

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

Re: Minutes of the Special Meeting held November 18, 1992

The meeting was called to order at 8:02 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as

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

ABSENT - Cassano, Butera, Cipriani

18 Present - 3 Absent

Mr. Cipriani was working

Mr. DaSilva made a motion that the Call of the Special Meeting and the return of service be accepted. Seconded by Dean Esposito. Motion carried unanimously.

There were no members of the public wishing to address the Common Council.

1 - RESOLUTION - Emergency Food and Shelter Funds

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) working through the United Way of Northern Fairfield County, Inc. is allocating funds from its Phase XI Program for the greater Danbury area to be used for emergency food and shelter; and

WHEREAS, the Welfare Department of the City of Danbury wishes to make application for \$9,000 from said program to help offset the cost of operating the City's Homeless Shelter at 41 New Street; and

WHEREAS, the grant period extends from October 1, 1992 through September 30, 1993, with no local match required;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for \$9,000 in said grant funds through the United Way of Northern Fairfield County, Inc., and to accept said funds if offered and is further authorized to sign any applications, agreements or other documents in connection therewith and to do all things necessary to effectuate the purposes of said grant.

Mr. Boynton made a motion that the resolution be adopted. Seconded by Mr. Charles. Motion carried unanimously.

2 - COMMUNICATION - Request from Brian S. Fielding for waiver of water extension connection fees at 25 Dogwood Drive. Mr. DaSilva asked that this be referred to an ad hoc committee, the Corporation Counsel, the Superintendent of Public Utilities and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Scalzo, Falzone and Scozzafava to the committee.

3 - COMMUNICATION - Request for Water Extension at 20 Dogwood Drive. Dean Esposito asked that this be referred to an ad hoc committee, the Planning Commission, the Superintendent of Public Utilities and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Gallo, Charles and Fazio to the committee.

4 - COMMISSION - Letter from Police Chief Nelson Macedo asking permission to accept a donation of lift bags and other evidence recovery equipment from the Independent Insurance Agents. Mr. Trocolla made a motion that the donation be accepted and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

5 - CERTIFICATION - Letter from Director of Finance Dominic Setaro requesting the the sum of \$21,052.00 be appropriated from the Tamarack Avenue Bond Funds and a new line created entitled "Tamarack Avenue Repaving". Mr. Boynton made a motion that the funds be appropriated and a new line item created. Seconded by Mr. Charles. Motion carried un-animously.

6 - COMMUNICATION - Request from Superintendent of Public Utilities William Buckley seeking permission to accept donations of material and labor to pave the recycle center. Mr. Boynton made a motion to accept the donations and send letters of thanks. Seconded by Dean Esposito. Mr. Boughton stated that Mr. Buckley should also receive a letter of thanks for his part in the negotiations. Mr. Trocolla stated that perhaps a sign could be posted stated that "glassphalt was used". Motion carried unanimously.

7 - COMMUNICATION - Letter from Corporation Counsel Eric Gottschalk stating that it is necessary, consistent with the proposed contract of sale to Davon Development to formally discontinue unused sections of Liber and Delay Streets. One portion of Liberty Street is located on Redevelopment Parcel No. 8 and another portion is located within the adjacent parki area, designated as Redevelopment Parcel No. 7. The portion of Delay Stre to be discontinued is located entirely upon that Parcel No. 7. Mr. DaSilv made a motion to accept the communication and formally discontinue unused portions of Liberty and Delay Streets. Seconded by Dean Esposito. Motion carried unanimously.

(At 8:15 P.M. Mrs. Butera arrived and was marked present)

8 - REPORT - Proposed Ramp and Easement for Immanuel Lutheran Church

Mrs. Gogliettino submitted the following report:

On Wednesday, October 21, 1992 the Ad Hoc Committee to review the Proposed Ramp and Easement for Immanuel Luthern Church met at 7:35 p.m. In attendance were Councilmen Christopher Setaro, Joseph Scozzafava and chair person Deborah Gogliettino. Also in attendance was John Schweitzer, Director of Public Works, Les Pinter, Assistant Corporation Counsel and Mr. Carl Epple who represented the Immanuel Lutheran Church. Mr. Setaro moved to wave the rules and allow informal discussion about the proposal from the church.

Councilman Gogliettino started the discussion by asking for a clearer explanation of the church's request and reviewed the map with the location of the ramp. Mr. Epple explained the history of the ramp construction and the request for the use of 12 city parking spaces for access to the ramp. The ramp, when constructed will be used for increased accessibility to the main body of the church by the handicap and follows all new ADA (American with Disabilities Act) construction guidelines. In the course of discussion Councilman Setaro asked for a clarification of the easement/agreement request. Mr. Epple told Mr. Setaro that as proposed in the easement/agreement, the church would like to use approximately 12 city parking spaces in the back area closest to West Street on the weekends in order to allow access to the ramp for parishioners. Councilman Setaro asked about the use of the ramp during the week and suggested that the parties present consider a request for a smaller number of city spaces. Mr. Epple and Mr. Schweitzer felt that the minimum number of parking spaces that should be made available to the church for ramp access is 3. Discussion continued about the liability of the church if an incident occurs in the spaces during the weekend.

Mr. Epple told the committee that the church understands it's liability and will be obtaining liability insurance coverage.

The discussion was completed and the following motion was made by Councilman Setaro:

Recommend that the handicap ramp be allowed with the current easement and that the easement agreement be amended to include the use of 3 parking spaces with 2 handicap parking spaces for weekend use and that the appropriate level of liability insurance be held by the grantee.

This motion was seconded by Councilman Scozzafava. Councilman Scozzafava added that the committee received a negative recommendation from the Planning Commission for this request, but all concerns were address in the commitee meeting and the committee members felt that the need for handicap accessibility to the church outweighed the concerns of the Planning Commission.

With no other discussion, the motion was passed unanimously.

Mr. Boynton made a motion to receive the report and approve the recommendations contained therein. Seconded by Mrs. Outlaw.

Mr. Boynton that the insurance liability policy be placed on file each year with the Town Clerk. John Esposito wanted to clarify that the church would be using 3 City Hall parking spaces, not 12. Mayor Eriquez stated that 3 was the correct number. John Esposito wanted to know if they would be marked handicapped and would that prevent City Hall from using them during the week. Mayor Eriquez stated that they would be marked handicapped. Mr. Esposito stated that there is limited parking now. He asked that temporary signs be placed on weekends and removed during the week. Mayor Eriquez stated that he would look into this.

Miss Dennehy asked why there was a negative recommendation from the Planning Commission. Mrs. Gogliettino stated that the Planning Commission felt that 12 spaces were too many and that they felt that the location of the ramp should be in front of the church which would be impossible to do.

Chris Setaro explained the Persons with Disabilities Act as pertaining to the report.

Motion carried unanimously,

9 - REPORT - Request from PAL to build a Sports/Activities building on City Land.

Mrs. Coladarci presented the following report:

The Committee to review the request from PAL to enter into an agreement for land for a sports/activities building met on November 9, 1992 at 7:30 PM in Room 432 of City Hall. In attendance were Councilwoman Coladarci, Chair, Councilman Cipriani and Councilman Fazio. Also in attendance were Robert Ryerson, Director of Parks & Recreation, Dominic Setaro, Director of Finance, Nelson Neves, James H. Ulton, and Bob Guerrara of the Danbury Police Athletic League (PAL). The meeting was called to order at 7:30 PM.

Councilwoman Coladarci reviewed the letter submitted by PAL as well as the Planning Commission report. The report motioned for a positive recommendation to PAL, with stipulations that the work be kept 250 feet away from Lake Kenosia and the possible use of municipal sewer to serve the site.

The problems that may face this project in regard to sewers and septic was brought up by Councilwoman Coladarci. Mr. Neves said he understood that the sewer lines will be extended to the Jensen Trailer Park in the future, and discussion ensued as to the time line for that project.

Mr. Ulton explained that PAL would like to lease the land from the City, erect a building, donate the building to the City and then lease the building from the City. Precedent for this procedure has been previously established with the DAYO organization on Osborne Street.

There is already a soccer field for use by the PAL soccer teams in this area. PAL also wants to establish a Day Camp at the former Camp Thunderbird, hopefully opening for the 1993 summer season. A building, already on site, used to be a residence and should already have septic facilities. This would probably be the location for the proposed building. The existing buildings from Camp Thunderbird are small and would not accommodate the plans that PAL has for this project.

Mr. Setaro suggested approval contingent to various department approvals, thus earmarking the land for the PAL complex to come back with plans and a lease agreement.

A motion was made by Councilman Fazio to recommend to the Common Council that the parcel of land immediately west of the Vespucci Club on West Kenosia Avenue be set aside for use between the City of Danbury and the Danbury Police Athletic League to provide a building which would include a gymnasium, locker rooms, storage space, office space and a kitchen, subject to the approval of the various land use agencies of the City, the Danbury Planning Department, Engineering, and the Water Department. The motion was seconded by Councilman Cipriani and passed unanimously.

Mr. Falzone made a motion that the report be approved pending approvals as contained therein. Seconded by Mr. Fazio.

Mr. Boynton asked if this property was used by others. Mrs. Coladaro stated that PAL only uses the soccer fields, otherwise it is vacant. Mr. Trocolla asked if there were any plans for sewers. Mr. Buckley stated that there are plans but they will not happen immediately. John Esposito asked if Camp Thunderbird will be affected. Mayor Eriquez stated the camp will continue to exist.

Mr. Falzone then withdrew his original motion and made a motion to receive the report, approve the concept, authorizing PAL to proceed pending approvals of all necessary boards, commissions and agencies, reserving the right to reject or accept any lease submitted. Seconded by Miss Dennehy.

Mr. Boynton offered an amendment inserting a 3 year time limit. Seconded by Mr. DaSilva. Mr. Boughton moved the question, seconded by Mrs. Outlaw. Motion carried. Amendment fails with Council Members voting as follows:

Yes - Boynton, DaSilva, Charles, Butera

No - Fazio, Scalzo, Falzone, Gallo, Arconti, Coladarc, Dennehy, Setaro, Gogliettino, John Esposito, Dean Esposito, Outlaw, Boughton, Scozzafava, Trocolla

4 Yes - 15 no

Mr. Boynton made a motion to move the question. Seconded by Mrs. Outlaw. Motion carried with Dean Esposito, John Esposito, Joseph DaSilva and Ernie Boynton voting in the negative.

Main motion carried with Mrs. Outlaw voting in the negative.

10 - REPORT - Redevelopment Parcel 8

Mr. Setaro submitted the following report:

The committee appointed to review the proposed project for Redevelopment Parcel 8 met on November 12, 1992 at 7:30 P.M. in Room 432 of City Hall. Present were committee members Setaro, Arconti and Scozzafava. Also in attendance were Assistant Corporation Counsel Daniel Casagrande, Planning Director Dennis Elpern, Director of Finance Dominic Setaro, Jr., Chairman of the Redevelopment Agency, Jack Sullivan, Mr. George Davon, representing the Davon Development Corporation and Councilwoman Deborah Gogliettino, ex-officio.

Mr. Setaro read a positive Planning Commission recommendation for the sale of Parcel 8 to the Davon Development Corporation. He also explained that the charge of the committee was to recommend whether to transfer the land and to review the contract for its sale.

Mr. Elpern explained that the proposed redevelopment project is for the Davon Development Corporation to make improvements and relocate the New Bethel Church of God in Christ from its present location to the corner of Liberty Street and Patriot Drive (Phase I) and construct "Liberty Terrace," 35 units of affordable housing in the form of townhouses and flats to be built in three phases (Phases II-IV). The entire project is to be completed within three years and includes "streetscape" improvements to Liberty Street. The plan includes thirty-five on-site parking spaces and a lease with the City for thirty-nine off-site spaces which has been approved by the Parking Authority. The parcel would be sold by the City for \$100,000 to be used for public improvements in the downtown area. Mr. Davon has reached an agreement for the relocation of the church and the Contract for Sale grants the church a license to use four parking spaces and the abandonment of Old Liberty Street. Mr. Elpern stated that the project fits well into the strategy for downtown revitalization. The project has been endorsed by both the City Housing Partnership and Redevelopment Agency.

Mr. Davon explained that the units are historical in design, featuring brick veneer and wrought iron fencing. The deeds would require the purchasers to live in the units and restrict their resale. Priority of purchase would go to employees of Union Carbide and the City, City residents and those employed within the City. He stated that the income of purchasers would range between \$23,000 and \$50,000/year and that to date, over 100 people have shown an interest in purchase and that he expected the sale of units before phase I is completed.

Attorney Casagrande stated that the Contract for Sale had been approved by the Redevelopment Agency, the Directors of Finance and Planning, the Corporation Counsel and the Savings Bank of Danbury and Union Savings Bank, both of which have guaranteed 100% financing of the project through phases I and II. Upon the sale of 7 units the lenders will provide financing for phase III and upon its completion and the sale of 5 additional units, phase IV will be financed. Mr. Davon has met his obligations prior to taking title, pending a building permit. Mr. Davon cannot enter the site until he takes title to the parcel and, for each phase of the project, time periods must be met for completion and building permits must be received. Attorney Casagrande also stated that if Davon Development defaults after the first two phases, the City has the right to reclaim title for the entire parcel including title for the unsold units, and any future purchaser would incur the same performance obligations as the Davon Development Corporation. In lieu of the phased nature of the project and conservative lending practices of the banks involved, he stated that there exists a prudent and reasonable allocation of risks and responsibilities.

The Director of Finance stated that the City would receive approximately \$58,000 in tax revenues from the sale of the parcel. Mr. Scozzafava inquired whether Mr. Davon had obtained a bond. The Director of Finance stated that a letter of credit or bond was not obtained as 100% collateral in-cash is required for the full value of the bond. However, he explained that a bond was not necessarily advantageous to the City. Since the City is guaranteed the completion of the first two phases, if a default occurs by Mr. Davon it is because the units have not been pre-sold. In turn, the lenders would not continue financing due to a lack of pre-sold units and Mr. Davon would default on his contractual obligations. If Mr. Davon had a bond, the City would have no incentive to call the bond to complete the last two phases of the project since the units had not been sold. However, he added that the City was protected by the right of reverter allowing the City to take back title to the entire parcel upon default. Additionally, as the units are sold the lenders receive the proceeds and the incentive to complete the project as well as the risk is borne by Mr. Davon.

After much discussion, Mr. Arconti moved to recommend to the Common Council approval of the Contract for Sale and transfer of land known as Redevelopment Parcel 8 to the Davon Development Corporation. Seconded by Mr. Scozzafava. Passed unanimously.

Mr. DaSilva made a motion to receive report, approve the transfer of land and approve the contract. Seconded by Mr. Boynton.

Mayor Eriquez stated that this contract is the product of one year of negotiations.

Miss Dennehy asked about the Union Carbide employee priority. Mayor Eriquez stated that it is a suggestion of the developer because over the years Union Carbide has donated \$70,000 for affordable housing. She also asked about where money would come from for off-site improvements. Mayor Eriquez stated that it would come from CDBG funds in the public improvement phase of the project.

Mr. Falzone made a motion to suspend the rules. Seconded by Mr. Boynton. Motion carried with Mr. Boughton voting in the negative.

Mr. Boynton stated that there were several steps that were to be completed by Mr. Davon. Were they all done except the final stage? Mayor Eriquez said that they were, except the building permit is outstanding and no transfer will take place until all requirements are met.

Mr. Boughton stated that he was critical in the beginning but a great job was done by the Corporation Counsel and by Mr. Davon's attorney.

Mr. Boughton made a motion to move the question. Seconded by Mrs. Outlaw. Motion carried with Mr. Setaro voting in the negative. Main motion carried unanimously.

Mayor Eriquez wished everyone a Happy Thanksgiving and also extended congratulations to Councilman Boughton on becoming a grandfather for the third time.

There being no further business to come before the Common Council a motion was made by Mr. Falzone for the meeting to be adjourned at 9:20 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk