

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

Re: Minutes of the Common Council Meeting held August 6, 1991

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

Present - Scalzo, Falzone, Gallo, Coladarci, Farah, Dennehy, Setaro, Gogliettino, DaSilva, Esposito, Smith, Cassano, Charles, Boughton, Boynton Regan, Scozzafava

Absent - Fazio, Mack, Butera, Valeri

17 Present - 4 Absent

Mrs. Butera is out of town.

#### PUBLIC SPEAKING SESSION

1. George Bailey, 38 Lombardi Street - submitted a petition regarding item 25, the request of Anthony DaCunha for sewer and water on Lombardi Street.

2. Lyle Schuler, 151 Shelter Rock Road - Spoke regarding item 30. Representing Coalition for Fair Competition. Spoke on the City subsidy on behalf of the War Memorial. The Health Club is a non-profit enterprise competing with commercial health clubs. Mr. Schuler had questions on the funding process and explained charts on revenues and expenses.

#### ANNOUNCEMENTS

August 1st - Council President Joe DaSilva's birthday

August 10th - Joe and Donna Scozzafava's anniversary

August 14th - Mike Seri's birthday

August 15th - Ernie Boynton's birthday

August 19th - Joan and Tom Mack's anniversary

August 19th - Don and Rae Boughton's anniversary

August 20th - Ernie and Ann Boynton's anniversary

August 29th - Lew Wallace's birthday

August 20th - Gene and Marta Eriquez's anniversary

August 5-16 - Pacesetter Campaign for the United Way

August 9-11 - Americo Vespucci Italian Festival

August 18th - Downtown Danbury Bicycle Race

August 18th - Corvette Club rally and raffle

August 21st - MADD Softball Game

August 23-25 - St. George's Middle Eastern Festival

(At 7:52 P.M. Mrs. Mack arrived and was marked present)

September 28th - All Veterans Parade

White Street Bridge will reopen in early October

Cross Street Bridge Project will go out to bid in late August

Main Street Streetscape was awarded to Rizzo Construction, the low bidder

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

- 3 - Approve Department of Elderly Services Senior Job Bank Grant Application for \$20,000
- 4 - Approve Department of Elderly Services Grant Application for Interweave for \$30,000
- 5 - Approve Grant Application for Project CARE for \$20,000
- 6 - Approve Grant for Interweave for \$3,607
- 7 - Approve Grant for Interweave for \$17,001
- 9 - Approve permanent and temporary sanitary sewer easements on Williams Street
- 10 - Approve Acquisition of Slope Rights for Cross Street Bridge
- 13 - Approve appointment of John Hadlow to Commission on Persons with Disabilities
- 14 - Approve appointment of Frank Cappiello to Parking Authority
- 15 - Approve appointments of Roy Platt, Raymond Sherwood and Tom Zarecki to Aviation Commission

- 16 - Approve appointments of Steve Gillotti, Sylvia Esposito and Samuel Kier to the Fair Rent Commission
- 17 - Approve appointment of Wilbur Conlea, Jr. as Parking Ticket Hearing Officer
- 22 - Approve transfer of \$14,610 from Fund Balance for Vehicle for Dog Warden
- \* 27 - Authorize Corporation Counsel to obtain easements on South King Street
- 29 - Approve amendments to Fair Rent Commission Ordinances
- 30 - Approve report recommending no action be taken on the expansion of the War Memorial Fitness Center
- 31 - Approve report concerning City/State Welfare Regulations and its distribution to appropriate agencies and legislators
- 32 - Approve termination of old lease and acceptance of new lease with the Scott Fanton Museum
- 34 - Approve easement on Spruce Mountain Trail
- 35 - Approve report recommending no further action on widening of King Street
- 36 - Approve Progress Report on property acquisition off Spruce Mountain Trail
- \*23 - Approve Transfer of Funds for Airport

Mr. Boughton asked that items 27 and 30 be removed from the Consent Calendar and that the Consent Calendar be adopted as amended. Seconded by Mr. Charles. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held July 2, 1991 and of the Special Meeting held July 25, 1991. Mr. DaSilva made a motion that the minutes 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. Charles. Motion carried unanimously.

1 - ORDINANCE - Additional Exemption for Veterans and Spouses of Low and Moderate Income. Mr. Scalzo asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - RESOLUTION - Grant for the Danbury Library

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 98-40 (Federal Library Services and Construction Act Title 11) provides for federal funds for library construction and Connecticut General Statutes § 11-24c provides for state funds for library construction; and

WHEREAS, the Danbury Public Library plans to make application to the Connecticut State Library for the funding period of January, 1991 - July, 1994 for a grant of \$323,333 which requires a local cash match of \$346,667, which local cash match is required by July, 1993 or 1994, if a one-year extension is requested; and

WHEREAS, the City of Danbury has the right to refuse the grant at any time if local funding is not available; and

WHEREAS, the Danbury Public Library will use the grant money for the following purposes:

1. to make improvements to the Library's heating, ventilating and air conditioning (HVAC) system, as recommended by the City's consulting engineer, Savage Engineering, Inc. in 1989; and
2. to remodel the Library's basement storage area to provide additional space for the Library's nonprint (video, compact discs, books-on-tape, cassettes) collection and services;

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign said application and that the Mayor and the Director of the Danbury Public Library are hereby authorized to do any and all things necessary to effectuate the purposes thereof; provided, however, that any amendments to said application requiring additional expenditure of City of Danbury funds must receive prior approval by the Common Council.

Mr. Falzone made a motion that the communication and resolution be approve and authorization granted to apply for the funds. Seconded by Mrs. Mack.

Mr. Boughton asked if the Library/<sup>went</sup> to the Planning Department to have these items included in the Capital Budget? Ms. McDonough stated that the HVAC has been requested for two years, but that the remodeling has not been but will be in the 92-93 budget if the grant is approved. Mr. Boynton stated that the City should be able to come up with these funds by 1994. He felt that it was a highly necessary item. Mr. Charles asked if there was a three year time limit to spend the funds. Mr. Setaro said there was not and explained how the time frame worked. Mr. Gallo stated that he had a problem with the City having to match funds everytime a grant is applied for. Dr. Farah stated that we would eventual have to spend the full amount to keep the library competitive.

(At 8:05 Mr. Fazio arrived and was marked present)

Motion carried with Mr. Gallo voting in the negative.

3 - RESOLUTION - Department of Elderly Services - Senior Job Bank

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 has made available from its Discretionary Funds Program grants under Title IV of the Older Americans Act, P. L. 89-73, as amended; and

WHEREAS the Discretionary Funds Program for 1991 is directed at strengthening knowledge building, program innovation and development, information dissemination, training, technical assistance and other capacity-building efforts focused on eldercare service systems for older Americans at risk of losing their independence; and

WHEREAS, the Department of Elderly Services desires to apply for a \$20,000 grant under this program; this grant would be used towards the development of a training program for the Senior Job Bank, its staff and clients needing such job training re-education; and

WHEREAS, no local cash match is required and the required in-kind match is covered by volunteer hours and in-place equipment;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Enriquez, and the Department of Elderly Services acting through its Director, Leo McIlrath, are hereby authorized to apply for said grant and to perform any and all additional acts necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Department of Elderly Services-Grant for Interweave

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 conformance 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, the Department of Elderly Services desires to submit a grant application for funds for Interweave, the adult day care center, through the Western Connecticut Area Agency on Aging, Inc. for a grant of \$30,000.00 under Title III-B (social services) of the Older Americans Act, to continue the operation of Interweave for the project budget period of January 1, 1992 through December 31, 1992; and

WHEREAS, the City of Danbury cash match as requested in the 1991-92 budget is \$29,768 with the remaining local match to be made in in-kind services;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, and the Department of Elderly Services, acting through its Director, Leo McIlrath, are hereby authorized to apply for said grant and are hereby empowered to perform any and all additional acts necessary to effectuate the purposes hereof.

The Resolution was approved on the Consent Calendar.

5 - RESOLUTION - Grant for Project CARE - Department of Elderly Services

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 through the Connecticut Department on Aging has made a grant of \$20,000 available to the City of Danbury to implement Project CARE (Community Action to Reach the Elderly); and

WHEREAS, the local program will be part of the National Project CARE campaign which is directed at mobilizing resources for older persons at risk of losing their self-sufficiency; and

WHEREAS, the goal of the campaign is to have communities, through a coalition of local organizations, develop non-traditional approaches to enhancing home and community based services; and

WHEREAS, the Coalition of Agencies Related to Elderly Services (CARES) numbering 103 agencies in the greater Danbury area would be utilized to implement the goals of Project Care; and

WHEREAS, the Mayor of the City of Danbury and the Department of Elderly Services desire to submit an application through the Northwestern Connecticut Area on Aging for said \$20,000 grant which requires no local cash match but does require an in-kind match of fifty percent which volunteer hours will more than adequately cover;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, and the Department of Elderly Services acting through its Director, Leo McIlrath, are hereby authorized to apply for said grant and to perform any and all additional acts necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Grant in the amount of \$3,607 for Interweave

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 a grant in the amount of \$3,607, 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 a part-time position of Van Driver for a period of 17 weeks and for fuel assistance for the operation of the van; and

WHEREAS, it is necessary to revise the Adult Day Care budget for its grant year January 1, 1991 through December 31, 1991 to reflect this additional \$3,607 award for a total budget for this period of \$38,607;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the revised budget of \$38,607 for the Adult Day Care Center for 1/01/91 - 12/31/91 is hereby approved and that the actions of the Danbury Department of Elderly Services and the Mayor of the City of Danbury are hereby ratified concerning the award of \$3,607 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; and

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.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Grant in the amount of \$17,001 for Interweave

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 \$17,001 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 \$17,001 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.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Installation of Three Traffic Signals on Route 53

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810 is authorized to execute Agreement No. 6.26-04(91) between the State of Connecticut and the City of Danbury for the installation of three traffic control signals on Route 53 (Main Street) in the City of Danbury.

Mrs. Gogliettino made a motion that the Resolution be adopted and the Mayor be authorized to execute the agreement. Seconded by Mrs. Mack. Motion carried unanimously.

9 - RESOLUTION - Permanent and Temporary Sanitary Sewer Easements - Williams Street.

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, the Common Council authorized the acquisition of the necessary easements at its meeting of February 5, 1991; and

WHEREAS, said authorization must be renewed in order to complete the acquisitions; 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.

10- RESOLUTION - Slope Rights, 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, the Common Council authorized the acquisition of the necessary slope rights easements at its meeting of February 5, 1991; and

WHEREAS, a renewal of said authorization is necessary in order to complete two of the aforesaid acquisitions; and

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

The Resolution was adopted on the Consent Calendar.

11 - COMMUNICATION & ORDINANCE - Proposed Revisions to Ordinances concerning purchasing of service and materials. Mr. Charles asked that it be deferred to public hearing. Mayor Eriquez so ordered.

12 - COMMUNICATION & ORDINANCE - Waiver of Tax Payments under \$5.00. Mrs. Coladarci asked that this be deferred to public hearing. Mayor Eriquez so ordered.

13 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of John Hadlow to the Commission on Persons with Disabilities for a term to expire March 1, 1993. The appointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez seeking approval of the reappointment of Frank Cappiello to the Parking Authority for a term to expire June 30, 1996. The reappointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments to the Aviation Commission of Roy Platt, Raymond Sherwood and Tom Zarecki for terms to expire July 1, 1994. The reappointments were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Steve Gillotti, Sylvia Esposito and Samuel Kier to the Fair Rent Commission for terms to expire July 1, 1994. The reappointments were confirmed on the Consent Calendar.

17 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Wilbur Conlea, Jr. as a Parking Ticket Hearing Officer for a term to expire June 1, 1992. The appointment was confirmed on the Consent Calendar.

18 - COMMUNICATION - Letter from Library Director Betsy McDonough seeking permission to accept the following donations: Barbara D. Rybeck - \$25; Mary Lou Staffieri - \$50; Vincent Jones - \$100 to be credited to the Book line item. Mr. Falzone made a motion that the communication be accepted, the donations accepted and credited to the proper account and a letter of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

19 - COMMUNICATION - Letter from Leo McIlrath, Director of the Department of Elderly Services seeking permission to accept donations totalling \$1,805 for the Commission on Aging Budget for postage; as well as the amount of \$100 to be credited into the Commission on Aging Budget for Moto Fuel. Mr. DaSilva made a motion that the donations be accepted and credited to the proper line items except that item 2 should be credit to Equipment Maintenance Fuel Account, and send letters of thanks. Seconded by Mr. Charles. Motion carried unanimously.

20 - COMMUNICATION - Request from the Housing Authority to allow the line item transfer in the Police Department Budget to allow for the payment of the Special Police force assigned to the Housing Authority. The budgeted amount is \$44,335.20. Mrs. Mack made a motion that the request be granted and the transfer of funds authorized. Seconded by Mr. Boynton.

Mr. Boynton inquired as to where the money is now. Mr. Setaro stated that this is a yearly approval and the money comes from the Housing Authority. This is a wash item. Motion carried unanimously.

21 - COMMUNICATION - Request from Fire Chief Lagarto requesting the sum of \$25,850.00 for medical exams required by OSHA. Mr. Setaro asked that this be referred to an ad hoc committee, the Fire Chief, the Director of Finance, the Personnel Director. Mayor Eriquez so ordered and appointed Council Members DaSilva, Esposito and Scozzafava to the committee.

22 - CERTIFICATION - Request from Director of Finance Dominic Setaro that the Common Council authorize the transfer of \$14,610 from the surplus fund balance to the appropriate line item in the 1991-92 Dog Fund budget for a new vehicle. The certification was authorized on the Consent Calendar.

23 - COMMUNICATION & CERTIFICATION - Request from Airport Administrator Paul Estefan that \$6,000 be taken from the Airport Escrow Account and transferred into a capital line item for water extension to the Air Traffic Control Tower on Kenosia Avenue. Certification of Funds was attached. The request was granted and the transfer of funds authorized on the Consent Calendar.

24 - COMMUNICATION - Consent Calendar of July 2, 1991. Mr. DaSilva made a motion that the lease at 20 West Street be approved; that the Ginsberg Drainage Easement be authorized and the Fiddelman road widening strip be accepted. Seconded by Mr. Boughton. Motion carried unanimously.

25 - COMMUNICATION - Request of Attorney Robin Kahn to permit the installation of sewer and water lines in Short and Lombardi Streets without an easement from the now defunct owner of the streets. Mr. DaSilva asked that this be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel, the City Engineer and the Superintendent of Public Utilities. Mayor Eriquez so ordered and appointed Council Members Gallo, Setaro and Fazio to the committee.

26 - COMMUNICATION - Report from the Planning Department regarding the renumbering of Bear Mountain Road. Mr. Setaro made a motion that the Planning Director be directed to send a survey to the residents of Bear Mountain Road and report back to the Common Council as soon as possible. Seconded by Mr. DaSilva. Motion carried unanimously.

27 - COMMUNICATION & RESOLUTION - Report from City Engineer on Storm Drainage Easements - South 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 interest 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 owner hereinafter named upon the amount, if any, to be paid for the interest 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 interest as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owner, her successors, heirs, executors and assigns and her respective mortgage holders and encumbrancers, if any:

#### Property Acquisition

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

Mr. Boughton made a motion that the communication and resolution be adopted and the Corporation Counsel be authorized to take whatever action necessary to obtain necessary easements. Seconded by Mr. DaSilva. Mr. Pinter explained that a new legal description was received today and necessitated this being removed from the Consent Calendar. Motion carried unanimously.

28 - DEPARTMENT REPORTS - Health Department, Highway Department, Fire Chief, Fire Marshall, Parks and Recreation, Department of Elderly Services, Engineering. 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. Charles. Motion carried unanimously.

29 - REPORT & ORDINANCES - Fair Rent Commission

Mr. DaSilva submitted the following report and ordinance changes:

The Common Council met as a Committee of the Whole at 7:35 P.M. on July 15, 1991 to review the proposed amendments to the Code of Ordinances concerning the Fair Rent Commission.

Paul Shierloh, Associate Director for Housing, explained that most of the proposals were minor housekeeping and bookkeeping changes. The two major changes were (1) the extension of six months to one year, the freeze on excessive raises in rent and (2) the addition of criteria to determine excessive increases in rent.

There was considerable discussion on proposals made by Attorney James McGlynn of the Connecticut Legal Services, Inc. These proposals dealt with placing authority for dealing with landlord retaliation with the Fair Rent Commission (10-44a) and with eliminating the time limits for complaints (10-44b).

A motion was made by Mr. Falzone to recommend adoption of the proposed amendments as presented by the Fair Rent Commission. Seconded by Mr. Boynton and passed unanimously.

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

THAT Subsection 10-37(k) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-37. Hearings on a complaint.

(k) The commission shall retain a competent stenographer or use a recording device to record the evidence, minutes and proceedings of the commission on any complaint.

THAT Subsections 10-38(a) and 10-38(f) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

Sec. 10-38. Orders of commission.

Subsequent to the hearing, the commission shall have the power to:

(a) Order a reduction or freeze of the rental charge for a period not to exceed one (1) year for any housing accommodation where the rental charge is so excessive as to be harsh and unconscionable to an amount which is fair and equitable, subject to the standards set forth in section 10-39 of this article.

(f) Order payment of the rent in escrow to the commission, or in lieu thereof, order the posting of a sufficient performance bond by the landlord until such time as the landlord has corrected any health or safety violations which have been found to exist, and which the health and housing department of the City of Danbury has investigated and has certified to the commission as existing Code violations relating to health or safety.

THAT Section 10-39 of the Code of Ordinances of Danbury, Connecticut are hereby amended by adding two new Subsections to be designated 10-39(m) and 10-39(n), which said Subsections read as follows:

**Sec. 10-39. Standards for determining whether rental charge is excessive.**

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, consideration shall be given to the following circumstances:

(m) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations;

(n) The amount and frequency of increases in rental charges.

THAT Section 10-40 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 10-40. Effective date of rent reduction order.**

Any order of rent reduction shall become effective on the next due date of the rent after the filing of the complaint. The existing rent which becomes due and payable during the course of proceedings before the commission shall continue to be paid to the landlord, unless the housing accommodation in question fails to comply with any municipal ordinance or Connecticut General Statute or state regulation relating to health and safety, in which event the rent shall be paid to the commission in escrow. The amount of any increase in rent shall likewise be paid to the commission in escrow and not to the landlord.

THAT Section 10-41 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 10-41. Escrow account; establishment, purpose, use.**

If required, the commission shall establish an escrow savings account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it within five (5) business days of receipt. Said funds shall be held in the escrow savings account until such time as compliance with the order necessitating the establishment of the account is achieved; or until the commission acts on the complaint, or makes other appropriate order; or until a further order is made by a court of competent jurisdiction. Provided, however, the commission may provide for the payment of the landlord's mortgage, taxes and insurance and his cost of heat, water, electricity and other essential utilities when said expenses become due and payable. In addition, at its discretion, the commission may order payment of other necessary expenses which are due and payable, or may order payment of the full balance to the landlord in cases of unusual hardship. Any interest earned may be used as above provided and, upon payment of the balance in whole or in part to the landlord, shall be remitted to said landlord.

THAT Sections 10-44 through 10-47 are hereby redesignated as Sections 10-45 through 10-48 respectively. AND THAT Sections 10-48 through 10-51 are hereby redesignated as Sections 10-50 through 10-53 respectively.

In addition, the Code of Ordinances of Danbury, Connecticut are hereby amended by adding a Section to be numbered 10-44, which said Section reads as follows:

Sec. 10-44. Landlord retaliation.

(a) Pursuant to Section 47a-20 of the Connecticut General Statutes, it shall be a retaliatory action for a landlord to demand an increase in rent from any tenant or to decrease the services to which any tenant has been entitled, within six (6) months after: (1) The tenant has in good faith attempted to remedy by any lawful means, including contacting officials of the state or of the City or any public agency thereof or filing a complaint with the fair rent commission, any condition constituting a violation of any provisions of either chapter 368o or chapter 412 of the Connecticut General Statutes, or of any other state statute or regulation, or of the housing and health ordinances of the City; (2) any municipal agency or official has filed a notice, complaint or order regarding such violation; (3) the tenant has in good faith requested the landlord to make repairs; (4) the tenant has in good faith instituted an action under subsections (a) to (i) inclusive, of Section 47a-14h of the Connecticut General Statutes; or (5) the tenant has organized or become a member of a tenants' union.

(b) Upon the receipt of any claim of retaliatory action, the commission shall inform the landlord of the claim and shall investigate the claim. If the claim is not resolved through conciliation, the commission shall convene a hearing within sixty (60) days of the filing of the claim for the purpose of determining whether the landlord has engaged in a retaliatory action, and the commission shall render its decision within thirty (30) days of the hearing of the case.

(c) Pending a determination by the commission, the landlord shall not pursue a demand for an increase in rent from the tenant or decrease any services to which the tenant is entitled and the tenant shall continue to pay the amount of rent in effect at the time of the claim of retaliatory action.

(d) If, after such hearing, the commission finds that the landlord has engaged in a retaliatory action in violation of the provisions of this Section, the commission may order the landlord to cease and desist from demanding an increase in rent from the tenant or from decreasing the services to which the tenant has been entitled.

THAT Section 10-47 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-47. Continuation of proceedings; filing notice of decision on land records.

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodations in question. No sale, assignment or transfer of the housing accommodations in question shall be cause for discontinuing any pending proceeding, nor shall it affect the rights, duties and obligations of the commission or the parties thereto. The commission may file notice of its decisions on the land records of the City.

THAT the Code of Ordinances of Danbury, Connecticut are hereby amended by adding a Section to be numbered 10-49, which said Section reads as follows:

Sec. 10-49. Penalty for violations.

Pursuant to Section 7-148f of the Connecticut General Statutes, any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to Section 7-148e of the Connecticut General Statutes and Section 10-51 hereof is pending, or violates the provisions of this Article or of Sections 7-148b to 7-148e, inclusive, of the Connecticut General Statutes, or who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the corporation counsel of the City except upon written complaint of the chairman of the commission or his designee after an affirmative vote of three members present and voting at a meeting of the commission.

THAT Section 10-51 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 10-51. Appeal from order of commission.**

Any person aggrieved by any order of the commission may appeal to the Superior Court for Fairfield County, Judicial District of Danbury, within thirty (30) days after service of notice of the order of the commission as provided in Section 10-48 hereof. As provided by the Connecticut General Statutes, such appeal shall be considered as a privileged matter with respect to assignment for trial.

THAT the Code of Ordinances of Danbury, Connecticut are hereby amended by adding a Section to be numbered 10-54, which said Section reads as follows:

**Sec. 10-54. Savings Clause.**

If any Section of this Article is held by a court of competent jurisdiction to be unenforceable or void, such judgement shall not affect any other sections or provisions hereof.

The report and ordinance was adopted on the Consent Calendar.

30 - REPORT - Expansion of Health Club at War Memorial

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to study a request from Lyle Schuler concerning the expansion of the health club at the Danbury War Memorial met at 7:40 P.M. on July 18, 1991. In attendance were committee members DaSilva, Esposito and Scozzafava. Also in attendance were Assistant Corporation Counsel Daniel Casagrande, Louis Charles, ex-officio, Tom Clarkson, Director of the War Memorial, O'Malley Smith and Ronald Strusky, Members of the Board of Directors of the War Memorial, William Austin and Lyle Schuler from Players Gold Gym, Alfredo Almeida from Danbury Barbell, Doris Schukin and Wendy Kessinger from Living Form in Brewster, Kevin Cleary of the Horizon Fitness Center of Bethel and George Ferris of Newtown.

The Petitioners from the various health clubs stated that facilities of this nature have trouble competing with tax exempt facilities such as the War Memorial. They are not speaking against the War Memorial in general, but only to the expansion of the Fitness Center. They questioned as to whether the Fitness Center goes against its Articles of Association of August 23, 1945. They stated that their expansion would hurt their private businesses. They submitted a number of questions dealing with the establishment, the management and the expansion of the War Memorial.

The Petitioners asked that the Common Council recommend to the Board of Directors of the War Memorial that they stop the expansion of the Fitness Center. This would help private business in this field. Mr. Casagrande explained that the Mayor's Office received a call from an Assistant Attorney General of the State of Connecticut regarding this matter. The City was informed that the Attorney General's Office was concerned that a coalition of health clubs tried to get a competitor to be less competitive. This might be in the realm of anti-trust price fixing. He cautioned that if the City of Danbury takes a position that the War Memorial should raise its prices or not expand for reasons of competition, then the City might be a conspirator in anti-trust violations. He further advised that the sole purpose of the committee in this matter would be to decide whether or not the City grant to the

War Memorial served a valid public purpose. In answer to a question, he stated that cities do not investigate anti-trust violations. This is in the purview of the State and Federal governments.

Members of the committee explained that the City of Danbury takes very seriously the concerns of small business. The Common Council, however, is limited in its legislative capacity and in view of advice by the Corporation Counsel as to action available to it, they assured the petitioners that the City would provide any information available on this matter and that they were welcome to participate in next fiscal year's budget setting process.

Because of advice of Corporation Counsel, Mr. Scozzafava moved to take no action on this petition at this time and to invite the petitioners to the budget process next year. The motion was seconded by Mr. Esposito and passed unanimously.

Mr. Falzone made a motion to accept the report and take no action at this time. Seconded by Mr. Smith.

Mr. Boughton stated that he felt the committee should continue as the figures presented by Mr. Schuler were enlightening. Richter Park sustains itself on \$1,000,000 so the War Memorial should be able to sustain itself on \$500,000. The figures should be looked at during the next budget deliberations. Mr. DaSilva stated that he had no problem with the committee continuing, but any further deliberations might go beyond the realm of the present committee. Mr. Boughton stated that he had no problem with a new committee being appointed.

Mrs. Gogliettino stated that there are many other programs offered by the War Memorial and everyone can choose where they wish to join. The grant money is a very small percent of the budget.

Dr. Farah stated that taxpayers money should not be used to fund this type of program, that only programs that benefit Danbury residents should be funded. Mayor Eriquez stated that 6,000 people benefit from the programs at the War Memorial. Mr. DaSilva stated that the fitness center supports itself and extra money goes to other programs.

Mr. Boynton stated that as the Chairman of the General Government II Budget Committee, he held public hearings and there were no comments made concerning services by the War Memorial.

Dr. Farah offered an amendment to the motion whereby the Board of Directors would be required to submit detailed budget figures to the Director of Finance for his evaluation as to cost effectiveness. Mr. Setaro stated that this is already being done.

Mr. Gallo stated that the Common Council was losing sight of the fact that the War Memorial was started as a living memorial to all veterans and they are not there to run a business. He stated that originally there was one fee to join the War Memorial; now there are two - 1 general fee and 1 for the fitness center. Mrs. Mack stated that she is concerned about the ability of small businesses to earn a living and would support the appointment of another committee.

Dr. Farah offered an amendment to the original motion that a new committee be appointed. Seconded by Mrs. Mack. Amendment carried with Council Members Scalzo, DaSilva, Esposito and Scozzafava voting in the negative. Main motion, as amended, carried unanimously. The new committee will be DaSilva, Esposito and Scozzafava.

31 - REPORT - Review of City and State Welfare Regulations

Mrs. Coladarci submitted the following report:

The committee appointed to review State and City Welfare Regulations met on March 25, 1991, April 22, 1991, May 1, 1991 and June 13, 1991. In attendance were committee members Coladarci, Gogliettino and Boughton. Also in attendance were Director of Welfare Deborah MacKenzie, Assistant Director of Welfare Patricia Krafick, Claudette Fogerty, Kathy Haas and Wanda Rayton, all case workers with the Welfare Department.

The goal of this committee was to review existing State/City Welfare Regulations and to propose changes after review for submission to the State Department of Income Maintenance through local legislators, the Housatonic Valley Council of Elected Officials and COLAGA, a state association supporting city/community welfare agencies.

INITIAL MEETING - March 25, 1991

The first meeting was held on March 25, 1991 at 8:00 P.M. At that time Ms. MacKenzie and staff members went through the General Assistance (GA) Manual and discussed some of the areas that present the most concern for individuals utilizing GA and administering GA. Based on this discussion, the committee decided that the following regulations would be reviewed and discussed:

Section 17-3a-12	Emergency Assistance
Section 17-3a-14	Eligibility especially re: Aliens
Section 17-3a-18	Resources
Section 17-3a-23	Mandatory Work Education and Training Program
Section 17-3a-28	Medical Aid
Section 17-3a-29	Workfare Administration

Ms. MacKenzie told the committee that although State regulations must be followed, a municipality can make a choice to assist its citizens beyond the guidelines of the regulations at the municipality's cost. Ms. MacKenzie, Krafick and Fogerty discussed three key problems: workfare program and the ineligibility of homeless in this program, high cost of medical care and eligibility of alien residents for GA. In discussing aliens, Ms. MacKenzie told the committee that cities are considered to be the court of last resort for alien residents. Aliens can come into a city or town on student, interstate or visitor visas and use GA. With no further discussion, a plan was determined by the committee and the meeting was adjourned at 9:30 P.M.

SECOND MEETING - April 22, 1991

The second meeting of the ad hoc committee to review Welfare Regulations met on April 22, 1991. The meeting began at 8:05 P.M. During this meeting the committee reviewed Sections 17-3a-23. Ms. Fogerty explained the details of the Workfare Program. At this meeting the following areas of concerns were identified.

1. The regulations identify "homeless" as unemployable for a period of 56 days. These clients under the GA regulations cannot participate in Workfare until this time period has lapsed. The committee felt that if a homeless person was "able bodied" then he/she should be allowed to participate in workfare as soon as possible.

2. Clients do not always continue their assignments. Caseworkers find the paper work very cumbersome and some clients do not find the treatment as equitable at the site.

3. Caseworkers find it difficult to establish workfare sites in the City and many workfare clients are not hired for regular part-time or full-time positions.

4. There are no "positive" incentives for businesses who take on former workfare clients in a part-time or full-time basis. It was suggested that businesses receive a "tax" break or credit for utilizing this pool of labor.

There being no other discussion about this program, the meeting was adjourned at 9:15 P.M.

#### THIRD MEETING - May 1, 1991

The Third meeting of the ad hoc committee to review Welfare Regulations met on April 22, 1991. The meeting began at 8:15 P.M. During this meeting the committee reviewed Sections 17-3a-29. The details of the Workfare Program Administration were reviewed. At this meeting the following area of concerns were identified.

1. The committee felt that there should be an individual in charge to check on worksites, find new worksites and provide appropriate supervision at the site. Supervisors employed at the company site often do not take the clients seriously.

2. Worksites often use the clients as "free labor" and there can be a lack of commitment to the program.

3. There is a negative incentive to the city if a workfare client does not meet their commitment. The city is reimbursed on a specific formula of participants. If the city does not meet the quarterly goals, then the reimbursement is affected. The committee felt that there should be a "positive" incentive to the cities and towns, not one that "punishes".

4. The regulations state that if a client is a "no show" he/she is suspended for 30 days, but medical benefits stay in place. The committee felt that this should be reviewed and return to a previous 30-60-90 day system.

5. The program regulations do not allow for the purchase of "tools" a client may need in order to gain regular employment. The committee felt that there should be an incentive provided to the cities and towns to provide or develop vocational training for these individuals and others who could enter the regular workforce.

There being no other discussion about this program, the meeting was adjourned at 9:30 P.M.

#### FOURTH MEETING - May 22, 1991

The fourth meeting of the ad hoc committee to review Welfare Regulations met on May 22, 1991. The meeting began at 7:30 P.M. During this meeting the committee reviewed Sections 17-3a-12, 17-3a-14 and 17-3a-28. At this meeting the following areas of concern were identified.

1. The regulations require a city to pay for any care that is medically necessary but no priority system is established allowing medical coverage for generally "non-threatening medical problems".

2. The regulations do not limit the number of times a client can be in detox or a substance abuse program. Nor do the regulations provide a "waiting" period before a client is enrolled back into a detox/substance abuse program. If a client does not finish the current program he/she is permitted to start the cycle over again. This regulation should mirror a "private" plan for coverage and guidelines.

3. Regulations are very lenient in providing medical care to aliens coming into the community. There is no requirement for the individual(s) to obtain a more "permanent resident" status prior to obtaining care. The committee felt that the guidelines that apply to employment/residency for aliens should also apply to aliens seeking GA. Members of the City Welfare Department presented several examples to illustrate the abuse of this regulation. Those present felt that cities and towns should not have to pay the medical/GA costs for individuals with visitors visas.

4. The current regulations do not specifically address the priority of care in dental coverage. When a client is sent to a provider for care, the provider decides the priority of the dental need. There are no guidelines in GA to give direction to the provider and the provider must approve and agree to provide services at the State rate. The committee felt that specific guidelines were necessary from the State.

Further discussion ensued about medical costs and programs. Ms. MacKenzie told the committee that she was exploring health service contracts for the future and looking at the prospect of a managed care approach to service. This has been successful in other Connecticut communities. There being no other business to discuss, the meeting was adjourned at 8:35 P.M.

The fifth meeting of the ad hoc committee to Review Welfare Regulations met on June 13, 1991. The meeting began at 7:30 P.M. During this meeting the committee reviewed Sections 17-3a-18 and general questions. Area of concerns were identified.

1. The committee felt that the per diem rates for clients using emergency services and shelters should be changed. A client is currently receiving \$5.00 a day for food.
2. The committee felt that the criteria for medical reimbursement for non-residents needs close review and change.
3. The committee felt that the regulations allowing aliens and refugees to apply for assistance without any residency guidelines was inappropriate. Refugees should be required to establish residency for a specific period of time before eligible for assistance.
4. Finally, the committee felt that medical aid to clients and eligibility for medical assistance need close review and reform.

Mrs. Coladarci told the committee and members of the Welfare Department that a final committee report would be assembled for distribution to the agencies and legislators identified in the initial meeting.

A motion was made by Mrs. Gogliettino that a final report be assembled for distribution to the appropriate agencies and legislators identifying changes to the welfare program. The motion was seconded by Mr. Boughton and passed unanimously.

The report was accepted on the Consent Calendar.

32 - REPORT - Scott-Fanton Lease

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the proposed new lease between the City of Danbury and Scott-Fanton Museum for location of Charles Ives House and King Street School House at Rogers Park met on Monday, July 15, 1991 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Setaro and Boughton. Also in attendance were Assistant Corporation Counsel Les Pinter and Gretchen Green of the Scott-Fanton Museum.

Mr. Valeri read a report from the Planning Commission giving a positive recommendation for the new lease, citing the need for two special exceptions, one for off-street parking and the other for the intended use (as a museum) which is not zoned for at this time.

Attorney Pinter explained the need for the new lease based on the fact that the Ives House had been placed on a parcel other than that indicated in the original lease of 1970 and a new document was executed in order to remedy that discrepancy. He also noted that the existing lease needed to be terminated prior to approval of the new one.

Mr. Boughton entered a motion to terminate the existing lease which was seconded by Mr. Setaro. Motion carried unanimously. Mr. Boughton additionally moved to approve the new lease pending the acquisition of the needed special exception as noted in the report from the Planning Commission. The motion was seconded by Mr. Setaro and passed unanimously.

The report was accepted on the Consent Calendar.

Mrs. Coladarci submitted the following report:

The committee to review the petition from residents of Holly Street Extension met at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Coladarci, Gogliettino and Regan. Also in attendance were Assistant Corporation Counsel Les Pinter, Associate Planner Heidi Tolo, Daniel Trocolla, Mary Saviano, Louise Clarkson, Constance Trocola, Vincent Trocola, Kathy Trocolla, Irene Tyrell and George Dzendzel all residents of Holly Street Extension.

Ms. Tolo discussed the background of the original change from the Common Council. She stated that the original maps from the Assessor's Office do not show an actual Holly Street Ext. Ms. Tolo also told the group assembled that complaints were received about missed mail on Holly Street. In discussion with the Tax Assessor, the Planning Department felt that changing the numbers on the homes was an appropriate solution rather than changing the name. A report was then sent to the Common Council which was placed on the Consent Calendar.

Ms. Coladarci explained the action of the Common Council and Mr. Pinter explained the purpose of a public hearing and public meetings. He told the group that the Common Council was within its rights with the action taken. Members of the group spoke about the issues regarding renumbering the street versus the name change for which they had received notice and responded 80% opposed. The residents felt they were not able to voice their opinions because the renumbering of the street was not mentioned in a letter they received. Ms. Gogliettino asked for clarification about the safety issues related to the street and Ms. Tolo addressed the question. Discussion continued about the merits of changing the numbers on Holly Street Ext.

Mr. Regan made a motion to recommend that the matter be referred to a public hearing. Seconded by Mrs. Gogliettino. Motion carried unanimously. The communications officer of the Fire Department and the Planning Department will also be invited to address the issue.

Mrs. Mack made a motion to accept the committee report and defer it to public hearing. Seconded by Mr. Boynton. Mr. Esposito asked that the Post Office be notified of the Public Hearing. Motion carried unanimously.

34 - REPORT - Proposed CL&P Electric Distribution-Spruce Mountain Trail

Mrs. Gogliettino submitted the following report:

The ad hoc committee assigned to review the proposed CL&P Electric Distribution Easement - Spruce Mountain Trail met on Wednesday, July 10, 1991 at 7:35 P.M. In attendance were committee members Gogliettino, Smith and Regan. Also attending were Superintendent of Public Utilities William Buckley and Mr. Ted Gemza.

Mrs. Gogliettino moved to waive the rules to allow Mr. Gemza the opportunity to speak. Mr. Gemza showed the committee members the two parcels in question on Spruce Mountain Trail. In 1989, Mr. Gemza received an easement from the City of Danbury for Parcel B on Spruce Mountain Trail. This easement allowed access for implementation of utilities by CL&P. Mr. Gemza was informed by CL&P that an easement from the City to CL&P was necessary in order to implement the required utilities. Mr. Gemza will be putting three poles on Parcel C in said area which is property owned by Mr. Gemza's daughter. One pole will need to go on Parcel B which is owned by the City. Mr. Buckley had no problems with the request nor did Corporation Counsel.

A motion was made by Mr. Regan to allow the easement on Parcel B to CL&P with easement language written to the specifications of the 1898 easement agreement between Mr. Gemza and the City of Danbury. The motion was seconded by Mr. Smith and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the reports on the widening of King Street in front of number 59 met at 8:00 P.M. in room 432 in City Hall on July 24, 1991. Present were committee members Scalzo, Charles and Fazio. Also present were Greg Vaccaro owner of property at 59 King Street. Letters were received from City Engineer Mack Schweitzer and Traffic Engineer Abdul Mohamed stating that they were unable to attend.

The reports from the City Engineer, Traffic Engineer, Highway Superintendent and Tree Supervisor were all reviewed. Mr. Vaccaro detailed the work that he completed since purchasing the property. This included removing all of the over-grown growth on the entire frontage of the property which in fact improved the sight line. The retaining wall always existed. He rebuilt the wall because of its deteriorated condition. Mr. Fazio and Mr. Vaccaro agreed that the road should be widened at the opposite side of the road. However, this in fact would require property acquisition and the removal of several trees, which the Tree Supervisor is not in favor of.

Mr. Fazio recommended that the pothole be filled in and curbing installed by the Highway Department. This would eliminate vehicles from cutting too close to the house which would prevent the reflectors being knocked down and the cutting away of the bank. He also suggested that proper road signs be installed as designaged by the Traffic Engineer to caution travelers of the narrow curving road. A copy of this report should be sent to the Highway Superintendent and the Traffic Engineer.

A motion was made by Mr. Charles and seconded by Mr. Scalzo that no further action be taken at this time because of the extensive work and expenses involved in widening the road. The motion passed unanimously.

The report was adopted on the Consent Calendar.

36 - PROGRESS REPORT - Proposed Acquisition of Property off Spruce Mountain Trail for a Rotating Hazard Beacon

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review the proposed acquisition of property off Spruce Mountain Trail upon which the Danbury Municipal Airport rotating hazard beacon stands met at 7:30 P.M. on July 29, 1991. In attendance were committee members Setaro and Mack. Mr. Fazio was absent. Also in attendance were Airport Administrator Paul Estefan, Assistant Corporation Counsel Laszlo Pinter, and Attorney Ted Gemza representing the Raymond family, the owners of a portion of the property at issue.

Mr. Setaro reported that the Airport Commission had determined that it is necessary to purchase a parcel of land comprising approximately one and one-quarter acre near the Danbury Municipal Airport in order to maintain and utilize the airport beacon located off Spruce Mountain Trail.

Mr. Estefan stated that the site's primary purpose has been for an airport beacon since 1962. A secondary purpose is for communication transmitters which are located on the site. These transmitters are vital to the operation of the Civil Air Patrol and the Emergency Operations Center. In the 1980's the City of Danbury and the Town of Ridgefield erected transmitters for public safety purposes (i.e. police, fire). Commercial transmitters are also presently located on the property.

Mr. Estefan stated that in 1962 the property upon which the beacon is located was regarded as state property by City officials. A survey conducted in October, 1988 by the Raymond family, the subsequent purchasers of the property, showed that the property in question was never state owned property but owned by the seller, Mr. Gemza. Mr. Gemza stated that the beacon is located on the Raymond's property and no easement currently exists to permit this use, nor any commercial use for which the City receives a profit, although the Raymonds are not opposed to non-profit use of the property.

Mr. Pinter stated that this issue arose when Mr. Gemza became aware that the City was obtaining an economic benefit from commercial leases for use of the Raymond's property for

transmitting. Upon Mr. Gemza's request of compensation to the Raymond family, the commercial users refused because they had a lease with the City. He also stated that it was the City's original intent to outright own the property upon which the beacon stands.

Mr. Estefan stated that the beacon can be located at no other location as all other beacons were abandoned upon the the rehabilitation of the Spruce Mountain beacon in 1985/1986. He therefore recommended that the City enter into negotiations for purchase, condemnation proceedings if necessary, or an agreement amicable to all parties involved.

Mr. Gemza stated that he is not seeking to sell the property because of the potential to generate income from commercial transmitters. He stated that the beacon should continue operating as long as commercial users compensate the Raymond's for its use.

Mrs. Mack questioned the cost and value of the property. Mr. Pinter responded that the site value is approximately \$5,000.00 but that the real value cannot be determined until an appraisal is complete. Mr. Estefan stated that he seeks to use Airport escrow account funds for the appraisal.

Committee members Mack and Setaro both questioned whether options other than condemnation were available which would not compromise public safety. Mr. Pinter stated that the City could compensate Mr. Gemza the value to which his clients feel entitled. Mr. Gemza stated that although the City could expand its existing easement to include the disputed property, it would still have agreements with commercial users which the City had no right to enter into without the Raymond's consent.

Mr. Pinter stated that the disputed area also includes a small strip of land owned by Mr. Peter Priano and Ms. Susan Ferraguzzi both of whom had not been personally notified of the situation. Mrs. Mack and Mr. Setaro stated that they had serious concerns about discussing possible condemnation negotiations effecting individual property owners when those persons have not been given an opportunity to be heard.

Mrs. Mack made a motion to defer a decision on the property in question until all of the property owners are present and that the Director of Finance be present at the future meeting to answer any questions about use of the Airport escrow account for appraisal of this property. Seconded by Mr. Setaro. Motion adopted unanimously.

The progress report was adopted on the Consent Calendar.

37 - COMMUNICATION - AIDS Project Grant

Mr. Boynton made a motion to add this item to the agenda. Seconded by Mr. Charles. Motion carried with Mr. Boughton voting in the negative.

Mr. Gallo made a motion to accept the communication and the request be granted. Seconded by Mr. DaSilva. Mr. Boughton asked if there was any urgency in this request. Mayor Enriquez stated that he did not believe so. Mr. Boughton asked that this be referred to an ad hoc committee, the Director of Finance and the Executive Director of the AIDS Project. Mayor Enriquez so ordered and appointed Council Members Gogliettino, Farah and Boughton to the committee.

38 - COMMUNICATION - Tarrywile Park Lease

Mr. Scalzo made a motion to add this item to the agenda. Seconded by Mr. Falzone. Motion carried with Mr. Fazio, Mr. Boughton, Mr. Boynton and Mr. Scozzafava voting in the negative.

Mr. Setaro made a motion that the Tarrywile Park Lease of May 7, 1990 be amended to include the federally mandated addenda. Seconded by Mrs. Mack. Mr. Boynton asked with two separate lease what is the City's standing. Mr. Pinter said that two leases are unusual but HUD requires the addenda to our lease. Mr. Boughton asked that this be referred to an ad hoc committee, the Tarrywile Park Authority, the Housing Authority and the Corporation Counsel. Mayor Enriquez so ordered and appointed Council Members Scalzo, Setaro and Regan to the committee.

39 - COMMUNICATION - Request for Water Extension, Quail Run Subdivision

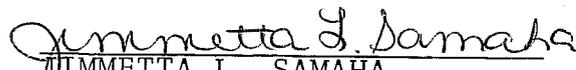
Mr. DaSilva made a motion to add this item to the agenda. Seconded by Mr. Charles. Motion carried with Mr. Boughton voting in the negative.

Mr. DaSilva stated that this is now ready to be approved as it has Planning and Public Utilities approval. Mr. Boughton that this item is already in committee and that committee should meet to take it off the table. The Chairman Mr. Zotos would need to be replaced. Mr. Boughton asked that this be referred to an ad hoc committee, the City Engineer and the Superintendent of Public Utilities. Mayor Enriquez so ordered and appointed Council Members Falzone, Charles, Regan to the committee.

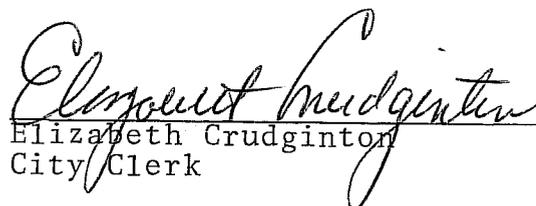
Mayor Enriquez extended all committees.

There being no further business to come before the Common Council, a motion was made for the meeting to be adjourned at 9:17 P.M. by Mr. DaSilva.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk