TO: Mayor Gene Eriquez and Members of the Common Council

RE: Minutes of the Common Council Meeting held Februrary 2, 1993.

Meeting was called to Order at 7:30 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were offered. The Members were recorded;

PRESENT -Scalzo, Falzone, Arconti, Coladari, Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Dean Esposito, Outlaw, Cassano, Charles, Scozzafava, Trocolla, Yamin.

ABSENT: Fazio, Gallo, Boynton, Butera, Cipriani.

16 Present - 5 Absent

Mr. Fazio was out of town, Mr. Boynton and Mrs. Butera were ill. Mr. Gallo and Mr. Cipriani were working.

PUBLIC SPEAKING

1. Harry Russell, Glen Rd. spoke on No.33, would like Council to amend report to read five to ten cents per copy.
2. Lynn Waller, 83 Highland Ave.- Spoke on No.30, Fire Dep't. overtime. It bothers her to go into the Reserve. Would like Council to find another way of funding.
3. Stanford Smith, 7 Wooster St; President of the NAACP. Spoke on No. 29, Reapportionment of Wards. He has worked with City Admin. and Committee, presenting a reapportionment plan to Council. Wants to establish one or two minority Wards.
4. Clarice Osiecki, 9 Terra Glen Rd; President, Danbury Chamber of Commerce. Speaking on behalf of area businesses and Chamber advocating passage of No.26, Sewer and Water Extension Ordinance.

Special Guests: The Danbury Trojan Midgets (football team), winners of New England Division Championship, were presented with football patches by Mayor, Legislative Body, and Coaches.

ANNOUNCEMENTS;

Black History Month

February 20th-Danbury Jr. Library Celebrates Blak History Month 1:30--2:30 Children 5-12 and their parents.

February 21st- Lecture & Illustrated slide show, "The Armisted Incident" at the Danbury Public Library, 3:00 P.M.

On-going events throughout the month at Western Conn. State University, sponsored by the Minority Affairs Office.

Week of February 7-13, "Burn Awareness Week" Sponsored by the National Burn Awareness Coalition and the State Burn Care Foundation.

Congratulations to DATAHR which celebrated its 40th Anniversary this week and continues its long history of providing quality care to disabled individuals in the Greater Danbury Area.

February 4 - Harry and Sandy Scalzo's Anniversary
February 9 - Mayor Gene F. Eriquez's Birthday
Happy 40th!
February 28- Dean Esposito's Birthday
February 2 - Groundhog Day
Punxatawney Phil saw his shadow at 7:27 this morning and declared another 6 weeks of Winter.
February 3 - Governor Weicker's Budget Address.
February 4 - Mid-Year graduation at the Alternative High School.
February 5 - Minority Business Association Luncheon, Ancell School, WCSU.
February 9- Boy Scout "Run Your City Day".
February 12- Lincoln's Birthday, City Hall is Closed.
February 13- Volunteer Firemen's Ball.

February 14 - Valentine's Day
February 15 - Washington's Birthday
(City Hall Closed in observance)

Remember the U.S.S. Maine
Ceremony at 7:00 P.M. at West St. Monument.

February 19 - Anniversary of Iwo Jima
February 20 - Policemen's Ball

Recital- Brass Guilt Quintet
8:00 P.M. at the Danbury Music Center, Free Admission.

MINUTES - Minutes of the Common Council Meeting held January 5, 1993. Mr. DaSilva made a motion to accept the minutes as presented and to waive the reading as all members have copies and which are on file in the Office of the City Clerk, for public inspection. Seconded by Dean Esposito. Motion carried unanimously.

CONSENT CALENDAR: John ESposito presented the following items for the Consent Calandar:

1. - Approve amended Danbury Library Grant Resolutions
2. - Approve Grant Application for Activity Specialist at Interweave - $5,000
3. - Approve Small Business Adminstration Tree Planting Program Grant Application - $5,000
4. - Approve Dept. of Transportation Highway Safety Grant Application - $7,800
5. - Approve First Supplement Agreement No. 8.13-04(92) Maintenance of Main Street and South Street
6. - Approve appointment of Paul Estefan as Parking Violations Hearing Officer
7. - Approve appointment of Felice Plain to the Parking Authority
8. - Approve appointment of Ernest Boynton, Eileen Coladarci, Joseph Scozzafava, Anthony Jamison and James Purcell to Governmental Entities Review Committee
9. - Approve appointment of Thomas Saadi to the Environmental Impact Commission
10. - Approve appointment of Roberta Van Nostrand to the Commission on the Status of Women
11. - Approve reappointment of Jack Schweitzer to the Building Code Board of Appeals
12. - Approve reappointment of John Cherry, Mary Burke and Christine Rotello to the Cultural Commission
17. - Approve request for $3,300 from Airport Escrow Account for Airport Improvements
24. - Approve ordinance concerning the Zoning Board of Appeals
27. - Approve amendment to Code of Ordinances Section 17-34 - Private Roads
32. - Approve Candlewood Sewers Project and defer to Public Hearing
34. - Approve receipt report regarding Public Buildings Monthly Report
35. - Approve receipt of report regarding request to waive connection fee on Dogwood Drive

Mr. Falzone made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Setaro. Motion carried unanimously.

1- Resolution- Danbury Library Grant Resolutions

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 101-245 (the most recent amendment of the Federal Library Services and Construction Act) provides for federal funds to assist in the extension and improvement of public library services; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of $3,845 under said Federal Library Services and Construction Act, Title I, which requires an in-kind match of $2,560 for a total amount of $6,405; and

WHEREAS, said grant will enable the library to purchase 30 books and 30 audiotapes on improving communication and coping with change; and

WHEREAS, cultural groups who have not traditionally been patrons of the library will be encouraged to participate in the library program;

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

1. That in accordance with the requirements of the Grant Award, the City of Danbury will provide an in-kind match of $2,560;

2. That all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of $3,845 for the funding period of January 1993 through September 1993 to further the purposes of said grant award.

3. That Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign a Personal Services Agreement with the Connecticut State Library Board of Directors, acting by the State Librarian for payment of said funds and that he is further authorized to execute any amendments, recisions and revisions thereto and all other documents necessary to effectuate the purposes of said grant award; provided, however, that any amended provisions requiring additional expenditure of City of Danbury funds must receive prior approval of the Common Council.

WHEREAS, P. L. 101-245 (the most recent amendment of the Federal Library Services and Construction Act) provides for federal funds to assist in the extension and improvement of public library services; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of $10,000 under said Federal Library Services and Construction Act, Title I which requires an in-kind match of $5,195 for a total amount of $15,195; and

WHEREAS, the Danbury Public Library has closed its card catalog and is in the process of designing an optimum configuration of hardware and software needs for implementation of a permanent on-line catalog; and

WHEREAS, said grant will purchase four printers and printer supplies for one year to enable library customers to print out catalog citations and magazine articles; and

WHEREAS, questionnaire responses from library customers using the databases and printers will help library staff determine the best permanent on-line catalog for the Danbury community;

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

1. That in accordance with the requirements of the Grant Award, the City of Danbury will provide an in-kind match of $5,195.

2. That all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of $10,000 for the funding period of January 1993 through September 1993 to further the purposes of said grant award.

3. That Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign a Personal Services Agreement with the Connecticut State Library Board of Directors, acting by the State Librarian for payment of said funds and that he is further authorized to execute any amendments, recisions and revisions thereto and all other documents necessary to effectuate the purposes of said grant award; provided, however, that any amended provisions requiring additional expenditure of City of Danbury funds must receive prior approval of the Common Council.

The Resolution was adopted on the Consent Calendar.

2 - <u>RESOLUTION</u> - Grant for Activity Specialist at Interweave.

RESOLVED by the Common Council of the City of Danbury

WHEREAS, The United Way of Northern Fairfield County, Inc. will accept an application from the Department of Elderly Services for special grant funds of $5,000 to be used to reinstate the position of Activity Specialist at Interweave (Danbury Adult Day Care Center) to full-time status; and

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

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

3 - <u>RESOLUTION</u> - Small Business Administration Tree Planting Program

RESOLVED by the Common Council of the City of Danbury

WHEREAS, the Connecticut Department of Environmental Protection's Division of Forestry has been invited by the U. S. Small Business Administration to submit a grant proposal for the planting of trees under the SBA's Natural Resources Development Program; and

WHEREAS, the DEP's Forestry Division has extended this invitation to Connecticut municipalities for local applications which, if approved, will be incorporated into a State application to be sent to the SBA in Washington, D. C.; and

WHEREAS, the City of Danbury Forestry Department has prepared a 1993 Local Application requesting grant funds of $5,000 with a local in-kind match of $4,500 and a local cash match of $500 for three projects; namely, (1) to provide a tree screen between the Rose Arbor and a newly constructed parking lot at Rogers Park Middle School; (2) to replace existing dead and diseased trees and also to provide a screen between between Little League field and existing stream all at Rogers Park; (3) a new tree planting at Mill Ridge Primary School as a beautification project between existing schools;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to make such application to the U. S. Small Business Administration under its Tree Planting Natural Development Program through the State of Connecticut, to sign all documents in connection therewith and to accept such grant funds on behalf of the City of Danbury if offered.

The Resolution was adopted on the Consent Calendar

4 - <u>RESOLUTION</u> - Department of Transportation Highway Safety Grant

RESOLVED by the Common Council of the City of Danbury

WHEREAS, the Federal Government has made grant funds available, through the Connecticut Department of Transportation for purposes of highway safety under the "Work Zone Safety Program"; and

WHEREAS, it has been determined that the City of Danbury is eligible for a grant in an amount not to exceed Seven Thousand, Eight Hundred ($7,800.00) Dollars under said program, to be used to purchase highway safety equipment; and

WHEREAS, the City's participation in said program and the acceptance of said grant funds, if offered, will be in the best interests of the City and its residents;

NOW THEREFORE, BE IT RESOLVED THAT:

1. That Gene F. Eriquez, Mayor of the City of Danbury, be and hereby is authorized to make application for said grant and accept any grant funds as may be offered to the City of Danbury under the Work Zone Safety Program pursuant to said application, and;

2. That Mayor Gene F. Eriquez be and hereby is authorized to execute any and all documents necessary to effectuate the purposes of said grant program and award.

The Resolution was adopted on the Consent Calendar.

5 - <u>RESOLUTION</u> -First Supplement Agreement No. 8.13-04(92) Maintenance of Main Street and South Street.

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 First Supplemental Agreement No. 8.13-04(92) between the State of Connecticut Department of Transportation and the City of Danbury for Maintenance of State Highways (Main Street and South Street, Danbury).

6 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of Paul D. Estafan to serve as Parking Violations Hearing Officer, for a term to expire July 1, 1994. The confirmation was granted on the Consent Calendar.

7 - COMMUNICATION - Appointment to the Parking Authority. Letter from Mayor Eriquez seeking confirmation of Ms Felice Plain to serve as a member of the Parking Authority, for a term to expire June 30,1997 (Filling the unexpired term of John McGarry) The confirmation was granted on the Consent Calendar.

8 - COMMUNICATION - Appointments to the Governmental Entities Review Board. Letter from Mayor Eriquez seeking confirmation of the following persons:

The three members of the Common Council are:
Ernest Boynton (D) Chairman
Eileen Coladarci (D)
Joseph Scozzafava (R)

The two resident of the City of Danbury are:
Anthony Jamison (D)
James Purcell (R)

THe following Government Entities are to be reviewed in accordance with Section 2-176.

1. Stanley Lasker Richter Memorial Park Authority
2. Personnel Appeals Board
3. Conservation Commission
4. Environmental Impact Commission.

The Confirmation was granted on the Consent Calendar.

9 - COMMUNICATION - Appointment to the Environmental Impact Commission Letter from Mayor Eriquez seeking confirmation of Thomas Saadi as a regular member. Term to expire December 1, 1993. (Filling unexpired term of T. Farrah, who resigned) The Confirmation was granted on the Consent Calendar.

10 - COMMUNICATION - Appointment to the Commission on the Status of Women. Letter from Mayor Eriquez seeking confirmation of the appointment of Roberta Van Nostrand. Term to expire April 1, 1995. The confirmation was granted on the Consent Calendar.

11 - COMMUNICATION - Reappointment to the Building Code of Appeals. Letter from Mayor Eriquez seeking confirmation of the reappointment of John Schweitzer. Term to expire January 1, 1998. The reappointment was granted on the Consent Calendar.

12 - COMMUNICATION - Reappointments to Cultural Commission. Letter from Mayor Eriquez seeking confirmation of the reappointments of John Cherry, term to expire Februrary 1, 1996; Mary Burke, Term to expire February 1, 1996, and Christine Rotello, term to expire February 1,1996. The reappointments were granted on the Consent Calendar.

13 - COMMUNICATION - Donations to the Library. Letter from Library Director Betsy McDonough seeking permission to accept donations in the amounts of $38.95 from the United Way of No. Fairfield County and $10.00 from Steven M. Brainerd and $100.00 from Donald K. Takacs, and $50.00 from Annette Levy. Mrs. Coladarci made a motion that the donations be accepted, the proper line items credited, and letters of thanks sent. Seconded by Mr. Charles. Motion was carried unanimously.

14 - COMMUNICATION - Donations to the Department of Elderly Services. Letter from Leo McIlrath, Dir. seeking permission to accept donations in the amounts of $580.00 from Anonymous Donation, $50.00 from Filosa Convalescent Home, $25.00 from Putnam Lake Senior Center, $25.00 from Heritage Heights Convalescent Home, $5.00 from Charles Risso, $200.00 from Craft Donations. Mr. Setaro made a motion that the donations be accepted, the proper line items credited, and letters of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

15 - COMMUNICATION - Contribution for the Homeless Shelter. Letter from Deborah MacKenzie, Director of Welfare seeking permission to accept a donation on the amount of $201.21 from the Prudential Realty Company to help meet food costs. Mr Setaro made a motion that the donation be accepted, the proper line item credited, and a letter of thanks sent. Seconded by Mrs. Gogliettino. Motion carried unanimously.

16 - COMMUNICATION & CERTIFICATION - Request for Funds for General Assistance. Letter from Deborah MacKenzie, Director of Welfare requesting additional funds in the amount of $120,000 (City Share) Mr. DaSilva asked that this be referred to an ad hoc committee, The Director of Welfare, Director of Finance. Mayor Eriquez so ordered, and appointed Council Members Setaro, Gallo, Scozzafava to the Committee.

17 - COMMUNICATION - Request for Funds from Airport Escrow Account. Request from Paul Estafan, Airport Administrator for funds in the amount of $3,300.00 from the Airport Escrow Account for purchase of equipment for the aircraft Rescue and Firefighting Vehicle ($1700) and Knox Box Switches for the automated gates, ($1600) The request was accepted on the Consent Calendar.

18 - COMMUNICATION - Perpetual Care Costs on City Owned Graves. Letter from Deborah MacKenzie requesting a Committee be appointed to resolve this matter. Dean Esposito asked that this be referred to an ad hoc committee, the Director of Welfare, the Director of Finance, the Danbury Cemetery Association. Mayor Eriquez so ordered, and appointed Council Members Coladarci, John Esposito, and Fazio to the Committee.

19 - COMMUNICATION - Use of Parking Lot behind Immaculate Heart of Mary Church. Letter from Corp. Counsel Eric Gottschalk requesting Common Council review of the proposed lease for 30 parking spaces. Mr.Arconti asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

20 - COMMUNICATION - Osborne Street Facility . Request from Hat City Youth Sports-Danbury Vikings, to erect a concrete block storage facility. Mrs. Coladarci asked that this be referred to an ad hoc committee. Corporation Counsel and Danbury Vikings. Mayor Eriquez so ordered, and appointed Council Members Arconti, Cipriani and Fazio to the committee.

21 - COMMUNICATION - Request for Sewer Extension- Pocono Lane. Mr. Scalzo asked that this be referred to an ad hoc committee, City Engineer, Sup't. of Public Utilities and the Planning Commission. Mayor Eriquez so ordered, and appointed Council Members Dennehy, Trocolla, Yamin to the committee.

22 COMMUNICATION - Request for ad hoc committee to solve the problem of street addresses in the City. Mr. Setaro asked that this be referred to an ad hoc committee, Planning Department, and to the U.S Postal Service. Mayor Eriquez so ordered, and appointed Council Members Falzone, Boynton, and Scozzafava to the committee.

23 - DEPARTMENT REPORTS - Public Works, Public Utilities, Department of Elderly Services, Police, Fire Chief, Fire Marshal, Health and Housing 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 Mrs. Outlaw. Motion carried unanimously.

24 - REPORT AND ORDINANCE - Zoning Board of Appeals. The report and Ordinance were accepted and approved on the Consent Calendar.

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 2-56.17, which said section reads as follows:

Sec. 2-56.17. Zoning Board of Appeals.

Pursuant to the provisions of section 5-1 of the Danbury Municipal Charter and pursuant to the provisions of section 8-5 of the Connecticut General Statutes, there shall continue to be a zoning board of appeals. Said board shall consist of five regular members and three alternate members, each of whom shall be an elector of the City of Danbury and none of whom shall be a member of the Danbury Zoning Commission. Said regular and alternate members shall be appointed by the Mayor and shall serve for terms of three years. The powers and duties of the members shall be governed by the provisions of the general statutes.

25- Report & Ordinance- Amendments to Article VI of the Code of Ordinance-Purchasing Procedures.

Mr. DaSilva submitted the following report:

The Committee of the Whole met at 8:40 P. M. on January 26, 1993 to review proposed ordinances concerning Article VI on Purchasing provisions. These ordinances deal with a provision to grant bids to a city-based bidder who is no more than ten percent (10%) higher than the low bid on a project and with a list of determining factors other than the low bid in the choice of the lowest responsible bidder.

After discussion, Mr. Arconti moved to approve proposed ordinances 2-145 and 2-149. The motion was seconded by Mrs. Coladarci and passed unanimously.

Mr. Charles moved to recommend approval of Amendments to Article VI Seconded by Coladarci Motion Carried unanimously.

26- Report & Ordinance- Sewer and Water Extension.

Mr. DaSiva submitted the following report:

The Committee of the Whole met at 8:40 P. M. on January 26, 1993 to review proposed ordinances concerning sewer and water extensions. This ordinance offers an alternate method of installing a water or sewer extension. It provides for an applicant to pay all fees for an extension to the City of Danbury for all work involved in this extension. The City shall be responsible for all phases of installations. It also provides that any land owner along the extension who is eligible to connect to that extension shall pay a proportionate share to the applicant. This provision will be in effect for ten years.

After some discussion, Mrs. Coladarci moved to recommend approval of Ordinance 16-4(b), Article IV to Chapter 21, and Article V to Chapter 16. The motion was seconded by Miss Dennehy and passed unanimously.

Mr. Dean Esposito moved to accept the report and amended Ordinance Seconded by Mr Charles. Motion carried unanimously.

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

THAT Subsection 16-4(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Connection fee. If no prior sewer assessment established in accordance with the provisions of Section 16-50 of the Danbury Code of Ordinances has been paid on the premises to be connected to said sewer, then no permit shall be issued until a connection fee is paid to the City of Danbury according to the following schedule:

(1) Residential: Six hundred dollars ($600.00) per unit.

(2) All other (nonresidential): One thousand dollars ($1,000.00) plus forty cents ($0.40) per square foot of building to be connected. Connection fees may be waived by action of the common council, providing the City benefits from this connection by permitting future extensions to said connection.

2-2-93

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

That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding Article V to Chapter 16, which said Article shall read as follows:

ARTICLE V. EXTENSIONS OF SEWER MAINS

Sec. 16-54. PURPOSE

Existing provisions of the Danbury Code of Ordinances regulate and permit the extension of utilities by private parties, at their expense, upon application to and approval by the Common Council. In addition, provisions of State law and this Code of Ordinances also permit the extension of utilities by the City of Danbury, funded through the establishment of a system of assessments imposed upon those property owners whose properties benefit from the extension. The provisions of this Article have been adopted in recognition of the fact that a voluntary alternative to the foregoing methods should be established which permits partial reimbursement to those who wish to privately fund the municipal construction of utility extensions.

Sec. 16-55. DEFINITIONS

In the construction of this Article the following definitions shall apply unless the context clearly indicates otherwise.

(a) "Applicant" shall mean the party entering into an Extension Contract with the City.

(b) "Applicant's cost" shall mean those costs identified in Subsection 16-57(d) hereof.

(c) "City" shall mean the City of Danbury, a municipal corporation organized and existing under the laws of the State of Connecticut.

(d) "City's share" shall mean any portion of an Extension representing an expansion of the proposed Mains and Facilities required by the City for the benefit of the overall municipal system but which is not necessary to provide service to the Applicant or to any other potential User.

(e) "Department" shall mean the Danbury Department of Public Works.

(f) "Extension" shall mean the Facilities and the lineal footage of Mains required in order to provide sewer service to Applicants and to potential Users according to the terms and conditions set forth herein.

(g) "Extension Contract" shall mean a contract between the City and the Applicant providing for the installation of an Extension and pursuant to which the cost of the Extension is apportioned in accordance with the provisions of Section 16-57.

(h) "Facilities" shall include but shall not be limited to the following structures: manholes, pump stations, tanks, wet wells, valve vaults, valves, gate boxes, blow-off boxes and metering chambers owned or to be owned by the City and used for the purpose of furnishing sewer service to Users.

(i) "Mains" shall mean sewer pipes owned by or to be owned by the City for the purpose of conveying sewage from the Users' service connections.

(j) "Proportionate Share Agreement" shall mean an agreement between the City and a Proportionate Share Applicant providing for payment of the Proportionate Share Applicant's share of the cost of the Extension in accordance with the provisions of this Article.

(k) "Proportionate Share Applicant" shall mean the party entering into a Proportionate Share Agreement with the City for sewer service to his or her property.

(l) "User" shall mean any party connected directly to an Extension with respect to which an Extension Contract was executed.

Sec. 16-56. APPLICATIONS

(a) Applications for an Extension shall be accepted only when filed by the owner of record of the property which the Extension will serve or by the authorized agent of said owner.

(b) Applications shall be made at the offices of the Department on forms provided by the Department and shall not be accepted until all the information described therein has been provided.

(c) Upon receipt of a completed application, the Department shall review the proposal and shall forward the application, together with its comments, to the Common Council for its consideration in accordance with the provisions of Section 16-6.1 of the Danbury Code of Ordinances. In addition to commenting upon the merits of the proposal, the Department shall also advise the Common Council regarding the availability of any municipal funds that may be necessary to complete the proposed project. The Common Council may reject any application if, in its sole judgment, it determines that insufficient funds are available to finance the City's share of the project. In the event that the Common Council determines that insufficient funds are available to finance the City's share of the project, the Applicant may, at his option, elect to bear the additional cost associated with completion of the City's said share. In that event, said additional amount shall be contributed to the City without any right of reimbursement by the City or by Proportionate Share Applicants pursuant to the provisions of Subsection 16-58(d) hereof.

(d) If requested by the City, the Applicant shall furnish an existing and proposed plan and profile of the street or other areas in which the Main is to be installed. Only maps, plans, profiles or other drawings which have been prepared and stamped by an engineer or surveyor licensed by the State of Connecticut shall be acceptable.

Sec. 16-57. GENERAL RULES

(a) Title to all Extensions shall at all times be and remain vested in the City.

(b) Main Extensions shall at all times remain under the sole control and jurisdiction of the City. The City shall have the right to permit the connection of additional customers to the Main without the consent of the Applicant, to make further Extensions beyond or running laterally from said Extension or to connect said Extension to any other portion of the City sewer system, without incurring any obligations to the Applicant or to Users receiving service from said Extension, except as hereinafter provided.

(c) When Main Extensions are made in unfinished streets, the Applicant shall be fully responsible for damages to or relocation of the Main and any appurtenant Facilities, if such damage or relocation results from or is necessitated by acts of the Applicant or his agents. If, after the Mains are laid, the grade is changed to reduce the required minimum cover above the Mains or any appurtenant Facilities, then the Applicant shall pay the cost of lowering the Mains or Facilities to the grade required to correct this deficiency. This responsibility shall remain in force until such time as the street is officially accepted by the City.

(d) The City shall determine the size of the Main required as well as the need for any additional Facilities necessary to complete the Extension. For the purposes of all Extension Contracts and for the purpose of calculating a Proportionate Share Applicant's share of the project cost pursuant to the provisions of Subsection 16-58(h) hereof, the "Applicant's cost" shall include the costs described herein. The Applicant's cost shall include the actual cost of construction of the Facilities and Mains, associated engineering costs, the cost of obtaining all necessary governmental approvals and permits and of all necessary property acquisitions. The Applicant's cost shall not include any portion of the foregoing that represents an expansion of the proposed Mains and Facilities required by the City for the benefit of the overall system but which is not necessary to provide service to the Applicant or any other potential User. The difference between the Applicant's cost and the total project cost shall be the cost of the City's share which shall be borne by the City unless the Applicant has elected to bear the additional cost associated with the completion of the City's share of the project pursuant to the provisions of Subsection 16-56(c) hereof.

(e) Extensions shall only be made on streets that are accepted by the City or within easements granted to the City.

(f) Until a street has been accepted by the City, no new Mains may be installed therein unless street lines and grades have been established, the street has been graded in a manner acceptable to the City and any necessary easements have been conveyed to the City, at no expense to the City. All such easements shall permit the City to install, maintain, extend and replace Mains and appurtenances and make connections thereto. If requested by the City, the Applicant shall erect and maintain stakes to indicate correct street lines and grades to facilitate proper installation of the Mains.

(g) The determination of the required length and size of an Extension shall in all cases be made by the City, however, except as required to address the conditions affecting a specific Extension, the following general requirements shall apply:

(1) the terminal point of any Extension laid in a City-accepted street shall be located on an imaginary line drawn perpendicularly to the Extension and extending from the most distant property line of the last potential User to be served by the Extension;

(2) if the Extension is laid within an easement or an area intended for future use as a street to be constructed within a development or subdivision, it shall include all Mains required to serve houses or buildings within said development or subdivision.

(3) the size of any Main to be installed shall be based on the existing and future needs of the City sewer system. The costs thereof shall be allocated as provided in Section 16-57(d) hereof;

(4) any Facilities other than Mains which are part of the Extension shall also be designed, constructed and the cost thereof allocated in accordance with the requirements of this Article;

(5) whenever an Extension laid within a street passes through an intersection, a stub or stubs shall be constructed within said other street or right of way for a distance not to exceed 150 feet in each direction.

(h) Whenever the provisions of this article require Extensions to serve developments or portions thereof which are shown on a site plan approved by the Planning Commission or the Planning Department but which will not be constructed until a subsequent fiscal year, the City may choose to defer installation of the Extension until additional service to said development or portions therof is required. If the installation is deferred, the City shall nevertheless collect the Applicant's share of the estimated cost of the deferred portion of the Extension from the Applicant in accordance with the terms of the Extension Contract together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of Subsection 16-56(c) hereof. Said cost shall be based on the estimated cost of installing the Extension.

(i) The estimated cost of Main installations shall be established annually by the City and kept on file by the Department. The estimated cost of the installation of Facilities shall be determined by the City on a case by case basis. The foregoing estimated costs shall be used in Extension Contracts, when applicable, for purposes of calculating the Applicant's deferred costs pursuant to Subsection 16-57(h) hereof, as well as the cost of the City's share as a percentage of the actual cost of the Extension pursuant to the provisions of Subsection 16-57(d) hereof.

(j) Extensions shall not be scheduled for construction until the Applicant has fully complied with all the obligations established by the Extension Contract as well as with all the conditions established by this Article.

(k) Extensions will normally be assigned for construction in the order in which all the requirements established in this Article have been met; however, the City may vary such assignment in order to integrate the timing of the construction with other projects, giving due consideration to weather conditions, the availability of materials and the immediacy of the need for said Extension.

(l) If the Extension is intended to serve a subdivision or a development with respect to which site plan approval is required, the Extension Contract shall not be executed until the Applicant has received subdivision or site plan approval, whichever is applicable and has provided evidence thereof to the Department. The Applicant shall proceed with construction of the subdivision or development in such a manner as to allow the City to complete construction of the Extension without interruption.

(m) If property to be served by an Extension is at such an elevation that, in the opinion of the City, adequate service cannot be furnished at all times, the affected Users shall be required to install and maintain privately owned pumping equipment and any accessories deemed necessary to convey sewage to the Extension. The Users of such an Extension shall be required to execute Special Service Agreements prior to connection to the Extension, which Special Service Agreements shall be recorded in the Danbury Land Records. Said Agreements shall serve as notice to potential purchasers of the property involved of the existence of an unusual condition as well as of any responsibility which the owner bears with respect to maintenance of special equipment made necessary by the presence of said condition.

(n) All Users connected to Extensions installed in accordance with the terms of an Extension Contract shall be subject to the applicable rates, rules, regulations, terms and conditions of service as established by the City.

Sec. **16-58. EXTENSION CONTRACTS AND PROPORTIONATE SHARE AGREEMENTS**

(a) Upon execution of the Extension Contract, the Applicant shall deposit funds with the City in an amount equal to the estimated cost of completing all necessary final

detailed construction design work in connection with the proposed Extension. Thereafter, upon demand, the Applicant shall deposit with the City any additional amount which may result from an increase in the cost of said design work. The City reserves the right to delay the completion of such design work until it has received such additional amount. Upon completion of the design work, including a detailed construction cost estimate, the City shall determine the actual cost thereof and shall calculate the difference, if any, between the deposit and said actual cost. If said actual cost is more than the deposit, then an additional charge shall be made to the Applicant for the difference. Said additional charge shall be payable within fifteen (15) days of billing. Any payment not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. Upon completion of all final design work, a copy thereof shall be submitted to the Applicant for review. The Applicant shall then have the right to terminate the Contract without further obligation, except as provided herein with regard to design costs. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of said design work shall be returned to the Applicant.

(b) If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing and shall deposit funds with the City in an amount equal to the estimated cost of securing all necessary governmental approvals and permits as well as the cost of completing all necessary appraisals of property to be acquired in connection therewith, if any. Upon completion of said appraisals, copies thereof shall be submitted to the Applicant for review. After payment of all outstanding expenses incurred in connection with seeking necessary governmental approvals and permits, the Applicant shall then have the right to terminate the Contract without further obligation. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of seeking necessary governmental approvals and permits shall be returned to the Applicant. If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing and shall deposit the estimated cost of said acquisitions, as established by the appraisals, with the City. The City shall take whatever action is required in order to obtain all necessary governmental approvals and permits as well as whatever action is required in order to acquire the property interests necessary to complete the project. When the actual cost of obtaining all necessary governmental approvals and permits and of completing the property acquisitions is known, an additional charge, including reasonable attorney's fees, shall be made to the Applicant for the difference between said actual cost and the amount previously deposited with the City. Said additional charge shall be payable within fifteen (15) days of billing. Any payment not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. After payment of any charges due pursuant to the provisions of this Subsection, the Applicant shall have the right to terminate the Extension Contract without additional obligation or to elect to proceed with the project. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of obtaining all necessary governmental approvals and permits and completing the property acquisitions shall be returned to the Applicant.

(c) If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing. Upon receipt of notice from the Applicant that the Applicant wishes to proceed with the project, the City shall solicit bids for construction of the Extension, or where deemed appropriate by the City, for one or more phases thereof, from interested parties in accordance with the purchasing requirements of the Danbury Code of Ordinances. Upon the receipt of bids in connection with the construction of the Extension, or where applicable, phases thereof, the City shall award the construction contract to the lowest responsible bidder, which award shall be subject to the approval of the Applicant. The Applicant shall be permitted to review the proposed award for a period of ten (10) days and elect to either terminate the Extension Contract without further obligation, except as provided herein, or proceed with the project. If the Applicant does not notify the City of its election to proceed with the project within said period, the Extension Contract shall be deemed to have been terminated and the project cancelled. If the Applicant elects to proceed with the project, the Applicant shall deposit funds with the City in an amount, which when added to any funds already held on deposit, shall be equal to the amount of the construction contract as awarded, together with the Applicant's share of the estimated cost of any portion of the Extension deferred in accordance with Subsection 16-57(h) hereof and together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of Subsection 16-56(c) hereof, plus five per cent of the total of the foregoing to cover contingencies which may arise during construction, all as determined by the City. Upon demand, any additional amount which may result from an increase in the construction cost of the Extension and which is deemed by the City to be a part of the Applicant's cost or which is deemed to be part of the additional amount to be contributed to the City pursuant to the provisions of Subsection 16-56(c) hereof, shall be paid to it by the Applicant. The City reserves the right to delay the installation of any Extension, or the installation of any service taps in an Extension, until it has received such additional amount. Upon completion of the construction the City shall determine the actual cost to the Applicant of the Extension or, where applicable, of any completed phase thereof and shall calculate the difference, if any, between the deposit, or, where applicable, that portion of the deposit attributable to the completed phase, and said actual cost. If said actual cost is less than the deposit, or where applicable, that portion of the deposit attributable to the completed phase, the City shall refund the difference to the Applicant. If the deposit, or, where applicable, that portion of the deposit attributable to the completed phase, is less than said actual cost, then an additional charge shall be made to the Applicant for the difference, said additional charge shall be payable within fifteen (15) days of billing. Any payments not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City reserves the right to delay the installation of any service taps to the Extension until it has received payment of the additional charge. With respect to Extensions to be completed in phases, construction of phases subsequent to the initial phase shall also be completed in accordance with the provisions of this Subsection.

(d) In the event that an Extension under an Extension Contract is installed in a street on which property other than that of the Applicant is located, the City shall require, subject to the provisions of Subsections 16-58(e) and 16-58(h) hereof, that before making any connection for sewer service, each owner of such other property shall enter into a Proportionate Share Agreement with the City. In addition to any other connection fees that may be required pursuant to the provisions of this Chapter, each Proportionate Share Applicant shall pay an amount which, in the judgment of the City, represents their proportionate share of the Applicant's cost of the Extension plus five (5) per cent. Such amounts, less the original five (5) per cent, shall be refunded to the Applicant within 60 days of its receipt by the City. The Proportionate Share Applicant for sewer service shall be subject to all of the terms, conditions, and provisions of this Article as well as of the Proportionate Share Agreement.

(e) All liability for payment of proportionate shares by Proportionate Share Applicants and all liability for payment of refunds to Applicants pursuant to the provisions of this Section shall terminate ten years from the date of execution of the Extension Contract. Any part of the Applicant's cost paid to the City and not recovered from Proportionate Share Applicants within such ten-year period shall be retained by the City.

(f) The City shall not be liable for interest on the amount paid to it by the Applicant or on any part thereof.

(g) The assignment by the Applicant or by a Proportionate Share Applicant of an Extension Contract or a Proportionate Share Agreement or any interest therein, or of any money due or to become due by reason of the terms thereof, without the written consent of the Department, which consent shall not be unreasonably withheld, endorsed thereon or on an executed counterpart thereof is hereby prohibited and shall be void and of no force or effect.

(h) Each proportionate share shall be calculated in accordance with the following formula: The sum of A plus B, which sum shall be divided by two and multiplied by the Applicant's cost of the Extension. For purposes of the foregoing formula, A equals the area of the Proportionate Share Applicant's lot or parcel to be served, divided by the total area of all lots, parcels or properties directly served or to be directly served by the Extension. For purposes of said formula, B equals the frontage of the Proportionate Share Applicant's lot or parcel to be served divided by the total frontage of parcels, lots or properties directly served or to be directly served by the Extension. For purposes of this Subsection, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. Further, a corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or when the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be subject to a frontage calculation derived from the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.

(i) All proportionate shares shall be calculated by the City following completion of the Extension. No proportionate shares may exceed the special benefit accruing to the property affected thereby.

(j) No proportionate shares shall be finally established until after a public hearing before the Common Council at which all potential Proportionate Share Applicants shall have an opportunity to be heard concerning the proposed proportionate shares. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the City and a copy of such notice shall be mailed to each potential Proportionate Share Applicant at said potential Proportionate Share Applicant's address as shown in the last-completed grand list of the City or at any later address of which the Common Council may have knowledge. A copy of the proposed proportionate shares shall be on file in the office of the Town Clerk of the City and available for inspection by the public for at least ten (10) days before the date of such hearing. When the Common Council has determined the amount of each proportionate share, it shall file a copy thereof in the office of the Town Clerk of the City and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the City and it shall mail a copy of each such proportionate share to the potential Proportionate Share Applicant at said potential Proportionate Share Applicant's address as shown in the last-completed grand list of the City or at any later address of which the Common Council may have knowledge. Such publication shall state that proportionate shares shall be due and payable when the potential Proportionate Share Applicant has executed a Proportionate Share Agreement with the City and prior to making a connection to the Extension, provided that connection is made within ten (10) years of the date of execution of the applicable Extension Contract. Such publication shall also state the date on which such proportionate share was filed and that any appeals from such shares must be taken within twenty-one (21) days after such filing. Any person aggrieved by any proportionate share may appeal to the superior court for the judicial district of Danbury, which appeal shall be brought in the same manner as provided in the case of assessments pursuant to Section 7-250 of the Connecticut General Statutes. Following the expiration of the foregoing twenty-one (21) day period or the termination of any appeal filed within that time, copies of the notice of proportionate shares shall be recorded in the Danbury Land Records.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding Article IV to Chapter 21, which said Article shall read as follows:

ARTICLE IV. EXTENSIONS OF WATER MAINS

Sec. 21-68. PURPOSE

Existing provisions of the Danbury Code of Ordinances regulate and permit the extension of utilities by private parties, at their expense, upon application to and approval by the Common Council. In addition, provisions of State law and this Code of Ordinances also permit the extension of utilities by the City of Danbury, funded through the establishment of a system of assessments imposed upon those property owners whose properties benefit from the extension. The provisions of this Article have been adopted in recognition of the fact that a voluntary alternative to the foregoing methods should be established which permits partial reimbursement to those who wish to privately fund the municipal construction of utility extensions.

Sec. 21-69. DEFINITIONS

In the construction of this Article the following definitions shall apply unless the context clearly indicates otherwise.

(a) "Applicant" shall mean the party entering into an Extension Contract with the City.

(b) "Applicant's cost" shall mean those costs identified in Subsection 21-71(d) hereof.

(c) "City" shall mean the City of Danbury, a municipal corporation organized and existing under the laws of the State of Connecticut.

(d) "City's share" shall mean any portion of an Extension representing an expansion of the proposed Mains and Facilities required by the City for the benefit of the overall municipal system but which is not necessary to provide domestic or fire protection service to the Applicant or to any other potential User.

(e) "Department" shall mean the Danbury Department of Public Works.

(f) "Extension" shall mean the Facilities and the lineal footage of Mains required in order to provide fire and domestic water service to Applicants and to potential Users according to the terms and conditions set forth herein.

(g) "Extension Contract" shall mean a contract between the City and the Applicant providing for the installation of an Extension and pursuant to which the cost of the Extension is apportioned in accordance with the provisions of Section 21-71 hereof.

(h) "Facilities" shall include but shall not be limited to the following structures: pump stations, storage tanks, valve vaults, valves, hydrants, gate boxes, blow-off boxes, pressure reducing stations and metering chambers owned or to be owned by the City and used for the purpose of furnishing water service to Users.

(i) "Mains" shall mean water pipes owned by or to be owned by the City for the purpose of conveying water to the Users' service connections.

(j) "Proportionate Share Agreement" shall mean an agreement between the City and a Proportionate Share Applicant providing for payment of the Proportionate Share Applicant's share of the cost of the Extension in accordance with the provisions of this Article.

(k) "Proportionate Share Applicant" shall mean the party entering into a Proportionate Share Agreement with the City for water service to his or her property.

(l) "User" shall mean any party connected directly to an Extension with respect to which an Extension Contract was executed.

Sec. 21-70. APPLICATIONS

(a) Applications for an Extension shall be accepted only when filed by the owner of record of the property which the Extension will serve or by the authorized agent of said owner.

(b) Applications shall be made at the offices of the Department on forms provided by the Department and shall not be accepted until all the information described therein has been provided.

(c) Upon receipt of a completed application, the Department shall review the proposal and shall forward the application, together with its comments, to the Common Council for its consideration in accordance with the provisions of Section 21-21 of the Danbury Code of Ordinances. In addition to commenting upon the merits of the proposal, the Department shall also advise the Common Council regarding the availability of any municipal funds that may be necessary to complete the proposed project. The Common Council may reject any application if, in its sole judgment, it determines that insufficient funds are available to finance the City's share of the project. In the event that the Common Council determines that insufficient funds are available to finance the City's share of the project, the Applicant may, at his option, elect to bear the additional cost associated with completion of the City's said share. In that event, said additional amount shall be contributed to the City without any right to reimbursement by the City or by Proportionate Share Applicants pursuant to Subsection 21-72(d) hereof.

(d) If requested by the City, the Applicant shall furnish an existing and proposed plan and profile of the street or other areas in which the Main is to be installed. Only maps, plans, profiles or other drawings which have been prepared and stamped by an engineer or surveyor licensed by the State of Connecticut shall be acceptable.

Sec. 21-71. GENERAL RULES

(a) Title to all Extensions shall at all times be and remain vested in the City.

(b) Main Extensions shall at all times remain under the sole control and jurisdiction of the City. The City shall have the right to permit the connection of additional customers to the Main without the consent of the Applicant, to make further Extensions beyond or running laterally from said Extension or to connect said Extension to any other portion of the distribution system of the City, without incurring any obligations to the Applicant or to Users receiving service from said Extension, except as hereinafter provided.

(c) When Main Extensions are made in unfinished streets, the Applicant shall be fully responsible for damages to or relocation of the Main and any appurtenant Facilities, if such damage or relocation results from or is necessitated by acts of the Applicant or his agents. If, after the Mains are laid, the grade is changed to reduce the required minimum cover above the Mains or any appurtenant Facilities, then the Applicant shall pay the cost of lowering the Mains or Facilities to the grade required to correct this deficiency. This responsibility shall remain in force until such time as the street is officially accepted by the City.

(d) The City shall determine the size of the Main required as well as the need for any additional Facilities necessary to complete the Extension. For the purposes of all Extension Contracts and for the purpose of calculating a Proportionate Share Applicant's share of the project cost pursuant to the provisions of Subsection 21-72(h) hereof, the "Applicant's cost" shall include the costs described herein. The Applicant's cost shall include the actual cost of construction of the Facilities and Mains, associated engineering costs, the cost of obtaining all necessary governmental approvals and permits and of any necessary property acquisitions. The Applicant's cost shall not include any portion of the foregoing that represents an expansion of the proposed Mains and Facilities required by the City for the benefit of the overall system but which is not necessary to provide domestic and fire protection service to the Applicant or to any other potential User. The difference between the Applicant's cost and the total project cost shall be the cost of the City's share which shall be borne by the City unless the Applicant has elected to bear the additional cost associated with the completion of the City's share of the project pursuant to the provisions of Subsection 21-70(c) hereof.

(e) Extensions shall only be made on streets that are accepted by the City or within easements granted to the City.

calculating the Applicant's deferred costs pursuant to Subsection 21-71(h) hereof, as well as the cost of the City's share as a percentage of the actual cost of the Extension pursuant to the provisions of Subsection 21-71(d) hereof.

(j) Extensions shall not be scheduled for construction until the Applicant has fully complied with all the obligations established by the Extension Contract as well as with all the conditions established by this Article.

(k) Extensions will normally be assigned for construction in the order in which all the requirements established in this article have been met; however, the City may vary such assignment in order to integrate the timing of the construction with other projects, giving due consideration to weather conditions, the availability of materials and the immediacy of the need for said Extension.

(l) If the Extension is intended to serve a subdivision or a development with respect to which site plan approval is required, the Extension Contract shall not be executed until the Applicant has received subdivision or site plan approval, whichever is applicable and has provided evidence thereof to the Department. The Applicant shall proceed with construction of the subdivision or development in such a manner as to allow the City to complete construction of the Extension without interruption.

(m) If property to be served by an Extension is at such an elevation that, in the opinion of the City, adequate pressure for the proposed use cannot be furnished at all times, then the affected Users shall be required to execute Low Pressure Agreements prior to connection to the Extension, which Low Pressure Agreements shall be recorded in the Danbury Land Records. Similarly, if the pressure is expected to exceed 125 p.s.i.g., the Users shall be obligated to execute High Pressure Agreements prior to connection to the Extension, which High Pressure Agreements shall be recorded in the Danbury Land Records. Said Agreements shall serve as notice to potential purchasers of the property involved of the existence of an unusual pressure condition as well as of any responsibility which the owner bears with respect to maintenance of special equipment made necessary by the presence of said condition.

(n) All Users connected to Extensions installed in accordance with the terms of an Extension Contract shall be subject to the applicable rates, rules, regulations, terms and conditions of service as established by the City.

Sec. 21-72. EXTENSION CONTRACTS AND PROPORTIONATE SHARE AGREEMENTS

(a) Upon execution of the Extension Contract, the Applicant shall deposit funds with the City in an amount equal to the estimated cost of completing all necessary final detailed construction design work in connection with the proposed Extension. Thereafter, upon demand, the Applicant shall deposit with the City any additional amount which may result from an increase in the cost of said design work. The City reserves the right to delay the completion of such design work until it has received such additional amount. Upon completion of the design work, including a detailed construction cost estimate, the City shall determine the actual cost thereof and shall calculate the difference, if any, between the deposit and said actual cost. If said actual cost is more than the deposit, then an additional charge shall be made to the Applicant for the difference. Said additional charge shall be payable within fifteen (15) days of billing. Any payment not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. Upon completion of all final design work, a copy thereof shall be submitted to the Applicant for review. The Applicant shall then have the right to terminate the Contract without further obligation, except as provided herein with regard to design costs. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of said

(b) If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing and shall deposit funds with the City in an amount equal to the estimated cost of securing all necessary governmental approvals and permits as well as the cost of completing all necessary appraisals of property to be acquired in connection therewith, if any. Upon completion of said appraisals, copies thereof shall be submitted to the Applicant for review. After payment of all outstanding expenses incurred in connection with seeking necessary governmental approvals and permits, the Applicant shall then have the right to terminate the Contract without further obligation. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of seeking necessary governmental approvals and permits shall be returned to the Applicant. If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing and shall deposit the estimated cost of said acquisitions, as established by the appraisals, with the City. The City shall take whatever action is required in order to obtain all necessary governmental approvals and permits as well as whatever action is required in order to acquire the property interests necessary to complete the project. When the actual cost of obtaining all necessary governmental approvals and permits and of completing the property acquisitions is known, an additional charge, including reasonable attorney's fees, shall be made to the Applicant for the difference between said actual cost and the amount previously deposited with the City. Said additional charge shall be payable within fifteen (15) days of billing. Any payment not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City shall not proceed with the project until all of the foregoing charges, if any, have been paid. After payment of any charges due pursuant to the provisions of this Subsection, the Applicant shall have the right to terminate the Extension Contract without additional obligation or to elect to proceed with the project. If the Applicant elects to so terminate the Contract, any funds held by the City in excess of the actual cost of obtaining all necessary governmental approvals and permits and completing the property acquisitions shall be returned to the Applicant.

(c) If the Applicant elects to proceed with the project, the Applicant shall so advise the City in writing. Upon receipt of notice from the Applicant that the Applicant wishes to proceed with the project, the City shall solicit bids for construction of the Extension, or where deemed appropriate by the City, for one or more phases thereof, from interested parties in accordance with the purchasing requirements of the Danbury Code of Ordinances. Upon the receipt of bids in connection with the construction of the Extension, or where applicable, phases thereof, the City shall award the construction contract to the lowest responsible bidder, which award shall be subject to the approval of the Applicant. The Applicant shall be permitted to review the proposed award for a period of ten (10) days and elect to either terminate the Extension Contract without further obligation, except as provided herein, or proceed with the project. If the Applicant does not notify the City of its election to proceed with the project within said period, the Extension Contract shall be deemed to have been terminated and the project cancelled. If the Applicant elects to proceed with the project, the Applicant shall deposit funds with the City in an amount, which when added to any funds already held on deposit, shall be equal to the amount of the construction contract as awarded, together with the Applicant's share of the estimated cost of any portion of the Extension deferred in accordance with Subsection 21-71(h) hereof and together, where applicable, with any additional amounts to be contributed to the City pursuant to the provisions of Subsection 21-70(c) hereof, plus five per cent of the total of the foregoing to cover contingencies which may arise during construction, all as determined by the City. Upon demand, any additional amount which may result

from an increase in the construction cost of the Extension and which is deemed by the City to be a part of the Applicant's cost or which is deemed to be part of the additional amount to be contributed to the City pursuant to the provisions of Subsection 21-70(c) hereof, shall be paid to it by the Applicant. The City reserves the right to delay the installation of any Extension, or the installation of any service taps in an Extension, until it has received such additional amount. Upon completion of the construction the City shall determine the actual cost to the Applicant of the Extension or, where applicable, of any completed phase thereof and shall calculate the difference, if any, between the deposit, or, where applicable, that portion of the deposit attributable to the completed phase, and said actual cost. If said actual cost is less than the deposit, or where applicable, that portion of the deposit attributable to the completed phase, the City shall refund the difference to the Applicant. If the deposit, or, where applicable, that portion of the deposit attributable to the completed phase, is less than said actual cost, then an additional charge shall be made to the Applicant for the difference, said additional charge shall be payable within fifteen (15) days of billing. Any payments not made within said fifteen (15) day period shall be subject to interest at the rate of eighteen percent (18%) per annum. The City reserves the right to delay the installation of any service taps to the Extension until it has received payment of the additional charge. With respect to Extensions to be completed in phases, construction of phases subsequent to the initial phase shall also be completed in accordance with the provisions of this Subsection.

(d) In the event that an Extension under an Extension Contract is installed in a street on which property other than that of the Applicant is located, the City shall require, subject to the provisions of Subsections 21-72(e) and 21-72(h) hereof, that before making any connection for water service, each owner of such other property shall enter into a Proportionate Share Agreement with the City. In addition to any other connection fees that may be required pursuant to the provisions of this Chapter, each Proportionate Share Applicant shall pay an amount which, in the judgment of the City, represents their proportionate share of the Applicant's cost of the Extension plus five (5) per cent. Such amounts, less the original five (5) per cent, shall be refunded to the Applicant within 60 days of its receipt by the City. The Proportionate Share Applicant for water service shall be subject to all of the terms, conditions, and provisions of this Article as well as of the Proportionate Share Agreement.

(e) All liability for payment of proportionate shares by Proportionate Share Applicants and all liability for payment of refunds to Applicants pursuant to the provisions of this Section shall terminate ten years from the date of execution of the Extension Contract. Any part of the Applicant's cost paid to the City and not recovered from Proportionate Share Applicants within such ten-year period shall be retained by the City.

(f) The City shall not be liable for interest on the amount paid to it by the Applicant or on any part thereof.

(g) The assignment by the Applicant or by a Proportionate Share Applicant of an Extension Contract or a Proportionate Share Agreement or any interest therein, or of any money due or to become due by reason of the terms thereof, without the written consent of the Department, which consent shall not be unreasonably withheld, endorsed thereon or on an executed counterpart thereof is hereby prohibited and shall be void and of no force or effect.

(h) Each proportionate share shall be calculated in accordance with the following formula: The sum of A plus B, which sum shall be divided by two and multiplied by the Applicant's cost of the Extension. For purposes of the foregoing formula, A equals the area of the Proportionate Share Applicant's lot or parcel to be served, divided by the total area of all lots, parcels or properties directly served or to be directly served by the Extension. For purposes of said formula, B equals the frontage of the Proportionate Share Applicant's lot or parcel to be served divided by the total frontage of parcels, lots or properties directly served or to be directly served by the Extension. For purposes of this Subsection, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. Further, a corner lot which is at the intersection of and abuts two (2) or more streets, when the angle of intersection is not more than one hundred thirty-five (135) degrees, or when the intersection is rounded by a curve having a radius of less than one hundred (100) feet, shall be subject to a frontage calculation derived from the sum of the sides (a side hereby being a minimum of fifty (50) feet for these calculations) divided by the number of sides.

(i) All proportionate shares shall be calculated by the City following completion of the Extension. No proportionate shares may exceed the special benefit accruing to the property affected thereby.

(j) No proportionate shares shall be finally established until after a public hearing before the Common Council at which all potential Proportionate Share Applicants shall have an opportunity to be heard concerning the proposed proportionate shares. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the City and a copy of such notice shall be mailed to each potential Proportionate Share Applicant at said potential Proportionate Share Applicant's address as shown in the last-completed grand list of the City or at any later address of which the Common Council may have knowledge. A copy of the proposed proportionate shares shall be on file in the office of the Town Clerk of the City and available for inspection by the public for at least ten (10) days before the date of such hearing. When the Common Council has determined the amount of each proportionate share, it shall file a copy thereof in the office of the Town Clerk of the City and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the City and it shall mail a copy of each such proportionate share to the potential Proportionate Share Applicant at said potential Proportionate Share Applicant's address as shown in the last-completed grand list of the City or at any later address of which the Common Council may have knowledge. Such publication shall state that proportionate shares shall be due and payable when the potential Proportionate Share Applicant has executed a Proportionate Share Agreement with the City and prior to making a connection to the Extension, provided that connection is made within ten (10) years of the date of execution of the applicable Extension Contract. Such publication shall also state the date on which such proportionate share was filed and that any appeals from such shares must be taken within twenty-one (21) days after such filing. Any person aggrieved by any proportionate share may appeal to the superior court for the judicial district of Danbury, which appeal shall be brought in the same manner as provided in the case of assessments pursuant to Section 7-250 of the Connecticut General Statutes.

27-Report & Ordinance - Code of Ordinance Section 17-34 Roads

Mr DaSilva submitted the following report:

The Committee of the Whole met at 8:40 P. M. on January 26, 1993 to review an ordinance concerning Section 17-34, Private Roads. These amendments to the ordinance take away provisions that have prohibited the acceptance of most private roads and provide more reasonable requirements for City acceptance.

Mr. J. Esposito moved to recommend approval of the proposed amendments to Ordinance 17-34. The motion was seconded by Mrs. Coladarci and passed unanimously.

The Report & Ordinance was adopted on the Consent Calendar

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

THAT section 17-34 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(a) Statement of purpose and intent. It is recognized that there exist in the City of Danbury certain private streets and roads which were constructed prior to the enactment of stringent road ordinances by the City of Danbury and its corporate predecessors. It is also recognized that these streets and roads are rapidly falling into decay and that the health, welfare and safety of the people living on these roads and streets will be adversely affected by the condition of these streets and roads. It is also recognized that these streets and roads cannot meet the requirements of the current road ordinance of the City of Danbury; but that it is in the best interest of the people living on these streets and roads, and it is in the best interest of the City of Danbury, that said streets and roads be accepted by the City of Danbury as public highways.

(b) Other ordinances not to apply. Any street or road which meets the requirements of this section shall not have to comply with the existing ordinances of the City of Danbury pertaining to road construction, including, but not limited to, sections 17-21 through 17-33 of the Code of Ordinances of the City of Danbury.

(c) General requirements. The Common Council of the City of Danbury shall be authorized to accept streets and roads pursuant to the provisions of this section if, after giving due consideration to the financial impact of said acceptance, the following requirements have been met:

(1) There must not have been posted with the City of Danbury, or its corporate predecessors, a bond which can be successfully used to indemnify the City of Danbury for the cost of improving or constructing said streets or roads;

(2) A majority of the owners of property which abuts the road to be accepted must petition the Common Council of the City of Danbury for acceptance under the provisions of this section.

(3) The right-of-way shall not be less than thirty (30) feet in width and the traveled portion shall not be less than twenty (20) feet in width. The Director of Public Works and the City Engineer must certify that the road is adequate to support the traffic which is expected to use it and that the road is in a condition such that it is reasonably safe for public travel.

(4) Access to said road must be available from either a state highway or accepted city street.

(d) Deed. Before final acceptance, a deed to the road right-of-way and a certificate of title, both in a form satisfactory to the office of the Corporation Counsel must be delivered to the City. Any and all deeds and easements together with appropriate hold harmless agreements required by the City Engineer or the office of the Corporation Counsel shall be provided by the owner or owners involved at no cost to the City of Danbury. In the event that the petitioners are unable to provide the necessary easements or convey title to the road right-of-way to the City, the City may elect to acquire said easements or title through the exercise of its power of eminent domain, provided that one or more of the petitioners have agreed to assume the costs thereof.

(e) Responsibility of city. By accepting a street or road pursuant to this section, the City of Danbury shall not be obligated to construct or reconstruct such a road or street so that it complies with the existing specification of the City, including but not limited to sections 17-21 through 17-33 inclusive of the Code of Ordinances of the City of Danbury. The sole obligation of the City after accepting such a road or street shall be to maintain such a road or street in a condition that will render it reasonably safe for travel.

28- Report & Ordinance- An Ordinance Appropriating Funds for Portion of Costs of Cross Street Bridge Reconstruction and Authorizing Issue of $500,000 in Bonds or Notes.

Mr. DaSilva read the Report and Ordinance into the Record

The Committee of the Whole met at 8:40 P. M. on January 26, 1993 to review a proposed ordinance concerning the appropriation of $934,656 to meet a portion of the costs of reconstructing the Cross Street Bridge and authorizing the issue of $500,000 in bonds or notes of the City to meet the appropriation.

Mr. Pinter explained that the State of Connecticut is granting nearly $1,000,000 and loaning $500,000 for the construction of the Cross Street Bridge. The bridge is now under construction and is expected to be completed next May or June.

Mr. Arconti moved to approve the proposed ordinance. The motion was seconded by Mrs. Coladarci and passed unanimously.

Respectfully submitted,

Mrs. Coladarci made a Motion to accept the Report And Ordinance as read, Seconded by Dean Esposito. Motion Carried unanimously

Be it ordained by the Common Coumcil of the City of Danbury

AN ORDINANCE APPROPRIATING $934,656 TO MEET A PORTION OF THE COSTS OF RECONSTRUCTION OF CROSS STREET BRIDGE AND AUTHORIZING THE ISSUE OF $500,000 BONDS OR NOTES OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Section 1. The sum of $934,656 is appropriated to meet a portion of the costs of reconstruction of Cross Street Bridge over Still River, Bridge No. 3700, including demolition of the existing structure, construction of 40 foot wide, 70 foot span box girder bridge with new concrete abutments, footings and superstructure to provide a realigned two lane bridge, and 250 feet of approach roadway reconstruction, drainage improvements, upgrading of guide railing, stabilization of embankment and miscellaneous highway improvements (the "project"), and for administrative, printing, legal and financing costs related thereto, said appropriation to be in addition to $370,020 in State of Connecticut Local Capital Improvement Program (1989-1990, 1991-1992) grant funds and $150,000 "Town Improvement 1991 through 1992" funds heretofore appropriated for said project.

Section 2. (a) To meet a portion of said appropriation $500,000 bonds of the City or so much thereof as shall be necessary for such purpose shall be issued. Said bonds shall bear such rate or rates of interest as shall be determined by the Mayor.

(b) To meet the portion of said appropriation which may be financed pursuant to a Project Loan And Project Grant Agreement between the State of Connecticut and the City under the Local Bridge Program of the State of Connecticut, in lieu of the issuance of bonds as provided in Section 2(a) above, a general obligation promissory note or notes of the City shall be issued bearing interest payable as set forth in such agreement. Said notes shall be designated "City of Danbury General Obligation Promissory Note", be dated as of the date of issue, and shall bear interest at the rate then in effect for loans to municipalities under the Local Bridge Program and shall be payable in such amounts and at such times as are set forth in said agreement. The Mayor is hereby authorized and empowered to execute and deliver said Project Loan And Project Grant Agreement and amendments or supplements thereto between the State of Connecticut and the City under the Local Bridge Program, and to execute and deliver General Obligation Promissory Notes in connection with Project Loans and Supplemental Loans as provided in said Agreement.

(c) To meet a portion of said appropriation the Mayor is authorized to accept on behalf of the City a Project Grant in the amount of $434,656 pursuant to said Project Loan and Project Grant Agreement.

Section 3. Said bonds may be issued in one or more series as determined by the Mayor, maturing not later than the twentieth year after their date, and the amount of bonds of each series to be issued shall be fixed by the Mayor in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, 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. 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

Section 4. 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. Any of said notes sold to the State of Connecticut pursuant to a Project Loan And/Project Grant Agreement under the Local Bridge Program shall be sold to the State under the terms of the Local Bridge Program and shall not be subject to the requirement of a public sale. 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 Common Council.

Section 5. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds or notes. Notes evidencing such borrowings shall be signed by the Mayor, City Clerk and 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 6. This ordinance shall become effective upon its approval by the Mayor.

29 - REPORT - Reapportionment of Wards.
Mr. DaSilva read the report into the record.

The Common Council Committee appointed to review the reapportionment of wards in Danbury met at 8:00 P.M. on January 25, 1993 and at 8:15 P.M. on January 27, 1993 in City Hall. In attendance were committee members DaSilva, John Esposito and Scozzafava. Also in attendance were Registrars George Schmiedel and Jean Hazard, Corporation Counsel Eric Gottschalk, Council Members ex-officio, Scalzo, Coladarci, Dean Esposito, and Boynton, and representatives of the NAACP at the January 25th meeting.

Mr. DaSilva presented several revisions to the plan drawn up by the Reapportionment Advisory Commission (RAC). The purpose of these revisions was to accomodate some of the concerns presented by the NAACP at a recent public hearing and those of the Registrars of Voters concerning small ward populations in some State Legislative Districts. This proposal would raise minority populations in the fifth ward to 27.7% and in the sixth ward 24.1%. It also eliminated the small ward population problems in the second ward.

In order to accomplish the items mentioned above, a small section of the second ward including a part of Balmforth Avenue, a small portion of Osborne Street and Ellsworth Avenue, a small portion of Tamarack Avenue and Ford Avenue were added to the fifth ward. The west side of Jefferson Avenue was moved from the sixth ward to the fifth ward. The south side of Elm Street, Spring Street, the north side of Stevens Street and Beaver Street from Elm Street to West Street was moved from the Seventh Ward to the Sixth Ward. The west side of Ridgebury Road, the south side of Briar Ridge Road, Advocate Place, Benson Drive, Blueberry Lane. Flirtation Drive, Old Ridgebury Road, Briar Ridge Road, Saw Mill Road, Turner Road and Union Circle were moved from the seventh ward to the sixth ward.

At the January 25th meeting, Stanford Smith presented an alternative plan on behalf of the NAACP. This plan offered two downtown districts that would have minority populations of 34.5% and 27.39%. He stated that at least one ward attaining a 30% minority population is a goal of the NAACP.

At the January 27th meeting, Mr. DaSilva explained that subsequent to the presentation of the NAACP, he worked for a number of hours in an attempt to create a ward of 30% minority population within the context of the RAC proposal. This was not possible because of the scattered areas throughout the City of dense minority populations. He stated that he believes that the proposed amended RAC plan offers more areas of growth for minority population in the fifth and sixth wards.

After considerable discussion, Mr. Scozzafava moved to recommend approval of the RAC plan with the attached revisions. Seconded by Mr. Esposito. Motion carried unanimously.

Mr. Setaro made a Motion to receive the report. Seconded by Dean Esposito. Mr. DaSilva referred it to Public Hearing. Mayor Eriquez so ordered.

30 - REPORT & CERTIFICATION - Fire Department Overtime.
Mr. Scalzo read the report into the record. Mr.Falzone made a motion to receive the report. Seconded by Mrs. Coladarci. Mr. DaSilva made a motion to move item 30 to the end of the Agenda and go into Executive session. Seconded by Mr. Charles. Motion carried unanimously.

31 - REPORT - Waiver of Addition to Assessments.
Mrs. Coladarci submitted the following report.

The Subcommittee to review the waiver of addition to assessments met at 7:00 PM on January 26, 1993 in room 432 of Danbury City Hall. In attendance were Councilwoman Eileen Coladarci and Councilman Ernie Boynton. Also in attendance were Councilman John Esposito, ex-officio, Les Pinter, Assistant Corporation Counsel and Robert Coyne, Danbury Assessor.

Mr. Boynton moved to suspend the rules to enable those in attendance to inform the committee of the reasoning behind the proposal. Mr. Coyne explained that there are four reasons that a penalty would be given to a taxpayer, 1) no return was filed, 2) the return was filed late, 3) the return was submitted unsigned and 4) by omission of the report of tangible personal property. Mr. Coyne also explained that this matter was bought before us due to a pending court case, which had variations in its report. Mr. Boynton asked if the taxpayer was just trying to avoid payment and Mr. Coyne explained the circumstances of the case, pointing out that the taxpayer was not avoiding payment but had a different accounting system.

Mr. Pinter explained the reasoning behind the addition of the written approval from the Director of Finance as a lateral movement of oversight.

Mr. Boynton moved that the Common Council recommend adoption of the ordinance subject to a Public Hearing. The vote was unanimous for approval.

THAT Chapter 18 of the Ordinances of the City of Danbury be and is hereby amended by adding Section 18-18 as follows:

Sec. 18-18. Waiver of Addition to Assessments.

(a) The authority for actions taken pursuant to this section is enabled through the provisions of Connecticut General States section 12-119a.

(b) The Assessor of the City may, in the case of any penalty added to an assessment pursuant to Connecticut General Statutes section 12-42 for failure to file a property tax list, or for the omission of property on a list as required pursuant to Connecticut General Statutes section 12-53, waive such penalty or penalties for good and sufficient cause as further set forth in subsection (c) hereof.

(c) Such waiver as that permitted pursuant to subsection (b) hereof may be granted by the Assessor of the City for the following reasons:

1. Excusable error on the part of the taxpayer

2. Excusable error on the part of the assessor

3. Existence of variations in accounting procedures in reporting value on fiscal year or calendar year versus municipal assessment year

4. Existence of variations in methods and schedules of depreciation of personal property

(d) In the event the Assessor of the City waives any penalty as described above, he shall immediately thereafter cause to be published in a newspaper of general circulation in the City of Danbury a list of the waiver(s) so granted, including the name of the taxpayer, the property or properties involved and the amount(s) of said waiver.

(e) Prior to granting any waiver pursuant to this section, the Assessor of the City shall obtain the written approval of the Director of Finance.

Mr. DaSilva made a Motion to receive the report and asked that this be deferred to public hearing. Seconded by Dean Esposito Mayor Eriquez so ordered.

32 - REPORT - Candlewood Park Area Sewers
Accepted on the Consent Calendar and deferred to Public Hearing.

The Common Council Committee appointed to review sewers for the Candlewood Park area met on January 27, 1993 in the Fourth Floor Lobby in City Hall. In attendance were committee members Gallo, Arconti and Scozzafava. Also in attendance were City Engineer Jack Schweitzer and Director of Public Utilities William Buckley.

Mr. Gallo reviewed the informational meeting held on December 30, 1992 at Hatters Park Hall. A majority of the residents of the proposed sewering of Candlewood Park area were present. Director of Health Bill Campbell, William Buckley and Jack Schweitzer presented information to the residents explaining the health problems at the Town Park and the necessary steps that need to be taken to correct them. Also explained were the preliminary assessments presented to the people and how the four steps formula works to come up with the assessments.

The committee discussed the results of the survey sent out by the Engineering Department. The results were compiled by the number of lots and by area of lots including and excluding City of Danbury properties. The results of the survey for the entire project was 2 to 1 in favor of sewering. See attached results.

Mr. Arconti moved to recommend to the full Common Council to accept the entire project with the intention of meeting the State deadline for funding (see attached letter) and to defer the project to a public hearing. Seconded by Mr. Scozzafava. Motion carried unanimously.

33 - REPORT - Copy Costs.
Mr. Setaro submitted the following report.

The Common Council Committee appointed to review the cost of copies met on January 26, 1993 at 8:10 P.M. in the Fourth Floor Lobby of City Hall. Present were committee members Setaro, Dennehy and Scozzafava. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro, Jr., Assistant City Clerk Jimetta Samaha and Councilman John Esposito, ex-officio. Lynn Waller and several members of the public were also in attendance.

Mr. Gottschalk explained that the state Freedom of Information Act had provided that municipalities may charge up to twenty-five cents per copy but that the Act had been amended, increasing the amount localities may charge to fifty-cents per copy in 1991. The City accordingly altered its charge per copy to fifty-cents at that time. He added that one rationale for the copy charge is the administrative cost incurred by municipalities in personnel time and materials applied to research and copying requests.

Mr. Setaro inquired as to the amount of revenue generated by the charge for copies and the impact if the charge is reduced. The Director of Finance stated that the Offices of Engineering and the Assessor generate most of the approximately $5,000 in revenue from copy charges. These departments also receive the most business-related requests for research and copied information and, accordingly, incur the resulting administrative costs.

Mr. Scozzafava stated that he felt reducing the current charge below fifty-cents per copy would be appropriate but did not wish to reduce the fee to an amount which results in City employees spending the bulk of their time making copies. Mrs. Waller stated that the reason for the request for reduced copy charges is greater public access to materials prepared by the City Clerk's Office for the monthly Common Council meetings, which does not include large maps or other costly items located in the Engineering or Assessor's Office.

Mr. Scozzafava moved that the cost of copies for materials prepared by the City Clerk's Office be reduced to twenty-five cents per copy. Seconded by Ms. Dennehy. Motion passed unanimously.

At 8:45, Mr. DaSilva moved to go into Executive session to act on item 30. Seconded by Mr. Charles. Motion carried unanimously.
At 9:20, the Common Council returned to open session.

30 - REPORT & CERTIFICATION - Fire Department Overtime.
Mayor Eriquez stated that the original motion was to receive the report and approve the request for $560,917.00 .
Mr. Trocolla then amended the original motion to request $280,500 be approved. Seconded by Dean Esposito.
A roll call vote was taken on the amendment to the original motion, and the motion carried 11-5.
A roll call vote was taken then on the original motion, as amended, and the motion carried 16-0.

The Common Council Committee appointed to review the request for the appropriation of funds for the Fire Department Overtime Account met on January 26, 1993 in Room 432 in City Hall at 9:15 P.M. In attendance were committee members Scalzo and Scozzafava. Councilman Falzone was absent. Also in attendance were Director of Finance Dominic Setaro, Fire Chief Antonio Lagarto, Corporation Counsel Eric Gottschalk, Assistant Corporation Counsel Les Pinter, several members of the Common Council, as well as the press, public and Fire Department.

Mr. Scalzo read into the record the original letter requesting the transfer of funds. Mr. Scozzafava asked Attorney Gottschalk about the need for a meeting since this was a contractual obligation and the necessity of going into Executive Session because of the ongoing negotiations between the City and the Fire Department. Attorney Gottschalk informed the committee that it would be possible to go into Executive Session if the discussion concerning the request was to include any date being disucssed at negotiations. There was no need to call for an executive session.

Mr. Setaro presented the committee with a letter detailing the extended sessions of the arbitration proceedings and the original request of December 14, 1992 which would only be sufficient for overtime expenditures through January 30, 1993. A further request would be necessary in February and/or March. Therefore, he recalculated the overtime projection through June 30, 1993 and recommended an amendment from the original request of $200,000 to $560,917 for the remainder of the fiscal year. This amount would come from the contingency account and an additional amount of $80,009 from the City's fund balance or surplus since monies cannot be transferred from other departments until the last quarter of the fiscal year. Mr. Setaro furnished various written status reports to the committee, copies attached.

Mr. Scozzafava made a motion to amend the request of $200,000 to $560,917 to carry the overtime account to June 30, 1993 - $480,908 from the contingency account and $80,009 from fund balance, pending certification by Mr. Setaro. Motion was seconded by Mr. Scalzo. Under discussion Mr. Scozzafava expressed his deep concern that the contingency fund would be depleted. Motion passed unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council, a motion to adjourn was made by Mr. Setaro at 9:55 PM.

Respectfully submitted,

Elizabeth Crudginton

Elizabeth Crudginton
City Clerk