

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

RE: Minutes of the Common Council Meeting held January 5, 1993

Meeting was called to order at 7:34 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were offered. The members were recorded:

PRESENT - Fazio, Scalzo, Falzone, Gallo, Arconti, Coladarci, Boynton, Setaro, Gogliettino, DaSilva, John Esposito, Charles, Boughton, Cipriani, Scozzafava, Trocolla

ABSENT - Dennehy, Dean Esposito, Outlaw, Cassano, Butera

16 Present - 5 Absent

Miss Dennehy and Mr. Cassano were out of State
Mrs. Butera and Mrs. Outlaw were ill

PUBLIC SPEAKING

1. Lynn Waller, 83 Highland Avenue - Feels that the Partnership for Children and Families would be another layer of bureaucracy and will speak at the public hearing. Regarding extending the paramedic services agreement, she feels that the City is throwing away \$51,000 for three months when the same could be for one year and she offered congratulations to Representative-elect Donald Boughton and wished him well in Hartford.

ANNOUNCEMENTS

January 2nd - Councilman Louis Charles celebrated his 82nd birthday
January 26th - Council President Joseph DaSilva and his wife, Linda, will celebrate their Silver Wedding Anniversary
January 26th - Councilman Bernard Gallo will celebrate his birthday

Mayor Eriquez wished a speedy recovery to Councilwoman Dorothy Outlaw who is recovering from a recent illness.

January 10th - National Council of Jewish Women will celebrate their 100th anniversary with a brunch
January 10th - A benefit will be held in Bethel for Coach DeSantis
January 18th - Martin Luther King's Birthday - City offices closed
January 20th - Inauguration of President-elect Clinton and Vice-President elect Gore
January 27th - United Way Campaign Awards Dinner
January 30th - DAHTAR Awards Dinner

The Mayor then presented his annual State of the City Address. A full copy of the text is on file in the Office of the City Clerk.

At 7:56 P.M. Dean Esposito arrived and was marked present.

MINUTES - Minutes of the Common Council Meeting held December 1, 1992. Mr. DaSilva made a motion to accept the minutes and presented and waive the reading as all members have copies which are on file in the office of the City Clerk for public inspection. Seconded by Mr. Setaro. Motion carried unanimously.

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

- 5 - Approve Resolution concerning Cross Street Bridge Reconstruction/State Loan and Grant
- 6 - Approve application for AIDS Prevention Program - \$85,000
- 7 - Approve application for ARROW Grant - \$39,000
- 8 - Approve application for Before and After School Child Care Program - \$15,654
- 9 - Approve amendment to DHR Emergency Shelter Grant - \$2,283
- 10 - Approve grant application for overtime enforcement for Christmas/New Year DUI by Danbury Police - \$2,800
- 11 - Approve application for Activity Specialist for Interweave Adult Daycare - \$7,500
- 13 - Approve Airport Rotating Beacon site acquisition of access properties
- 15 - Approve appointment of Robert Brunetti to the Richter Park Authority
- 16 - Approve reappointment of A. Peter Damia to the Parking Authority
- 17 - Approve reappointment of Jerrold Davis as City Historian
- 18 - Approve reappointment of Robert Sweeney, Sally Estefan and Kathryn Gleason to Environmental Impact Commission

- 19 - Approve reappointment of Steven Zaleta and John Deeb to the Planning Commission
- 20 - Approve reappointment to Betty Jane Hull, Sandy Moy and Thomas Frizzell to the Library Board of Directors
- 21 - Approve reappointment of John Scarfi to the Aviation Commission
- 28 - Approve request for \$893 for the City Clerk's Office
- 29 - Approve request for \$4,324 for Homeless Shelter
- 33 - Approve appointment of Ernst and Young as Independent Auditors
- 35 - Approve Narcotics Task Force Grant at \$15,600
- 36 - Approve Parking Authority Refund of \$20,000
- 37 - Approve lease of Gate House at Tarrywile Park
- 41 - Deny the purchase of property on Bear Mountain Road
- 42 - Deny request to lease office space at 30 West Street
- 43 - Approve committee report and recommendation to take no action concerning Premium Point Lane
- 44 - Approve acceptance of \$4,000 from State of Connecticut for Engineering Department
- 50 - Approve request for easement for SNET on Peck Road
- 52 - Approve report and recommendation concerning an agreement between the City and Harold Garafalo
- 53 - Approve request for Water Extension at 24 Dogwood Drive
- 54 - Approve request for Water Extension at South Cove Road
- 55 - Approve request and recommendation to take no action on request for Water Extension at 20 Dogwood Drive
- 56 - Approve request for Water Extension at South Cove Road

Mr. Charles made a motion that the Consent Calendar be adopted as presented. Seconded by Dean Esposito. Motion carried with Mr. Boughton voting in the negative.

1 - COMMUNICATION & ORDINANCE - Cross Street Street Reconstruction State Loan and Grant Ordinance Appropriating \$934,656. Mrs. Coladarci asked that this be deferred to a public hearing. Mayor Eriquez so ordered

2 - ORDINANCE - Waiver of Addition to Assessments. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Tax Assessor and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Coladarci, Boynton and Fazio to the committee.

3 - ORDINANCE - Zoning Board of Appeals. Dean Esposito asked that this be deferred to a public hearing. Mayor Eriquez so ordered.

4 - ORDINANCE - Amendments to Article VI of the Ordinances of the City of Danbury Purchasing Procedure. Mr. Boynton asked that this be deferred to a public hearing. Mayor Eriquez so ordered.

5 - RESOLUTION - Cross Street Bridge Reconstruction/State Loan and Grant

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, is authorized to sign the agreement entitled "First Supplemental Agreement Project Loan and Project Grant Agreement Between the State of Connecticut and the City of Danbury Under the Local Bridge Program for the Cross Street Bridge No.3700

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Grant for the AIDS Prevention Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through its AIDS Prevention Program has made grant funds available to full-time health departments to provide HIV health education information services for the period July 1, 1993 through June 30, 1994; and

WHEREAS, grant funds not to exceed \$85,000.00 requiring no local match will be made available to the Danbury Health Department for its AIDS Risk Reduction Outreach Education Program upon approval of a grant application therefor; and

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

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

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez or William J. Campbell, Director of Health are hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts or amendments thereof with the State of Connecticut Department of Health Services regarding said grant and to take all actions necessary to accomplish the purposes of this program.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - ARROW Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Alcohol and Drug Abuse Commission (CADAC), an independent agency attached to the Connecticut Department of Mental Health had provided an ARROW GRANT, under its AIDS Prevention and Outreach Program, to the Danbury Health Department in the amount of \$29,567 which said grant was approved by the Common Council for the period of April 1, 1992 through December 31, 1992; and

WHEREAS, CADAC has notified the Danbury Health Department that its current ARROW grant has been extended through March 31, 1992 with a new total expenditure (4/1/92 - 3/31/93) of \$39,100 with no local match;

NOW, THEREFORE, BE IT RESOLVED THAT said extension is hereby authorized in the total amount of \$39,100 and that Mayor Gene F. Eriquez or William J. Campbell, Director of Health as his designee are hereby authorized to apply for and accept such funds and to take all actions necessary to effectuate the purposes of said grant.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Before and After School Child Care Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State in the amount of \$15,654 for the purpose of undertaking a Before and After School Child Care Program and to execute a Grant Request therefor;

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

1. It is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. It recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.

3. The filing of an application by the City of Danbury is hereby approved and that the Mayor of the City of Danbury, Gene F. Eriquez, or his designee, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request 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.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - DHR Emergency Shelter Grant

WHEREAS, pursuant to Connecticut General Statutes Chapters 133 and 300a, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the Welfare Department of the City of Danbury undertake an Emergency Shelter Services Program and submit an application to the State of Connecticut for grant funds in the amended amount of \$94,908.00 therefor;

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

1. It is cognizant of the conditions and prerequisites for state assistance imposed by C.G.S. Chapters 133 and 300a and recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program;

2. That Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to execute said application and related Grant Action Request to be filed with the State of Connecticut Commissioner of Human Resources and to execute any contracts, agreements, amendments, recisions and revisions that may be required by the state and to do all things necessary to effectuate the purposes of said program.

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - Grant Application for overtime enforcement for Christmas/New Year DUI by Danbury Police.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Federal Highway Safety Program funds are being made available through the State of Connecticut Department of Transportation Division of Highway Safety to local police agencies during National Drunk and Drugged Driving (3D) Prevention Month for driving under the influence (DUI) law enforcement; and

WHEREAS, eligible costs include overtime and fringe benefits for police officers during DUI enforcement and prevention programs with the grant being made on a reimbursement basis of 50% for allowable operational expenses; and

WHEREAS, the Christmas / New Year's holiday period is one of the gravest concern because of the great increase in alcohol-related activities and the unfortunate link of driving after drinking; and

WHEREAS, an application for a grant of \$2,800 has been made to the Connecticut Department of Transportation by the City of Danbury on behalf of the Danbury Police Department, approved by DOT and the award made for 50% reimbursement, with 50% of the cost to be allocated from the Danbury Police Department budget;

NOW, THEREFORE, BE IT RESOLVED THAT all past actions of the Mayor of the City of Danbury and the authorized representative of the Danbury Police Department in applying for said grant and accepting the grant award are hereby ratified and they are further empowered to take any and all further actions necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

11 - RESOLUTION - Activity Specialist for Interweave Adult Daycare

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Fairfield County Community Foundation, Inc. will accept an application from the Department of Elderly Services for a grant in the amount of \$7,500 with no City matching funds required; and

WHEREAS, the grant period is January 1, 1993 through December 31, 1993; and

WHEREAS, the grant will be used to help restore the position of Activity Specialist at the Interweave Adult Day Care Center to a full-time position;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez or his designee, Leo E. McIlrath, Director of the Department of Elderly Services is hereby authorized to apply for said grant, to sign any documents in connection therewith and to accept grant funds consistent with the application, if approved.

The Resolution was adopted on the Consent Calendar.

12 - RESOLUTIONS - Railroad Highway Grade Crossing Improvements

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor, City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, is authorized to execute Agreement No. 10.08-02(92), State Project No. 34-246, Federal Aid Project No. RRP-4034(8) for Railroad-Highway Grade Crossing Improvements on Taylor Street in the City of Danbury.

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, is authorized to execute Agreement No. 10.07-05(92), State Project No. 34-247, Federal Aid Project No. RRP-2744(1) for Railroad-Highway Grade Crossing Improvements on Great Pasture Road in the City of Danbury.

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor, City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, is authorized to execute Agreement No. 10.07-06(92), State Project No. 34-245, Federal Aid Project No. RRP-4034(7), for Railroad-Highway Grade Crossing Improvements on Chestnut Street in the City of Danbury.

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor, City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, is authorized to execute Agreement No. 10-08-01(92), State Project No. 34-248, Federal Aid Project No. RRP-3477(1) for Railroad-Highway Grade Crossing Improvements on Shelter Rock Road in the City of Danbury.

Mr. Boughton made a motion that the Resolutions be adopted. Seconded by Mr. Charles. Motion carried unanimously.

13 - RESOLUTION - Airport Rotating Beacon Site Acquisition of Access Properties.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury holds 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" on "Map Showing Land to be Acquired by the City of Danbury From Tancy Jean Gemza and Marcie Elyse 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; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners named on the attached Schedules 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 OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests 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 encumbrances, if any.

The Resolution was adopted on the Consent Calendar.

14 COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the promotion of Captain Eugene Singer to the position of Assistant Fire Chief. Captain Singer is a 26 year veteran of the Fire Department. Mr. DaSilva made a motion that the communication be accepted and the promotion confirmed. Seconded by Mr. Charles. Motion carried unanimously Mayor Eriquez introduced Captain Singer who was in the audience.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of Robert Brunetti to serve on the Richter Park Authority for a term to expire September 1, 1993. The confirmation was granted on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Peter Damia to the Parking Authority for a term to expire June 30, 1997. The reappointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Jerrold Davis as City Historian for a term to expire August 30, 1994. The reappointment was confirmed on the Consent Calendar.

18 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Robert Sweeney, Sally Estefan and Kathryn Gleason to the Environmental Impact Commission for terms to expire December 1, 1995. The reappointments were confirmed on the Consent Calendar.

19 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointments of Steve Zaleta and John Deeb to the Planning Commission for terms to expire January 1, 1996. The reappointments were confirmed on the Consent Calendar.

20 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Betty Jane Hull, Sandy Moy and Thomas Frizzell to the Library Board of Directors for terms to expire January 1, 1996. The reappointments were confirmed on the Consent Calendar.

21 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of John Scarfi to the Aviation Commission for a term to expire July 1, 1995. The reappointment was confirmed on the Consent Calendar.

22 - COMMUNICATION - Letter from Library Director Betsy McDonough seeking permission to accept donations in the amounts of \$25 from Barbara Stout and \$44.62 from the United Way of Fairfield County. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

23 - COMMUNICATION - Letter from Chief of Police Nelson Macedo seeking permission to accept the donation of a Traveler Capehart portable cellular telephone. Mrs. Coladarci made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

24 - COMMUNICATION - Letter from Republican Town Committee Chairman Barry Connell submitting the name of Brian O'Hare for appointment as an alternate on the Zoning Commission. Mr. Boughton made a motion that the communication be accepted and nominated Mr. O'Hare as an alternate on the Zoning Commission. The nomination was seconded by Mr. Fazio. Motion carried unanimously.

25 - COMMUNICATION - Letter from Susan Durgy, AIDS Program Coordinator seeking permission to accept a donation from MCAA for the AIDS Program. Mr. Boynton made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Coladarci. Motion carried unanimously.

26 - COMMUNICATION - Letter from Welfare Director Deborah MacKenzie seeking permission to accept donations to the homeless shelter. Mr. Boynton made a motion that the donations be accepted and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

27 - COMMUNICATION - Letter from Welfare Director Deborah MacKenzie seeking permission to accept donations in the amount of \$110 from the Employees of the City Tax Office and \$20 from the Public Building Department Employees. Mrs. Coladarci made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

28 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$893 for a new typewriter for the City Clerk's Office. A certification of funds was attached. The request was approved on the Consent Calendar.

29 - COMMUNICATION - Request that the sum of \$2,692 that had been set aside in a special reserve account for Homeless Services be appropriated to the City's Homeless Services line item. The request was granted on the Consent Calendar.

30 - COMMUNICATION - Community Partnership for Children and Families. Mr. DaSilva asked that this be referred to the committee of the whole, the Board of Education and the United Way. Mayor Eriquez so ordered.

31 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley asking that letters of thanks be sent to Wayne Shepard of the Danbury News Times, Paul Galvin, Debbie Russo, Nick Zotos and Bob Stock for their help with the Common Council Wood Sale. Mrs. Coladarci made a motion that the communication be accepted and the letters sent. Seconded by Mr. Boynton. Motion carried unanimously.

32 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that funds in the amount of \$200,000 be appropriated for overtime in the Fire Department. Mr. Boynton asked that this be referred to an ad hoc committee, the Fire Chief, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Scalzo, Falzone and Scozzafava to the committee.

33 - COMMUNICATION - Letter from Dominic A. Setaro, Jr. asking that the firm of Ernst & Young be appointed City auditors for the fiscal year ending June 30, 1993. The appointment was made on the Consent Calendar.

34 - COMMUNICATION - Letter from Board of Education Chairman Matthew Gallagher asking the Common Council to approve a revised funding level for the Revised Program Budget which is \$1,585,250 higher than the original approved budget. Mr. Boughton made a motion that the communication be accepted and the revision approved. Seconded by Mr. Charles. John Esposito asked Mayor Eriquez to explain the letter. Mayor Eriquez explained that the Board of Education receives grants for State and Federal programs which were approved in the 1992-93 budget and they have been adjusted upwards. Motion carried unanimously.

35 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting approval of the sum of \$15,600 be appropriated to the overtime line item in the Police Department Budget. The money was received as a Narcotics Task Force Grant. The request was granted on the Consent Calendar.

36 - COMMUNICATION - Letter from Director of Finance Dominic Setaro stating that the Common Council approved the acceptance of a \$20,000 donation from the Parking Authority for their financial support to acquire additional land necessary to proceed with plans for the second parking garage. As a result of the \$100,000 fee paid by the Davon Corporation this \$20,000 can be returned to the Parking Authority. Mr. Setaro recommends that the Council refund the monies back to the Parking Authority. The refund was authorized on the Consent Calendar.

37 - COMMUNICATION - Letter from Tarrywile Park Authority seeking approval of the lease for the Gate House at Tarrywile Park to Alan A. Brown who is a City employee. The lease was approved on the Consent Calendar.

38 - COMMUNICATION & CERTIFICATION - Letter from Assistant Corporation Les Pinter seeking approval of a three month extension of the Paramedic Agreement between the City of Danbury and Business Systems, Inc. dated January 1, 1992. The Mayor needs approval to execute a new letter of agreement extending the Paramedic Agreement through March 31, 1993. A certification of funds was attached. Mr. Boynton made a motion that the communication be accepted and the authorization for the Mayor to execute an extension of the Paramedic Agreement be granted. Seconded by Mrs. Coladarci. Motion carried with Mr. Boughton voting in the negative.

39 - COMMUNICATION - Letter from Donald A. DeStefano of WCSU requesting various items from the City in order to complete long range planning goals at the University. Mrs. Gogliettino asked that this be referred to ad hoc committee, the Director of Planning, the City Engineer, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Falzone and Scozzafava to the committee.

40 - COMMUNICATION - Letter from Council Member Boughton asking that ad hoc committee be established to investigate the extent of missing plot plans and to see if amnesty might be granted to home owners who want a building permit for an addition or renovation where the home was pre 1982. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Director of Planning, the Building Department and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Setaro, Dennehy and Fazio to the committee.

41 - COMMUNICATION - Reports regarding the offer of property for sale on Bear Mountain Road recommending that the property not be purchased by the City. The reports were accepted and the offer denied on the Consent Calendar.

42 - COMMUNICATION - Reports regarding the lease of office space at 30 West Street recommending that the space not be leased at this time. The reports were accepted and the offer denied on the Consent Calendar.

43 - COMMUNICATION - Reports regarding the acceptance of Premium Point Lane as a City Road. The reports were accepted and no action taken on the Consent Calendar.

44 - COMMUNICATION - Request from City Engineer Jack Schweitzer asking that \$4,000 be accepted from the State for reimbursement for renovations to the Traffic Engineer's space for security reasons. The reimbursement was accepted on the Consent Calendar.

45 - COMMUNICATION - Request from Norman Carvalho for an easement on Maple Avenue. Mr. Arconti asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Arconti, Cipriani and Scozzfava to the committee.

46 - COMMUNICATION - Request for Sewer Extension at 9 Pocono Lane. 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 Trocolla, Charles and Fazio to the committee.

47 - COMMUNICATION - Request for improvements on Hawthorne Cove Road. Mr. Setaro asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallo, Gogliettino and Fazio to the committee.

48 - DEPARTMENT REPORTS - Engineering, Public Utilities, Landfill, Health and Housing, Fire Chief, Fire Marshall, Public Buildings, Department of Elderly Services, Parks and Recreation. Mr. DaSilva moved 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 Dean Esposito. Mr. Boynton asked that the Public Buildings report be referred to committee. Mayor Eriquez so ordered. Motion carried unanimously. The committee will be Council Members Boynton, Butera and Scozzafava.

49 - ORDINANCE - Reapportionment of the Voting Districts in the City. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Democratic and Republican Registrars of Voters, and the Chairman of the Reapportionment Advisory Commission. Mayor Eriquez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

50 - REPORT - Request for Easement on Peck Road

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the request from SNET for an easement on Peck Road met on December 10, 1992 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Arconti, and Boughton. Also in attendance was City Engineer Jack Schweitzer.

SNET is requesting an easement for approximately 2,000 square feet of property at Marjorie Reservoir for the placement of telephone transmission cabinets. Both the Danbury Water Department and the Planning Commission approved the granting of this easement. If approved by the Common Council, SNET will then have to apply for a special exception from the Planning Commission at which time a public hearing will be held regarding this proposal.

Mr. Boughton moved to recommend approval of this easement with monetary compensation determined by the Director of Public Utilities to be consistent with previous easements on Water Department land and contingent upon SNET obtaining all required land use approvals. Seconded by Mr. Arconti. Motion carried unanimously.

The Report was adopted on the Consent Calendar.

51 - REPORT - Candlewood Park Concession Lease

Mr. Trocolla submitted the following report:

The Common Council Committee appointed to review the Candlewood Park Concession Lease met on December 21, 1992 at 7:35 P.M. in City Hall. In attendance were committee members Trocolla and Cipriani. Also in attendance were Director of Parks and Recreation Robert Ryerson, Assistant Corporation Counsel Les Pinter, Michael Poodiak and Lynn Waller.

Mr. Trocolla read a letter from Mr. Poodiak and from Mr. Ryerson. Mr. Cipriani made a motion to suspend the rules. Mr. Ryerson explained the reasons for closing Candlewood Park on July 3, 1992 due to pollution. Mr. Poodiak explained what his losses were due to the closing; food, insurance and lose of revenue.

Mr. Cipriani made the following recommendations and motion, seconded by Mr. Trocolla:

1. Refund July 1992 payment of \$858.00;
2. Waive the August 1992 payment of \$858.00;
3. Amend the lease to extend for 1 additional year from 1995 to 1996.

The Corporation Counsel was asked if this was allowed. He indicated there was problems he could forseer with this arrangement. Mr. Trocolla read a memo from Dominic Setaro indicating that he will certify the availability of funds after the subcommittee submits its report. Motion carried unanimously.

Mr. Boynton made a motion that the committee report be received, and the recommendations be adopted except that the July, 1992 payment be credited for 1993. Seconded by Mrs. Coladarci. Motion carried un-animously.

52 - REPORT - Agreement between the City and Harold Garafalo.

Mrs. Butera submitted the following report:

The Common Council Committee appointed to review the agreement between the City and Harold Garafalo met on December 21, 1992 at 7:00 P.M. in Room 432. In attendance were committee members Butera, and Cipriani. Mr. Fazio was absent. Also in attendnce were Harold Garafalo, Frank Cavagna and Richard Beck.

Mr. Cavagna and Mr. Beck explained to the committee that the City never replaces sidewalks with concrete. They both stated that they never told Mr. Garafalo that the City would reimburse him for a sidewalk he replaced on his own. Mr. Garafalo made his statements to the committee. After listening to both sides, Mr. Cipriani made a motion to deny the request without prejudice based upon information received. Seconded by Mrs. Butera. Motion carried unanimously.

The report was adopted on the Consent Calendar.

53 - REPORT - Request for Water Extension - 24 Dogwood Drive

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for water extension at 24 Dogwood Drive met on December 17, 1992 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallo, and Scalzo. Mr. Boughton had a previous commitment. Also in attendance were Superintendent of Public Utilities William Buckley and the petitioners Daniel and Jean Coppelman.

The Planning Commission gave a positive recommendation. The Coppelman's explained that their well has gone dry and upon driving the well deep discovered that it was to no avail. The well was still bordering on going dry.

After some discussion, Mr. Scalzo moved to recommend to the full Common Council extension of the existing water line to service the Coppelmans, subject to the eight steps. Seconded by Mr. Gallo. Motion carried unanimously.

The report was accepted on the Consent Calendar.

54 - REPORT - Request for Water Extension - South Cove Road

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Water Extension on South Cove Road met at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallo and Scalzo. Mr. Boughton had a previous commitment. Also in attendance were Superintendent William Buckley and the petitioners David and Dawn Tressic.

The Planning Commission gave a positive recommendation. David and Dawn Tressic explained to the committee that they share a well with Mary Popp but that the well had become contaminated prompting their request for City water.

After discussion, Mr. Scalzo moved to recommend to the full Common Council approval of this request subject to the eight steps. Seconded by Mr. Gallo. Motion carried unanimously.

The report was adopted on the Consent Calendar.

55 - REPORT - Request for Water Extension - 20 Dogwood Drive

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Water Extension at 20 Dogwood Drive met at 7:30 P.M. in Room 432 in City Hall on December 17, 1992. In attendance were committee members Gallo and Charles. Mr. Fazio was absent. Superintendent of Public Utilities William Buckley was also in attendance.

Mr. Charles made a motion to take no action at this time as the petitioners failed to attend. Seconded by Mr. Gallo and carried unanimously.

The report was adopted on the Consent Calendar.

56 - REPORT - Request for Water Extension - South Cove Road (Custance Road)

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for water extension on South Cove Road (Custance Road) met at 4:00 P.M. on December 17, 1992 in City Hall. In attendance were committee members Gallo and Scalzo. Mr. Boughton has a prior commitment. Also in attendance were Superintendent of Public Utilities William Buckley and the petitioner Mary Popp.

The Planning Commission gave a positive recommendation. Mary Popp explained that she shared a well with David and Dawn Tressic but the well has become contaminated prompting this request for water from the City.

Mr. Scalzo moved to recommend to the full Common Council approval of this request subject to the eight steps. Seconded by Mr. Gallo. Motion carried unanimously.

The report was accepted on the Consent Calendar.

57 - COMMUNICATION - John Manocherian vs. City of Danbury - Proposed Resolution of 1991 Tax Appeal.

58 - COMMUNICATION - Paul N. Jaber (Trustee v. City of Danbury - Proposed Resolution of 1991 Tax Appeal.

Mr. Setaro made a motion that items 57 and 58 be moved to the end of the agenda for Executive Session. Seconded by Mr. Boughton. Motion carried unanimously.

59 - COMMUNICATION - Letter from Council Member Donald Boughton resigning from the Common Council due to this election as State Representative from the 109th Assembly District. Mr. Boynton made a motion that the resignation be accepted. Seconded by Dean Esposito.

Mr. DaSilva wished Mr. Boughton well in Hartford and knows that he will take the same dedication to Hartford as he has shown on the Common Council.

Mr. Boynton wished Don well in Hartford and looks forward to working with him there and perhaps they can have lunch together in Hartford.

Mr. Charles recalled when Mr. Boughton was the Mayor and he was the Tax Collector and how they had a cooperative working relationship.

Mayor Eriquez congratulated Mr. Boughton on this victory in the 109th District and knows that they will work well together. He gave his best wishes to Don, Rae and the Boughton family.

Representative-elect Boughton thanked everyone for the past 3½ years and especially the Mayor for his patience. Thanked the audience for its help and support and spoke in favor of Robert Yamin to replace him on the Common Council.

60 - COMMUNICATION - Recommendation to fill vacancy on the Common Council.

Letter from Republican Town Committee Chairman Barry Connell recommending the Robert J. Yamin be appointed to fill the vacancy created by the resignation of Donald Boughton. Mr. Scozzafava made a motion to accept the communication and nominated Robert J. Yamin to fill the vacancy on the Common Council. Seconded by Mr. Fazio. Mr. Boynton made a motion to close the nominations. Motion carried with John Esposito voting in the negative. Motion to appointe Robert Yamin carried with Council Members Gogliettino, John Esposito and Dean Esposito voting in the negative.

61 - REPORT & ORDINANCE - Sewer and Water Extensions

Mr. Cassano submitted the following report:

The Common Council Committee appointed to review the proposed water and sewer extension ordinances met on December 15, 1992 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Cassano and DaSilva. Mr. Scozzafava was not present. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Assistant Corporation Counsel Eric Gottschalk and Lynn Waller.

Mr. Cassano reviewed the petition along with the Planning Commission's positive recommendation via letter (April 6, 1992) "for the reason that this appears to be a good process." Mr. Buckley reviewed the proposed ordinances.

1. The ordinances are designed to offer developers a third option for the installation of water/sewer extensions. The existing approaches (assessment and petition to the Common Council) will remain in effect and unchanged.

2. Information was solicited from investor owned water companies designed to allow developers to recoup construction costs. Drafts of the proposed ordinances were reviewed by local attorneys familiar with developer operations, engineers, developers and all appropriate City department heads. All comments were incorporated as much as possible.

3. The basic idea of the proposed ordinances is to allow a developer to install water/sewer extensions at his own cost and then to recoup a portion of that cost from subsequent users as they connect up, pay the connection fee plus a proportionate share of the cost of the extension to the City, which reimburses the developer with the proportionate share.

4. The developer contracts with the City for the design and installation of the extension. The City may do the work in-house or contract it out. The developer has no input into this process. The City has the option to include extra system capacity over and above that required for the developer and potential users (in consideration of future City water/sewer planning). In this case, the City will be responsible for and additional costs.

5. Establishment of the proportionate costs to subsequent users will be by due process such as public hearings, announcements, etc. The costs will be determined by an approach the same as the existing assessment option, but based on only acreage and frontage. Further, proportionate cost sharing would exist for ten years following extension installation. Beyond that time, the proportionate cost would be eliminated. The hook-up fee would continue.

6. Developer is responsible for funding in accordance with contract with City. Funding would probably be phased (design/drawings, construction

Mr. DaSilva thought that while the proposed ordinances may, or may not, be perfect, they do offer the possibility of being beneficial to development in the City and expansion of the grand list.

Mr. DaSilva moved that the committee recommend to the Common Council that the Common Council approve proposed ordinances 21-68 through 21-72, 16-54 through 16-58 and amended ordinances 16-4(b). Mr. Cassano seconded the motion and there was unanimous approval.

Mr. DaSilva asked that the report be received and the Ordinance deferred to public hearing. Mayor Eriquez so ordered.

62 - REPORT & ORDINANCE - Ordinance Section 17-34 ROADS

Mr. Cassano submitted the following report and ordinance:

The Common Council Committee appointed to review Ordinance Section 17-34 ROADS met on December 15, 1992 at 8:15 P.M. in Room 432 in City Hall. In attendance were committee members Cassano and John Esposito. Mr. Scozzafava was not present. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Highways Frank Cavagna, Assistant Corporation Counsel Eric Gottshalk and Lynn Waller.

Mr. Cassano read the previously issued committee progress report. The following information was then presented to the committee:

1. Mr. Cavagna showed a series of photos of various currently accepted roads that have failed (usually a drainage problem resulting in flooding in summer and icing in winter). The point was made that these roads represent an existing and continuous drain on the Public Works highway maintenance budget.
2. In 1989, a Common Council Committee concluded that approximately \$38 million would be required to bring all private roads in the City (170 roads, 23 miles) up to standards somewhat relaxed from the existing 17-34 requirements.
3. The Engineering Department estimates that about one-third of the private roads are almost impossible to improve, about one-third are difficult and very expensive to improve and about one-third are less costly but still expensive to improve.
4. Eighty-eight (88) private roads (about 14.6 miles) presently get some form of City maintenance. In some cases this has been going on for years.
5. Mr. Buckley stated that the private roads are among the worst in the City and if accepted, would collectively represent a huge drain on City resources, especially under the present economic conditions.

After considerable discussion of the above items, the committee reaffirmed its previous consensus that the upgrade of private roads (to meet road acceptance criteria) should not be the responsibility of the City at this time. The committee further agreed that a modified and somewhat relaxed 17-34 should remain on the books, along with 2-143.1 which would continue to allow petitioners to pursue road upgrades at somewhat lower costs than dictated by the existing 17-34.

Possible modifications to 17-34 were then discussed leading to the attached amended 17-34. The main changes are as follows:

1. The requirement that at least 50 percent of the lots located upon the road must have occupied houses on them was deleted.

2. The requirement that the character of the neighborhood services by the road must be primarily residential was deleted.

3. The requirement that 75 percent of the owners of the property which abuts the road was changed to a majority of the property owners.

4. The road right-of-way and traveled portion requirements were changed to make them more definitive. The right-of-way shall not be less than 30 feet in width and the traveled portion shall not be less than 20 feet in width.

After considerable discussion, the committee decided to retain the requirement that the Director of Public Works and the City Engineer must certify that the road is adequate to support the expected traffic and is in a reasonable safe condition for public travel.

Mr. Esposito moved that the committee recommend to the Common Council that ordinance 17-34 be amended in accordance with the attached proposal. Mr. Cassano seconded the motion and there was unanimously approval.

As an ancillary consideration of the committee's extensive deliberations, Mr. Esposito further moved that the committee recommend to the Common Council that a committee be established to review the current practice of the public works department with respect to servicing of private roads and the attendant liability considerations. Mr. Cassano seconded the motion and there was unanimous approval.

Mr. DaSilva made a motion that Section 17-34 be referred to public hearing and the recommendation for a committee be approved. Seconded by Mr. Charles. Motion carried unanimously. Mayor Eriquez appointed Council Members DaSilva, John Esposito and Scozzafava to the committee, together with the Director of Public Works and the Corporation Counsel.

At 8:46 P.M. Mr. DaSilva moved to go into Executive Session to act on items 57 and 58. Seconded by Mr. Setaro. Motion carried unanimous

At 9:29 P.M. the Common Council returned to open session.

57 - COMMUNICATION - John Manocherian vs. City of Danbury - Proposed Resolution of 1991 Tax Appeal. Mr. Setaro made a motion that the settlement offer as outlined by Attorney Pinter be approved. Seconded by Mrs. Gogliettino. Motion carried unanimously.

58 - COMMUNICATION - Paul N. Jaber (Trustee v. City of Danbury - Proposed Resolution of 1991 Tax Appeal)

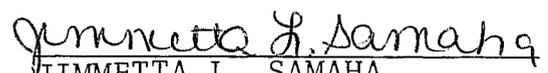
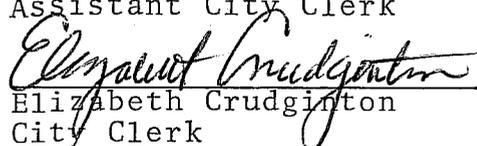
Mr. DaSilva made a motion to accept the proposed settlement as outlined by Mr. Coyne and Attorney Pinter. Seconded by Dean Esposito. Motion carried with Council Members Fazio, Falzone, Boynton, Setaro, Gogliettino and Trocolla voting in the negative.

Assistant Corporation Counsel Les Pinter sworn in Robert Yamin as an at large Common Council Member.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 9:34 P.M. by Mr. DaSilva for the meeting to be adjourned

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Elizabeth Crudginton
City Clerk

ATTEST: