

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

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

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 - Levy, Scalzo, Yamin, Arconti, Boynton, Dennehy, Machado, Outlaw, DaSilva, Esposito, Coladarci, Gomez, Nolan, Scozzafava, Setaro, Trocolla, Valeri

ABSENT - Falzone, Gallagher, Charles, Beck

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

PUBLIC SPEAKING - There were no members of the public wishing to address the Common Council.

MINUTES - Minutes of the Common Council Meeting held February 7, 1995. Mr. DaSilva made a motion that the minutes be accepted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mrs. Outlaw. Motion carried unanimously.

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

- 2 - Approve application for Department of Children & Families Grant in Aid - \$185,000
- 3 - Approve application for Local Capital Improvement Program - \$464,197.00
- 4 - Approve amendment to Bond Resolution for \$5,295,000
- 5 - Approve Airport rotating beacon site acquisition of access properties
- 10 - Approve request for reappropriation of \$197.60 for Department of Elderly Services
- 11 - Approve Right of Entry Agreement at Union Station
- 16 - Approve conveyance of small portion of City property to Paint Products, Inc. at corner of White Street and Eighth Avenue
- 18 - Approve declaration of surplus at 48-48½ Balmforth Avenue and 67 Maple Avenue

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

ANNOUNCEMENTS

Mayor Eriquez offered condolences to Ben DaSilva and Joe DaSilva on the recent death of their brother.

Mayor Eriquez offered congratulations to Council Member Harry Scalzo and his wife Sandy on the birth of their granddaughter, Kendall Elizabeth Krafick, born March 4, 1995.

- 1 - RESOLUTION - Library Community Room Renovations

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 98-480 (Federal Library Services and Construction Act Title II) provides for federal funds for library construction and Connecticut General Statutes Section 11-24c provides for state funds for library construction; and

WHEREAS, the Danbury Public Library requests that the Common Council approve an amendment to its original application and the resolution passed by the Council on September 8, 1993 allowing the Library to apply to the Connecticut State Library for a grant for the funding period of January 1993 - July 1995. The new grant amount to be applied for is \$252,225 which requires a local cash match of \$177,225 which local cash match includes \$5,000 as a donation, \$50,000 jointly from the Danbury Public Library Board of Directors and Friends of the Library, together with \$122,225 from the City of Danbury; and

WHEREAS, if a one-year extension is/was requested, the local cash match is required by July 1995 or 1996; and

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

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

To improve the use of the public community room and lobby through (1) rewiring for greater electrical capacity and flexibility to accommodate new technology. For example, improved public address and sound system, and the installation of a video projection system, (2) new lighting, (3) installation of carpeting, and (4) improved seating.

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

BE IT FURTHER RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to sign all contracts or agreements in connection with this grant, or revisions thereof, and to accept the grant award.

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

2 - RESOLUTION - Department of Children & Families Grant in Aid

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed eighty-five thousand (\$85,000) dollars are available from the State of Connecticut Department of Children and Families for 1995-96 Youth Services Bureau Operations; and

WHEREAS, the continuation of the Youth Services Bureau for an eighteenth year is deemed to be in the best interest of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of Gene F. Eriquez, as Mayor of the City of Danbury, in applying for said funds be and hereby are ratified and that Mayor Gene F. Eriquez be and hereby is authorized and directed to contract with the State of Connecticut Department of Children and Families for a state cost sharing grant not to exceed \$85,000 for a Youth Service Bureau for the fiscal period commencing July 1, 1995.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all documents, applications or other pertinent instruments to this program.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Local Capital Improvement Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$454,197.00 to cover the cost of Rebuilding and Repaving of Roads; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five-year period by the Danbury Planning Commission on February 8, 1995; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for completed and reimbursed project numbers:

Projects-Completed/Reimbursed

034-88-010	City Hall Roof Replacement	\$ 65,311.00
034-88-020	Replace Tanks/Boilers - City Bldgs.	220,875.00
034-89-010	Replace Cross Street Bridge	35,775.00
034-89-020	Repair/Replace Roofs - City Bldgs.	176,700.00
034-89-030	Water Services - Tarrywile	123,668.23
034-89-050	Rebuild/Repave Highways	83,617.00
034-89-070	Replace Cross Street Bridge	234,245.00
034-90-010	Rebuild/Repave Highways	59,945.00
034-90-020	Downtown Green Design	35,000.00
034-90-040	Roof-Fire/Police Maintenance Bldgs.	81,971.83
034-91-010	Rebuild/Repave Roads	517,828.42
034-92-010	Downtown Green Construction	114,999.54
034-92-020	Library Book Security System	39,807.75
034-92-050	Rebuild/Repave Highways	143,878.00
034-93-010	Rebuild/Repave Highways	318,011.52

Projects Completed - Unreimbursed

034-92-030	Triangle Street Bridge	\$109,000.00
034-93-010	Rebuild/Repave Highways	318,011.52
034-94-020	Library Cooling Tower	25,127.00
034-94-030	Tarrywile Park Farmhouse	28,000.00

Uncompleted Projects

034-92-040	Cross Street Bridge Replacement	\$100,000.00
034-93-020	Replace Triangle Street Bridge	91,000.00
034-93-030	Replace/Renovate HVAC City Hall	60,000.00
034-94-010	Rebuild/Repave Highways	388,079.71

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$454,197.00 for the Rebuilding and Repaving of Roads to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$10,000.00 to cover the cost of Rogers Park Field Improvements; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five-year period by the Danbury Planning Commission on February 8, 1995; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for completed and reimbursed project numbers:

Projects-Completed/Reimbursed

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Uncompleted Projects

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034-93-030	Replace/Renovate HVAC City Hall	60,000.00
034-94-010	Rebuild/Repave Highways	388,079.71

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$10,000.00 for the Rogers Park Field Improvements to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Amendment to Bond Resolution

RESOLVED by the Common Council of the City of Danbury:

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

Section 4 of the Resolution entitled "Resolution With Respect To The Issuance And Sale of \$5,295,000 General Obligation Bonds Of The City of Danbury" adopted by the Common Council on February 7, 1995, is amended to reflect that interest shall be payable semi-annually on February 1 and August 1 in each year until maturity, commencing on August 1, 1995.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Airport Rotating Beacon Site - Acquisition of Access Properties.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury holds a permanent easement and right of way over a portion of property off Spruce Mountain Trail (rear) shown and described in a certain easement from Doris Jean Gemza to the Town of Danbury dated July 22, 1963, recorded in Volume 393 at Page 565 of the Danbury Land Records on August 8, 1963 and further depicted on Town Clerk Maps No. 3487 and No. 9036; and

WHEREAS, said easement and right of way permitted the Town of Danbury to erect and maintain a rotating airport beacon light, poles, transmission line structures and other appurtenances over, upon, across and under said property of the Grantor; and

WHEREAS, it is now in the best interests of its successor, the City of Danbury, to acquire permanent ownership of said property and additional property known as Parcels "B-1" and "B-2" as set forth on "Map Showing Land to be Acquired by the City of Danbury from Tancy Jean Gemza and Marcie Elyce Gemza and Peter Priano and Susan Ferraguzzi Spruce Mountain Trail, Danbury, Conn. Scale 1" = 40' January 30, 1991" and which property is further described on the attached Schedules "A" and "B"; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said property upon the amount, if any, to be paid for the respective rights of each to be taken in and to the real property hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests now or formerly of Tancy Jean Gemza and Marcie Elyce Gemza, and Peter Priano and Susan Ferraguzzi as set forth on the attached Schedules and map, either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned property and the owners thereof, their successors, heirs and assigns and their respective mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

6 - COMMUNICATIONS - Appointments to Boards and Commission.

Letters from Mayor Gene F. Eriquez requesting confirmation of the following appointments and reappointments:

William R. Sullivan to the Library Board of Directors for a term to expire January 1, 1998.

Alice D. Hyman as an alternate to the Planning Commission for a term to expire January 1, 1997.

Mark Boughton as an alternate to the Planning Commission for a term to expire January 1, 1996.

Rafael F. Pina to the Civil Service Commission for a term to expire January 1, 1998 and Trudy Taylor to the Civil Service Commission for a term to expire January 1, 1996.

Linda Molinaro to the Board of Ethics for a term to expire August 1, 1996.

Mr. Boynton made a motion that the appointments and reappointments be confirmed. Seconded by Mr. Gomez. Motion carried unanimously.

7 - COMMUNICATION - Letter from the Danbury Garden Club donating the sum of \$100 for the purchase of a blooming tree to be planted at the War Memorial in the final phase of its "Freedom Tree" series. Mrs. Coladarci made a motion that the donation be accepted, the proper line item credit and a letter of thanks sent. Seconded by Mr. Gomez. Motion carried unanimously.

8 - COMMUNICATION - Letters from Library Director Betsy McDonough requesting permission to accept the donations of a video cassette recorder, color television, headphones and a closed-caption decoder and videotapes from Comcast Cablevision; the sum of \$30,000 from the Library Board of Directors, \$20,000 from the FRIENDS of the Danbury Library and \$5,000 from the Savings Bank of Danbury for the renovation of the Library's Community Room; and the sum of \$60 from Edyce Hornig for the BOOKS line item. Miss Dennehy made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

9 - COMMUNICATION - Letter from Leo McIlrath asking permission to accept donations totaling the sum of \$112.60. Mrs. Coladarci made a motion that the donations be accepted and letters of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

10 - COMMUNICATION - Request from Leo McIlrath requesting a transfer of funds in the amount of \$197.60 from the Elderly Services donations account to the Commission on Aging budget for office supplies. A certification of funds was attached. The transfer was approved on the consent calendar.

11 - COMMUNICATION - Right of Entry Agreement for Union Station with the State of Connecticut permitting replacement of sidewalks and curbs on State property. The agreement was approved on the Consent Calendar.

12 - COMMUNICATION - Sublicense Agreement with the Danbury Railway Museum, Inc. for purposes of general rail yard cleanup, improvement and ultimately for the operation of a railway museum. Mr. DaSilva made a motion that the sublicense agreement be approved. Seconded by Mr. Boynton.

Mr. Boynton asked if the Common Council would be periodic updates on the operation of the Museum. Mayor Enriquez stated that data would be available, but technically the Museum does not report to the City, but he is sure they would be glad to give a presentation from time to time.

Motion carried unanimously.

13 - COMMUNICATION - Request for Sewer and Water Extension, McKay Road and Nabby Road. Mr. DaSilva asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer, and the Planning Commission. Mayor Enriquez so ordered and appointed Council Members Coladarci, Arconti and Yamin to the committee.

14 - COMMUNICATION - Exchange of Property, Newtown Road. Mr. Levy 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 Gallagher, Valeri and Scozzafava to the committee.

15 - COMMUNICATION - Crescent Drive Water Line Break. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities, and the Corporation Counsel. Mayor Eriguez so ordered and appointed Council Members Machado, Outlaw and Scozzafava to the committee.

16 - COMMUNICATION - Report from the Planning Commission giving a positive recommendation for the conveyance of a small portion of City land to Paint Products, Inc. The report was accepted on the Consent Calendar, and the conveyance approved.

17 - COMMUNICATION - Request from Philip Kallinkos from reimbursement of expenses for auto repairs. Mr. Arconti asked that this be referred to an ad hoc committee, the Corporation Counsel and the Risk Manager. Mayor Eriguez so ordered and appointed Council Members Setaro, Gomez and Nolan to the committee.

18 - COMMUNICATION - Letter from Attorney Eric Gottschalk recommending that property acquired by the City at 48-48½ Balmforth Avenue and 67 Maple Avenue be declared surplus. The request was granted on the Consent Calendar.

19 - DEPARTMENT REPORTS - Department of Elderly Services, Public Utilities, Highways, City Engineer, Health and Housing, Fire Chief, Fire Marshall, Parks and Recreation. 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. Boynton. Mr. Levy noticed that reports have not been received from the Department of Weights and Measures. Mayor Eriguez stated that he will remind departments that they must submit reports in time to be included on the monthly agenda. Motion carried unanimously.

20 - REPORT - Mechanically Processed Demolition Debris (MPDD) Disposal Agreement(s).

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review proposals for mechanically processed demolition debris met at 7:40 P.M. on February 23, 1995. In attendance were committee members DaSilva, Esposito and Scozzafava. Also in attendance were Mayor Gene Eriguez, Corporation Counsel Eric Gottschalk, Superintendent of Public Utilities, Director of Finance Dominic Setaro, petitioner Peter Fusco and his attorney, Joseph Biraglia and petitioners Phil LoPresti, Jr., and Phil LoPresti, Sr.

Mr. Gottschalk explained that the P & G proposed agreement addresses 50,000 tons of MPDD to be delivered to the Danbury Landfill by July 31, 1996 at \$26.50 per ton. In addition they would provide transportation and equipment to haul refuse from household residents who choose not to have a collector (moms & pops) from the Landfill to the transfer station. The value of these services is \$8.50 per ton and totals \$425,000. When added to the \$1,325,000 from tipping fees the total proposal is worth \$1,750,000.

If the P & G proposal is recommended the attorney for P & G Sanitation and the Corporation Counsel will work out a performance bond or a personal guarantee from Mr. Fusco to guarantee the proposal. Mr. Buckley stated that all negotiations began at the \$35.00 per ton fee that was approved by the Common Council. A dollar value was given to all proposed services that would have a cost value to the City. This was broken down to a per ton fee and subtracted from the original \$35.00 per ton fee. The security deposit for P & G Sanitation was set at \$78,000 which was proportional to the fee set for the AWD contract that was passed by the Common Council in January, 1995.

Mr. Gottschalk explained that the Danbury Carting proposal was received after the agreement with AWD and after the receipt of a proposal from P & G Sanitation and this proposal should be compared with the P & G proposal as the City has 50,000 tons of capacity that it is prepared to commit at this time.

Mr. Buckley stated that the proposal submitted by Danbury Carting offered services to offset the \$35.00 per ton tipping fee that would not be of monetary value to the City. Mr. LoPresti then offered a new proposal to the committee that had not been seen by the Corporation Counsel or any other City personnel before this time. Because of the lateness of the submission and after a review of the proposal, Mr. Buckley recommended approval of the P & G proposal and rejection of the Danbury Carting proposal. He stated that as the City gains greater knowledge of remaining capacity an agreement might be made with Danbury Carting. At this time the LoPrestis left the meeting.

The committee then compared the two proposals. Mr. Buckley and Mr. Setaro determined that the P & G Sanitation proposal was more favorable to the City of Danbury. While both proposals offered free transportation of mom & pop refuse from the landfill to the transfer station, the Danbury Carting proposal did not specifically include the provision of equipment for the disposal of this refuse as did the P & G Sanitation proposal. This is worth \$50,400 to the City. The Danbury Carting proposal offered refuse pickup from City operated fire stations that would be worth \$9,300 over three years and a \$25.00 per ton tipping fee. By comparison, the P & G Sanitation proposal, at \$26.50 per ton tipping fee, generates \$75,000 more in revenue than that offered by Danbury Carting.

In the final analysis, the P & G Sanitation proposal has a minimum value of \$63,700 and a maximum value of \$114,100 more than the Danbury Carting proposal to the City of Danbury. Based on the financial advantage of the P & G Sanitation proposal to the City of Danbury, Mr. Scozzafava moved to recommend approval of the P & G Sanitation proposal. The motion was seconded by Mr. Esposito. The consensus of the committee discussion that followed was that from a business standpoint then P & G Sanitation proposal would serve the best interests of the City. The motion was passed unanimously.

Mr. Boynton made a motion to approve the report as read. Seconded by Mrs. Coladarci. After comments and questions, the motion carried unanimously.

21 - COMMUNICATION - ADL Contracting Corporation/Reliable Excavating Co. Golden Hill-Padanaram Road Project. Settlement of Litigation. Mr. DaSilva asked that this be moved to the end of the agenda for Executive Session. Mayor Eriquez agreed.

22 - COMMUNICATION - Errichetti v. City of Danbury. Mr. DaSilva asked that this be moved to the end of the agenda for Executive Session. Mayor Eriquez agreed.

23 - COMMUNICATION - Mr. DaSilva made a motion to add item 23 to the agenda, resignation from the Zoning Commission. Seconded by Mrs. Coladarci. Motion carried unanimously.

Letter from Patrick Daubert resigning his position on the Zoning Commission due to work considerations. Mr. Boynton made a motion that the resignation be accepted. Seconded by Mr. Setaro. Motion carried unanimously.

ANNOUNCEMENTS

March 6th - Council Member Tom Arconti and City Clerk Elizabeth Crudginton celebrated their birthdays.

March 17th - Council Member Roberto Gomez will celebrate his birthday. The Mayor thanked Mr. Gomez for his good work in organizing the trip to the Dominican Republic.

March 19th - Council Member Tom Valeri will celebrate his birthday.

March 13-19 - Older Workers Week

March 27-31 - Take a Parent to School Week

March 9th - Rotary Club Auction

March 11th - Hibernians Ball

March 16th - Girl Scouts Run your City Day

March 17th - St. Patrick's Day Flag Raising at Noon at City Hall

March 18th - Immaculate High School Hall of Fame Dinner

March 22nd - Boy Scouts Run your City Day

March 23rd - Benefit Dinner for Danbury High School Alumni David Wilda

March 24th - Melrose School Concert at St. James Church
March 25th - Elks Drug Awareness Program
March 30th - Jaycees Distinguished Service Award Dinner
March 31st - Danbury Garden Club Freedom Tree Planting
March 31st - Fashion Show to benefit the Women's Center

At 8:17 P.M. Mr. Boynton made a motion to enter into Executive Session. Seconded by Mr. Setaro. Motion carried unanimously.

At 9:35 P.M. the Common Council reconvened in open session.

21 - Mr. Yamin made a motion to authorize the Corporation Counsel to act on the proposals as set out in Executive Session. Seconded by Mr. Setaro. Motion carried unanimously.

22 - Mr. DaSilva made a motion that the Corporation Counsel keep the Common Council informed regarding developments in the matter of Errichetti v. City of Danbury. Seconded by Mrs. Coladarci. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 9:36 P.M. by Mr. Setaro for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk