

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

RE: Minutes of the Common Council Meeting held June 7, 1994.

The meeting was called to order at 7:35 P.M. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT - Levy, Scalzo, Falzone, Arconti, Boynton, Dennehy, Gallagher, Machado, Outlaw, DaSilva, Esposito, Charles, Gomez, Beck, Scozzafava, Setaro, Trocolla, Valeri

ABSENT - Yamin, Coladarci, Cappiello

PUBLIC SPEAKING

1. Sam Deibler, 6 Ervie Drive - Spoke regarding the Habitat for Humanity Proposal and asked for support for the project at 112-112½ Elm Street.

2. Joseph Rosato, Long Ridge Road - spoke in opposition of item 48. Asked that the Common Council oppose the deal with Newtown. It will open up a piece of industrial and in Newtown which will hurt our tax base.

(at 7:40 P.M. Mr. Yamin arrived and was marked present)

3. Ronald Blonski, 18 Griffing Avenue - read a prepared statement concerning the Danbury-Newtown Intermunicipal Sewer Agreement. Statement is on file in the Office of the City Clerk for public inspection.

(at 7:43 P.M. Mr. Cappiello arrived and was marked present)

4. Lynn Waller, 83 Highland Avenue - Spoke in opposition to item 4. It is not right to give away our infrastructure. It will only save each taxpayer between \$30-\$50.

5. Monica LeCoz, 23 Woodbury Drive - remembered 50 years ago. Concerning the Department Reports, specifically, the Police Report, the dog that was accepted as a gift bit a child. The facts apparently have been erased. The dog should have been on a lease in accordance with the leash law ordinance. Also spoke on item 37. Should not have been changed. Foremen should take care of their jobs. Put more emphasis on recycling.

6. Barbara Monsky, 14 Shepard Road - 1 million dollars seems like a sweetheart deal. Will it be pro-rated for usage? Seems like we are settling for a pittance.

7. Robert Cascella, First Selectman of Newtown - It is vital to bring the region together. We should capitalize on regionalization, not have it forced down our throats by the State. Newtown's Plan of Development speaks to affordable housing. They are looking to broaden their base.

(At 8:00 P.M. Mrs. Coladarci arrived and was marked present)

NOTICES

Mayor Eriquez offered congratulations to Council Member Dorothy Outlaw on the birth of her granddaughter, Gabrielle.

Mayor Eriquez offered congratulations to all local high school graduates.

The Mayor introduced Scout Troop 22 in the audience and gave special recognition to Delores Kelsey, a teacher at Broadview Middle School who has received the National Math and Science Award. Mr. Trocolla stated that Ms. Kelsey is a very special teacher and a great benefit to our community. Mr. DaSilva also offered congratulations and can attest to her abilities as a teacher since her classroom is right across from his.

June 8th - School Based Health Center Open House
June 9th - Downtown Danbury Business Olympics on the Green
June 9th - DARE Program Graduation
June 9th - Cellmates 10th Anniversary
June 10-12 - Greek Festival
June 11th - Wooster School Graduation
June 12th - Flag Day Ceremonies at the Elks at 1:30 P.M.
June 15th - Corporation Challenge on the Green
June 15th - Hord Foundation Scholarship Dinner
June 19th - Father's Day
June 23rd - ACE Graduation

June 24th - Danbury High School Graduation
 June 24th - June 26th - Ethnic Festival
 June 25th - Henry Abbott Tech Graduation
 June 27th - Children Clinic on Main Street Opening
 June 29th - Rotary Club Scholarship Luncheon
 July 1st - Fireworks at Danbury Fair Mall
 July 2nd - Charles Ives Center Pops Concert and Fireworks
 July 3rd - Fireworks at Candlewood Lake
 July 4th - City Hall Closed - Independence Day

Mayor Eriquez spoke regarding the Supreme Court decision on Flow Control, all area towns have met the tonnage requirements. Also, there is an item on tonights agenda concerning the Goods for Guns program.

Mayor Eriquez saluted veterans who served 50 years ago.

MINUTES - Minutes of the Common Council Meeting held May 3, 1994.
 Mr. DaSilva made a motion to accept the minutes 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. Setaro. Motion carried unanimously.

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

- 3 - Approve Per Capita Grant - \$34,247.20
- 4 - Approve Amemdment to Sewer Charges
- 5 - Approve Oakland Avenue Sewer Easements
- 6 - Approve Application for Grant from US Department of Commerce, National Telecommunications and Information Administration - \$16,000
- 7 - Approve Federal Aid Project - Traffic Signalization
- 8 - Approve Appointments of John Grimes and Katherine Santuro to the Commission on Aging
- 9 - Approve Appointment of Dawn Britton to the Youth Commission
- 10 - Approve Appointment of Bruce Lees as Alternte to the Environmental Impact Commission
- 11 - Approve Reappointment of Bernard Pane to the Civil Service Commission
- 18 - Approve Request for Funds for Fire Department Special Services Account - \$8,000
- 19 - Approve Community Development Block Grant Transfers - \$343,118
- 20 - Approve Special Account for Commission on Aging Trips
- 21 - Approve Transfer of \$1,235.00 for Commission on Aging
- 26 - Approve Transfer of \$266,000 for Police Union Contract
- 31 - Approve Receipt of Reports regarding offer to sell property at 240 Main Street to City and deny request
- 36 - Approve Deferral of Assessment Increases at Redevelopment Area
- 38 - Approve Governmental Entities Review and Evaluation Recommendations
- 39 - Approve lease between King Street Volunteer Fire Company, Inc. and the City of Danbury
- 41 - Approve Report, Recommendations and Appropriation of \$5,000 for Ethnic Festival
- 42 - Approve Report and Recommendations regarding acquisition of Private Water Systems
- 43 - Approve Request to Accept College Park Drive as a City Highway
- 44 - Approve Report and Recommendation regarding offer to donate fencing and a gate to the City
- 45 - Approve Report and Recommendation regarding Hatters Park Capital Improvements Line Item
- 47 - Approve Report and Recommendations regarding Margerie Treatment Plant and Related System Improvements and Consent Order
- 49 - Approve Report and Recommendations regarding offer to sell land on Old Brookfield Road to City

Mr. DaSilva made a motion that the consent calendar be adopted as presented, with the exception of item 31 which is being withdrawn on the petitioners request. Seconded by Mr. Setaro. Mr. Scalzo asked that item 41 be removed from consent. Motion carried with items 31 adn 41 removed.

1 - RESOLUTION - Federal Highway Administration Urban Systems Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Highway Administration, through the State of Connecticut, Department of Transportation, has made Surface Transportation Program funding available to municipalities for the purpose of making highway intersection improvements; and

WHEREAS, the City of Danbury wishes to make application for such funding in the amount of \$200,000.00, representing 80% of the total cost of realigning the intersection of Coalpit Hill Road (formerly known as Connecticut Route 842) and Lion's Way, with the remaining 20% being locally funded; and

WHEREAS, said project and funding have previously been approved by the Housatonic Council of Elected Officials; and

WHEREAS, said project is in the best interests of the City of Danbury;

NOW THEREFORE BE IT RESOLVED THAT Mayor Gene F. Eriquez, be and hereby is authorized to make application to the State of Connecticut, Department of Transportation for said funds and to execute any required contracts with the State of Connecticut should said funds be offered to the City and to take any additional action or execute any other documents necessary to effectuate the purposes hereof.

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

2 - RESOLUTION - Infant Immunization Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Department of Health and Housing has received notification from the State of Connecticut Department of Public Health and Addiction Services that the City of Danbury's Infant Immunization Program Grant has been amended from a funding level of \$25,000.00 to \$46,000.00; and

WHEREAS, the grant will cover the period from January 1, 1994 through December 31, 1994 with no local matching funds required; and

WHEREAS, the City will utilize these funds to provide vaccine protection against childhood communicable diseases to children of the Danbury area, infants to age two; and

WHEREAS, this program of immunization will not only protect children and benefit their families, but will provide reduced communicable disease exposure for all citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the resolution of January 4, 1994 is hereby amended authorizing the Mayor of the City of Danbury, Gene F. Eriquez, or the Director of Health, William J. Campbell, as his designee, to apply for said increased Infant Immunization Program grant funds, to accept a total grant of \$46,000.00, if approved, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

Mr. Falzone made a motion that the communication be accepted and the Resolution adopted. Seconded by Miss Dennehy. Motion carried unanimously.

3 - RESOLUTION - Per Capita Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has made funds available for 1994-1995 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for \$34,247.20 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 1994 through June 30, 1995;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury, Gene F. Eriquez, or the Director of Health, William J. Campbell, as his designee, is hereby authorized to apply for and accept said per capita grant funds of \$34,247.20, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Sewer Charges

RESOLVED by the Common Council of the City of Danbury:

THAT in accordance with Section 16-32 of the City of Danbury Code of Ordinances, the following Sewer Use Charges and Sewer Use Charge Values are hereby established for quarterly billings rendered on or after July 1, 1994:

(a) For sewer use customers with metered city water service, the following Sewer Use Charge Values are hereby established:

- (1) O&M Value (X) = \$0.43
- (2) Residential Debt Service Value (Y) = \$1.26
- (3) Non-Residential Debt Service Value (Z) = \$3.47

The minimum quarterly sewer use charge shall be Fifteen Dollars and No cents (\$15.00).

(b) For sewer use customers with flat rate city water service the quarterly sewer use charge shall be:

RESIDENTIAL = Sixty-one dollars and seventy-five cents (\$61.75)
Per Unit.

NON-RESIDENTIAL = Seventy-nine dollars and eight cents (\$79.08)
Per Unit.

(c) For sewer use customers having no city water service the quarterly sewer use charge shall be:

RESIDENTIAL = Thirty-four dollars and twenty-two cents (\$34.22)
Per Unit.

NON-RESIDENTIAL = Seventy-nine dollars and eight cents (\$79.08)
Per Unit.

For purposes of subsections (b) and (c) hereof, a sewer unit shall represent the sewer use for a single-family residence. An additional sewer unit shall be assessed for each additional residence within any dwelling. A fractional sewer unit shall be assessed for a portion of a dwelling which, in the opinion of the superintendent of public utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single-family residence. All nonresidential flat rate city water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single family dwelling.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Oakland Sewer Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is in the best interests of the City of Danbury to replace the present 16" sewer line which runs along Oakland Avenue and adjacent to Padanaram Brook behind Rowan Street with a sewer line to be constructed parallel to it; and

WHEREAS, the Common Council on August 3, 1994 provided authorization to release certain existing easements and to acquire by negotiation or eminent domain proceedings from the named property owners various easements both temporary and permanent; and

WHEREAS, state law requires Common Council reauthorization for the acquisition of these property interests not acquired within a six month period; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owners herein named upon the amount, if any, to be paid for their interests;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to release an existing 3,143 sq. ft. easement through property of George DeMarsico and Thomas J. Jones located at 22 Second Avenue, Danbury, and to acquire other property interests as set forth on the attached legal description shown as Exhibit A, either by negotiation or by eminent domain through the institution of suits against the named property owners, their heirs, successors, and assigns and their respective mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Grant from the United States Department of Commerce National Telecommunications and Information Administration

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) has established a competitive grant program to:

1. Enhance the delivery of social services; and
2. Support the formation of an advanced nationwide, telecommunications and information infrastructure incorporating the widest variety of information technologies; and

WHEREAS, part of the grant funds may be used for local and intrastate planning projects; and

WHEREAS, the Danbury Public Library has prepared an application to NTIA for the funding period of September 1994 - September 1995 for a grant of \$16,000, which requires a local cash match of \$16,000; and

WHEREAS, the City of Danbury will not be required to provide any of the matching funds; and

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

1. To determine the feasibility of establishing a community FreeNet. (A FreeNet is a public-access community computer system. A community network offers a wide spectrum of on-line information services to the public, which may include community and government information, Internet access and electronic messaging.); and
2. To work with community information providers, schools and businesses to develop a written plan to implement a community FreeNet.

June 7, 1994

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and that Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to sign said application and that the Mayor and the Director of the Danbury Public Library are hereby authorized to accept said funds upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

7 - COMMUNICATION & RESOLUTION - Federal Aid Project - Traffic Signalization.

RESOLVED by the Common Council of the City of Danbury:

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

The Agreement is identified by Agreement No. 3.21-02(94).

The communication was accepted and the Resolution adopted on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of John Grimes and Katherine Santuro to the Commission on Aging for terms to expire October 1, 1994. The appointments were confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of Dawn Britton to the Youth Commission for a term to expire April 1, 1998. The appointment was confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Bruce Lees as an alternate member of the Environmental Impact Commission for a term to expire December 1, 1996. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Bernard Pane to the Civil Service Commission for a term to expire January 1, 2000. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Republican Town Committee Chairman Tyrone Humes recommending that John N. Ashkar be placed on the Zoning Commission to fill the vacancy created by the resignation of Joyce A. Carboni. Mr. DaSilva made a motion that John N. Ashkar be appointed to the Zoning Commission. Seconded by Mr. Charles. Mr. Falzone moved that the nominations be closed. Seconded by Miss Dennehy. Motion to close nominations passed unanimously. Motion to appoint John Ashkar passed with Mr. Gallagher voting in the negative.

13 - COMMUNICATION - Letter from Mayor Eriquez asking permission to accept donations to the Youth Commission for the 1994 Youth Conference held in March. Mr. DaSilva made a motion to accept the donation and authorize the Director of Finance to remit payment for outstanding invoices. Seconded by Mr. Charles. Motion carried unanimously.

14 - COMMUNICATION - Letter from Director of Health William Campbell asking permission to accept the donation of a Teledyne Rotolite blueprint copier to the Health and Housing Department from Richard and Maria Fox. Mr. Falzone made a motion that the copier be accepted and a letter of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

15 - COMMUNICATION - Letter from the Danbury Jaycees offering to donate a Municipal Sign to the City. Mr. Levy asked that this be referred to an ad hoc committee, the Jaycees, the Corporation Counsel, the Director of Parks and Recreation. Mayor Eriquez so ordered and appointed Council Members Coladarci, Falzone and Cappiello.

16 - COMMUNICATION - Letter from Library Director Betsy McDonough asking permission to accept a donation in the amount of \$50 from Jean Prince for the Outside Services line item. Miss Dennehy made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

17 - COMMUNICATION - Letter from AIDS Coordinator Susan Durgy asking permission to accept a donation in the amount of \$100 from Mr. and Mrs. Joseph Bevan for the HIV Prevention Programs. Miss Beck made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

18 - COMMUNICATION - Letter from Acting Fire Chief Jack Murphy requesting that \$8,000 be added to the Special Services Account for fire watch. This is a wash item as the party requiring the Fire Watch is billed. The request was granted on the Consent Calendar.

19 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that the Common Council transfer funds in the amount of \$343,118.00 from the CDBG unused funds. The transfers will be made to Rebuilding and Repaving of Roads and Downtown Streetscape Improvements. The request was granted on the Consent Calendar.

20 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that the Common Council authorize a special account in the General Fund to place monies for Commission on Aging trips and to make payments from that Fund. The request was granted on the Consent Calendar.

21 - COMMUNICATION & CERTIFICATION - Letter from Leo McIlrath requesting the sum of \$1,235.00 be transferred from the Commission on Aging Revenue Account to the Office Equipment line item. A certification of funds was attached. The transfer was authorized on the Consent Calendar.

22 - COMMUNICATION & CERTIFICATION - Mr. DaSilva made a motion that this be deferred until the end of the agenda for Executive Session. Seconded by Mr. Boynton. Motion carried unanimously.

23 - COMMUNICATION - Request from Mayor Eriquez for a committee to review funding for the Hispanic Center of Greater Danbury. Mr. Setaro asked that this be referred to an ad hoc committee, the Corporation Counsel, the Hispanic Center and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Setaro, Gomez and Scozzafava to the committee.

24 - COMMUNICATION - Letter from Mayor Eriquez outlining his "Youth Guns for Goods" Program and asking permission to accept donations in the amount of \$300 in merchandise and \$200 in cash from Mr. Fred Czap, as well as all future donations. Mr. Setaro made a motion to accept the donations and send a letter of thanks. Seconded by Miss Dennehy. Mr. Boynton asked if the Common Council would receive a listing of all future donations. Mayor Eriquez said yes. Motion carried unanimously.

25 - COMMUNICATION - Letter from William Stuart of the Coffee Pub asking permission for outside seating at 12 Ives Street. Mrs. Coladarci asked that this be referred to the Director of Planning for a report back within thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that a transfer of funds in the amount of \$145,000 be made from various department line items to the Police Department for the cost of its contract. The transfers were authorized on the Consent Calendar.

27 - COMMUNICATION - Request from Council President Joseph DaSilva for a committee to study bond authorization. Miss Dennehy asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the City Engineer, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members DaSilva, Trocolla and Scozzafava to the committee.

28 - COMMUNICATION - Letter from Board of Education Chairman Nancy Marcus requesting that the Common Council establish a Medical Insurance Claims Reserve Account similar to the City of Danbury for this fiscal year. Mr. DaSilva made a motion that the request be granted and a Medical Insurance Claims Reserve Account be established for the Board of Education. Seconded by Mr. Boynton.

Mr. Boynton asked where the funds will come from. The Mayor stated that there is a potential for underexpenditures in the health insurance line item. Mr. Arconti asked if the fund builds up, can the money come back to the City. The Mayor stated that it is unlikely that the fund will grow. Mr. Setaro stated that he feels this is a step in the right direction and we are protecting ourselves as to costs. Motion carried unanimously.

29 - COMMUNICATION - The Ice House v. City of Danbury. This is an uninsured claim. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Corporation Counsel, the Superintendent of Public Utilities, and the Risk Manager. Mayor Eriquez so ordered and appointed Council Members Beck, Machado and Yamin to the committee.

30 - COMMUNICATION - Letter regarding a drainage problem in the Aunt Hack area. Miss Dennehy asked that this be referred to an ad hoc committee, the City Engineer and the Superintendent of Highways. Mayor Eriquez so ordered and appointed Council Members Levy, Gallagher and Scozzafava to the committee.

31 - COMMUNICATION - Reports regarding offer to sell property at 240 Main Street to the City. WITHDRAWN

32 - COMMUNICATION - Offer to sell two lots on West and New Streets to the City. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Director of Planning, the Director of Finance and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Coladarci, Macado and Capiello to the Committee.

33 - COMMUNICATION - Request for SNET for an easement on City property on Middle River Road. Mr. Arconti asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Dennehy, Charles and Yamin to the committee.

34 - COMMUNICATION - Yankee Gas - Properties at Plumtrees Road and Pahquioque Avenue. Mr. Machado asked that this be referred to an ad hoc committee, the Director of Planning, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Arconti, Scalzo and Scozzafava to the committee.

35 - DEPARTMENT REPORTS - Public Utilities, Engineering, Highways, Health and Housing, Police, Department of Elderly Services, Fire Chief, Fire Marshall, Parks and Recreation. Mr. DaSilva made a motion that the Department Reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Dennehy. Motion carried unanimously.

36 - REPORT & ORDINANCE - Deferral of Assessment Increases - Redevelopment area.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:30 P.M. on May 16, 1994 to review the proposed ordinance concerning the deferral of assessment increases at the Redevelopment area. This Ordinance pertains only to City owned land in the Redevelopment site. Mayor Eriquez stated that a study committee is being formed to look into various incentives for other sites than those included in the ordinance.

Mr. Boynton moved to recommend approval of the proposed ordinance concerning the deferral of assessment increases in the Redevelopment area. The motion was seconded by Mr. Setaro and passed unanimously.

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

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements within the Downtown Redevelopment Area.

(a) Preamble and general findings and authority. The redevelopment of properties located within the Downtown Redevelopment Area is hereby found and declared to be in the best interests of the City of Danbury.

Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b. of the Connecticut General Statutes; and, whereas the deferral of assessment increases attributable to new construction or improvements will encourage the revitalization of the downtown for the benefit of the City of Danbury; and, whereas the Common Council of the City of Danbury has declared support for the revitalization of its downtown and recognizes that revitalization requires improvements to the image and physical appearance of the downtown; and, whereas the Common Council of the City of Danbury has established a Downtown Redevelopment Area to promote the economic and general welfare of its citizens and property owners; now, therefore, in accordance with section 12-65b. of the Connecticut General Statutes, the City of Danbury does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the Downtown Redevelopment Area as specified herein.

(b) Application and eligibility. Application to the City for a deferral of assessment increases for real property, air space, and all improvements thereon or therein and to be constructed thereon or therein and located within the Downtown Redevelopment Area may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, the Common Council shall, upon receipt of a report and recommendation of the Planning Department:

- (1) establish that the real property or property subject to air rights is located within a parcel or parcels of the Downtown Redevelopment Area, as designated in the Downtown Danbury Redevelopment Plan, as amended, adopted by the City of Danbury Redevelopment Agency;
- (2) establish that construction or improvements to real property or property subject to air rights shall be limited to uses specified in section 12-65b. of the Connecticut General Statutes and the City of Danbury Zoning Regulations;
- (3) establish that the property or property subject to air rights is not delinquent in the payment of taxes to the City of Danbury or taxes owed through the Downtown Special Services District at the time of application;
- (4) establish that the proposed construction or improvement meets or exceeds the design criteria contained herein; and,
- (5) enter into a written agreement with the applicant fixing the assessment, as provided for herein, of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein and which is the subject of the agreement in accordance with this section, provided that all improvements and construction thereon or therein to be undertaken shall be subject to the eligibility and design criteria specified herein and with all municipal land use regulations and building and health codes.

(c) Design criteria for improvements or construction. All construction or improvements to real property or air space eligible for deferral of tax assessments shall follow accepted practices of good urban design, including careful integration of new construction with existing development within the District. New buildings or extensions to existing buildings must be designed within the context of their surroundings to promote a cohesive overall effect with adjacent buildings. In addition, all new construction and improvements shall meet the following architectural guidelines:

- (1) proposed buildings or extensions to existing buildings shall not be significantly higher than buildings directly adjacent to them and shall appear to have an overall massing similar to that of other surrounding buildings;
- (2) proposed buildings or extensions to existing buildings shall be constructed with permanent materials requiring little or no maintenance (e.g. brick, cut stone, precast concrete);
- (3) proposed buildings or extensions to existing buildings shall be setback from the street line a distance similar to that of buildings adjacent to them to maintain the integrity of the existing streetwall; and,
- (4) the facade of proposed buildings or extensions to existing buildings facing public streets shall: be constructed of materials common to other buildings in the downtown; avoid the use of false facades and purely cosmetic treatment; only use clear or tinted glass (no mirror glass); use the same materials at all elevations of the building, except that complementary materials may be permitted to enhance the building base; screen all loading areas, docks, and dumpsters with the same exterior materials as those of the main building; screen rooftop mechanical equipment from view; design all proposed signs in a discrete manner.

June 7, 1994

(d) Application procedure.

- (1) Any eligible applicant for deferred assessments shall submit his application to the Planning Department of the City on forms supplied by such department. Such application shall include the applicant's estimate of the cost of construction or improvements subject to deferred assessment, and site plans, elevation drawings, and other specifications sufficient to determine if the proposed construction or improvement meets the design criteria specified above.
- (2) The Planning Department shall review the application submitted and forward such application and the department's recommendation to Common Council on whether or not the application meets the eligibility and design criteria specified in this section. Such recommendation shall include specific reasons to support its recommendation.
- (3) Upon receipt of the application and recommendation from the Planning Department, Common Council shall either approve the application, reject the application, or return the application to the Department for further information. If an application is rejected, Common Council shall state its reasons for rejection. The applicant may file a revised application to the Planning Department which addresses the reasons for rejection by Common Council.
- (4) In the event of approval, Common Council shall adopt a resolution authorizing the Mayor of the City of Danbury to enter into an agreement with the owner or lessee of the property, as specified herein, as prescribed by Common Council.

(e) Assessment deferral agreement.

- (1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by Common Council, shall reflect the assessment on the property immediately prior to the commencement of construction, and shall specify the period of deferral which shall begin with the issuance of said certificate of occupancy.
- (2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the Planning Director, or his designee, as hereinafter set forth, and upon issuance of the certificate of occupancy, the increase in the assessment of the property due to such construction or improvement shall be deferred in accordance with the following schedule:
 - a. for proposed construction or improvements which value three million dollars or more, the entire increase in the assessment may be deferred each year for a period not to exceed four years;
 - b. for proposed construction or improvements which value between five hundred thousand dollars or more but less than three million dollars, the entire increase in the assessment may be deferred each year for a period not to exceed two years; and,
 - c. for proposed construction or improvements which value between one hundred thousand dollars but less than five hundred thousand dollars, fifty percent of the assessment may be deferred each year for a period not to exceed three years.
- (3) Deferred assessments shall not apply to taxes levied under Section 19B-3 of the Code of Ordinances of the City of Danbury applicable to the Downtown Special Services District.
- (4) The assessment deferral agreement shall provide that such construction or improvement shall be completed by a date fixed in such assessment deferral agreement; and, in the event that on the date so fixed for completion the Planning Director or his designee has denied certification that the construction or improvement has been performed in accordance with the eligibility and design criteria as set forth in this section and in accordance with the terms of the assessment deferral agreement, the agreement shall terminate and further the owner or lessee of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Planning Department for an extension of time in which to complete the construction or improvement which, for good cause shown, the Planning Department may approve but in no event shall such extension of time exceed a period of one year.
- (5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:
 - a. that the Contract of Sale and transfer of land to the developer is approved by the Common Council and executed by the City of Danbury Redevelopment Agency, as required;
 - b. that, in addition to the certification requirements of subsection (e)(2)-(4) above, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to insure conformance with the zoning regulations, as required;

- c. that the assessment deferral shall continue only as long as construction and/or improvements to the property continue to meet design criteria and approved specifications in the agreement and as long as the use of the property remains a use authorized by Section 12-65b. of the Connecticut General Statutes;
- d. that the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and,
- e. that the assessment deferral shall cease upon the sale or transfer of the property or air rights unless the new owner or lessee, as herein provided, of said property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(f) Miscellaneous provisions.

- (1) The Assessor shall have the sole responsibility of determining the cost and value of the construction or improvements subject to the deferral of assessment increases.
- (2) A copy of any assessment deferral agreement entered into under the provisions of this section shall be forwarded to the Assessor of the City, who shall adjust his records accordingly.
- (3) The Planning Director or his designee shall forward a copy of his certification that the construction or improvement has been performed in accordance with the assessment deferral agreement to the Assessor. In the event that the Planning Director denies such certification, he shall send a copy of his denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.
- (4) Any agreement entered into under the provisions of this section shall be filed with the Office of Town Clerk for recording in the land records of the City.
- (5) The Planning Department is authorized to establish procedures and technical specifications for the administration of this section.
- (6) Properties that have commenced construction or improvements prior to adoption of this section, but have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section provided they meet the requirements and apply in accordance with the provisions of this section.

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

37 - REPORT & RESOLUTION - Recycling and Solid Waste Fees and Permits.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:30 P.M. on May 16, 1994 to review the recycling and solid waste fees and permits. It was explained that the only changes in Schedule A is a \$15 permit for residential dumping and the elimination of a fee for dumping brush. The \$15 fee is to pay for the necessary personnel to handle the solid waste brought in by individuals.

Mr. Scalzo moved to recommend approval of the resolution concerning recycling and solid waste fees and permits. The motion was seconded by Mrs. Coladarci and passed unanimously.

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

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

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

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

(a) The Solid Waste Permit when presented in combination with a sufficient number of Recycling Solid Waste (RSW) coupons, shall allow the disposal of residentially generated Municipal Solid Waste (with the exception of those Additional Wastes and Listed Permitted Wastes identified in Schedule A), generated solely by the household of the permit holder, at the Danbury Landfill site. RSW coupons may be purchased from the City, at the rate established in Schedule A.

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

(c) The Recycling Permit shall allow the disposal of leaves for composting and brush (under 3/4" diameter) for processing at the Danbury Landfill site.

(d) The Solid Waste and Recycling Permits, when presented in combination with sufficient number of RSW coupons, shall allow for the disposal of Additional Wastes as set forth in Schedule A.

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

(f) All Passenger vehicles bearing Disabled Veteran, Handicapped Permit or POW registration plates shall be exempted from the provisions hereof relating to permit fees. This exception shall be limited to one permit per household. The owner of any such vehicle may obtain an Annual Solid Waste and Recycling Permit upon request.

BE IT FURTHER RESOLVED THAT a Registration as a Collector with the City of Danbury shall be issued for any vehicles delivering certain Listed Permitted Wastes, generated in the City of Danbury (or as authorized pursuant to an agreement between the City of Danbury and the HRRRA or any other municipality) and described in Schedule A. An additional fee, as provided for in Schedule A, shall be charged for the disposal of said wastes.

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

BE IT FURTHER RESOLVED THAT the provisions hereof and of Schedule A shall take effect on July 5, 1994.

Mr. Falzone made a motion that the report be accepted and the resolution adopted. Seconded by Miss Dennehy. Motion carried unanimously.

38 - REPORT - Government Entities Review and Evaluation

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:30 P.M. on May 16, 1994 to review the Government Entities Review and Evaluation. A committee of three members of the Common Council and two members of the public recommended the re-establishment of the Cultural Commission, the Youth Commission, the Commission on the Status of Women, the Commission on Aging and the Parking Authority.

Mrs. Coladarci moved to recommend the re-establishment of the City entities mentioned above. The motion was seconded by Mr. Cappiello and passed unanimously.

The report was adopted on the Consent Calendar.

39 - REPORT - Lease between King Street Volunteer Fire Company, Inc. and the City of Danbury

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review the lease between the King Street Volunteer Fire Company and the City of Danbury met at 7:00 P.M. on May 31, 1994 in Room 432 in City Hall. In attendance were committee members Setaro and Beck. Also in attendance were Fire Chief Jack Murphy and Bob Bittner, Wes Elm, Tom Lechner representing the King Street Volunteer Fire Company and Council Member Warren Levy, ex-officio.

Mr. Setaro stated that negotiations between the City and the King Street Volunteer Fire Company resulted in a proposal where the parties would enter into a ten year lease which the City could cancel after three years. The lease would include no property improvements with an annual rent of \$12,600 in the first year with a five percent yearly increase for the remainder of the lease term. Other provisions in the lease would remain substantially the same.

Chief Murphy explained that the term of the lease was an important provision as City officials had expressed serious interest in building a fire house in the King Street district for Engine 25. However, since this proposal is in the planning state, the proposal made by the King Street Volunteer Fire Company is satisfactory.

Mr. Bittner stated that although he is supportive of the King Street proposal, he is concerned that the City may not go forward with plans to build the fire house. He added that if the City is serious about building a new firehouse in the King Street district, then definitive steps should be taken to advance this proposal.

Mr. Setaro stated that the Common Council must make decisions based upon the facts before it and that he supported the King Street Volunteer Fire Company proposal as it would allow the City flexibility and the option of terminating the lease agreement if the City were to construct a fire house in the King Street district.

Miss Beck moved to recommend to the Common Council the acceptance of the terms proposed by the King Street Fire Company, Inc. and contained in the May 20, 1994 correspondence to Corporation Counsel. Seconded by Mr. Setaro and passed unanimously.

The report was adopted on the Consent Calendar.

40 - REPORT - Habitat for Humanity Proposal - 112 & 112½ Elm Street

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review the request of Housatonic Habitat for Humanity at 112-112½ Elm Street met on May 24, 1994 in the Fourth Floor Lobby in City Hall at 7:00 P.M. In attendance were Committee Members Setaro and Machado. Also in attendance were Sam Deibler of Housatonic Habitat for Humanity, Mayor Gene Eriquez and Council Member Roberto Gomez, ex-officio. Mr. Setaro read the proposal presented by Habitat for Humanity to raze the building at 112-112½ Elm Street and construct a residential dwelling. He added that the Planning Commission has made a positive recommendation on the proposal at issue.

Mayor Eriquez stated that the City currently owns the property that Habitat for Humanity is seeking and that donating the property for this purpose would not impact the grand list as the City has not been collecting taxes on this property for years. He added that if the proposal is approved, Habitat for Humanity will pay taxes on the real property and the improvements. Mayor Eriquez also stated that the Beaver Street residents were supportive of the proposal and that renewal of the dilapidated structures would remove blight in the neighborhood.

Mr. Deibler stated that Habitat for Humanity would seek the sponsorship of the Danbury Housing Partnership for this proposal. Sponsorship by the Housing Partnership would give priority to purchasing the dwelling to Danbury low income residents. Purchasers would receive a no interest mortgage such that an individual earning \$7.00 per hour could qualify. Mr. Machado stated that he supports the proposal and that he hoped that the purchasers would take an active role in their new neighborhood.

Mr. Machado moved to recommend to the Common Council the adoption and implementation of the Habitat for Humanity proposal, that the property located at 112-112½ Elm Street be declared surplus by the City and that the buildings be razed. Seconded by Mr. Setaro and passed unanimously.

Mr. Boynton made a motion that the report be accepted and the proposal adopted, the property be declared surplus and transferred to Habitat for Humanity for \$1.00. Seconded by Mrs. Outlaw. Mr. Scalzo asked who would be responsible for demolition costs. The Mayor stated that details are now being worked out. Mr. Charles asked if this property would be transferred to the tax exempt list until it is rebuilt. Mayor Eriquez stated that Habitat for Humanity will pay the taxes.

Motion carried unanimously.

41 - REPORT - Ethnic Cultural Festival

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review a request to discuss ideas to heighten awareness of the Danbury Ethnic Cultural Festival and to provide assistance to the Danbury Intercultural Association met at 7:55 P.M. on May 31, 1994. In attendance were committee members DaSilva and Gomez. Also in attendance were Andrew DeGrazia, President of the Board of Directors, Dr. Harold Burke, Chairman of the Board of Trustees, Mary Burke and Council Member Warren Levy, ex-officio.

Mr. Gomez asked about the fees for a cultural group to participate. Mr. DeGrazia and Dr. Burke explained that there is a \$25.00 fee for liability insurance and a \$100.00 minimum fee for participating groups. Tents are rented by each group on their own or they may rent a place in the large tent for a much lesser price.

A discussion was held on the purpose of the festival. It is held to show our City's diverse ethnicity. It aims to help bring our community together in a spirit of awareness and sharing of our cultural heritage.

After considerable discussion about many aspects of the festival, Mr. DaSilva moved to recommend that the month of June be declared "Intercultural Festival and Cultural Diversity Month" and that \$5,000 be appropriated from the 1994-95 budget for next year's festival. The motion was seconded by Mr. Gomez and passed unanimously.

Mr. Falzone made a motion that the report be adopted and the appropriation approved. Seconded by Mrs. Outlaw. Motion carried unanimously. Mayor Enriquez introduced the President of the Ethnic Festival, Andrew DeGrazia.

42 - REPORT - Acquisition of Private Water Systems

Mr. Trocolla submitted the following report:

The Common Council Committee appointed to review the request for acquisition of private water systems at Racing Brook Meadows, Robin Hill and Pleasant Acres met on May 10, 1994 at 6:30 P.M. in City Hall. In attendance were committee members Trocolla, Machado and Cappiello. Also in attendance were Superintendent of Public Utilities William Buckley and Director of Finance Dominic Setaro. Members of the public in attendance were Pauline Basso, George Eller, John Conroy and Tom Miller representing BRT and Ted Backer representing the Pleasant Acres Association.

Mr. Trocolla read the Planning Commission report recommending the purchase of all three systems. Mr. Cappiello made a motion to suspend the rules. Seconded by Mr. Machado and passed unanimously. Mr. Trocolla asked Mr. Buckley to review the Evaluation of Private Water Systems done by Roald Haestad, Inc. for the City. Mr. Trocolla requested that he do Robin Hill and Racing Brook Meadows owned by BRT Realty first and vote on those and then move to the Pleasant Acres system. Mr. Buckley gave a brief history on each system and location; discussed the performance review; deficiencies of each system; recommended short term upgrades to meet DWD, DPUC standards; recommendations for long term improvements and present worth of each system.

Mr. Miller spoke and stated his companys' position: BRT would like to get out of the private water business and would be willing to sit down with the City to discuss this.

Mr. Cappiello moved to recommend to the Common Council that the DWD enter into negotiations with BRT to possible purchase both Racing Brook Meadows and Robin Hill Water Systems. Seconded by Mr. Machado and passed unanimously.

Mr. Trocolla then asked Mr. Buckley to review the report on Pleasant Acres covering the same points as he did on the first two systems. At the conclusion of his report, Mr. Backer made several observations. He pointed out that the Pleasant Acres Association owns the water company. For the past 15 years it had been run very efficiently by a member of the community that was appointed by the State. That person has recently left the State and the State is looking for someone to operate the system. When asked about easements for placing the mains in the roads, he pointed out that the Association does not own many of the roads. Mrs. Basso asked who would bear the cost of upgrading the system. Mr. Setaro and Mr. Buckley pointed out that there were provisions in the Charter to pass the costs on to the residents of those private systems. Since the cost and improvement needs on this system are extensive the question was asked if it would be better just to bring in City water.

Mr. Cappiello made a motion to recommend to the Common Council that the DWD enter into discussions with the Pleasant Acre Association to develop a plan to bring water to that portion of the City. Seconded by Mr. Machado and passed unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Request to accept College Park Drive - Mrs. Coladarci submitted the following report:

The subcommittee appointed to review the request from the residents of College Park Drive to become a City road met at 8:00 P.M. on May 16, 1994 in Room 432 in City Hall. In attendance were committee members Coladarci, Levy and Yamin. Also in attendance were City Engineer Jack Schweitzer, Ralph Gallagher, Jr., and Keith Gustavaon of College Park Drive.

A discussion ensued regarding private roads in general. The City ordinance in regard to private roads has been changed to reflect roads in which the bond has expired and the developer has not completed the road. A discussion on the bonding process followed. College Park Drive falls under the revised ordinance and is situated off an existing City road. The Planning Commission has given its approval of the road.

Mr. Levy made a motion that the full Common Council accept College Park Drive as a City road contingent upon compliance with provisions of section 17-34 of the Code of Ordinances of the City of Danbury and it was seconded by Mr. Yamin. The motion carried unanimously.

The report was adopted on the Consent Calendar.

44 - REPORT - Offer to donate fencing and a gate to the City

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review an offer to donate fencing and a gate to the City of Danbury met on Thursday, May 19, 1994 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Esposito and Cappiello. Also in attendance were Director of Parks and Recreation Robert Ryerson, Assistant Corporation Counsel Les Pinter and Mr. and Mrs. Michael Baldasare. The rules were suspended to allow for an open discussion and to provide the donors with an opportunity to further explain the proposed donation.

Mr. and Mrs. Baldasare explained that due to repeated trespassing of vehicles using their driveway as a short cut to avoid the stoplight at the intersection of Main and South Streets, and that as the result of parked vehicles blocking access to their right of way to the rear entrance to their property, a fence and gate are needed and, in as much as the proposed fencing would be erected on City property, the offer has been made in the form of a donation of material and labor. Mr. Ryerson cited longstanding problems in the absence of a barrier to prevent them and added that a fence would serve to eliminate the problem of trespass as well as improve the appearance of the subject property.

Mr. Cappiello questioned what benefit, if any, this would serve the City and the Chair concurred in stating that, by definition, a donation is a gift which implies certain benefit to the recipient and, in this case, could see no such advantage for the City to accept the donation and thus allow City property to be fenced in for exclusive private use. Mr. Esposito suggested that since there would be considerable controversy surrounding the City's acceptance of this donation, not to mention the questions of maintenance and general liability, the Baldasares would do best to withdraw the offer and erect the fence and gate on their own property, thus avoiding controversy and eliminating the trespassing problem. He further suggested that Mr. Ryerson explore the possibility of having the parking lot in which the entrance to the right of way is located, marked to clearly define parking spaces thus reducing the chances of having that right of way blocked in the future.

The Baldasares amicably agreed to withdraw the offer and proceed with the suggestion of erecting the fence on their property and Mr. Ryerson agreed to pursue marking of the parking lot in question. The Chair thanked all for their understanding and cooperation in this matter.

No action was taken and the meeting adjourned at 8:15 P.M.

The report was accepted on the Consent Calendar.

45 - REPORT - Capital Line Item - Improvements at Hatters Park

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the Capital Line Item - Improvements at Hatters Park met on May 19, 1994 at 7:05 P.M. In attendance were committee members Gallagher, Esposito and Scozzafava. Also in attendance were Director of Finance Dominic Setaro, and Director of Parks and Recreation Robert Ryerson.

Mr. Ryerson stated that during the budget process it had been planned to use the revenue generated by Hatters Park to purchase two rotary mowers for \$25,000 and one vehicle for \$10,000. He further stated that Parks & Recreation is currently formulating a plan for Hatters Park which will include the new PAL building, upgrade/repair of the Pavilion and overall integration of the "Linear Park".

Mr. Esposito stated that the revenue generated by Hatters Park should be strictly earmarked for upgrade of the Park and that capital purchases should be funded under the City's Capital Budget. Of particular concern was the condition of the Pavilion and its restrooms.

After further discussion, Mr. Esposito moved to recommend that the \$35,325.90 in revenue from Hatters Park be appropriated to the line item Improvements at Hatters Community Park, specifically for improvements to the Pavilion. Seconded by Mr. Scozzafava. Motion carried unanimously.

The report was adopted on the Consent Calendar.

46 - REPORT - Danbury-New Fairfield Intermunicipal Hydrant Negotiating Committee. Mr. Setaro asked that this be deferred to public hearing. Mayor Eriquez so ordered.

47 - REPORT - Margerie Treatment Plant and Related Water Systems Improvements and Consent Order

Mr. DaSilva submitted the following report:

The Common Council Committee of the Whole met at 8:12 P.M. on May 24, 1994 to review a consent order between the City of Danbury and the State of Connecticut Department of Health and Addiction Services to provide pure and adequate water in accordance with Order No. WSS-93-034-081. Also under consideration was a nineteen million dollar proposal to rebuild Margerie Treatment Plant, (14.1 million), make improvements to the West Lake Treatment Plant (1 million) and build an extended distribution network (2 million). The remaining amount would fund the finance, legal and bonding costs, etc.

Superintendent of Public Utilities William Buckley gave a slide presentation of the conditions at the Margerie Plant built in 1935 and of the same problems at the West Lake Plant. He and personnel from the State Health Department discussed the need for an upgrading at the Margerie Plant because it is no longer in compliance with the Safe Drinking Water Act. The proposed consent order would allow the City to bring a new plant on line after the time the debt service for the West Lake Plant has been paid. Director of Finance Dominic Setaro stated that the application of that money, plus surplus funds in the Water Department budget, reduced labor costs and possible Federal funds, among other measures would allow a minimal impact on water rates.

Mr. Buckley also explained that there are some improvements necessary at the West Lake Plant that are needed to save problems in the future. He discussed the proposal to line the two water plants so that either one could supply the whole City if a major break occurred.

The intent of the consent order was discussed. If the City did not execute this consent order which is an agreement between the City and the State of Connecticut, we would be ordered to perform the improvements at the Margerie Water Plant. This would eliminate the flexibility that has been worked out between the two parties. There was considerable discussion on this and all other proposals presented to the committee.

Miss Dennehy moved to recommend that the Mayor be authorized to execute the consent order with the State of Connecticut as mentioned above. The motion was seconded by Mrs. Coladarci and passed unanimously.

Mrs. Coladarci then moved to recommend that the City's bond counsel draft a bond ordinance and related documents concerning improvements to the City water system. The motion was seconded by Miss Dennehy and passed unanimously.

The report was adopted on the Consent Calendar.

48 - REPORT - Danbury-Newtown Intermunicipal Sewer Agreement. Mr. DaSilva asked that this be deferred to public hearing. Mayor Eriquez so ordered.

49 - PROGRESS REPORT - Offer to sell land on Old Brookfield Road to the City.

Mr. Arconti submitted the following progress report:

The Common Council Committee appointed to review the offer to sell land on Old Brookfield Road to the City met on May 17, 1994 at 7:30 P.M. in City Hall. In attendance were committee members Arconti, Trocolla and Yamin. Also in attendance were Director of Parks and Recreation Robert Ryerson, Director of Finance Dominic Setaro, Assistant Planning Director Susan DeCina, two of the owners of the property and their real estate agent and Council Member Scalzo, ex-officio.

The committee discussed some of the details regarding this offer and the anticipated future needs for recreational facilities in the City. While this 43 acre parcel appears to be suitable for recreational use, there are obstacles to its development, the least not being its cost. Further, no comprehensive plan has been completed by the City to determine its need for additional acreage for recreational purposes.

The committee requested the Planning Department and the Parks and Recreation Department to conduct a preliminary study of projected recreational needs and whether this parcel might help fulfill those needs, and to report back to this committee within 45 days.

The progress report was accepted on the Consent Calendar.

50 - REPORT - Request for Sewer and Water Extensions - Eagle Road and International Drive. Mr. Setaro made a motion that this report be added to the agenda. Seconded by Mr. Charles. Motion carried unanimously.

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review an application for extension of sewer and water for Danbury Still River Corporation on Eagle Road and International Drive met at 7:30 P.M. in Room 432 in City Hall on May 24, 1994. In attendance were committee members Dennehy, Levy and Capiello. Also in attendance were City Engineer Jack Schweitzer, William Steele and Jane Williamson.

Mr. Schweitzer reviewed the project and briefly discussed the plans. He felt very confident in the plan and did not anticipate any problems. The Planning Commission made a positive recommendation.

Mr. Capiello made a motion to approve the application for sewer and water extensions on Eagle Road and International Drive subject to the normal eight steps. Seconded by Mr. Levy. Motion carried unanimously.

Mr. Falzone made a motion that the report be adopted as read. Seconded by Mr. Boynton. Motion carried unanimously.

At 9:08 P.M. Mr. Boynton made a motion for the Common Council to enter into Executive Session to discuss item 22. Seconded by Miss Dennehy. Motion carried unanimously.

At 9:58 P.M. the Common Council reconvened in regular session.

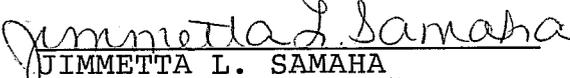
22 - COMMUNICATION & CERTIFICATION - Errichetti Arbitration.

Mr. DaSilva made a motion to accept the communication and appropriate \$100,000 from the accounts as outlined therein. Seconded by Mr. Charles. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 10:00 P.M. by Mr. Setaro for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk