

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

RE: Minutes of the Common Council Meeting held August 2, 1994

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

Present - Levy, Falzone, Yamin, Arconti, Boynton, Dennehy, Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Gomez, Beck, Cappiello, Scozzafava, Setaro, Trocolla, Valeri

Absent - Scalzo, Gallagher

19 Present - 2 Absent

Mr. Gallagher was out of town

Mr. Scalzo had a previous committment

PUBLIC SPEAKING

Ron Blonski, 18 Griffing Avenue - Spoke regarding items 33 and 35. Where are the municipal governments. Aren't they building infrastructure. Newtown can do it on their own. We will continue to sell our infrastructure because we are in financial need. What about our future.

Monica LeCoz, 23 Woodbury Drive- Spoke regarding item 9. Are the five new police officers to replace retiring officers or are they new positions. Does 911 go to the Police Station. Police Officers should abide by rules. Where will North Nabby Road renumbering start? It is very confusing to have Nabby Road and North Nabby Road.

Barbara Monsky, 14 Shepard Road - she had calls from people who attended the diversity meeting. We seem to be carrying the load for surrounding towns.

ANNOUNCEMENTS

August 1st - Council President Joe DaSilva's birthday
August 8th - Joe Scozzafava and his wife will celebrate an anniversary
August 14th - Town Clerk Michael Seri's birthday
August 15th - Council Member Ernest Boynton's birthday
August 15th - Council Member David Cappiello's birthday
August 25th - Ernie Boynton and his wife will celebrate an anniversary
August 29th - Lew Wallace will celebrate his birthday
August 30th - Dan Trocolla's birthday
August 21st - Dan Trocolla and his wife will celebrate an anniversary
September 3rd - Council Member Bob Yamin and his wife will celebrate an anniversary

August 2nd - 11th Annual National Night Out
August 3rd - Mayor's Cup Golf Tournament sponsored by the JayCees
August 5, 6 & 7 - Americo Vespucci Field Days
August 7 - Germantown Hose Company Lobster Fest
August 14th - Slavic Festival
August 24th - Sons of Portugal Golf Tournament
August 29th - DAYO Golf Tournament
September 3rd - Harambee Farm on the Move
September 5th - Labor Day - City Hall Closed
September 7th - Next Common Council Meeting

Mayor Eriquez spoke about the National Night Out and the Summer Youth Recreation Program. He also spoke about a booklet entitled "Guide to Consumer Banking and Commercial Lending Services" which is available in City Hall.

MINUTES - Minutes of the Common Council Meeting held July 6, 1994. Mr. DaSilva made a motion that the minutes be adopted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for Public Inspection. Seconded by Mr. Arconti. Motion carried unanimously.

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

- 1 - Approve Community Development Block Grant Application
- 2 - Approve application for Summer Youth Recreation Program - \$10,000
- 3 - Approve receipt of \$2,000 grant from Western Connecticut Area Agency on Aging
- 4 - Approve amended application for AIDS Prevention Grant - \$170,912
- 5 - Approve application for March of Dimes Prenatal Care Outreach Program - \$10,000
- 6 - Approve application for DOORS Grant - \$263,050
- 7 - Approve application for MCAA Grant from the Connecticut Local Prevention Council - \$5,665
- 8 - Approve application for grant for employment for General Assistance Clients - \$55,000
- 10 - Approve reappointments of Barbara Flangan, Irene King, James Esposito William Murphy and William Sullivan to the Board of Ethics
- 11 - Approve reappointments of Steve Gillotti, Sylvia Esposito and Samuel Kier to the Fair Rent Commission
- 12 - Approve reappointments of Paul Estefan and Francis Kieras as Parking Violations Hearing Officers
- 13 - Approve reappointment of Dennis Stubelt to the Conservation Commission
- 14 - Approve reappointments of Gene Eriquez and Basil Friscia to HRRA
- 15 - Approve appointments of Carole Elder and Manuel Machado and re-appointment of Philip Hadley to the Lake Kenosia Commission
- 24 - Approve appropriation of \$3,500 for HART
- 25 - Approve reappropriation of donated funds for the Commission on Aging - \$214.00.
- 26 - Approve request to construct sign on Old Brookfield Road
- 28 - Approve request for extension of time for water extension at 26 Woodside Avenue
- 37 - Approve applications for the Neighborhood Assistance Act
- 38 - Approve report and recommendations regarding offer to sell lots on West and New Streets to the City
- 39 - Approve report and recommendations regarding The Ice House v. the City of Danbury - Settlement of \$1,204.80
- 41 - Approve purchase of Pahquioque Avenue parcel by the Redevelopment Agency - \$4,900 and authorize negotiations for parcel on Plumtrees Road

Mr. Setaro moved that the Consent Calendar be adopted as read. Seconded by Mr. Trocolla. Motion carried unanimously.

1 - RESOLUTION - Community Development Block Grant 20th Year Application.

RESOLVED by the Common Council of the City of Danbury:

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 10, 1994 through August 9, 1995 for the Twentieth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

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

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Summer Youth Recreation Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on June 21, 1994 approved by resolution an application to the State of Connecticut Office of Policy and Management for funds in the amount of \$37,658 for a Summer Youth Recreation Program for at-risk youth; and

WHEREAS, the City of Danbury has been notified by the State of Connecticut Department of Social Services that it may apply for \$10,000 in grant funds under the Department's Summer Youth Recreation Grant Program as a supplemental grant to augment the original State grant to be used for the City's Summer Youth Program;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for said funds, to accept the grant, if approved, to sign any contracts/documents therefor, and to do all things necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Interweave Adult Day Care Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Western Connecticut Area Agency on Aging, Inc. has made a grant award of \$2,000 to the Department of Elderly Services from 1993 Title III-B carry-over funds upon application therefor; and

WHEREAS, the grant will be used for Interweave Adult Day Care office equipment with a City match of \$95.00 in cash (to be transferred from the Department of Elderly Services' budget "Contributions and Grants") and \$405.00 in in-kind services;

NOW, THEREFORE, BE IT RESOLVED THAT any past actions of Mayor Gene F. Eriquez and Leo McIlrath, Director of the Department of Elderly Services in applying for said grant are hereby ratified and the Mayor is authorized to accept said grant award and to do all things necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

4 - 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, an application by the City for grant funds not to exceed \$168,412 requiring no local match was approved by the Common Council on July 6, 1994 for the Danbury Health Department's AIDS Risk Reduction Outreach Education Program, HIV Counseling and Testing Services, its Needle Exchange Program and its Ryan White Title II Case Management Program; and

WHEREAS, the amount of the grant available has been increased by \$2,500;

NOW, THEREFORE, BE IT RESOLVED THAT the resolution passed on July 6, 1994 regarding these funds is hereby amended to increase the grant applied for to a total of \$170,912; and

BE IT FURTHER 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 and Mayor Gene F. Eriquez is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts, or amendments thereof, to effectuate the purposes of said grant.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - March of Dimes Prenatal Care Outreach Project

RESOLVED BY THE Common Council of the City of Danbury:

WHEREAS, the Northern Metro Chapter, Fairfield County Division of the March of Dimes will accept an application from the Danbury Health and Housing Department for a grant of \$10,000 for the period January 1, 1995 through December 31, 1995; and

WHEREAS, this funding will enable the Health Department to pursue its goal of preventing birth defects and to improve pregnancy outcomes through the implementation of a collaborative outreach and education program whose primary beneficiaries will be the students and staff of Danbury High School;

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 hereby authorized to apply for said funding, to accept the grant award, if offered; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to execute all contracts/documents in connection therewith and to do all things necessary to effectuate the purposes of such grant.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - DOORS Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has been notified by the State of Connecticut Office of Policy and Management that it is eligible to apply for pass-through funds under the Federal Juvenile Justice and Delinquency Prevention Act; and

WHEREAS, the Danbury Public School System's "Danbury Opportunities for Offender Redirection (DOOR) Program" as part of the Juvenile Justice Center Program, is in operation for fiscal year 1993-94; and

WHEREAS, the grant award period for which the City will apply is July 1, 1994 through June 30, 1995; and

WHEREAS, the State of Connecticut will accept an application for \$263,050 to support the Juvenile Justice Center Program; and

WHEREAS, all youth accepted and served under this program will receive assessment in various aspects of family life, needs, aptitudes, mental and physical health and will be assigned a case manager who will work with families of accepted youths to provide support in all areas of need, being especially responsive to redirecting young people involved in early criminal behavior to more wholesome responses to personal stresses.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to apply for said grant award through the grant application, if required by the State of Connecticut, and to accept said funds, if awarded, as a "pass through" to the Danbury Board of Education State and Federal Projects so that the Danbury School System may continue its DOOR Program.

BE IT FURTHER RESOLVED THAT the Mayor is further empowered to take any actions and to sign any documents or contracts necessary to further the purposes of said program.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - MCCA Grant from the Connecticut Local Prevention Council

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Midwestern Connecticut Council on Alcoholism, Inc. (MCCA) has requested that the City of Danbury, acting solely as its fiduciary agent, apply to the State of Connecticut Local Substance Abuse Prevention Council for a grant in the amount of \$5,665; and

WHEREAS, the grant funds, if awarded, will be used to conduct a series of training meetings for substance abuse prevention and intervention offered at Danbury High School, the Alternative Center for Education, Broadview Middle School and Rogers Park Middle School; and

WHEREAS, the grant will cover the period from October 1, 1994 through September 30, 1995 with no local match required.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury, acting through its Mayor, Gene F. Eriquez, is hereby authorized to apply for said grant funds on behalf of The Midwestern Connecticut Council on Alcoholism, Inc., and that Mayor Gene F. Eriquez is authorized to sign the Letter of Award and accept said grant, if approved, in the capacity of its fiduciary, to sign all documents and do all things necessary to effectuate the purposes of said program.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Grant for Employment for General Assistance Clients

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 19 of Public Act 93-418 established a grant program to fund employment placement projects for recipients of General Assistance, to be administered by the Connecticut Department of Labor in consultation with the Departments of Social Service and Mental Health; and

WHEREAS, the intent of the grant program is to enable recipients of General Assistance to secure employment through local programs that demonstrate a clear linkage to the ultimate goal of securing employment for General Assistance clients; and

WHEREAS, the City of Danbury Welfare Department will submit a project plan in collaboration with the Town of Bethel and the Town of Newtown to be submitted under its grant application for an amount not to exceed \$55,000 in funding; and

WHEREAS, the grant period is July 1, 1994 through June 30, 1995, with no local match required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and Director of Welfare Deborah MacKenzie are hereby authorized to submit an application to the Connecticut Department of Labor for a grant not to exceed \$55,000, said grant to be used for the purposes set forth in said application and that Mayor Gene F. Eriquez is hereby authorized to execute any contracts or agreements therefor and to do all things necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Appointments as Police Officers

Letter from Mayor Eriquez requesting that the following individuals be confirmed as Police Officers for the City: James G. Hicks, Farmingdale, New York; Michael R. Sturdevant, Newtown, Conn; George A. Fabich, New Milford, Conn., Donald J. Hassiak, Brookfield, Conn., and Walter J. Chapman, Danbury, Conn. Mr. Boynton made a motion that the communication be accepted and the appointments approved. Seconded by Mr. Setaro. Motion carried unanimously.

Mayor Eriquez introduced the individuals that were in the audience.

10 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointments of Barbara Flanagan, Irene King, James Esposito, William Murphy and William Sullivan to the Board of Ethics for terms to expire August 1, 1994. The reappointments were confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez requesting approval of the appointments of Steve Gillotti, Sylvia Esposito and Samuel Kier to the Fair Rent Commission for terms to expire July 1, 1997. The reappointments were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Paul Estefan and Francis Kieras as Parking Violation Hearing Officers for terms to expire July 1, 1996. The reappointments were confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez asking approval of the reappointment of Dennis Stubelt to the Conservation Commission for a term to expire July 1, 1997. The reappointment was approved on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez requesting approval of the reappointment of Gene F. Eriquez as the City's representative to HRRA and the reappointment of Basil Friscia as the alternate for terms to expire June, 1996. The reappointments were confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez requesting approval of the appointment of Carole Elder to the Lake Kenosia Commission for a term to expire May 1, 1997, the reappointment of Manuel Machado for a term to expire May 1, 1995 and the reappointment of Philip Hadley for a term to expire May 1, 1997. The appointments and reappointments were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$300.40 given to the Danbury Senior Center. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

17 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept donations in the total amount of \$132.35. Miss Beck made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

18 - COMMUNICATION - Letter from Chief of Police Nelson Macedo requesting permission to accept the donation of \$1,000.00 plus \$1.00 for every ticket sold at full price on DARE Night, Tuesday, October 4, 1994 for the "Bewarehouse" at the Danbury Fair Mall from Howling Productions, Inc. Permission is also requested for Howling Productions, Inc. to imprint on their advertising literature, "A portion of the proceeds will

be donated to the Danbury Dare Program". Mrs. Coladarci made a motion to accept the donation and allow Howling Productions to imprint its literature as stated above. Seconded by Mr. Charles. Motion carried unanimously.

19 - COMMUNICATION - Letter from Director of Health William Campbell asking permission to donate a 7,500 BTU Air Conditioner for use by the Danbury AIDS Prevention Program. Miss Dennehy made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Outlaw. Motion carried unanimously.

20 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie asking permission to accept a donation in the amount of \$500.00 from the Town of New Fairfield for our Homeless Services Program. Mr. Levy made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Miss Beck. Motion carried unanimously.

21 - COMMUNICATION - Letter from AIDS Coordinator Susan Durgy asking permission to accept a donation in the amount of \$20.00 from an anonymous client to be used to purchase supplies for the AIDS Program. Miss Dennehy made a motion that the donation be accepted and the proper line item credited. Seconded by Mrs. Outlaw. Motion carried unanimously.

22 - COMMUNICATION & CERTIFICATION - Letter from Personnel Director Emanuel Merullo asking approval of the Memorandum of Agreement between The City of Danbury and Local 801, International Association of Fire Fighters. A Certification of Funds was attached. Mr. Charles made a motion that the Memorandum of Agreement be approved and the transfer of funds authorized. Seconded by Mr. Setaro. Motion carried unanimously.

23 - COMMUNICATION - Letter from Mayor Eriquez asking that upon its completion the new fire station for Engine Company No. 23 be dedicated in memory of Lieutenant Martin "Butch" Melody and Fire Fighter Joseph Halas. Mr. Setaro made a motion that the new fire station be named in honor of Butch Melody and Joe Halas. Seconded by Mr. Trocolla. Motion carried unanimously.

24 - COMMUNICATION - Letter from HART requesting that Danbury participate in the continued funding for the Danbury/Ridgefield shuttle. The request was approved on the Consent Calendar.

25 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting the transfer of funds in the amount of \$214 from the Elderly Services donation account to the Commission on Aging Budget. A certification of funds was attached. The transfer of funds was approved on the Consent Calendar.

26 - COMMUNICATION - Request from the Old Brookfield Road Neighborhood Small Business Association for permission to construct a visible sign which would direct customers to their businesses. The request was granted on the Consent Calendar.

27 - COMMUNICATION - Request for Renumbering of North Nabby Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Director of Planning, the Fire Chief and the Post Master. Mayor Eriquez so ordered and appointed Council Members Arconti, Coladarci and Yamin to the committee. The Mayor asked that Nabby Road also be looked at.

28 - COMMUNICATION - Request from Howard Sturges for an extension of time for the extension of sewers at 26 Woodside Avenue. The request was granted on the Consent Calendar.

29 - COMMUNICATION - Survey results from the City Engineer regarding the installation of a sanitary sewer project in the Second Avenue area. Mr. DaSilva made a motion that the City Engineer be authorized to move forward and begin the regular procedure for sewer installation. Seconded by Miss Dennehy. Motion carried unanimously.

30 - COMMUNICATION - Request for sewer extension at Lot 34, Cannon Drive. Mrs. Coladarci asked that this be referred to an ad hoc committee the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Levy, Boynton and Cappiello to the committee.

31 - COMMUNICATION - Request from the Sunswept Corporation for the City to accept land off Bridle Ridge Road. Mrs. Coladarci asked that this be referred to the City Engineer, the Superintendent of Public Utilities the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered.

32 - COMMUNIATION - Reports from the City Engineer and the Planning Director regarding the request to purchase City land on Grove Place. Mr. DaSilva made a motion that the property be offered for sale to the petitioner at a price to be set by the Tax Assessor. Seconded by Miss Dennehy. Motion carried unanimously.

33 - COMMUNICATION - Request from Dennis Peters of Ridgefield to use Danbury water line. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Scalzo, Machado and Scozzafava to the committee.

34 - DEPARTMENT REPORTS - Engineering, Public Utilities, Police, Fire Chief, Fire Marshall, Health and Housing. 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.

35 - REPORT - Danbury/Newtown Intermunicipal Sewer Agreement

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review the request to review the Danbury Newtown Interlocal Sewer Agreement met at 7:45 P.M. on July 12, 1994 in Room 432 in City Hall. In attendance were committee members DaSilva and Coladarci. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley, Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter and Director of the Housing Authority Bernard Fitzpatrick. In attendance from Newtown were First Selectman Robert Cascella, Town Attorney David Groggins, Director of Finance Benjamin Spragg, Director of Public Works Fred Hurley, Chairman of the Legislative Council Joe Mahoney, Vice Chairman of the Legislative Council Melissa Pilchard. In attendance were Council Members Warren Levy, Tom Arconti, Val Machado, Roberto Gomez, Dan Trocolla, Tom Valeri and David Cappiello, ex-officio. Also present were various members of the press and the public.

The meeting was called to order at 7:45 P.M. Mr. DaSilva asked to allow those in attendance to speak, first from City officials, then Newtown officials and finally all others on the charge to review the agreement in regard to a sufficient amount of money for capacity, social matters and tenure. He first asked for an overview from the Danbury side.

Danbury capacity started out as 12.5 million gallon capacity. In 1974 Brookfield took 500,000 gallons per day and in 1976 Ridgefield took 120,000 gallons per day which was modified by an additional 20,000 gallons per day in 1985.

In 1992-93 the chart (see #1 enclosed) include Bethel. With all of the big developments in the past few years there has been no large usage increase. The capacity issue was the basic stance of the negotiating committee. Chart # 1 shows the actual flow of each year and the reserve including each municipality.

Chart #2 (enclosed) shows each municipality average day capacity and the reserve. The calendar year average is 15.5 million gallons/day. The extra 4 million gallon/day excludes the other towns, therefore only includes Danbury reserve. The 150,000 gallons/day that would be assigned to Newtown would have a negligible effect on Danbury's reserve.

Mr. Setaro stated that the negotiating team's intent was to negotiate capacity similar to that of the other municipalities using the system. Bethel was analyzed and it was determined to increase the money per gallon from that which Bethel pays.

Mr. DaSilva confirmed that Bethel paid for a capitol buy-in of 2 million gallons/day at \$.50 /gallon and pay their debt service to the State. Newtown will be paying 1.16 million but that this will include the component cost of plant and the Beaver Brook pump station. The up front debt payment is \$35,000 and \$691,000. They will pay \$435,000 for the 150,000 gallons/day which comes out to \$2.90/gallon which will be more beneficial to Danbury. Newtown wants to pay up front rather than to the State. Danbury will invest the up front payment and earn interest.

Once Newtown receives the 150,000 gallon/day limit, the Operating and Maintenance (O&M) revenues will be \$60,000 - \$70,000 per year based on our current budget. This item is listed as indirect revenue.

Mr. Arconti asked what the cost would be to the City of Danbury. The cost of the chemicals to treat the amount coming in, apr. \$660 plus the electrical cost at Beaver Brook and the plant which may total \$2,000.

Mr. Trocolla asked if the new plant was on-line and Bethel, Brookfield and Ridgefield were already pumping in.

Mr. Buckley explained that Bethel had their own plant but came into Danbury and turned their plant into a pumping station. New Fairfield is paying -0- even though the state has ordered Danbury to include capacity for them. Danbury ends up paying the debt service for them. Buckley added that Brookfield paid when they came on-line but have State ordered capacity that they are not using and Danbury also pays for that amount. Brookfield is also paying for approx. 300,000 gallons/day that they have in excess. They are using 200,000 gallons/day out of 500,000 gallons/day.

Mayor Eriquez stressed that we have 1 million gallons in the plant that Danbury uses are paying for but is not considered capacity for Danbury. The State will not change the plan to have New Fairfield and Brookfield pay for the debt even though the excess is for them. Mr. Buckley added that Cheryl Reedy and Bonnie Smith even wrote to the State on our behalf saying that they don't want the capacity.

The first payment will be the \$1 million, but the \$161,000 will not come to Danbury until 90 days after the flow starts. Mrs. Coladarci asked about the cost of installation of pipes in Newtown. The City has no responsibility for hookup cost.

Mr. DaSilva said there was a concern from Common Council members in regard to the development of the neighboring towns. They thought the development would be disproportionately favorable to Newtown. It was explained that the sewer users in the proposed area will be billed for the \$2 million general obligation bond and approx. \$5 million for the installation of pipes as well as Operation and Maintenance costs. This will obviously not provide Newtown with a favorable sewer rate.

Mr. Cappiello asked about the saving to Danbury citizens after the first year. Mr. Setaro explained the past procedures plus that we will have O&M cost. The hook up costs were discussed extensively and Mr. Cascella said that the Town will not subsidize any of the hook up costs. Mr. Setaro added that if Federal money is involved there will be a rate structure that Newtown will have to file. The businesses will use Danbury rate structure.

Mr. Levy then asked about extraordinary repair from the agreement. Mr. Buckley explained that any unknown substance can be traced back to its source due to today's technology.

Discussion then went onto social issues. Mr. Buckley said that these were included in negotiations including an ice skating rink. Affordable housing was discussed at length with input from Fitzpatrick, but the Corporation Council said this was not the forum for such arguments. It was added that it would not be enforceable and DEP might not even allow wording in the contract. It was added that the market will dictate what is built in the area. Mr. Cascella then added that part of his campaign promise was to bring affordable housing to Newtown. Newtown's Attorney, Mr. David Groggins stated that new zoning laws have been recently passed that encourage the development of affordable housing in Newtown.

The final course of action that the committee was asked to review was tenure. Mr. Schweitzer said that 30 years is not unreasonable when the design period is included in the time period. Mr. Buckley added that the original agreement was for 20 years but the addition of connection fees was the concession for 10 additional years. Ridgefield and Brookfield agreements are for 40 years.

Ms. Beck had a written a letter in regard to the industrial formula. Newtown will follow Danbury Code of Ordinances. She also asked where in the agreement it states that Newtown cannot sell off it's capacity. Amendment A, which is attached to agreement, states that no one else can use this capacity but Newtown. She then wanted to know if Danbury must require additional facilities if requested. Mr. Buckley answered no. The cost is exempt to arbitration. An example of change of process is to denitrify which is now being requested.

Discussion then ensued in regard to the \$1 million guarantee. Newtown now has \$1,046,997. The second portion is not due until flow starts plus 90 days and they are hoping to receive funds in hook up costs. The amount of money they have at this time is equal to 135,271 gallons/day. Only \$1 million would be 129,198 gallons/day.

Mr. Levy then asked if we could downgrade to 100,000 gallons/day. Mr. Buckley said if we limit gallons then we limit area and the saturation plan would be void. There will be no logic to development. The purpose of the negotiating committee was to ensure balance, ensure money was there for a certain volume. If decrease volume must decrease area.

Mr. Valeri said he heard of a proposed development for 600,000 square foot office park which would generate \$241,000 and our share would be 50% and Newtown would have the extra money needed for the 150,000 gallons/day.

Mr. Arconti then said that it is low risk for Danbury. We just put up capacity. It is a good deal for Danbury. If we say no we get nothing.

Mr. Gomez asked who pays for arbitration when needed. Mr. Pinter said split until final decision and do as judge says.

Mr. Blonski brought up a need for guarantee from Newtown in regard to housing and it is not too much to ask for 3% flow for residential. Mr. Pinter responded that this is not an enforceable item.

Mr. Setaro added that Danbury has a stabilized tax base and that will assist all developers in making decision. They will have to look at all sides of an issue before deciding where to build.

Mrs. Coladarci moved to present the final agreement to the full Common Council with no recommended changes. The motion was seconded by DaSilva and passed unanimously. Coladarci moved to adjourn at 10:30 PM.

Mr. Boynton made a motion to accept the report and adopt the Danbury/Newtown Intermunicipal Sewer Agreement. Seconded by Mrs. Coladarci.

Mr. Boynton stated that his feelings are the same. Sewer rates will go up for Danbury residents. Mr. Trocolla stated that this does not help Economic Development in Danbury, but in Newtown. He is also looking for long-term relief and affordable housing. Mr. Yamin stated that he still opposes this agreement. Although he was appointed to the committee, he could not attend the meeting because he was on vacation. He felt that someone with his same views should have been appointed to take his place. He feels that the premise of the negotiations was flawed. He feels that Danbury should not enter into extremely long term agreements.

Mr. DaSilva stated that Mr. Yamin was appointed to the committee. If he attended the meeting he would have gotten answers to his questions. Many Council Members attended the meeting and all questions and concerns were answered. Mr. Yamin could also have submitted questions in writing.

Mayor Enriquez stated that the Common Council could have given direction to the negotiating committee. He also addressed false statements that have been made.

Mr. Charles moved the question. Seconded by Miss Dennehy. Motion failed with 9 yes and 10 no.

Mr. Levy asked the Mayor to elaborate on the bond issue, time constraints, etc. The Mayor did so.

Mr. Arconti stated that he would like to put \$1,000,000 in the bank for sewer users. Does not see that this will be a burden to the citizens of Danbury. This is a low risk opportunity. Mr. Machado stated his views that everyone should work together.

Miss Dennehy moved the question. Seconded by Mrs. Outlaw. Motion failed with 10 yes and 9 no. Two-Thirds needed.

After further discussion, Mr. Charles moved the question. Seconded Miss Dennehy. Motion carried unanimously.

The motion to accept the agreement failed with the Members voting as follows:

Yes - Arconti, Boynton, Machado, DaSilva, Esposito, Coladarci, Charles, Gomez, Scozzafava.

No - Levy, Falzone, Yamin, Dennehy, Outlaw, Beck, Cappiello, Setaro, Trocolla, Valeri.

9 Yes - 10 No

36 - REPORT & ORDINANCES - An Ordinance Appropriating \$19,000,000 for Reconstruction of The Margerie Water Treatment Plant, Improvements to West Lake Water Treatment Plant, Construction of Additional Transmission Lines, and Related Water System Improvements and Authorizing the Issuance of \$19,000,000 Bonds of the City to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose and An Ordinance Making Appropriations for the Execution of Water Mains and Sewer Lines in Various Areas of the City Aggregating \$10,000,000 and Authorizing the Issuance of \$10,000,000 Bonds or Notes of the City to Meet said Appropriations and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose.

Mr. DaSilva submitted the following report:

The Common Council Committee of the Whole at 7:30 PM on July 25, 1994 in the Council Chambers of City Hall to review proposed ordinances regarding the appropriation of \$19 million for the reconstruction of the Marjorie Water Treatment Plant, improvements to the West Lake Water Treatment Plant, related water system improvements, and the appropriation of \$10 million for the extension of water mains and sewer lines.

The \$19 million appropriation will be spent for the Marjorie Plant, for which the City is under a Consent Order by the State of Connecticut because the quality of water, although safe, no longer meets State and Federal guidelines for turbidity. There will be some improvements to the West Lake Plant and the joining of water lines from both plants to insure water delivery in case of a major breakdown.

A letter from Director of Finance, D. Setaro, was read. The letter stated that the payment for these bonds will begin in the 1996-1997 fiscal year. At that time the bonds for the West Lake Treatment Plant will expire. The use of those funds, plus any of several recommendations, will cover the payment of the proposed bonds with minimal impact upon water rates in the City.

The \$10 million appropriation will be used for what are commonly called "Neighborhood sewer or water extensions". It is an authorization to sell bonds to install water or sewer lines that are paid back by those who benefit from these services. This type of authorization costs nothing to the City of Danbury.

After discussion of both proposals Mr. Boynton moved that the ordinance entitled "An Ordinance Appropriating \$19 million For Reconstruction of the Marjorie Water Treatment Plant, Improvements to the West Lake Water Treatment Plant, Construction of Additional

Transmission Lines, and Related Water System Improvements and Authorizing the Issuance of \$19 Million Bonds of the City to Meet Said Appropriation and Pending The Issue Thereof When Making Of Temporary Borrowings For Such Purpose," and the ordinance entitled "An Ordinance Making Appropriations For The Extension of Water Mains And Sewer Lines in Various Areas Of The City Aggregating \$10 Million and Authorizing The Issuance Of \$10 Million Bonds Or Notes Of The City To Meet Said Appropriation and Pending The Issue Thereof The Making of Temporary Borrowing For Such Purpose," be recommended to the Council for adoption in the form introduced and read at the Public Hearing preceding this meeting. The motion was seconded by Ms. Coladarci and passed unanimously.

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

Section 1. The sum of \$19,000,000 is appropriated for the reconstruction of the Margerie Water Treatment Plant, improvements to West Lake Water Treatment Plant, construction of additional transmission lines, pumping stations and related improvements to the water system, including costs of surveys, borings and easement acquisitions, planning, engineering, equipment, administrative, printing, legal and financing costs related thereto.

Section 2. To meet said appropriation \$19,000,000 bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Clerk and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Common Council, in accordance with the General Statutes of the State of Connecticut, as amended.

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

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

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

Section 6. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Mr. DaSilva made a motion to accept the report and adopt the ordinance and send it to the voters on November 8, 1994. Seconded by Miss Dennehy. Motion carried unanimously.

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

Section 1. The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof, respectively, including costs of surveys, borings and easement acquisitions, planning, engineering, equipment, administrative, printing, legal and financing costs related thereto:

Water Main Installations	\$5,000,000;
Sewer Line Installations	\$5,000,000;

said mains and lines to be installed in areas to be approved by the Common Council from time to time..

Section 2. To meet said appropriations:

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

terms, details and particulars of such bonds shall be determined by the Common Council in accordance with the General Statutes of the State of Connecticut, as amended; or

(ii) assessment notes of the City may be issued pursuant to Section 7-269a and Section 7-244a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Mayor and Director of Finance, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. If the receipts and other revenues pledged to the repayment of such notes shall be insufficient to pay the principal of and interest on such notes at the time prescribed therefor by Section 7-269a and Section 7-244a, aforesaid, or if the Mayor and Director of Finance shall deem it advisable to pay such notes prior to the end of any period, the Mayor and Common Council are hereby authorized to issue and sell bonds of the City under the authority of subparagraph (i) of this Section, in an amount sufficient to pay any such notes; or

(iii) any combination of bonds or assessment notes may be issued, provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed \$10,000,000.

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

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

Section 5. Each of the appropriations in Section 1 may be expended with the approval of the Mayor and the Director of Finance for the purposes and projects set forth opposite each such appropriation, provided, however, that the Common Council may approve transfers between the appropriations upon a finding that a portion of one of the appropriations set forth is not necessary for its respective purpose and may be transferred to meet the costs of the other appropriation, provided that the aggregate expenditures under both appropriations shall not exceed \$10,000,000.

Section 6. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City of Danbury (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Mr. DaSilva made a motion that the Ordinance be adopted as read and sent to voters on November 8, 1994. Seconded by Miss Dennehy. Motion carried unanimously.

Mr. DaSilva read the following Resolution:

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Appropriating \$19,000,000 For Reconstruction Of The Margerie Water Treatment Plant, Improvements to West Lake Water Treatment Plant, Construction of Additional Transmission Lines, And Related Water System Improvements And Authorizing The Issuance of \$19,000,000 Bonds of the City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Making Appropriations For The Extension of Water Mains And Sewer Lines In Various Areas Of The City Aggregating \$10,000,000 And Authorizing The Issuance Of \$10,000,000 Bonds Or Notes Of The City To Meet Said Appropriations And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held November 8, 1994 between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.), that the Warning of said meeting state the questions to be voted on as follows:

1. Shall the ordinance entitled "An Ordinance Appropriating \$19,000,000 For Reconstruction Of The Margerie Water Treatment Plant, Improvements To West Lake Water Treatment Plant, Construction Of Additional Transmission Lines, And Related Water System Improvements And Authorizing The Issuance Of \$19,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Common Council at its meeting held August 2, 1994, be approved?
2. Shall the ordinance entitled "An Ordinance Making Appropriations For The Extension Of Water Mains And Sewer Lines In Various Areas Of The City Aggregating \$10,000,000 And Authorizing The Issuance Of \$10,000,000 Bonds Or Notes Of The City To Meet Said Appropriations And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Common Council at its meeting held August 2, 1994, be approved?

Mr. DaSilva moved that the Resolution as read be adopted. Seconded by Miss Dennehy. Motion carried unanimously.

A motion was made by Mr. DaSilva, seconded by Mr. Boynton, that the Mayor be authorized and directed to call a Special City Meeting to be held in conjunction with the election of November 8, 1994 between the hours of 6:00 o'clock A.M. and 8:00 P.M. (E.S.T.) at the several voting districts of the City to consider and take action upon the aforesaid proposed ordinances, and that the notice of said Special City Meeting be insubstantially the following form:

LEGAL NOTICE

WARNING

NOTICE OF THE SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby warned and notified to meet where such persons are entitled to vote on the 8th day of November, 1994, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.) for the purpose of approving or disapproving the following questions:

1. "Shall the ordinance entitled 'An Ordinance Appropriating \$19,000,000 For Reconstruction Of The Margerie Water Treatment Plant, Improvements To West Lake Water Treatment Plant, Construction Of Additional Transmission Lines, And Related Water System Improvements And Authorizing The Issuance Of \$19,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 1994, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Appropriating \$19,000,000 For Reconstruction Of The Margerie Water Treatment Plant, Improvements To West Lake Water Treatment Plant, Construction Of Additional Transmission Lines, And Related Water System Improvements And Authorizing The Issuance Of \$19,000,000 Bonds Of The City To Meet Said Appropriation Be Approved? YES/NO"

* * *

2. "Shall the ordinance entitled 'An Ordinance Making Appropriations For The Extension Of Water Mains And Sewer Lines In Various Areas Of The City Aggregating \$10,000,000 And Authorizing The Issuance Of \$10,000,000 Bonds Or Notes Of The City To Meet Said Appropriations And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 1994, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations For The Extension Of Water Mains And Sewer Lines In Various Areas Of The City Aggregating \$10,000,000 And Authorizing The Issuance Of \$10,000,000 Bonds Or Notes Of The City To Meet Said Appropriations Be Approved? YES/NO"

* * *

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the ordinance shall place the pointer over the question on the voting machine at "YES". Those desiring to vote against the adoption of the ordinance shall place the pointer over the question on the voting machine at "NO".

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than \$1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran of as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

- District No. 1: Danbury High School, Clapboard Ridge
- District No. 2: Hayestown School, Hayestown Avenue
- District No. 3: Broadview Junior High School, on Hospital Avenue
- District No. 4: South Street School Auditorium, 129 South Street
- District No. 5: War Memorial Building, Rogers Park, 137 South Street
- District No. 6: Park Avenue School, Park Avenue
- District No. 7: Morris Street School, 28 Morris Avenue

Qualified voters will be entitled to vote at the polling place in the Common Council Chambers on the third floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.).

Said vote is being held in conjunction with the election of November 8, 1994, and pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury, approved by the electors November 6, 1990.

The full text of the aforesaid ordinances is on file, open to public inspection, in the office of the City Clerk.

Councilman DaSilva moved that said Resolution be adopted as introduced and read and the motion was seconded by Councilman Boynton. Motion carried. The resolution was adopted unanimously.

37 - REPORT - Neighborhood Assistance Act

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:30 P.M. on July 25, 1994 in the Common Council Chambers in City Hall to review the applications and information concerning the Neighborhood Assistance Act. These are the applications of various agencies seeking assistance from area businesses who would in turn receive tax credits from the State of Connecticut. There is no cost to the City of Danbury for this purpose.

After discussion of the proposal, Mr. Levy moved to recommend approval of the applications as presented. The motion was seconded by Mr. Boynton and passed unanimously.

The report was adopted on the Consent Calendar.

38 - REPORT - Offer to sell lots on West Street and New Street to the City

Mrs. Coladarci submitted the following report:

The Subcommittee to review the request for the City to purchase the lot on the corner of New Street and West Street and a small lot behind the Van Houten building met at 7:00 PM on June 27, 1994 and at 8:00 PM on July 25, 1994 in room 432 of Danbury City Hall. In attendance were Councilwoman Eileen Coladarci, Chair, Councilman Val Machado and Councilman David Cappiello. Mr. Cappiello had a previous commitment on July 25, 1994. Also in attendance was Mr. Dominic Setaro, Director of Finance, (6/27/94), Mr. Dennis Elpern, Director of Planning, (7/25/94), Mr. Lou Charles and Mr. Joe DaSilva, (7/25/94), ex-officio and Mr. Paul Valeri.

Mr. Robert Coyne, the City Assessor submitted a report, as did Mr. Elpern (copies enclosed).

Mr. Valeri said that he knows that the City is interested in just the corner lot and that the price is \$150,000. Ms. Coladarci explained that only the corner lot is being discussed for purchase. According to Mr. Elpern's report, the lot would hold 20 to 22 parking spaces. Mr. Valeri added that if the terms were for three years rather than two, the price would be \$175,000. He stressed that timing is a problem due to financial obligations of the seller.

Ms. Coladarci added that the Planning Commission denied the request because of a need for a Plan of Development. Mr. Valeri explained that the Commission thought this was a building lot and its recommendation was based on that premise. He thought that the decision would be different if they knew it was to be a parking lot. Mr. Elpern explained that parking is needed for City employees because the public gets upset when they have to circle the lot to look for a parking space. Mr. Valeri added that the lot is illuminated and that location is key. A discussion ensued in regard to the flood plain maps and then in regard to market values.

Mr. Setaro said that the two year plan was a better deal. The final payment would be in fiscal year '95. The discussion then went to back taxes on the lot. Mrs. Ward, the seller, owes for three and one half years of back taxes which totals \$5,528.16 on the one lot. Ms. Coladarci explained that the Assessor's report is based on December 1993 market value and that Mr. Robert Coyne said that the amount has not changed since then. The quoted range is \$97,700 to a maximum value of \$122,200. Valeri then asked that the item be sent for negotiation, but added the importance of a quick decision, and asked for 30 days. He said the negotiation is open to fine tuning. Mr. Charles brought up the 70% assessed value of \$67,700 and also that parking across the street may be hazardous to the employees.

Mr. Machado said that due to the Planning Commission report and the Assessor's report he believes that the recommendation cannot be favorable, but would like to leave the option open because this parcel might be useful to the City. He made a motion to send this item to the Mayor to negotiate a firm price, if the lot is deemed necessary for parking, and report back to the Council. The motion was seconded by Ms. Coladarci and the vote was unanimous.

The report was adopted on the Consent Calendar.

39 - REPORT - The Ice House v. the City of Danbury

Miss Beck submitted the following report:

The committee appointed to review a claim submitted by The Ice House met on June 27, 1994 at 7:00 p.m. in the fourth floor lobby in City Hall. In attendance were Council members Beck and Machado. Also in attendance were Thomas Fabiano, Risk Manager and Les Pinter, Assistant Corporation Counsel. Howard Willis, Owner and Jane Beers, an employee, attended on behalf of The Ice House. William Buckley, Superintendent of Public Utilities was out of town and therefore unable to attend. Council member Yamin was also unable to attend.

The Committee needed to determine how the incident occurred, and, if the City were at fault, how and for what amount would the claim be paid. Ms. Beck gave an account of the incident as relayed to her via a telephone conversation with Mr. Buckley on or about June 16. Mr. Buckley had stated that on the day of the incident (April 21, 1994), the City Highway Department was sweeping the roads near the vicinity of The Ice House located on Federal Road. The Sweepers then tapped into a hydrant that was not on the list of *approved* hydrants to be used for this purpose. Since it was a *non-emergency* purpose, the hydrant on Sandpit Road with a 16-inch main should have been used. The hydrant that was utilized was totally unacceptable. The Ice House was a commercial user on this line. Mr. Buckley makes the determination as to the "approved hydrants". There are 15 hydrants on the list and each truck has a list. It was his opinion that since this was a non-emergency use of an unapproved hydrant, that the City was at fault. Mr. Fabiano confirmed having a similar conversation with Mr. Buckley and the Highway Department.

Mr. Fabiano then explained the City's liability Insurance coverage is through the Connecticut Interlocal Risk Management Agency (CIRMA). CIRMA has a standard general exclusion to pay losses incurred due to the City's "*failure to supply water, gas or electricity....*" This claim was in fact submitted by Mr. Fabiano and subsequently rejected.

The claim submitted by The Ice House included an appraisal cost of \$132.50 to visit the location and access damages and the cost to replace the compressor on the Koldraft cuber. Mr. Willis stated he that he has replaced the unit at the cost submitted in the proposal of \$1,072.30 bringing his total claim to \$1,204.80.

Mr. Machado questioned Mr. Willis on the mechanics of the shut-off on his equipment. Mr. Willis explained that there are high and low pressure controls on the refrigeration unit. If the unit runs out of gas or in this case, out of water, it goes into low and shuts off. The compressor valve then cools down and after about one minute turns back on again. Due to the lack of water pressure, the unit continually turned on and off.

Concerned about any future claims, Ms. Beck questioned Mr. Willis as to any other industry standards for fail-safes on this equipment. Mr. Willis stated that this was an industry standard on the Koldraft. Ms. Beers stated that The Ice House lost approximately 12 to 14 days of production due to this incident. Attorney Pinter stated that we could off-set the replacement cost by some amount for depreciation of broken equipment, and that there is no obligation to consider production loss since no claim was made. However, The Ice House could amend its claim and an independent appraisal, possibly for the cost of \$150.00, would then need to be obtained to determine a depreciation value and a replacement value.

Regarding the appraisals submitted by The Ice House which reflected the actual price paid for the new compressor, it was the opinion of both Attorney Pinter and Mr. Fabiano that \$132.50 for the appraisal and \$1072.30 for a new compressor for the Koldraft cuber was not unreasonable and an independent appraisal would probably be within \$100.00 either way, not accounting for any additional appraisal fee.

Ms. Beck noted that any consideration of depreciation on the damaged equipment could be potentially off-set by any claim made for production loss.

Mr. Machado made a motion that the City accept responsibility for the claim submitted by The Ice House and pay a total of \$1,204.80 to represent complete and full satisfaction for any and all damages sustained due to the April 21, 1994 incident involving a loss of water supplied to The Ice House by the City of Danbury. The motion was unanimously passed.

The report was adopted on the Consent Calendar.

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

Mr. Trocolla submitted the following report:

The Common Council Committee appointed to review the request for the City to purchase land on Spruce Mountain Road for a Radio Beacon Tower met at 6:02 P.M. In attendance were committee members Trocolla and Valeri. Also in attendance was Assistant Corporation Counsel Les Pinter.

The charge of the committee was to consider the 1.23 acres option to condemn the property. In the discussion that ensued, the committee explored the cost of taking the property by condemnation. The City's appraisal is \$14,000 with \$5,000 court cost. This would come to \$19,000. On the other hand the owner will have the property appraised as having commercial value and that could come in at between \$20,000 - \$25,000 for the 1.23 acres. In addition, court costs would increase that price to \$25,000 or \$30,000. The court could also require us to pay back rent at approximately \$7,000. This would then increase the 1.23 acres to \$32,000 or \$37,000.

The court might not split the property and could require us to purchase the property if we want it at \$55,000. With court costs it would amount to \$60,000 for the 3.42 acres. If we then decline this offer we would have to pay the rent which is \$600 a month. Over a period of four years the Corporation Counsel was able to negotiate the 3.42 acres down from \$55,000 to \$40,000. They could never get the owner to split the property. By all indications and conversations with Mr. Gemza his law firm will put up an animated defense for splitting the property and he will sue for taxes and back rent.

Based on the resistance of the owners to split the property and the possible excessive cost to the City in condemning the property, Mr. Valeri made a motion to recommend to the Common Council not to condemn the 1.23 portion of the property and purchase the 3.42 acres at \$40,000 or \$45,000 over three years pending certification of funds. Seconded by Mr. Trocolla and passed unanimously.

Mr. DaSilva made a motion to receive the report and authorize the Corporation Counsel to begin imminent domain proceedings on the 1.23 acres. Seconded by Mrs. Coladarci. Miss Beck asked if other legal action was available. Attorney Pinter said that all other areas were research and dismissed. Motion carried with Mr. Trocolla and Mr. Valeri voting in the negative.

41 - REPORT - Yankee Gas - Properties on Plumtrees Road and Pahquioque Avenue.

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the offer by Yankee Gas to sell properties on Plumtrees Road and Pahquioque Avenue to the City met on July 13, 1994 at 7:30 P.M. in City Hall. In attendance were committee members Arconti and Scalzo. Also in attendance was Director of Planning Dennis Elpern and Corporation Counsel Eric Gottschalk.

The Planning Commission gave a positive recommendation for both parcels. The City has been pursuing the acquisition of the Pahquioque Avenue parcel for several years. The Common Council previously approved this purchase in 1992. This 1,954 square foot parcel would be added to an existing Redevelopment Agency parcel making it more suitable for development by straightening the property line. The proximity of the 8 acre Plumtrees Road parcel to existing City property and operations generates sufficient interest to further explore its purchase.

Mr. Scalzo moved to recommend that the Common Council reauthorize the purchase of the Pahquioque Avenue parcel and to authorize further study of the eight acre Plumtrees Road parcel and formal negotiations with Yankee Gas. Seconded by Mr. Arconti and passed unanimously.

The report was adopted on the Consent Calendar.

42 - COMMUNICATION - Hearthstone Castle Study grant

Mr. DaSilva made a motion to add this item to the agenda. Seconded by Mr. Boynton. Motion carried unanimously.

Letter from Mayor Enriquez requesting consideration of an appropriation of \$7,200 for an architectural study of the Hearthstone Castle. The Tarrywile Park Authority received a grant of \$1,800 from the National Historic Trust. The lowest qualified and responsible bid was in the amount of \$9,000. The study will be completed within four months.

Mrs. Coladarci made a motion that the request be granted and the funds appropriated, pending certification. Seconded by Mr. DaSilva. Motion carried with Miss Dennehy voting in the negative.

Mayor Enriquez extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. DaSilva for the meeting to be adjourned at 10:12 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk