

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

RE: Minutes of the Common Council Meeting held December 1, 1992.

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

PRESENT - Fazio, Scalzo, Falzone, Arconti, Coladarci, Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Outlaw, Cassano, Charles, Boughton, Cipriani, Trocolla

ABSENT - Gallo, Boynton, Dean Esposito, Butera, Scozzafava

16 Present - 5 Absent

Mr. Gallo was working and Mr. Boynton was ill

PUBLIC SPEAKING

1. Sharon Kaufman, 13 Park Avenue - spoke regarding item 5. ESCAPE is committed to bringing the arts to disadvantaged children and would like to donate sculptures to be placed on City property, preferably the new Green.

2. Lynn Waller, 83 Highland Avenue - spoke regarding item 19. Feels that residents should be able to get any document they wish for free. She has used the computer in the Tax Office. After 1 hour she was told she would have to make an appointment for future use. Feels that 50¢ per copy is exorbitant. Also spoke regarding property purchased from the City. Surveying costs should be paid by the person who wants to purchase the property, not by the City.

3. Joseph Rosato, Long Ridge Road - spoke regarding item 26. bid went out over the summer. City will pay \$8,700 for temporary heat. Why isn't contractor picking up cost since delay was his fault. Is boiler being replaced because it is leaking or for better efficiency? His main objection is that the City is paying for the temporary heating.

4. Frank Giumarra, Bluebird Aviation - spoke regarding item 17. Thinks this item should be tabled until more information is available and until after public hearing to be held on December 3rd.

5. Jean Rosato, Long Ridge Road - spoke regarding item 5. Common Council should do everything for the children regarding music and arts.

Mayor Eriquez extended appreciation to members of the Danbury Exchange Club for their efforts on behalf of the Parade of Pride. He presented Don Melillo with a medallion for organizing the parade and a placque to Bob LeFebvre for the efforts of the Exchange throughout the community.

ANNOUNCEMENTS

December 1st - World Aids Day
December is National Drug and Drunk Driving Awareness Month
December 13th - Council Member Harry Scalzo's birthday
December 26th - Assistant Director of Finance Kim Rendenz's birthday
December 1st - Groundbreaking for Liberty Terrace
December 1-4 - Angel Boutique at the Senior Center
December 2nd - Lions Club Cris Breakfast
December 5th - Jingle Bell Walk for Arthritis
December 6th - Common Council Wood Sale at Landfill
December 6th - Danbury Community Orchestra Concert
December 12-13 - Nutcracker Ballet
December 17th - Chamber of Commerce Leadership Luncheon
December 19th - Hanukkah begins
December 21st - Messiah Concert at St. Peters Church
December 24th - City Hall will close at noon for Christmas Eve
December 25th - Christmas Day - City Hall Closed
December 31st - City Hall close at noon - First Night Festivities

(At 7:55 P.M. Dean Esposito arrived and was marked present)

Mayor Enriquez announced that the Danbury Trojans have won the 4th annual N.E. Regional Midget Conference.

Mayor Enriquez asked everyone to please support the Children's Christmas Fund

MINUTES -Minutes of the Common Council Meeting held November 5, 1992 and the Special Common Council Meeting held November 17, 1992. Mr. DaSilva made a motion that the minutes be accepted as submitted 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.

CONSENT CALENDAR - The following items were submitted by John Esposito

- 1 - Approve grant from State of Connecticut Local Substance Abuse Prevention Council
- 2 - Approve grant from State of Connecticut to improve immunization levels in children, birth to two
- 3 - Approve acquisition of passway rights on Liberty Street
- 5 - Approve receipt of communication for donation of sculptures
- 7 - Approve request for \$15,000 for Corporation Counsel's Office
- 8 - Approve request for \$10,000 for Town Clerk's Office
- 9 - Approve request for \$1,000 for Charter Revision Commission
- 10 - Approve request to allocate \$5,000 to Regional Resource Fund for Affordable Housing
- 11 - Approve abandonment of Public Improvement Bond Issue of 1983 - \$39,159
- 12 - Approve borrowing of funds for New Bond Issue - \$500,000
- 13 - Approve appropriation of \$100,000 from Davon Project for Downtown Capital Improvements
- 14 - Approve Main and South Streets Maintenance Agreement - \$16,320 per year
- 18 - Approve Public Utilities Bright Clouds Project Inventory
- 20 - Approve receipt of reports on Danbury Club and reject offer of sale
- 21 - Approve receipt of reports on 156 Deer Hill Avenue and reject offer of sale
- 24 - Approve Health Department exemption from subsection 9-18(a)
- 25 - Approve dispersal of funds from Firewood sale
- 27 - Approve authorization for Mayor to sign Construction Letter Agreement
- 28 - Approve Mutual Aid Agreements for Fire Department
- 29 - Approve receipt of report and recommendations on use of athletic fields
- 30 - Approve request to purchase City property on Golden Hill
- 31 - Deny request to purchase City property on Alexander D Avenue
- 32 - Approve request for license of property on Lyons Street
- 33 - Approve receipt of progress report regarding agreement between the City and Mr. Garafalo

Mr. Charles made a motion that the Consent Calendar be accepted with the exception of item 32. Seconded by Dean Esposito. Mr. Scalzo asked that item 30 be removed. Motion carried with items 30 and 32 deleted. Mr. Boughton voted in the negative.

1 - RESOLUTION - Grant from the State of Connecticut Local Substance Abuse Prevention Council.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Midwestern Connecticut Council on Alcoholism, Inc. (MCCA) has requested that the City of Danbury, acting solely as its fiduciary agent, apply to the State of Connecticut Local Substance Abuse Prevention Council for a grant in the amount of \$5,665; and

WHEREAS, the grant funds, if awarded, will be used to staff the Student Assistance Programs for substance abuse prevention and intervention currently offered at Danbury High School, the Alternative Center for Education, Broadview Middle School and Rogers Park Middle School; and

WHEREAS, the grant will cover the period from October 1, 1992 through September 30, 1993;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury, acting through its Mayor, Gene F. Enriquez, is hereby authorized to apply for said grant funds on behalf of The Midwestern Connecticut Council on Alcoholism, Inc., and that Mayor Gene F. Enriquez is authorized to sign the Letter of Award and accept said grant, if approved, in the capacity of its fiduciary, to sign all documents and do all things necessary to effectuate the purposes of said program.

The Resolution was approved on the Consent Calendar.

2 - RESOLUTION - Grant to Improve Immunization Levels in Children Birth to Age Two

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on June 2, 1992 approved a request from the Danbury Health and Housing Department to apply for a grant from the State of Connecticut Department of Health Services to improve immunization levels in children from birth to age two; and

WHEREAS, the Connecticut Department of Health Services has approved said application and has made grant funds in the amount of \$25,000 available to the Danbury Health and Housing Department to provide improved immunization services to children in the greater Danbury area; and

WHEREAS, the grant will cover the period from October 1, 1992 through September 30, 1993 with no local matching funds required;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT all prior actions of the Mayor of the City of Danbury, Gene F. Enriquez, or the Director of Health, William J. Campbell, as his designee, concerning this application are ratified by this resolution; and

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

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Passway Rights - Liberty Street - Heyman/Rebello

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury and Davon Development Corporation have entered into an agreement for the redevelopment of property on Liberty Street in Danbury; and

WHEREAS, in order to permit the free and clear transfer of rights and title to allow such redevelopment, a certain encumbrance upon title must be released; and

WHEREAS, it is now in the best interests of the City of Danbury to obtain a release of any such encumbrance, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners upon the amount, if any, to be paid for the rights to be taken in and to this property set forth in the attached Schedule A.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests set forth in the attached deed, either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned property and the owners hereof, thier successors, heirs, and assigns and their respective mortgage holders and encumbrances, if any.

*Schedule A is on file in the Office of the City Clerk for public inspection. The Resolution was approved on the Consent Calendar.

4 - COMMUNICATION - Letter from Library Director Betsy McDonough asking permission to accept donations in the total amount of \$100.00 to be credit to Conferences (\$90.00) and Books (\$10.00). Mrs. Coladarci made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

5 - COMMUNICATION - Letter from Sharon Kaufman of ESCAPE offering to donate sculptures to the City for placement on City property. The communication was received on the Consent Calendar.

6 - COMMUNICATION - Letter from Democratic Town Committee Chairman Lawrence Riefberg recommending that Attorney Murray Hough be appointed as an alternate to the Zoning Commission. Mr. DaSilva made a motion that the communication be accepted and the appointment confirmed. Seconded by Mrs. Outlaw. Motion carried unanimously.

7 - COMMUNICATION & CERTIFICATION - Letter from Corporation Counsel Eric Gottschalk requesting that the sum of \$15,000 be appropriated for the Outside Services Account. A Certification of Funds was attached. The request was approved and the funds appropriated on the Consent Calendar.

8 - COMMUNICATION & CERTIFICATION - Letter from Town Clerk Michael Seri requesting that the sum of \$10,000 be appropriated for the operation of the Town Clerk's Office. A certification of funds was attached. The request was approved and the funds appropriated on the Consent Calendar.

9 - COMMUNICATION & CERTIFICATION - Request from Charter Revision Commission Chairman Ed DeVeaux requesting that the sum of \$1,000 be appropriated for the operation of the Charter Revision Commission. A certification of funds was attached. The request was approved and the funds appropriated on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Gene Eriquez requesting that the Council approve the allocation of \$5,000 from Danbury's Affordable Housing Fund to the Regional Resource Fund. The request was granted on the Consent Calendar.

11 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that the Common Council approve the abandonment of the 1983 Public Improvement Bond Issue so that the amount of \$39,159 will no longer be part of the debt computation schedule for the City. The request was approved on the Consent Calendar.

12 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting that the Common Council authorize the borrowing of \$500,000 from the General Fund and \$500,000 from the Water Fund to cover preliminary expenses for the bond issues approved by the voters on November 3, 1992. The request was approved on the Consent Calendar.

13 - CERTIFICATION - Letter from Director of Finance Dominic Setaro regarding the Davon Project. As part of the contract approved at the Special Meeting on November 18, 1992, the \$100,000 paid to the City for public improvements is to be used by the City for public improvements in the redevelopment area. Mr. Setaro requests that the Common Council approve the appropriation of the \$100,000 in a new capital line item entitled "Downtown Capital Improvements". The request was approved on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Gene Eriquez seeking approval of the Maintenance Agreement with the State of Connecticut to maintain Main and South Streets at increased compensation to the City from \$2,975.00 per year to \$16,320.00 per year commencing July 1, 1992. The agreement was approved on the Consent Calendar, and Mayor Eriquez was authorized to sign Agreement No. 8.13-04(92).

15 - COMMUNICATION - Request from Joe Nazzaro for help in solving tax and foreclosure problems for a lot on Wicks Manor Drive. Mr. Setaro asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Boynton, Charles and Fazio to the committee.

16 - COMMUNICATION - Request from Attorney Gregory Klein that Premium Point be accepted as a City road. Miss Dennehy asked that this be referred to the City Engineer and the Planning Commission for reports back in thirty days. Mayor Eriquez so ordered.

17 - COMMUNICATION - Lease Amendment between the City of Danbury and New England Aircraft Sales. Mr. DaSilva asked that this be referred to an ad hoc committee, the Corporation Counsel, the Airport Administrator and the Aviation Commission. Mayor Eriquez so ordered and appointed Council Members Falzone, Trocolla and Scozzafava to the Committee.

18 - COMMUNICATION - Letter from Director of Public Utilities William Buckley requesting approval of additions, deletions and modifications to the inventory that have occurred as a result of the Bright Clouds Ministry's water line extension. The request was approved on the Consent Calendar.

19 - COMMUNICATION - Letter from Director of Finance Dominic Setaro outlining why copying costs in the City are set as they are. John Esposito asked that this be referred to an ad hoc committee, the Director of Finance and the Corporation Counsel. Mayor Enriquez so ordered and appointed Council Members Setaro, Dennehy and Scozzafava to the committee.

20 - COMMUNICATION - Reports regarding offer to sell Danbury Club to the City, stating that space needs should be assessed before any purchase is made. The Common Council received the reports on the Consent Calendar and rejected the offer.

21 - COMMUNICATION - Reports regarding offer of land for sale at 156 Deer Hill Avenue stating that space needs should be assessed before any purchases are made. The reports were received on the Consent Calendar and the offers rejected.

22 - DEPARTMENT REPORTS - Public Utilities, Public Buildings, Engineering, Highways, Parks and Recreation, Health and Housing, Fire Chief, Fire Marshall. Mr. DaSilva made a motion that the reading be waived as all members have copies which are on file in the Office of the City Clerk for public inspection.

23 - REPORT & ORDINANCE - Food Service Establishments.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:10 P.M. on November 23, 1992 to review an ordinance concerning Food Service Establishments. This ordinance would exclude farmers and gardeners from obtaining the same license as a fixed or mobile restaurant, commissary, etc. The impetus for this proposal came from the Farmers Market which has been held in downtown Danbury for the past few years.

Discussion ensued concerning several aspects of the proposed ordinance. The exemption in the ordinance is not limited to farmers and gardeners from Danbury in order to attract a sufficient number of participants in the Farmers Market. The regular duties of the Health Department are not altered toward any sale of produce as a result of this ordinance nor does this ordinance exempt farmers or gardeners from obtaining a peddlers permit if they engage in itinerant sales of produce.

Mrs. Coladarci moved to recommend approval of the proposed ordinance. Seconded by Dean Esposito. Motion carried 10-5.

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

THAT Section 8A-1 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

As used in this chapter, the term "food service establishment" shall mean any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, cafeteria, commissary, food store or market, or similar place where food or drink is sold or prepared for sale or for service on the premises or elsewhere. The phrase "food services establishment" shall not include farmers and gardeners whose sales are limited to the produce of their farms and gardens.

(At 8:05 P.M. Mrs Butera arrived and was marked present.)

John Esposito made a motion that the report be received and the Ordinance adopted. Seconded by Dean Esposito. Motion carried with Mr. Fazio and Mrs. Outlaw voting in the negative.

24 - REPORT & ORDINANCE - Health Department Exemption

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:10 P.M. on November 23, 1992 to review an ordinance regarding the Health Department Exemption from subsection 9-18(a). This would allow the Director of Health the authority to grant exemptions from the restriction of the placing of materials in any basement, box, vault or cellar within forty feet from any street line, dwelling or public building if exceptional difficulty or unusual hardship would occur.

Discussion revealed that the forty foot restriction would still be in place unless the Director of Health granted an exemption. The reasons for exemption comes from the growth of the City through the years.

John Esposito moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Charles. Motion carried with Mr. Scalzo voting in the negative.

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

THAT Section 9-18 of the Code of Ordinances of Danbury, Connecticut is hereby redesignated as Subsection 9-18(a); and

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a Subsection to be numbered 9-18(b) which said subsection reads as follows:

(b) The Director of Health may grant an exemption from the provisions of Subsection 9-18(a) which restrict the placement of materials in any basement, box, vault, or cellar within 40 feet of any street line, dwelling or public building if, owing to conditions especially affecting any particular parcel of property, literal enforcement would result in exceptional difficulty or unusual hardship.

The report was received and the ordinance adopted on the Consent Calendar.

25 - REPORT - Children's Christmas Fund

Mrs. Coladarci submitted the following report:

The subcommittee to review the use of funds received from the Common Council firewood sale on December 6, 1992 met on November 17, 1992 at 7:30 P.M. in Room 432. In attendance were committee members Coladarci and Fazio. Also in attendance was Lynn Waller.

Mrs. Coladarci suggested that we continue, as in prior years, to donate the money to the Children's Christmas Fund and to the Hanahoe Clinic. A discussion regarding the two organizations followed and it was decided that area children would benefit from the donation. A motion was made by Mr. Fazio that the money received on the date of the sale be split between the two organizations. Seconded by Mrs. Coladarci. The motion passed unanimously.

The report was received and approved on the Consent Calendar.

25 - REPORT - Replacement of Boiler at Hatters Park

Miss Dennehy submitted the following report:

The Common Council Committee appointed to review the request regarding the replacement of the boiler at Hatters Park met on November 23, 1992 at 5:00 P.M. in Room 432 in City Hall. In attendance were committee member Dennehy and Scozzafava. Mr. Boynton was unable to attend. Also in attendance were Director of Finance Dominic Setaro, Director of Parks and Recreation Robert Ryerson, Building Supervisor Rick Palanzo. Mr. Scozzafava made a motion to waive the rules. Seconded by Miss Dennehy. Motion carried unanimously.

Mr. Palanzo and Mr. Ryerson explained the bidding procedure. They said they received three bids. This was the lowest. An additional cost (not expected from the original bid) was the temporary heating of the building. Miss Dennehy asked about the time difference (bid done in June, now it is November). Mr. Palanzo said the company was causing the delay. After further discussion Mr. Scozzafava made a motion that the transfer be approved as indicated in certification letter #8 on October 24, 1992 where \$28,213 from the contingency fund and \$10,275 from the Hatters Park account to a new capital account entitled "Hatters Park Improvements". Seconded by Miss Dennehy. Motion carried unanimously.

Under discussion, Mr. Setaro anticipated that the \$28,213 will be available prior to the end of the fiscal year for appropriation if needed by various departments. This amount would come from money generated by various rents accumulated by Hatters Park.

Mr. DaSilva made a motion that the report be received and that the sum of \$28,213 from the contingency fund and \$10,275 from the Hatters Park Account be appropriated to a new capital account entitled "Hatters Park Improvements". Seconded by Mrs. Coladarci.

Mrs. Dennehy offered the following breakdown:

Boiler replacement	\$ 39,900
Domestic water piping	11,975
Asbestos Removal	3,660
Monitoring Asbestos Removal	1,500
Water Fee Hookup	3,200
Temporary Heating of building	8,340
	<u>\$ 68,575</u>

Mrs. Gogliettino asked if the boiler was being replaced due to age. Miss Dennehy said it was. Mrs. Gogliettino asked if there was any way the contract could have started sooner. Miss Dennehy said that there was not, according to Director of Building Maintenance Richard Palanzo.

Mr. Boughton asked why problems are discovered after the contractors are already there. Mr. Ryerson explained the circumstances surrounding the additional problems and costs. Mr. Charles asked if this had been a problem for several years. Mr. Ryerson stated that it was. Mr. Charles asked what would happen if it becomes very cold and the bowling alley cannot be heated. Mayor Enriquez stated that the City has a contract with the bowling alley and also with people who rent the hall for private functions. This is an expense that needs to occur.

Mr. Cassano asked if there were any negotiations for the City to share the cost of the temporary heating with the contractor? Dominic Setaro stated that the contractor has not even started the project yet because the asbestos consultant was held up by the Junior High School project.

Mrs. Butera made a motion to move the question. Seconded by Mr. Falzone. The motion carried with the members voting as follows:

Yes - Falzone, Coladarci, Dennehy, Setaro, Gogliettino, DaSilva, Outlaw, Cassano, Charles, Boughton, Butera, Cipriani

No - Fazio, Scalzo, Arconti, John Esposito, Dean Esposito, Trocolla

12 Yes - 6 No

Main motion carried with Council Members John Esposito, Boughton and Trocolla voting in the negative.

27 - REPORT - Authorization for Mayor to sign Construction Letter Agreement.

Mr. Setaro submitted the following report:

The committee appointed to review the request for authorization for the Mayor to sign a construction letter agreement met on November 23, 1992 at 7:30 P.M. in Room 432 of City Hall. In attendance were committee members Setaro, John Esposito and Scozzafava. Also in attendance were Fire Chief Antonio Lagarto, Assistant Corporation Counsel Laszlo Pinter and Council members DaSilva, Arconti, Troccola, Scalzo, and Dean Esposito, ex-officio.

Chief Lagarto explained that the State Department of Transportation is in the process of completing roadwork to Routes 39 and 53 which includes removing utility poles and power lines. Included in the removal of the poles and lines are the removal of municipal alarm boxes and cables related to City fire service. Since these unshielded cables must be upgraded by the City, the Fire Department seeks to coordinate this project with the State sponsored roadwork. Through the Agreement at issue, the City will bear the cost of the cable materials (\$2,103.80) while the State will reimburse the City for the labor of the \$4,207.60 project. If approved, the Agreement grants the City partial reimbursement for the amount of a project for which the City would otherwise bear the entire cost.

Mr. Scozzafava inquired as to what areas of the City would be effected by the cable and alarm box work. Chief Lagarto stated that the cables and alarms relate to fire service to the schools and alarm boxes in the area of North and South Streets. Mr. Setaro questioned the application of the hold harmless clause in the Agreement and the extent of City liability with regard to the State sponsored work. Attorney Pinter stated that the contractor for the road work is an agent of the State and, therefore, the City would be liable only for negligent acts by City personnel.

After discussion, Mr. Scozzafava moved to recommend to the Common Council that the Mayor be authorized to sign the Construction Letter Agreement between the State of Connecticut and City of Danbury with regard to State Project Number 34-244. Seconded by Mr. John Esposito. Motion passed unanimously.

The report was received on the Consent Calendar and authorization for the Mayor to sign was granted.

28 - REPORT - Mutual Aid Agreements for Fire Department

Mr. Setaro submitted the following report:

The committee appointed to review the Mutual Aid Agreement For Fire Emergencies met on November 23, 1992 at 7:30 P.M. in Room 432 of City Hall. In attendance were committee members Setaro, John Esposito and Scozzafava. Also in attendance were Fire Chief Antonio Lagarto, Assistant Corporation Counsel Laszlo Pinter, Warren Levy of the Volunteer Firefighters Council and Council members DaSilva, Scalzo, Arconti and Charles, ex-officio.

Chief Lagarto explained that the City has long maintained verbal mutual aid agreements with surrounding communities for emergency fire and ambulance assistance. Through this verbal agreement, the City and surrounding communities respond to requests from the other for emergency assistance if able to do so. The Agreement includes Danbury, New Fairfield, Sherman, and the New York State towns of Brewster, Patterson, Pawling and Putnam Lake. The advantage to the City in entering into a written mutual aid agreement is the clarification of a potentially ambiguous situation by listing the rights, liabilities, and reimbursement responsibilities of each municipality. The only additional cost which the City could incur through this Agreement is for reimbursement to a responding signatory community for expenses incurred if using chemical agents, foams, or disposable equipment in the control of the emergency. Similarly, the City would be reimbursed for such expenses upon its response to an emergency in a neighboring community.

Attorney Pinter stated that State statute enables municipalities to enter into mutual aid agreements such as that at issue. Mr. Esposito stated that in lieu of the State enabling legislation, codification of these verbal agreements is important since the City maintains the ability to request emergency assistance from neighboring municipalities, and the rights and liabilities of the signatory municipalities are clearly addressed, protecting the City and its firefighters as if they were working in the City. Mr. Levy added that

sharing resources in this manner is positive and that the Volunteer Firefighters Council supported passage of the Mutual Aid Agreement.

Mr. Setaro questioned the extent of City liability when its firefighters respond to an emergency in another municipality. Attorney Pinter responded that when acting in another municipality, City liability is no different than if responding to an emergency in Danbury.

After discussion, Mr. Esposito moved that the committee recommend to the Common Council approval of the Mutual Aid Agreement For Additional Fire Protection and that the City enter into said Agreement with New Fairfield, Sherman and the New York State communities of Brewster, Patterson, Pawling and Putnam Lake. Seconded by Mr. Scozzafava. Motion passed unanimously.

WHEREAS, City of Danbury fire alarm boxes, wires and/or appurtenances on Connecticut Route 39 and Route 53 are in conflict with State of Connecticut Department of Transportation Project No. 34-244 under which the State is performing traffic computerization and minor improvements on said Routes 39 and 53; and

WHEREAS, it is in the public interest to remove and relocate said City fire alarm facilities; and

WHEREAS, it is essential to maintain Fire Department service to two City schools and and provide a number of street alarm boxes; and

WHEREAS, the State's equitable share of the cost of the removal and relocation of the affected fire alarm facilities is 50 percent of the cost of said readjustment, relocation or removal after deductions provided for under C. G. S. § 13a-126, as revised; and

WHEREAS, said estimate for completion of this work is \$4,207.60 less any depreciation reserve credits, and the State's share is \$2,103.80, less any depreciation reserve credits,

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to sign the Letter Agreement with the State of Connecticut Department of Transportation, to sign all other documents in connection herewith, to accept any payments from the State and do all things necessary to effectuate the purposes hereof.

The report was received and the Mutual Aid Agreements approved on the Consent Calendar.

29 - REPORT - Restrictions on use of Athletic Fields to Residents/Taxpayers

Mr. Arconti submitted the following report:

The committee appointed to review possible restrictions on the use of athletic fields to residents and taxpayers met on November 16, 1992 at 7:30pm in Room 432 at City Hall. This was the second meeting of the committee. In attendance were councilmembers Arconti and Fazio. Councilman DaSilva notified the chairman of his absence due to illness. Also in attendance were: Councilwoman Coladarci, ex-officio, Asst. Corporation Counsel Les Pinter, Director of Parks & Recreation Robert Ryerson, Lynn Waller, and Dan Curtin and Bob McLeod of D.A.Y.O.

The rules were waived to allow all those present to speak. Chairman Arconti acknowledged Mr. Ryerson's efforts in obtaining the information and reports requested at the previous meeting and distributing them to the committee members prior to this meeting.

Mr. Curtin explained that D.A.Y.O. sponsors multi-sport leagues, including baseball, football, T-Ball, and basketball. He then addressed problems facing the baseball league from D.A.Y.O.'s point of view, and offered the following:

During the 1992 season, 26 teams comprised of about 350 teenagers (ages 13-18), were scheduled about 50 hours of field time per week. D.A.Y.O. projects the 1993 season to grow to nearly 450 teenagers. They feel they need about 240 hours of field time per week to implement a safe, meaningful, and productive program. This would accommodate 2 hours of practice and 6 hours of game time for each team per week. Mr. Curtin also stated that D.A.Y.O. has an active fundraising committee and that they have contributed approximately \$75,000 to the programs. He stated that the D.A.Y.O. board of directors would like to continue such financial involvement in the programs but are hesitant to do so without a commitment from the City to ensure that D.A.Y.O. participants will receive maximum benefit from their efforts.

Mr. Ryerson stated that he has always considered youth programs to have priority for field use.

After much discussion, the following consensus was reached by those participating in the committee meeting:

1. That Danbury's athletic fields are overextended, causing schedule problems, inadequate availability and hampering optimum maintenance of fields.
2. That a restrictive ordinance prohibiting non-taxpaying players would do little to help alleviate problems in the short term.
3. That there are not currently enough athletic facilities to accommodate Danbury's growing participation in organized sports.

It was further agreed that the following actions will be taken by the Director of Parks & Recreation, all of which are within his authority:

1. Make all reasonable efforts necessary to install lights on one of the baseball fields at Rogers Park before the start of the 1993 baseball season.
2. Extend priority scheduling to the D.A.Y.O. baseball league, attempting to accommodate their entire schedule at the two baseball fields in Rogers Park.
3. Work with Western Connecticut State University to locate alternate sites for their needs and explore future reciprocal arrangements concerning City and State athletic facilities.
4. Encourage the Mens Senior Baseball League and the Touch Football League to secure use of fields in other towns to accommodate home/away games and thereby relieve some of the burden on Danbury.
5. Explore setting up a fee schedule for use of athletic fields, with proceeds earmarked for field maintenance and improvements. Mr. Ryerson will submit a proposal or report on this issue to the Common Council by the February, 1993 meeting.

It was noted that the Parks & Recreation Commission is currently addressing the long term needs for athletic facilities as part of the Master Plan for the City. It was further noted that impending Council action on a separate issue pertaining to additional soccer fields could help provide relief for currently overused fields.

The report was received and the recommendations approved on the Consent Calendar.

30 - REPORT - Request to purchase City property on Golden Hill

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the request to purchase City property on Golden Hill Road met on November 10, 1992 at 7:35 P.M. in Room 432 in City Hall. Present were committee members Scalzo and Outlaw. Also in attendance were Assistant Planning Director Susan DeCina, Tax Assessor Robert Coyne, City Engineer Jack Schweitzer and the petitioners Jean and Al Hazard.

Mr. and Mrs. Hazard stated that as adjacent property owners they were interested in purchasing the property for security measures for their property and to prevent trespassers from entering the property. If they were allowed to purchase the land they would maintain the property, clean it up and prevent future disposal of trash on the property.

A positive recommendation was received from the Planning Commission as well as a positive recommendation from the Planning Department. Mr. Schweitzer and Mr. Coyne presented detailed maps and property descriptions to the committee.

After much discussion, it was established that the City Engineer should determine what, if any, land should be retained by the City for future road improvements and for protecting the brook and maintaining the water line which runs across the brook at the northern boundary of the parcel. Mrs. Outlaw made a motion recommending sale of that portion of land up to the brook be sold to Al and Jean Hazard after a survey of the land by the City Engineer and the proper documents are formulated by the Corporation Counsel protecting the brook and water line. Seconded by Mr. Scalzo and passed unanimously. The Tax Assessor will set the sale price of the parcel of land to be sold.

Mr. DaSilva made a motion to receive the report and approve the sale of property on Golden Hill. Seconded by Dean Esposito. Mr. Boughton offered an amendment that the cost of the survey be added to the cost of the land. Seconded by Mr. Charles.

Mr. Scalzo explained that the Planning Commission recommended that the City Engineer and the Traffic Engineer determine if any portion of the land should be retained for road improvements, water line, brook, etc. Because of these factors the City should do the survey. Mr. Cassano stated that normally he would agree with the amendment but in this case the survey is the result of the stipulation on the part of the City therefore it is not reasonable for the City to expect the purchasers to pay. Mr. Boughton stated that the few hundred dollar should not make that big of a difference to the purchasers.

The amendment failed with Mr. Boughton voting yes.

Main motion carried unanimously.

31 - REPORT - Request to purchase land on Alexander D Avenue

Mr. Trocolla submitted the following report:

On Wednesday, November 18th the ad hoc committee to review the purchase of city owned land on Alexander D Avenue met. In attendance were Trocolla, Charles and Fazio. Also in attendance were Jack Schweitzer and Susan DeCina.

Mr. Trocolla read the Planning Commission recommendation. Mr. Charles moved to waive rules and allow informal discussion. Seconded by Mr. Fazio.

Mr. Schweitzer indicated that there is no reason to sell the property since the City would have to retain the rights to place snow on the property. Since the Sabene's did not attend to explain their reasons for purchasing the property, Mr. Charles moved to recommend to the Council that we retain the rights to the property for snow removal. Seconded by Mr. Fazio. Meeting was adjourned at 7:40 P.M.

The report was received and the request denied on the Consent Calendar

32 - REPORT - Request of purchase or rent land on Lyons Street

Dean Esposito submitted the following report:

Committee to review the request to purchase or rent City land on Lyons Street met on November 17, 1992 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Dean Esposito, Coladarci and Fazio. Also in attendance were Robert Ely and Lynn Waller. Mr. Fazio made a motion to waive the rules, seconded by Mrs. Coladarci.

Dean Esposito question Mr. Ely on his reasons for renting the land. Mr. Ely explained how he has used the land for the past 25 years and would like to continue it use legally.

With a positive recommendation from the Planning Commission.

Mrs. Coladarci made a motion to recommend approval of renting the Lyons Street land to Mr. Ely with a price to be set in the lease. Also a hold harmless agreement to be signed. And the understanding that the agreement will be terminated at the time the City needs the area to improve the road. Motion was seconded by Mr. Fazio and passed unanimously.

Mr. DaSilva made a motion to receive the report and approve the recommendation to lease the property. Seconded by Dean Esposito.

Mr. Esposito stated that the license procedure would make the appropriate action easier. Mrs. Gogliettino asked what happens on this land. Mayor stated that there is a garden there. Mrs. Gogliettino asked if there is a need to lease after 25 years. Mayor stated that the petitioner would like to pay a licensing fee. Mrs. Gogliettino asked how much this would be. D. Esposito stated that he did not know and that the Corporation Counsel should determine the cost. Mr. Gottschalk stated that the Common Council should set the fee.

Mr. Boughton offered an amendment setting the licensing fee at \$5.00. Seconded by Mr. Falzone. Motion to amend carried unanimously. Main motion as amended, carried unanimously.

33 - PROGRESS REPORT - Agreement between the City and Harold Garafalo

Mrs. Butera submitted the following report:

The Common Council Committee appointed to review the agreement between the City and Harold Garafalo met on November 9, 1992 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Butera, Cipriani and Fazio. Also in attendance was Harold Garafalo.

Letters were submitted by Frank Cavagna, Superintendent of Highways and Richard Beck, sidewalk inspector. Both letters received stated that they did not promise reimbursement to Mr. Garafalo for sidewalk replacement.

A motion was made by Mr. Cipriani to have Mr. Cavagna and Mr. Beck appear before the committee in order to answer questions that cannot be resolved by correspondence. Seconded by Mr. Fazio. Motion carried unanimously.

The Progress Report was received on the Consent Calendar.

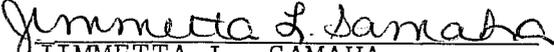
Mayor Enriquez extended all committee.

Mayor Enriquez appointed the following Council Members to the Education Budget Liasion Committee: Gogliettino, Scalzo, Setaro, Fazio, Scozzafava.

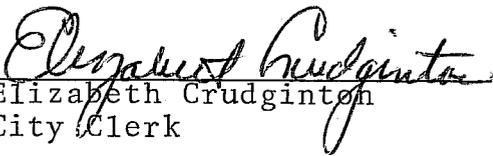
Mayor Enriquez replaced Mr. Scozzafava with Mr. Fazio on the sub-committee regarding Lot 12, Hillandale Road.

There being no further business to come before the Common Council a motion was made at 8:40 P.M. for the meeting to be adjourned by Mr. DaSilva

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk