

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

RE: Minutes of the Common Council Meeting held February 7, 1995.

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

Present - Levy, Scalzo, Yamin, Boynton, Dennehy, Gallagher, Machado, DaSilva, Esposito, Coladarci, Nolan, Scozzafava, Setaro, Trocolla, Valer

Absent - Falzone, Arconti, Outlaw, Charles, Gomez, Beck

15 Present - 6 Absent

Mr. Falzone, Mrs. Outlaw and Mr. Gomez were ill
Mr. Charles had a previous committment

PUBLIC SPEAKING

1. Lynn Waller, 83 Highland Avenue - Spoke regarding the COPS Ahead grant - Does this amount of money pay for the full officers, including benefits, etc. Will more officers be added or just these three.

2. Monica LeCoz, 23 Woodbury Drive - Rather than more grants, the City should improve the way the Police Officers do their jobs. They should write reports and give them to a typist to complete. More police officers are not needed. Also, why do people ask for street name changes. How much money does this cost? Fine for illegal dumping is expensive. Some people do not know where the dump is. The people dumping illegally are either police officers or civil servants.

At 7:40 P.M. Mr. Arconti and Miss Beck arrived and were marked present.

3. David Kraus, 29 Pondfield Road - concerned about New Fairfield changing the name of his road, but Danbury has not.

ANNOUNCEMENTS

Mayor Eriquez welcomed the Danbury JayCees, Girl Scouts 604 and Danbury Vikings who were in attendance.

The Mayor announced that the grand list has grown 1.2%
The HUD decision was made in favor of the City

Danbury has been awarded a franchise in the New England Collegiate League for 1995.

There will be a delegation going to our sister City in Dominican Republic.

February is Black History Month

February 4th - Council Member Harry Scalzo and his wife, Sandra, celebrated their wedding anniversary

February 10th - Minority Business Association Luncheon

February 12th - Ives Benefit Concert

February 12th - City Hall closed for Lincoln's Birthday

February 14th - Valentine's Day

February 15th - Remember the Main ceremony at 7:00 P.M.

February 18th - Volunteer Firemen's Ball

February 19th - 50th Anniversary of Iwo Jima. Council Member John Esposito was on Iwo Jima serving with the Marines and will attend ceremonies in Farmington

February 20th - City Hall Closed - Washington's Birthday

February 26th - American Cancer Society Raffle

Mayor Eriquez and the leadership of the Common Council presented medals to Vikings Coach Chuck Gartland and to Pop Warner Football players who were the New England Regional Champs.

Council President Joseph DaSilva wished Mayor Eriquez a happy birthday. The Mayor will celebrate his birthday on February 9th.

MINUTES - Minutes of the Common Council Meeting held January 4, 1995. Mr. DaSilva made a motion that the minutes 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. Setaro. Motion carried unanimously.

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

- 4 - Approve the School Based Health Center Continuation Grant -\$1,750
- 6 - Approve application for Surface Transportation Program - Improvement to Mill Plain Road and Newtown Road corridors - \$8,000,000
- 7 - Approve application for Surface Transportation Program - Improvement to I-84 Expressway Interchanges 5 and 6 - \$200,000
- 8 - Approve resolution with respect to the issuance and sale of \$5,295,000 General Obligation Bonds
- 13 - Approve appointments and reappointments of Jack Green, John Addressi and Arthur Colley to the Redevelopment Agency; George Rivard and Creighton Lee to the Parks and Recreation Commission; John Hoffer and Edward Moore to the Library Board of Directors; Sylvester Craig to the Transit District Board of Directors and Frances Kelly and Francis Kieras to the Richter Park Authority.
- 14 - Approve appointment of Ernst and Young as Independent Auditors.
- 19 - Approve reappropriation of \$130 in donated funds for Commission on Aging.
- 20 - Approve Health Department Supplemental Appropriation for \$3,048
- 21 - Approve waiver of bids and the appropriation of \$15,000 for the Public Utilities Department
- 23 - Approve addition of \$25,000 to the Fire Department Special Services Account
- 24 - Approve lease agreement between the City of Danbury and the United States Department of Commerce and authorize the Mayor to sign agreement
- 26 - Approve report and recommendation from the Tax Assessor to sell City property between Virginia Avenue and Grove Place for \$900
- 28 - Approve easement for road widening purposes at Starr Road
- 31 - Approve Bear Mountain Lease Agreement
- 32 - Approve General Mills Restaurants Inc. Lease Agreement
- 37 - Approve deletion of Chapter Three, Sections 3-3 and 3-4 from the Code of Ordinances
- 38 - Approve Recycling and Solid Waste Fee Schedule for 1994-95
- 39 - Approve the taking of no action regarding Assist Fire Chiefs as Fire Marshalls
- 40 - Approve Ordinance regarding illegal dumping
- 41 - Approve installation of sanitary sewers on Maplecrest Drive
- 42 - Approve installation of sanitary sewers on Mill Plain Road

Mr. Boynton made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Setaro. Mr. Scalzo said that regarding item 40 people who pride in their City will not dump illegally. Regarding item 13, Miss Dennehy stated that she has spoken to the two people being reappointed to the Richter Park Authority and feels that they have done a good job and supports their reappointments. Mayor Eriquez reminded the Council that item 40 contains Sections 16A-1, 12-34 and 12-35. Motion carried unanimously.

1 - ORDINANCE - Amendment to City Code of Ordinances Section 2-147. Miss Dennehy asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Proposed Amendment to City Ordinance Section 2-152. WITHDRAWN

3 - RESOLUTION - COPS AHEAD

RESOLVED by the Common Council of the City of Danbury:

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

its COPS AHEAD program; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and the Danbury Police Department, acting through its Chief, Nelson F. Macedo or his designee, are hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Gene F. Eriquez is authorized to sign all contracts or agreements therefor and to do all things necessary to effectuate the purposes of said grant. Any prior acts of the Mayor, Chief Macedo or his designee in applying for such grant are hereby ratified.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Miss Dennehy. Mr. Nolan asked if the City's 25% share is enough to cover compensation and benefits. Mayor Eriquez stated that when all expenses are included the City's share grows beyond 25%. There is a commitment to fill the table of organization, which is now between 9 and 12 new officers.

Motion carried unanimously.

4 - RESOLUTION - School Based Health Center Continuation Grant

RESOLVED by the Common Council of the City of Danbury:

THAT the Resolution passed by the Common Council on May 3, 1994, authorizing Mayor Gene F. Eriquez to apply to the State of Connecticut Department of Health (and addiction) Services for a School-Based Health Center Continuation Grant in an amount not to exceed \$100,000 for the period July 1, 1994 through June 30, 1995 with no local cash match required is HEREBY AMENDED so that the total grant amount to be applied for and accepted shall not exceed \$101,750 for the same funding period. This reflects a \$1,750 increase offered by the Connecticut Department of Public Health and Addiction Services.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Police Athletic League

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Police Athletic League ("P.A.L.") intends to construct a building in Hatters Park in order to conduct activities; and

WHEREAS, in order to defray the borrowing costs incurred by P.A.L. as a result of said construction, revenues generated from Hatters Park, except for the bowling alley lease, are to be pledged to P.A.L.; and

WHEREAS, it is in the interest of the City of Danbury to assist P.A.L. in the furtherance of its goals in said regard;

NOW, THEREFORE, BE IT RESOLVED THAT all operational revenues derived from the use of Danbury Hatters Park, except for the bowling alley lease revenues, be and are hereby pledged to P.A.L., shall be credited to the account of P.A.L. and shall be designated as part of the annual revenue source of P.A.L. in order to accomplish the purposes hereof.

Mr. Levy made a motion that the Resolution be adopted. Seconded by Mr. Boynton. Mr. DaSilva offered an amendment to add the wording "For the duration of the mortgage". Seconded by Mr. Setaro. Mr. Arconti asked if the number of years should be limited. Mr. DaSilva amended his motion to add the word "original" before the word mortgage. Mr. Setaro seconded. Mr. Nolan asked what the anticipated duration of the mortgage would be. The Mayor stated that it would be between 15-20 years. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

6 - RESOLUTION - Surface Transportation Program - Improvements to Mill Plain Road and Newtown Road Corridors.

RESOLVED by the Common Council of the City of Danbury:

Subject Grant: Surface Transportation Program (STP)

Project: Preliminary Engineering Design and Construction Phases for Improvements to Mill Plain Road and Newtown Road Corridors

WHEREAS, the Federal Highway Administration and the Connecticut Department of Transportation jointly fund the Surface Transportation Program by annually allocating funds to Regional Planning Agencies, which funds are intended for use in the improvement of roadways and traffic conditions in the regions served by said Regional Planning Agencies; and

WHEREAS, the Housatonic Valley Council of Elected Officials (HVCEO) is the designated agency through which the City of Danbury must apply for STP funds; and

WHEREAS, the City of Danbury wishes to apply to HVCEO for \$8.0 million of STP grant funds; and

WHEREAS, HVCEO's approval of the City's application will serve as authorization for the Connecticut Department of Transportation to use the City's share of said STP grant(s) for improvement of the State's roadway infrastructure located within Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply to the Housatonic Valley Council of Elected Officials for \$8.0 million of STP grants for preliminary engineering design and construction phases of improvements to the Mill Plain Road and Newtown Road Corridors, to accept such grant award(s) if its application is approved and to do all things necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Surface Transportation Program - Improvements to I-84 Expressway Interchanges 5 & 6

RESOLVED by the Common Council of the City of Danbury:

Subject Grant: Surface Transportation Program (STP)

Project: Preliminary Engineering Phase for Improvements to I-84 Expressway Interchanges 5 and 6

WHEREAS, the Federal Highway Administration will provide 80% and the Connecticut Department of Transportation will provide 20% of Surface Transportation Program (STP) funds for a total amount of \$200,000 for the Preliminary Engineering Phase for Improvements to I-84 Interchanges 5 and 6, with no local match required; and

WHEREAS, the City of Danbury desires to apply to the Housatonic Valley Council of Elected Officials (HVCEO), the designated Regional Planning Agency, for an allocation of \$200,000 in STP grant funds for said project; and

WHEREAS, once the City's application is accepted by HVCEO, the Connecticut Department of Transportation and the City of Danbury will enter into an agreement for the project which will require separate approval by resolution of the Common Council;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Enriquez, Mayor of the City of Danbury is hereby authorized to apply to the Housatonic Valley Council of Elected Officials for \$200,000 of STP grant funds for the Preliminary Engineering Phase of Improvements of I-84 Expressway Interchanges 5 and 6, to accept such grant award if its application is approved and to do all things necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Resolution with Respect to the Issuance and Sale of \$5,295,000 General Obligation Bonds

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

Section 1. \$2,100,000 of the unissued balance of \$2,300,000 of the \$4,300,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$4,300,000 For Improvements To Various City Dams Including West Lake Dam, Margarie Lake Dike Dam, Boggs Pond Dam, Upper Kohanza Dam, and Pandanaram Dam and Authorizing The Issuance of \$4,300,000 Bonds of the City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on September 1, 1992 and approved by the electors at a referendum on November 3, 1992, shall bear an original issue date of March 15, 1995 and mature \$105,000 on February 1 in each of the years 1996-2015, both inclusive.

Section 2. \$1,695,000 of the unissued balance of \$1,695,000 of the \$4,400,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Making Appropriations For Various Public Improvements Aggregating \$4,400,000 And Authorizing The Issuance of \$4,400,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on September 1, 1992 and approved by the electors at a referendum on November 3, 1992, shall bear an original issue date of March 15, 1995 and mature \$115,000 on February 1 in each of the years 1996-2000, both inclusive, \$75,000 on February 1 in each of the years 2001-2014, both inclusive and \$70,000 on February 1, 2015.

Section 3. \$1,500,000 of the unissued balance of \$2,950,000 of the \$7,000,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Authorizing The Issuance Of \$7,000,000 Serial Bonds To Finance The Additional Cost Of Improving The Sanitary Sewerage System Of The City of Danbury, By Means Of Constructing Lateral Sewer Lines And Authorizing The Issuance Of Such Bonds, The Cost of Such Improvements To Be Paid Solely By Benefitted Property Owners And/Or Federal Or State Grants", adopted by the Mayor and Council on April 20, 1977, and approved at a Special City Meeting on May 25, 1977, shall bear an original issue date of March 15, 1995 and mature \$75,000 on February 1 in each of the years 1996-2015, both inclusive.

Section 4. Said \$2,100,000, \$1,695,000 and \$1,500,000 bonds referred to in Sections 1 to 3, hereof, shall be combined into and issued and sold as a single issue of \$5,295,000 City of Danbury General Obligation Bonds, bearing an original issue date of March 15, 1995, maturing, in combination, \$295,000 on February 1 in each of the years 1996-2000, both inclusive, \$255,000 on February 1 in each of the years 2001-2014, both inclusive and \$250,000 on February 1, 2015, bearing interest payable on February 1 and August 1 in each year until maturity, commencing August 1, 1996 (the "Bonds").

Section 5. (a) \$1,695,000 of the bonds are determined to be issued for General Public Improvement purposes and shall be includible in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for General Public Improvement projects.

(b) \$1,500,000 of the bonds are determined to be issued for Sewer purposes and shall be includible in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for Sewer projects.

Section 6. Shawmut Bank Connecticut, N.A., of Hartford, Connecticut, is hereby appointed as agent of the City to act as Registrar and Transfer Agent, Certifying Bank and Paying Agent and with respect to the Bonds.

Section 7. The Bonds shall be issued as book-entry bonds in accordance with the terms and provisions set forth in a Letter of Representations from the City of Danbury to The Depository Trust Company, and the Mayor is hereby authorized to execute and deliver such letter on behalf of the City with such changes, insertions and deletions as he shall deem necessary and appropriate.

Section 8. The Mayor and City Treasurer are hereby authorized to execute and deliver a Tax Regulatory Agreement on behalf of the City of Danbury in such form and containing such terms and provisions as they deem necessary and appropriate, and to rebate to the Federal Government such amounts, if any, as may be required pursuant to the Tax Regulatory Agreement for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended.

Section 9. The Mayor and City Treasurer are authorized to issue and sell the Bonds in a competitive offering to the bidder or bidders offering to purchase the same at the lowest true interest cost to the City, such sale to be held on a date determined by the Mayor and the City Treasurer.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - Aide to Municipalities

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Taxpayers and residents of the City of Danbury are best served by elected officials who are fiscally responsible; and

WHEREAS, the Taxpayers and residents of the City of Danbury are best served by local budgets which do not increase taxes and maintains important local services, such as funding for education; and

WHEREAS, the Common Council of the City of Danbury seeks to implement responsible local budgets which do not increase real and personal property taxes; and

WHEREAS, reductions in State aid to cities and towns result in increased local property taxes and deep cuts in important municipal services;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Danbury that we hereby call upon the Governor and all members of the General Assembly, in particular, the Danbury delegation to the General Assembly, to vote against any reduction in State aid to the City of Danbury and to fight to maintain the current fiscal year level of state aid to the City of Danbury.

Mr. Arconti made a motion that the Resolution be adopted. Seconded by Mrs. Coladarci. Council Members Boynton, Dennehy, Gallagher, Yamin, DaSilva, Nolan, Trocolla, Scozzafava, Arconti, Levy, as well as the Mayor offered opinions on this Resolution. The full text of said speeches are on file in the Office of the City Clerk for public inspection.

Motion carried with Council Members Yamin and Nolan voting in the negative.

10 - RESOLUTION - Safe Neighborhoods Grant - WITHDRAWN

11 - COMMUNICATION - Letter from Mayor Eriquez appointed Council Members Setaro, Scalzo, Gallagher, Yamin and Scozzafava to the Education Budget Committee. Mr. Boynton made a motion that the communication be accepted. Seconded by Miss Dennehy. Motion carried unanimously.

12 - COMMUNICATION - Mechanically Processed Demolition Debris (MPDD) Disposal Agreement(s). Miss Dennehy asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance and the Superintendent of Public Utilities. Mayor Eriquez so ordered and appointed Council Members DaSilva, Esposito and Scozzafava to the committee.

13 - COMMUNICATION - Letters from Mayor Eriquez requesting appointment or reappointments to the following boards and commissions:

Redevelopment Agency - Jack Green, John Addessi and Art Colley for terms to expire January 1, 2000;

Parks and Recreation Commission - George Rivard and Creighton Lee for terms to expire December 1, 1997;

Library Board of Directors - John Hoffer and Edward Moore, Sr. for terms to expire January 1, 1998;

Transit District Board of Directors - Sylvester Craig for a term to expire July 1, 1998; and

Richter Park Authority - Frances Kelly and Francis Kieras for terms to expire September 1, 1997.

The appointments were confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that the firm of Ernst and Young be appointed independent auditors for the City of Danbury. The appointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from AIDS Coordinator Susan Durgy requesting permission two donations: one from the Connecticut Planning Associates in the amount of \$40 and the second from Kimberly Clark Corp. for ten cases of Attends adult undergarments. Mr. Boynton made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

16 - COMMUNICATION - Letter from Mr. and Mrs. Leo Brancato requesting permission to donate the sum of \$100 for the purchase of a tree to be planted in the City. Mr. Scalzo made a motion that the donation be accepted, the proper line item credited and letter of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

17 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept donations from Edyce Hornig for \$100; Brenda Manning for \$150; and Library Board of Directors for \$420. Miss Beck made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

18 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath asking permission to accept donations in the total amount of \$130 to the Department of Elderly Services. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letter of thanks sent. Seconded by Miss Beck. Motion carried unanimously.

19 - COMMUNICATION - Request from Director of Elderly Services Leo McIlrath requesting a transfer of \$130 from the Elderly Services Donations Account to the Commission on Aging Budget. A certification of funds was attached. The requested was granted on the Consent Calendar.

20 - COMMUNICATION - Request from Director of Health William Campbell for a supplemental appropriation in the amount of \$3,048; \$2,198 to be used for unanticipated cost of temporary clerical service and the remaining \$850 to cover additional mileage reimbursement. A certification of funds was attached. The transfer of funds was approved on the Consent Calendar.

21 - COMMUNICATION - Request from Superintendent of Public Utilities William Buckley for the sum of \$15,000 for the purchase of a used Landfill Compactor and a request from Purchasing Agent Warren Platz for a waiver of bids. A certification of funds was attached. The requests were granted on the Consent Calendar.

22 - COMMUNICATION - Appropriation - Dog License Fund. Mr. Scalzo asked that this be referred to an ad hoc committee, the Chief of Police and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Gallagher, Dennehy and Nolan to the committee.

23 - COMMUNICATION - Letter from Fire Chief Oliver requesting that the sum of \$25,000 be added to the Fire Department Special Services Account. The request was granted on the Consent Calendar.

24 - COMMUNICATION - Lease Agreement between the City of Danbury and the United States Government Department of Commerce for the ASOS Installation at Danbury Airport. The lease was approved on the Consent Calendar.

25 - COMMUNICATION - Interlude, Inc. Property Taxes, Grand Street. Mrs. Coladarci asked that this be referred to the Corporation Counsel and the Director of Finance for reports back within thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Report from the Tax Assessor stating that \$900 is a reasonable price for a portion of City land between Virginia Avenue and Grove Place. The report was accepted on the Consent Calendar.

27 - COMMUNICATION - Request for change of name from Pondfield Road to Smoke Hill Road. Miss Dennehy asked that this be referred to an ad hoc committee, the Planning Commission and the Planning Director. Mayor Eriquez so ordered and appointed Council Members Falzone, Trocolla and Yamin to the committee.

28 - COMMUNICATION - Reports from the Planning Commission, the City Engineer and the Corporation Counsel recommending acceptance of a road widening parcel on Starr Road. The reports were accepted on the Consent Calendar.

29 - COMMUNICATION - Kruzynski Well. Miss Dennehy asked that this be referred to the Planning Commission and the Tax Assessor for reports back within thirty days. Mayor Eriquez so ordered.

30 - COMMUNICATION - Paint Products, Inc. Miss Dennehy asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

31 - COMMUNICATION - Bear Mountain Lease Agreement with Brian Michalek as a licensee tenant in the ranger cottage. This license would terminate on December 31, 1995 with two (2) one year option periods. The lease agreement was approved on the Consent Calendar.

32 - COMMUNICATION - Request from Assistant Corporation Counsel Les Pinter requesting an additional thirty days extension to the Net Ground Lease for General Mills Restaurants, Inc. Red Lobster/Olive Garden. The extension was granted on the Consent Calendar.

33 - COMMUNICATION - Request for Water Extension - 19 Beckerle 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 Enriquez so ordered and appointed Council Members Levy, Scalzo and Yamin to the committee.

34 - COMMUNICATION - Request for Sewer Extension - 2 & 4 DePalma Lane. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer and the Superintendent of Public Utilities. Mayor Enriquez so ordered and appointed Council Members Levy, Scalzo and Yamin to the committee. This was also referred to the Planning Commission.

35 - COMMUNICATION - Request for Sewer Extension - 28 Myrtle Avenue. Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Enriquez so ordered and appointed Levy, Scalzo and Yam to the committee.

36 - DEPARTMENT REPORTS - Engineering, Highways, Department of Public Utilities, Health and Housing, Fire Chief, Fire Marshall. Mr. DaSilva 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 Mr. Setaro. Motion carried unanimously.

37 - REPORT & ORDINANCE - Chapter Three - Deletion of Sections 3-3 and 3-4. Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review the proposed deletion of Chapter 3 from the Code of Ordinances. This chapter was written in 1925 and now is in conflict with present zoning ordinances.

Mr. Boynton moved to recommend approval of the proposed deletion of Chapter 3. The motion was seconded by Miss Dennehy and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of sections 3-3 and 3-4, which said sections are hereby repealed.

The report and ordinance were accepted on the Consent Calendar.

38 - REPORT & RESOLUTION - Recycling and Solid Waste Fee Schedule 1994-95.

Mr. DaSilva submitted the following report and resolution:

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review the proposed demolition rates at the City landfill. These rates reflect City action to accept demolition because of the impending closure of the facility.

Mr. Boynton moved to recommend approval of the proposed rates. The motion was seconded by Miss Dennehy and passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Code of Ordinances authorizes the establishment of Passenger and Non-Passenger Vehicle Permits and User Fees for the use of the Danbury Recycling Center and the Danbury Landfill site; and

WHEREAS, the following Permit and User Fees represent a fair and equitable means of defraying a portion of the annual cost of operating the Danbury Recycling Center and Danbury Landfill site;

NOW, THEREFORE, BE IT RESOLVED THAT the Permit Fees for Passenger vehicles and Non-Passenger/Non-Commercial vehicles with a rated capacity of one ton or less, without modifications which would affect the rated capacity, and registered to a Danbury resident, shall be fixed by the Common Council, in the form of a fee schedule, attached hereto as Schedule A. The Permit shall allow the following:

(a) The MSW Permit, shall allow the disposal of residentially generated Municipal Solid Waste (with the exception of those Additional Wastes and Listed Permitted Wastes identified in Schedule A), generated solely by the household of the permit holder, at the Danbury Landfill site.

(b) The MSW Permit or the Recycling Permit, shall allow the disposal of residentially generated recyclables, including, but limited to, newspapers, cardboard, as well as food and beverage containers composed of recyclable plastics, metal or glass at the Danbury Recycling Center.

(c) The MSW Permit or the Recycling Permit, shall allow the disposal of leaves for composting at the Danbury Landfill site.

(d) The MSW Permit, when presented in combination with sufficient number of RSW coupons, which coupons may be purchased from the City at the rate established in Schedule A, shall allow for the disposal of Additional Wastes as set forth in said Schedule A.

(e) The MSW Permit or the Recycling Permit, when presented in combination with a sufficient number of RSW coupons, shall allow for the purchase of Recycled Materials, as set forth in Schedule A.

(f) All Passenger vehicles bearing Disabled Veteran, Handicapped Permit or POW registration plates shall be exempted from the provisions hereof relating to permit fees. Upon request, the owner of any such vehicle may obtain an annual Passenger Vehicle Permit free of charge. This exception shall be limited to one permit per household.

BE IT FURTHER RESOLVED THAT only those Collectors possessing a permit issued pursuant to the provisions of section 16A-81 of the Danbury Code of Ordinances shall be permitted access to the Danbury Sanitary Landfill for the purpose of delivery and disposal of certain Listed Permitted Wastes generated in the City of Danbury (or as authorized pursuant to an agreement between the City of Danbury and the HRRRA or any other municipality) and described in Schedule A. An additional fee, as provided for in Schedule A, shall be charged for the disposal of said wastes.

BE IT FURTHER RESOLVED THAT the fee for the disposal of mechanically processed demolition debris shall be as provided in said Schedule A.

BE IT FURTHER RESOLVED THAT all permit and user fee bills which remain unpaid for more than thirty (30) days after the date when payment is due, shall accrue interest from the date of billing at the rate of one and one-half (1-1/2%) percent per month; provided, however, that in no event shall any such interest charge be less than three (\$3.00) dollars. Failure to pay any such bill within said thirty day period shall result in suspension of said permit until payment is made in full.

BE IT FURTHER RESOLVED THAT the provisions hereof and of Schedule A shall take effect on January 9, 1995.

The report and resolution were adopted on the Consent Calendar.

39 - REPORT - Assistant Fire Chiefs as Fire Marshalls

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review a proposed ordinance change regarding the use of Assistant Chiefs of the Fire Department as Fire Marshalls. Corporation Counsel Eric Gottschalk explained that this is considered by the City to be an item that is not subject to collective bargaining but that the City's bargaining team would like to discuss this with the Fire Union. He recommended that the Council defer action at this time.

Mr. Esposito moved to recommend that no action be taken at this time. The motion was seconded by Miss Dennehy and passed 15-2 with Mr. Scalzo and Mr. Boynton voting in the negative.

The report was accepted and no action taken on the consent calendar.

40 - REPORT & ORDINANCE - Illegal Dumping

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review a proposed ordinance regarding illegal dumping in the City of Danbury. This would greatly strengthen the penalties for illegal dumping in the City. The fine of \$1,000.00 is the limit allowed by State Statute.

Mr. Boynton moved to recommend approval of the ordinance as proposed. The motion was seconded by Mr. Charles and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 16A-1, which said section reads as follows:

Sec. 16A-1. Illegal dumping.

Pursuant to the provisions of Section 1 of Public Act 94-200, a fine of one thousand (\$1,000) dollars is hereby established for the violation of (1) subsection (a) of section 22a-250 of the Connecticut General Statutes, (2) subsection (f) of section 22a-220a of the Connecticut General Statutes, as amended by section 4 of said public act, or (3) subsection (i) of section 22a-220a of the Connecticut General Statutes, as amended by section 3 of said act.

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-34, which said section reads as follows:

Sec. 12-34. Citations.

(a) In accordance with the provisions of Connecticut General Statutes, Subsection 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in Subsection (b) hereof may be enforced by citation.

(b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

(1) The fire chief or his designee shall be authorized to issue citations for violations of the provisions of sections 3A-42, 3A-43 and 3A-49 of the Danbury Code of Ordinances.

(2) The health director or his designee shall be authorized to issue citations for violations of the provisions of articles II, V and VI of chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6 and 10-7 of the Danbury Code of Ordinances.

(3) The director of public works or his designee shall be authorized to issue citations for violations of the provisions of sections 12-22, 12-31, 12-32, 16A-1, 17-43 as well as the provisions of articles I and II of chapter 16, article I of chapter 17 and articles I and II of chapter 21 of the Danbury Code of Ordinances.

(4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-14, 12-24, 12-33 and 18-13 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in paragraphs (1) through (3) of this subsection.

(c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-35, which said section reads as follows:

Sec. 12-35. Citation hearing procedure.

In accordance with the provisions of Connecticut General Statutes, Section 7-152c, the following procedure is established for the enforcement of municipal citations:

- (a) At any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued pursuant to the provisions of Section 12-34 of the Danbury Code of Ordinances for an alleged violation of any of the ordinances identified therein and adopted pursuant to Connecticut General Statutes, Section 7-148 or the provisions of Section 1 of Public Act 94-200, a designated officer or employee of the city shall send notice to the person cited. Such notice shall inform the person cited:
- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
 - (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
 - (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and,
 - (4) That such judgment may issue without further notice.
- (b) If the person who is sent notice pursuant to subsection (a) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the city. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person, or of the person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (a) shall be deemed to have admitted liability, and the

designated city official or employee shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedure set forth in subsection (d) of this section.

(c) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice; provided, the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by an issuing officer or employee shall be filed and retained by the city, be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes, and be evidence of the facts contained therein. The presence of the issuing officer or employee shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated city official, other than the hearing officer, may present evidence on behalf of the city. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violations, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the city.

(d) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area, together with an entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment in the amount of such record of assessment and court costs against such person in favor of the city.

Notwithstanding any other provision of the General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

- (e) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, in the superior court for the geographical area, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.
- (f) The mayor shall appoint and the common council shall confirm two (2) or more citation hearing officers, other than officers or employees who issue citations, to conduct hearings authorized by this section. All such officers shall serve for a term of two (2) years.

The report and ordinance were accepted on the Consent Calendar.

41 - REPORT - Sanitary Sewers on Maplecrest Drive

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review a proposed installation of a sanitary sewer line at Maplecrest Drive. Public hearings were held prior to this meeting and in December.

City Engineer Jack Schweitzer explained three options for this project. They are 1) the original plan for the whole area; 2) sewerage only the eastern section of the area and 3) the eastern section plus two bordering properties from the western section. Most residents in the eastern section were in favor of the installation and most residents in the western section were opposed to it. In total there was a majority of people in the whole area who were in favor. A number of people at the preceding public hearing spoke in favor of the sewer line installation. The Chairman listed the communications in favor and against. Those in favor outnumbered those in opposition.

After discussion, Mr. Scozzafava moved to recommend approval of plan #1, the sewerage of the whole Maplecrest Drive area. The motion was seconded by Miss Dennehy and passed 16-1 with Mr. Yamin voting in the negative.

The report was accepted on the Consent Calendar.

42 - REPORT - Sanitary Sewers on Mill Plain Road

The Common Council met as a committee of the whole at 7:33 P.M. on January 23, 1995 to review the proposed installation of a sanitary sewer line on Mill Plain Road. There are five properties on the proposed line.

Mr. Charles moved to recommend approval of the sanitary sewer line installation on a portion of Mill Plain Road. The motion was seconded by Miss Dennehy and passed unanimously.

The report was accepted on the consent calendar.

43 - COMMUNICATION - ADL Contracting Corporation/Reliable Excavating Co/City of Danbury Golden Hill/Padanaram Road Project. WITHDRAWN

44 - COMMUNICATION - Errichetti Associates v. City of Danbury.
At 9:15 P.M. Mr. DaSilva made a motion to enter into executive session to discuss this matter. Seconded by Mrs. Coladarci. Motion carried unanimously.

At 10:30 P.M. the Common Council reconvened in open session. Mr. Boynton made a motion to take no action at this time regarding item 44. Seconded by Miss Dennehy. Motion carried unanimously.

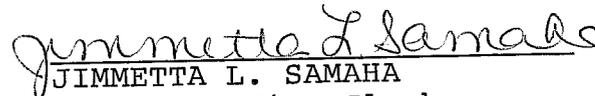
The Mayor extended all committees.

The Mayor replaced Mr. Cappiello on the following committees:

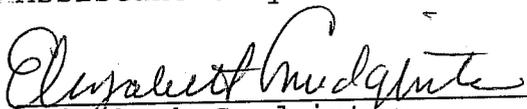
May, 1994 - Item 29 - Mr. Scozzafava
May, 1994 - Item 30 - Mr. Yamin
September, 1994 - Item 37 - Mr. Scozzafava

There being no further business to come before the Common Council a motion was made by Mr. Gallagher for the meeting to be adjourned at 10:33 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk