

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

RE: Minutes of the Common Council Meeting held July 6, 1993

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

PRESENT - Scalzo, Falzone, Arconti, Coladarci, Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Dean Esposito, Outlaw, Charles, Butera, Cipriani, Scozzafava, Yamin

ABSENT - Fazio, Boynton, Cassano, Trocolla

PRESENT - 16 ABSENT - 4 - VACANCY 1

Mr. Boynton, Mr. Cassano and Mr. Trocolla were out of town

PUBLIC SPEAKING

1. Donald DeStefano, WCSU - Spoke regarding the closing of Seventh Avenue for the expansion of WCSU. Explained the growth of WCSU from one building to present. The final result will permit the renovation of the infrastructure.

2. Charles Campbell, St. Nicholas Church - worked closely with WCSU to relocate the church and endorses the plan.

3. Ronald Blonski, 18 Griffing Avenue - concerned about item 24. Also spoke about item 31. Elementary school in neighborhood. Hopes the impact on students will be taken into consideration. Regarding the multi-family zoning regulations, understands that this is an enabling ordinance but concerned about aspect of ownership qualifications.

ANNOUNCEMENTS

July 5th - Dorothy and James Outlaw celebrated their 35th Wedding Anniversary

July 11th - Al Cipriani's birthday

July 11th - Eileen Coladarci's birthday

July 18th - Michael Falzone's birthday

July 25th - John and Geneva Esposito will celebrate their wedding anniversary

July 31st - Al and Joanna Cipriani will celebrate their anniversary

August 1st - Council President Joseph DaSilva will celebrate his birthday

Mayor Eriquez extended congratulations to Council Member Ernie Boynton and his wife, Anne, and to their daughter and son-in-law on the birth of a new baby girl.

July 7th - Grass Roots Tennis Program

July 10th - City Center & 980 10K Road Road and Citycenter Street Fair from 11 a.m. to 5 p.m.

July 10th - Adopt a Street Program commences

July 12th - Library Concert Series at 6:30 P.M.

July 13th - Celebrity Hat Auction at Tuxedo Junction

July 14th - Celebrity Waiter Breakfast for American Cancer Society

July 25th - Dedication of Korean War Memorial

July 30th - Marion Anderson Award Concert

Mayor Eriquez presented a proclamation to Jason Michael Pratt for attaining the level of Eagle Scout.

Mayor Eriquez presented proclamations to all the members of the Championship Danbury High School Boys Track Team for winning the FCIAAC title. Mayor Eriquez presented a plaque to Head Coach Martin Ogdén and congratulated him on his winning team.

MINUTES - Minutes of the Common Council Meeting held June 1, 1993 and the Special Common Council Meeting held June 24, 1993. Mr. DaSilva made a motion that the minutes be accepted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Dean Esposito. Motion carried unanimously.

CONSENT CALENDAR - The following items were presented on the Consent Calendar by John Esposito:

- 2 - Approve Before and After School Grant for \$23,095
- 3 - Approve Application for School Based Health Center Grant for \$80,000
- 5 - Approve WIC Supplemental Nutrition Grant for \$182,490
- 7 - Approve Amendment to Resolution for Reconstruction at Danbury Airport
- 12 - Approve Request for Funds for Charter Revision Commission - \$410
- 14 - Approve CCM Collection Agency appropriation and revenue account of \$10,000
- 17 - Approve Extension of Lease on Boughton Street for Police Department pending certification
- 21 - Approve Easement and Lease on Maple Avenue
- 22 - Approve Private Water System Study
- 23 - Approve Bright Clouds Road Repair from posted bond funds - \$30,350
- 25 - Approve the taking of no action on the donation of fill to the City
- 26 - Approve Sale of Property on Virginia Avenue/Grove Place bid price set by Assessor
- 27 - Approve denial of purchase of land on Scuppo Road
- 29 - Approve Report and Resolution concerning recreational fields and open spaces
- 30 - Approve Report and Recommendation concerning use of City Athletic Fields
- 32 - Approve request to purchase City property on Pembroke Road at a price set by Assessor and according to recommendations of the Traffic Engineer
- 33 - Approve request for easement on Plumtrees Road
- 34 - Approve request to use City property for outside seating
- 35 - Approve request for sewer extension on DePalma Lane
- 36 - Approve Progress Report concerning City of Danbury vs. Salame Realty, Inc.
- 37 - Approve Progress Report concerning problems with Street Addresses in the City

Mr. Falzone made a motion that the consent calendar be adopted as read. Seconded by Miss Dennehy. Mr. DaSilva asked that the phrase "with retention of drainage rights as recommended by the City Engineer" be added. Motion carried unanimously.

1 - COMMUNICATION - Letter from Democratic Town Committee Chairman Lawrence M. Riefberg recommendation to name of Marshall P. Roth to fill the vacancy for the second ward Common Council seat due to the resignation of Bernard P. Gallo. Mr. Falzone made a motion that the recommendation be accepted and placed the name of Marshall Roth in nomination. Seconded by Mr. DaSilva. There were no other nominations. Mr. Falzone made a motion to close the nominations. Seconded by Mr. Setaro. Motion carried unanimously. Main motion carried unanimously. Mr. Roth was sworn in by Assistant Corporation Counsel Les Pinter.

2 - RESOLUTION - Department of Human Resources - Before and After School Program.

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State of Connecticut in such amounts as may be made available for undertaking a Danbury Elementary School Before and After School Child Care Program; and

WHEREAS, the Commissioner of Human Resources is authorized to make grant funds available for said purpose and it is in the best interest of the City of Danbury that said funds be authorized for use by and provided to the Danbury School System effectuating this program;

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

1. It is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.

2. It recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.

3. The City of Danbury acting by its Mayor, Gene F. Eriquez, is hereby authorized to execute and file an application with the Commissioner of Human Resources for State grant funds in an amount not to exceed \$23,095.00 to cover costs of said program, and to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any necessary contract and amendments thereof, and any recisions and revisions to these documents, to provide such additional information as the Commissioner may request and to take any additional actions necessary to accomplish the purposes hereof.

The resolution was adopted on the Consent Calendar.

3 - RESOLUTION - School Based Health Center Implementation Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's eligibility to apply for a School-Based Health Center Implementation Grant in an amount not to exceed \$80,000; and

WHEREAS, the grant term will cover the period of October 1, 1993 through June 30, 1994, with no local cash match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to serve the unmet health needs of Danbury High School students;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, and the Danbury Health and Housing Department, acting through William J. Campbell, its Executive Director, are hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez and Director of Health William J. Campbell are hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Alzheimer Specialist for Interweave.

Miss Dennehy asked that this be referred to an ad hoc committee, the Director of Elderly Services and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Dennehy, Falzone and Fazio to the committee.

5 - RESOLUTION - Women, Infants and Children Supplemental Nutrition Grant.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has made available additional grant funds for the City's Women, Infants and Children's (WIC) Supplemental Nutrition Program amending the funding level from \$175,471 to \$182,490; and

WHEREAS, the grant covers the period of October 1, 1992 through September 30, 1993 with no local match required of the City of Danbury; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the resolution of September 1, 1992 is hereby amended to include the increased funding level made available by the State and that Gene F. Eriquez, Mayor of the City of Danbury and William J. Campbell, Director of Health, are hereby authorized to apply for and accept said grant on behalf of the Danbury Health and Housing Department; and

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

The resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Drug Enforcement Program Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has made application to the State of Connecticut for grant funding pursuant to Public Act 89-390, An Act Concerning Prevention and Treatment of Substance Abuse and Enforcement of Drug Laws; and

WHEREAS, the State of Connecticut has approved said application and offered the City of Danbury a grant in the amount of \$501,845.00; and

WHEREAS, \$200,738.00 of this grant is to be designated for drug education, the amount of \$250,923.00 is to be designated for law enforcement, and \$50,184 for crime prevention programs; and

WHEREAS, the acceptance of said grant is in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to accept said grant on behalf of the City of Danbury subject to the terms and conditions established in connection with said grant by the State of Connecticut; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez be and hereby is authorized to take any additional actions necessary to effectuate the purposes hereof.

Mr. Setaro made a motion that the communication be accepted and the resolution adopted. Seconded by Mrs. Coladarci. Motion carried unanimously.

7 - RESOLUTION - Reconstruction at Danbury Airport

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury intends to reconstruct runway 17/35, construct taxiway echo and replace box culvert on Backus Avenue; and

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$3,353,537 with a local match of two and one-half (2 1/2) percent equaling an amount not to exceed \$85,989.50;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriguez, is hereby authorized to make application for said grant and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

The Resolution was adopted on the Consent Calendar.

8 - COMMUNICATION - Appointments to the Houatonic Valley Tourism Commission - WITHDRAWN

9 - COMMUNICATION - Letter from Library Director Betsy McDonough seeking permission to accept a donation in the amount of \$200 from The Women's Club of Danbury for Children's Books. Mrs. Gogliettino made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

10 - COMMUNICATION - Letter from Director of the Department of Elderly Services Leo McIlrath seeking permission to accept donations in the total amount of \$275.00. Mrs. Coladarci made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

11 - COMMUNICATION - Neighborhood Assistance Act. WITHDRAWN

12 - COMMUNICATION & CERTIFICATION - Request for the sum of \$410 for expenses for the Charter Revision Commission. A Certification of Funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

13 - COMMUNICATION & CERTIFICATION - Request from Corporation Counsel Eric Gottschalk requesting the sum of \$20,000 for the Litigation Special Account and the sum of \$8,000 for the Outside Services Account. A certification of funds was attached. Mr. DaSilva made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

14 - CERTIFICATION - Request for the appropriation of \$10,000 in the Tax Collector's Budget line item for Outside Services and a request for approval of the inclusion of \$10,000 in a new revenue account entitled "Suspense Tax Collections which will offset this appropriation. The transfer was approved on the Consent Calendar.

15 - COMMUNICATION - Letter from Council Member John Esposito requesting a committee to look into Parking Authority ticket rates. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Chairman of the Parking Authority and the Director of Finance. Mayor Eriguez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

16 - COMMUNICATION - Letter from Council Member John Esposito requesting a committee to research consideration for volunteer fire fighters. Mr. Scalzo asked that this be referred to an ad hoc committee, the Civil Service Examiner, the Corporation Counsel and the President of the Volunteers. Mayor Eriguez so ordered and appointed Council Member Dean Esposito, John Esposito and Scozzafava to the committee.

17 - COMMUNICATION - Letter from Chief of Police Nelson Macedo requesting renewal of the lease between AMD Realty Corporation and the City of Danbury for the property on Boughton Street adjacent to

Police Headquarters. The property is used as additional parking for department personnel. The renewal was granted on the Consent Calendar.

18 - COMMUNICATION - Request for water extension for Lots 2 and 4 on Green Avenue. Miss Dennehy asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Scalzo, Roth and Yamin to the committee.

19 - COMMUNICATION - Request to accept Premium Point Road as a City Road. Mrs. Coladarci asked that this be referred to the City Engineer for a report back within thirty days. Mayor Eriquez so ordered.

20 - COMMUNICATION - Request from Council Member Michael Falzone to research the installation of a traffic light on Kenosia Avenue. Mr. DaSilva asked that this be referred to the Chief of Police, the Traffic Engineer and the Planning Commission for reports back within thirty days.

21 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter asking the Common Council to approve the lease between Norman and Dorothy Carvalho and the City of Danbury on Maple Avenue. The lease was approved on the Consent Calendar.

22 - COMMUNICATION - Pleasant Acres Water Supply System, Robin Hill Water Supply System and Racing Brook Meadows Water Supply System. Letter from Superintendent of Public Utilities asking permission to appropriate the sum of \$15,000 from the Water Fund for the purpose of conducting a detailed investigation into the current status of the above water systems. The appropriation was granted on the Consent Calendar.

23 - COMMUNICATION - Bright Clouds Road Repairs. Letter from Dominic Setaro certifying the sum of \$30,350 from the Street Opening Account to be used for permanent roadway repairs for the Bright Clouds construction. The certification was approved on the Consent Calendar.

24 - COMMUNICATION - Letter from Zoning Commission Chairman Ted Haddad asking the Common Council to enact an ordinance designating a municipal agency to design and oversee a program meeting the new multi-family zoning regulations. Miss Dennehy asked that this be referred to the Corporation Counsel to draft an Ordinance and then to public hearing. Mayor Eriquez so ordered.

25 - COMMUNICATION - Reports regarding the donation of fill to the City of Danbury. The reports were accepted and no action taken on the Consent Calendar.

26 - COMMUNICATION - Reports regarding request to purchase property on Virginia Avenue/Grove Place. The reports were accepted and the Assessor requested to set price on the Consent Calendar.

27 - COMMUNICATION - Reports regarding offer to sell land on Scuppo Road to the City. The reports were accepted and the offer denied on the Consent Calendar.

28 - DEPARTMENT REPORTS - Engineering, Public Utilities, Health and Housing, Parks and Recreation, Police, Fire, Senior Center. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro. Motion carried unanimously.

29 - REPORT & RESOLUTION - Recreational Fields and Open Space

Mr. Arconti submitted the following report and recommendation:

The Common Council Committee appointed to review a proposed Resolution regarding recreational fields and open spaces met at 7:30 P.M. in City Hall on June 15, 1993. This meeting was also called for the purpose of considering Use of City Athletic Fields which is covered under a separate report. In attendance were committee members Arconti, DaSilva and Fazio. Also in attendance were Director of Parks and Recreation Robert Ryerson, Council Member Eileen Coladarci, ex-officio, and members of the public.

The committee discussed the purpose of adopting the proposed Resolution. It was agreed what such a Resolution could help bolster the efforts of the Director of Parks and Recreation when dealing with the various athletic leagues that use the City's recreational facilities. The cooperative effort of the leagues to minimize out of town members is an effective way to help ensure that Danbury residents and taxpayers maintain maximum access to their facilities. This Resolution would demonstrate that the Director of Parks and Recreation has the full backing and endorsement of the Common Council in his efforts to best serve the residents and taxpayers of Danbury.

Mr. DaSilva made a motion to recommend adoption of the proposed Resolution. Seconded by Mr. Fazio. The motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is recognized that recreational fields and open space for sports activity are at a premium in the City of Danbury and that residents and citizens of the City of Danbury should be given priority in the utilization of said fields or spaces; and

WHEREAS, pursuant to the Charter and Ordinances of the City of Danbury the Director of Parks and Recreation is authorized to promulgate reasonable regulations for the use thereof;

NOW, THEREFORE, BE IT RESOLVED THAT the Director of Parks and Recreation of the City of Danbury be and is hereby authorized and requested to endeavor to use those powers granted him and enumerated in the City of Danbury Charter and ordinances to give residents and citizens of the City of Danbury priority use of Danbury recreational fields and open spaces used for sports activity.

The report was accepted and the resolution adopted on the Consent Calendar.

30 -REPORT - Use of City Athletic Fields

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review possible restrictions on the use of City athletic fields met at 7:30 P.M. in City Hall on June 15, 1993. This meeting was also called for the purpose of considering a proposed Resolution regarding recreational fields and open spaces which is covered under a separate report. In attendance were committee members Arconti, DaSilva and Fazio. Also in attendance were Director of Parks and Recreation Robert Ryerson, Council Member Eileen Coladarci, ex-officio, and members of the public.

Three issues were presented for consideration: 1) to step in to resolve any conflicts that may exist due to allowing Westconn use of the Rogers Park ballfield; 2) to restrict by Ordinance the use of athletic fields to residents and taxpayers; and 3) to work with the Director of Parks and Recreation to develop long range plans for athletic facilities and their use.

The following recommendations are offered for each item:

1. Take no action.

Reason: Mr. Ryerson explained that there is no longer any conflict with Westconn as they have moved their games to a field in Waterbury and he does not anticipate any conflicts in the future.

2. Take no action.

Reason: Several efforts have been initiated to help alleviate demand on the use of ballfields. Three new soccer fields are under construction at Kenosia Park which will free-up Broadview and Hatters Park for baseball. In addition, Mr. Ryerson has encouraged several leagues to obtain use of fields in other town for some of their games. It was also noted that current Ordinances give the Director of Parks and Recreation broad authority to control use of fields and that an additional Ordinance is not necessary.

3. Councilman DaSilva moved to recommend that the Common Council encourage the Parks and Recreation Commission to become actively involved in developing a long range plan for recreational facilities and their use in accordance with current Ordinance. Seconded by Mr. Fazio and passed.

The report was adopted on the Consent Calendar.

31 - REPORT - Long Range Planning Goals for Western Connecticut State University.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the completion of Long Range Planning Goals at Western Connecticut State University met on June 3, 1993 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dean Esposito and Michael Falzone. Mr. Scozzafava was working. Also in attendance were Director of Planning Dennis Elpern, City Engineer Jack Schweitzer, Dr. Francis Muska and Dr. Donald DeStefano of Western, Attorney Sandy Campbell, Father Gene and Mr. Zaleta representing St. Nicholas Church.

Mr. Falzone made a motion to waive the rules. Seconded by Mr. Esposito. Motion carried unanimously. Dr. Muska began by explaining that since the last committee meeting, the State had submitted an appraisal of approximately \$430,000 for the church building and land.

After some discussion and review of the positive recommendation of the Planning Commission, Mr. Falzone made a motion to recommend approval of the closing of the southern portion of Seventh Avenue as part of Western Connecticut State University's long range plan because access to all other property and buildings in the area is still adequate and the closing of this part of Seventh Avenue will permit expansion of the College campus. Motion was seconded by Mr. Esposito and passed unanimously.

Mr. Falzone made a motion that the committee report be accepted and the recommendations adopted. Seconded by Mrs. Coladarci.

Mr. Scozzafava stated that at the first meeting there was a problem with the final purchase price. This is a fine gesture towards the revitalization of downtown and a commitment to the inner City.

Mrs. Gogliettino asked what effect this would have on Roberts Avenue School. Mr. Esposito stated that there had been no discussion about the school. Mayor Eriquez stated that the expansion of the schools did not require any additional work at Roberts Avenue. Many students walk to Roberts Avenue School and this will better insure their safety. Also, he stated that many WCSU students work with Roberts Avenue School children and will continue to do so.

Mr. Falzone stated that there will still be access to Roberts Avenue from 8th Avenue.

John Esposito stated that he had serious problems with the presentation, and that it was very shallow. Parking garage on White Street will have added traffic and he is concerned about Roberts Avenue School. He had heard no mention of Fair Market Value and stated that the Church attorney should be very happy with the price.

Dean Esposito stated that he felt the committee had done its job insofar as what was charged to the committee. This will be a great asset to the community

Attorney Pinter asked for a clarification of the motion. Mr. Falzone stated that the motion was to receive the committee report and to take the appropriate action so that that portion of Seventh Avenue turned over to WCSU can be closed, the portion being from Roberts Avenue to White Street.

Miss Dennehy asked if a public hearing would be needed. Mayor Enriquez stated that it would not, but that the Planning Commission had issued a positive recommendation.

Motion carried with John Esposito and Dorothy Outlaw voting in the negative.

32 - REPORT - Request to Purchase City Land on Pembroke Road

The Common Council Committee appointed to review the request to purchase City land on Pembroke Road met on June 3, 1993 in Room 432 in City Hall. In attendance were City Engineer Jack Schweitzer, Dennis Elpern, Planning Director, Dominic Badaracco from R&B Investments and Peter Jabar. The committee reviewed the survey map, the Traffic Engineer's Report and the positive recommendation from the Planning Commission. Dean Esposito made a motion to recommend the sale of City land on Pembroke Road for a price to be determined by the Tax Assessor. Motion was seconded by Mrs. Outlaw and passed unanimously.

The report was accepted and the Tax Assessor asked to determine a price on the Consent Calendar.

33 - REPORT - Request for Easement on Plumtrees Road

Mr. Cipriani submitted the following report:

The Common Council Committee appointed to review the request for an easement on Plumtrees Road met on June 14, 1993 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Cipriani and Coladarci. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and the petitioner, David Hawley.

The Planning Commission, at its May 19, 1993 meeting, motioned a positive recommendation for the request for an easement on Plumtrees Plaza. Mr. Buckley and Mr. Schweitzer were in support of the easement.

Mrs. Coladarci made a motion to allow the Corporation Counsel to work out an easement as referred in the map granted to E. S. Hawley, et al dated March 23, 1993. The cost of said easement should be based upon the cost of the 1992 Beaver Brook Force Main easement. The motion was seconded by Mr. Cipriani. The motion carried unanimously.

The report was adopted on the Consent Calendar.

34 - REPORT - Request to use City property for Outside Seating

Mr. Setaro submitted the following report:

The committee appointed to review the request to use City property for outdoor seating met on June 15, 1993 at 7:00 P.M. in Room 432 of City Hall. In attendance were committee members Setaro and Coladarci. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Ms. Lezlie Wolff of Seattle Espresso and members of the public.

Mr. Setaro read a request from Seattle Espresso for City approval of limited outdoor seating in front of the store at 262 Main Street and a letter of support for the proposed seating plan from Ms. Felice Plain, Executive Director of CityCenter.

Ms. Wolff shared with the committee photographs of the proposed seating arrangement. She explained that in order not to impede pedestrians traveling along the sidewalk, two small tables were proposed which would be located next to the building and would not be enclosed by fencing.

Attorney Gottschalk explained that since Main Street is a State roadway, the sidewalk is not owned by the City but the City may grant a contract right, a revocable license, to use the sidewalk for the purpose at issue. He added that State Department of Transportation officials had indicated to the City Engineer that sidewalks were a local concern, and that Planning Director Dennis Elpern had submitted a letter of support for the seating plan proposed by Seattle Espresso. Attorney Gottschalk also stated that the critical terms of the license which should be considered by the committee are insurance provisions, specific approval by the City of the items to be located on the sidewalk and the right of the City to cancel the license upon reasonable notice or exigency.

Ms. Coladarci moved to recommend to the Common Council the following:

1. That the City enter into a revocable license with Seattle Espresso;
2. That compensation be paid to the City in the amount of \$1.00/year for a ten year period or for as long as the leaseholder remains in business;
3. That standard hold harmless and insurance provisions be included in the license;
4. That the proposed seating plan is subject to the approval of the Planning Department and all applicable land use agencies.

Seconded by Mr. Setaro. Attorney Gottschalk stated that these terms and conditions are similar to those contained within the lease agreements entered into by the City and the restauranteurs offering outdoor seating along Ives Street. Motion passed unanimously.

The report was adopted on the Consent Calendar.

35 - REPORT - Request for Sewer Extension - DePalma Lane

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on DePalma Lane met on June 28, 1993 in Room 432 in City Hall. In attendance were committee members Falzone and Cipriani. Also in attendance was City Engineer Jack Schweitzer.

Mr. Falzone read the Planning Commission positive recommendation for the record. Mr. Schweitzer stated that the Council has previously approved a sewer extension on this site for four lots but due to financial constraints the applicants now needed it for only two lots with a smaller extension.

Mr. Cipriani moved to approve the extension subject to the customary eight steps. Seconded by Mr. Falzone. Motion carried unanimously.

The report was adopted on the Consent Calendar.

36 - PROGRESS REPORT - City of Danbury v. Salame Realty, Inc.

Mr. Setaro submitted the following report:

The Common Council committee appointed to review the City of Danbury v. Salame Realty, Inc. litigation met on June 15, 1993 at 7:30 P.M. in Room 432 of City Hall. In attendance were committee members Setaro and Boynton. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer, Assistant Superintendent of Public Utilities Mario Ricoszi, Assistant Corporation Counsel Peter Buzaid, Attorney Paul Jaber representing the petitioner, Salame Realty, Inc., Mr. Albert Salame and members of the public.

Mr. Boynton moved to suspend the rules. Seconded by Mr. Setaro. Motion passed unanimously.

Mr. Setaro read a request from Salame Realty, Inc. for a hearing and resolution by the Common Council of two issues:

1. Whether to abate the water use charges which are the subject of a pending action by the City against Albert Salame for non-payment of water use charges for premises located at 131 West Street, Danbury;
2. Whether Mr. Salame is due a refund from the City for fire hydrants which were to be supplied to him for the construction of a shopping plaza which he owns on Mill Plain Road, known as Mill Plain Center.

Mr. Setaro asked Attorney Buzaid whether the issues before the committee were currently pending litigation in Superior Court. Attorney Buzaid stated that the first issue was currently on the docket pending a hearing date and in light of this fact, the committee should enter into executive session to discuss these matters. Mr. Boynton moved that on recommendation of counsel, the committee meeting enter into executive session to discuss matters related to pending litigation involving the City of Danbury and Salame Realty, Inc. Seconded by Mr. Setaro. Motion passed unanimously and the committee entered into executive session at 7:40 P.M.

Mr. Boynton moved that the committee enter into public session at 8:35 P.M. Seconded by Mr. Setaro. Motion passed unanimously.

Mr. Setaro referred the settlement offer proposed by Salame Realty, Inc. and accompanying documentation to Attorney Buzaid for his review and requested that he make a recommendation to the committee within a reasonable period of time.

The Progress Report was accepted on the Consent Calendar.

37 - PROGRESS REPORT - Problems with Street Addresses in the City

Mr. Falzone submitted the report:

The Common Council Committee appointed to review problems with Street addresses in the City met on June 28, 1993 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Falzone and Boynton. Also in attendance were Council Member Thomas Arconti, ex-officio, Assistant Fire Chief Jack Murphy, Postal Employee Bill Doran and Irene Simonelli from the Tax Assessor's Office. A motion was made by Mr. Boynton to waive the rules. Seconded by Mr. Falzone. Motion carried unanimously.

Chief Murphy spoke regarding the work already done and gave the committee street names and numbers that are duplicated throughout the City. The Post Office stated that they will be going to an automated system and the renumbering is very important in getting the system up and running. The Tax Assessor's Office spoke regarding the need to have correct numbers to properly send out tax bills.

The committee was told that both Norwalk and Fairfield have done renumbering. Mr. Falzone suggested that we continue the committee and reconvene when we have more information concerning options on renumbering. Chief Murphy volunteered to visit Norwalk and find out the details.

The Progress Report was accepted on the Consent Calendar.

38 - COMMUNICATION - Letter from Fire Chief Antonio Lagarto seeking permission to accept a donation in the amount of \$1,000 from David and Geck for Hazmat Equipment. 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.

39 - COMMUNICATION - Letter from DAYO stating that they would like to donate the electronic scoreboard that they purchased to the City. Mrs. Coladarci asked that the donation be accepted and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

40 - COMMUNICATION & CERTIFICATION - Letter and certification of funds from Mayor Enriquez providing the necessary funding to continue

the Sealer of Weights and Measures position at a level to service small businesses and others for the benefit of consumer protection for fiscal year 1993-94.

Mr. Yamin made a motion to accept the communication and appropriate the necessary funds to reinstate the position. Seconded by Mr. Scozzafava.

Mr. Dean Esposito asked that the Sealer of Weights and Measures submit a monthly department report to the Common Council.

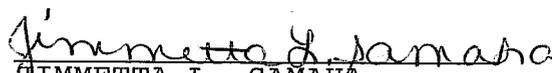
Mrs. Gogliettino asked why we are reinstating this position. Mayor Enriquez stated that state resources will continue to do larger businesses but state statutes say that Cities with populations more than 75,000 should be responsible for this. We are not there yet but will continue this job on a lesser level than the past few years. Mrs. Coladarci asked if there will be set hours. Mayor Enriquez stated that the work is in the field, but hours will be logged. Mrs. Gogliettino asked if we will be recruiting or will the same person be rehired. Mayor Enriquez stated that the same person will be rehired.

Motion carried unanimously.

Mayor Enriquez extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Falzone for the meeting to be adjourned at 8:42 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


ELIZABETH CRUDGINTON
City Clerk