

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

Re: Minutes of the Common Council Meeting held June 4, 1991.

The meeting was called to order at 7:30 P.M. by Council President Joseph DaSilva. Dean Esposito led the assembly in the Pledge of Allegiance and Mr. Smith offered the Prayer. The members were recorded as:

Present - Fazio, Falzone, Gallo, Coladarci, Dean Esposito, Setaro, DaSilva, John Esposito, Smith, Cassano, Charles Boynton, Regan, Valeri

Absent - Scalzo, Mack, Farah, Gogliettino, Boughton, Butera, Scozzafava

14 present - 7 absent

PUBLIC SPEAKING

Bob Carlson, Lake Kenosia Commission - spoke about the weed abatement project at Lake Kenosia.

Mr. DaSilva stated that Mrs. Mack and Mr. Scozzafava would be late, Mrs. Butera was absent due to a family emergency and Mr. Boughton was absent due to a work committment.

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

- 3 - Approve Community Development Block Grant
- 4 - Approve AIDS Prevention Program Grant Application
- 6 - Approve designation of Danbury as Facilitator for AIDS Project Grant
- 7 - Approve Fair Housing Initiatives Program Grant Application
- 8 - Approve application for Department of Health Services Grant
- 9 - Approve application for Rental Rehabilitation Program
- 10 - Approve reauthorization of drainage rights on Grandview Drive
- 11 - Approve appointment of John Leopold to Tarrywile Park Authority
- 16 - Approve removal of wood chips on Miry Brook Road
- 20 - Approve waiver of bids for Lake Kenosia Weed Abatement Project
- 26 - Deny purchase of property at Ann Drive and send report to petitioner
- 27 - Approve request for sewer and water extension at Lombardi and Concord Streets
- 37 - Approve Ordinance Sec. 16-49(b) Certain Materials Prohibited at Recycling Center
- 39 - Approve Ordinance Sec. 16A-48 Recycling Center Permits
- 41 - Approve Government Entity Review and Revaluation Committee recommendations
- 43 - Approve report on rates at Richter Park
- 44 - Approve report to take no action on use of Osborne Street Facility for PAL
- 45 - Approve request for sewer extension at 46 Kenosia Avenue
- 46 - Approve request for sewer extension at 32 Clapboard Ridge Road

Mr. DaSilva stated that item 16 had been withdrawn. Mr. Boynton made a motion that the Consent Calendar be accepted as read with item 16 being withdrawn. Seconded by Mr. Charles. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held May 7, 1991 and the Special Meeting held May 14, 1991. Mr. Boynton made a motion that the minutes be adopted 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 Dean Esposito. Motion carried unanimously.

1 - ORDINANCE - Amendment to Connecticut Basic Building Code. Mr. Charles asked that this be deferred to public hearing. President DaSilva so ordered.

2 - ORDINANCE - Fire Alarms. Mrs. Coladarci asked that this be deferred to public hearing. President DaSilva so ordered.

3 - RESOLUTION - Community Development Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1974, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 10, 1991 through August 9, 1992 for the Seventeenth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - AIDS Prevention Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the AIDS Prevention Program has made grant funds available from July 1, 1991 to June 30, 1992 to full-time health departments by providing health education information, free counseling and human immunodeficiency virus (HIV) antibody testing services in the Danbury area for both the youth and general public and for individuals concerned about possible exposure to HIV; and

WHEREAS, this program shall serve both residents and non-residents; there are no restrictions on who may be served for AIDS education, counseling or HIV testing; and

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

WHEREAS, a grant award of up to \$107,000.00 has been processed by the Danbury Health and Housing Department;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized; and

BE IT FURTHER RESOLVED THAT to accomplish said program, the Mayor of the City of Danbury, Gene F. Eriquez, or the Director of Health and Housing, William J. Campbell, as his designee, are authorized 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 and to take all necessary actions to effectuate the goals of said program.

The Resolution was adopted on the Consent Calendar.

Letter from Director of the Department of Elderly Services Leo McIlrath seeking the sum of \$8,573 to supplement the grant for an Alzheimers Specialist.

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act, through the Connecticut Department on Aging, in accordance with Sections 17-137(c)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made available funds to public agencies; and

WHEREAS, application for grant funds in the amount of \$16,500 has been made by the Department of Elderly Services to the Western Connecticut Area Agency on Aging and the State of Connecticut Department on Aging; and

WHEREAS, said application has been approved and the Department of Elderly Services will use the grant provided for Interweave, the Danbury Adult Day Care Center, a division of the Department of Elderly Services to fund its Alzheimer Specialist position, said funding to cover the period of July 1, 1991 through June 30, 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Department of Elderly Services and the Mayor of the City of Danbury are hereby ratified concerning the award of \$16,500 in grant funds from the Western Connecticut Area Agency on Aging under Title III-B of the Older Americans Act for Interweave for the purpose herein contained;

BE IT FURTHER RESOLVED THAT the Department of Elderly Services and the Mayor of the City of Danbury be and hereby are authorized to perform all necessary acts to effectuate the purposes hereof.

Mr. Boynton made a motion that the Resolution be adopted and the request for additional funds approved pending certification of funds. Seconded by Mr. Charles.

Mrs. Coladarci stated that she feels that this should have been in the Department's budget as they faced this same situation last year. Mr. DaSilva stated that Mr. McIlrath had hoped to receive full funding from the State grant. Mr. Valeri stated that he is concerned with this withdrawal from the contingency account as the fiscal year has not even begun as yet.

Motion carried unanimously.

At 7:45 P.M. Mr. Scalzo arrived and was marked present.

At 7:47 P.M. Mrs. Mack arrived and was marked present.

6 - RESOLUTION - AIDS Project Grant

RESOLVED By the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Human Resources has offered to the AIDS Project Greater Danbury an amended Phase I grant in the amount of \$219,900.00 for the purpose of the purchase of a building (including architectural and legal fees), and an anticipated Phase II grant in an amount not to exceed \$125,000.00 for the accomplishment of renovations; and

WHEREAS, said funds have been approved by the State of Connecticut Bonding Commission; and

WHEREAS, the Department of Human Resources has advised the recipient agency that since it is not permitted to make this allocation directly to said agency, the City of Danbury has been requested to act as the "facilitator" for purposes of passing these funds through from the State of Connecticut Department of Human Resources to the AIDS Project Greater Danbury; and

WHEREAS, said funds are to provide and fund such programs and projects as will further the efforts of the AIDS Project Greater Danbury; and

WHEREAS, the City of Danbury further finds that its role as "facilitator" for these funds would be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT to accomplish the purposes hereof, the Mayor of the City of Danbury, Gene F. Eriquez, be and hereby is authorized to execute and approve on behalf of the City of Danbury any and all documents necessary to permit the passage of these funds from the State of Connecticut Department of Human Resources to the recipient agency, the AIDS Project Greater Danbury.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Fair Housing Initiatives Program Grant Application

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, federal monies are available under the Fair Housing Initiatives Program "Education and Outreach Initiative" administered by the United States Department of Housing and Urban Development pursuant to Section 107(b)(4) of the Housing and Community Development Act of 1974 as amended; 42 USC 3535(d); and other applicable regulations; and

WHEREAS, Danbury has been determined to be eligible for the Fair Housing Initiatives Program "Education and Outreach Initiative"; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the Department of Housing and Urban Development for fifty thousand (\$50,000) dollars in order to undertake a Fair Housing Initiatives Program and to execute an agreement therefor, should one be offered;

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

1. That the City of Danbury is cognizant of the conditions and prerequisites for federal assistance imposed by Fair Housing Initiatives Program pursuant to 42 USC 3535(d);
2. That the filing of an application by the City of Danbury in an amount not to exceed fifty thousand (\$50,000) dollars is hereby approved, and that the Mayor of the City of Danbury is hereby authorized and directed to file such application with the Department of Housing and Urban Development, to provide such information as may be necessary, to execute an Assistance Agreement with the Department of Housing and Urban Development for financial assistance if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury;
3. That all prior actions taken by the Mayor of the City of Danbury with respect to this application are hereby ratified.

The Resolution was adopted on the Consent Calendar.

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has made funds available for 1991-1992 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award request of \$34,104.00 with no local match requirement will be processed by the Danbury Health and Housing Department;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by it required to accomplish said program be and hereby are authorized; and

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

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - Rental Rehabilitation Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, federal monies are available under the Rental Rehabilitation Program administered by the United States Department of Housing and Urban Development pursuant to Section 17 of the United States Housing Act of 1937 (the Act) which was enacted into law in Section 301 of the Housing and Urban-Rural Recovery Act of 1983, Public Law 98-181, Statute 1153; and

WHEREAS, Danbury has been determined to be an Entitlement City for the Rental Rehabilitation Program; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the Department of Housing and Urban Development for Twenty Thousand Dollars (\$20,000) in order to undertake a Rental Rehabilitation Program and to execute an Assistance Agreement therefor, should one be offered;

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

1. That it is cognizant of the conditions and prerequisites for federal assistance imposed by Rental Rehabilitation Program regulations recorded at 24 CFR 511;

2. That the filing of an application by the City of Danbury in an amount not to exceed Twenty Thousand Dollars (\$20,000) is hereby approved, and that the Mayor of the City of Danbury is hereby authorized and directed to file such application with the Department of Housing and Urban Development, to provide such additional information as may be necessary, to execute an Assistance Agreement with the Department of Housing and Urban Development for financial assistance if such an agreement is offered, to execute any amendments, recensions and revisions thereto, and to act as the authorized representative of the City of Danbury;

3. That all prior actions taken by the Mayor of the City of Danbury with respect to this application are hereby ratified.

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - Acquisition of Drainage Rights, Grandview Drive, Howard and Betty Ludlow.

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council received a drainage complaint at its meeting of December 1, 1987 from Mr. Howard Ludlow of 15 Grandview Drive; and

WHEREAS, a resolution of said situation is deemed to be in the best interests of the City of Danbury; and

WHEREAS, the above-referenced project requires that the City of Danbury acquire interests 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 property owners hereinafter named upon the amount, if any, to be paid for the 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:

Property Acquisition

Property of Howard Ludlow and Betty Ludlow as shown on Exhibit A attached hereto.

The Resolution was adopted on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Dr. John Leopold to the Tarrywile Park Authority for a term to expire May 1, 1993. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Library Director Betsy McDonough asking that the following donations be accepted by the library: Patricia A. Cipriano - \$25.00; Friends of Danbury Public Library Associations - \$43.35; and Catherine M. Newell - \$5.00. Mr. Falzone made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

13 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie requesting that donations in the sum of \$3,087 be set aside in a special account for the Welfare Department. Mr. Boynton made a motion to accept the communication and create a special account for these donations. Seconded by Mr. Charles.

Mr. Boynton asked why these donations were collected and deposited without coming before the Common Council. Assistant Director of Finance Kim Redenz stated that the donations had previously come before the Council and had been accepted. Mr. Boynton asked if this was necessary so that the funds would not revert to the General Fund. Mrs. Rendenz stated that this was the case. Motion carried unanimously.

14 - COMMUNICATION & CERTIFICATION - Letter from Welfare Director Deborah MacKenzie seeking funds in the amount of \$12,000 for the Welfare Department. Mr. Gallo made a motion to accept the communication and authorize the transfer of funds. Seconded by Mrs. Mack. Motion carried unanimously.

15 - COMMUNICATION & CERTIFICATION - Letter from Police Chief Nelson Macedo seeking funds in the amount of \$11,000 for the change in design for the traffic control signal at Main Street and Wooster Street. Mr. Boynton made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Charles.

Dean Esposito asked if the Police Department was budgeted for this. Mr. DaSilva stated that this is a new light put in by the State and the Mayor's Office wanted to change the design. Motion carried unanimously.

16 - COMMUNICATION - Removal of Wood Chips - Miry Brook Road. WITHDRAWN.

17 - COMMUNICATION - Conveyance of Property - Moniz. John Esposito asked that this be referred to an ad hoc committee, the Corporation Counsel Board of Education and the Planning Commission. President DaSilva so ordered and appointed Council Members Falzone, Coladarci and Fazio to the committee.

18 - COMMUNICATION - Request for number change on Bear Mountain Road. Mr. Smith asked that this be referred to the Planning Department for a report back in thirty days. Mr. DaSilva so ordered.

19 - COMMUNICATION - Danbury Recycling Center - Nonresidential Usage. Dean Esposito asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Public Utilities. Mr. DaSilva so ordered and appointed Council Members Gallo, Butera and Scozzafava to the committee.

20 - COMMUNICATION - Letter from R. A. Carlson, Chairman of the Lake Kenosia Commission seeking a waiver of bids for the weed abatement project at Lake Kenosia. Permission was granted on the Consent Calendar.

21 - COMMUNICATION - Letter from Mr. Ronald Blonski regarding the legality and the long term ramification of brokering capacity in the City's sewage treatment plant. Mr. Charles asked that this be referred to the Corporation Counsel for a report back in thirty days. Mr. DaSilva so ordered.

22 - COMMUNICATION - Letter from Jack Kozuchowski of the Health Department asking permission to accept surplus air monitoring equipment from OSHA. Mr. Gallo made a motion to accept the communication and authorize acceptance of the equipment. Seconded by Mr. Falzone. Motion carried unanimously.

At 7:58 P.M. Dr. Farah arrived and was marked present.

At 8:00 P.M. Mayor Eriquez arrived.

23 - COMMUNICATION - Uninsured Claim by City Employee. John Esposito asked that this be referred to an ad hoc committee, the Director of Welfare and the Risk Manager. Mayor Eriquez so ordered and appointed Council Members Scälzo, Boynton and Regan to the committee.

24 - COMMUNICATION - Proposed CL&P Electric Distribution Easement - Spruce Mountain Trail. Mr. Falzone asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, Attorney Ted Gemza and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gogliettino, Smith and Regan to the committee.

25 - COMMUNICATION - Report from Highway Director regarding widening of 59 King Street. Mr. DaSilva asked that this be referred to the Director of Public Works for a report back in thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Report from Planning Commission and Planning Director regarding property at 1 Ann Drive. The request to sell this land to the City was denied on the Consent Calendar.

27 - COMMUNICATION - Request from Mr. DaCunha for an extension of time for sewer extension at Lombardi and Concord Streets. The request was granted on the Consent Calendar.

28 - COMMUNICATION - Ginsberg Strom Drainage Easement, Starr Street. Mr. Boynton asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

29 - COMMUNICATION - Donald Fiddelman Subdivision, Briar Ridge Road. Mr. Smith asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

30 - COMMUNICATION - Lease at 20 West Street. Mr. Falzone made a motion that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

31 - COMMUNICATION - Scott-Fanton Lease. Mr. Smith asked that this be referred to the Corporation Counsel, the Planning Commission, the Scott-Fanton and an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Boughton to the committee.

32 - COMMUNICATION - Letter from Welfare Director Deborah MacKenzie seeking approval of a lease at 403 Main Street with Victorian Associates for office space for the Welfare Department. Mr. Boynton made a motion that the communication be accepted and the lease approved. Seconded by Mr. Charles. Motion carried unanimously.

33 & 34 - Deferred to end of agenda for Executive Session

35 - DEPARTMENT REPORTS - Engineering, Equipment Maintenance, Highways, Health Department, Department of Elderly Services, Fire Chief, Parks and Recreation. Mr. DaSilva made a motion that the Department Report 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 Dean Esposito. Motion carried unanimously.

36 - REPORT & ORDINANCE - Toxic Levels of Lead Paint

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole on May 20, 1991 at 8:00 P.M. to review a proposed ordinance concerning toxic levels of lead paint. Health Department Representative Paul Shierloh explained that this ordinance brings City regulations up to State standards. Mr. Boynton moved to recommend approval of the proposed ordinance. The motion was seconded by Dean Esposito and passed 12-1 with Mr. Scalzo voting in the negative.

Mr. DaSilva stated that the ordinance was a new one drafted by Corporation Counsel to bring it up to State standards and a new public hearing would not be needed.

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

THAT existing Subsection 10-4(5) of the Code of Ordinances of Danbury, Connecticut is hereby repealed and replaced with a new Subsection 10-4(5) the provisions of which shall read as follows:

(a) All painted portions of all buildings used in whole or in part for human habitation, as well as any accessory structures on the premises thereof, shall be kept free of cracked, chipped, blistered, flaked, loose or peeling paint. Any such surface shall be properly prepared and repainted with a paint or other covering conforming to the standards as required in accordance with the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time.

(b) The owners of all dwellings shall comply with the requirements of Section 19a-111c of the Connecticut General Statutes concerning the removal of toxic levels of lead from dwellings, as the same may be amended from time to time. The Director of Health may require any such owner to submit evidence of compliance with the requirements of the aforesaid provisions of the Connecticut General Statutes from qualified testing firms acceptable to the Director.

(c) Whenever the Director of Health receives a report of lead poisoning or otherwise determines that a child under the age of six has an abnormal body burden of lead, the Director may cause the paint or water on the premises of the dwelling in which said child resides to be tested for lead content. The Director shall take appropriate action to compel abatement of hazardous conditions if the lead content of paint or water on said premises exceeds the permissible limits thereof as established in this Subsection. For purposes of this Subsection, abatement shall be required if the lead content of paint on said premises exceeds the standards established in accordance with the Lead-Based Paint Poisoning Act, Chapter 63 of the Social Security Act as the same may be amended from time to time. Similarly, abatement shall be required if the lead content of water on said premises meets or exceeds five one hundredths of one milligram per liter (0.05 milligram/liter).

(d) The Director of Health may engage, or order the engagement of qualified firms to perform testing for lead content in paint and water. In addition, the Director may engage or order the engagement of firms to monitor compliance with abatement regulations or with abatement orders issued pursuant to this Section or to certify that abatements have been successfully accomplished.

Mr. DaSilva made a motion that the report and ordinance be adopted as revised. Seconded by Mr. Charles. Motion carried unanimously.

37 - REPORT & ORDINANCE - Section 16-49(b) Certain Materials Prohibited

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole on May 20, 1991 at 8:00 P.M. to review an ordinance concerning prohibited materials at the recycling center. After discussion of the workings of the recycling center with Superintendent of Public Utilities Buckley, Mr. Boynton moved to recommend approval of the proposed ordinance. Motion was seconded by Mr. Charles and passed unanimously.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT subsection 16A-49(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Certain Materials prohibited. No person, firm, corporation or other entity shall dispose of any items at the Danbury Recycling Center except those recyclable materials, as defined in section 16A-69 of this Code, which have been designated for disposal at the Danbury Recycling Center by the City of Danbury and which originate from residential households within the corporate boundaries of the City of Danbury.

The report and ordinance were adopted on the Consent Calendar.

38 - REPORT & ORDINANCE - Amendment of Connecticut Basic Building Code

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 8:00 P.M. on May 20, 1991 to review proposed amendments to the Connecticut Basic Building Code. Discussion was held as to the various aspects of the proposed changes such as the reasons for the increased fees, the amount to be raised by the fees and the use of the money raised.

Mr. Boynton moved to recommend approval of the proposed amendments pending communication on the questions raised from the Building Inspector and the Director of Finance. The motion was seconded by Mrs. Butera.

Mr. Charles moved to amend the recommendation to change section (b) 6-02 no. 4 "Permits for Tanks with a Capacity of 250 Gallons" from 250 gallons to 1,000 gallons. The motion was seconded by Mr. Scozzafava and defeated by a vote of 10-3. Several members stated that they were not opposed to the amendment but were waiting for more information.

The motion passed 12-1 with Mr. Charles voting in the negative.

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

THAT subsection (b) of Section 6-02 of the Code of Ordinances of Danbury, Connecticut be and hereby is amended to read as follows:

(b) [Additional fees.] In accordance with the provisions of Section 19-395-117.3 of the Connecticut Basic Building Code, before receiving a permit or certificate for the following uses or for the conduct of any of the following activities the owner or agent shall pay the fee prescribed below:

Type of Permit or Certificate	Fee
(1) Demolition permits	Three (3) per cent of the actual cost of demolition
(2) Permits for the moving of buildings	\$25.00 per building
(3) Permits for wood stoves	\$10.00 each
(4) Permits for tanks with a capacity in excess of 250 gallons	\$50.00 each
(5) Permits for signs	
a. If ten (10) square feet or less	\$10.00
b. If in excess of ten (10) square feet:	
1. For the first ten (10) square feet	\$10.00
2. Per square foot for each additional square foot or part thereof	\$0.50
(6) Certificate of Occupancy	\$10.00 each

THAT paragraph (1) of Subsection 6-02(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 6-02. Amendment of Connecticut Basic Building Code.

(a) [Fees generally:]

- (1) In accordance with the provisions of Section 29-252-114.3.1 of the Connecticut Basic Building Code, before receiving a building permit the owner, or his agent, shall pay a fee in accordance with the following schedule and based on the value of the work performed:

Valuation of Work:	Fee:
Below \$1,000.00	\$15.00
\$1,000.00 and above	\$15.00 for the first \$1,000.00, plus \$10.00 for each additional \$1,000.00 or part thereof.

Mr. Boynton made a motion that the report and ordinance be adopted. Seconded by Mr. Charles motion carried unanimously.

39 - REPORT & ORDINANCE - Section 16A-48 Recycling Center Permits.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 8:00 P.M. on May 20, 1991 to review a proposed ordinance concerning Recycling Center Permits. Superintendent of Public Utilities William Buckley explained that the permit for the Recycling Center will be the same as that for the landfill. There will be no charge for the permit that will be issued at the Recycling Center.

Mr. Boynton moved to recommend approval of the proposed ordinance. Motion seconded by Dean Esposito and passed unanimously.

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

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Section 16A-48 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

16A-48. Recycling Center permits.

No person, firm, corporation or other entity shall be permitted access to the Danbury Recycling Center unless said person or entity shall possess a valid permit issued pursuant to the provisions of section 16A-31 of this Code. Notwithstanding the provisions of the preceding sentence, no person, firm, corporation or other entity operating as a solid waste collector and required to register with the City pursuant to the provisions of section 16A-71 of this Code shall be permitted access to the Danbury Recycling Center for commercial purposes in the course of said collector's business.

The Report and Ordinance were adopted on the Consent Calendar.

40 - REPORT & ORDINANCE - Designated Sites for Disposal of Recyclable Materials Generated from Residential Properties.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 8:00 P.M. on May 20, 1991 to review a proposed ordinance Designating Sites for Disposal of Recyclable Materials Generated from Residential Properties. Discussion was held on Sections (b) and (c) concerning the option of residents to dispose of recyclable materials at a location of their choice.

Mr. Boynton moved to recommend approval of the proposed ordinance with the exception of Sections (b) and (c) where the word "shall" to be replaced with the word "may". The motion was seconded by Dean Esposito and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a new section number 16A-79, which said section reads as follows:

Sec. 16A-79. Designation of Sites for the Disposal of Recyclable Materials Generated From Residential Properties.

The City of Danbury does hereby designate the following authorized sites for the disposal of certain recyclable materials generated from residential properties within the City:

(a) Each collector authorized to collect recyclable materials from residential properties within the City shall deliver all newspapers, cardboard, glass food and beverage containers and metal food and beverage containers so collected to the site of the recycling facility operated by Recycling Technologies, Inc., located at 307 White Street, Danbury, Connecticut. Said recyclable materials shall be so delivered for subsequent processing or sale in accordance with the agreement executed or to be executed by the City of Danbury and the Housatonic Resources Recovery Authority titled, "Municipal Recycling Services Agreement Between Housatonic Resources Recovery Authority and the City of Danbury", copies of which are on file in the Office of the City Clerk for public inspection.

(b) Subject to the provision of subsection 16A-75(c) hereof, all persons not served by a collector shall deliver their newspapers, cardboard, glass food and beverage containers and metal food and beverage containers generated from residential properties to the Danbury Recycling Center, located on Plumtrees Road, Danbury, Connecticut for subsequent processing or sale.

(c) Subject to the provisions of subsection 16A-75(c) hereof, all persons shall deliver their storage batteries and waste oil generated from residential properties to the Danbury Recycling Center, located on Plumtrees Road, Danbury, Connecticut, for subsequent processing or sale.

Mr. Boynton made a motion to accept the report and adopt the ordinance. Seconded by Mr. Regan.

Mr. DaSilva offered an amendment to change may back to shall as per recommendation of the Corporation Counsel. Seconded by Mr. Setaro.

Mr. Gottschalk explained the reasoning of leaving shall rather than changing to may. Dr. Farah asked if a person decides to sell his own recyclables to a private agency, will that person still be free to dispose of these recyclables in that manner. Mr. Gottschalk stated yes. Much discussion followed on the meaning and ramifications of the change. Full text of the discussion is on file in the Office of the City Clerk for public inspection.

Amendment carried with Council Members Fazio, Farah, Charles and Regan voting in the negative 13 yes - 4 no.

Main motion, as amended, carried with Council Members Fazio, Charles, Farah and Regan voting in the negative 13 yes - 4 no.

41 - REPORT - Government Entity Review and Revaluation Committee

Mr. DaSilva submitted the following report:

The Common Council met as a Committee of the Whole at 8:00 P.M. on May 20, 1991 to discuss the Governmental Entity Review and Evaluation Committee report. Mr. Boynton moved to recommend the re-establishment of the Parks and Recreation Commission, the Board of Ethics and the Fair Rent Commission and exclude the recommendation in the report calling for an ad hoc committee to look into various aspects of the Tarrywile Park Authority. The motion was seconded by Mr. Regan.

Mr. Boynton explained that most of the questions concerning the Tarrywile Park Authority have been answered since the meeting of the Review Committee. The motion carried unanimously.

The report was adopted on the Consent Calendar.

42 - REPORT & CERTIFICATION - Fieldstone Drive, Fieldstone Acres, Road Completion.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review road completion of Fieldstone Drive, Fieldstone Acres, met on May 28, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Boynton and Smith. Also in attendance were City Engineer Jack Schweitzer and Director of Finance Dominic Setaro.

Fieldstone Drive is a road that was bonded in the early 1970's. This road was never completed to the satisfaction of the Public Works Department. Mr. Schweitzer explained that it is in the best interest of the City to complete this road before it deteriorates further and exceeds the estimated completion bid of \$36,000. The City has already collected \$3,436.57 from the Performance Bond put up for this road. This money has been credited to the City's revenue side of the budget.

Upon the suggestion of Mr. Setaro, the committee recommends that the Common Council approve this project and appropriate the full \$36,000 subject to the certification of available funds. The motion was made by Mr. Smith and seconded by Mr. Boynton. Motion carried unanimously.

Mr. Falzone made a motion to accept the report and authorize the transfer of funds. Seconded by Dean Esposito.

Mrs. Mack asked where the road is and why it was never completed. Mr. Boynton stated that it was never completed because it never met City standards. Mr. Schweitzer stated that this is a City bonded road. Funds must be appropriated and then try to get restitution from the developer. Mr. Schweitzer stated that this is a small road off Dana Road.

Mrs. Mack asked if we can expect to collect this money from the developer. Mr. Gottschalk stated that this would depend if the developer is still in the area and if he has any assets, etc. Mrs. Mack asked why this occurred and Mr. Schweitzer stated that it just fell through the cracks.

Mr. Gallo asked if this way a private road and would all private roads be brought up to standard. Mr. Schweitzer stated that this was a City bonded road.

Mr. Setaro asked if a judgement against the developer so that a lien can be placed on his property has been pursued. Mr. Gottschalk stated that it has been done in the past and will be in the future. Mr. Regan asked if there was any way to assess the property owners. Mr. Gottschalk said this is permitted by ordinance. Mr. DaSilva stated that the builder should pay, not the property owners. Mr. Cassano gave background on this ordinance. Mr. Fazio asked if there are any safeguards in place to insure that this does not happen in the future. Mayor Eriquez stated that there are through Planning, Engineering, etc. Mrs. Mack stated that she would hate to see the burden of one road placed on the backs of all taxpayers. Mr. Boynton stated that these underlying charges were not the committee's charge and perhaps a new method of bonding should be reviewed.

Motion failed with the members voting as follows:

Yes - Falzone, Gallo, Dean Esposito, Setaro, DaSilva, John Esposito, Smith, Boynton.

No - Fazio, Scalzo, Coladarci, Mack, Farah, Cassano, Charles, Regan, Valeri.

8 yes - 9 no

43 - REPORT - Rates at Richter Park

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the rates at Richter Park met on Monday, April 22, 1991 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Charles and Boughton.

Citing a meeting held between Mayor Eriquez and the Richter Park Authority and resultant compromise that was reached allowing for a reduced rate, limited play membership, Mr. Boughton made a motion to take no action at this time. Seconded by Mr. Charles. Motion carried unanimously.

The report was approved on the Consent Calendar.

44 - REPORT - Use of Osborne Street Facility for PAL

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request to consider the future possibility of leasing the Danbury Schools administration facility on Osborne Street to the Danbury Police Athletic League upon completion of the reorganization project met on Tuesday, April 23, 1991 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Valeri and Fazio. Also in attendance were Board of Education Member Barbara Baker, PAL Director Nelson Neves, Superintendent of Public Buildings Rick Palanzo, Schools Building Superintendent Anthony Paivo and Bob Guerrera from PAL.

For the benefit of those not present at previous meetings, Mr. Valeri read the committee report from the January 7, 1991 meeting, citing the Board of Education's intent to form a committee to study future use of affected space under the reorganization plan and its guarantee of PALs involvement with that committee and its respective consideration for the requested facility.

Mrs. Baker reported no knowledge of such a committee and Mr. Neves stated that no communication has come from the Board of Education regarding this committee. Mr. Valeri reminded everyone that approximately 3½ months had passed since the 'promise' of this committee and expressed serious concern over the Board's apparent lack of attention to the request.

Mr. Paivo cited a previously determined list of issues that the Schools' Administration has under consideration during the ongoing reorganization project, one of which is the future use of anticipated space as a result of consolidation under that plan. However, recommendations for future uses are scheduled no sooner than December 1, 1991. Mr. Paivo further stated that regardless of those recommendations, no other anticipated space could accommodate the operations at the Osborne Street facility, thus making it a somewhat moot request.

Mr. Valeri expressed further disappointment with the Board's failure to address this issue and put it to rest without holding all concerned in suspense for 3½ months.

Mr. Fazio stated his desire to seek advice from the Office of the Corporation Counsel with regard to the jurisdiction of administration of various buildings throughout the City. Mr. Fazio moved to take no action at this time. Motion seconded by Mr. Valeri and passed un-animously.

The report was adopted on the Consent Calendar.

45 - REPORT - Request for Sewer Extension - 46 Kenosia Avenue

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Sewer Extension at 46 Kenosia Avenue met on May 16, 1991 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallo, Falzone and Boughton. Also in attendance were City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley.

Mr. Gallo stated that the Planning Commission had issued a favorable recommendation. Mr. Schweitzer and Mr. Buckley gave favorable responses also.

Mr. Boughton made a motion to approve this request subject to the usual eight steps. Seconded by Mr. Falzone. Motion carried unanimously.

The report was adopted on the Consent Calendar.

46 - REPORT - Request for Sewer Extension - 32 Clapboard Ridge

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Sewer Extension at 32 Clapboard Ridge met on May 16, 1991 at 7:15 P.M. in Room 432 in City Hall. In attendance were committee members Gallo, Falzone and Boughton. Also in attendance were City Engineer Jack Schweitzer and Director of Public Utilities William Buckley.

Mr. Gallo stated that the Planning Commission issued a favorable recommendation. Mr. Barry, the applicant, was present and stated that his septic system was failing and he wanted to extend the sewer line to allow him to hook up his single family home. Mr. Buckley and Mr. Schweitzer gave favorable responses to this request.

Mr. Boughton moved to approve this request subject to the usual eight steps. Seconded by Mr. Falzone. Motion carried unanimously.

The report was adopted on the Consent Calendar.

Mayor Eriquez extended all committees.

Mayor Eriquez recognized three City employees who had served in Operation Desert Storm:

Nelson Irizarry - Parks and Recreation
Thomas Morris - Fire Department
Peter Tragni - Police Department

Mayor Eriquez presented them with certificates and stated that a plaque in their honor would be hung on the third floor in City Hall.

NOTICES BY THE MAYOR

June 2 - Mike and Carol Fazio celebrated an anniversary

June 11 - Joan Mack's birthday

June 14 - Janet Butera's birthday

June 19 - Warren Platz's birthday

June 19 - Jack Schweitzer's birthday

June 2-8 - Safe Boating Week

June 3 - J. Roger Schmiedel Day

June 4 - Immaculate High School's Graduation - including Kristi Setaro, daughter of Director of Finance Dom Setaro - Congratulations, Kristi!

June 7 - 20th Anniversary of Pembroke School

June 7-9 - Greek Festival

June 8 - Household Hazardous Waste Collection Day

June 9 - Portugese Day - Dignitary from Portugal may be attending

June 8 - Great Gatsby for AIDS Project

June 10 - Groundbreaking for Schools Reorganization Project

June 12 - American Cancer Society Dinner Meeting

June 13 - GED Graduation

June 14 - DARE Program Graduation

June 16 - Fathers Day

June 18 - 20th Anniversary of Stadley Rough School

June 20 - 125th Anniversary of Union Savings Bank

June 21 - Danbury High School Graduation

June 27 - NAACP Scholarship Dinner

June 28 - Hon. T. Clark Hull Testimonial Dinner

June 28-30 - Ethnic Festival

June 29 - Fireworks

The Mayor asked for a moment of silence for Sarah Rothkopf.

At 9:11 P.M. Mr. Boynton made a motion to enter into Executive Session to consider items 33 and 34. Seconded by Mr. DaSilva. Motion carried unanimously.

At 9:49 P.M. Common Council reconvened in public session.

33 - COMMUNICATION - Gomez v. Sauer.

Mr. DaSilva made a motion to authorize the recommendation as set forth by Eric Gottschalk, pending certification of funds. Seconded by Mr. Boynton. Motion carried unanimously.

34 - COMMUNICATION - J. C. Penney Properties, Inc. v. City of Danbury.

Mr. Boynton made a motion to accept the recommendation of Assistant Corporation Counsel Les Pinter. Seconded by Mr. Charles. Motion carried unanimously.

There being no further business to come before the Common Council, a motion was made at 9:50 P.M. by Mr. Falzone for the meeting to be adjourned.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk