

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

RE: Minutes of the July 6, 1994 Common Council Meeting

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

PRESENT - Levy, Scalzo, Falzone, Yamin, Arconti, Boynton, Dennehy, Gallagher, Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Gomez, Beck, Capiello, Setaro, Trocolla

ABSENT - Scozzafava, Valeri

19 Present - 2 Absent

Mr. Scozzafava had a previous engagement

July 5th - Dorothy and James Outlaw will celebrate their anniversary
July 9th - Director of Finance Dominic Setaro's birthday
July 12th - Eileen Coladarci's birthday
July 18th - Michael Falzone's birthday
July 25th - John and Geneva Esposito will celebrate their anniversary
August 1st - Joe DaSilva's birthday

July 7th - Concert on the Green Series in CityCenter

July 9th &

10th - Danbury Amateur Golf Tournament to benefit Hanhoe Clinic

July 13th - American Cancer Society Celebrity Breakfast

July 16th - Ives Center 10th Anniversary

July 17th - 98/Q City Center 10K Roadrace

July 24th - Columbian Civic Center Festival

July 27th - Korean War Memorial Ceremony

July 28th - Musicals at Richter 10th Anniversary Season

July 30th - Independent Hose Annual Clambake

The Mayor introduced Scout Troop 22

PUBLIC SPEAKING

1. Mary Ann Dahill, 60 East Lake Road - Asked that the Council Members not change their votes on the Danbury-Newtown Interlocal Sewer Agreement. Vote for the good of the people.

2. David Grogins, 158 Deer Hill Avenue - Town Attorney for Newtown. Did not serve on negotiating team. This is a sound regional solution to the solid waste problem. We must think in regional terms. The people of Newtown would trade 1 jail for a sewage treatment plant. Gave background on the origin of the plan.

3. Ronald Blonski, 18 Griffing Avenue - read a prepared statement which is on file in the Office of the City Clerk for public inspection.

4. Joseph Rosato, Long Ridge Road - opposed to sewer agreement. His basic problem is the amount of money. Continue to reject the agreement.

5. Rocco Fusco, 5 Meadowbrook Vista - Surprised by the cost of their sewer hookup, but Newtown is getting it much cheaper.

6. Barbara Monsky, 14 Shepard Road - Newtown will get the sewer agreement for free. Why should we help developers move to another town. We need development in Danbury. We are selling out to the regional nonsense. We need commerce here.

7. Lana Verpoli, 28 Meadowbrook Vista - Will lose her life investment due to the cost of sewer hookup. Common Council is giving it to Newtown.

8. Lynn Waller, 83 Highland Avenue - continue to vote no on sewer agreement or send it back for negotiation. All people speaking in opposition are from Danbury.

9. Harold Hancock, Germantown Road - against letting Newtown hook into sewer system. Newtown has its own facilities and can do this for themselves. We have a jail in Danbury also. This will not stay at the 150,000 gallon capacity. Common Council should represent Danbury not Newtown.

MINUTES - Minutes of the Common Council Meeting held June 7, 1994 and the Special Common Council Meeting held June 22, 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 submitted the following items for the Consent Calendar:

- 1 - Approve Before and After School Program Grant - \$23,095
- 2 - Approve Application for AIDS Prevention Grant - \$168,412
- 3 - Approve amended WIC Supplemental Nutrition Grant - \$205,670
- 4 - Approve Application for Department of Transportation, Division of Highway Safety Grant - \$500
- 5 - Approve appointment of Richard Kilcullen to the Aviation Commission
- 6 - Approve reappointment of Gerald Daly to the Tarrywile Park Authority
- 16- Approve renumbering of Ohehyatah Place
- 17- Approve acceptance of Wilkes Road under provisions of City Ordinance 17-34
- 18- Approve request for sewer and water extension on Broad Street
- 19- Approve request for sewer extension - 6 South Well Avenue
- 24- Approve Danbury-New Fairfield Intermunicipal Hydrant Agreement

Mr. Charles made a motion that the Consent Calendar be adopted as read. Seconded by Miss Dennehy. Motion carried unanimously.

- 1 - RESOLUTION - Before and After School Program

RESOLVED BY THE Common Council of the City of Danbury:

RESOLVED That the Mayor Gene F. Eriquez is empowered to enter into and amend contractual instruments in the name and on behalf of the City of Danbury with the Department of Social Services of the State of Connecticut for an Elementary School Before and After School Child Care Program, and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

- 2 - RESOLUTION - AIDS Prevention Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health and Addiction Services (DPHAS) through its AIDS Prevention Program has made grant funds available to full-time health departments to provide HIV health education information and expanded services for the period July 1, 1994 through June 30, 1995; and

WHEREAS, grant funds not to exceed \$168,412 requiring no local match will be made available to the Danbury Health Department for its AIDS Risk Reduction Outreach Education Program, HIV Counseling and Testing Services, its Needle Exchange Program and its Ryan White Title II Case Management Program, upon approval of a grant application therefor; and

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

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

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

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - WIC Supplemental Nutrition Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health and Addiction Services has made available additional grant funds for the City's Women, Infants and Children's (WIC) Supplemental Nutrition Program amending the funding level from \$182,490 to \$205,670; and

WHEREAS, the grant covers the period of October 1, 1993 through September 30, 1994 with no local match required of the City of Danbury; and

WHEREAS, the W.I.C. Program for Danbury area residents provides nutrition education and supplemental foods to pregnant women, nursing mothers and children to age five;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the resolution of September 8, 1993 is hereby amended to include the increased funding level made available by the State and that Gene F. Eriquez, Mayor of the City of Danbury and William J. Campbell, Director of Health are hereby authorized to apply for and accept said grant on behalf of the Danbury Health and Housing Department; and

BE IT FURTHER RESOLVED THAT to accomplish the purposes of said program, Gene F. Eriquez, Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Public Health and Addiction Services.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Department of Transportation, Division of Highway Safety Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation will accept an application from the Danbury Police Department as part of its 25% Impaired Driving Reimbursement Program, a highway safety project; and

WHEREAS, an application will be made for a micro grant of \$500 to be used towards the purchase of computer equipment for the Department's Traffic Unit, supplementing an existing grant award from Mothers Against Drunk Driving;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is authorized to apply for and accept said grant, and to sign any agreement therefor.

The Resolution was adopted on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Richard J. Kilcullen to the Aviation Commission for a term to expire July 1, 1996. The appointment was confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Eriquez requesting the confirmation of the reappointment of Gerald Daly to the Tarrywile Park Authority for a term to expire May 1, 1997. The reappointment was confirmed on the Consent Calendar.

7 - COMMUNICATION - Request by Leo McIlrath from the Department of Elderly Services to accept donations in the sum of \$134.84.

Mr. Falzone made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

8 - COMMUNICATION - Letter from Attorney Ward Mazzucco requesting a sewer line extension for the Community Action Nursery School. Mr. Setaro asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Enriquez so ordered and appointed Council Members Gallagher, Coladarci and Scozzafava to the committee.

9 - COMMUNICATION - Neighborhood Assistance Act. Miss Dennehy asked that this be deferred to public hearing. Mayor Enriquez so ordered

10 - COMMUNICATION - Request for an amendment in the Police Pension Clause. Mr. DaSilva asked that this be referred to the Corporation Counsel and the Pre-Post 1967 Police Pension Board. Mayor Enriquez so ordered.

11 - COMMUNICATION - Request to purchase property on Grove Place. Mr. Setaro asked that this be referred to the Director of Planning, the City Engineer and the Planning Commission for reports back in thirty days. Mayor Enriquez so ordered.

12 - COMMUNICATION - Branson Ultrasonics Corporation v. Board of Tax Review and the City of Danbury. Deferred to end of agenda for Executive Session.

13 - COMMUNICATION - Miller-Stephenson v. City of Danbury. Deferred to end of agenda for Executive Session.

14 - DEPARTMENT REPORTS - Public Utilities, Engineering, Department of Elderly Services, Highways, Park and Recreation, Health and Housing, Sealer of Weights and Measures, Fire Chief, Fire Marshall. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro. Motion carried unanimously.

15 - REPORT - Danbury-Newtown Interlocal Sewer Agreement

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:55 P.M. on June 27, 1994 to review the proposed Danbury-Newtown Intermunicipal Sewer Agreement. This agreement would provide Newtown with 150,000 gallons of sewage per day in exchange for an upfront payment of \$1.6 million dollars plus their proportionate share of operating and management costs.

There was considerable discussion with City personnel regarding all aspects of the proposed agreement. Director of Finance Dominic Setaro, Director of Public Works Jack Schweitzer, Assistant Superintendent of Public Utilities Mario Ricuzzi and Mayor Gene Enriquez answered a number of questions from members of the Common Council. These questions dealt with topics including the calculation of the cost, the capacity of the waste water treatment plant, upgrade and expansion of the plant, Newtown debt service, payment schedule, State mandate for inclusion in the plant, housing provisions in Newtown and provisions for capacity for Brookfield and New Fairfield.

Various opinions were offered from members of the Common Council both in favor and against the proposal. Some thought that the agreement was not a good deal for Danbury for various reasons. Among them were that the payment from Newtown was not sufficient, that this agreement would open up industrial property in Newtown that would compete with Danbury and Newtown's commitment to housing. Others agreed that Newtown's use of 150,000 gallons a day will not affect Danbury's capacity for growth, that a regional approach is better for Danbury, that with the various State institutions in Newtown this satisfies their social obligations and that the payment from Newtown would be very beneficial to the City of Danbury.

Mr. Yamin moved to recommend denial of the proposal Danbury-Newtown Intermunicipal Sewer Agreement. The motion was seconded by Mr. Cappiello and passed 10-9.

Mr. Boynton made a motion to receive the report and approve the Intermunicipal Agreement with Newtown. Seconded by Mr. Gallagher.

Mr. Boynton stated that the 150,000 gallon capacity will not harm Danbury's capacity. This will offset user's fees. This is a fixed cost. If we don't use it we still pay for it. If we do not sell off the capacity fees will increase 25%.

Mayor Eriquez clarified that the Meadowbrook sewer is a connection to an existing sewer line. Sewer extensions do not relate to capacity within a plant. The property owner of Meadowbrook deems that the cost of connection is too high.

Mr. Cappiello made a motion to recommit the agreement. Seconded by Miss Beck. Mr. Cappiello stated that he was under the impression that June 30th was a deadline, but would like to re-negotiate. Mrs. Coladarci asked about time limits. Mayor Eriquez stated that Newtown has an August 15th deadline.

Miss Dennehy moved the question, seconded by Mr. Falzone. Motion failed with Council Members Yamin, Arconti, Boynton, Outlaw, Beck, Setaro and Trocolla voting in the negative. A two-thirds vote is needed.

Mr. Boynton asked if this would go back to the negotiating team. Mayor Eriquez stated that he would establish the appropriate body. There would not be enough time to go back to the negotiating team. Mr. Trocolla stated that he is against recommital. The Council is voting on economic development for Newtown. Mr. Yamin stated that it is a mathematical problem. Mr. Gallagher stated that greater clarification may forge a clear majority. Miss Dennehy asked if this would go to a committee of the whole. Mayor Eriquez stated that it would most likely go to a committee of the leadership and department heads. Mr. Setaro requested a roll call vote. Mr. Boynton moved the question, seconded by Mr. Cappiello. Motion carried unanimously.

Mayor Eriquez stated that the charge of the committee would be to study the sufficiency of the dollars, to study the social issues and to look at the tenure of the agreement.

The motion to recommit passed with Council Members Outlaw and Trocolla voting in the negative.

Mayor Eriquez appointed Council Members DaSilva, Coladarci and Yamin to the committee, as well as the City Engineer, the Superintendent of Public Utilities, the Director of Finance and the Housing Authority Director.

16 - REPORT - Renumbering of Ohehyahtah Place

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the renumbering of Ohehyahtah Place met on June 28, 1994 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, and Outlaw. Also in attendance were Director of Planning Dennis Elpern, Steve Bobel from the Police Department and Fred Visconti from the Fire Department. Council Member Yamin was not in attendance.

After a brief review of the situation, each Department stated that they were in favor of the change. The survey from the residents resulted in 11 in favor of the change, 1 against and 7 did not respond. The need for renumbering was concerns about safety. It is a standard process, policy procedure in the numbers. Attached is the result of the survey.

Mrs. Outlaw made a motion to renumber Ohehyahtah Place based on the proposal from the Planning Department. Seconded by Miss Dennehy. Motion carried unanimously.

The report was accepted on the Consent Calendar.

17 - REPORT - Acceptance of Wilkes Road

Mr. Falzone submitted the following report:

The Common Council Committee appointed to consider the acceptance of Wilkes Road under Ordinance 17-34 met at 7:35 P.M. on June 27, 1994. In attendance were committee members Falzone, DaSilva and Cappiello. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works Jack Schweitzer and a number of residents of Wilkes Road.

Mr. Pinter explained Ordinance 17-34. This Ordinance has recently been amended to include roads on which bonds have expired. The conditions that need to be met in order to be accepted: bringing the road up to certain specifications, a particular width and a majority of residents. A deed needs to be given to the City after work is done. The expenses are borne by the petitioners in bringing the road to minimal acceptance. Mr. Schweitzer stated that a number of things need to be done in order to be accepted. His department needs to do an inspection to determine what work needs to be done to qualify for acceptance.

There was a discussion between the residents, the committee and City personnel. The discussion covered the problems with the road, a water problem on an abutting property and what needs to be done for acceptance.

Mr. DaSilva moved to recommend that Wilkes Road be accepted as a City highway upon compliance with provisions of section 17-34 of the Code of Ordinances of the City of Danbury. The motion was seconded by Mr. Cappiello and passed unanimously.

The report was accepted on the Consent Calendar.

18 - REPORT - Request for Sewer and Water Extension on Broad Street

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Broad Street met at 7:00 P.M. in the Fourth Floor Lobby in City Hall on June 22, 1994. In attendance were committee members Falzone and Scozzafava. Also in attendance was City Engineer Jack Schweitzer.

Mr. Falzone read the positive recommendation of the Planning Commission for the record. Mr. Schweitzer explained the proposal as outlined in the maps given to the committee for the sewer and water extensions.

Mr. Scozzafava made a motion to approve the extension of sewer and water extensions subject to the usual eight steps and that the petitioner provide all legal documents, ownership, acceptance and title to the water mains that exist at Still River Associates. Seconded by Mr. Falzone and passed unanimously.

The report was adopted on the Consent Calendar.

19 - REPORT - Request for Sewer Extension - 6 South Well Avenue

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 6 South Well Avenue met on June 27, 1994 in City Hall. In attendance were committee members Boynton and Charles.

Mr. Schweitzer advised the committee that he believes the application will be required to submit an engineering plan to extend the sewer line from Crofut Place to the lot at 6 South Well Avenue, Assessor's Lot # Map #4686 - Zone R-3.

Mr. Charles made a motion to approve the sewer extension subject to the required eight steps. Motion was seconded by Mr. Boynton and passed unanimously.

The report was adopted on the Consent Calendar.

Mr. Setaro submitted the following report:

The committee appointed to review the request for funding for the Hispanic Center of Greater Danbury for fiscal year 1994-95 met at 6:00 P.M. on June 21, 1994 in Room 432 in City Hall. In attendance were committee members Setaro and Gomez. Also in attendance were Director of Finance Dominic Setaro, Jr. and Acting Corporation Counsel Eric Gottschalk. Attending on behalf of the Hispanic Center were Maria-Cinta Lowe, Marcy Kristensen, John Colbert, Peter Kalman and Anna Martinez.

Mr. Setaro read a request by Mayor Eriquez recommending payment by the City of the agency's rent. Payments have been suspended pending the receipt of the 1992 and 1993 agency audits. Mr. Colbert explained that he is providing accounting help for the center as the issue of recordkeeping was one of the reasons for the suspension of the City grant to the agency. He added that journals have been established to better monitor incoming donations, deposits and disbursements. The source and purpose of all cash is now identified and all journals will be analyzed monthly. Mr. Colbert felt the adoption of a written procedure manual would facilitate more accurate recordkeeping.

The Director of Finance stated that the steps outlined by Mr. Colbert were an improvement over past safeguards. However, he added that supervision is critical and that he was comfortable with the City's payment of the Center's rent directly to the landlord. Mr. Setaro stated that his primary concern was accountability as to how the taxpayers' dollars were being expended. He added that the Council should receive a review of the Center's progress in implementing the safeguards outlined by Mr. Colbert.

Mr. Gomez moved to recommend to the Common Council the payment of \$23,624 by the City to the landlord of the Hispanic Center as rent, that the City Finance Department prepare biannual status reports to be submitted to the Council for fiscal year 1994-95. Seconded by Mr. Setaro and passed unanimously.

Mr. Yamin made a motion that the report be accepted and the transfer of funds authorized. Seconded by Miss Beck. Motion carried unanimously.

21 - REPORT - Request to accept donation of a sign.

Mrs. Coladarci submitted the following report:

The subcommittee to review the donation of a municipal sign from the Danbury Jaycees met at 7:45 P.M. on June 21, 1994 in the Common Council Chambers in City Hall. In attendance were committee members Coladarci, Falzone and Cappiello. Also in attendance was Director of Parks and Recreation Robert Ryerson.

Mrs. Coladarci explained that the meeting was called to ensure that the sign meets all City standards before being accepted. Zoning Enforcement Officer Wayne Skelly informed her that a municipal sign is exempt from Zoning Regulations as it conforms to the regulations section, exempt signs, section 8.N.1.H. with Common Council approval. Skelly added that a sign permit would be needed to erect the sign on the grass island on Down Street by the Exit 5 off ramp. Ryerson said there would no problems with landscaping the area around the sign. Mr. Cappiello asked if there would be a problem adding other organizations to the sign once it was up. Mr. Ryerson said no.

Mr. Falzone made a motion that the full Common Council approve the acceptance of the sign which says "Welcome to Danbury" and that a letter of thanks be sent to the Jaycees. The motion was seconded by Mr. Cappiello and passed unanimously.

Mr. Arconti made a motion that the report be accepted and the donation accepted. Seconded by Miss Dennehy. Mr. Trocolla made a motion to recommit this report. Seconded by Mrs. Outlaw.

Mr. Trocolla stated there are no controls as to what organizations would be on the sign and who will maintain it. Mayor Enriquez stated that the Jaycees made the offer. There are spaces for 10-12 signs and this will not be expanded. Mr. Trocolla withdrew his motion as did the seconder.

Motion carried unanimously.

22 - REPORT - Bond Referendum

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review a request for the inclusion of a water and sewer authorization on an upcoming referendum met at 8:00 P.M. on June 21, 1994. In attendance were committee members DaSilva and Trocolla. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Director of Finance Dominic Setaro, Corporation Counsel Eric Gottschalk and Council Members Falzone, Coladarci, Arconti and Levy, ex-officio.

Mr. DaSilva explained the rationale for his request. The present sewer authorization for \$7,000,000 was passed in 1977 and has about \$1,000,000 left. There is no vehicle for neighborhood water projects. Mr. Schweitzer and Mr. Buckley stated their agreement with the proposal in that new State and Federal laws are tightening restrictions in regards to sewer and water. If the request for sewer in the First Street area is approved, the project will cost more than we have remaining in the present authorization. Mr. Setaro explained that he has communicated with the City Bond Counsel who found no problem with the proposal. Mr. Gottschalk agreed with the Bond Counsel's assessment.

After discussion of the amount necessary in each category, Mr. Trocolla moved to recommend a question be placed on an upcoming referendum authorizing bonds for sewer and water installation at \$5,000,000 each. If possible, the question should propose flexibility in the accounts to enable monies to exceed \$5,000,000 in either account if necessary while the other account to be reduced by a similar amount. The motion was seconded by Mr. DaSilva and passed unanimously.

Mr. DaSilva made a motion that the bond authorization for 19,000 for reconstruction of the Margerie Water Treatment Plant be sent to public hearing and the proposal for bond referendum in the amount of \$5,000,000 each be referred by the Common Council acting as the Water Pollution Control Authority be deferred for public hearing. Mayor Enriquez so ordered.

23 - REPORT - Land on Spruce Mountain Road for Radio Beacon Tower

Mr. Trocolla submitted the following reports;

The Common Council Committee appointed to review the request to purchase land for a radio beacon tower on Spruce Mountain Road met on May 23, 1994 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Trocolla and Valeri. Also in attendance were Assistant Corporation Counsel Les Pinter, Mr. and Mrs. Theodore Gemza and Marci Raymond.

Mr. Trocolla read the charge of the committee. At the last meeting it was recommended that the Common Council purchase the 3.2 acres that has the radio beacon tower. At the March committee meeting it was recommitted to this committee to look at other alternatives. The history of this tower is that it was built in 1962 on land thought to be owned by the State of Connecticut. In 1989 Mr. Gemza had his property surveyed. It was found that the tower was 100 feet inside his property. In 1991 a Common Council Committee met to look into condemning 1.2 acres of the property. At that time the committee did an appraisal of the property. The appraisal was paid for by the City. The price for the 3.2 acres was \$55,000. For the 1.2 acres the price was \$14,000, but would have to go to court for condemnation. The committee authorized the Corporation Counsel to negotiate an agreement that was brought before the new committee in 1994. The purchase price was \$45,000.

July 6, 1994

The following options were discussed:

1. Recommend that the City purchase 3.2 acres for \$45,000. No rent to be paid and no tax rebate.

2. Condemn 1.2 acres easement and tower site. \$14,000 appraisal. This will be a chance that the courts will not make the City buy the 3.2 acres for \$55,000. Do we have to pay rent? Do we rebate taxes? Do we pay damages for loss of income?

3. Take tower site by adverse possession. Drop commercial users (2). Pay damages and can we make a case.

4. Move tower to new site on State property. The cost would be between \$300,000 and \$500,000. This site was certified in 1989. Will the Federal Government let us move?

5. Take tower down if the government would allow. Stop high flying. Pay damages to 14 operators at Airport.

Mr. Valeri made a motion to suspend the rules. Mr. Gemza was asked if he would sell the 1.2 acres. He indicated that the 1.2 acres was the best property and without it the other 2 acres would not be saleable. Mr. Gemza pointed out that it was his opinion that the City would need 15 years from 1989 in order to try for adverse possession. Mr. Pinter pointed out that was not his opinion and that he feels the City might have a case. Mr. Gemza said he was trying to settle this without taking an adversarial position. Mr. Trocolla asked Mr. Gemza if the City had paid him rent for the site. He said no. He had billed the City in January to get the process moving. He was also asked if he had been rebated any taxes for the tower on his property. He said no. He had paid his taxes since 1962 with no rebate. He pointed out that he did receive a token payment from Hoffman Fuel and AWD for use of the easement to service their equipment.

Mr. Valeri asked Mr. Gemza if he would take a two or three year payment for the property. Mr. Gemza indicated no more than three years.

Mr. Valeri made a motion to recommend to the Common Council the purchase of the 3.2 acres for \$45,000 pending the certification of funds and the development of a payment schedule not to exceed three years. Seconded by Mr. Trocolla. Motion carried unanimously.

The Common Council Committee appointed to review the request to purchase land for a radio beacon tower on Spruce Mountain Road met on June 23, 1994 at 5:00 P.M. In attendance were committee members Trocolla and Valeri.

Mr. Trocolla informed the committee that Mr. Gemza in negotiations with Assistant Corporation Counsel Les Pinter would not split the parcel of land, but would offer the City the 3.2 acres at \$40,000, drop the claim for rent if the land was purchased for \$40,000. If we wanted to pay over a three year period the price would be \$45,000.

Mr. Valeri made a motion to amend the original recommendation to read that the City purchase the 3.2 acres on Spruce Mountain Road for \$40,000 pending certification of funds. Seconded by Mr. Trocolla. Motion carried unanimously.

Mr. Levy made a motion to receive the report and recommit it. Seconded by Mr. Scalzo. Mr. Boynton stated that there are three options. The committee should come back with the best option. Mr. DaSilva stated that the charge of the committee would be 1.2 acres option. Mr. Yamin made a motion to move the question. Seconded by Mrs. Outlaw. Motion carried unanimously. Motion to recommit passed with Mrs. Coladarci voting in the negative. The committee will be Council Members Trocolla, Valeri and Scozzafava.

24 - REPORT - Danbury-New Fairfield Intermunicipal Hydrant Agreement.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:55 P.M. on June 27, 1994 to review a proposed Danbury-New Fairfield Intermunicipal Agreement. This agreement would allow the Town of New Fairfield to use a dry hydrant at Margerie Reservoir in case of fire instead of running their hoses directly into the reservoir. New Fairfield would pay all pertinent charges.

Mr. Setaro made a motion to recommend approval of the proposed agreement. The motion was seconded by Mr. Charles and passed un-animously.

The report was accepted on the Consent Calendar.

25 - RESOLUTION - Storm Drainage Easement Acquisition

Mr. DaSilva made a motion that this item be added to the agenda. Seconded by Mr. Setaro. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is obliged to acquire interest in and to real property now or formerly of Gary W. and Diane Tyrrell as herein-after set forth on the attached Schedule A containing the legal description of said property on Quien Street; 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 Schedule A;

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 description 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 encumbrances, if any.

Mr. DaSilva made a motion that the Resolution be adopted and the storm drainage easements acquired as presented. Seconded by Mr. Charles. Motion carried unanimously.

At 9:21 P.M. the Common Council moved into Executive Session.

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

12 - COMMUNICATION - Branson Ultrasonics Corporation v. Board of Tax Review and the City of Danbury. Mr. Boynton made a motion that the Corporation Counsel be authorized to enter into an agreement for settlement as outlined in Executive Session. Seconded by Miss Dennehy. Motion carried unanimously.

13 - COMMUNICATION - Miller-Stephenson v. City of Danbury. Mr. Charles made a motion that the proposed settlement be accepted. Seconded by Miss Coladarci. Motion carried unanimously.

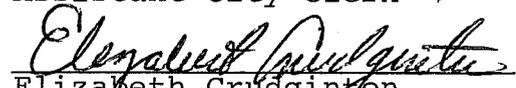
The Mayor extended all committees.

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

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk