

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

RE: Minutes of the Common Council Meeting held September 7, 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, Scalzo, Falzone, Yamin, Arconti, Boynton, Dennehy, Gallagher, Machado, Outlaw, DaSilva, Esposito, Charles, Gomez, Beck, Cappiello, Scozzafava, Setaro, Trocolla, Valeri

ABSENT - Coladarci

20 Present - 1 Absent

PUBLIC SPEAKING

1. Joseph Rosato, 7 Long Ridge Road - He is not pleased that the Newtown Interlocal Sewer Agreement is back on the agenda. There should be a minimum use clause and a timetable when they would start paying.

2. Ronald Blonski, 18 Griffing Avenue - Spoke on items 31 and 32 as they are related. Housing diversity is important. The Council should wait until September 14th to see how Newtown votes on Section 8. 10% of the sewer capacity should be dedicated to affordable housing.

3. Lynn Waller, 83 Highland Avenue - passed out an article on the sewer agreement. There is no zoned land in Newtown for affordable housing. Upset that this is coming to pass.

ANNOUNCEMENTS

Happy New Year to Jewish people in the City of Danbury

September

September 9th - Senior Center Picnic

September 11th - News Times Connecticut Classic Road Race

September 11th - Chucks Triathlon

September 11th - Taste of Danbury

September 11th - Unveiling of Mural on Ives Street at 2:45 P.M.
Safe Summer Program was highly successful

September 13th - United Way Kick-Off Breakfast at Danbury Fair Mall

September 16th - Mexico Society Celebration

September 25th - ACE Re-dedication

(At 8:02 P.M. Mrs. Coladarci arrived and was marked present)

September 12th - Council Majority Leader John Esposito will
celebrate a milestone birthday

October 2 - Council Member Joseph Scozzafava will celebrate his
birthday

October 3rd - Council Member Warren Levy and his wife Betty will
celebrate their wedding anniversary

MINUTES - Minutes of the Common Council Meeting held August 2, 1994. Mr. DaSilva made a motion that the minutes be accepted 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. Setaro. Motion carried with Mr. Yamin voting in the negative.

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

- 4 - Approve Abatement of Beaver Street Apartments - \$31,500
- 5 - Approve Application for Prevention Health and Health Services Block Grant - \$6,619.00
- 7 - Approve application for grant for Library Improvements - \$26,839
- 8 - Approve application for payment in lieu of taxes program - \$275,351.82
- 9 - Approve Resolution authorizing eminent domain for Airport Rotating Beacon site
- 10 - Approve application for Emergency Shelter Services Grant
- 13 - Approve reappointment of Janet Gershwin to the Lake Kenosia Commission
- 17 - Approve reappropriation of donated funds for the Department of Elderly Services - \$105.40
- 19 - Approve receipt of communication and take no action at this time
- 21 - Approve reappropriation of \$556,727.07 in Water Fund and \$24,132.72 in Sewer Fund
- 22 - Approve reappropriation of \$17,000 for water line for King Street School
- 23 - Approve HRRRA Recycling Grant of \$17,141.00
- 26 - Approve authorization of agreement regarding the Danbury Rail Freight Yard
- 28 - Approve acquisition of PAL vehicle and declare 1980 Suburban as surplus property
- 33 - Approve receipt of communication
- 40 - Approve Volunteer Firefighters Leave Ordinance
- 41 - Approve request for Water Extension at 3 Padanaram Road
- 42 - Approve request for Sewer Extension at Lot 34 Cannon Drive
- 43 - Approve request from SNET for easement on Middle River Road for \$2,500.

Mr. Charles moved that the Consent Calendar be adopted as read. Seconded by Mr. Boynton. Mr. Levy asked that item 40 be removed. Motion carried with item 40 removed.

1-ORDINANCES - Duties of Assistant Chiefs and Other Duties of Fire Marshalls

Mr. Arconti asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

2 - RESOLUTION - "Try American Day" Campaign

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the creativity and ingenuity of American working men and women in the United States has provided a host of new products and services which improve the quality of life in the United States and the World; and

WHEREAS, American workers should be recognized as one of our Nation's most valuable resources; and

WHEREAS, the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world; and

WHEREAS, the United States and its citizens have reason to celebrate the strength and quality of American products and services; and

WHEREAS, the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people; and

WHEREAS, American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Danbury that September is hereby designated as "Try American Month". The Mayor is authorized and requested to issue a proclamation calling on the people of the City of Danbury to observe the month with appropriate ceremonies and activities and to honor the month through the purchase of American-made goods and services.

Mr. Arconti made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Boynton. Motion carried un-animously.

3 - RESOLUTION - Safe Neighborhoods Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding of \$100,000 upon receipt and approval of an application therefor, said grant to be used for a Safe Neighborhoods Program; and

WHEREAS, this grant will subsidize Police Department overtime and thus increase police presence in targeted neighborhoods, especially areas where there has been increased firearms use; and

WHEREAS, the grant period will extend from October 1, 1994 through September 30, 1995;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and Chief Nelson F. Macedo, or his authorized representative, are hereby empowered to apply for said grant, to accept the funds, if approved, and the Mayor is further authorized to execute any contracts/agreements therefor and to do all things necessary to effectuate the purposes hereof.

Mr. Falzone made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Setaro. Motion carried un-animously.

4 - RESOLUTION - Abatement for Beaver Street Apartments

RESOLVED by the Common Council of the City of Danbury:

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

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

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

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is \$31,500 for the Grand List of October 1, 1993;

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

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

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

3. That the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1993;

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

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

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

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Prevention Health and Health Services Block Grant
RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Department of Health and Housing has received notification from the Connecticut Department of Public Health and Addiction Services that the City of Danbury is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$6,619; and

WHEREAS, the grant will cover the period of September 1, 1994 through June 30, 1995 with no local cash match required; and

WHEREAS, the funding will be used to develop a Youth Violence Prevention Program in conjunction with the School-Based Health Center located at Danbury High School;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury and William J. Campbell, Director of Health are hereby authorized to apply for said funds from the Connecticut Department of Health Services and to accept the grant, if awarded;

AND, FURTHER, Mayor Gene F. Eriquez is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said Health and Health Services Block Grant.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Connecticut Drug Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding in the amount of \$481,514.00 pursuant to Public Act 89-390, An Act Concerning Prevention and Treatment of Substance Abuse and Enforcement of Drug Laws; and

WHEREAS, 50% of the funding, or \$240,757.00 is to be designated for law enforcement, 40% of the total amount, or \$192,606.00 is to be applied to drug education, and the remaining 10% or \$48,151.00 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 1994 through September 30, 1995 and no local cash match is required;

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

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Setaro. Motion carried un-animously.

7 - RESOLUTION - Grant for Library Improvements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes Section 11-24c provides for State funds for library construction; and

WHEREAS, the Danbury Public Library plans to make application to the Connecticut State Library for the funding period of January 1994 - July 1996 for a grant of \$13,026, which requires a local cash match of \$26,839 which local cash match is required by July 1996 or 1997, if a one year extension is requested; and

WHEREAS, the City of Danbury has the right to refuse the grant at any time if local funding is not available; and

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

To bring the elevator, rest rooms door handles and signage into compliance with the Americans with Disabilities Act of 1990.

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign said application, to execute any agreements/contracts therefor and to accept said funds if granted. The Mayor and the Director of the Danbury Public Library are further authorized to do any and all things necessary to effectuate the purposes thereof; provided, however, that any amendments to said application or agreement/contract requiring additional expenditure of City of Danbury funds must receive prior approval of the Common Council.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Payment in Lieu of Taxes

RESOLVED by the Common Council of the City of Danbury:

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

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

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

1. That it is cognizant of the conditions and pre-requisites for State assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes.

2. That the filing of an application by the City of Danbury in an amount not to exceed \$275,351.82 is hereby approved and that the Mayor is hereby authorized and directed to execute and file such application with the Commissioner of Housing, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance, if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury;
3. That in consideration of said Assistance Agreement, applicant does hereby waive any Payments-in-Lieu-of-Taxes by the Housing Authority to the municipality under the provisions of Section 8-71 of the Connecticut General Statutes;
4. That the current established mill rate is 19.54 and the current assessment is \$14,091,700.
5. It is also resolved that any prior action taken by the Mayor with respect to this agreement is also approved.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - Airport Rotating Beacon Site - Spruce Mountain Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury holds a permanent easement and right of way over a portion of property off Spruce Mountain Trail (rear) shown and described in a certain easement from Doris Jean Gemza to the Town of Danbury dated July 22, 1963, recorded in Volume 393 at Page 565 of the Danbury Land Records on August 8, 1963 and further depicted on Town Clerk Maps No. 3487 and No. 9036; and

WHEREAS, said easement and right of way permitted the Town of Danbury to erect and maintain a rotating airport beacon light, poles, transmission line structures and other appurtenances over, upon, across and under said property of the Grantor; and

WHEREAS, it is now in the best interests of its successor, the City of Danbury, to acquire permanent ownership of said property and additional property known as Parcels "B-1" and "B-2" as set forth on "Map Showing Land to be Acquired by the City of Danbury from Tancy Jean Gemza and Marcie Elyce Gemza and Peter Priano and Susan Ferraguzzi Spruce Mountain Trail, Danbury, Conn. Scale 1" = 40' January 30, 1991" and which property is further described on the attached Schedules "A" and "B"; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said property upon the amount, if any, to be paid for the respective rights of each to be taken in and to the real property hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests now or formerly of Tancy Jean Gemza and Marcie Elyce Gemza, and Peter Priano and Susan Ferraguzzi as set forth on the attached Schedules and map, either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned property and the owners thereof, their successors, heirs and assigns and their respective mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - Emergency Shelter Services Grant

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for an Emergency Shelter Services Grant and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment Carmen J. Oliver of Bethlehem, Penna. as Fire Chief. Mr. Esposito made a motion that the communication be accepted and the appointment confirmed. Seconded by Mr. Charles. Motion carried unanimously.

Mayor Eriquez introduced Mr. Oliver and his wife, Susan, who were in the audience.

12 - COMMUNICATION - Appointment of Police Officer - WITHDRAWN

13 - COMMUNICATION - Letter from Mayor Eriquez requesting the re-appointment of Janet Gershwin to the Lake Kenosia Commission for a term to expire May 1, 1997. The reappointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$25 from Edyce Hornig for the Books line item account. Mr. Scalzo made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

15 - COMMUNICATION - Letter from Finance Director Dominic Setaro requesting acceptance of a donation in the amount of \$450 for the Veterans Affairs "Conferences" Account. Mr. Scalzo made a motion that the donation be accepted and the proper line item credited. Seconded by Miss Dennehy. Motion carried unanimously.

16 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$105.40. Miss Dennehy 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.

17 - COMMUNICATION - Request from Mr. McIlrath to transfer the sum of \$105.40 from the Elderly Services donations account to the Commission on Aging budget. The transfer was approved on the Consent Calendar.

18 - COMMUNICATION - Letter from Robert J. Ogden, Chairman of the Freedom Shrine Committee of the Exchange Club offering to donating a Freedom Shrine consisting of 28 plaques to be placed along the walk between the Korean and Vietnam Memorials in Rogers Park. Mr. Setaro made a motion to accept the donation and send a letter of thanks. Seconded by Mr. DaSilva. Motion carried unanimously.

19 - COMMUNICATION - Request for funds in the amount of \$7,200 for Citizens Hose Company for Air Packs. The communication was received and no action taken on the Consent Calendar.

20 - COMMUNICATION & CERTIFICATION - Memorandum of Agreement between the City of Danbury and Local 891, Council #15 AFSCME - AFL-CIO to enter into a new contract to succeed the agreement which expired June 30, 1993. The new contract shall extend through June 30, 1995. A Certification of Funds was attached. Mr. Setaro made a motion that the agreement be approved and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

21 - COMMUNICATION & CERTIFICATION - Memorandum from Director of Finance Dominic Setaro certifying the availability of \$556,727.07 to be reappropriated to the Water Fund accounts and \$24,132.72 to be reappropriated to the Sewer Fund so that projects can be completed and equipment accepted. A certification of funds was attached. The transfer were approved on the Consent Calendar.

22 - COMMUNICATION - Certification from Director of Finance Dominic Setaro certifying the availability of \$17,000 to be transferred from the Contingency Account to the Public Buildings, Schools Account, "Maintenance of Buildings & Structures" to cover the cost of the installation of a water line to the King Street School. The transfer of funds was authorized on the Consent Calendar.

23 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley requesting authorization to accept and HERRA grant in the amount of \$17, 141.00 to be used to finance an environmental educational center. The request was granted on the Consent Calendar.

24 - COMMUNICATION - Letter from Director of Health William Campbell requesting approval of an agreement with the Town of Bethel to provide backup Director of Health Services in the absence of the Bethel Director of Health. The agreement provides for reimbursement of expenses. Mr. Boynton made a motion that the communication be accepted and the Mayor authorized to execute the agreement. Seconded by Mr. Setaro. Motion carried unanimously.

25 - COMMUNICATION - Letter from Mayor Eriquez requesting approval of a plan to provide security guards at the public elderly housing developments. The City will provide \$20,000 and the Housing Authority will contribute \$30,000. Mr. Setaro made a motion to accept the communication and authorize of \$20,000 to provide security guards at the Elderly Housing Projects. Seconded by Mrs. Outlaw.

Mr. Scalzo asked if the money would come from the Safe Neighborhoods Program funding. The Mayor said that it would not as this money must be used for police overtime in targeted areas, not security. Mr. Boynton asked if a private firm would be hired and would they work in conjunction with the police. The Mayor said that a private firm would be hired and would work with the police. The motion carried unanimously.

26 - COMMUNICATION - Letter from Corporation Counsel Eric Gottschalk outlining two agreements which are intended to further the goal of improving the condition and enhancing the possible uses of the Danbury Rail Freight Yard. The agreements were approved on the Consent Calendar.

27 - COMMUNICATION - Letter from Mayor Eriquez asking permission to transfer the sum of \$31,000 from the Affordable Housing Fund for the cost of demolition of 112 and 112½ Elm Street. Mr. Machado made a motion to accept the communication and authorize the transfer of the sum of \$31,000 from the Affordable Housing Fund. Seconded by Mrs. Outlaw.

Mr. Valeri asked if there was a timetable for the demolition. The Mayor stated that it would be as quickly as possible. Mr. Setaro stated that the Habitat proposal is an added benefit to the City. The motion carried unanimously.

28 - COMMUNICATION - Letter from Det. Sgt. Nelson Neves asking that the 1980 Chevrolet Suburban used by PAL be declared surplus which will be replaced by a 1987 Pontiac station wagon. The request was granted on the Consent Calendar.

29 - COMMUNICATION - Request for Sewer and Water Extension on Hayestown Road. 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 Falzone, Gallagher and Scozzafava to the committee.

30 - COMMUNICATION - Request for extension of time for sewer and water extensions on Pocono Lane, Sunrise Road and Federal Road. Mr. Scalzo 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 Scalzo, Esposito and Yamin to the committee.

31 - COMMUNICATION - Request for Water Service. Mr. Levy asked that this be referred to an ad hoc committee, the City Engineer, the Planning Commission, the Superintendent of Public Utilities and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Arcanti, Setaro and Scozzafava to the committee.

32 - COMMUNICATION - Letter from Council Member Thomas Valeri requesting the the Danbury Newtown Interlocal Sewer Agreement be brought up for reconsideration based on the increased attention the issue of "affordable" housing in Newtown has received subsequent to our August meeting. Mr. Valeri offered this in the form of a motion, seconded by Mr. Boynton.

After much discussion as to the pros and cons of reconsideration, Mr. Charles made a motion to move the question, seconded by Miss Dennehy. Motion carried with Mr. Esposito voting in the negative.

The motion to reconsider carried with the members voting as follows:

Yes - Levy, Scalzo, Falzone, Arconti, Boynton, Gallagher, Machado, DaSilva, Esposito, Coladarci, Charles, Gomez, Scozzfava, Setaro, Valeri

No - Yamin, Dennehy, Outlaw, Beck, Cappiello, Trocolla

15 Yes - 6 No

Mr. Boynton made a motion that the Danbury Newtown Intermunicipal Sewer Agreement be adopted. Seconded by Mr. Gallagher.

Mr. Boynton stated that it is the obligation of the Council to approve this agreement because we have the unused capacity and this will give sewer users needed relief. Mr. Arconti commended Mr. Valeri for taking the bold step of reconsideration. He said that he does not care about Newtown's side of the agreement. It is a good deal for Danbury and is low risk.

Mr. Scalzo stated that the Common Council Members are all volunteers and as he missed the August meeting due to family obligations he welcomed the opportunity to have the proposal reconsidered. Miss Beck stating that she had been focusing on the minimum usage clause, but read Section 3.1 of the agreement. There is no guarantee for the 1.6 million. The issue is the contract not affordable housing. Nothing has changed. Mr. Trocolla stated that nothing has changed from the last time. We are selling economic development, not just sewers. We should go back and negotiate for a long term solution.

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

Motion to approve the agreement carried with the members voting as follows:

Yes - Scalzo, Falzone, Arconti, Boynton, Gallagher, Machado, DaSilva, Esposito, Coladarci, Charles, Gomez, Scozzafava, Valeri

No - Levy, Yamin, Dennehy, Outlaw, Beck, Cappiello, Setaro, Trocolla

13 Yes - 8 No

33 - COMMUNICATION - Letter from Attorney Theodore Gemza regarding the acquisition of land on Spruce Mountain for a radio beacon tower. The communication was received on the Consent Calendar.

34 - COMMUNICATION - Asante, Inc. - Residence Inn on Segar Street. Mr. Gallagher asked that this be referred to an ad hoc committee, the Corporation Counsel, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Machado, Coladarci and Scozzafava to the committee.

35 - COMMUNICATION - East Pembroke Road, Pine Ledge Subdivision. Miss Dennehy asked that this be referred to the Corporation Counsel, the City Engineer and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

36 - COMMUNICATION - Request to purchase land on Moran Avenue from the City. Mr. Scalzo asked that this be referred to the Director of Planning, the Tax Assessor, the City Engineer and the Planning Commission for reports back in thirty days. Mayor Eriquez so ordered.

37 - COMMUNICATION - Water Problem on Alexander D Avenue. Mr. Esposito asked that this be referred to an ad hoc committee, and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Boynton, Esposito and Capiello to the committee.

38 - COMMUNICATION - City of Danbury v. Birchwood Condominium Association. Mr. Setaro asked that this be moved to the end of the agenda for executive session. Hearing no objection, Mayor Eriquez so ordered.

39 - DEPARTMENT REPORTS - Public Utilities, Engineering, Department of Elderly Services, Parks and Recreation, Health and Housing, Police, Highways, Fire Chief, Fire Marshall, Weights and Measures. Mr. DaSilva made a motion that the Department Reports be accepted 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. Setaro.

Mr. Scalzo stressed safety on the roads now that schools are open. No crosswalk line have been painted at South Street School. Mayor Eriquez stated that the State is responsible for that road and if it is not done very soon that City will do it and send the State the bill.

Motion carried unanimously.

40 - REPORT & ORDINANCE - Volunteer Firefighters Leave

Mr. DaSilva submitted the following report:

The Common Council Committee met as a committee of the whole at 7:15 P.M. on August 22, 1994 to review a proposed ordinance concerning Volunteer Firefighter's leave. This Ordinance would allow volunteer firefighters who work at businesses with ten or more employees to leave work in times of emergencies to perform the duties of their positions without loss of pay or other negative ramifications.

It was explained that this Ordinance does not effect present operating procedures, but is in addition to them. The exact standard operating procedures will be set by the Chief Executive Officer of the Fire Department.

A concern was voiced over the lack of coverage of hiring practices in regards to volunteer firefighters. Corporation Counsel Eric Gottschalk explained that a provision of this type is not permitted to communities by the State enabling legislation.

After discussion, Mr. Levy moved to recommend approval of the Ordinance as proposed. The motion was seconded by Mr. Charles and passed unanimously.

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

THAT Section 8-4 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 8-4. Personnel and property of volunteer companies; release of members of volunteer fire companies from employment in emergencies.

(a) The membership of the various volunteer fire companies shall have and retain control of the personnel and all of the property of each such company except when actually at the scene of a fire, or in transit to and from the same, or when actually engaged in preparation and training for fighting fires at which times they shall be subject to the orders of the chief or his representative. No one exclusive of membership shall have any jurisdiction over the internal affairs of any volunteer company. Engines shall be maintained in operating repair at all times.

(b)(1) The City of Danbury and any person, firm or corporation located within the City of Danbury which employs ten or more persons at any one location shall allow any active member of a Danbury volunteer fire company, as defined in Section 7-314 of the Connecticut General Statutes, to leave his or her place of employment, without loss of pay, vacation time, sick leave or earned overtime accumulation, to respond between the hours of eight o'clock a.m. and five o'clock p.m., to an emergency to which his or her volunteer fire company is responding. No such employer shall (i) discharge, discipline or reduce the wages, vacation time, sick leave or earned overtime accumulation of any employee because such employee is a member in a volunteer fire company or (ii) require refusal to respond to an emergency as a condition of continued employment. The requirements of this subsection shall not be altered by any collective bargaining agreement.

(2) Any such member who participates pursuant to this subsection shall register with his or her volunteer fire company. Each Danbury based volunteer fire company shall maintain a list of their members who are employed within the City of Danbury, and who are available to respond to an emergency between the hours of eight o'clock a.m. and five o'clock p.m..

(3) The services of a member of a volunteer fire company who leaves a place of employment pursuant to this subsection to respond to an emergency shall be provided in accordance with any internal operating procedures established by his or her volunteer fire company.

(4) Any member of a Danbury volunteer fire company who responds to an emergency pursuant to the provisions of this subsection shall be entitled to receive all benefits payable under the provisions of Sections 7-314 and 7-314a of the Connecticut General Statutes.

Mr. Levy made a motion that the report be accepted and the Ordinance adopted. Seconded by Mr. Setaro. Mrs. Coladarci stated that although she was the Chairman of this committee, she must give credit to former Council Member Bernard Gallo for all his work on this Ordinance. Mr. Setaro stated that this ordinance strikes the right balance.

Motion carried unanimously.

41 - REPORT - Request for Water Extension - 3 Padanaram Road

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for water extension for 3 Padanaram Road met on August 24, 1994 at 7:00 P.M. in Room 432. In attendance were committee members Boynton and Charles. Also in attendance was Attorney Robin Kahn and William Buckley.

Attorney Kahn representing McDonald's Restaurant explained that they wished to build on the old Erickson's property and needed to extend the water line to the property. Mr. Buckley stated that there were no problems with this request subject to the normal eight steps.

Mr. Charles made a motion to approve the request subject to the normal eight steps. Seconded by Mr. Boynton. Motion carried unanimously.

The report was accepted on the Consent Calendar.

42 - REPORT - Request for Sewer Extension - Lot 34 Cannon Drive

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for sewer extension to Cannon Drive met on August 30, 1994 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Levy and Boynton. Mr. Cappiello was absent. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the applicant Paul Salamon and his son.

The Planning Commission in a letter gave a positive recommendation on this request. Mr. Schweitzer and Mr. Buckley reviewed and explained the different options to Mr. Salamon. They both approved the request.

Mr. Boynton made a motion to approve the sewer extension subject to the City Code of Ordinances and the required eight steps. Seconded by Mr. Levy and passed unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Request from SNET for Easement on Middle River Road

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request from SNET for an easement on Middle River Road met on August 24, 1994 at 5:40 P.M. in Room 432. In attendance were Council Members Dennehy and Charles. Also in attendance was G. Misus (resident) and Shirley Bosley from SNET.

After two informational meetings regarding the request on Middle River Road, the committee was in favor of granting the request to SNET. The Planning Commission made a positive recommendation and the value of the land in question was assessed at \$2,500 by Tax Assessor Robert Coyne. SNET's representative agreed to pay this amount.

Mr. Charles made a motion to grant the easement to SNET for the amount of \$2,500. Seconded by Miss Dennehy. Motion carried unanimously.

The report was adopted on the Consent Calendar.

Mr. Trocolla thanked the Mayor and his staff for the work they did on the Grainger Project. The Mayor stated that the true credit goes to the Corporation Counsel, the Assistant Corporation Counsel and the City Engineer.

At 9:34 P.M. Mr. Setaro made a motion to enter into Executive Session to discuss item 38. Seconded by Miss Dennehy. Motion carried unanimously.

At 9:50 P.M. the Common Council reconvened in open session.

38 - Mr. Boynton made a motion to accept the negotiated settlement as outlined in Executive Session. Seconded by Mr. Setaro. Motion carried unanimously.

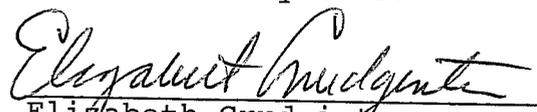
The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Falzone for the meeting to be adjourned at 9:51 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk