heard. Mr. Boynton moved to recommend to the Common Council the amendment and adoption of proposed Section 12-34 Citations to the Danbury Code of Ordinances. Seconded by Mr. Mead and passed unanimously.

The report was accepted and the ordinance adopted on the Consent Calendar.

41 - REPORT & ORDINANCE - Economic Incentive Ordinance Proposal

Mr. Setaro submitted the following report and ordinance:

The committee appointed to review the proposal to review the Economic Incentive Ordinance Proposal met on September 21, 1996 at 7:00 P.M. in Room 432 of City Hall. In attendance were committee members Setaro, Levy and Mead. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro, Jr., Mr. George Good, Chairman of the Economic Incentive Task Force and Council member Nolan ex-officio.

Mr. Gottschalk explained that the state enabling statute listed categories for business tax deferrals where a direct correlation existed between the size of the project and the amount of the tax deferral, characterized by sharp cliffs between categories with no rationale. Mr. Good explained that the Task Force had attempted to link the statutory categories with the creation of a specific number of jobs which would result from a proposed project where the ordinance would allow businesses the opportunity to obtain a tax deferral for development anywhere in the City. Mr. Gottschalk stated that the problematic issue resulting from linking the statutory requirements to the creation of a specific number of jobs is that a municipality would have to police businesses as to whether the requisite number of employees existed and were maintained by the business entity, which would ultimately carry an administrative burden to the City. Accordingly, the committee could choose to recommend an ordinance which extended to the entire City the current deferral formulas embodied in the existing ordinance pertaining to the redevelopment area.

Mr. Good added that the process envisioned by the Task force was that a developer would submit plans to the Planning Department for a staff report which would then be forwarded to the Common Council for final review on a case by case basis, the approval of which would result in a tax deferral. The Director of Finance stated that based upon the Grand List growth of the past several years, he did not foresee a substantial impact on the City revenue stream by deleting the linkage of tax deferrals to the creation of specific numbers of jobs and granting tax deferrals for business development throughout the City. The committee members each stated their agreement with the policy which the Task Force sought to promote, specifically, growth of the local Grand List.

Mr. Mead moved to recommend to the Common Council that Section 18a-25 of the Danbury Code of Ordinances be amended to delete references to the Redevelopment Area and that said section would read such that municipal tax deferrals for development would be applied to business development throughout the City. Seconded by Mr. Levy and passed unanimously.

The report was accepted and the ordinance deferred to public hearing on the Consent Calendar.

42 - REPORT & RESOLUTION - Redevelopment Contract with FUNN LLC

Mr. Setaro submitted the following report and resolution

The committee appointed to review the Redevelopment Contract between the City and FUNN LLC met on November 25, 1996 at 6:00 P.M. in Room 432 of City Hall. In attendance were committee members Setaro, Esposito, Levy and Mead. Also in attendance were Assistant Corporation Counsel Daniel Casagrande, Planning Director Dennis Elpern, Superintendent of Public Utilities Bill Buckley, Attorney Gary Michael and Mr. Harry Scheuschner representing FUNN LLC.

Mr. Setaro read a positive report of the Planning Commission and stated that the Redevelopment Agency had also approved the Redevelopment Contract regarding Parcel Number 9. Mr. Elpern explained that the contract before the committee was substantially the same as those previously approved for the Liberty Terrace and Village Bank redevelopment projects, and that Parcel Number 9 was viewed as difficult to develop due to the location and size of the parcel as well as the fact that a triangular piece of land owned by Yankee Gas jutted into the parcel (known as Parcel A). Mr. Casagrande stated that the City has taken steps to obtain the approximately 1900 sq. ft. triangular piece from Yankee Gas through condemnation proceedings, that this method of obtaining this piece would protect the City in the unlikely event that any environmental claims were brought against the City in the future and that the triangular piece had been appraised at a value of \$4,900.00. He added that another small sliver within Parcel 9 (referred to as Parcel B) would be leased by the redeveloper from the State Department of Transportation, that the redeveloper's securing this lease agreement would be a condition for transfer of the title to the parcel, that the lease envisioned by the parties was a five year lease with three future options and that the contract included a provision requiring the redeveloper to obtain RDA approval in the event that they sought a change in use of Parcel 9.

Mr. Michael explained that the proposal was characterized by three railroad cars which would serve as a restaurant with 19 parking spaces, that the contract requires proof from the redeveloper of financing commitments prior to transfer of title, that acquisition of the rail cars represented 70% of the cost, that the cars have already been obtained and that the target date for opening the restaurant is Spring 1997.

Mr. Mead moved that the committee recommend to the Common Council the approval of the attached resolution stating, but not limited to, the following:

1. The Common Council approves the Contract for Sale, and approves and authorizes the transfer of property to the Redeveloper in accordance with the terms of the Contract for Sale;
2. Pursuant to Section 8-128 of the Connecticut General Statutes the Common Council directs the Corporation Counsel to take all steps necessary to effectuate the acquisition of Parcel A no later than April 30, 1997;
3. The Mayor is authorized and directed to execute the Contract for Sale and all other documents necessary to effectuate the acquisition of Parcel A and the transfer of the property to the Redeveloper in accordance with the terms of the Contract for Sale.

Seconded by Mr. Levy and passed unanimously.

Resolved by the Common Council of the City of Danbury:

WHEREAS, in furtherance of the objectives of Chapter 130 of the Connecticut General Statutes, the Redevelopment Agency of the City of Danbury ("Agency") has undertaken a program for the clearance, reconstruction and/or rehabilitation of a deteriorated area in the City of Danbury, Connecticut, and in this connection is engaged in carrying out a downtown redevelopment project (hereinafter called "Project") in a 7.7 acre area (hereinafter called "Project Area") located in the center of the City; and

WHEREAS, as of the date hereof the Agency has prepared and approved an urban renewal plan for the Project, entitled "Downtown Danbury Redevelopment Plan" dated August 1, 1990 (hereafter called the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan has identified certain parcels of land in the Project Area for sale and redevelopment as hereinafter set forth; and

WHEREAS, on or about April 1, 1995, the Agency issued a Request for Proposals from persons interested in acquiring one or more parcels of land in the Project Area for uses specified in the Redevelopment Plan; and

WHEREAS, the Request for Proposals was published on April 12 and April 14, 1995 in the Danbury News-Times and in other regional newspapers; and

WHEREAS, FUNN, LLC, a Limited Liability Company organized and existing under the laws of the State of Connecticut (the "Redeveloper") submitted a proposal, in response to the Request for Proposals, to purchase Parcel 9 in the Project Area (the "Property") and to redevelop the Property in accordance with the uses specified in the Redevelopment Plan; and

WHEREAS, the Agency approved the preliminary selection of the Redeveloper on or about August 8, 1995; and

WHEREAS, the Redeveloper's proposal was thereafter reviewed and approved by the Agency's Technical Advisory Committee, and a Contract for the Sale of the Property to the Redeveloper (the "Contract of Sale") has been drafted by the Corporation Counsel and approved by counsel for the Redeveloper and the Technical Advisory Committee; and

WHEREAS, the Contract for Sale and the transfer of the Property to the Redeveloper were approved by the Agency on November 19, 1996, which approval was made conditional on approval by the Common Council; and

WHEREAS, the Property includes a certain parcel of land, 1,954 square feet in area, shown and described as Parcel "A" on a certain map entitled "Easement Map Showing Downtown Danbury Redevelopment Project, Disposition Parcel 9, Proposed Easements and Acquisitions in Conjunction with F.U.N.N., LLC, Scale 1" = 20', Areas: As Shown, Date: September 13, 1996", Prepared by Paul M. Fagan, L.S. #7756, which map is to be filed in the office of the Town Clerk of the City of Danbury (the "Map"), which parcel is now or formerly owned by Yankee Gas Services Company; and

WHEREAS, the Common Council approved the acquisition of Parcel A by eminent domain on November 7, 1996;

NOW, THEREFORE, BE IT RESOLVED:

1. The Common Council hereby approves the Contract for Sale, and approves and authorizes the transfer of the Property to the Redeveloper in accordance with the terms of the Contract for Sale.

2. Pursuant to Section 8-128 of the Connecticut General Statutes, the Common Council hereby directs the Corporation Counsel to take all steps necessary to effectuate the acquisition of Parcel A no later than April 30, 1997.

3. The Mayor is hereby authorized and directed to execute the Contract for Sale and all other documents necessary to effectuate the acquisition of Parcel A and the transfer of the Property to the Redeveloper in accordance with the terms of the Contract for Sale.

Mr. Boynton made a motion to accept the report and adopt the Resolution. Seconded by Miss Fox. Council Members Boynton, Mead, Valeri and Setaro all concurred that this is a good partnership between the City and the business community. Motion carried unanimously.

43 - REPORT - Olympic Drive

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review Olympic Drive met on November 12, 1996 at 7:00 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, Attorney J. Timothy Deakin, Charles N. Denais, John Tossi, Mary Ellen Bergtson and Eric Bergston.

The meeting was called to order to review the request at Olympic Drive for an extension of road on a parcel of land at the end of a 50 foot drive for future extension. The Planning Commission voted a negative recommendation because this property is zoned R80 53 and lots could be subdivided.

The petitioners want to obtain a 50 foot strip to get into the 26 acres of land to subdivide into 2 pieces of property. This would be an agreement with the City not to divide the property into any more than 2 parcels each about 12 to 13 acres. Mr. Machado stated that this would be difficult because the Planning Commission rejected this proposal and how do we come to a positive agreement. Mr. Deaking stated that he did not know how this process worked.

Mr. Shuler stated that we need more information of what final plans are. Easements are needed before this can be finalized. Mr. Machado made a motion to take no action at this time. Seconded by Mrs. Basso and passed unanimously.

The report was accepted on the Consent Calendar.

44 - REPORT - Hazardous Materials Response Proposal

Mr. Setaro submitted the following report:

The Common Council met as a Committee of the Whole at 7:45 P.M. on November 25, 1996 in the Council Chambers of City Hall to review the Committee Report of October 29, 1996 (Item Number 56; November 7, 1996 Agenda) recommending the adoption of the hazardous materials response proposal.

Fire Chief Carmen Oliver explained that the purpose of the proposal was to allow local firefighters to act as first responders at the scene of a hazardous materials incident, that over the last two years five (5) incidents have occurred, that the State Department of Environmental Protection (hereinafter "DEP") would respond in its usual fashion in the event of an incident despite the City Fire Department having this additional capability and that requests for assistance to communities with which Danbury has a mutual aid agreement would be considered but that these requests can be declined within the discretion of the City Fire Department. Fire Department Apparatus Superintendent Mr. Tomaino stated that the 1984 van and trailer donated by the Connecticut Light and Power Company for purposes of being fitted for use in response to hazardous materials incidents were in exceptionally good shape. Chief Oliver added that he foresees a useful life of the vehicle at between 5-10 years, that the approximately \$35,000 cost to upgrade the vehicle is worthwhile, that a newly purchased hazmat vehicle would cost approximately \$150,000 and that this expenditure is not desirable, and that his estimate of annual costs of \$5,000.00 to maintain the training and equipment for the twenty firefighters trained in rescue and identification in hazardous materials incidents is realistic.

City personnel Director Manny Merullo stated that he had shared the proposal and committee report with the City's labor relations attorney and that the issue of stipends had been raised in past negotiations by the Firefighters' Union, that arbitrators had not awarded these stipends in past interest arbitrations, that the Union has been included in discussions regarding the proposal before the Council and that it did not seem likely that negotiations would be requested regarding this proposal. City Environmental Services Coordinator Jack Kozuchowski explained that this hazardous materials response proposal was aimed at providing a local first response in the initial two hours of an incident prior to the arrival of DEP personnel and that the ability to provide an immediate local response would have had an impact in past incidents where personal safety and property were at risk.

Committee members discussed at length the necessity, benefits and cost of the proposal. Debate included whether approval of the Committee report and therefore its recommendations in favor of the proposal would duplicate services provided by the DEP, the quality of service provided by the DEP and the merits of pursuing alternative remedies through the DEP or other State agencies, future equipment and labor related costs to the City, and the public safety and fiscal implications to local taxpayers and businesses.

Mr. Boynton moved to recommend to the Common Council the approval of the Committee report and adoption of its recommendations. Seconded by Mr. Mead and passed 11-5 with Council members Scalzo, Abrantes, Arconti, Coladarci, Boynton, Valeri, Setaro, Esposito, Fox, Mead and Nolan voting in the affirmative and Council members McAllister, Levy, Gomez, Basso and Butera voting in the negative.

Mr. Boynton made a motion that the report be accepted and its recommendations adopted. Seconded by Mr. Mead.

Mrs. Basso stated that she is not against Haz-Mat but we should wait until we have a final cost. The reports are outdated. This is a case of double taxing. The State should provide this service. Miss Fox stated that she also does not want to double pay for things but what swayed her is that we should not have to wait 1½-2 hours for the State to arrive.

Mr. Boynton stated that this is a quality of life issue and the City should take the lead. This is good common sense and will be money well spent.

Mr. McAllister stated that this is a duplication of state services. We should address why it takes the State so long to get here. Mr. Mead stated that this plan is a win-win situation because of the shared cost. What happened to Mr. James should never happen to anyone else. Mr. Nolan stated that he had asked Jack Kozuchowski if a HAZ-MAT team would have made a difference and he said that it would have.

Mr. Levy stated that he is understanding of Mr. James position. He does not believe that a rescue would have been instantaneous. The potential would improve but safety would still prevail. There should not be a false sense of security. The proposal was turned down by two previous Councils. Mr. Valeri stated that Danbury is a good place to do business. HAZ-Mat will make it better. The DEP has dropped the ball in its coverage of the southeast corner of the State. Our legislative delegation should work toward some sort of equity between what we send it tax revenue and what we get back.

Mr. Setaro stated that there is a need for this service and the business community has identified the need. The benefit is the protection of life and property and the cost is supplemental, not duplication.

Mr. Levy asked how solid the \$5,000 is. Dominic Setaro stated that this is an estimate that the Chief put together. Does not really know how solid it is. Mr. Boynton moved the questions. Seconded by Mr. Mead. Motion to move the question carried unanimously.

The motion to accept the report and its recommendations carried with the members voting as follows:

Yes - Scalzo, Abrantes, Arconti, Coladarci, Boynton, Buzaid, Valeri Machado, Shuler, Setaro, Esposito, Fox, Gallagher, Mead, Nolan

No - McAllister, Levy, Gomez, Basso, Butera

15 yes 5 no

45 - REPORT - Request for sewer extension on Patriot Drive and Pahquioque Avenue.

Mr. Setaro submitted the following report:

The committee appointed to review the request for sewer extension on Patriot Drive and Pahquioque Avenue met on November 25, 1996 at 6:00 P.M. in Room 432 of City Hall. In attendance were committee members Setaro, Esposito, Levy and Mead. Also in attendance were Assistant Corporation Counsel Daniel Casagrande, Planning Director Dennis Elpern, Superintendent of Public Utilities Bill Buckley, Attorney Gary Michael and Mr. Harry Scheuschner representing FUNN LLC.

Mr. Setaro read a positive report of the Planning Commission. Mr. Buckley explained that the sewer extension would serve the proposed rail car restaurant for Redevelopment Parcel Number 9, that where the sewer line is extended the City will retain easement rights for purposes of maintenance of the lines and that so long as the sewer extension is approved pursuant to the usual 8 steps engineering plans can be submitted for the parcel. He added that this sewer extension will serve Parcel Number 9 only, that a water line which is currently located on Pahquioque Avenue will serve this parcel and that the extension of sewer to this parcel has no impact to other sewer users. Mr. Casagrande stated that the City needed to retain an easement for purposes of maintaining the sewer lines to which Mr. Michael responded in the affirmative on behalf of the redeveloper.

Mr. Mead moved that the committee recommend to the Common Council approval of the request for sewer extension on Patriot Drive and Pahquioque Avenue subject to the usual 8 steps. Seconded by Mr. Levy and passed unanimously.

The report was accepted on the Consent Calendar.

46 - REPORT - Mr. Setaro made a motion to add item 46 Request for Sewer and Water Extensions at 89 Mill Plain Road. Seconded by Mr. Gallagher. Motion carried unanimously.

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the application for extension of sewer and water for 89 Mill Plain Road met on December 2, 1996 at 5:30 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher and Butera. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioner Peter Alagna.

Mr. Buckley spoke favorable of the application in conjunction with the usual eight steps. Mr. Schweitzer concurred. After a brief discussion, Mrs. Butera moved to recommend approval of the application in accordance with the prescribed eight steps. Seconded by Mr. Gallagher. Motion carried unanimously.

Mr. Boynton made a motion to accept the report and adopt its recommendations. Seconded by Mrs. Coladarci. Motion carried unanimously.

47 - COMMUNICATION - Mr. Setarò made a motion to add item 47, a request from DAYO for funding. Seconded by Mr. Boynton. Motion carried unanimously.

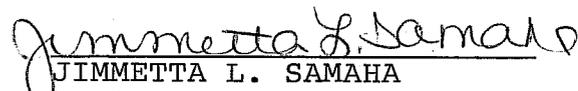
Letter from Charles J. Trombetta, President of Danbury Athletic Youth Organization requesting assistance in funding for the Danbury Trojans to travel to Orlando, Florida to compete for the National Pop Warner Football Championship.

Mr. Levy made a motion to receive the communication and make a contribution in the amount of \$4,500 subject to certification of funds by the Director of Finance. Seconded by Mr. Boynton. Motion carried unanimously.

Mayor Eriquez extended all committees except for item 22 from the October agenda which has been withdrawn and item 28 from the August agenda.

There being no further business to come before the Common Council a motion was made at 9:25 P.M. by Miss Fox for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk