

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

Re: Minutes of the Common Council Meeting held February 5, 1991.

Meeting was called to order at 7:30 P.M. by Mayor Eriquez. Mrs. Coladarci led the assembly in the Pledge of Allegiance. Mr. Smith offered the Prayer. The members were recorded as:

Present - Scalzo, Falzone, Gallo, Coladarci, Mack, Dean Esposito, Zotos, DaSilva, John Esposito, Smith, Charles, Boughton, Boynton, Butera, Regan, Scozzafava, Valeri

Absent - Fazio, Farah, Gogliettino, Cassano

17 present - 4 absent

Mrs. Gogliettino was reported as absent due to illness

Mr. Farah arrived at 7:50 P.M. and was marked present

Mr. Fazio arrived at 8:10 P.M. and was marked present

PUBLIC SPEAKING SESSION:

1. Elaine Borner, Country Ridge Road - Spoke in opposition to the installation of sewer and water extensions on Country Ridge Road.

2. Ronald Blonski, 18 Griffing Avenue - spoke regarding item 9, Sewer Priority List. Concerned that Danbury does not exist in a vacuum. Should focus on balanced development.

ANNOUNCEMENTS BY THE MAYOR:

The Mayor extended best wishes to the following couples on their anniversaries:

February 4th - Sandra and Harry Scalzo

February 4th - Stan and Fannie Smith

February 17th - Montez and Mounir Farah

The Mayor extended happy birthday wishes to Council Member Dean Esposito who will celebrate his birthday on February 28th.

February 19th - 46th Anniversary of the raising of the flag on Iwo Jima

February 12th - Lincoln's Birthday - City Hall Closed

February 18th - President's Day - City Hall Closed

February 14th - Valentine's Day

February 16th - Parade in honor of the troops in the Persian Gulf  
11:00 A.M. Kennedy Park

February 16th - Volunteer Firemen's Ball

February 23rd - NAACP Scholarship Dinner

February 23rd - Exchange Club Love a Child Charity Ball

February 24th - Blue and Gold Dinner

February 26th - Boy Scouts Run Your City Day

February is Black History Month

February is also American Heart Month

March 1st - American Red Cross Celebrity Breakfast

March 2nd - Marjorie Shepard Art Show Opens

Council President Joseph DaSilva extended happy birthday wishes to Mayor Eriquez who will celebrate his birthday on February 9th. He also extended congratulation to the Mayor and to Marta Eriquez on the birth of their first child, Gabrielle who was born on January 21, 1991.

The Mayor and the Leadership of the Common Council then presented gold medals to members of the Pop Warner Trojan Football Team who are National Champions. The Mayor stated that Danbury is very proud of all the team members both as students and as athletes. The Mayor also acknowledged head coach Steve Kaplanis and the assistant coaches.

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

6 - Approval - Colonial Acres, Colonial Drive and Pilgrim Road - Renewal of Authorization

- 1 - Approve Application for grant application for snow removal building at the Airport
- 2 - Approve acquisition of easements for Williams Street sewer replacement
- 3 - Approve amendment of sewer priority list to include Ledgemere Drive
- 4 - Approve appointments of Joan Damia, R. Steven Sharlow and William Goodman to the Library Board of Directors
- 5 - Approve reappointment of Robert Dunikowski to the Parks and Recreation Commission
- 6 - Approve the reappointment of Barbara Susnitzky to the Redevelopment Agency
- 7 - Approve the reappointments of Joseph Justino and Alice Hyman to the Planning Commission
- 8 - Approve the reappointment of Frank Figueriedo to the Building Code Board of Appeals
- 9 - Approve the reappointments of Benjamin DaSilva, Harvey Center and Edward Wicks to the Cultural Commission
- 10 - Approve the appointments and reappointments of Abner Burgos-Rodriques, Carol Lubus, Levi Newsome, Marie Cosentino and Robert Dylewski to the Equal Rights and Opportunities Commission
- 11 - Approve acceptance of grant from Waldbaums for donation of trees
- 12 - Approve progress report on street light at corner of North Nabby Road and Forty Acre Mountain Road
- 13 - Approve acquisition of slope rights on Cross Street
- 14 - Approve acceptance of communication of survey for water and sewer on Country Ridge and Hausman Roads and take no action on the petition for sewer and water in this area
- 15 - Approve report concerning use of Schools Administration Building for PAL
- 16 - Approve report approving Ventana Corporation proposal
- 17 - Approve report on intersection of Chambers Road and Sturdevant Drive
- 18 - Approve report to take no action at this time on a request for water extension at Business Aircraft Center
- 19 - Approve Progress Report on request to purchase City property on Bear Mountain Park
- 20 - Approve report to deny with<sup>out</sup> prejudice the purchase of City property on Backus Avenue
- 21 - Approve report to deny with<sup>out</sup> prejudice the purchase of City property on Newtown Road
- 22 - Approve report to take no action at this time on property tax deferrals for reservists in the Persian Gulf
- 23 - Approve Progress Report on drainage problem on Birch Road
- 24 - Approve application of ARROW grant from CADAC for \$28,902

Mr. Charles made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Smith. Motion carried unanimously.

Ms. Butera asked the Mayor to explain item 33 for the members of the audience. The Mayor did so and stated that the proposal to install sewer and water on Country Ridge Road would not be implemented at this time.

Mr. Fazio stated that item 35 was a progress report.

Mr. Scalzo asked for an explanation of item 43 regarding tax deferrals for reservists serving in the Persian Gulf. The Mayor did so explaining that State legislation is now pending on this matter.

MINUTES - Minutes of the Common Council Meeting held January 3, 1991. 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 Mr. Boynton. Motion carried unanimously.

1 - ORDINANCE - Charter Revision Ordinance Amendments. Mr. Boynton asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Repeal of Various Ordinance Sections. Mr. DaSilva asked that this be deferred to a public hearing, and referred to an ad hoc committee and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallo, Mack and Regan to the committee.

3 - ORDINANCE - Position of Assistant Director of Finance. Mr. Boynton asked that this be deferred to public hearing. Mayor Enriquez so ordered.

4 - ORDINANCE - Connection Charges. Mr. Charles asked that this be deferred to Public Hearing. Mayor Enriquez so ordered.

5 - RESOLUTION - Binding Arbitration - WITHDRAWN

6 - RESOLUTION - Colonial Acres, Colonial Drive and Pilgrim Road - Renewal of Authorization

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on January 7, 1986 duly voted to approve the Colonial Acres, Colonial Drive and Pilgrim Road improvement project and appropriated funding in the amount of \$139,000.00 for said purpose; and

WHEREAS, the purposes of said project oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders and encumbrancers, if any, the affected properties being indicated by Tax Assessor's lot numbers.

Partial Property Acquisitions

1. F 10040 - 16 Colonial Drive / Cody, Raymond J. and Mary Ann (drainage easement)
2. F 10046 - Lake Shore Drive / Santore, D. Earle (drainage easement)
3. F 10045 - Pilgrim Drive (rear) / Santore, D. Earle (drainage easement)

The Resolution was adopted by the Common Council on the Consent Calendar.

7 - RESOLUTION - Snow Removal Building - 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 construct a snow removal building to store all of the new and old snow removal equipment, this project will improve the safety and efficiency of airport operations.

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$1,121,250.00 with a local match of two and one-half (2 1/2) percent equaling an amount not to exceed \$28,750.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Enriquez, 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 - RESOLUTION - Proposed Sanitary Sewer Easements - Williams Street Sewer Replacement.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to replace the existing sanitary sewer line located between West Wooster Street and William Street; and

WHEREAS, said replacement will require the acquisition of easements from certain property owners described herein; and

WHEREAS, the properties and the interests therein to be acquired are more particularly described in Exhibits A, B and C attached hereto and made a part hereof; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned properties and owners thereof, their successors and assigns and their respective mortgage holders and encumbrancers, if any. The affected properties and property owners are indicated in the attached Exhibits A, B and C.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - Sewer Priority List

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on August 3, 1976 the Common Council established a Priority List of sewer projects to be undertaken by the City of Danbury and funded through a bond issue authorized by the voters; and,

WHEREAS, the Common Council subsequently amended that list to include other necessary projects as permitted by said issue; and,

WHEREAS, it is now appropriate to again modify said list to reflect changes due to the completion of certain projects and the addition of a certain project known as the Ledgemere Drive Sewer Project;

NOW, THEREFORE, it is hereby resolved by the Common Council of the City of Danbury that the Sewer Priority List be and hereby is amended to include the following projects:

1. Ledgemere Drive
2. Oak Ridge Gate
3. Candleview Ridge
4. Shannon Ridge
5. Jeanette Heights
6. Ryder's Lane

The Resolution was adopted on the Consent Calendar.

10 - COMMUNICATION - Appointments to the Economic Development Commission. WITHDRAWN

11 - COMMUNICATION - Letter from Mayor Eriquez asking for confirmation of the reappointment of Joan Damia to the Library Board of Directors for a term to expire January 1, 1994 and the reappointment of R. Steven Sharlow for a term to expire January 1, 1994 as well as the appointment of William Goodman for a term to expire January 1, 1994. The reappointments and the appointment were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointment of Robert Dunikowski to the Parks and Recreation Commission for a term to expire December 1, 1993. The reappointment was confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Barbara Susnitzky to the Redevelopment Agency for a term to expire January 1, 1996. The appointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointments of Joseph Justino and Alice Hyman to the Planning Commission for terms to expire January 1, 1994. The reappointments were confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointment of Frank Figueredo to the Building Code Board of Appeals for a term to expire January 1, 1996. The reappointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointments of Abner Burgos-Rodriguez and Marie Cosentino to the Equal Rights and Opportunities Commission for terms to expire August 1, 1991 and Carol Lubus, Levi Newsome and Robert Dylewski for terms to expire August 1, 1992 and the appointments of Christina Carvalho and Andrew Woods for terms to expire August 1, 1993. The reappointments and appointments were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointments of Benjamin DaSilva, Harvey Center and Edward Wicks to the Cultural Commission for terms to expire February 1, 1994. The reappointments were confirmed on the Consent Calendar.

18 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Attorney Sharon Dornfeld to serve as a conflicts attorney for the City of Danbury. Mr. Gallo made a motion that the communication be accepted and the appointment confirmed. Seconded by Mr. Boynton. Motion carried unanimously. Mayor Eriquez introduced Attorney Dornfeld who was in the audience.

19 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie seeking permission to accept a donation in the amount of \$3,000 from Pepsi-Cola Company for the homeless shelters. Mrs. Mack made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

20 - COMMUNICATION - Letters from Library Director Betsy McDonough seeking permission to accept four donations in the amounts of \$20.00, \$39.95, \$1,238.55, and \$50.00. Mr. Farah made a motion that the donations be accepted and letters of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

21 - COMMUNICATION - Letter from Department of Elderly Services Leo McIlrath asking permission to accept two donations in the amounts of \$1,000 from Hughes Optical and \$100 from Connecticut Light and Power Company. Mr. Boynton made a motion that the donations be accepted and letters of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

22 - COMMUNICATION - Request from C. Arthur Bright asking to secure City land for a soccer complex. Mrs. Mack asked that this be referred to an ad hoc committee, Director of PAL and the Director of Parks and Recreation. Mayor Eriquez so ordered and appointed Council Members Falzone, Zotos, and Fazio to the committee.

23 - COMMUNICATION - Request from Tisano Realty to purchase City owned land on Backus Avenue. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission, the Planning Director and the Airport Administrator. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Scozzafava to the committee.

24 - COMMUNICATION - Offer of donation of land on Chambers Road to the City. Mrs. Butera asked that this be referred to the Corporation Counsel and the City Engineer for a report back in thirty days. Mayor Eriquez so ordered.

25 - COMMUNICATION - Report from the Planning Commission giving a positive recommendation to the acquisition of land for the Redevelopment/ Liberty Street garage. Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Butera, Scalzo and Boughton to the committee.

26 - COMMUNICATION - Letter from Tree Warden Richard Smith seeking permission to apply for grant money provided by Waldbaums to be used for the purchase of trees. Permission was granted on the Consent Calendar.

27 - COMMUNICATION - Letter from Robert Woodside, Director of Tarrywile Park Authority requesting approval of a lease for the Carriage House at Tarrywile Park. Mrs. Coladarci asked that this be referred to the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered.

28 - COMMUNICATION - Letter from Mayor Eriquez regarding lease to Executive Air Service. Mr. DaSilva asked that this be referred to the Aviation Commission and the Planning Commission. Mayor Eriquez so ordered.

29 - COMMUNICATION - Request regarding lease financing for 12 GMC/Wayne 65 Passenger School Buses. Mr. Boughton asked that this be referred to an ad hoc committee, Corporation Counsel, the Director of Finance and Mr. Heidenreich. Mayor Eriquez so ordered and appointed the Common Council Education Budget Liasion Committee to study this request.

30 - COMMUNICATION - Progress report from Mayoral Aide Basil Friscia regarding a street light at the corner of North Nabby Road and Forty Acre Mountain Road. The report was accepted on the Consent Calendar.

31 - COMMUNICATION - Resolution regarding Slope rights to the Cross Street Bridge.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to reconstruct Cross Street bridge; and

WHEREAS, said reconstruction will require the acquisition of slope rights from certain property owners described herein; and

WHEREAS, the properties and the interests therein to be acquired are more particularly described in Exhibits A, B and C attached hereto and made a part hereof; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned properties and owners thereof, their successors and assigns and their respective mortgage holders and encumbrancers, if any. The affected properties and property owners are indicated in the attached Exhibits A, B and C.

The Resolution was adopted on the Consent Calendar.

32 - COMMUNICATION - Letter from Councilman Charles asking that an ad hoc committee be appointed to propose and to adopt legislation reducing interest rates on various taxes and assessments. Mr. Falzone asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members DaSilva, Charles and Scozzafava to the committee.

33 - COMMUNICATION - Letter from City Engineer Jack Schweitzer showing the survey results regarding sewer and water for Country Ridge Road. The survey was accepted on the Consent Calendar.

34 - DEPARTMENT REPORTS - Highway Department, Engineering, Equipment Maintenance, Department of Elderly Services, Fire Chief, Fire Marshall, Health Department. 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. Boughton. Motion carried unanimously.

35 - PROGRESS REPORT - Use of Schools Administration Building for PAL

Mr. Valeri submitted the following Progress Report:

The Common Council Committee appointed to review the request to consider the future possibility of leasing the Danbury Schools' administration Osborne Street facility to the Police Athletic League upon completion of the upcoming reorganization project met on Monday, January 7, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Mack and Fazio. Also in attendance were PAL Representatives Nelson Neves and Kevin Barry, Danbury Schools Administrations Tony Paivo and Jack Heidenreich, Board of Education Members Matt Gallagher and Carlo Morano, Superintendent of Public Buildings Rick Palanzo and City Engineer Jack Schweitzer.

It was explained that the committee had met in December and had indicated its support of the request but that due to an oversight in notification and the resultant absences of representation from the Board of Education at that December meeting necessitated a second meeting to recognize the Board's "valued" input.

The Chair took time to explain reasons for the request, citing PAL's long time service to the community and its need for a permanent and centralized location for both administrative and recreational activity. It was further stated that upon completion of scheduled renovations to Beaver Brook School and the subsequent relocation of administrative offices from Mill Ridge to Beaver Brook, the anticipated space at Mill Ridge could serve to accommodate operations presently occupying Osborne Street, thus providing an appropriate facility to meet the needs of PAL. And although the present reorganization schedule would indicate such a move somewhere in the area of two years hence, it is strongly felt that an exercise in foresight is imperative.

Although there are no plans at this time to vacate the Osborne Street facility upon completion of the impending reorganization, School Board Members cited the formation of a committee to consider the future use of the Mill Ridge facility. The Council Committee suggested giving serious consideration to its request citing the Board of Education and School's Administration past "offer" to turn Mill Ridge over to the City as a benefit to passage of the reorganization bonding referendum.

Additionally, it was agreed upon by the Board Members present at the request of the committee, to involve PAL representation in the process of deciding the future use of both Mill Ridge and Osborne Street facilities. It was also suggested that the committee report back to the Common Council with an update on progress in this regard as soon as possible.

The Progress Report was accepted on the Consent Calendar.

36 - REPORT - Ventana Corporation Proposal.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the Ventana Corporation proposal met on Monday, January 7, 1991 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Falzone and Fazio. Also in attendance were Comptroller Dominic Setaro, City Engineer Jack Schweitzer, Superintendent of Public Buildings Richard Palanzo, Board of Education representatives Matt Gallagher, Carlo Morano and Jack Heidenreich and Ventana Corporation's Frank Muska and Kevin O'Connor.

The Chair explained the reason for the recommitment of this proposal, citing the initially approved estimated net expense to the City of slightly less than \$600,000 and the subsequent escalation of that figure to approximately \$750,000. Mr. O'Connor explained the discrepancy as a reflection of professional services (i.e. design specifications and project management) not reimbursable by CL&P under this program but nonetheless necessary to its implementation. Messrs. Schweitzer and Palanzo concurred and also cited their departments lack of expertise in assuming any "in house" responsibility for the services.

Mr. Setaro explained the potential impact of this increased expense relative to the financing of this project would add approximately 1 year to the payback break even point for the City and an estimated additional increase of roughly \$69,000 in the next fiscal budget, a jump from approximately \$150,000 to \$219,000 in finance costs. It was also noted that any significant return to the City on this investment would not be realized until the program is fully implemented, thus forcing the City to bear the cost of financing for at least the first year.

Concerns were expressed relative to Ventana's track record and availability of other qualified contractors and it was noted that CL&P's continued use of Ventana in contracting such projects within the public sector and the positive feedback the Mayor's Office had received from other municipalities were to the committee's satisfaction.

Mr. Falzone moved to recommend acceptance of the proposed net expense to the City not to exceed \$750,000, pending appropriate and acceptable funding by the Common Council and financing arrangements to be developed through the Office of the Comptroller. Seconded by Mr. Fazio and passed unanimously.

The report was approved on the Consent Calendar

37 - REPORT - Request for Stop Signs at the Intersection of Chambers Road and Sturdevant Drive.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request for the installation of a stop sign at the intersection of Chambers Road and Sturdevant Drive met on January 17, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dean Esposito and Fazio. Also in attendance were City Engineer Jack Schweitzer, Police Lt. Sullo and several residents of Chambers Road.

Mr. Fazio explained his request for a stop sign at this location. He felt it would help control the speed of the traffic on Chambers Road. Lt. Sullo explained, as written in the Manual on Uniform Traffic Control Devices, a stop sign should not be used for speed control. Mr. Schweitzer, referring to a recent report from the Traffic Engineer regarding this location stated that the intersection does not warrant a stop sign.

Mr. Esposito made a motion to accept the recommendation of the Traffic Engineer and the Police Department and not install a stop sign at the intersection of Chambers Road and Sturdevant Drive and request that the Police Department Traffic Services Unit increase enforcement of traffic speed on Chambers Road. Seconded by Mr. Fazio. Motion carried unanimously.

The report was accepted on the Consent Calendar.

Mrs. Coladarci submitted the following report:

The committee to review delinquent tax accounts met on January 15, 1991 at 8:00 P.M. in the Common Council Chambers in City Hall. In attendance were Committee Members Coladarci and Regan. Also attending were City Engineer Jack Schweitzer, Associate Planner Heidi Tolo, Tax Collector Catherine Skurat, Mayoral Assistant Lew Wallace, Comptroller Dominic Setaro and Attorney Randall McHugh.

The list of properties attached, identifies 21 delinquent tax accounts (#4 was sold) of an initial pool of delinquent taxpayers who owe a substantial amount of back taxes. There are no homes on this group of properties. Background of delinquent taxpayers in Danbury was provided by Mr. Wallace and Mrs. Skurat. According to the Connecticut General Statutes, 12-164, there is a fifteen year limitation on tax collection. After 15 years, the first year is dropped and the 16th year is added on to the tax rolls. Because the lands in question are small or have wetlands, the City would rather avoid foreclosures to save money and offer the plots to the abutting land owners.

Agreements will have to be set up by the Corporation Counsel between the taxpayer and the abutting property owner. The taxpayer will deed the land over to the City and the City will sell the land to the home owner. The price of the land will go toward payment of the back taxes. If full payment is not met, the delinquent taxpayer will be responsible for the balance. The land is then back on the tax rolls.

Mr. Regan made a motion to authorize Corporation Counsel to negotiate the sale of the listed properties from delinquent taxpayers, see attached, to persons or entities whose properties abut any of the properties on the list. Mr. Regan further moved to authorize the Corporation Counsel to acquire the subject properties by negotiation in lieu of commencing a tax foreclosure action with the condition that all deeds in lieu of foreclosure contain a provision that the property reverts back to the delinquent taxpayer in the event that the abutting property owner does not purchase the subject property from the city. The motion was seconded by Coladarci and passed unanimously.

Mr. DaSilva made a motion that the action set forth in the report be accepted subject to the following stipulations:

1. That the Corporation Counsel be authorized to include a price for each lot to be determined by the Tax Assessor's Office; and
2. If there is more than one abuttor, the Purchasing Department should work with Corporation Council to obtain bids from the abutting property owners and the Assessor's Office should establish a minimum price for the purchase.

Seconded by Mr. Charles. Mr. Boughton asked why the City is not foreclosing on these lots and how many are close to the 15 year mark. Mayor Enriquez explained how this proposal came about. After much discussion Dr. Farah made a motion to move the question, seconded by Mr. Boynton. Motion carried with Mr. Boughton voting in the negative. Motion to accept the report carried with Mr. Boughton voting in the negative.

39 - REPORT - Request for Water Extension - Business Aircraft Center

Mr. Cassano submitted the following report:

The committee appointed to study the above petition met on January 22, 1991 in the Fourth Floor Lobby in City Hall. In attendance were committee members Cassano and Boughton. Mrs. Gogliettino was absent. Also present were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Assistant Corporation Counsel Les Pinter, Comptroller Dominic Setaro and Airport Administrator Paul Estefan. Attorney James Maloney was invited but did not attend.

The petition was reviewed. The petitioner is requesting some form of accommodation to cover the expenses incurred for materials used to construct the water line extension. Mr. Buckley stated that in the past the City has occasionally supplied materials to developers where the extension system would be of benefit to existing customers. Such is not the case in this instance. Mr. Pinter stated that the Corporation Counsel's office concludes that item #1 of the standard eight steps requires that the petitioner bear all costs of the extensions.

Following this discussion, Mr. Boughton moved that the committee recommend to the Common Council that there be no legislative action taken on this petition. The motion was seconded by Mr. Cassano and there was unanimous approval.

The report was accepted on the Consent Calendar.

40 - PROGRESS  
REPORT - Request to Purchase City Land - B. Tuckey Devlin

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request of B. Tuckey Devlin to acquire City owned land met on Monday, January 14, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Director of Parks and Recreation Robert Ryerson, Associate Planner Heidi Tolo, Conservation Commission Chairperson Barbara Monsky, Council Member Harry Scalzo, ex-officio, and real estate developers B. Tuckey Devlin and Robert McNamara.

The Chair cited the Planning Commission's report indicating no basis for a decision and recommending referral to the Conservation Commission, Bear Mountain Park Authority and Department of Parks and Recreation for their collective consideration.

Messrs. Devlin and McNamara explained their proposal as an intended land swap of approximately 28 acres in exchange for 22 acres of City-owned land. The exchange would uniformly add to their existing holdings for future residential development and, at the same time, dramatically extend the Candlewood Lakefront boundary of Bear Mountain Park. Beyond the attraction at face value of this proposal, however, exists many questions that were presented before the committee.

Ms. Tolo's report to the committee indicated the primary apparent reason for the proposal. Mr. Devlin's property, although lakefront, is very steep in nature and has extremely limited possibilities, whereas the City-owned parcel has much greater potential for development. Additionally, Ms. Tolo's report concurred with the Planning Commission's recommendation to consult with the Conservation Commission and Department of Parks and Recreation on this matter, questioning the propriety of giving up land previously dedicated for conservation and recreation purposes.

Ms. Monsky expressed her opposition to the request and indicated how dangerously steep the offered property is and, if acquired, would pose considerable liability as a result. Further questions and concern centered on the exact boundaries of Bear Mountain Park and what, if any, ~~excess City-owned~~ property there is and under whose jurisdiction does it fall? None of these questions were answered to the satisfaction of the committee and it was recommended by the committee that both the Conservation Commission and the Department of Parks and Recreation review the proposal, clarify the issues in question and report back to the committee with their recommendations for our consideration.

The Progress Report was accepted on the Consent Calendar.

41 - REPORT - Request to purchase City land - 2001 Real Estate

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request of 2001 Real Estate to purchase City land met on Monday, January 14, 1991 at 7:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Valeri and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Fire Chief Antonio Lagarto, Associate Planner Heidi Tolo, Director of Parks and Recreation Robert Ryerson, Council Member Harry Scalzo, ex-officio, Lloyd Putter and Matt Bloom representing 2001 Real Estate, Neil Terwilliger from General Mills Restaurant and Pat and John Tisano of Tisano Realty, Inc.

The Chair cited the Planning Commission's negative recommendation for the request based on the City's longstanding intent to locate the future West Side Fire Station on the property in question ( Tax Assessor Lot #F-17008, South side of Backus Avenue opposite Danbury Square Shopping Center, adjacent to the Danbury Municipal Airport).

Mr. Putter explained the request, citing the ideal location for a Red Lobster and/or Olive Garden Restaurant. Mr. Terwilliger further expressed General Mill's strong interest in the property and even suggested the possibility of a land swap with the City if an acceptable parcel could be found in that part of town. Chief Lagarto expressed his department's need for a West Side Fire Station to more effectively meet the emergency response requirements of this continually developing area of the City. Additionally, he noted that need for a dedicated equipment maintenance facility to be considered for future construction on the property in question. It was further noted that the Police Department had also drawn consideration for a possible precinct station at this site. Ms. Tolo submitted a report to the committee indicating that although the City's planned development of the parcel would not cover the entire area, thus allowing the possibility of commercial development, the exact siting of the projects are in question considering wetlands and encroachment on the 100 year floodplain zone. She further suggested that sale of this property by the City would not be prudent at this time.

The committee expressed interest on behalf of the City to promote commercial development and the resultant expansion of our tax base and lent encouragement to 2001 Real Estate and General Mills Restaurants further pursuit of an appropriate site for this purpose.

Mr. Scozzafava made a motion to deny without prejudice the request to purchase property on Backus Avenue and recommend pursuit of the proposed commercial development by 2001 Real Estate and General Mills Restaurant in the City of Danbury with the standard cooperation of appropriate City departments. Motion seconded by Mr. Valeri and passed unanimously.

The report was accepted on the Consent Calendar.

42 - REPORT - Request to purchase City Land - J. J. Gumberg Co.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request by the J. J. Gumberg Company to purchase City land met on Monday, January 14, 1991 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Assistant Planning Director Heidi Tolo and Council Member Harry Scalzo, ex-officio.

The Chair cited the Planning Commission's negative recommendation for both requests, explaining the Backus Avenue parcel's intended future use by the City for the West Side Fire Station and the Newtown Road parcel's dedication to future expansion of the Public Works Department. The Chair also stated that Mr. Albert Schwenhe, a representative of the J. J. Gumberg Co. had contacted him prior to the meeting requesting postponement but that when apprised of the Planning Commission's negative recommendation, the reasons given, and the anticipated recommendation of this committee, he saw no need to postpone but apologized for not being able to attend. It was further explained that the intended use was for the development of a commercial shopping center at either or both of the requested sites.

Ms. Tolo's report to the committee indicated the negative impact of further commercial development along Route 6/Newtown Road, citing existing traffic problems and the need for future expansion of the Public Works Department. The Backus Avenue parcel encroaches on existing wetlands as well as the 100 year floodplain zone in addition to being considered for the West Side Fire Station.

Mr. Scozzafava made a motion to deny without prejudice this request but to encourage the pursuit of commercial development by J. J. Gumberg Company in the City of Danbury. Motion was seconded by Mr. Valeri and passed unanimously.

The report was accepted on the Consent Calendar

43 - REPORT - Property Tax Deferrals for Resident Reservists in the Persian Gulf.

Mrs. Mack submitted the following report:

The Common Council Committee appointed to review property tax deferral for resident reservists called to duty in the Persian Gulf met on Tuesday, January 15, 1991 in the Fourth Floor Lobby in City Hall. In attendance were Committee Members Mack, Gogliettino and Fazio.

Mrs. Mack reviewed a communication from Eric Gottschalk which stated that neither Corporation Counsel, the Tax Collector nor the Tax Assessor are aware of any statutory authority permitting special treatment for reservists. He referred to Connecticut General Statutes Section 12-174, which although not designed specifically to meet the specific needs of reservists, is available to anyone who can show unusual financial or other circumstances which justify deferring collection of the tax laid upon their real estate.

It was the unanimously decision of the committee to take no action until the legislature enacts a change of the Connecticut State Statutes to reflect the needs of reservists with regard to tax deferral. It was recommended by the committee that in the interim Statute 12-174 would apply for resident reservists called to serve in the Persian Gulf.

The report was accepted on the Consent Calendar.

44 - PROGRESS REPORT - Drainage Problem - Birch Road

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the drainage problem on Birch Road met on January 16, 1991 at 7:30 P.M. in Room 432 in City Hall. Present were committee members Scalzo, Gogliettino and Fazio. Also in attendance were Superintendent of Highways Frank Cavagna, Assistant Corporation Counsel Les Pinter and Attorney Peter Hunt representing property owners Mr. and Mrs. Dudek.

Mr. Cavagna presented detailed information to the committee concerning the drainage problem. After much discussion by the committee members concerning the agreement between the property owners and the City and compliance with EIC recommendations, Mrs. Gogliettino made a motion to reconvene this committee when the final agreement between the property owners and the City is near completion, with proper notification to the committee chair. The motion was seconded by Mr. Fazio and passed unanimously.

The Progress Report was accepted on the Consent Calendar.

45 - RESOLUTION - ARROW Grant from CADAC

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Center for Disease Control of the United States Government sponsors an AIDS Prevention Program, making funds available to local agencies and departments of health through the State of Connecticut Department of Health Services and the Connecticut Alcohol and Drug Abuse Commission; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated an Acquired Immuno-deficiency Syndrome (AIDS) Risk Reduction Outreach Workers (ARROW) Program for the Danbury area; and

WHEREAS, the Connecticut Alcohol and Drug Abuse Commission, an independent agency attached to the Connecticut Department of Mental Health under its AIDS Prevention and Outreach Program, has approved a renewal of the ARROW grant in an amount not to exceed \$28,902 for the funding period of March 1, 1991 to December 31, 1991 and said grant requires no matching funds from the City of Danbury; and

WHEREAS, the grant would be used to continue to provide AIDS prevention/risk reduction education to people who are at highest risk of infection, including injection drug users and their partners; and

WHEREAS, the ARROW Program serves the City of Danbury and the surrounding communities;

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

1. That any and all prior acts of William J. Campbell, Director of Health of the Danbury Health Department, Susan Durgy, its AIDS Program Coordinator and Gene F. Eriquez, Mayor of the City of Danbury in making application for said grant are hereby ratified and that said Mayor of the City of Danbury and said authorized personnel of the Danbury Health Department are hereby authorized to accept grant funds in the amount of \$28,902 for the funding period of March 1, 1991 through December 31, 1991 in accordance with the purposes set forth in the grant application.

2. That Gene F. Eriquez, Mayor of the City of Danbury, or William J. Campbell, Director of Health, as his designee, are hereby authorized to execute any and all documents necessary to effectuate the purposes of said grant award.

The Resolution was adopted on the Consent Calendar.

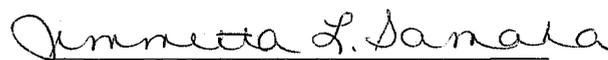
46 - Mr. Gallo made a motion to add as agenda item 46 recycling through HRRA, Seconded by Mr. Charles. Motion to add carried with Council Members Dean Esposito, Boughton and Butera voting in the negative.

Letter from Council Member Bernard Gallo asking for discussion of the HRRA and the fact that some of the neighboring communities have chosen not to commit themselves to recycling through HRRA.

Mayor Eriquez explained that the Common Council has already committed itself to recycling through HRRA and proceeded to explain the situation in detail. Dr. Farah asked that this be referred to an ad hoc committee. Mayor Eriquez appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

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 8:50 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk