

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

Re: Minutes of the Common Council Meeting held July 2, 1991.

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

Present - Scalzo, Falzone, Coladarci, Setaro, Gogliettino, DaSilva, Esposito, Smith, Cassano, Charles, Boughton, Regan, Scozzafava, Valeri

Absent - Fazio, Gallo, Mack, Farah, Boynton, Butera

15 Present - 6 Absent - Mr. Gallo - working; Dr. Farah - out of State
Mr. Fazio and Mr. Boynton - previous commitments.

PUBLIC SPEAKING SESSION

Ronald Blonski, 18 Griffing Avenue - spoke regarding item 23 and his views on the Corporation Counsel's preliminary response to his request.

At 7:46 P.M. Mrs. Mack arrived and was marked present.

ANNOUNCEMENTS

July 7 - City Employee Terry O'Connor will celebrate a birthday

July 9 - City Finance Director Dom Setaro's birthday

July 12 - Council Member Eileen Coladarci's birthday

July 18 - Council Member Mike Falzone and Frank Cavagna will celebrate birthdays

July 25 - Council Member John Esposito and his wife Geneva will celebrate their 44th wedding anniversary

July 29 - Tax Assessor Ann DeFlumeri will celebrate her birthday

August 1 - Council President Joseph DaSilva will celebrate his birthday

Mayor Eriquez offered congratulations to Council Member Don Boughton on becoming a grandfather for the second time on July 1st.

July 4th - City Hall will be closed for Independence Day

July 4th - Opening of the Charles Ives Center for the season

July 7th - Jaycees benefit softball game for the Jimmy Fund

July 20th - Soapbox Derby Dinner

July 26th - Delegation from our Sister City in Italy will arrive

July 27th - Candlewood Lake Boat Parade

July 27th - Congressman Gary Franks will hold a Town Meeting in City Hall from 1:00 P.M. to 2:00 P.M.

August 2nd - Italian Heritage Day at the Senior Center

August 4th - Dinner Day at the Vespucci Lodge

Mayor Eriquez announced that Danbury has been awarded a 1.9 million dollar grant for the Airport.

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

- 3 - Approve Social Services Block Grant for \$25,781
- 4 - Approve Grant for Day Center for \$45,000
- 5 - Approve Grant for Emergency Center for 61,000
- 7 - Approve Food Service Establishment Licensing
- 8 - Approve Property Acquisitions on South King Street
- 15 - Approve School Maintenance Agreement
- 20 - Approve modification of conditions of sale of property at 101-103 Lakeview Avenue - Rural Water Co.
- 23 - Approve report from Corporation Counsel on Wastewater Treatment Plant
- 24 - Approve lease at 20 West Street
- 25 - Approve Easement at 5 Starr Street
- 26 - Approve acceptance of land along Briar Ridge Road
- 29 - Approve amendment of Connecticut Basic Building Code
- 30 - Approve amendment to Fire Alarm Ordinance
- 33 - Approve Sewer Extension at 73 Padanaram Road
- 34 - Approve Sewer Extension at 32-32 $\frac{1}{2}$ Padanaram Road
- 35 - Approve Sewer and Water Extensions at Danbury Municipal Airport
- 36 - Approve Request for Extension of time for DePalma Subdivision
- 37 - Approve Report denying land swap on Mountainville Avenue

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

MINUTES - Minutes of the Common Council Meeting held June 7, 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. Charles. Motion carried unanimously.

1 - COMMUNICATION - Letter from Dean Esposito resigning as Council Member from the Fifth Ward due to his recent marriage and change of address. Mr. DaSilva made a motion to accept the resignation with regret. Seconded by Mr. Smith.

Mr. Falzone stated that when he thinks of Dean Esposito he thinks of integrity and honesty and it has been a pleasure to work with him.

Mr. DaSilva stated that this was a good news/bad news proposition. The good news being Dean's marriage to his lovely wife, Sharon and the bad news that the Common Council would lose a hard working, intelligent member. He will be sorely missed.

Mr. Boughton agreed with Mr. DaSilva's remarks.

Mr. Valeri stated that it was a shame that the ordinance required a Common Council Member to resign because of a change of address this late into the term and urged the voters of the City of Danbury to re-elect Mr. Esposito in the November elections.

Mayor Eriquez offered Dean and Sharon his congratulations and best wishes for a happy marriage.

2 - ORDINANCES - Changes to the Fair Rent Commission Ordinances. Mrs. Gogliettino asked that this be deferred to a public hearing. Mayor Eriquez so ordered.

3 - RESOLUTION - Social Services Block Grant

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

WHEREAS, the State of Connecticut Department of Human Resources has made Social Service Block Grant funds available from October 1, 1991 through October 31, 1992; and

WHEREAS, these funds are utilized by the City of Danbury Department of Welfare for Counseling Services; and

WHEREAS, these funds offset a percentage of the cost of salaries for the four caseworkers in the City of Danbury Department of Welfare;

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 State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Danbury Department of Welfare covering the period of October 1, 1991 through September 30, 1992 for a grant in the amount of \$25,781.00 or such other amount as is offered is hereby approved and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Grant for Day Care.

Resolved by the Common Council of the City of Danbury:

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

WHEREAS, it is desirable and in the public interest that the City of Danbury Department of Welfare make application to the State in such amounts as may be made available for undertaking the management and operation of the Day Center for the Homeless; and

WHEREAS, the State Department of Human Resources has previously provided The Salvation Army in the City of Danbury with \$45,000.00 annually towards the costs of operating the Day Center for the Homeless; and

WHEREAS, the City of Danbury Department of Welfare wishes to obtain a grant to cover the costs of continuing said program in said amount;

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 State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Danbury Department of Welfare covering the period of October 1, 1991 through September 30, 1992 for a grant in the amount of \$45,000.00 or such other amount as is offered is hereby approved and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Grant for Emergency Shelter.

Resolved by the Common Council of the City of Danbury:

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

WHEREAS, it is desirable and in the public interest that the City of Danbury Department of Welfare make application to the State in such amounts as may be available for undertaking an Emergency Shelter Program and to execute a Grant Action Request therefor;

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 State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.

2. That it recognizes the responsibility for the provision of local Grants-in-Aid to the extent that they are necessary and required for said program.

3. That the filing of an application by the Danbury Department of Welfare covering the period of October 1, 1991 through September 30, 1992 for a grant in the amount of \$61,000.00 or such other amount as is offered is hereby approved and that the Director of Welfare of the City of Danbury is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

6-RESOLUTION - Prevention and Treatment of Substance Abuse and Enforcement of Drug Laws

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the State of Connecticut has approved said application and offered the City of Danbury a grant in the amount of \$734,797.00; and

WHEREAS, \$293,919.00 of this grant is to be designated for drug education, the amount of \$367,398.00 is to be designated for law enforcement and \$73,480.00 for crime prevention programs; and

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

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

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

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Food Service Establishment Licensing

Resolved by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted a Food Service Establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances, and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expense of Food Service Establishment Licensing,

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

The Director of Health is hereby authorized and empowered to impose the following fees for all licenses issued from July 1 through June 30 of each fiscal year.

1. All Food Service Establishments, except food stores and markets, having a seating capacity of from zero to seventy-four (74) seats shall pay an annual fee of forty dollars (\$40.00).

2. All Food Service Establishments, except food stores and markets, having a seating capacity of seventy-five (75) or more seats shall pay an annual fee of seventy-five dollars (\$75.00).

3. All food stores and markets shall pay an annual fee of twenty-five dollars (\$25.00).

4. Any Food Service Establishment which fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances prior to August 1 of the applicable fiscal year shall be subject to a late payment fee of twenty-five dollars (\$25.00).

5. The fees established in paragraphs 1 through 3 hereof are intended, in part, to defray the costs associated with routine periodic inspections of Food Service Establishments. All such establishments requiring additional inspections due to the existence of conditions, observed during routine inspections, which require correction and therefore reinspection, shall pay a fee of fifty dollars (\$50.00) per reinspection.

6. Any plan review and inspection required pursuant to Sections 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of Food Service Establishments shall be performed by the Director of Health or his designee upon payment of a fee of seventy-five dollars (\$75.00).

7. All Food Service Establishments requiring more than one preoperational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first preoperational inspection which require correction and therefore reinspection, shall pay a fee of fifty dollars (\$50.00) per reinspection.

8. Any temporary Food Service Establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of a twenty dollar (\$20.00) license fee.

The Resolution was approved on the Consent Calendar.

8 - RESOLUTION - Property Acquisitions - So. King Street

Resolved by the Common Council of the City of Danbury:

WHEREAS, the undertaking of a storm drainage project on South King Street 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 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

Drainage easements belonging to Mildred E. Wibling, South King Street, Danbury, Connecticut, as shown on Exhibit A attached hereto.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Letter from Betsy McDonough, Library Director, seeking acceptance of the following donations for the Library: Associated Internists, Mr. Stanley Noss, The Barden Corp., Mr. James Donahue of Duracell and Ms. Zelda Jacobs of Perkin Elmer. Mr. Boughton made a motion that the donations be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mrs. Gogliettino. Motion carried unanimously.

10 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie seeking approval of a donation in the amount of \$500. 52 from Coach Ted Hines of WCSU and a new line item be set up in the Welfare Budget. Mr. Boughton made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mrs. Gogliettino. Motion carried unanimously. Motion carried unanimously.

11 - COMMUNICATION - Letter from Fire Chief Antonio Lagarto asking permission to accept a donation in the amount of \$1,000 from Davis & Geck to purchase Hazardous Material Equipment. Mr. Boughton made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

12 - COMMUNICATION - Letter from Lyle Schuler of Players Gym for a committee to look into the expansion of the Health Club at the Danbury War Memorial. Mrs. Mack asked that this be referred to an ad hoc committee the War Memorial Director and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members DaSilva, Esposito and Scozzafava to the committee.

13 - COMMUNICATION - Letter from Donald Crudginton, Chairman of the Aviation Commission asking that a joint committee be established to look into the procedure of approving leases. Mr. Boughton stated that it was his opinion that this could not be done as it would then be a standing committee. Mayor Eriquez explained that it would not be an on-going committee but would just look at procedures. Mr. DaSilva asked that this be referred to an ad hoc committee, Aviation Commission, the Corporation Counsel and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Valeri, Boynton, and Regan to the committee.

14 - COMMUNICATION - Letter from Superintendent Anthony Singe revising the State and Federal Grant Budget. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Director of Finance and the School Board. Mayor Eriquez so ordered and appointed Council Members Smith, Mack, Farah, Fazio and Scozzafava to the committee.

15 - COMMUNICATION - School Maintenance Agreement for school grounds. The agreement was approved on the Consent Calendar.

16 - COMMUNICATION - Request from Attorney Robin Kahn for authorization of a condemnation by the City of an easement in the areas through which sewer and water lines will run on Short and Lombardi Streets. Mrs. Gogliettino asked that this be referred to an ad hoc committee, Director of Public Works, Superintendent of Public Utilities and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallo, Setaro and Fazio to the committee.

17 - COMMUNICATION - Letter from Attorney Gerald J. Daly requesting a temporary easement for the continued maintenance of a portion of a garage at 24 Woodside Avenue. Mr. Smith asked that this be referred to an ad hoc committee, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Farah, Falzone and Boughton to the committee.

18 - COMMUNICATION - Request of Ceruzzi Properties to lease and/or purchase City property on Backus Avenue. Mr. DaSilva asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Regan to the committee.

19 - COMMUNICATION - Request from McNamara Realty to purchase City property near Bear Mountain Road. Mrs. Coladarci asked that this be referred to the Director of Planning for a report back in thirty days. Mayor Eriquez so ordered.

20 - COMMUNICATION - Request for modification of sale of 101-103 Lakeview Avenue to the Rural Water Company to allow uses which are consistent with the operation of a water utility. The request was approved on the Consent Calendar.

21 - COMMUNICATION - Petition from residents of Holly Street Extension for the renumbering of their street to be overturned. Mr. Smith asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Planning. Mayor Eriquez so ordered and appointed Council Members Coladarci, Gogliettino and Regan to the committee.

22 - COMMUNICATION - Reports from the Traffic Engineer and the City Engineer regarding the widening of 59 King Street. Mrs. Mack asked that this be referred to an ad hoc committee, the City Engineer and the Traffic Engineer. Mayor Eriquez so ordered and appointed Council Members Scalzo, Charles and Fazio to the committee.

23 - COMMUNICATION - Preliminary report regarding the Blonski inquiry regarding Wastewater Treatment Plant Capacity from the Corporation Counsel. The report was accepted on the Consent Calendar.

24 - COMMUNICATION - Report from Assistant Corporation Counsel Les Pinter approving the lease at 20 West Street. The report was accepted on the Consent Calendar.

25 - COMMUNICATION - Reports from Corporation Counsel and Planning Commission regarding a positive recommendation for a Storm Drainage Easement for Ginsberg. The reports were accepted on the Consent Calendar.

26 - COMMUNICATION - Reports from Corporation Counsel and Planning Commission for a positive recommendation for the Conveyance of a road widening strip on Briar Ridge Road for Donald Fiddelman. The reports were accepted on the Consent Calendar.

27 - COMMUNICATION - Report from City Engineer regarding road widening at 59 King Street. WITHDRAWN.

28 - DEPARTMENT REPORTS - Fire Chief, Fire Marshall, Health Department, Department of Elderly Services, Parks and Recreation. 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 un-animously.

29 - REPORT & ORDINANCE - Amendment to Connecticut Basic Building Code

Mr. DaSilva submitted the following Report & Ordinance:

The Common Council met as a committee of the whole on June 17, 1991 to review a proposed ordinance section 6-02, Amendment of Connecticut Basic Building Code. No one spoke at the preceding public hearing. Eric Gottschalk explained that the proposed changes offer a refund for expired building permits and a renewal for permits that were not begun or were suspended for six months.

Mr. Valeri moved to recommend adoption of the proposed ordinance. The motion was seconded by Mrs. Coladarci and passed unanimously.

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

THAT Section 6-02 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of subsections 6-02(e) and 6-02(f), which subsections read as follows:

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

(e) Refunds. In accordance with the provisions of the Connecticut Basic Building Code, any building permit issued by the Danbury Building Official shall become invalid if the authorized work is not commenced within six months after issuance of the permit. In the event of the expiration of a permit in accordance with the foregoing, the permittee may obtain a refund of eighty per cent (80%) of the fee paid pursuant to the provisions of subsection 6-02(a)(1) hereof. No such refund may be made unless the permittee shall apply for said refund within one year of the date of issuance of the permit.

(f) Renewal. In accordance with the provisions of the Connecticut Basic Building Code, any building permit issued by the Danbury Building Official shall become invalid if the authorized work is not commenced within six months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. In the event of the expiration of a building permit in accordance with the foregoing, the permittee may make application for the renewal of the permit upon payment of the fee required hereunder. The fee for the renewal of a building permit pursuant to the provisions of this subsection shall be equal to twenty per cent (20%) of the original permit fee or the difference between the original permit fee and the permit fee which would otherwise be paid for a new permit issued at the time of the renewal, whichever is greater. No building permit may be renewed more than twice pursuant to the provisions of this section.

The Report and Ordinance were adopted on the Consent Calendar.

30 - REPORT & ORDINANCE - Fire Alarm Ordinance

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:10 P.M. on June 17, 1991 to review a proposed ordinance change dealing with fire alarms. Fire Chief Antonio Lagarto explained that before the 911 system at the Fire Department most alarm systems came to Fire Headquarters. Since then most of the alarm systems are serviced by private companies. The ordinance changes will allow City regulations on fire alarms to cover all alarms whether received by the Fire Department or by a private company.

Mr. Boynton moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Falzone and passed unanimously.

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

THAT Section 3A-40 and Subsection 3A-41(a) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

Sec. 3A-40. Purpose and Intent.

The proliferation of fire alarm systems to which the Danbury Fire Department is required to respond has imposed an increasing burden on said department. In addition, the erroneous and mistaken use of fire alarm systems and those that are not installed, maintained or operated properly has resulted in increased service calls by the Danbury Fire Department and is creating a hazard to the members of said department and to the general public. The purpose of this article is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

Sec. 3A-41. Definitions.

(a) Alarm system: Any assembly of equipment, mechanical or electrical, that is intended to result in a response by the Danbury Fire Department to the occurrence of a fire emergency, including any system which transmits an alarm directly to the Danbury Fire Department or to any other answering or monitoring service.

The report and ordinance were adopted on the Consent Calendar.

Mrs. Butera arrived at 8:10 P.M. was marked present.

31 - REPORT - SNET Agreement to obtain easement on City Property

Mrs. Coladarci submitted the following report:

The committee to review the request from SNET to place equipment on City land met on June 13, 1991 in room 432 of City Hall. In attendance were Council members Coladarci, Mack and Boughton. Also in attendance was James Staib of Southern New England Telephone Company.

The meeting was called to order at 7:05 pm and the rules were waived to let Mr. Staib explain the needs of the phone company.

Mr. Staib said that a locked steel 20 X30 cabinet would be placed behind a fenced in area on the designated site. The cabinets would include the latest technical equipment, is not high voltage and will be locked at all times. The chosen site is on Route 37 at Peck Road and would serve the FCI, Barnum Road, East Lake Road and Morgan. The request for the area behind the reservoir fence, North of Bear Mountain Road will also need the approval of the State Department of Environmental Protection.

While discussing this issue with Mr. Bill Buckley, Superintendent of Public Utilities, Mr. Staib was informed of another city owned piece of land in that area which would serve the needs of SNET. The City of Danbury owns land on Peck Road, off Route 37, which would possibly eliminate the need for DEP approval because the land is below the watershed level. The Peck Road site also has the needed off- road access and workers on this site would not interfere with traffic.

The Planning Commission has voted a positive recommendation for the concept of the request on the Pembroke Road (RT 37) location. The commission added that the use will require a special exception from the Planning Commission before zoning and building permits can be issued (see attached). This issue can also be discussed with Corporation Council if the Common Council approves the second site before SNET Co. goes back to the Planning Commission.

Boughton moved that recommendations be made that both the Route 37 site and the Peck Road site be approved by the Common Council pending Corporation Council and Superintendent of Public Utilities approval was seconded by Mack and passed unanimously.

With City approvals SNET will engineer the start of this project around the first of the year. The meeting was adjourned 8:20 pm.

Mr. Falzone made a motion that the report be approved with SNET be able to use either site pending Corporation Counsel and Superintendent of Public Utilities approval. Seconded by Mr. Boughton. Motion carried unanimously.

32 - REPORT - Uninsured Claim by City Employee

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review an uninsured claim by a City Welfare employee met on June 24, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Scalzo, Boynton and Regan. Also in attendance were Director of Welfare Deborah MacKenzie, Director of Finance Dominic Setaro and Risk Manager Thomas Fabiano.

Background information was given by Ms. MacKenzie which reviewed the incident of four individuals that were turned away from the Homeless Shelter at 151 Main Street in accordance with rules and regulations. The welfare employee Jerrilynn Tiso was the subject of a verbal confrontation with one of the individuals in particular. Upon leaving to go home, she found two tires slashed resulting in her car being towed and new tires purchased. An incident report was filed with the Danbury Police Department and the four suspects were questioned who denied any wrongdoing. It appears from the testimony given that the individuals could have been arrested for public intoxication but were not.

Mr. Fabiano as well as Mr. Setaro stated that there was no negligence on the part of the City. Ms. MacKenzie stated that the employees car would not have been in the area if she was not at work that evening.

Mr. Boynton was of the opinion that the claim should not be allowed because there was no proof of who caused the vandalism and that it would open a "Pandora's Box". He stated that the claim should have been submitted to the claimants insurance company. Ms. MacKenzie was vehement in her pleas that the employeea are subjected to much verbal abuse, insults and danger and that the police are not responsive to calls and the employee has been threatened since the incident in question.

Much discussion followed concerning the responsibility of the Police Department, the City and the responsibility of the City to its employees.

Mr. Regan made a motion to pay the claim without prejudice after it is submitted to the employee's insurance carrier. The employee will then submit the necessary paperwork to Mr. Fabiano for that portion not covered by her insurance. The motion was seconded by Mr. Boynton and passed unanimously.

Mr. DaSilva made a motion that the report be accepted and the recommendations be approved. Seconded by Mr. Charles.

Mrs. Mack stated that she is sympathetic to the problem of the employee but is opposed to paying this claim because of the precedent it would set for other City employees. If the police were unresponsive the Council should find out why and the issue of using City cars should be explored. Mayor Eriquez stated that the Common Council can consider any claim that is uninsured and should be considered on a case by case basis. Representatives of the Welfare Department and the Police Department have met and policies and procedures have been changed.

Mr. Scälzo stated that these are very unusual working conditions and the City has a moral responsibility to pay this claim and to treat other claims on an individual basis.

Mrs. Gogliettino asked why this claim is being handled by the Common Council and not the risk manager. Mayor Eriquez stated that it is a personal vehicle.

Mr. Boughton asked if the claim has gone to our insurance company as yet. Mr. Eriquez stated that the risk manager was handling it. Mr. Boughton asked if the City has the authority to pay claims. Mr. Casagrande said that it does under Section 2-2 of the Code of Ordinances.

Mrs. Butera said that this is the downfall of having shelters in this City. The area is known for having the best shelter. The City should pay this claim because this is a dangerous job.

Mr. Valeri stated that we all make choices in life and there are risks involved in taking on this type of job. Paying this claim would invite everyone who thinks they were wronged to come forward.

Mr. Regan stated that a computer might answer this question differently than a human. It is the Common Council's duty to respond to an individual case not ones that may come later. Mr. Regan felt that the Common Council had a moral duty to pay this claim.

Mr. Charles made a motion to move the question. Seconded by Mr. Smith. Motion carried with Mr. Boughton voting in the negative.

Main motion carried with the members voting as follows:

Yes - Scalzo, Falzone, Coladarci, Setaro, DaSilva, Esposito, Smith, Charles, Butera, Regan, Scozzafava

No - Mack, Gogliettino, Cassano, Boughton, Valeri

11 yes - 5 no

33 - REPORT - Request for Sewer Extension - 73 Padanaram Road

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 73 Padanaram Road met on June 5, 1991 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Falzone, Setaro and Regan. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer and the Petitioner Ernesto Luis.

Mr. Falzone stated that the Planning Commission in its letter dated May 20, 1991 gave a positive recommendation. Mr. Buckley stated that a petition was granted last year to Ron Jowdy at 75 Padanaram Road but it was never completed. Mr. Buckley stated Mr. Luis could wait for Mr. Jowdy to finish his line and then connect in and do so without Council approval, or he can finish the line and then connect to it which is the request before the committee.

After discussion, Mr. Regan made a motion to grant the extension following the necessary eight steps. Seconded by Mr. Setaro. Motion carried unanimously.

The report was accepted on the Consent Calendar.

34 - REPORT - Request for Sewer Extension - 32-32½ Padanaram Road

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review a request for sewer extension at 32-32½ Padanaram Avenue met on June 5, 1991 at 7:15 P.M. in Room 432 in City Hall. In attendance were committee members Falzone, Setaro and Regan. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer and Mr. and Mrs. John Ashkar.

Mr. Falzone stated that the Planning Commission in its letter dated May 20, 1991 gave a positive recommendation. Mr. Ashkar stated that the line in front of his house is now privately owned and needs to be replaced because of seepage from the pipe which runs into his basement. The Health Department has been called and has ordered him to fix the pipe. Since there are only three people who live on this road with Mr. Ashkar owning two of the properties, he applied for a sewer extension. It was deemed unnecessary to have a survey since the majority of the homeowners wanted the extension and the majority being Mr. Ashkar himself.

Mr. Regan made a motion to have the City Engineer draw up plans for an extension to be submitted to the Common Council for a public hearing. Seconded by Mr. Setaro. Motion carried unanimously.

The report was accepted on the Consent Calendar.

35 - REPORT - Request for Sewer and Water Extensions - Danbury Municipal Airport

Dr. Farah submitted the following report:

The Common Council Committee appointed to review the request for Sewer and Water Extension at the Danbury Municipal Airport met on June 12, 1991 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Farah, Charles and Boughton. Also attending was City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Airport Administrator Paul Estefan.

Mr. Estefan explained that need for a sewer line to connect the airport control tower and the future new terminal which is yet to be built. The net cost to the City is \$5,600. Mr. Boughton questioned the amount and the source of funding. Mr. Estefan commented that the City will have to bear the cost. Mr. Boughton moved to recommend tabling the request to extend a sewer line to the control tower until external funding can be provided. Seconded by Mr. Charles. Motion carried unanimously.

Mr. Boughton moved to recommend the approval of the extension to the maintenance building and the sadler building which are covered in a Federal grant subject to the regular eight steps. However, the sewer line at the maintenance building will require an additional ninth step stipulating that the cost of repair and maintenance of the sewer service connection be covered under the airport budget. Seconded by Mr. Charles. Motion carried unanimously.

Mr. Boughton then moved to recommend that the application for a water line connecting the tower and the future terminal be approved subject to the eight steps provided that the fund for the eight inch line comes out of the airport escrow account. Seconded by Mr. Charles and carried unanimously.

The report was accepted on the Consent Calendar.

36 - REPORT - Request for Extension of Time - DePalma Subdivision

Dr. Farah submitted the following report:

The Common Council Committee appointed to review the DePalma Subdivision's request for an extension of the time limit met on June 12, 1991 at 8:00 P.M. in City Hall. Present were committee members Farah, Charles and Boughton. Also in attendance were City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley.

Mr. Buckley explained that the petitioner is requesting an extension of time for a sewer extension project.

Mr. Boughton moved to grant an extension of eighteen (18) months from this date. Seconded by Mr. Charles. Motion carried unanimously.

The report was accepted on the Consent Calendar.

37 - REPORT - Request for land Swap on Mountainville Avenue

Dr. Farah submitted the following report:

The Common Council Committee appointed to review a request for a land swap on Mountainville Avenue met on June 12, 1991 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Farah and Smith. Council Member Regan could not attend due to a prior commitment. Also in attendance was Heidi Tolo of the Planning Department.

This was the second meeting that the committee has held for discussing this request. The first meeting was attended by Dennis Elpern, the City Planning Director and Acting Corporation Counsel Eric Gottschalk and Mr. and Mrs. Stanley Bernstein, the petitioners.

After reviewed the request and discussing the matter, Mr. Smith moved that in consideration of the negative recommendation by the Planning Commission and the fact that a good part of the area is wetlands and unsuitable for the development that Mr. and Mrs. Bernstein had suggested, the committee recommends to the Common Council that it reject the request without prejudice. Seconded by Dr. Farah. Motion carried unanimously.

The report was accepted on the Consent Calendar.

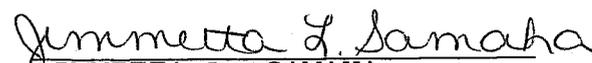
Due to the resignation of Dean Esposito the Mayor reappointed the following committees:

- Item 59 - February, 1990 - Cassano, Setaro, Boughton
- Item 22 - February, 1991 - Falzone, Gogliettino, Fazio
- Item 26 - April, 1991 - Setaro, Mack, Fazio

The Mayor extended all committees that have not yet finished their work.

There being no further business to come before the Common Council, a motion was made by Councilman Falzone for the meeting to be adjourned at 8:39 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

July 2, 1991