

TO: Honorable Mayor Gene F. Eriquez - City of Danbury, Conn.
Honorable Members of the Common Council

RE: Minutes of the Common Council Meeting held September 4, 1991.

The Meeting was called to order at 7:30 O'Clock P.M. by Mayor Eriquez.
Councilman Scozzafava led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Esposito.

Roll Call of members was taken by M. Rickert in the absence of the City Clerk - Elizabeth Crudginton with the following members being recorded as:

PRESENT: Councilmembers - Fazio, Falzone, Gallo, Dennehy, Setaro, DaSilva, Esposito, Cassano, Charles, Boughton, Boynton, Regan, Scozzafava.

Councilmembers - Scalzo, Farah & Butera arrived after Roll Call.

ABSENT: Councilmembers - Coladarci, Mack, Gogliettino, Smith, Valeri.

16 Present

5 Absent

Mayor Eriquez announced that the City Clerk, Elizabeth Crudginton was absent due to a death in the family.

Council President DaSilva reported that he had received calls from the following members:

E. Coladarci - had to attend classes.

D. Gogliettino - absent due to illness.

J. Mack - " " " " "

S. Smith had illness in family.

T. Valeri - Working.

PUBLIC SPEAKING SESSION

Many residents of the Bear Mountain Reservation area spoke in opposition to a request to purchase City Property North of the Bear Mountain Reservation.

Robert McNamara - representing the Manchurian Family stated that they have a proposal to purchase part of the property - no trade value yet to be determined. Hopes to improve Bear Mountain Park. "We feel we can improve the area by purchasing a small amount of land and using some of the funds to improve the park so that all people in Danbury can use the park. Right now it is basically a neighborhood use. Not much to attract anyone else there."

Don McGran - Musket Hgts. - spoke in opposition to selling the property at Bear Mountain as people from all over enjoy the beautiful things it has to offer.

Alan Yarrish - spoke in opposition stating that he has seen wild turkeys there, the bald eagle, touched the quail, seen fox eat wild mushrooms by the trails.

Mary Reynolds - 15 Library Place - presented a poster - pictures of wildlife who use the wilderness of Bear Mountain.

Victor Westman - Stated that the Bear Mountain Land is a great asset to the City and spoke in opposition to selling the property.

Gail Donnelly - Buckskin Hgts. - spoke in opposition to the City selling this property. Trails are used by all of the people in Danbury.

Marlin Murray - Stated that Bear Mountain has more traffic than the road can handle and spoke against selling the land.

Two residents from Third Street area spoke in favor of the request for installation of sewer service. Carmen F. & Robin -

Terrell - stated that Holley St. Ext. numbering is not the only problem. People have trouble locating the street from Holley St.

ANNOUNCEMENTS BY MAYOR ERIQUEZ

- Sept. 4, - Dennis Elpern's Birthday. (Director of Planning).
William & Sue Buckley's 20th Anniversary.
- Sept. 10 - Leo McIlrath's Birthday
Joseph Molinaro's Birthday
- Sept. 17 - Wilbur Conlea's Birthday
Debbie Gogliettino's Birthday.
- Sept. 25 - John & Debbie Gogliettino 's Anniversary.
Geneva Esposito's Birthday.
- Sept. 12 - Councilman Esposito's Birthday.
- September - National alcohol & drug treatment month.
- Sept. 15 -21 - National Rehabilitation Week.
- Sept. 1 - Our Lady of Guadalupe, 15th Anniversary.
- Sept. 7 - Mill Plain Volunteer Fire Co. "Wetdown" 2 new trucks.
- Sept. 8 - News Times Road Race
Fifth Annual "Taste of Danbury"
Beaver Brook Fire House Annual Clambake
- Sept. 8 - Sundown - Beginning of Jewish New Year -Rosh Hashanah.
- Sept. 11 - United Way 1991 Campaign -
- Sept. 14 & 15 - Arthritis Foundation
Mayor's Invitational Tennis Tournament.
Charles Ives Center Crafts Fair
- Sept. 21 - Jennie Bryant Temple Anniversary Ball.
- Sept. 22 - Neil Sedaka Benefit Concert for Danbury Hospital at
Charles Ives Center.
- Sept. 26 - Annual Old Timers Dinner at the Amber Room.
- Sept. 28 - All Veterans Parade - Special Tribute to Troops of Operation
Desert Storm.

Mayor Enriquez also made mention that schools are open now for 91-92 school year and extended best wishes for a successful school year for all students, faculty, staff and school administration.

The Mayor also asked that all drivers be especially alert for school-children and to extend appropriate courtesies to school bus transportation of the children.

CONSENT CALENDAR

Councilman Esposito presented the following items for the Consent Calendar.

- 04 - Resolution - State Payment In-Lieu-Of-Taxes - Pilot Program.
- 05 - Resolution - Tax Abatement Contract with Beaver St. Apartments
- 06 - Resolution - Drainage Easements Wibling/South King St.
- 07 - Resolution - W.I.C. Grant.
- 08 - Resolution - Airport Master Plan.
- 09 - Resolution & Certification - New Snow removal equipment storage
& Maintenance Building.
- 10 - Resolution & Certification - Airport Improvements.
- 12 - Communication - Reappointment to Richter Park Authority.
- 12-1 - Reappointment to Equal Rights & Opportunities Commission.
- 15 - Communication - Grant - Narcotics Task Force.
- 16 - Communication - License Agreement between Wibling Properties and
City of Danbury re: Placement of Chain Link Fence.
- 17 - Communication - Utilization of Danbury Housing Partnership Fund.
- 18 - Communication & Certification - Water Fund Transfers.
- 22 - Communication - Report from Planning Commission re: Request from
Robert McNamara to purchase City Property North of
Bear Mountain Reservation.
- 24 - Report & Resolution - Proposed Acquisition of Property off Spruce
Mountain Road.
- 25 - Report - Revision of Board of Education 1990-1991 State & Federal
Budget.
- 26 - Report - Tarrywile Park Lease.
- 27 - Progress Report - Joint Committee with the Aviation Commission -
Re: Leasing Procedures.
- 28 - Report - Joint Committee with the Aviation Commission re: Leasing
Procedures.
- 29 - Report & Certification - Request for funds for OSHA required medical
Exams for Volunteer Firefighters.
- 30 - Report & Ordinance - Additional Exemption for Veterans & Spouses of
Low & Moderate Income.
- 31 - Report & Ordinance - Waiver of property taxes under \$5.00.
- 32 - Report & Ordinance - Article VI- Purchasing.
- 35 - Report - Repeal of various sections of Code of Ordinances.
- 36 - Report - City owned land & Bear Mountain Reservation.
- 37 - Report - Conveyance of Parcel X -South St. to Alvaro Moniz.
- 38 - Report - Danbury Recycling Center - Non-resident use.
- 39 - Resolution - Grant Application to the Commission of Human Resources
Re: Before & After School Child Care Program.
- 40 - Communication - Ronald Whelan - New England Aircraft.

Councilman Scalzo requested removal of Item #22 from the Consent Calendar.
Councilman Boughton requested removal of Item #36 from the Consent Calendar
Motions were duly made and seconded. The Consent Calendar was adopted
unanimously, as amended.

MINUTES - Minutes of the Common Council Meeting held on August 7, 1991.

A motion was made by Councilman DaSilva and seconded by Councilman
Boynton for the Minutes of the meeting to be accepted and to waive the
reading as all members have copies which are also on file in the office
of the City Clerk, for public inspection. The motion carried unanimously.

01 - ORDINANCE - Article III - Police Pensions.

Councilman Gallo requested that the Ordinance be deferred to Public Hearing - Mayor Eriquez so ordered.

02 - ORDINANCE - Amendment of Connecticut Basic Building Code.

Councilman Falzone requested that the Ordinance be deferred to Public Hearing - Mayor Eriquez so ordered.

03 - RESOLUTION - Installation of Traffic Control Signal - Rt 53 & Shelter Rock Rd.

Councilman Boynton requested referral to an ad hoc committee. Mayor Eriquez so ordered and appointed the following committee: Councilmembers - Farah, Esposito, Boughton.

04 - RESOLUTION - State Payment In-Lieu-Of-Taxes. Pilot Program.

Application for the Payment In-Lieu-Of-Taxes Pilot Program by the City of Danbury in an amount not to exceed \$256,609.86.

Through this program the State of Connecticut reimburses cities and towns for State Moderate Rental housing within that municipality.

In consideration of said Assistance Agreement applicant does hereby waive any Payments-In-Lieu-Of-Taxes by the Housing Authority to the City of Danbury under the provisions of Section 8-71 of the Conn. General Statutes.

The Resolution was adopted on the Consent Calendar.

05 - RESOLUTION - Tax Abatement Contract with Beaver St. Apartments.

Amount of taxes to be abated on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, is \$31,500 for the Grand List of Oct. 1, 1990.

The Resolution was adopted on the Consent Calendar

06 - RESOLUTION - Drainage Easements -Wibling/South King St.

Undertaking of a storm drainage project on South King Street. Project requires that the City of Danbury acquire interests in and to real property.

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 property owned by Mildred E. Wibling, South King Street, her successors, heirs, executors and assigns and her respective mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

07 - RESOLUTION - WIC Grant.

Grant renewal of \$160,340.00 has been prepared by the Danbury Health Department to be used for the Women, Infants, Children's Supplemental Nutrition Program.

The Resolution was adopted on the Consent Calendar.

08 - RESOLUTION - Airport Master Plan.

City of Danbury will make application for a federal and state grant in an amount not to exceed \$167,505 with a local match to be provided for as "in-kind services" to update the existing Airport Master Plan.

The Resolution was adopted on the Consent Calendar.

09 - RESOLUTION & CERTIFICATION - New Snow Removal Equipment Storage and Maintenance Building.

City of Danbury intends to construct a new snow removal equipment storage and maintenance building which will improve the safety and efficiency of airport operations and, The City of Danbury will make application for a federal and state grant in an amount not to exceed \$1,394,250 with a local match of two and one-half percent, equaling an amount not to exceed \$35,750.

A Certification was submitted by D. Setaro, Jr. Director of Finance, in the amount of \$7,000 to be transferred from funds reserved for Airport Improvements, to the capital account entitled Airport Snow Removal Building. This transfer has no impact on the Contingency.

Balance of Reserve	\$131,350.00
Less Pending request	16,250.00
Less this request	7,000.00
	<u>\$108,100.00</u>

The Resolution was adopted and transfer of funds authorized, on the Consent Calendar.

10 - RESOLUTION & CERTIFICATION - Airport Improvements.

City of Danbury intends to make airport/^{drainage}channel culvert and utility improvements, reconstruct the taxiway "A" and "B" intersection, acquire a new aircraft rescue and fire fighting vehicle, and install security gates, all four of which will improve the safety and efficiency of airport operations.

The City of Danbury will make application for a federal and state grant in an amount not to exceed \$3,207,750 with a local match of two & one-half percent equaling an amount not to exceed \$82,250.

A Certification was submitted by D. Setaro, Jr., Director of Finance, in the amount of \$16,250.00 to be transferred from funds Reserved for Airport Improvements to a new capital account entitled Various Airport Improvements. This transfer has no impact on the contingency.

Balance of Reserve	\$131,350.00
Less pending requests	-0-
Less this request	16,250.00
	<u>\$115,100.00</u>

The Resolution was adopted and transfer of funds authorized, on the Consent Calendar.

11 - LEASE - Lease between City of Danbury & Danbury Music Centre.

Councilwoman Janet Butera requested referral to the Planning Commission to report back within 30 days. Mayor Eriquez so ordered.

12 - COMMUNICATION - Reappointment of Francis Kieras to the Richter Park Authority. Term to expire Sept. 1, 1994.

Mr. Kieras has an excellent attendance record and has been an active member since his appointment.

The Communication and reappointment by the Mayor was confirmed by the Common Council, on the Consent Calendar.

12-1-COMMUNICATION - Reappointment of Abner Burgos Rodriguez (R) of 8 Corn Tassle Road to the Equal Rights & Opportunities Commission. Term to expire August 1, 1994.

Mr. Rodriguez has been a active member since his appointment.

The Communication and reappointment by the Mayor was confirmed by the Common Council on the Consent Calendar.

13 - COMMUNICATION - Property for sale - Corner of Main and Boughton Streets.

Councilman Gallo requested referral to the Director of Planning, Police Chief and Planning Commission. Mayor Eriquez so ordered.

14 - COMMUNICATION - Seahorse Aviation Lease.

Councilmember Butera requested referral to Ad Hoc Committee, Corporation Counsel, Airport Administrator and Planning Commission. Mayor Eriquez so ordered and appointed the following committee members: Setaro, Dennehy, and Regan.

15 - COMMUNICATION - Certification - Grant Narcotics Task Force.

Request for approval of \$14,233.00 to be appropriated to the overtime line item in the Police Department Budget.

Last year the City of Danbury was awarded a grant in the amount of \$1,033.00 per month for the financial incentive for our contribution to the Statewide Narcotics Task Force manpower.

The Communication was accepted and funds authorized by the Common Council on the Consent Calendar.

16 - COMMUNICATION - Proposed License Agreement Between Wibling Properties and City of Danbury Regarding Placement of a Chain Link Fence.

As part of the City of Danbury's program to safeguard the Danbury Municipal Airport from unwanted and dangerous incursions, funds have been designated and work has begun toward the placement of a chain link fence across various parts of both private and public property at the Danbury Municipal Airport. One of these properties is owned by the Wibling Family.

Although the Wibling Family is not opposed to the placement of a fence across a portion of their property for safety purposes, they have requested that in the event, at some future date, they desire to have the fence removed or relocated, said removal and relocation shall occur at the City's cost and within a reasonable time after said request is made. In addition, they are also requesting that the City agree to hold them harmless from any liability attributable to the negligence of the City of Danbury with regard to the aforementioned fence.

The Communication and Agreement was accepted by the Common Council on the Consent Calendar.

17 - COMMUNICATION - Utilization of Danbury Housing Partnership Funds.

Request from the Fair Housing Office for use of Danbury Housing Partnership Funds totaling \$850.00

The purpose of this request is to provide Homeownership Education Workshops for Danbury residents. These workshops will provide guidance and assistance to prospective first-time homebuyers in the areas of budget/credit counseling.

The Communication was accepted and request granted by the Common Council, on the Consent Calendar.

18 - COMMUNICATION & CERTIFICATION - Water Fund Transfers.

Director of Finance D. Setaro, Jr. submitted a certification in the amount of \$265,519.43 available to be reappropriated from the Water Fund balance (surplus) to proper accounts in the 91-92 budget so that the following projects can be completed and finalized:
List submitted by William Buckley - Supt. Public Utilities:

Tarrywile Tank	173,882.00
Distribution System #1-6	26,873.93
Distribution System #7-10	35,286.80
West Lake Dam	10,829.35
White St. Bridge	9,621.70
Harvest Hill Serv.	500.00
Margerie Filter Plant	500.00
Harvest Hill Water Mains	7,423.26
Hollandale Estates	602.39

The Communication was accepted and transfers authorized by the Common Council on the Consent Calendar.

19 - COMMUNICATION - Petition to change name of cul de sac portion of Grammar School Drive to Woodstone Court.

The Petition was referred to the Director of Planning, Planning Commission and ad hoc committee.
Mayor Eriquez appointed the following committee: Scalzo, Butera, Falzone.

20 - COMMUNICATION - Donation of an Industrial Collectible.

Mr. Mortimer J. Sullivan, President of Robotic Unlimited Resources, Inc. of Bethel has offered to donate an "Industrial Collectible" made of 120 circuit boards from the former Unimation Plant. The collectible is framed for hanging and includes the signature of Mr. Joseph Engelberger, considered the "Father of Robotics".

A motion was made by Councilman Boynton, seconded by Councilman Charles to accept the donation and for a letter of thanks to be sent to Mr. Sullivan. Motion carried unanimously.

21 - COMMUNICATION - Request of Third Street Residents for Installation of Sewer Service.

Councilman Scalzo requested referral to ad hoc committee, City Engineer, Superintendent of Public Utilities and Planning Commission.

Mayor Eriquez so ordered and appointed the following committee members - Gallo, Coladarci, Scozzafava.

22 - COMMUNICATION - Report from Planning Commission regarding request by Robert McNamara to purchase City Property North of Bear Mountain Reservation.

The request is to purchase twenty-two to twenty-seven acres of land to the North of Bear Mountain Reservation. This City land is part of a 42.86 acre parcel which the City purchased on August 1, 1974 for \$88,000.00 from a Howard E. Palmer (authorized by the Common Council Resolution passed on July 3, 1973. The property is zone RA-80 (Single Family residential with a minimum of 80,000 square fot lots).

Earlier this year the Planning Commission gave a negative recommendation for a proposed land swap with Mr. Manchurian, which involved a twenty-two acre piece of City land (virtually the same area involved with the present request) and twenty-eight acre tract from Mr. Manchurian's property fronting on Lake Candlewood.

The Planning Commission also gives a negative recommendation to this current proposal. At the Planning Commission meeting Mr. McNamara stated it was his understanding that unless improvements are done to Bear Mountain Reservation that the reservation's land will revert to the Federal Government, from whom the City purchased the reservation's land. It is the understanding from the Planning Department that none of the covenants on either deed for the reservation's two tracts appear to note such a requirement.

A motion was made by Councilman Boynton, seconded by Councilman Boughton to accept the Report with no action to be taken at this time. Motion carried unanimously.

23

DEPARTMENT REPORTS

Engineering Department
Highway Department
Public Building Dept.
Fire Chief
Dept. of Elderly Services

Parks & Recreation
Health & Housing
Fire Marshal

A motion was made by Councilman DaSilva, seconded by Councilman Boynton for the Reports to be accepted and to dispense with the reading of the Department Reports as all members have copies which are on file in the office of the City Clerk, for public inspection. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

24 - REPORT & RESOLUTION - Proposed Acquisition of Property Off Spruce Mountain Road.

Councilman Setaro submitted a report stating that the 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 8:00 P.M. on August 7, 1991.

Mr. Setaro explained that the charge of the committee was to consider whether the City should purchase the property upon which the Airport hazard beacon stands as recommended by the Airport Commission.

Mr. Estefan Airport Administrator recommended that the City enter into negotiations with the property owners for the purpose of purchasing the property and to proceed with condemnation if necessary.

Mrs. Mack made a motion at the committee meeting that the Corporation Counsel be authorized to enter into negotiations with the owners of the property where the beacon is located for the purpose of purchasing the property, and if unsuccessful, that the Corporation Counsel proceed

with condemnation of the property located off Spruce Mountain Trail pending certification by the Director of Finance that funds are available in the Airport escrow account for the purpose of condemnation. Motion seconded by Councilman Scozzafava and carried unanimously at the committee meeting.

RESOLUTION - Whereas, the City of Danbury holds a permanent easement and right-of-way over a portion of property off Spruce Mountain Trail (rear) shown and described in a certain easement from Doris Jean Gemza to the Town of Danbury dated July 22, 1963 -

Whereas, said easement and right-of-way permitted the Town of Danbury to erect and maintain a rotating airport beacon light, poles, transmission line structures and other appurtenances over, upon, across and under said property of the Grantor; and

Whereas, it is now in the best interests of its successor, the City of Danbury, to acquire permanent ownership of said property and additional property known as Parcels "B-1" and "B-2" on "Map Showing Land to be Acquired by the City of Danbury from Tancy Jean Gemza and Marcie Elyce Gemza and Peter Priano and Susan Ferrguzzi Spruce Mountain Trail, Danbury, Conn.

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

Now, Therefore, Be It Resolved By The Common Council of the City of Danbury that the Corporation Counsel is hereby authorized to acquire the property interests as set forth, either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned property and the owners thereof, their successors, heirs and assigns and their respective mortgage holders and encumbrancers, if any.

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

25 - REPORT - Revision of Board of Education 1990-1991 State and Federal Budget.

The Common Council committee appointed to review the communication from the Superintendent of Schools, met on August 20, 1991. In attendance were committee members, Stanley Smith, Chairman, Mounir Farah, Joseph 'Scozzafava and Joan Mack. Also in attendance were Director of Finance D. Setaro, School Director of Finance, Mr. Heidenreich, and Board of Education members Philip Fenster and M. Chory.

Mr. Heidenreich addressed the communication that was sent to the Common Council. After a timely discussion, Mr. Setaro and Mr. Heidenreich would work in conjunction to assure that there would not be an over run of the budgeted amount that has been approved by the Common Council, since this is not the first time this has occurred.

A motion was made at the committee meeting by J. Scozzafava and seconded by M. Farah to recommend acceptance of the communication from Dr. Singe with no amendments to the 1990-1991 fiscal budget. The committee encourages that steps be taken by the School Finance Department, that over-spending of the approved amount does not occur again. Motion carried at the committee meeting.

(Note) The Board of Education needs to revise the 1990-1991 State & Federal Budget from \$3,052,718 to \$3,537,490.

The Report was accepted by the Common Council on the Consent Calendar.

26 - REPORT - Tarrywile Park Lease.

The Common Council committee appointed to review the Tarrywile Park Lease Addendum, met on August 26, 1991 in City Hall. Present were committee members Scalzo, Chairman, Setaro and Regan. Also present were Lazlo Pinter, Assistant Corporation Counsel; Bernard Fitzpatrick, Director of Housing Authority, Robert Woodside, Director of Tarrywile Park Authority, Robert Lovell, Chairman, Tarrywile Park Authority and GERALD DALY, member of Tarrywile Park Authority.

Background information was presented by Councilman Scalzo, stating that the Tenant Review Committee submitted three names, from the applications received and who met the criteria for renting the Carriage House, to the Tarrywile Park Authority. After selecting one of the three, the Authority learned that the individual receives Title VIII Federal Housing Assistance because of the size of his family and income. This situation requires that HUD regulations be a part of the municipal lease.

The charge of the committee is to determine whether to accept the HUD LEASE and addendum and have it executed as well as the City of Danbury Lease. The HUD Lease and regulations contain some areas inconsistent with the City Lease. These included the amount of security deposit required, determination of the amount of rent to be charged, gas and electric utilities payment, maintenance of premises and appliances, and the eviction process.

After much discussion and debate by all present concerning the above inconsistencies, agreement was reached that changes in the HUD Lease and regulations be made to conform to the City Lease.

Motion at the committee meeting was made by Councilman Setaro that the Carriage House Lease approved at the May 7, 1991 Council Meeting, be amended to include the Federal HUD Lease and addenda for this tenant for the period of one year as specified in the Federal HUD addenda. Motion was seconded by Councilman Regan and passed unanimously.

The Report was accepted by the Common Council on the Consent Calendar.

27 - REPORT - PROGRESS REPORT - Joint Committee with the Aviation Commission Re: Leasing Procedures.

The Common Council Committee appointed to meet jointly with a committee from the Aviation Commission to study a request by the Aviation Commission to establish a mutually acceptable and standardized leasing² procedure to deal with available surplus airport property, met on August 12, 1991.

In attendance were committee Members Valeri, Chairman; Boynton & Regan. Also in attendance were Aviation Commission Members Crudginton, Scarfi, Sherwood, Landerman, Zarecki and Bernard; Assistant Corporation Counsel, Les Pinter, Director of Finance D. Setaro, Lloyd Putter and Matt Bloom of 2001 Real Estate, agents for General Mills Restaurant, General Mills' Neil² Terwilliger and Greg Brinkman from Seahorse Aviation.

It became immediately obvious that certain confusion existed with regard to the expressed vs. implied intent of the committee's charge.

After a lengthy and sometimes heated discussion, it was decided that what was needed was a standardized procedure when dealing with critical areas such as potential tenant recruitment and selection, establishment of fair market value for targeted parcels and minimally acceptable terms of leasing agreements. These would hopefully result in the establishment of procedural guidelines to avoid further and future confusion.

27 - continued:

Mr. Boynton motioned at the committee meeting to request input from the offices of the Tax Assessor, the Corporation Counsel, Director of Finance, Airport Administrator and Mayor's Office for both specific and general procedural recommendations to report back to the committee within 30 days, at which time we will reconvene to access that input and establish some guidelines. Motion was seconded by Mr. Regan and passed unanimously.

The Report was accepted by the Common Council on the Consent Calendar.

28 - REPORT - Joint Committee with the Aviation Commission.

The same committee appointed, met on August 12, 1991 at 8:00 P.M. in City Hall.

After much discussion, it was ultimately decided that since the charge of the committee was to establish mutually acceptable standardized leasing procedures and not enter into specific negotiations with either prospective lessee at this time, their presence at this meeting was not necessary. It was further agreed that since the two prospective leases were of a dramatically different nature, one being a Fixed Base Operator Seahorse Aviation, seeking to establish a vintage World War II aircraft museum on five acres with the perimeter of the Airport, the other being a commercial interest seeking to establish two restaurants on a four acre parcel outside the Airport perimeter on Backus Avenue, the two requests should be dealt with separately. Furthermore, it was brought to the attention of the committee that a standardized leasing procedure for F.B.O's had been established several years ago and that it was not necessary for the committee to change that procedure.

Therefore Mr. Crudginton moved to divide the process, dealing with each prospective lease individually, recommending referral of the Seahorse Aviation request to the Aviation Commission for further negotiations using the previously accepted standard for Fixed Based Operators. Seconded by Mr. Boynton and passed unanimously.

The Report was accepted by the Common Council on the Consent Calendar.

29 - REPORT & CERTIFICATION - Request for funds for OSHA Required Medical Exams for Volunteer Firefighters.

The committee appointed to review a request for \$25,850 for OSHA required medical exams for volunteer firefighters met on 8/20/91. In attendance were committee members - DaSilva, Esposito and Scozzafava. Also in attendance were Warren Levy, Vice-President of the Danbury Volunteer Firemen's Council, Peter Siecienski, Drill Master of the Danbury Fire Department, Antonio Lagarto, Fire Chief, and Director of Finance D. Setaro and Tom Lechner of the Danbury Volunteer Council.

Chief Lagarto passed out copies of the OSHA Hazard Evaluation Report on the Danbury Fire Department and sections of OSHA Federal Regulations. Both of these state that "a physician must determine whether an employee is able to perform his or her work while using a respirator". In this case the term employee means a volunteer firefighter and the term respirator means self contained breathing apparatus. (S.C.B.A.).

Chief Lagarto and Mr. Setaro explained that in order to meet this mandate from OSHA, Corporate Health Care of Danbury will be used by the City to perform the required physical exams. These exams include

#29 continued:

a spirometry test which rates pulmonary capabilities. The cost for this averages \$110 per exam. This Firm has been contacted by the City to perform all such exams.

After discussion, Mr. Scozzafava moved to recommend an appropriation of \$28,850, pending certification, for physical examinations for volunteer firefighters as mandated by OSHA. The motion was seconded by Mr. Esposito and passed unanimously.

CERTIFICATION #2 was submitted by D. Setaro, Jr. Director of Finance certifying the availability of \$25,850.00 to be transferred from the Contingency Fund to the Fire Department Professional Service and Fees Account #02-02-110-020100.

Balance of Contingency Fund	\$627,997.00
Less Pending requests	-0-
Less this Request	25,850.00
	<u>\$602,147.00</u>

The Report was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

30 - REPORT & ORDINANCE - Additional Exemptions for Veterans and Spouses of Low & Moderate Income.

Council President J. DaSilva submitted a report stating that the Common Council, as a committee of the whole, met at 8:45 P.M. on August 28, 1991 to consider the above Ordinance.

Tax Assessor A. DeFlumeri had explained at the preceding public hearing that there are no monetary changes in this Ordinance. The only change is to provide for application every other year as opposed to a yearly application.

Councilman Boughton moved to recommend approval of the proposed Ordinance. The motion was seconded by Councilwoman Butera and passed unanimously.

The Report was accepted and Ordinance adopted by the Common Council, on the Consent Calendar.

31 - REPORT & ORDINANCE - Waiver of Property Taxes under \$5.00.

Common Council President J. DaSilva submitted a report stating that the Common Council, as a committee of a whole, met at 8:45 P.M. on August 28, 1991 to review a proposed Ordinance concerning the Waiving of Property Tax under \$5.00. This would make the collection of taxes more cost effective.

Councilman Boughton moved to recommend approval of the Ordinance. The motion was seconded by Councilman Falzone and passed unanimously.

ORDINANCE - That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-23, which said section reads as follows:

Sec. 18-23 - Waiver of Property Tax under five (\$5.00) dollars.

The City of Danbury hereby adopts the provisions of and invokes the option provided by Section 12-144c of the Connecticut General Statutes relating to the waiver of any property tax due in an amount less than Five Dollars. The payment of any property tax

#31 - continued:

due the City of Danbury in an amount less than Five Dollars shall hereby and hereafter be waived and the Office of the Tax Collector of the City of Danbury shall be authorized to adjust its records accordingly.

The Report was accepted and Ordinance adopted by the Common Council on the Consent Calendar.

32 - REPORT & ORDINANCE - Article VI - Purchasing.

Common Council President J. DaSilva submitted a report stating that the Common Council as a committee of a whole, met at 8:45 P.M. on August 28, 1991 to consider a proposed Ordinance concerning revision concerning purchasing of service and materials.

Mr. W. Platz, Purchasing Agent, explained that these proposals follow changes in the City Charter as passed last November.

Councilman DaSilva read a change in the Ordinance as proposed by Director of Finance D. Setaro, that the second paragraph of Sec. 2-147 should read: :Purchases or sales in sums of less than Five Hundred Dollars may be awarded on a single bid, or competition bids may be sought and accepted orally. This will make purchasing more expeditious for less costly items.

Councilman Boughton moved to recommend approval of the Ordinance with modification of language as proposed by the Director of Finance. The motion was seconded by Councilmember Butera and passed unanimously.

ORDINANCE - That Article VI. Purchasing of the Code of Ordinances of Danbury, Conn. is hereby repealed and replaced with a new Article VI. Purchasing: Sec. 2-145 - Competitive Purchasing.

Sec. 2-146 - Purchasing & Bidding Procedures.

Sec. 2-147 - Purchases under \$5,000.

Sec. 2-148 - Award by purchasing agent - board of awards.

Sec. 2-149 - Wage provisions required in public works contracts; local preference differential.

Sec. 2-150 - Insurance Contracts.

Sec. 2-151 - Emergencies - sole source purchases.

Sec. 2-152 - Determining award; contract limited to the lowest responsible bidder; delinquency in the payment of taxes.

Sec. 2-153 - Disposal of surplus property.

Sec. 2-154 - Regulations.

The Report was accepted and Ordinance adopted by the Common Council on the Consent Calendar.

33 - REPORT - Petition from residents of Holley St. Ext.

Common Council President J. DaSilva submitted a report stating that the Common Council as a committee of a whole, met at 8:45 P.M. on August 28, 1991 to review a petition from Holley Street residents concerning the renumbering of that street. Several residents spoke in opposition to this Common Council action at the preceding public hearing. They stated that they had no problems with mail or emergency vehicles.

Assistant City Planner, Heidi Tolo stated that the Planning Department renumbered Holley St. Ext. because of possible problems with mail and emergency vehicles. She advised that we not wait until a problem occurred before acting. She also said that a number of residents of this street have already had their addresses changed.

#33 continued:

Councilman Boughton moved to recommend no action be taken on this petition because of the reasons stated by Ms. Tolo. The motion was seconded by Councilman Regan and passed by a vote of 8 to 4. Councilmembers Butera, Dennehy, Godliettino and Setaro voted in the negative.

A motion was made by Councilman Falzone and seconded by Councilman Gallo to accept the Report as read. Motion carried unanimously.

34 - REPORT - Proposed Sanitary Sewer - Mill Plain Rd.

Common Council President J. DaSilva submitted a report stating that the Common Council, as a committee of the whole, met at 8:45 P.M. on August 28, 1991 to consider a Sanitary Sewer installation on Mill Plain Road. Several people spoke in favor and against this sewer at the preceding public hearing. Those in favor spoke of the need at the Manorbrook Motel which has failed septic and cannot permanently hook in the forced main in Mill Plain Road and general good for the area.

Those against stated they did not need the sewer and were opposed to paying the assessment.

Following considerable discussion, Councilman Boughton moved to recommend the sewer be installed beginning at the Manorbrook Motel, thus eliminating those opposed to the installation. The motion was seconded by Councilman Falzone and passed unanimously.

A motion was made by Councilman Gallo and seconded by Councilman Fazio that the Report be accepted and recommendation approved. Motion passed unanimously.

35 - REPORT & ORDINANCE - Repeal of Various Sections of the Code of Ordinances.

Councilman Gallo submitted a report stating that the committee met on 3/11/91 and 8/22/91. Members present were Gallo, Regan and Mack. Corporation Counsel Eric Gottschalk was also present.

Atty. Gottschalk explained why these Ordinances should be repealed. Some of the reasons for repealing were: Ordinance covered by State Statute, Civil Service or another Ordinance. Ordinances were also covered by collective bargaining. Only one of these ordinances needed to be changed, not repealed. That was paragraph (d) of Sub-section 10-16 (6). The phrase "City Clerk" had to be changed to "Town Clerk"

At the second committee meeting Councilman Regan moved to recommend to the full Council that the Code of Ordinances be amended by the repeal of Sections stated in the amended Ordinance.

The Report was accepted and the Ordinance was deferred for a Public Hearing - on the Consent Calendar.

36 - REPORT - City Owned Land & Bear Mountain Reservation.

Councilman Falzone submitted a report stating that the committee appointed to review the proposal to join City-owned land with that of Bear Mountain Reservation, met on August 8, 1991. In attendance were committee members Michael Falzone and Bernard Gallo. Also in attendance were Heidi Toto, Associate Planner; James O'Connell, Mary Reynolds and Dennis W. Stobet of the Conservation Commission and Robert McNamara.

Councilman Falzone read the letter sent by Robert Ryerson, Director of Parks & Recreation, which recommended that the parcel be incorporated into Bear Mountain Reservation. He read into the record the Planning Commission's letter which gave a positive recommendation to incorporate the two parcels, and he stated that Barbara Monsky, Chairperson of the Conservation Commission had sent in a letter recommending that the parcel be incorporated into the Reservation.

Ms. Tolo gave the background of the piece of property. The property could be subdivided into twenty building lots.

Mr. McNamara spoke for the abutting property owner, and stated that this property could be used for access to the abutting owner's property. He noted that if Bear Mountain Reservation is not well maintained, it can revert back to the Federal Government.

Following further discussion, Mr. Gallo made a motion to add the 42.86 acres of City-owned property into Bear Mountain Reservation with the stipulation that if the Federal Government ever took back the Reservation, the 42.86 acres would revert back to the City. Also, once the land becomes part of Bear Mountain Reservation, the property will be governed by the same regulations as the Reservation. Councilman Falzone seconded the motion and it was passed unanimously.

A motion was made by Councilman DaSilva and seconded by Councilman Charles to accept the Report as submitted with the 42.86 acres being incorporated into the Bear Mountain Reservation.

Motion carried unanimously.

Councilman Boughton suggested that the City Clerk's Office should notify petitioners with a flat "no" when requesting to purchase city property, unless declared as surplus property.

Councilman Boynton thought that requests to purchase open space should come to the Common Council.

Councilman Boynton also stated that the only way the Federal Government can take this land is if City abandons it.

37 - REPORT - Conveyance of Parcel "X" on South Street to Alvaro S. Moniz.

Councilman Falzone submitted a report stating that the committee appointed to review the conveyance of Parcel "X" from the City of Danbury to Alvaro Moniz, met on August 8, 1991. In attendance were committee members Michael Falzone and Eileen Coladarci. Also, in attendance was Lazlo Pinter, Assistant Corporation Counsel and Attorney Peter Damia, who represented MR. Moniz.

Councilman Falzone stated that the Planning Commission had given a positive recommendation at their meeting regarding Parcel "X".

37 - continued:

Attorney Damia gave a history of the parcel. He stated that when the City expanded South St. School, a piece of land was left vacant adjacent to the Moniz property which the City allowed them to use. A title search indicated that the City owned this piece of property, but according to the Deed of the Moniz property, which outdates all other Deeds, Mr. Moniz owns the property. Therefore, Mr. Moniz owns the property by adverse possession.

Following further discussion, Councilmember E. Coladarci made a motion to sell the piece of property to Mr. Moniz for the assessed value of \$6,000, pending approval by the Board of Education, and in conjunction with the Corporation Counsel's Office. The motion was seconded by Councilman Falzone and was passed unanimously.

The Report was accepted by the Common Council on the Consent Calendar.

38 - REPORT - Danbury Recycling Center - Non-Resident use.

Councilman Gallo submitted a report stating that the committee met on 6/25/91 and 8/27/91. Members present were Gallo, Butera and Scozzafava. Exofficio - Councilman Scalzo. Superintendent of Public Utilities was also present.

The committee was in favor of charging a fee for non-residential users, and moved to have Corporation Counsel draft an Ordinance for the committee to review at its next meeting.

At the second meeting the committee discovered /^{they} had missed a very important point, which was the fact that recycling technologies was allowing the City 1650 tons of free recyclibles as a host community. R.T.I. is also charging some of the surrounding communities \$30 a ton for their recyclibles. In all fairness to R.T.I. Janet Butera made the following motion: The committee recommends to the full Council no action be taken at this time due to the fact, as a host community, Danbury is allowed 1650 tons of recyclibles at no tipping fee. The committee also recommends Superintendent of Public Utilities, report back to the Council after one year to see how much tonage Danbury actually generates and pursue this Ordinance change as needed. Motion was seconded by Councilman Gallo and passed unanimously.

The Report was accepted by the Common Council on the Consent Calendar.

39 - RESOLUTION - Grant Application to the Commissioner of Human Resources Re: Before & After School Child Care Program.

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 make application to the State in the amount of \$7,052 for the purpose of undertaking a Before and After School Child Care Program and to execute a Grant Request therefor;

The filing of an application by the City of Danbury is hereby approved and that the Mayor of the City of Danbury Gene F. Eriquez or his designee is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources etc.

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

40 - COMMUNICATION - Ronald Whelan - New England Aircraft.

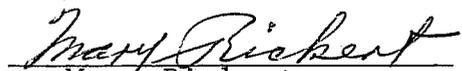
Previous approvals given to Mr. Whelen regarding the construction of his hangar at Danbury Airport referenced Greenwood Bank as mortgagee. Mr. Whelen will be using Gateway Bank as opposed to Greenwood Bank, and hereby requests that the Common Council approve this change.

The Communication was accepted and Council approved the change, on the Consent Calendar.

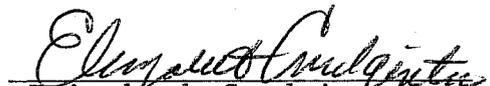
Mayor Eriquez extended all committees.

There being no further business to come before the Common Council, a motion was made by Councilman Gallo and seconded by Councilman Charles for the meeting to be adjourned at 8:30 O'Clock P.M.

Respectfully submitted


Mary Rickert

Attest:


Elizabeth Crudginton
City Clerk