

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

Re: Minutes of the Common Council Meeting held on January 3, 1990.

The Meeting was called to order at 8:00 P.M. by the honorable Mayor Gene F. Eriquez.

Councilman DaSilva led the assembly in the Pledge of Allegiance to the Flag.

Councilman Smith offered the Prayer.

Mayor Eriquez asked for a moment of silence to be observed for Firefighter Bruce Michalek and asked that he and his family be remembered in prayer.

Roll Call listed on Page -2)

Mayor Eriquez extended Best Wishes for a healthy and prosperous New Year.

Mayor Eriquez also extended Best Wishes and Birthday Greetings to the following:

Jan 2nd - Councilman Louis Charles -

Jan. 2nd - Ann Rodrigues - Comptroller's Office.

Jan. 8th - Pam Evanuska - Switchboard Operator & Receptionist

Jan. 9th - Lana Riccio - Mayor's Secretary

Danbury citizen George Marmaras who celebrates his 100th birthday today.

Jan. 15th - Martin Luther King Day. We will celebrate this holiday with recognition of the Dr. King's accomplishments for mankind.

Jan. 8th to 14th - National Council of Jewish Women Week recognizing the Danbury Council for its 30 years of service in Danbury.

Jan. 21 - 27 - School Nurses & Student Health Awareness Week.

Jan. 24th - School Nurses Day.

Jan. 28th - Feb. 3rd - Catholic School Week.

The Mayor announced that Janice Burliner will leave Radio Station WLAD to go to Hartford, and wished her well.

Mayor Eriquez then introduced his staff: Lana Riccio, Secretary and Lew Wallace and Lisi Green, Mayoral Assistants.

The Mayor announced that ^{on Jan. 8th} the Common Council will be presented with the Audited Financial Statement for the fiscal year ending June 30, 1989, and explained that the financial statements will be scrutinized by lending institutions and credit rating agencies as we move forward to sell bonds for previously approved bond issues.

Our 4.8% fund balance (surplus) on June 30, 1989 demonstrates our City's sound financial condition. However, a fund balance of this level (4.8%) means that we will have no discretionary funds to expend as has been done in past years, except for emergency purposes. The policy of my administration will be to manage and maintain a fund balance of approximately 5% at the end of each fiscal year. By doing so, we will ensure our City's strong financial position.

Realizing that economic conditions have changed here in Danbury as they have elsewhere, we anticipate a significant reduction in grand list growth. Additionally, lower tax collections resulting from revaluation have reduced our fund balance. While we will take aggressive steps to improve our grand list growth, such as through the establishment of an Economic Development Commission, later this month, the days of significant grand list growth that we experienced through the mid-1980's will not be recognized.

1/3/1990

The Mayor has taken action to insure fiscal prudence in City administration by freezing the budget, limiting transfers of funds, selectively leaving positions unfilled, and improving our tax collection procedures.

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

- 3 - Resolution - Grant for the Youth Services Bureau
- 5 - Resolution - Rehabilitation of Runway 8/26 - Danbury Airport
- 6 - Resolution - Property Acquisitions for Sanitary Sewer Line - Federal Road to Beaver Brook Rd.
- 7 - Resolution - State Reimbursement for Household Hazardous Waste Day.
- 28 - Report - Modification and Time Extension for Sewer Extension on South Cove Road.
- 30 - Report - Sewer Assessment - 86 Golden Hill Road.
- 31 - Report - Ordinance restricting Parking. No action to be taken.
- 32 - Report - Progress report on Appeals of Hillandale Sewer Assessments.
- 33 - Communication & Certification - Request for funds for part time services in the Office of the City Clerk.

Councilman DaSilva noted that Item #6 requires Planning Commission recommendation. A motion was made by Councilman Charles and seconded by Councilman Fazio that Item #6 be removed from the Consent Calendar. Motion carried and Item #6 was referred to the Planning Commission.

A motion was made by Councilman Charles and seconded by Councilman DaSilva for the Consent Calendar to be adopted as read but eliminating Item #6. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held December 5, 1989 and the Special Common Council Meeting held December 19, 1989.

A motion was made by Councilman DaSilva and seconded by Councilman Kilcullen 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. Motion carried unanimously.

ROLL CALL was taken by the City Clerk Elizabeth Crudginton with the following members being recorded as:

PRESENT: Fazio, Kilcullen, Falzone, Coladarci, Mack, Farah, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Smith, Cassano, Charles, Boughton, Boynton, Butera, Regan, Scozzafava, Valeri.

ABSENT: Councilman Gallo, who was reported as having another commitment.
20 Councilmembers present - 1 Councilmember absent.

1 - ORDINANCE - Demolition or Renovation Debris.

Councilman Charles requested that this Ordinance be deferred for a public hearing to be held. Mayor Eriquez so ordered.

2.- ORDINANCE - Obstructing of Fire Hydrants.

Councilwoman Coladarci & Councilman Fazio requested that this Ordinance be deferred for a public hearing to be held. Mayor Eriquez so ordered.

3 - RESOLUTION - Grant for the Youth Services Bureau.

Whereas, grant funds in an amount not to exceed \$80,000.00 are available from the State of Connecticut Department of Children and Youth Services for 1989-1990 Youth Services Bureau operations; and

Whereas, the continuation of the Youth Services Bureau for a twelfth year is deemed to be in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that the actions of Gene F. Eriquez as Mayor of the City of Danbury, in applying for said funds be and hereby are ratified and that Mayor Gene F. Eriquez be and hereby is authorized and directed to contract with the State of Connecticut Department of Children and Youth Services for a state cost sharing grant not to exceed eighty-thousand dollars for a Youth Service Bureau for the fiscal period commencing July 1, 1989.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute any and all related documents, applications or other pertinent instruments pursuant to this program.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Drug Free Zones.

Whereas, the State of Connecticut Legislature, by Public Act 89-256 and Connecticut General Statutes Sections 21a-277, 21a-278 and 21a-279 has promulgated increased mandatory penalties and incarceration for selling or distributing drugs or drug paraphernalia in, on or near school grounds; and

Whereas, said Act also provides for additional penalties for using a minor to sell or distribute controlled substances or paraphernalia in, on or near school grounds; and

Whereas, it is desired, intended and in the best interests of the City of Danbury and the City of Danbury Board of Education that the message and intent of said Act be spread throughout the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury, by Gene F. Eriquez, its Mayor and Dr. Anthony Singe its Superintendent of Public Schools declares as "drug free zones" all areas within one-thousand feet of the property boundaries of any school or school grounds located within the City of Danbury.

BE IT FURTHER RESOLVED THAT any message, declaration, publication and application of this resolution in conformance with law be and hereby are ratified.

Mayor Eriquez noted that this Resolution will be presented to the Board of Education next Wednesday and explained the signs which will read "Drug Free Zone"

A motion was made by Councilman Boynton and seconded by Councilman Smith for the Resolution to be adopted. Motion carried and the Resolution was adopted unanimously.

5 - RESOLUTION - Rehabilitation of Runway 8/26 - Danbury Airport.

Whereas, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport and Airway Safety & Capacity Expansion Act of 1987; and

Whereas, the City of Danbury through the Danbury Municipal Airport intends to reconstruct runway 8/26; and

Whereas, the City of Danbury will make application for a federal and state grant in the amount not to exceed \$4,029,675.00 with a local match of two and one-half percent equalling an amount not to exceed \$103,325.00.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, is hereby authorized to make application for said grant; and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

The Resolution was adopted unanimously on the Consent Calendar.

6 - RESOLUTION - Property Acquisitions for Sewer Line - Federal Road to Beaver Brook - Property acquisitions of James M. Davenport & Robert Layok.

Councilwoman Gogliettino requested referral for Planning Commission recommendation. Mayor Eriquez so ordered.

7 - RESOLUTION - State Reimbursement for Household Hazardous Waste Day.

Whereas, the State of Connecticut Department of Environmental Protection pursuant to Connecticut General Statutes 22a-6(a)(2) and 22a-134nn has made funds available for purposes including the awarding of grants related to hazardous waste management; and

Whereas, said grant funds may include partial reimbursement for municipally conducted hazardous waste programs, including the hazardous waste day conducted by the City of Danbury on Nov. 4, 1989; and

Whereas, it is in the beneficial interests of the City of Danbury to apply for said grant funds to defray ten percent of the total cost (\$35,215.00) of said hazardous waste day;

NOW, THEREFORE BE IT RESOLVED THAT the actions of the Department of Public Works of the City of Danbury and the Office of Mayor of the City of Danbury in applying for said grant be and hereby are authorized and that any and all further actions by them required to accomplish said program be and hereby are similarly authorized.

The Resolution was adopted unanimously on the Consent Calendar.

8 - COMMUNICATION - Donation of \$25,000 from Union Carbide Corporation in support of housing initiatives, including the Regional Housing Summit and the work of the Danbury Housing Partnership, the Danbury Housing Authority and the non-profit Housing Corporation.

A motion was made by Councilman Boynton and seconded by Councilwoman J. Mack to accept the donation with a letter of thanks to be sent to Union Carbide Corporation. Motion carried unanimously.

Nancy Deibler of Union Carbide Corporation presented a check to Mayor Eriquez in the amount of \$25,000. Mayor Eriquez thanked Nancy Deibler and Mr. Kennedy for this very generous donation which will allow us to go forward with our regional housing summit scheduled for March 29th at Western Conn. State University

9 - COMMUNICATION - Airport Project Design.

Request from the Airport Administrator, Paul Estefan, for the City to use \$100,000.00 of the money received from the State of Conn. land sale to design the new snow removal building and drainage system at the airport.

Councilman Boynton requested referral to an ad hoc committee and the Airport Administrator. Mayor Eriquez so ordered and appointed the following committee members: DaSilva, Mack and Scozzafava.

10 - COMMUNICATION - Proposal of the Tarrywile Park Authority for the rental of two areas of the Park.

Councilwoman D. Gogliettino requested referral to an ad hoc committee and the Tarrywile Park Authority. Mayor Eriquez so ordered and appointed the following committee: Smith, Valeri, Regan.

11 - COMMUNICATION - Request from the Health Department for permission to accept donations from several firms for a recognition luncheon to be held for the volunteer workers of the Hypertension Risk Reduction Program.

Contributing firms include: Contact Systems Inc. Danbury \$50.00 - Perking Elmer, Norwalk (\$25.00) - and Sonics & Materials, Inc. Danbury, \$30.00.

A motion was made by Councilman Falzone and seconded by Councilman Smith for the donations to be accepted. Motion carried unanimously. Councilwoman Gogliettino requested a letter of thanks be sent to the donors.

12 - COMMUNICATION - Disbursement of funds from Celebrity Tag Sale and Auction held for the benefit of the Homeless.

At the tag sale held on Sept. 16, 1989, both City and Board of Education Surplus were sold. This was done with the approval and assistance of the City's Purchasing Agent. The amount of money received by the sale of these particular items was \$539.00. This money is in the possession of the comptroller. It is requested that the Council approve the donation of these funds to the "Tag Sale and Auction". Should the donation be approved it will be deposited into a special account at CBT. Five agencies are identified as ones to receive this money. The Salvation Army, The VNA, Dorothy Day, The Women's Center and the Housing Authority for the Single Room Occupancy Project.

On November 15, 1989, the proceeds were distributed to all agencies except the Housing Authority. The intention being to issue the agency the check once these funds (\$539) were received and to close the account.

A motion was made by Councilman DaSilva and seconded by Councilman Smith to approve the appropriation of \$539 from the appropriate City Line Item. Motion carried unanimously.

Councilman Boynton requested a list and description of all items declared "surplus" by Mayor Sauer. 2 - Approximate purchase dates of each item and its original cost. 3 - Copy of letters of authority from Mayor Sauer authorizing the Purchasing Agent to sell the items involved, ie: Value exceeding \$10 but less than \$1,000. 4 - In the future when items are to be declared surplus and sold or disposed of, Mr. Boynton is requesting that the Common Council be notified.

13 - COMMUNICATION - Revisions to City Ordinances Section 17-55
Bond Requirements.

Councilman Falzone requested referral to an ad hoc committee,
Director of Public Works and Corporation Counsel.

Mayor Eriquez so ordered and appointed the following committee:
Farah, Dean Esposito and Fazio.

14 - COMMUNICATION - Reports regarding Abandonment and/or
Discontinuance of "Old Neversink Road".

A motion was made by Councilman Regan and seconded by Councilman
Charles to accept the communication and await reports from the
City Engineer and Planning Commission. Motion carried.

15 - COMMUNICATION - Request from Councilman Scozzafava for a
maintenance committee to be formed between the Common Council and
the Board of Education to clear up the many gray areas in the
maintenance of the schools.

Councilman Scozzafava requested referral to an ad hoc committee,
Superintendent of Public Buildings, and Director of Parks & Recreation.

Mayor Eriquez so ordered and appointed the following committee:
Cassano, Gogliettino and Scozzafava.

16 - COMMUNICATION - Request from L. Pinter, Assistant Corporation
Counsel, for the Common Council to review and consider alternative
sewerage methods and proposals re: Gaslight Village Condominium
Project - Tamarack Ave.

Councilwoman Coladarci requested referral to a ad hoc committee,
and City Engineer.

Mayor Eriquez so ordered and appointed the following committee:
Gallo, Kilcullen and Boughton.

17 - COMMUNICATION - Request of Michael & Charlene Malone re:
City owned land - Ralto Court.

Councilman Smith requested referral to the Mayor's Office.
Mayor Eriquez so ordered.

18 - COMMUNICATION - Taltie's Farm, East King St. Subdivision of
Michael F. Carlucci.

Councilwoman Gogliettino requested referral to the Corporation
Counsel to report back to the Council in 30 days.

19 - COMMUNICATION - Offer by Russell M. Foti (Berkshire Realty)
of land and buildings at 389 Main Street. The property, for
sale, abuts land owned by the Housing Authority (Laurel Gardens).

Councilman Dean Esposito requested referral to the Housing Authority
and Planning Commission. Mayor Eriquez so ordered.

20 - COMMUNICATION - Offer of land on East King Street to the City for road widening purposes. Parcel of land owned by Virginia Lais.

Councilwoman Gogliettino requested referral to the Corporation Counsel to report back in 30 days. Mayor Eriquez so ordered.

21 - COMMUNICATION - Application of Bright Clouds Ministries for Water extension - Clapboard Ridge Road.

Councilwoman Gogliettino requested referral to an ad hoc committee, Superintendent of Public Utilities, City Engineer and Planning Commission.

Mayor Eriquez so ordered and appointed the following committee: Charles, Coladarci and Regan.

22 - COMMUNICATION - Request from Richard Finaldi for Waiver of Connection Fee - 105 Park Avenue. Mr. Finaldi is constructing a substantial addition to the municipal sewer line at his own expense. The costs are well in excess of \$20,000. A waiver of connection fee in the amount of \$1,800 is being requested.

Councilwoman Coladarci requested referral to an ad hoc committee, and Superintendent of Public Utilities. Mayor Eriquez so ordered and appointed the following committee: Zotos, Falzone, Boughton.

23 - DEPARTMENT REPORTS

Airport Administrator	Fire Chief
Building Department	Fire Marshal
Equipment Maintenance	Highway Dept.
Coordinator of Park Services	Police Dept.
Superintendent of Public Utilities	Public Buildings

A motion was made by Councilman DaSilva and seconded by Councilman Boynton for the Reports to be accepted and the reading of reports to be waived as all members have copies which are also on file in the Office of the City Clerk. Motion carried unanimously.

24 - REPORT & CERTIFICATION - Additional Funds for Insurance and Uninsured Worker's Compensation.

Councilman J. Esposito submitted a report stating that the Common Council committee appointed to review the request for additional funds for insurance and uninsured worker's compensation met on Dec. 18, 1989 in City Hall. In attendance were committee members Esposito, Regan and Kilcullen. Also attending were Risk Manager Tom Fabiano and Comptroller Dominic Setaro.

Mr. Fabiano explained the reason for the additional funding is that the policy carrier has increased its rates effective July 1, 1989 and the large rate increases were unforeseen at the time the budget was approved. After recalculating all line items he now finds that the budget will be short \$570,000. Mr. Setaro certified the availability of \$570,000 to be used for the Employee Health and Life Insurance Account. The funds are available as a result of excess monies which were approved after the budget was adopted and will amend the City's revenue and increase the appropriation for Health and Life Insurance.

Councilman Regan moved that since the certification of funds is in place, the committee recommend to the Common Council that funds in the amount of \$570,000 be approved, seconded by Councilman Kilcullen. Councilman Regan also made a motion to appropriate the sum of \$92,000 needed to fund uninsured worker's compensation claims based on heart and hypertension. Motion was seconded by Councilman Kilcullen and carried.

CERTIFICATION - dated December 21, 1989 was submitted by Dominic Setaro, Jr. Acting Director of Finance/Comptroller, certifying the availability of \$92,000 to be used for Uninsured Worker's Compensation Account #02-09-130-073600. These funds are available as a result of excess monies which were approved after the budget was adopted on May 2, 1989. As is customary, the City's revenue will be amended and the appropriation for Uninsured Worker's Compensation will be increased.

A motion was made by Councilman Charles and seconded by Councilman Smith for the Report to be accepted and the request for additional funds be approved. Motion carried unanimously.

Councilman Boynton commented that "this is an awful lot of money to be caught short on. There must be some way to keep track of what the Insurance companies will be doing, either by public information etc.

Councilman Farah also commented, stating that these escalating costs are not only in Danbury but in other municipalities also. It is scandalous. Mr. Farah asked the Mayor on behalf of the City to take this problem to Hartford so they can take a quick look at the way Insurance is escalating and do something about it.

The Mayor replied that he will be meeting with the Danbury Delegation on 1/12.

25 - REPORT & CERTIFICATION - Projected shortage in the Overtime Account - Fire Department

Councilman J. Esposito submitted a committee report stating that the Common Council committee appointed to review the projected shortage in the overtime account for the Fire Department met on Dec. 18, 1989 in City Hall. In attendance were committee members Esposito, Boughton and Gogliettino. Also present were Fire Chief Lagarto and Comptroller Dominic Setaro.

Chief Lagarto stated that based on what has been expended from July 1, 1989 to Sept. 16, 1989, and also on past needs, he has determined that he needs the estimated amount of \$205,000 added to his Overtime Account. The areas generating overtime are vacation days, sick and injury leave, Union leave, funeral leave, Fire Alarm Work, Fire Marshal investigations, Garcia costs, training and the shortage of approximately 6 persons in man power.

Mr. Setaro stated that there is presently \$135,000 in the Salary Account and recommended that \$70,000 be taken from the Contingency Account to make up the shortfall in the Overtime Account.

Councilman Boughton made a motion, seconded by Councilwoman Gogliettino that the committee recommend to the Common Council that \$70,000 be appropriated from the Contingency Account and transferred to the Fire Department Overtime Account, pending certification by the Comptroller. Motion carried unanimously.

CERTIFICATION #10 - Dominic A. Setaro, Jr. Acting Director of Finance/Comptroller, submitted a certification of funds available in the amount of \$70,000 to be transferred from the Contingency Fund to the Fire Department's Overtime Services Account #02-02-110-010500.

A motion was made by Councilwoman D. Gogliettino and seconded by Councilman Charles for the Report to be accepted and transfer of funds authorized. Motion carried unanimously.

26 - REPORT - Charter Revision Commission.

Councilman DaSilva submitted a report stating that the committee appointed to review a request to form a Charter Revision Commission met on December 11, 1989 and on December 19, 1989. In attendance were committee members DaSilva, Esposito, Smith, Scozzafava and Fazio. Also in attendance were Mayor Gene Eriquez and Councilman Boughton, ex-officio.

The committee discussed among itself and with Mayor Eriquez the need for a Charter Revision Commission, the makeup of such a commission and any possible recommendations the Common Council would offer.

A motion was made by Councilman Fazio and seconded by Councilman Scozzafava to establish a Charter Revision Commission consisting of nine members. Of these members, two would be selected from the present Common Council and have a maximum of five Democrats and four Republicans. Motion carried unanimously.

Councilman DaSilva and Councilman Fazio presented Democratic and Republican applicants for the Commission. Following a discussion of the qualifications of each applicant, Councilman Fazio made a motion, seconded by Councilman Smith to recommend the following nine people:

State Representative Robert Godfrey - Benjamin DaSilva, Jr.
Richard Kilcullen, Murray Hough, John Bracy, Donald Boughton, Brian O'Hare, Edmund Tomey and John Turk.

After discussion of specific items to recommend that the Charter Revision Commission address, the following items were voted upon on a motion made by Councilman Fazio and seconded by Councilman Esposito:

- Sec. 2-2A.b - Size of Common Council, procedural methods and committee makeup;
- Sec. 2-2A.e - Succession of Treasurer.
& Sec. 6-1
- Sec. 2-2A.h - Staggered terms of Zoning Commission;
- Sec. 2-3 - Clarification of minority representation on the Common Council concerning the number of guaranteed seats;
- Sec. 6-4 - Clarify as to an individual or a firm being appointed as Corporation Counsel and review the requirements of four years as an attorney in the State of Connecticut;
- Sec. 6-6A&B - Consider elimination of the position as Director of Finance and incorporate with that of Comptroller;
- Sec. 6-6D - Delete amount of limit to unbidded purchases and put in Ordinance form;
- Sec. 6-7A - Consider Directors of Public Works and Personnel for Civil Service positions;
- Sec. 7-10 - Increase the \$50,000 limit of expenditures of a capital nature before the necessity of a referendum;
- Sec. 8-3 - Review the wording of Section on Conflict-of-Interest.

The committee also recommends that the Charter Revision Commission proceed in a fashion to allow the placement of any changes to the people at the general election of November, 1990 and to be done in a way that is clear to all voters.

Charter Revision (continued)

A motion was made by Councilman Boynton and seconded by Councilman Fazio for the Report to be accepted and committee appointed.

Councilwoman Joan Mack remarked she was disturbed that there are no women on the committee and thought the City would benefit by having women on the committee.

Councilman Boynton asked if the "Hatch Act" came in to play as one member was a postal employee.

Mayor Eriquez noted that the Hatch Act does not apply.

Mayor Eriquez then submitted the following names who have applied;

Eileen Mitchell, Republican - Christine Ellis, Democrat -
Virginia Swenson - Democrat and Ted. Backer, Democrat.

A motion was made by Councilman Farah and seconded by Councilman Boynton to amend the original motion by adding Swenson, Ellis and Mitchell to the list of Charter Revision Commission members.

A motion was also made by Councilman Regan and seconded by Councilman Boughton to add Mr. Roger Bundy to the list, making the Commission a total of 13 members. 7 Democrats & 6 Republicans.

A motion was made by Councilwoman Butera and seconded by Councilman Smith to move the question. Motion carried.

The amendment to the original motion carried by a vote of 19 Ayes and 1 Nay. (Councilman Esposito voted Nay and Councilman Gallo was absent)

The motion as amended carried.

27 - REPORT - Review of Sewer & Water Approvals.

Councilman Zotos submitted a report stating that the committee appointed to review the request for a review of sewer and water approvals, met on December 12, 1989 in City Hall. In attendance were committee members Zotos, Valeri and Regan. Also in attendance were Council Members DaSilva and Coladarci, ex-officio, Assistant Corporation Counsel Eric Gottschalk, City Engineer J. Schweitzer, Director of Public Utilities, W. Buckley, Fire Chief Lagarto, Building Inspector Leo Null and Attys Neil Marcus and David Grogins.

Mr. Buckley's presentation outlined problems presently confronting his department, citing present projects under the eight steps required for sewer and water approvals:

1. Projects not completed leaving the City without ownership of the lines; and
2. Delays of construction effecting departmental work schedules, inspections, wasted time effecting workload of the Public Utilities department.

Fire Chief Lagarto stated that he is seriously concerned with no water available during construction periods:

1. Buildings partially constructed, materials, equipment on construction site; and
2. Safety of his firefighters.

Assistant Corporation Counsel Eric Gottschalk stated his concerns regarding the City's legal obligations:

1. Projects left partially completed;
- 2 Security bonds of projects, and
3. Homeless sleeping at projects, who is responsible if someone is hurt or there is a fire.

Sewer & Water Approvals (continued)

Mr. Null, the City Building Inspector, stated that it is time to review the process pertaining to issuance of building permits:

1. Continue to work with developers and encourage incentives to solve or help with the problems; and
2. Discussions should begin to plan for the future development of the City.

Attorney Grogins and Attorney Marcus stated that they are concerned with future health development:

1. Developers should not be faulted alone; 2. It is not a simple problem; and 3. There should be more discussions with the developers to prepare for future development (West side of City).

Mr. Valeri stated that he is concerned that the City strengthen its position and the fire safety during the construction period.

Mr. DaSilva stated his concern regarding the City's economic development. Mr. Regan stated that he is concerned with the overall discussion by City Departments and developers and recommends the City begin the process of investor owned types of public utility system. Mr. Schweitzer and Mr. Gottschalk agreed that this process would be in order.

Councilman Regan made a motion seconded by Councilman Valeri to leave in the 8 steps and that a committee should be appointed to look into the development of investor owned public utility system. Motion carried unanimously.

A motion was made by Councilman DaSilva and seconded by Councilman Smith for the Report to be accepted and an ad hoc committee to be appointed by the Mayor and to refer the matter to the City Engineer, Director of Public Utilities, The Building Inspector and Corporation Counsel.

The Report was accepted unanimously, and Mayor Eriquez appointed the following committee members - Cassano, Kilcullen and Boughton.

28 - REPORT - Modification and Time Extension of Water Extension at South Cove Road.

Councilman DaSilva submitted a committee report stating that the committee appointed to review the above request met on Dec. 12, 1989. In attendance were committee members DaSilva, Coladarci and Boughton. Also in attendance were Superintendent of Public Utilities, William Buckley, City Engineer Jack Schweitzer and ex-officio member Nicholas Zotos.

Mr. DaSilva explained his reasons for presenting this request. South Cove is an area in dire need of water. An approval for an extension was granted in 1988 with the stipulation that construction could not begin until the City obtained ownership of the water main installed for the Barclay Commons. Many delays have occurred in the acceptance of this line which have not allowed the South Cove project to proceed. In addition, there are a number of customers already connected to this line because of the replacement of an old water main.

Mr. Buckley reviewed the history of the Barclay Commons water main. He recommended that the South Cove project be allowed to proceed by waiving the provision that calls for City acceptance of the water main before construction begins.

Councilman Boughton moved to recommend to the Common Council that the provision for City ownership of the water main before construction of the South Cove water extension be waived and that an extension of eighteen months be granted from the date of Common Council action on this request. Councilwoman Coladarci seconded the motion which was passed unanimously.

The Report was accepted and committee recommendations authorized and approved by the Common Council on the Consent Calendar.

Councilman Esposito submitted a report stating that the Common Council committee appointed to review the above request, met on Dec. 18, 1989 in City Hall. In attendance were committee members Esposito, Regan and Mack; Mr. & Mrs. Palanzo, Superintendent of Public Utilities William Buckley, and Assistant Corporation Counsel Eric Gottschalk.

Mr. Palanzo stated that he has purchased a house on Middle River Road near Franklin St. Ext. and found that the house receives raw, untested drinking water from a City line and is billed as a regular customer. Atty. Gottschalk stated that the City is responsible and has a responsibility to provide adequate drinking water to its existing customers. He stated that the City is in violation of the Public Health Code regulation which outlines the parameters for the quality of drinking water.

Mr. Buckley stated that he is aware of the problem and as a solution he would be willing to provide the property with well water rather than extending a new City water line to the site. The work of installing the well would be done by the City's Public Utilities Department with the exception of the drilling materials, with a cost of approximately \$5,000 to \$7,000. Mr. Palanzo was in agreement and would be willing to release the City from future obligations to provide the property with drinking water. Mr. Buckley requested that the bidding procedure, after he receives three bids for the necessary material, be waived and he be permitted to accept the low bid.

Councilman Regan made a motion, seconded by Councilwoman Mack that the installation of a well be done and the bidding procedure be waived. Motion carried unanimously, at the committee meeting.

A motion was made by Councilman Regan and seconded by Councilman DaSilva for the Report to be accepted, and to make a recommendation to authorize Mr. Buckley to proceed with the well and to waive the bids.

Under "remarks", Councilman Boughton stated that Mr. Palanzo's request is different from the usual run of the mill water problem. As I read the report a great many questions came to mind. Many of these questions were read at the committee meeting. Some questions that do not seem to have been asked at the committee meeting are:

1. How many other homes in Danbury on the City water system share this unique problem?
2. What is the history of the problem line? For example, was it hooked up at the original owner's request with him knowing it was untreated water?

What is the total amount of water fees paid at that location from the Charter Revision of 1977 until the present?

Was Mr. Palanzo offered a refund of the fees so that he might install his own well?

Has there been any previous history of service complaints from this residence?

Was the house advertised with Real Estate Agents as having treated City water or untreated water?

Was the water problem used as a bargaining tool in the price of purchase?

Was the previous owner contacted and asked this question?

Does Mr. Palanzo know if he can take action against the seller under State Law if a misrepresentation occurred at the sale?

These are only a few of the questions the public will ask when it comes to their attention that Mr. Palanzo is Supt. of Public Buildings in Danbury, and in the same peer group as Mr. Buckley, Supt. of Public Utilities.

"Now I am not insinuating that anything is wrong. The reason I took this off the consent calendar was for the protection of these two superintendents.

#29 - continued:

This going on the Consent Calendar could very well be construed as something that was slipping by without public awareness. Questions should be asked before the fact and not after.

A recommittal to committee is probably best at this point but I am not going to ask for that. I am going to ask for an amendment to the motion that was made. I want the amendment to follow the word "waive" in Mr. Regan's motion "bid process be waived", This amendment would follow that word and would read as follows:

"After the following agreement is drawn and signed by both parties:

1. The well and all equipment associated with it is to be located on Mr. Palanzo's property.
2. Any cost to upgrade the house electrical service is to be borne by Mr. Palanzo.
3. The minimum gallons per minute standards for a 1 family home shall constitute a adequate well flow and drilling shall only proceed for a greater flow at Mr. Palanzo's cost.
4. Any filtering of the water for hardness or iron shall be at Mr. Palanzo's cost.
5. All costs of landscaping after the well drilling shall be at Mr. Palanzo's cost.
6. Any cost over \$5,000 shall be paid by Mr. Palanzo.
7. The well and all equipment for the wells' operation shall be turned over to Mr. Palanzo for ownership and responsibility along with all warranties on equipment and workmanship.
8. This agreement releases the City of Danbury from all current and future claims regarding this problem.

Upon completion of the turnover to Mr. Palanzo, the line shall be terminated at the Main and flagged on City Water Department maps as unusable.

Further discussion ensued with Councilman DaSilva stating that the City is liable - this is the only customer with this problem. Councilman Kilcullen asked if this situation was considered on the purchase price and Councilman Farah asked if the previous occupants complained. Councilman Regan stated that the committee had enough information.

A motion was made by Councilman Boynton and seconded by Councilman Kilcullen to recommit to committee.

A motion made by Councilman Farah and seconded by Councilman Fazio moved the question with Councilman DaSilva voting Nay.

Note: During the discussions, Atty. Gottschalk told the Council that this problem was unique and a result of the way the line ran from the reservoir.

The motion to recommit to committee passed by a roll call vote of 15 Ayes - 5 Nays - 1 member absent.

Councilmembers Fazio, Kilcullen, Falzone, Coladarci, Mack, Farah, D. Esposito, Zotos, Smith, Charles, Boughton, Boynton, Butera, Scozzafave and Valeri voted Aye. (15 votes)

Council Members - Gogliettino, DaSilva, Esposito, Cassano and Regan voted Nay. (5 votes). Councilman Gallo was absent.

30 - REPORT - Sewer Assessment - 86 Golden Hill Road.

Councilman DaSilva submitted a report stating that the committee appointed to study a request to reduce a sewer assessment at 86 Golden Hill Road, met on Dec. 12, 1989. In attendance were committee members DaSilva, J. Esposito, Scozzafava; Superintendent of Public Utilities, William Buckley, Peter McEwan, the petitioner, and Council Member Boughton, ex-officio.

Councilman DaSilva read a communication from City Engineer Jack Schweitzer which recommended no action on the petition at this time because the assessment was accepted by the Common Council on April 12, 1982 and there is a State Statute which limits the appeal period to 21 days.

Mr. McEwan presented as his argument that because of the topography of the land only one house could be built on his property which is listed by the City as two building lots. He requests that this assessment be reduced to one lot. Mr. Buckley explained that the property was assessed properly at the time of completion of the project. The combining of the lots cannot change the assessment process from 1982. Many changes to properties occur after an assessment is levied. The City cannot re-assess the total project each time a resident alters his property.

Councilman Scozzafava made a motion, seconded by Councilman Esposito to recommend that the Common Council take no action on this petition at this time as per the recommendations of Mr. Buckley and Mr. Schweitzer. Motion carried unanimously.

The committee report and recommendations were accepted by the Common Council on the Consent Calendar.

31 - REPORT - Request for an Ordinance restricting Parking.

Councilman Charles submitted a report stating that the ad hoc committee appointed for the above purpose, met on Dec. 14, 1989. In attendance were committee members Charles, Falzone, Regan; City Engineer J. Schweitzer for Traffic Engineer Abdul Mohammed and Lt. Arthur Sullo for Chief Macedo of the Police Dept.

Mr. Schweitzer cited the fact that all accepted City roads are under the jurisdiction of the City of Danbury. Lt. Sullo explained about complaints from property owners concerning parking violations by persons other than owners. Persons violating the present Ordinances will have their vehicles tagged or towed away after two hours upon complaints.

Councilman Regan made a motion seconded by Councilman Falzone that no action be taken at this time. Motion carried unanimously.

The Report and committee recommendations were accepted by the Common Council on the Consent Calendar.

32 - REPORT - Appeals of Hillandale Sewer Assessments.

Councilman Boynton submitted a progress report stating that the committee appointed to review the appeals, met on Dec. 18, 1989 in City Hall. In attendance were committee members Boynton and Falzone. Councilman Fazio was absent. Also attending were City Engineer J. Schweitzer, Superintendent of Public Utilities, W. Buckley, Assistant Corporation Counsel E. Gottschalk, Comptroller D. Setaro, Council Member Boughton, ex-officio and the petitioners Gregory Pin, R. DeGrazia, Emilio DeGrazia, Thomas Tielsch, Henry Schirmer, Remo DeGrazia and Larry Schirmer.

The committee received input regarding the Hillandale Sewer project from City Engineer J. Schweitzer and from Mr. Buckley. This project was started in 1985 and was completed in a public hearing in July, 1989.

In question by the Padanaram neighbors (petitioners) is the fact that in 1978 a local developer, Mr. Nick Attick of the Dana Corporation proceeded to install a sewer line from Capi tola Road to the entrance of a project which was never completed. Therefore the sewer line was never accepted by the City or the City Engineer.

This unaccepted sewer line was incorporated by the City Engineer as part of a sewer expansion project in 1985 known as the Hillendale Sewer Project. The Common Council in June 1985, held a public hearing and approved the project. This project was completed in 1989. A public hearing was held in July, 1989 and was accepted by the Common Council on Oct. 17, 1989 at a Special Meeting.

The petitioners believe they should only be assessed for the cost spent to bring the existing, previously unapproved, Nick Attick-Dana Corporation sewer line which has been estimated at less than \$7,000 rather than the assessed value of \$66,317.

The committee has requested further information from the City Engineer and City Clerk's records. Upon receipt of this information the chairman will call another committee meeting.

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

33 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$1,500 to be transferred to the City Clerk's Office Account No. 01-111-011001, Part Time Services. These funds are required for Part Time services in the Office of the City Clerk.

CERTIFICATION #11 was submitted by Mr. D. Setaro, Jr. Acting Director of Finance/Comptroller in the amount of \$1,500 to be transferred from the Contingency Account to the City Clerk's Office Part Time Account #02-01-111-011001.

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

34 - REPORT & CERTIFICATION - Request for the purchase of an ambulance, for the Danbury Fire Dept.

Councilman Farah submitted a report stating that the Common Council committee in charge of reviewing the Fire Department's request for the purchase of two ambulance chassis, met on Dec. 20, 1989. Committee members Farah, Charles and Fazio attended. Also present were Councilman Dean Esposito, ex-officio, Richard Tomaino, Dominic Setaro, Michael Esposito and Chief Antonio Lagarto.

Chief Lagarto has initially written to Mayor Eriquez on Nov. 22, 1989 urging him to recommend funding for the replacement of the 1981 Chevrolet ambulance chassis. The cost of the replacement would have been \$35,000. It is important to have at least three functioning ambulances in good condition at the disposal of the Department. Mr. Richard Tomaino, Superintendent of Apparatus, documented the need for the requested item and the estimated cost.

At the committee meeting Chief Lagarto and Mr. Tomaino explained that a new development had occurred in the intervening time. A reputable company is offering a 1988 Chevrolet ambulance, with only 13,000 miles, for sale at \$40,000. The Chief and Mr. Tomaino investigated the offer and decided to recommend the purchase of this vehicle. The members of the committee agreed to take advantage of this offer and to table consideration for the replacement of the chassis until money is made available for it in the next fiscal year. At that point the Department will then have three functioning ambulances in good condition.

#34 - continued:

A motion was made by Councilman Charles and seconded by Councilman Fazio to recommend that the Common Council approve the purchase of the 1988 ambulance and the waiver of the bidding procedure. Funds will be authorized from the contingency fund pending certification. Motion passed unanimously.

CERTIFICATION #12 was submitted by Mr. D. Setaro, Jr. Acting Director of Finance/Comptroller, certifying the availability of \$40,000 to be transferred from the Contingency Fund to the Fire Department's Automotive Equipment Account #02-02-110-061500.

The request for these funds was approved by the Common Council on January 3, 1990 pending this certification.

A motion was made by Councilman Boughton and seconded by Councilman Charles for the Report to be accepted and transfer of funds authorized, pending certification from the Comptroller, and for the waiver of bidding procedure to be authorized also.

Motion carried unanimously.

A motion was made by Councilman Farah and seconded by Councilman Smith to add another item #35 to the agenda. Motion carried with Councilwoman J. Butera voting No.

#35 - REPORT - Lease between Victorian Associates and the City of Danbury.

Councilman Farah submitted a report stating that the Common Council committee appointed to review the lease between the Victorian Associates and the City of Danbury met on Dec. 20, 1989. Committee members Farah, Mack and Boughton were present as well as Councilman L. Charles, ex-officio, James Mather and Robert Botelho of Victorian Associates, Susan Durgy, Aids Program Coordinator, and William Campbell the Director of Health.

The committee reviewed the details of the proposed lease and read a letter from Assistant Corporation Counsel Iaszlo Pinter regarding its legal aspects. Mr. Campbell and Ms. Durgy explained the need for the space to be rented and its anticipated use. The statement from Mr. Pinter indicated that the wording of the lease document is acceptable and similar to the language of other leases that the City has for other facilities. The monthly rent is \$625.00 including sewer & water, snow plowing, trash removal and ground maintenance. The area to be rented is 600 square feet and the location is 403 Main St. The space will be used for the staff of the Aids Prevention Program. Funding will be provided by the State of Connecticut. The Planning Commission has already approved the lease.

A motion was made by Councilman Boughton and seconded by Councilwoman J. Mack to recommend the acceptance of the lease. Motion passed.

A motion was made at the Council meeting by Councilman Kilcullen and seconded by Councilman Falzone to accept the Report as read. Motion carried unanimously.

A motion was made by Councilman Farah and seconded by Councilman Smith to add another item #36 to the agenda. Motion carried with Councilwoman J. Butera voting No.

#36 - REPORT - Mayor's Task Force on Recycling.

Councilman Farah submitted a committee report stating that the committee appointed to review the status of recycling and to reconsider the previous Common Council's committee report dated November 9, 1989, met on Dec. 14, 1989 in City Hall. Committee members Farah, Fazio, Smith and Valeri attended. Councilwoman Coladarci had a previous engagement. Also present were Councilman Charles, ex-officio and Michael Cech.

The committee reviewed the Nov. 9th report of the previous Council committee. The report has recommended the purchase of a truck to be used as a mobile unit moving between designated areas of the City to receive and collect recyclable materials from residents of that area. The writing on the truck would also serve to propagate the concept of recycling among the residents.

Mr. Cech shared a statement of estimated costs of stationary units versus a mobile unit for recycling. The cost of three additional centers for collecting recyclable materials ranges from twice to nearly three times the cost of a mobile unit. The committee further concluded that there is an added advantage to the mobile unit. It may be used for other City purposes when a more comprehensive plan for recycling is put in effect.

Committee members also questioned Mr. Cech about a possible role for private enterprise in the recycling effort. He responded that the City would welcome the assistance of private carters and the contributions of private businesses to recycling.

A motion was made by Councilman Valeri and seconded by Councilman Smith to accept the initial recommendations made by the previous committee which called for the purchase of a truck to be used as a mobile unit for recycling the further to ask the City administration to explore means of cooperation with the private sector and report its findings to the Council. The Mayor would authorize the funding from available sources in the current budget, the Contingency, and the Landfill account.

A motion was made by Councilwoman D. Gogliettino and seconded by Councilwoman E. Coladarci to accept the Report.

Councilwoman J. Mack remarked that there are no particulars and asked if there is any more information available?

Councilman Farah replied that the committee had the additional information. Mayor Enriquez asked that the Mayor's Task Force information be provided to members.

The motion to accept the Report and committee recommendations was carried by a roll call vote of 17 Ayes and 3 Nays.

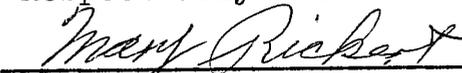
Councilmembers Fazio, Kilcullen, Falzone, Coladarci, Farah, D. Esposito, Zotos, Gogliettino, DaSilva, Esposito, Smith, Cassano, Charles, Boughton, Butera, Scozzafava, Valeri voted Aye (17 votes)

Council Members J. Mack, E. Boynton and A. Regan voted Nay. (3 votes).

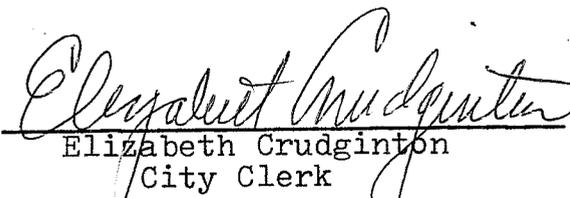
Mayor Enriquez then extended all committees and requested the committees to complete their assignments within the prescribed six week period whenever possible.

There being no one requesting to speak during the Public Speaking Session and there being no further business to come before the Common Council, a motion was made by Councilman DaSilva and seconded by Councilwoman Mack for the meeting to be adjourned at 9:45 P.M.

Respectfully submitted


Mary Rickert
Acting Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk