

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

RE: Minutes of the Common Council Meeting held September 6, 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, Abrantes, Yamin, Arconti, Buzaid, Gallagher, Machado, DaSilva, Esposito, Coladarci, Charles, Beck, Nolan, Scozzafava, Setaro, Valeri

Absent - Boynton, Gomez, Trocolla

17 Present, 3 Absent, 1 Vacancy

Mr. Boynton was ill.

PUBLIC SPEAKING

Susan Elbaum, 67 Wildman Street, spoke regarding new information regarding claim of Carpenters Extraordinaire. Spoke price increases and cost index. Suit will be filed to recover full cost if this settlement is not accepted.

Pauline Basso, 8 Hoyt Street, spoke regarding item 13. It is hypocritical to have buy-back program and then sell surplus guns. Guns should be melted down and disposed of.

ANNOUNCEMENTS

September 3, 1995 - Council Member Bob Yamin and his wife, Diane, celebrated their wedding anniversary.

September 12th - Council Member John Esposito will celebrate his birthday.

October 2nd - Council Members Joe Scozzafava will celebrate his birthday.

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

The Mayor congratulated the Parks and Recreation Department on the success of the Safe Summer II Program. Also to the Fire Department for showing the 3 new pieces of apparatus to the Council and the Public.

September 7th - Groundbreaking for new commuter train station
September 7th - Dedication for new Hatters Park Pavilion
September 9th - Dedication for new Kenosia Park Soccer Fields
September 10th - News Times 10K Classic Road Race
September 10th - Taste of Danbury
September 12th - United Way Kick-Off Campaign Day of Caring
September 15th - 75th Anniversary of NOW
September 15th - TBICO Dinner honoring Governor Rowland
September 17th - League of Women Voters 75th Anniversary
September 15th - St. George's Church 75th Anniversary
September 20th - Mayor's Cup Golf Tournament
September 22nd - American Cancer Society Celebrity Waiters Breakfast
September 28th - Old Timers Dinner
September 29th - Scott Fanton Museum Celebrity Waiters Breakfast
September 29th - 20th Anniversary of the Women's Center

Mayor Eriquez introduced two area championship teams and their coaches: DAYO, Babe Ruth, District Four Champions and PAL Bambino Champions. He presented medals to all.

(At 7:48 P.M. Mr. Gomez arrived and was marked present)

MINUTES - Minutes of the Common Council Meeting held August 1, 1995 and the Special Common Council Meetings held August 10, 1995 and August 24, 1995. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Charles. Motion carried unanimously.

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

- 6 - Approve Application for Payment-In-Lieu-of-Taxes Program - \$269,574.22
- 7 - Approve Application for Beaver Street Apartments Cooperative, Inc. Abatement from the State of Connecticut
- 8 - Approve Resolution regarding Airport Rotating Beacon acquisition of property - City of Danbury v. Gemza and Raymond and Priano and Ferraguzzi
- 10 - Approve appointment of Deborah Gogliettino to the Planning Comm.
- 15 - Approve authorization of acceptance of donations of Friends of Tarrywile to the Tarrywile Park Authority for goldfish pond
- 17 - Approve reappropriation of donated funds for the Department of Elderly Services - \$150.00
- 18 - Approve reappropriation of donated funds for the Department of Elderly Services - \$193.60
- 21 - Approve request for funds for Hearthstone Castle proposal advertisements and publications - \$6,000
- 22 - Approve uninsured worker's compensation claims - \$24,150
- 23 - Approve appropriation to Highway State Aid 1994-95 Fiscal Year \$1,871
- 24 - Approve agreement between the City of Danbury and SEIU Local 760 Interweave Employees
- 25 - Approve Kenosia Soccer Field Concession Proposal
- 28 - Approve settlement of claim - City of Danbury v. Senta Sayers water bills - \$2,823
- 37 - Approve conveyance of strip of land on Starrs Plain Road
- 38 - Approve CL & P Easement - General Mills Restaurants, Inc.
- 40 - Approve Blasco Driveway Relocation Agreement - Chestnut Street Railroad Crossing Improvement Project
- 41 - Approve purchase of property regarding City of Danbury v. McCarthy - 44 Padanaram Road
- 43 - Approve sewer and water installation bonds - \$2,500,000 each
- 44 - Approve receipt of report regarding ordinance change 17-69 Safety to Traffic Generally
- 45 - Approve Mutual Aid Agreements between City of Danbury and the Towns of Brookfield and Ridgefield

Mr. Charles made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Scalzo. Mr. Setaro asked that item 44 be removed. Motion, as amended, carried unanimously.

1 - COMMUNICATION - Letter from Democratic Town Committee Chairman Joseph Walkovich recommending that Mr. Connie Schuler be appointed to fill the Sixth Ward Vacancy on the Common Council. (Mayor Eriquez asked for a moment of silence for Dorothy Outlaw who recently passed away).

Mr. DaSilva made a motion that Connie Schuler be appointed to fill the vacancy in the Sixth Ward. Seconded by Miss Beck. Motion carried unanimously. Corporation Counsel Eric Gottschalk swore in Mr. Schuler, who then took his place on the dais.

2 - ORDINANCE - Deferral of Assessment Increases - Downtown Redevelopment Area. Mr. Arconti asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Amendment of Code Section 17-57(a). Mr. Levy asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - RESOLUTION - State of Connecticut Drug Enforcement Program Grant.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding in the amount of \$455,299.00 pursuant to Public Act 89-390, An Act Concerning Prevention and Treatment of Substance Abuse and Enforcement of Drug Laws; and

WHEREAS, 50% of the funding, or \$227,649.00 is to be designated for law enforcement, 40% of the total amount, or \$182,120.00 is to be applied to drug education, and the remaining 10%, or \$45,530.00 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 1995 through September 30, 1996 and no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for said grant on behalf of the City of Danbury, to accept the grant award, if made, subject to the terms and conditions established in connection therewith by the State of Connecticut, to execute any contracts/agreements therefor and to take any additional actions necessary to effectuate the purposes thereof.

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

Mr. Trocolla made a motion that the Resolution be adopted. Seconded by Mrs. Coladarci. Motion carried unanimously.

5 - RESOLUTION - Easements for Palace Walk

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury desires to construct a walkway in the area of the former Palace Theatre to be known as Palace Walk; and

WHEREAS, it will be necessary to acquire interest in and to real property now or formerly of the Estate of Joseph DaSilva, and Maria DaSilva as set forth in an Easement Right of Way attached as Schedule A; and to real property now or formerly of Edward A. Leili as set forth in an Easement Right of Way attached as Schedule B; both containing the legal description of the properties involved; 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 their respective interests to be taken in and to the real property listed on Schedules A and B;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire property interests as set forth in the attached legal descriptions either by negotiation or by eminent domain through the institution of suits against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrancers, if any.

Mr. Machado made a motion that this be referred to the Planning Commission. Mayor Eriquez so ordered.

6 - RESOLUTION - Payment-In-Lieu-Of-Taxes Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 128, 129, 130 and 133 of the Connecticut General Statutes, the Commissioner of Housing is authorized to extend financial assistance to local housing authorities, municipalities and non-profit corporations; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Section 8-216b of the General Statutes in order to undertake a program of PAYMENT-IN-LIEU-OF -TAXES and to execute an Assistance Agreement therefor:

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes.
2. That the filing of an application by the City of Danbury in an amount not to exceed \$269,574.22 is hereby approved and that the Mayor is hereby authorized and directed to execute and file such application with the Commissioner of Housing, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance, if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury;
3. That in consideration of said Assistance Agreement, applicant does hereby waive any Payments-in-Lieu-of-Taxes by the Housing Authority to the municipality under the provisions of Section 8-71 of the Connecticut General Statutes;
4. That the current established mill rate is 19.13 and the current assessment is \$14,091,700.
5. It is also resolved that any prior action taken by the Mayor with respect to this agreement is also approved.

The Resolution was adopted on the Consent Calendar.

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

RESOLVED by the Common Council of the City of Danbury:

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

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

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

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is \$31,500 for the Grand List of October 1, 1994;

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

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

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

3. That the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1994;

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

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

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

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Airport Rotating Beacon Site Acquisition of Properties - City of Danbury v. Gemza and Raymond and Priano and Ferraguzzi

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.

9 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Fire Lieutenant James C. Thorne, Jr. to the position of Drillmaster for the Danbury Fire Department. Mr. Esposito made a motion that the communication be accepted and the appointment confirmed. Seconded by Miss Beck. Motion carried unanimously.

10 - COMMUNICATION - Letter from Mayor Eriquez requesting the confirmation of Deborah R. Gogliettino to the Planning Commission for a term to expire January 1, 1997. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION & CERTIFICATION - Letter from Director of Finance Dominic Setaro requesting permission to accept a donation in the amount of \$605 for a veteran who was recently buried in one of the City graves. It is requested that the donation into the Veterans Affairs Office Equipment account. Miss Beck made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Nolan. Motion carried unanimously.

12 - COMMUNICATION - Letter from Fire Chief Carmen Oliver requesting permission to accept the donation of a weathervane from "Good Directions Inc." Mrs. Coladarci made a motion to accept the weathervane and send a letter of thanks. Seconded by Miss Beck. Mayor Eriquez stated that the new Fire Station 23 will be dedicated in memory of Firefighters Butch Melody and Joe Halas. Motion carried unanimously.

13 - COMMUNICATION - Letter from Purchasing Agent Warren Platz requesting permission to dispose of 38 surplus firearms through sale or trade-in after obtaining competitive offers from licensed gun dealers. Mrs. Coladarci made a motion that the surplus firearms be offered to another agency and if not, then melted down. Seconded by Mr. Gomez. Mr. Arconti offered an amendment to dispose of the weapons as outlined in the communication and give the money to the DARE program. Seconded by Miss Beck.

Mr. Trocolla stated that he was in favor of the Guns for Goods Program and would be in favor of the original motion. Mr. DaSilva and Mr. Valeri stated that they agree with Mr. Trocolla, as did Mr. Scozzafava. Mr. Buzaid pointed out that licensed gun dealers are highly regulated. Mr. Gallagher stated that the City could use the money from the sale of these weapons. Mr. Levy referred the item to committee. The committee will be Council Members DaSilva, Esposito and Yamin, together with the Purchasing Agent and the Chief of Police.

14 - COMMUNICATION - Letter from Police Chief Nelson Macedo requesting permission to accept the donation of \$25.00 for the Police Departments General Fund Official Budget. Mr. Scalzo made a motion that the donation be accepted, the proper line item be accepted and a letter of thanks sent. Seconded by Mrs. Coladarci. Motion carried unanimously. Letter from Police Chief Nelson Macedo requesting permission to accept the donation of a Mosler safe from Union Carbide. Miss Beck made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Charles. Motion carried unanimously.

15 - COMMUNICATION - Letter from Tarrywile Park Authority requesting permission to accept donations from the Friends of Tarrywile Park, Inc. for the restoration of the goldfish ponds. Permission was granted on the Consent Calendar.

16 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$193.60. Mrs. Coladarci made a motion to accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Miss Beck. Motion carried unanimously.

17 - COMMUNICATION & CERTIFICATION - Letter from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$150 to the office supplies account. A certification of funds was attached. The request was authorized on the Consent Calendar.

18 - COMMUNICATION & CERTIFICATION - Letter from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$193.60 to the parttime services account. The request was authorized

on the Consent Calendar.

19 - COMMUNICATION - Letter from Director of Finance Dominic Setaro recommending approval of \$56,000 from the Contingency Account to the Public Buildings, Communications/Equipment Account for the purchase of telephones. Mr. Levy made a motion that the communication be accepted and the purchase of telephones authorized. Seconded by Mr. Gallagher. Mayor Eriquez recognized the hard work of Director of Finance Dominic Setaro in his efforts working with SNET to accomplish the savings for the City. Mr. Scalzo asked for an explanation of the Contingency Account which the Mayor gave.

Mr. Nolan asked the Director of Finance to explain the need for \$56,000. Mr. Setaro explained the credit from last years equipment rental. Motion carried unanimously.

20 - COMMUNICATION - Computer System - WITHDRAWN

21 - COMMUNICATION & CERTIFICATION - Letter from Mayor Eriquez requesting that the amount of \$6,000 be appropriated from the Contingency Account for the purpose of advertisements and publications of proposals for Hearthstone Castle. A certification of funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

22 - COMMUNICATION & CERTIFICATION - Request from Risk Manager Tom Fabiano requesting that the sum of \$24,180.00 be transferred from the Contingency Account to the Uninsured Worers' Compensation Account for new awards under the Heart and Hypertension Statute. A certification of funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

23 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting approval of the appropriation of \$1,871 to the Highway State Aid Account that the City received for the fiscal year ended 6/30/95 from the State of Connecticut. The approval was granted on the Consent Calendar.

24 - COMMUNICATION - Agreement between the City of Danbury and SEIU Local 760 Danbury Interweave Employees. Letter from Personnel Director Emanuel Merullo requesting that the agreement be approved. The agreement was approved on the Consent Calendar.

25 - COMMUNICATION - Letter from Parks and Recreation Director Robert Ryerson requesting approval of the new concession stand at the Kenosia Soccer Field. The proposal was approved on the Consent Calendar.

26 - COMMUNICATION - Danbury Railway Museum Lease. Mr. Esposito asked that this be referred to an ad hoc committee, the Corporation Counsel, the Planning Commission and the Railway Museum. Mayor Eriquez so ordered and appointed Council Members Setaro, Esposito and Scozzafava to the committee.

27 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter stating that in the matter of Carpenters Extraordinaire the Elbaums have indicated that they would accept the sum of \$6,400 to settle this claim in good faith. Mr. Valeri made a motion that the communication be received and no action taken. Seconded by Mr. Setaro.

Mr. Gallagher stated that although he was sympathetic to the petitioners he does not feel they should be awarded anything. Mr. Nolan stated that he feels it would be wise to settle this claim. Mr. Setaro stated that he agrees with Mr. Valeri's motion and reminded the Council that Miss Dennehy's committee report recommending offering \$3,100 and it was turned down. Numbers seem to be rising. The Mayor stated that this was an attempt to avoid litigation.

Mr. Yamin offered an amendment that in return for a general release the City offer the sum of \$3,100 to settle this claim. The amendment failed for lack of a second. Mr. Esposito moved the question. Seconded by Mrs. Coladarci. Motion carried unanimously. Motion to take no action passed with Mr. Yamin and Mr. Nolan voting in the negative.

28 - COMMUNICATION - Letter from Assistant Corporation Counsel Peter Buzaid requesting Common Council approval to settle the City

of Danbury v. Senta Sayers for water usage at 13 Miry Brook Road in the amount of \$2,823.00. The settlement was approved on the Consent Calendar.

29 - COMMUNICATION - Request for Sewer and Water Extensions - 60 Forest Avenue. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Trocolla, Beck and Yamin to the committee.

30 - COMMUNICATION - Request for Sewers on Westville Avenue. Mr. Scalzo requested that this be referred to the City Engineer for a survey. Mayor Eriquez so ordered.

31 - COMMUNICATION - Request for Sewer and Water Extensions - Tarrywile Lake Road. Mr. Arconti asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Valeri, Buzaid and Scozzafava to the committee.

32 - COMMUNICATION - Request for Sewer and Water Extensions on Boulevard Drive. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Machado, Schuler and Nolan to the committee.

33 - COMMUNICATION - Request for Attorney Robin Kahn requesting the Common Council consent to the collateral assignment of the Tisano Lease with the City to its mortgagee as security for the mortgagee's loan. Mr. DaSilva made a motion that the communication be accepted and permission granted. Seconded by Mr. Charles. Motion carried unanimously.

34 - COMMUNICATION - Alexander D Drive/Drainage. Mr. Scalzo asked that this be referred to an ad hoc committee, the Corporation Counsel and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Boynton, Esposito and Scozzafava to the committee.

35 - COMMUNICATION - Drainage problem at 27 Clayton Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Arconti, Abrantes and Yamin to the committee.

36 - COMMUNICATION - Laurel Heights Subdivision, Padanaram Road. Mrs. Coladarci asked that this be referred to the City Engineer, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered.

37 - COMMUNICATION - Starrs Plain Road Road Widening Strip. Reports from the City Engineer recommending acceptance of the road widening strip and from the Planning Commission with a negative recommendation. The road widening strip was accepted unanimously on the Consent Calendar.

38 - COMMUNICATION - Letter from Attorney Paul Jaber requesting approval of an easement to be given to CL & P for the General Mills Restaurant on Backus Avenue. The easement was granted on the Consent Calendar.

39 - COMMUNICATION - Easements to the City from Apple Blossom Corporation. Mr. DaSilva asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

40 - COMMUNICATION - Blasco Driveway Relocation Agreement - Chestnut Street Railroad Crossing Improvement Project. The agreement was approved on the Consent Calendar.

41 - COMMUNICATION - Request for Tax Collector Catherine Skurat requesting the sum of \$4,828.92 for City of Danbury v. McCarthy, 44 Padanaram Road. A certification of funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

42 - DEPARTMENT REPORTS - Public Utilities, Health and Housing, Department of Elderly Services, Highway Department, Parks and Recreation, Police, 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. Charles. Motion carried unanimously.

43 - REPORT & ORDINANCE - Sewer and Water Installation Bonds

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:15 P.M. on August 24, 1995 to review ordinances regarding the issuance of \$2,500,000 bonds for sewer and water installation. These bonds are sold on a project by project basis for water and sewer installations.

Mr. Levy moved to recommend approval of the ordinance as presented. Seconded by Mr. Arconti and passed unanimously.

AN ORDINANCE APPROPRIATING \$2,500,000 FOR SEWER SERVICE EXTENSIONS AND AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$2,500,000 is appropriated for the costs of extension of sewer service in those certain segments of the City to be approved from time to time by resolution of the Common Council.

Section 2. To meet said appropriation \$2,500,000 bonds of the City are hereby authorized to be issued maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor and the Director of Finance.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall

be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 6. The Mayor, the Treasurer and the Director of Finance, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an 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, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

AN ORDINANCE APPROPRIATING \$2,500,000 FOR WATER SERVICE EXTENSIONS AND AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$2,500,000 is appropriated for the costs of extension of water service in those certain segments of the City to be approved from time to time by resolution of the Common Council.

Section 2. To meet said appropriation \$2,500,000 bonds of the City are hereby authorized to be issued maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor and the Director of Finance.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general

obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 6. The Mayor, the Treasurer and the Director of Finance, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an 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, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

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

44 - 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 Safety to Traffic Generally met at 7:30 P.M. in Room 432 in City Hall on August 8, 1995. In attendance were committee members Coladarci, Gallagher and Scozzafava. Also in attendance were John Krupinski and Captain Arthur Sullo on behalf of Chief Nelson Macedo of the Police Department, and Corporation Counsel Eric Gottschalk. The meeting was called to order and Mr. Scozzafava moved to waive the rules so that everyone can speak. The motion was seconded by Mr. Gallagher.

Captain Sullo explained that the Chief's concern is that solely of public safety. A discussion ensued in regard to the letter from Labor Counsel. Attorney Gottschalk explained that Labor Counsel was concerned in regard to a potential impact on the collective bargaining process. Any substantive change must be bargained for. There also may be some worker's compensation implications because some worker's compensation is based on benefits received.

Mr. Gallagher expressed concerns in regard to police coverage in areas in which a flagman could be sufficient. Captain sullo then read a statement into the record which expressed the Chief's concerns. Mr. Gallagher asked if there are any existing guidelines. Attorney Gottschalk explained that the permit is issued by Public Works but they should contact the police. Mr. Gallagher said he would like to take no action but have the Corporation Counsel define regulations as to when a policeman is necessary for safety purposes.

Mr. Scozzafava moved to take no action at this time but to seek clarification and recommendations from the Corporation Counsel, Police Chief and Public Works Director for potential regulations. The motion was seconded by Mr. Gallagher and passed unanimously.

Mr. DaSilva made a motion that the report be accepted along with the recommendations therein. Seconded by Mr. Charles.

Mayor Eriquez stated that the Police Chief already has the authority to shut down an unsafe site. Mr. Setaro stated that this is the second time this has gone to a committee and he is concerned about the memo from Chief Macedo and the Council must balance policy issues and the Chief's concerns. Mr. Setaro disagrees with taking no action. Mayor Eriquez stated that the Chief already has the authority to do what his memo states. Collective bargaining should take precedence.

The motion passed with Mr. Yamin and Mr. Setaro voting in the negative.

45 - REPORT - Mutual Aid Agreements

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review Mutual Aid Agreements between the City of Danbury and the Towns of Brookfield and Ridgefield met on August 29, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Setaro, Levy and Yamin. Also in attendance were Fire Chief Carmen Oliver, Deputy Fire Chief Peter Siecienski and Assistant Corporation Counsel Les Pinter.

Chief Oliver explained that the City of Danbury currently does not have mutual aid agreements for purposes of firefighting with the Towns of Brookfield and Ridgefield. He added that he feels that these agreements are beneficial to the City since the terms of assistance and liability are addressed in the agreements and offers the City greater security in the event of a major fire. Mr. Pinter stated that the agreements before the committee were substantially the same as those in effect between the City and the Towns of Brewster, Patterson, Pawling and Putnam Lake, New York and the Towns of Sherman and New Fairfield, Connecticut. He added that each party takes on the responsibility of their own liability. Mr. Pinter also explained that mutual aid agreements do not compel the signatories to send assistance but rather specify responsibilities and obligations if the signatory municipalities choose to send assistance.

Mr. Levy moved to recommend to the Common Council the adoption of the Mutual Aid Agreements between the Towns of Brookfield and Ridgefield and the City of Danbury. Seconded by Mr. Yamin and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Arconti requested that the referral of item 13 to a committee be withdraw. Mayor Eriquez stated that there was no motion on the floor to reconsider.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Gallagher at 9:15 P.M. for the meeting to be adjourned.

Respectfully submitted,

Jimmetta L. Samaha

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton

Elizabeth Crudginton
City Clerk