

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

RE: Minutes of the Common Council Meeting held June 6, 1995

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

Present - Levy, Scalzo, Yamin, Arconti, Boynton, Dennehy, Gallagher Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Beck, Nolan, Scozzafava, Setaro, Trocolla, Valeri

Absent - Falzone, Gomez

19 Present - 2 Absent

Mr. Gomez was ill

PUBLIC SPEAKING

1. Susan Elbaum, 67 Wildman Street - Since they have been unable to resolve the conflict with her firm, Carpenters Extraordinaire and the Tarrywile Park Authority, they have been forced to seek legal representation. She would like to have her attorney discuss this matter with the Corporation Counsel, but was informed that this was not possible while the matter was in the hands of the Common Council. Requests that this matter be referred back to the Corporation Counsel so that discussions can be commenced.

ANNOUNCEMENTS

June 4th - Probate Judge Dianne Yamin celebrated her birthday

June 21st - City Engineer Jack Schweitzer will celebrate his birthday

June 6 - Immaculate High School Graduation

June 7 - Downtown Business Olympics

June 8 - Americans with Disabilities Seminar

June 9-11 Greek Festival

June 9 - Danbury Garden Club Luncheon

June 9 - Regional Hospice Art Show

June 10 - Low cost Rabies Clinic 1-3 P.M. at Public Works

June 11 - Elks Club Flag Day Ceremonies at 1 P.M.

June 13 - Rogers Park Middle School Graduation

June 13 - Danbury High School Graduation

June 14 - Flag Day Ceremonies at Catholic War Veterans - 7 P.M.

June 18 - Soap Box Derby -9:30 A.M.

June 22 - Hord Foundation Scholarship Reception

June 25 - Special Olympics Delegation arrives

June 30 - Fireworks at Airport with Danbury Fair Mall

July 2nd- Fireworks at Candlewood Lake

July 3rd- Pops Concert and Fireworks at Ives Center

July 4th- Independence Day - City Hall Closed

Mr. Boynton congratulated Mayor Eriquez and Marta Eriquez on the birth of their son Zachary Gene born June 6th at 4:34 a.m. weighing 7 lbs. 2 oz and measuring 20¼ inches. Mr. DaSilva presented a proclamation from the Common Council. Mayor Eriquez thanked the Common Council and said that all the applause belongs to Marta.

MINUTES - Minutes of the Common Council Meeting held May 2, 1995 and the Special Common Council Meetings held May 22, 1995 and May 31, 1995. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading as all members have copies and copies are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Charles. Motion carried unanimously.

CONSENT CALENDAR - The following items were presented on the Consent Calendar by Mr. Esposito:

- 1 - Approve application for Alzheimer Aide Grant - \$20,000
- 2 - Approve application for AIDS Prevention Program Grant - \$172,000
- 3 - Approve application for State of Connecticut River System Program - \$88,580
- 4 - Approve Resolution regarding Federal Highway Safety Program Grant \$5,495
- 5 - Approve application regarding Bond and Note Disclosure
- 7 - Approve acceptance of Farmer's Market Coupon Program Grant- \$722.50
- 8 - Approve application for CDBG 21st Year Application - \$708,000
- 11 - Approve request for reappropriation of donated funds for Department of Elderly Services - \$174.00
- 13 - Approve appointments of David Athans and John Gogliettino to the Environmental Impact Commission
- 14 - Approve appointment of Robert Smart to the Candlewood Lake Authority
- 15 - Approve appointments of John Gentile, Grace Scire, Dr. Larry Cohen, Jane Davis and Gudrun Sterling to Commission on Persons with Disabilities
- 16 - Approve appointment of Carol Smith to the Parks and Recreation Commission
- 18 - Approve appointments of Robert Lovell, Carol Smith and Marita Repole to the Tarrywile Park Authority
- 19 - Approve appointments of Jack Schweitzer, Eric Gottschalk, Paul Galvin, Warren Levy and Joseph Scozzafava to the Interlocal Negotiating Committee with Ridgefield
- 20 - Approve request for \$4,000 for City of Danbury Retiree Volunteer Program
- 21 - Approve permission for carnival to benefit D.A .R.E.
- 28 - Approve request for funds for Corporation Counsel's Office - \$25,000
- 30 - Approve receipt of survey regarding Candleview Ridge area sewer project and take no action at this time
- 34 - Approve amendment to City Code of Ordinances Sec. 2-147 Purchasing
- 35 - Approve request to change assigned addresses on Reservoir Road
- 36 - Approve final sewer assessment on Ledgemere Drive
- 37 - Approve receipt of report regarding property tax relief and take no action at this time
- 38 - Approve Governmental Entities Review and Evaluation Committee Report and recommendations
- 40 - Approve receipt of report and recommendations regarding the Suspense List
- 42 - Approve receipt of report and recommendations regarding exchange of property on Newtown Road
- 43 - Approve request for water extension at 2 Edgewood Street and 118 Westville Avenue Ext.
- 44 - Approve request for water extension at Edgewood Street
- 46 - Approve request to renumber South Street
- 47 - Approve receipt of report and recommendation regarding Resolution to acquire two parcels of land from Wooster School

Mr. Gottschalk requested that in item 5 the word be Resolution not application. Mr. Boynton made a motion to adopt the Consent Calendar with the above correction. Seconded by Miss Dennehy. Mr. DaSilva requested the removal of item 19. Mr. Scozzafava requested the removal of item 30. Motion carried unanimously.

1 - RESOLUTION - Alzheimer Aide Grant

WHEREAS, the State of Connecticut Department of Human Services, Division of Elderly Services acting through the Western Connecticut Area Agency on Aging, Inc. will accept an application from the City of Danbury Department of Elderly Services for a state grant of \$20,000 for an Alzheimer Aide for its Interweave Adult Day Care Center for the fiscal period of July 1, 1995 through June 30, 1996; and

WHEREAS, no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury and Leo McIlrath, Director of the Department of Elderly Services are hereby authorized to apply for said grant funds and to accept such grant, if the application is approved. The Mayor is further empowered to execute any agreements/contracts therefor and to do all things necessary to effectuate the purposed thereof.

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - AIDS prevention Program Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health and Addiction Services (DPHAS) through its AIDS Prevention Program has made grant funds available to full-time health departments to provide HIV health education information and expanded services for the period July 1, 1995 through June 30, 1996; and

WHEREAS, grant funds not to exceed \$172,000 requiring no local match will be made available to the Danbury Health Department for its AIDS Risk Reduction Outreach Education Program, HIV Counseling and Testing Services, its Needle Exchange Program and its Ryan White Title II Case Management Program, upon approval of a grant application therefor; and

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

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

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

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - State of Connecticut River System Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Protection (DEP) has received authorization from the State Bonding Commission to provide funding in the amount of \$900,000 for the physical restoration of the State's River System; and

WHEREAS, the DEP is making funds available from this program to municipalities for specific restoration projects through a competitive grant proposal process; and

WHEREAS, the City of Danbury has recently received a grant application package in a solicitation for proposals from DEP's Water Resources Bureau and is eligible to receive a portion of the funding for river restoration projects in Danbury; and

WHEREAS, the City has recently completed improvements to its Sewage Treatment Plant which have enhanced the water quality of the Still River and is presently completing a stormwater management plan to further improve the water quality of the Still River; and

WHEREAS, a recently completed survey of the Still River corridor has identified specific areas where the physical structure, biological habitat and stormwater runoff zones in the stream channel and its banks can be improved; and

WHEREAS, such improvements to the environmental health and integrity of the river corridor, combined with the development of recreational access to the river will provide the City with a revitalized resource for its citizens; and

WHEREAS, the Danbury Health Department, as an agency of the City of Danbury, has coordinated efforts to improve the water quality of the river;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury, and the Danbury Health and Housing Department, acting through William J. Campbell, Director of Health and Jack S. Kozuchowski, its Coordinator of Environmental and Occupational Health Services, as the Mayor's designees, are hereby authorized to apply to the State of Connecticut Department of Environmental Protection for River Restoration Grant funds in the amount of \$88,580 and to accept such grant if it is approved; and

BE IT FURTHER RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is authorized to make, execute and approve any and all contracts or amendments thereof in connection with said grant and to take any actions necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Federal Highway Safety Program Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Federal Highway Safety Program funds are being made available through the State of Connecticut Department of Transportation Division of Highway Safety to local police agencies for Driving Under the Influence (DUI) Traffic Safety Enforcement Programs; and

WHEREAS, an application for a grant of \$5,495.00 is being made to the Connecticut Department of Transportation by the City of Danbury on behalf of the Danbury Police Department in order to purchase a DUI breath testing system, with no local cash match required; and

WHEREAS, the funding period involved will be the period from project approval notification through September 30, 1996.

NOW, THEREFORE, BE IT RESOLVED THAT all actions of the Mayor of the City of Danbury and the authorized representatives of the Danbury Police Department in applying for said grant are hereby approved and they are further empowered to take any and all further actions necessary to effectuate the purposes thereof and to accept said grant funds if so awarded.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Bond and Note Disclosure

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION AUTHORIZING CITY OFFICIALS TO COVENANT AND AGREE ON BEHALF OF THE CITY TO COMPLY WITH SECURITIES AND EXCHANGE COMMISSION EXCHANGE ACT RULE 15c2-12

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor, the Treasurer and the Director of Finance, or any two of them are hereby authorized, on behalf of the City of Danbury to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12 ("Rule 15c2-12"), as amended, as may be necessary, appropriate or desirable to effect the sale of the

bonds and notes heretofore or hereafter authorized to be issued by the City. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved. The City may also provide for agreements, representations or covenants to be made on behalf of the City to comply with Rule 15c2- in bond authorizations as may hereinafter be enacted.

The Resolution was adopted on the Consent Calendar.

Mayor Eriquez stated that he wanted to congratulate the Mill Plain Fire Company on its anniversary parade and carnival. Also regarding item 22, Town Aid Bonus this was awarded for road resurfacing because of the City's commitment to affordable housing.

Mayor Eriquez also again thanked Corporation Counsel Daniel Casagrande, as well as the Corporation Counsel staff for its good work on the Errichetti case. Attorney Casagrande thanked the Common Council for its support during the case

6 - RESOLUTION - American Lung Association - Donation of a Computer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the American Lung Association of Connecticut, in conjunction with the Connecticut Department of Public Health and Addiction Services, has offered to loan a 486 personal computer to the Danbury Health Department on a long term basis for the benefit of the Tuberculosis Control Program; and

WHEREAS, said computer will enable the Danbury Health Department to better manage TB Program data and to communicate electronically with the Connecticut Department of Health and Addiction Services; and

WHEREAS, the acceptance of said offer is in the best interests of the City of Danbury and its residents;

NOW THEREFORE, BE IT RESOLVED that Mayor Gene F. Eriquez and William J. Campbell, Director of the Danbury Health Department, are hereby authorized to enter into an agreement between the City of Danbury and the American Lung Association of Connecticut, a copy of which is attached hereto, and be it further resolved that Gene F. Eriquez and William J. Campbell be and hereby are authorized to take any additional action necessary to effectuate the purposes hereof.

Miss Dennehy made a motion that the communication be accepted, the Resolution adopted and a letter of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

7 - RESOLUTION - Farmer's Market Coupon Program Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Agriculture will make available to the City of Danbury Health and Housing Department Farmer's Market Coupon Program Funds for the period of July 1, 1995 through September 30, 1995 in the amount of \$722.50; and

WHEREAS, the funds will be used for supplemental staffing or overtime in the administration of the WIC Farmer's Market Check Program which enables WIC participants to purchase farm-fresh fruits and vegetables at local Farmer's Markets; and

WHEREAS, no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED THAT the Health and Housing Department is hereby authorized to accept said funds and Mayor Gene F. Eriquez or his designee in the Health and Housing Department is authorized to do any and all things necessary to effectuate the purposes of this program.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - CDGB 21st Year Application

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1987, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 1995 through July 31, 1996 for the Twenty-First Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept donations to the from Jean Prince in the amount of \$50.00; George Lane in the amount of \$12.41; and Margorie H. Oakes in the amount of \$25.00. Miss Dennehy made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Miss Beck. Motion carried un-animously.

10 - COMMUNICATION - Letter from Director of the Department of Elderly Services Leo McIlrath asking permission to accept donations to the department in the total amount of \$174.00. Mr. Levy made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried un-animously.

11 - COMMUNICATION & CERTIFICATION - Request from Leo McIlrath of a transfer of funds in the amount of \$174.00 from the Elderly Services donations account to the Commission on Aging budget for the office supplies account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

12 - COMMUNICATION - Appointments to the Planning Commission.
WITHDRAWN

13 - COMMUNICATION - Letter from Mayor Eriquez requesting the confirmation of the appointment of David D. Athans to the Environmental Impact Commission for a term to expire December 1, 1995 and the re-appointment of John Gogliettino for a term to expire December 1, 1997. The appointments were confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Robert Smart to the Candlewood Lake Authority for a term to expire April 1, 1998. The reappointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Gudrun K. Stirling to the Commission for Persons with Disabilities for a term to expire March 1, 1997 and the reappointments of John Gentile for a term to expire March 1, 1997 and Grace Scire and Dr. Larry Cohen and Jane Davis for terms to expire March 1, 1998. The appointments were confirmed on the Consent Calendar

16 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Carol Smith to the Parks and Recreation Commission for a term to expire December 1, 1997. The reappointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Appointments to the Redevelopment Agency.
WITHDRAWN

18 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Robert Lovell to the Tarrywile Park Authority for a term to expire May 1, 1997 and Carol Smith and Marita Repole for terms to expire May 1, 1998. The reappointments were confirmed on the Consent Calendar.

19 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointments of Jack Schweitzer, Eric Gottschalk, Paul Galvin, Warren Levy and Joseph Scozzafava to the Interlocal Committee to discuss and negotiate a proposed Interlocal Agreement with the Town of Ridgefield. Mr. DaSilva made a motion that the communication be accepted and the appointments confirmed. Seconded by Mr. Arconti. Motion carried with Mr. Gallagher and Mr. Trocolla voting in the negative.

20 - COMMUNICATION & CERTIFICATION - Letter from Mayor Eriquez requesting that the sum of \$4,000 be transferred from the Contingency Fund to cover miscellaneous costs involved with the Danbury Retiree Volunteer Program. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

21 - COMMUNICATION - Letter from Police Chief Nelson Macedo requesting permission for the City to sign a contract with Country Amusements to hold a carnival from July 4th to July 8th in the parking lot next to the Patriot Garage. Twenty Percent of the proceeds from the carnival rides will be donated to the D.A.R.E Program. The request was granted on the Consent Calendar.

22 - COMMUNICATION - Letter from Director of Finance Dominic Setaro informing the Common Council that on May 15th the City received a check in the amount of \$101,317 from the State of Connecticut which represents additional Town Aid Road money as a result of the City qualifying for this additional bonus as per Section 8-336-F of the Connecticut General Statutes. He recommended that the Common Council approve the appropriation to the Town Aid Road, "Maintenance of Highways, Curbs and Walks". Mr. Boynton made a motion that the communication be accepted and the sum of \$101,317 be appropriated to the appropriate line item. Seconded by Miss Dennehy. Miss Beck asked if there were matching funds required. Mayor Eriquez stated that there were not. Motion carried unanimously.

23 - COMMUNICATION - Letter from Director of Finance Dominic Setaro stating that as is customary whenever a labor contract is not settled at the end of a fiscal year, we must accrue what we anticipate to be the retroactive payments due to employees of that bargaining unit. Therefore, he recommends that the Common Council approve the transfer from the Contingency account in the amount of \$81,008.85 to the Public Buildings, Highway, Equipment Maintenance, Recycling/Solid Waste, Parks and Recreation, Tree Warden and Airport Regular Salaries and Overtime Services Account. Mr. Boynton made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Charles. Mr. Trocolla asked if these funds come from this year's contingency account. Mayor Eriquez stated that they do. Motion carried unanimously.

24 - COMMUNICATION & CERTIFICATION - Letter from Personnel Director Manny Merullo stating the agreement between the Fire Union and the City of Danbury and a certification of funds in the amount of \$124,540.00. Mr. Boynton made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mrs. Outlaw. Motion carried unanimously.

25 - COMMUNICATION & CERTIFICATION - Letter from Personnel Director Manny Merullo stating the agreement between the Teamsters - Public Buildings and the City of Danbury and a certification of funds in the amount of \$13,606.00. Mr. Boynton made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

26 - COMMUNICATION & CERTIFICATION - Letter from Personnel Director Manny Merullo stating the agreement between DMEA and the City of Danbury and a certification of funds in the amount of \$84,539.00. Mr. Boynton made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Miss Beck. Motion carried unanimously.

27 - COMMUNICATION & CERTIFICATION - Letter from Personnel Director Manny Merullo stating the agreement between the Teamsters - Highways and a certification of funds in the amount of \$125,148.00. Miss Beck made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mrs. Coladarci. Motion carried unanimously.

28 - COMMUNICATION & CERTIFICATION - Letter from Corporation Counsel Eric Gottschalk requesting the sum of \$25,000 to be transferred to the Litigation Special Account. A Certification of Funds was attached. The transfer of funds was authorized on the Consent Calendar.

29 - COMMUNICATION - Report from Corporation Counsel Eric Gottschalk regarding Political Signs. Mr. DaSilva asked that this be referred to an ad hoc committee, the Corporation Counsel and the respective Town Chairmen. Mayor Enriquez so ordered and appointed Council Members DaSilva, Coladarci and Scozzafava.

30 - COMMUNICATION - Letter from City Engineer Jack Schweitzer offering the results of a survey regarding sewers in the Candleview Ridge area. 32.9% were in favor, 45.7% were opposed and 21.4% did not respond. Miss Dennehy made a motion to accept the communication and take no action at this time. Seconded by Mr. Boynton. Mr. Boynton stated that there are no immediate health hazards in the area. The majority of the residents voted not to participate in the project and past practice was to let residents decide. Mayor Enriquez stated that there have never been State or Federal funds available for a project of this nature. Mr. Scozzafava stated that he removed this item from the consent calendar because there were many residents of the Candleview Ridge area in the audience and they should have an explanation. Motion carried unanimously.

31 - COMMUNICATION - Request for Extension of Time for a sewer extension at 20 Boulevard Drive. Mr. Arconti asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. The Mayor so ordered and appointed Council Members Scalzo, Machado and Yamin to the committee.

32 - COMMUNICATION - Letter from Corporation Counsel Eric Gottschalk recommending that the Common Council declare Assessor's Lot No. B09006, Rockwood Lane and Assessor's Lot No. K14127, Jansen Street surplus. Mrs. Coladarci asked that this be referred to the Planning Director, the City Engineer and the Planning Commission for reports back in thirty days.

33 - DEPARTMENT REPORTS - Engineering Department, Public Buildings, Public Utilities, Public Works, Tree Supervisor, Health and Housing, Fire Chief, Fire Marshall, Police. 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. Mr. Levy and Mr. Nolan complimented the departments, especially the Fire Chief, on their reports. Motion carried unanimously.

34 - REPORT & ORDINANCE - Amendment to City Code of Ordinances
Section 2-147 - Purchasing

Mr. DaSilva submitted the following report and Ordinance:

The Common Council met as a committee of the whole at 7:50 P.M. on May 22, 1995 to review proposed ordinances 2-147(b) and 2-147(c) which deals with the Purchasing Department. Mr. Arconti moved to recommend approval of the ordinance as proposed. The motion was seconded by Mr. Scalzo and passed unanimously.

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

THAT subsections 2-147(b) and 2-147(c) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

(b) Purchases or sales in sums of five hundred dollars (\$500.00) or less may be awarded based on a single bid, or competitive bids which may be sought and accepted orally.

(c) Local purchase orders may be used at the discretion of the city department involved for work in progress with authorization by the purchasing agent, provided that such purchase order does not involve an amount greater than one hundred dollars (\$100.00).

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

35 - REPORT - Request to Change Assigned Addresses on Reservoir Road.

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the request to change assigned addresses on Reservoir Road met on Monday, May 22, 1995 at 8:20 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Scalzo, Gomez and Scozzafava. Also in attendance were Fire Chief Carmen Oliver and the affected property owners. Councilman Levy attended, ex-officio.

Discussion by the property owners centered on the same concerns that they presented at the Common Council meeting of May 2, 1995. A major concern of everyone present was emergency service.

Mr. Scozzafava made a motion to recommend to the Common Council the address change of numbers 16, 18, 20 and 22 Reservoir Road to Bethel. Motion was seconded by Mr. Gomez and was passed unanimously.

The report was adopted on the Consent Calendar.

36 - REPORT & RESOLUTION - Final Sewer Assessments - Ledgemere Drive.

Mr. DaSilva submitted the following report and resolution:

The Common Council met as a committee of the whole at 7:50 P.M. on May 22, 1995 to review the assessment for the sewer installation at Ledgemere Drive. This is the final action needed by the Common Council as the sewer installation is complete.

Mr. Trocolla moved to recommend approval of the sewer assessments on Ledgemere Drive as proposed. The motion was seconded by Mr. Charles. A discussion ensued regarding the method of assessment. Following the discussion, the motion passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Ledgemere Drive Sanitary Sewer Line; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before July 1, 1995 provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Ledgemere Drive Sanitary Sewer Line;

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.

2. The minimum annual installment payment shall be Two Hundred Eighty-Five Dollars (\$285.00).

3. The interest on any deferred payments hereunder shall be due at a rate per annum of 5.50 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as follows:

CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT
OF ASSESSMENT OF BENEFITS

The undersigned Tax Collector of the City of Danbury in the County of Fairfield, State of Connecticut hereby certifies from the date hereof an installment payment plan is in effect for payment of an assessment of benefits for the installation of a sewerage system, in favor of the City of Danbury, upon real property situated in said City, which real property is more fully described in the City Land Records in:

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The notice of such assessment of sewerage benefits herein certified is to _____ (owner of property), the principal of which is \$ _____ due to said City of Danbury, together with legal interest fees and charges thereon assessed on July 1, 1995 in the name of _____, and the same becomes due on July 1, 1995 and may be paid in annual installment payments of \$ _____ each plus interest at the rate of 5.50 percent on the unpaid balance and continuing to _____.

This certificate is filed pursuant to Section 7-253 of the General Statutes, as amended.

The property assessed is:

Lot _____

Street _____

Item No. _____

Tax Collector

Received _____, 19__

At _____ M.

Recorded in the Danbury Land Records

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Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessments of Benefits by virtue of the construction of the sewer project are hereby fixed as follows:

(list attached)

The report was received and the assessments approved on the Consent Calendar.

37 - REPORT - Property Tax Relief

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:50 P.M. on May 22, 1995 regarding an ordinance proposing Property Tax Relief. This would give tax relief to those who were eliminated in the Governor's proposed budget. This would include tax relief to the elderly, blind and veterans of the armed forces.

Mayor Eriquez and Corporation Counsel Eric Gottschalk explained that because the State Legislature has not concluded its budget process, the Common Council might consider the withholding of action at this time. When the State budget is completed, the Council can adjust the ordinance to meet the specifications of that budget. The monies needed to meet the proposals in the ordinance are contained in the City of Danbury's 1995-96 budget.

Mr. Arconti moved to recommend the acceptance of the communication and the offering of no recommendations at this time, pending action by the State Legislature. The motion was seconded by Mr. Machado and passed unanimously.

The report was approved on the Consent Calendar.

38 - REPORT - Governmental Entities Review and Evaluation

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:50 P.M. on May 22, 1995 to review the Governmental Entities Review and Evaluation Committee report. This report recommended the termination of the Commission on Equal Rights and Opportunities and recommended the continuation of the Redevelopment Agency, the Housing Site Development Agency, The Flood and Erosion Control Board and the Tarrywile Park Authority.

Mr. Gallagher moved to recommend approval of the proposals as presented by the Governmental Entities Review and Evaluation Committee report. The motion was seconded by Mr. Charles. A discussion was held regarding the termination of the Commission on Equal Rights and Opportunities. It was explained that Mr. Julio Lopez is the City's compliance officer in matters of equal rights and opportunities and fulfills the obligation of that board. There is also a State of Connecticut agency that acts on complaints along these lines. The motion carried unanimously.

The report was accepted on the Consent Calendar.

39 - REPORT - Rent Reduction at Bear Mountain Cottage.

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for a rent reduction at the Bear Mountain Cottage met on May 18, 1995 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher, Trocolla and Yamin. Also in attendance were Barbara Monsky, Chairman of the Conservation Commission, Brian Michalek, Bear Mountain caretaker and Corporation Counsel Eric Gottschalk.

Mrs. Monsky explained how under the license agreement, the caretaker is required to perform a variety of tasks and these are reflected in the rent paid on the cottage. While the duties required have increased, the rent has stayed the same. The increased duties include mowing of the park lawns. Mr. Michalek had been performing these additional duties for the last year, with assurances from the Conservation Commission that the rent would be reduced.

Mr. Trocolla moved to have the license agreement amended to reflect the rent reduction of \$100.00 per month as well as the additional duties. The motion was seconded by Mr. Yamin and passed unanimously.

Mr. Boynton made a motion that the report be received and the recommendations adopted. Seconded by Miss Dennehy. Mr. Setaro asked if the committee asked why the Conservation Commission thought it could offer a rent reduction when it does not have the authority to do so. Mr. Gallagher answered that they did not ask this but their decision was not based on this. Motion carried unanimously.

40 - REPORT - Suspense List

Mr. Boynton submitted the following report:

The committee met on May 17, 1995 in Room 432 in City Hall at 7:30 P.M. In attendance were committee members Boynton, Charles and Scozzafava.

The committee discussed the reason for the Suspense List of \$340,429.65 for automotive, aircraft, personal property and mobile homes. Major efforts will continue to collect all outstanding balances through a collection agency.

Mr. Scozzafava made a motion to recommend approval of the Suspense List as submitted. Seconded by Mr. Charles. Motion carried unanimously.

The report was approved on the Consent Calendar.

41 - REPORT - Ordinance Change to Section 17-69 - Safety to Traffic Generally.

Mrs. Coladarci submitted the following report:

The subcommittee to review the ordinance in regard to traffic generally met at 7:00 P.M. in the Lobby in Danbury CityHall on May 16, 1995. In attendance were Coladarci, Falzone and Scozzafava. Also in attendance were John Krupinski and Carl Foley of the Danbury Police Department and Les Pinter of Corporation Counsel. Joseph DaSilva attended ex-officio. The meeting was called to order and Falzone moved to waive the rules so that everyone can speak. The motion was seconded by Scozzafava.

Krupinski explained there is an ongoing problem that recently emerged this spring. The existing ordinance says policemen or flagmen shall be employed by permittee to direct traffic safely through areas made dangerous for movement of vehicles or pedestrians. A new development creating the problem is that security guards are performing these duties at a lower cost. Untrained security guards are directing traffic with no authority, which also means a car does not have to obey the person directing traffic. Connecticut General Statutes allows that policemen can stop traffic. See attached copy.

This same type of problem existed in Stamford and Greenwich and an ordinance change alleviated the difficulty. As additional information, Krupinski added that the policemen provide traffic services on their own time. It was added that the burden is on the City to protect the City because the law does not specify that a car must stop if the flagman is not a policeman. The new ordinance states that the Police Department must be contacted. It would be beneficial to have a policeman on duty, but if a policeman is not available, the Police Department will be aware that the area is being safeguarded for the public. The minimum manpower clause was then discussed; this change will not affect the clause.

Scozzafava asked about the cost savings for companies to use security guards as compared to liability to the City and training for the police officers. A discussion of insurance coverage then ensued.

Falzone made a motion to send the ordinance to public hearing with the stipulation that if the Danbury Police Department cannot provide a policeman, the permittee must have a certificate of insurance to use someone else.

It was then brought up that a job is bid only with the price of a policeman to provide traffic duty, not the cost of a security guard, so the amount is built in.

The motion was seconded by Scozzafava and passed unanimously.

Mr. Foley said that Chief Macedo supports this ordinance.

Mrs. Coladarci made a motion that this be referred to the Mayor's Office, the Corporation Counsel, the Labor Counsel and the Director of Personnel. Seconded by Mr. Boynton. Motion carried unanimously.

42 - REPORT - Exchange of Property on Newtown Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for an exchange of property on Newtown Road met on May 18, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher, Valeri and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and the petitioners Dimitri and George Chaber and their attorney, Paul Jaber.

The petitioners explained their desire to acquire City land adjacent to their property in exchange for a piece of their property and potential additional compensation. Specifically, they wished to acquire 120' of road front to gain access to the nearby intersection. The petitioners stated their willingness to share access to said intersection and traffic signal.

Mr. Scozzafava moved to have the City Engineer negotiate with the petitioners over the exact piece of land and that the petitioners would have an independent assessor value the agreed upon site and report back to this committee in 45 days or sooner. Motion was seconded by Mr. Valeri and passed unanimously.

The report was approved on the Consent Calendar.

43 - REPORT - Request for Water Extension - 2 Edgewood Street and 118 Westville Avenue Ext.

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request for water extension at 2 Edgewood Street and 118 Westville Avenue Ext. met on May 16, 1995 at 7:45 P.M. in Room 432 in City Hall. In attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Mr. and Mrs. Gigliotti and Mr. and Mrs. Addressi.

There was a positive recommendation from the Planning Commission. Mr. Charles made a motion to approve the request subject to the normal eight steps. Seconded by Mr. Nolan. Motion carried un-animously.

The report was accepted on the Consent Calendar.

44 - REPORT - Request for Water Extension - Edgewood Street

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request for water extension on Edgewood Street met at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, Charles and Nolan. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and petitioners Tomas Biro, Vilmos Havasi and Mrs. Clark.

The Planning Commission gave a positive recommendation and Mr. Schweitzer mentioned that this was previously approved in March, 1990. Mr. Charles made a motion to approve the request subject to the normal eight steps. Seconded by Mr. Nolan. Motion carried un-animously.

The report was adopted on the Consent Calendar.

45 - REPORT - Renovations to Tarrywile Farmhouse Carpenters Extraordinaire.

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review Carpenters Extraordinaire's request met on May 16, 1995 at 8:05 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, Levy and Yamin. Also in attendance were Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter, Purchasing Agent Warren Platz, the petitioners Susan and Charles Elbaum, Council Member Vincent Nolan, ex-officio and members of the Tarrywile Park Authority.

The petitioners presented their view as did the Tarrywile Park Authority and the City. After much discussion, three options were decided by the City: 1. deny the request; 2. table the issue; and 3. award the amount.

Mr. Levy made a motion to deny the amount. No one seconded. After further discussion it was presented that the Tarrywile Park Authority offered \$3,079.38 to settle this contract. Mr. Yamin made a motion to accept funding from the Tarrywile Park Authority of \$3,079.38 to offer as full and final settlement with the appropriate release from Carpenters Extraordinaire for acceptance within 45 days of accepting or rejecting this amount. Seconded by Miss Dennehy. After a brief discussion, the motion carried with Miss Dennehy and Mr. Yamin voting in the affirmative and Mr. Levy voting in the negative

Mr. Arconti made a motion to receive the report and reject the recommendation contained therein. Seconded by Mrs. Coladarci.

Miss Dennehy gave a brief overview. Carpenters Extraordinaire feels that they should be awarded \$12,000 and the Tarrywile Park Authority is willing to offer \$3,000. The committee was advised by Assistant Corporation Counsel Les Pinter that the City is under no legal obligation to pay them anything.

Mr. Levy stated that the earlier comments from the representative of Carpenters Extraordinaire that no settlement except what they want would be acceptable. Department Heads and Corporation Counsel stated that no payments were indicated. Holding to the contract, both parties have fulfilled their obligations. Mr. Charles asked if there was a performance bond. Attorney Pinter stated that there was a letter of credit. Mr. Gallagher stated that this would start an ill-advised precedent. Mr. Trocolla asked why the Tarrywile Park Authority offer payment? Miss Dennehy said there was a conflict with the numbers and the offer was made to assist the City. Attorney Pinter stated that a cost of living increase was 3% given for some consideration and \$665 was for change orders.

Mr. Nolan stated that there were many hands involved during the bidding process and there was enough confusion for the petitioners to think that they could increase the cost of the bid due to the increase in the cost of materials. He is concerned that this will send a message to small contractors that the bidder beware. He agrees with Mr. Gallagher about setting a poor precedent. Mr. DaSilva was going to support the report, but after the remarks by the petitioner it would be foolish. As far as sending a message, we should look at the flip side, sending a message to large contractors.

Mrs. Outlaw made a motion to move the question. Seconded by Miss Dennehy. Motion carried with Mr. Valeri voting in the negative.

Motion carried with the members voting as follows:

Yes - Levy, Scalzo, Arconti, Boynton, Gallagher, Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Beck, Trocolla, Valeri

No - Yamin, Dennehy, Nolan, Scozzafava, Setaro

14 yes 5 no

46 - REPORT - Request to Renumber South Street

Mr. Boynton submitted the following report:

The members reviewed the request to renumber South Street with Dennis Elpern and Fire Chief Carmen Oliver as well as the Registrar of Voters George Schmiedel. It was explained that the numbering has gotten completely out of hand and for safety reasons a logical renumbering of all homes, lots and businesses is required.

The committee after some discussion recommends the adoption of the renumbering as submitted by Mr. Elpern dated December 15, 1994 and sent to the Common Council on March 7, 1995. A motion was made to recommend the adoption as stated above by Mr. Scozzafava and seconded by Mr. Esposito. Motion carried unanimously.

The report was adopted on the Consent Calendar.

47 - PROGRESS REPORT - Resolution to Acquire Two Parcels of Land from Wooster School.

Mr. Valeri submitted the following report:

The Common Council Committee assigned to review the proposed Resolution to acquire, via a Federal Grant, two parcels of land from Wooster School Corporation met on Monday, May 22, 1995 at 8:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri and Beck. Also in attendance were Airport Administrator Paul Estefan and Aviation Commission Chairman Roy Platt.

Mr. Estefan presented an overview, explaining that after the completion of the airport's Western runway (#8) in 1989 topping of trees in the flight path was necessary to ensure safe approach to that runway. It was soon discovered that the subject parcels, each a part of two adjoining lots wned by Wooster School Corporation, although targeted for tree topping and/or clearing, fall within the boundaries of an area (a 1500 foot radius from the mountain top) with restrictions dating back to 1962 that would preclude such activity, unless the City of Danbury were to acquire the property by purchase or eminent domain as in the proposed resolution.

In the ensuing discussion concerns raised by Mr. Valeri and Miss Beck led the committee to refrain from making any recommendations to the Common Council until the following questions are answered:

1. Was a recommendation and/or mandate made by the FAA with respect to the subject property, and if so, supporting documentation is requested.
2. What is Corporation Counsel's opinion on conditions for eminent domain, determination of market value of subject property and how appraisal is used.
3. What, if any, relevant communications(s) from Wooster School Corporation, pertaining to the subject property are available in determination of their position.
4. What is the legal opinion concerning the 1500 foot restriction and how would the possible acquisition of the subject property affect that restriction.
5. What affect would the partitioning and intended use of the subject parcels from the existing lots have on what remains of those lots as well as the surrounding properties.

The committee's decision is upon receipt of the aforementioned requested information, to reconvene and make an appropriate determination at that time.

The Progress Report was received on the Consent Calendar.

48 - ORDINANCE - Governmental Entities Review and Evaluation Ordinance Amendments. Mrs. Coladarci asked that this be deferred to and ad hoc committee. Mayor Enriquez so ordered.

49 - COMMUNICATION - Germantown Medical Center, East - Road Widening Strip to the City. Mr. DaSilva made a motion to add this item to the agenda. Seconded by Mrs. Coladarci. Motion carried unanimously.

Mr. Boynton asked that this be referred to the Planning Commission for a report back within thirty days. Mayor Enriquez so ordered.

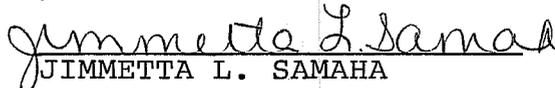
50 - COMMUNICATION - Teamsters Contract -Public Utilities, Sewer and Water. Mr. DaSilva made motion that this be added to the agenda. Seconded by Mrs. Coladarci. Motion carried unanimously.

Letter from Personnel Director Manny Merullo outling the terms of the agreement between Teamsters Local #677 Public Utilities, Sewer, Water & Maintenance Division and the City. A memorandum from the Director of Finance Dominic Setaro was attached stating that no certification of funds was necessary since funds are already budgeted in the 1995-96 budget. Mr. DaSilva made a motion to accept the communication and the recommended changes. Seconded by Mr. Charles. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Charles at 9:00 P.M. for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk

June 6, 1995