

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

Re: Minutes of the Common Council Meeting held March 6, 1990.

The meeting was called to order at 8:00 P.M. by Mayor Eriquez who led the assembly in the Pledge of Allegiance. Mr. J. Esposito offered the Prayer. Roll Call was taken with the members being recorded as:

Present - Fazio, Kilcullen, Falzone, Gallo, Coladarci, Mack, Farah, Dean Esposito, Gogliettino, DaSilva, John Esposito, Cassano, Charles, Boughton, Boynton, Butera, Regan, Scozzafava, Valeri.

Absent - Zotos, Smith

19 Present - 2 Absent

ANNOUNCEMENTS BY THE MAYOR

Councilman Zotos is out of the Country on business
Councilman Smith is in the hospital

The Mayor extended condolences to the family of Josphe Matranga a former Danbury school custodian, on the occasion of his passing.

The Mayor read a letter of thanks from the United Way to City Employees for their contributions to the United Way Campaign.

March is the American Red Cross Month and Women's History Month.

Mayor Eriquez extended birthday greetings to:

City Clerk Elizabeth Crudginton - March 6th
Probate Judge Robert Talarico - March 14th
City Employee Sara Sager - March 8th.

There will be a flag raising ceremony honoring St. Patrick's Day on March 17th at noon at City Hall.

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

- 6 - Resolution - Approve property acquisitions for sewer line - Federal Road to Beaver Brook
- 7 - Resolution - Renewal of authority to acquire property for storm drainage easements on Oakland Avenue
- 8 - Resolution - Approval of property acquisition for storm drainage easements on Grandview Drive
- 11 - Resolution - Approval of application for local Capital Improvement Program of \$494,245 - Cross Street Bridge - Drainage Richter Park Maintenance Building
- 13 - Resolution - Approval of Application of a grant for \$37,000 for Rental Rehabilitation Program
- 14 - Communication - Approval of Appointment of William Murphy and the reappointments of Barbara Flanagan, Irene King and James Esposito to the Board of Ethics
- 15 - Communication - Approval of appointment of Harvey Center and the reappointments of Evelyn Durgy, John Cherry and Mary Burke to the Cultural Commission
- 16 - Communication - Approval of Appointment of Thomas Frizzell to the Library Board of Directors
- 17 - Communication - Approval of Appointment of Arthur Colley to the RDA
- 18 - Communication - Approval of Appointment of John Sullivan and the re-appointment of Roy Platt to the Aviation Commission
- 19 - Communication - Approval of Appointment of Frank Figueiredo to the Building Code of Appeals
- 24 - Communication - Approval of Appropriation of \$3,000 to the Fair Rent Commission
- 26 - Communication - Approval of Appropriation of \$35,000 to the Special Service Account of the Fire Department
- 30 - Communication - Approval of Paramedic Contract between the City of Danbury and the Danbury Hospital

- 32 - Communication - Service Agreement between the Salvation Army and the City of Danbury
- 33 - Communication - Approval of the donation of a 1973 Fire pumper to the Federal Correctional Institution
- 34 - Communication - Accept communication of a negative recommendation for the purchase of property at 398 Main Street
- 35 - Communication - Authorize acceptance of road widening parcel at East King Street and Taltie's Farm subdivision
- 47 - Report - Authorize the re-establishment of the Aviation Commission, the Redevelopment Agency, the Housing Site Development Agency, The Danbury Community Development Plan Agency and the Economic Development Commission
- 48 - Report - Acceptance of a report on re-evaluation and retired persons tax freeze
- 49 - Report - Approval of the appropriation of \$18,270.65 for the Roberts Avenue School Project
- 50 - Report - Approval of Danbury Exchange Club Youth Baseball League Project at Rogers Park
- 51 - Report - Approval of Acceptance of Centennial Drive as a City highway
- 53 - Report - Approval of report on Gypsy Moth Control
- 55 - Report - Approval of Water Extension at 81 Kenosia Avenue
- 56 - Report - Approval of Water Extension at Edgewood Street
- 57 - Report - Approval of Sewer and Water Extension at 11-13 Mannions Lane
- 58 - Report - Approval of Sewer and Water Extension at 22 South Street

Mr. Charles asked that item 11 be removed

Mr. DaSilva asked that item 47 be removed

Mr. D. Esposito asked that item 50 be removed.

Mr. Gallo made a motion that the consent calendar be adopted with the above items deleted. Seconded by Mr. Boughton. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held February 6, 1990 and the Special Meeting held February 20, 1990 and the Emergency Special Meeting held February 21, 1990. Mr. DaSilva made a motion that the minutes be adopted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boughton. Motion carried unanimously.

1 - ORDINANCE - Group Homes

Mayor Eriquez explained that this ordinance could be adopted as an emergency ordinance good for 61 days which would then allow the Common Council to send the ordinance to committee for further study. Mayor Eriquez explained the intent of the ordinance.

Mr. Boughton made a motion to accept the emergency ordinance and refer the ordinance to committee. Seconded by Mr. Charles. Motion carried unanimously. Mayor Eriquez appointed Council Members DaSilva, J. Esposito and Scozzafava to the committee.

2 - ORDINANCE - Disposal of Bulky Waste

Request to amend subsection 16A-32(i) of the Code of Ordinances entitled Disposal of bulky waste. Mr. Boughton asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Farah, Valeri and Regan to the committee.

3 - ORDINANCE - Prohibited Materials

Request to amend subsection 16A-32(b) of the Code of Ordinances entitled Prohibited Materials. Mr. Boughton asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Farah, Valeri and Regan to the committee.

4 - ORDINANCE - Permit Fee Exemptions

Mr. Boughton made a motion to table this item. Seconded by Mr. Charles. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN
SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING
JULY 1, 1990 AND ENDING JUNE 30, 1991

SECTION 1. The sum of ONE HUNDRED FOURTEEN THOUSAND, EIGHT HUNDRED DOLLARS (\$114,800.00) representing the gross appropriation for the City of Danbury Downtown Special Services District of NINETY-EIGHT THOUSAND, EIGHT HUNDRED DOLLARS (\$98,800.00) for the fiscal year beginning July 1, 1990 and ending June 30, 1991, and minus indirect revenue of \$ - 0 - , and minus estimated available "Surplus" of \$ - 0 - plus uncollectible taxes reserve in the amount of SIXTEEN THOUSAND DOLLARS (\$16,000.00) is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the corrected annual Grand List as of October 1, 1989.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 1990 and ending June 30, 1991 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.765 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in four equal installments on July 1, 1990, October 1, 1990, January 1, 1991 and April 1, 1991 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 1990 in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 1990 and ending June 30, 1991.

Mr. DaSilva made a motion to adopt the Resolution and approve the Budget. Seconded by Mr. Charles. Motion carried with Mr. Gallo and Mrs. Butera voting in the negative.

6 - RESOLUTION - Property Acquisitions for Sanitary Sewer Line

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to replace a deteriorated section of an existing sanitary sewer in the vicinity of Federal Road and Beaver Brook Road; and

WHEREAS, the above referenced project requires that the City of Danbury acquire interests in and to real property as hereinafter set forth; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders and encumbrancers, if any:

Property Aquisitions

1. Property of James M. Davenport as described in Exhibit A attached hereto.

2. Property of Robert Layok as described in Exhibit B attached hereto.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Oakland Avenue Extension Storm Drainage Easement Renewal of Authority to Condemn and/or Negotiate

RESOLVED, by the Common Council of the City of Danbury:

WHEREAS, the Common Council wishes to alleviate an existing drainage problem on Oakland Avenue Extension; and

WHEREAS, this project will oblige the City of Danbury to acquire interests in and to real property as hereinafter set forth; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the following property and owners thereof, their successors and assigns and their respective mortgage holders, if any; the respective property being indicated by the legal description attached hereto and designated as Schedule A.

The resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Proposed Storm Drainage Easement - Grandview Drive

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, funding for the corrective work will be in place in the spring of 1990; and

WHEREAS, completion of said work is deemed to be in the best interests of the City of Danbury; and

WHEREAS, the above-referenced project requires that the City of Danbury acquire interests in and to real property as hereinafter set forth; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders and encumbrancers, if any:

Property Acquisitions

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

2. Property of Kathleen K. Zealor as shown on Exhibit B attached hereto.

The Resolution was adopted on the Consent Calendar

9 - RESOLUTION - Proposed Water Line Easement - Schimanskey - Henson Drive.

Resolution necessary to obtain easement necessary for the installation of a water main to connect a water storage tank proposed to be constructed on Harvest Hill Road.

Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Kilcullen, Dean Esposito and Fazio to the committee.

10 - RESOLUTION - Improvements to the Danbury Water System.

Resolution allowing access to the Harvest Hill tank site.

Mrs. Mack asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez appointed Council Members Kilcullen, Dean Esposito, and Fazio to the committee.

11 - RESOLUTION - Local Capital Improvement Program

Three resolutions for the following projects under the local Capital Improvement Program:

1. Cross Street Bridge	\$234,245.00
2. Drainage	200,000.00
3. Richter Park Maintenance Bld.	60,000.00

Mr. Charles made a motion to divide the question taking items 1 and 2 as one question and item 3 separately. Seconded by Mr. Falzone. Motion carried unanimously. Mr. Charles asked that item 3 be referred to a committee. Mayor Eriquez appointed Council Members Valeri, Charles and Boughton to the committee. Mr. DaSilva made a motion to approve the request for funding as follows: Cross Street Bridge - \$234,245 and Drainage - \$200,000. Seconded by Mr. Kilcullen. Motion carried unanimously.

12 - RESOLUTION - Preventive Health Block Grant Program.

Resolution authorizing acceptance of a grant in the amount of \$10,015 to be used for health education and risk reduction programs associated with the City's Women, Infant and Children Program and the AIDS Education Program. Mr. Boughton moved that the grant be accepted and the Resolution adopted. Seconded by Mr. Falzone. Motion carried unanimously.

13 - RESOLUTION - Rental Rehabilitation Program

RESOLVED by the Common Council of the City of Danbury:

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

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

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the Department of Housing and Urban Development for thirty seven thousand (\$37,000.00) dollars in order to undertake a Rental Rehabilitation Program and to execute an Assistance Agreement therefor, should one be offered;

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

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

2. That the filing of an application by the City of Danbury in an amount not to exceed thirty seven thousand (\$37,000.00) dollars is hereby approved, and that the Mayor of the City of Danbury is hereby authorized and directed to file such application with the Department of Housing and Urban Development, to provide such additional information as may be necessary, to execute an Assistance Agreement with the Department of Housing and Urban Development for financial assistance if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury;

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

The Resolution was adopted on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez reappointing Barbara Flanagan, Irene King and James Esposito to the Board of Ethics for terms to expire August 1, 1990 and appointing William Murphy, 91 Stadley Rough Road for a term to expire August 1, 1990. The appointments were confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointments of Evelyn Durgy for a term to expire February 1, 1992 and John Cherry and Mary Burke for terms to expire February 1, 1993 to the Cultural Commission and the appointment of Harvey Center for a term to expire February 1, 1991. The appointments were confirmed on the consent calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Thomas Frizzell, 19 Alan Avenue to the Library Board of Directors for a term to expire January 1, 1993. The appointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Letter from Mayor Eriquez asking for the confirmation of Arthur Colley, 96 Clapboard Ridge Road to the Redevelopment Agency for a term to expire January 1, 1995. The appointment was confirmed on the consent calendar.

18 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointment of Roy A. Platt to the Aviation Commission for a term to expire July 1, 1991 and the appointment of John Sullivan, 23 Oak Ridge Gate for a term to expire July 1, 1990. The appointments were confirmed on the consent calendar.

19 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Frank Figueiredo, 15 West Pine Drive to the Building Code Board of Appeals for a term to expire January 1, 1991. The appointment was confirmed on the consent calendar.

20 - COMMUNICATION - Letter from Mayor Eriquez requesting that an ad hoc committee be formed to consider our City's recycling program to meet the State of Connecticut recycling mandate. Mr. Boughton made a motion that the communication be accepted and the committee appointed. Seconded by Mr. Gallo. Motion carried unanimously. Mayor Eriquez appointed Council Members Cassano, Valeri and Fazio to the committee.

21 - COMMUNICATION - Letter from Union Carbide Industrial Gases offering the City \$2500 worth of balled and burlapped trees and 1200 seedlings as part of their Rooting for America program. Mrs. Gogliettino made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Mack. Motion carried unanimously.

22 - COMMUNICATION - Letter from Library Director Betsy McDonough asking permission to accept a donation in the amount of \$200 in memory of George White. Mrs. Mack made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Charles. Motion carried unanimously.

23 - COMMUNICATION - Letter from Director of Public Works Daniel Minahan asking that donations to the "Living Memorials" in memory of members of civic groups be accepted. Mrs. Coladarci made a motion that the donations be accepted and letters of thanks sent. Seconded by Mr. Falzone. Motion carried unanimously.

24 - COMMUNICATION & CERTIFICATION - Letter from Fair Rent Commission requesting the sum of \$3,000 be appropriated to the Commission for Professional Services (\$2,700); Postage (\$200); and Office Supplies (\$100). Certification of Funds attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

25 - COMMUNICATION & CERTIFICATION - Letter from Director of Public Works Daniel Minahan requesting the sum of \$75,000 to be allocated to the Highway Budget Snow and Ice Removal Account. Certification of Funds attached. Mr. Charles made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Boughton. Motion carried unanimously.

26 - COMMUNICATION - Letter from Fire Chief Antonio Lagarto requesting that the sum of \$35,000 be transferred to the Fire Department Special Services Account due to the continual work being done at G. Fox. The communication was accepted and the transfer authorized on the Consent Calendar.

27 - COMMUNICATION - Letter from Mayor Eriquez requesting consideration of the proposal to relocate the Action Daycare Center and develop the new facility that has been previously planned and funded. Mr. DaSilva asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Mack, Scozzafava and Zotos to the committee.

28 - COMMUNICATION - Letter from Mayor Eriquez requesting the formation of a Charter Revision Commission. Mrs. Gogliettino asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members John Esposito, DaSilva, Smith, Fazio and Scozzafava to the committee.

29 - COMMUNICATION & CERTIFICATION - Danbury Municipal Employees Association Contract. Contract and certification in the amount of \$444,227.00 for the settlement of said contract. Mr. DaSilva made a motion that the contract be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

30 - COMMUNICATION - Letter from Corporation Counsel Eric Gottschalk explaining an amendment that is now Section 8 in the Paramedic Contract between the City and BSI, Inc. The modified agreement was approved on the Consent Calendar.

31 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley asking for a committee to study sewer and water rates for the 1990-91 fiscal year. Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Buckley and Mr. Setaro. Mayor Eriquez so ordered and appointed Council Members Gallo, Gogliettino and Boughton to the committee.

32 - COMMUNICATION - Letter from Mayor Eriquez together with the revised rules and regulations for the Open House program run currently by the Salvation Army. The communications were approved on the Consent Calendar.

33 - COMMUNICATION - Letter from Purchasing Agent Warren Platz requesting permission to transfer ownership of a 1973 International Pumper from the Fire Department to the FCI. Permission was granted on the Consent Calendar.

34 - COMMUNICATION - Acceptance of a negative recommendation for the purchase of property at 389 Main Street from the Planning Commission. The communication was accepted on the Consent Calendar.

35 - COMMUNICATION - Letter asking acceptance of road widening parcels at East King Street and Taltie's Farm Subdivision. Authorization was granted on the Consent Calendar.

36 - COMMUNICATION - Offer from Cushman & Wakefield for the sale to the City of property at 70 Main Street. Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Boynton, Charles and Regan to the committee.

37 - COMMUNICATION - Request from Mick Haggerty for permission to use City owned land across from the Toys R Us shopping mall for the sale of Christmas Trees. Mrs. Gogliettino asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Butera and Boughton to the committee.

38 - COMMUNICATION - Letter from Warren Platz asking for settlement of a matter between Groundwater, Inc. and the City. Mrs. Mack asked that this be referred to an ad hoc committee and the Purchasing Agent. Mayor Eriquez so ordered and appointed Council Members Zotos, Charles and Regan to the committee.

39 - COMMUNICATION - Petition from residents of Three Partners Road asking that an ad hoc committee be established for the purpose of investigating the need of a storm sewer catch basin in the cul de sac on Three Partners Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, Mr. Minahan and Mr. Cavagna. Mayor Eriquez so ordered and appointed Council Members Coladarci, Falzone and Scozzafava to the committee.

40 - COMMUNICATION - Petition from residents of Wilkes Road asking for acceptance as a City road. Mr. Scozzafava asked that this be referred to an ad hoc committee, Mr. Minahan, Mr. Schweitzer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallo, Falzone and Fazio to the committee.

41 - COMMUNICATION - Letter from the Non-Profit Development Corporation of Danbury asking for permit reimbursement for Hatters Yark sewer and water fees. Mrs. Mack asked that this be referred to an ad hoc committee, Mr. Buckley and Mr. Setaro. Mayor Eriquez so ordered and appointed Council Members Kilcullen, Smith and Regan to the committee.

42 - COMMUNICATION - Petition from residents of Miry Brook Road requesting that a committee be appointed to research the feasibility of imposing a curfew on the Hawk truck terminal at 54 Miry Brook Road. Mrs. Gogliettino asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gogliettino, Mack and Boughton to the committee.

43 - DEPARTMENT REPORTS - Health & Housing, Public Works, Parks and Recreation, Building, Welfare, Airport Administrator, Fire Chief, Fire Marshall, Police. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the office of the City Clerk for public inspection. Seconded by Dean Esposito. Motion carried unanimously.

44 - ORDINANCE - Request from Solid Waste Manager Michael Cech asking for a modification in the ordinance entitled Temporary Permits. Mr. DaSilva asked that this ordinance be deferred to public hearing. Mayor Eriquez so ordered.

45 - RESOLUTION - Eagle Road Connector

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council has allocated funds for the construction of a Commerce Park Crossing; and

WHEREAS, this project will oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, a prior resolution approving the acquisition of certain properties was approved on February 7, 1989; and

WHEREAS, property in addition to that earlier referenced will be necessary to accomplish the purposes hereof; and

WHEREAS, said additional property is shown and designated on a certain map entitled "Proposed 'Taking' Map Eagle Road Connector Danbury, Connecticut" dated May 4, 1989; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the following properties and owners thereof, their successors and assigns and their respective mortgage holders, if any, the affected properties being indicated by the legal descriptions and schedule annexed hereto.

Mrs. Coladarci made a motion that the Resolution be adopted as read. Seconded by Dean Esposito. Motion carried unanimously.

46 - REPORT & CERTIFICATION - Request for additional funds for the Welfare Department.

Mr. DaSilva submitted the following report, with certification attached:

The Common Council Committee appointed to review a request from the Welfare Department for an additional \$200,000 met at 8:05 P.M. on February 21, 1990 in City Hall. In attendance were committee members DaSilva, J. Esposito and Scozzafava. Also in attendance were Welfare Department Supervisor Deborah MacKenzie and Comptroller Dominic Setaro.

Ms. MacKenzie explained that the request is for the general assistance program administered by the Danbury Welfare Department. The caseload in the department has increased by 20% over the past two years. Requirements for receiving welfare benefits are set by the State of Connecticut and the City of Danbury is mandated to comply. The City of Danbury will be reimbursed for 90% of these funds by the State of Connecticut.

Mr. Scozzafava moved to appropriate \$200,000 to the Welfare Department for use in the general assistance program. Seconded by Mr. Esposito. Motion carried unanimously.

Mr. Charles made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Boughton. Motion carried unanimously.

Mr. Boynton subitted the following report:

The committee met twice to organize, prepare its questions and identify the governmental entities to be reviewed. The final meeting was held on February 22, 1990 in Room 432 to examine and review the responses from the five (5) governmental entities scheduled for termination on June 30, 1990 as per section 2-176. The five (5) governmental entities are:

1. Aviation Commission
2. Redevelopment Agency of the City of Danbury
3. Housing Site Development Agency
4. Community Development Plan Agency
5. Economic Development Commission

Each governmental agency was reviewed subject to the criteria of section 2-182 and in each case the committee voted as follows:

1. Aviation Commission - Donald Crudginton, Chairman.
The Committee recommends that this entity be reestablished as per section 2-184.
2. The Redevelopment Agency - John Sullivan, Chairman
The Committee recommends that this entity be reestablished as per section 2-184.
3. Housing Site Development Agency - Bernie Fitzpatrick, Director
The committee recommends that this entity be reestablished as per section 2-184.
4. Danbury Community Development Plan Agency - Chairman Mayor Eriquez, Administrative Aide Carolyn Lucente.
The committee recommends that this entity be reestablished as per section 2-184.
5. Economic Development Commission - Chairman Mayor Eriquez
The committee recommends that this entity be reestablished as per section 2-184.

Mr. Boynton asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

48 - REPORT - Re-evaluation and Retired Persons Tax Freeze

Mr. DaSilva submitted the following report:

The committee to review a request to study the feasibility of a new re-evaluation method and a retired persons' tax freeze met at 7:00 P.M. on February 20, 1990. In attendnace were committee members DaSilva, J. Esposito and Scozzafava. Also in attendance were Tax Assessor Anne DeFlumeri and Council Member Boughton, ex-officio.

Mrs. DeFlumeri stated that the State of Connecticut passed a statute allowing a statistical re-evaluation every five years, following a general re-evaluation. This approach used market conditions to ascertain value without doing the actual measuring of properties. A general re-evaluation must be done every ten years, but can be done more often if desired. A statistical re-evaluation will cost nearly one-half million dollars and a general re-evaluation will run over 1 million dollars. She further stated that reports from the State show that sales in the year following the last re-evaluation reflect that values set in that program average exactly 70% of the prices of residential properties sold. This percentage is the state mandated rate of evaluation.

Mrs. DeFlumeri outlined two avenues of approach in seeking relief for residential taxpayers. The first is in working with state representatives to gain approval to perform a statistical re-evaluation without waiting for five years following the next general re-evaluation. The second is to speak with professional consultants as to the best time to conduct the next general re-evaluation.

A discussion was held with Mrs. DeFlumeri concerning tax relief for the elderly. She stated that the State of Connecticut no longer allows a tax freeze, although there are still a number of residents under this program. There are only two programs allowed by the State. The first is a dollar savings program that the Common Council recently adjusted to raise tax savings for the elderly and the second is one that defers payments until the sale of the property. A lien is placed upon the property until that time. A survey among elderly taxpayers was conducted recently as to the desire for a program such as this. The results were overwhelmingly against it. This program, however, is available on an individual basis through the Tax Collector's Office. It was the consensus of the committee that more needs to be done to spread the

word on the available programs. Mrs. DeFlumeri said that she would speak to the Mayor to accomplish this.

The report was accepted on the consent calendar.

49 - REPORT & CERTIFICATION - Roberts Avenue Project

Mrs. Mack submitted the following report, with certification attached:

The Common Council Committee appointed to review the Roberts Avenue Project request met on February 26, 1990 at 7:10 P.M. in Room 432 in City Hall. In attendance were committee members Mack, Scozzafava and Boynton. Also present were Maressa Gershowitz and Mark Choury, representing the Board of Education and Danbury Public Schools Finance Director Jack Heidenreich.

Mrs. Mack read a memo from Dominic Setaro explaining his absence and that fact that he had reviewed the expenditure report prepared by Mr. Heidenreich and found it to be in order. The committee asked Mr. Heidenreich for the background information with regard to the request from Superintendent of Schools Anthony Singe to spend the unencumbered funds of \$18,250.65 to help defray legal expenses incurred to bring the Roberts Avenue Project in under budget.

Mr. Heidenreich explained that this project, a joint effort of the Board of Education and the City of Danbury, contracted with EDUCATIONAL INROADS to provide and locate portable classrooms at Roberts Avenue School. The project's total cost was \$436,035 to be shared by the Board of Education and the City of Danbury. Mr. Heidenreich added that legal action was incurred when EDUCATIONAL INROADS added a cost of \$69,419 to the project, citing changes in original specifications and additional change orders as reasons for the increase. The Board of Education countersued, claiming \$80,250 for liquidation damages. (Delays, problems and damages). Mr. Heidenreich explained that due to the legal intervention, they were able to formalize settlement at a total project cost of \$410,000 approximately \$26,000 below the authorized contract price.

Mr. Boynton made a motion, seconded by Mr. Scozzafava, to recommend to the Common Council that the request for \$18,270.65 by the Superintendent of Schools Anthony L. Singe, be approved and transferred from the City's contingency fund, subject to certification by the Comptroller. The motion passed with Mrs. Mack, Mr. Scozzafava and Mr. Boughton all voting favorably.

The report was accepted and the approval of the appropriation granted on the Consent Calendar.

50 - REPORT - Danbury Exchange Club Youth Baseball League Project

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request by the Exchange Club of Danbury and Danbury Youth Baseball to upgrade and enhance the existing little league field (field #1) at Rogers Park met in Room 432 in City Hall on Wednesday, February 21, 1990 at 7:30 P.M. In attendance were committee members Valeri, Dean Esposito and Fazio. Also in attendance were Director of Parks and Recreation Robert Ryerson, Exchange Club project committee members Richard Murray, George Rivard, Art Haddad, Jay Eriquez and Youth Baseball representatives Mario Tiani, Mike Haddad and Bruce Svenson. Council Members John Esposito and Joseph Scozzafava attended, ex-officio.

Mr. Rivard who also serves as Commissioner of the Youth Baseball League explained in great detail the proposed upgrade and enhancements including the installation of lights for night baseball, new fencing surrounding the field, larger dugouts, installation of a sprinkler system, erection of a flag pole, an electronic scoreboard, construction of an announcers booth that would also serve to provide storage space, improved water drainage and paved and lighted parking, all at no expense to the City of Danbury. Mr. Rivard further explained that the intentions were to provide a quality facility for youth baseball that would not only meet standards set by Babe Ruth baseball's Bambino division serving 8 to 12 year olds, of which there are approximately 700 participants in Danbury, but also increase the potentiality of hosting regional and/or national championship play. The proposed improvements would also serve to stimulate further involvement in the program.

It was additionally noted that the Youth Baseball League would have non-exclusive use of the facility and that other organizations will have access as well (i.e. Little Ladies and Women's Fastpitch Softball League). It was further explained that beyond the obvious benefits to the baseball league, advantages to the City would include the enhanced image of Rogers Park and the community, as well as the positive recognition and revenues generated as a host community to championship play.

Funding for this project, estimated at \$50-60K would be drawn from various sources including donations, raffles and national Babe Ruth fundraising activity.

Mr. Tiani supplied the committee with a project outline complimenting Mr. Rivard's presentation. Most notable concerns expressed by the committee were as follows:

1. Selection and supervision of contractors and construction. Mike Haddad stated that the committee as a whole would oversee the process and that an agreement has been made with Henry Abbott Tech to do most of the work. Mr. Ryerson guaranteed his department's involvement in the process and expressed approval in support of the project.
2. Liability - Mr. Rivard explained that the Youth Baseball Program maintains a policy covering \$1 million liability inclusive of the City of Danbury.
3. Potential concern by area residents with particular regard to nighttime activity. Mr. Tiani stated that games would end by approximately 10:30 P.M. at the latest. Mr. Ryerson additionally noted a parkwide 10:30 PM curfew that is police enforced.

Dean Esposito suggested in consideration of area residents, the possibility of a public hearing to address potential concerns.

Dean Esposito made a motion to recommend the approval of the project. Seconded by Mr. Fazio. Motion carried unanimously.

Mr. Dean Esposito made a motion to send the report to public hearing. Seconded by Mr. Fazio. Motion carried unanimously.

51 - REPORT - Petition to Accept Centennial Drive

Mr. Cassano submitted the following report:

The committee appointed to study the petition to accept Centennial Drive as a City road has not met. The Chairman has researched the petition and found, in telephone conversations with the Corporation Counsel and the City Clerk's Offices that a petition to accept Centennial Drive has already been approved by the Common Council.

A committee report recommending the acceptance of Centennial Drive was accepted by the Common Council at its regular monthly meeting on December 5, 1989 (agenda item No. 37). It appears that the road has already been accepted.

The report was accepted on the Consent Calendar.

52 - REPORT - Transfer of Land on Maple Avenue - Erickson House Danbury Preservation Trust

Mr. DaSilva submitted the following report:

The committee to study a request to ratify a proposal to reconstruct the Erickson House on City property at 41 Maple Avenue met at 8:30 P.M. on February 21, 1990. In attendance were committee members DaSilva, Zotos and Scozzafava. Also in attendance were Attorney A. DePerrio, II representing the Danbury Preservation Trust, Lou Zurlo from the Preservation Trust and Councilman John Esposito, ex-officio.

Mr. DiPerrio and Mr. Zurlo explained that the property transfer to the Danbury Preservation Trust has been previously approved by the Common Council. The reason for the repetition is that the actual relocation of the Erickson House has been discovered to be excessive in cost. Of the 75 callers interested in the property, none could afford to move the house because of its deteriorated condition. It is proposed that a replica of the house be constructed with as much as possible salvaged from the original house used. In return for constructing the house according to the specific plans and the granting of a facade easement, the builder is deeded the property. Three housing units will be located in the house and rented to tenants meeting the criteria as developed by the Danbury Affordable Housing Partnership. It was estimated by Mr. Zurlo that building the house as specified would cost approximately \$30 per square foot more than a normal construction. At 3,300 square feet, the additional cost will be approximately \$99,000. This will offset the receipt of the parcel of City land, help upgrade the area of placement and put the property back on the tax roles.

Mr. Zotos moved to recommend approval of the transfer of property at 41 Maple Avenue to the Danbury Preservation Trust. Seconded by Mr. Scozzafava and passed unanimously.

Mrs. Gogliettino made a motion to accept the report and authorize the transfer. Seconded by Mr. Falzone.

Mr. Boughton stated that the Preservation Trust is not in the business of reconstruction, but preservation. The reconstruction of the facade would be a great disservice. This land has not been declared surplus. Mrs. Gogliettino asked who the builder would be and stated that Danbury would gain affordable housing with this project. Mr. DaSilva stated that the City would gain a house worth \$300,000, it would be on the tax rolls and also would gain three units of affordable housing.

After more discussion, Mr. Boynton made a motion to recommit this report to the original committee for further study. Seconded by Mr. Boughton. Motion carried with the members voting as follows:

Yes - Fazio, Kilcullen, Gallo, Coladarci, Farah, Dean Esposito, Boughton, Boynton, Butera, Regan, Scozzafava.

No - Falzone, Mack, Gogliettino, DaSilva, John Esposito, Cassano, Charles, Valeri.

11 yes - 8 no

Mrs. Coladarci submitted the following report:

The Common Council Committee appointed to study gypsy moth control for the 1990 season met on February 14, 1990 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Coladarci, Charles and Fazio. Also attending were Tree Supervisor Richard Smith, Director of Public Works Dan Minahan, Comptroller Dominic Setaro and Dave Clark and Glenn Wicklund.

The committee reviewed the request by Mr. Smith to spray City trees in order to prepare for a heavy infestation of gypsy moths this year. He reminded us that Danbury was hit hard last year in the South and Southwest areas and that if a tree is defoliated twice, it may die. We were told of a survey provided by the State, free of charge, that would give a good estimate of the egg masses within the City trees. A preliminary study has shown 400 egg masses per 400 acres in the Richter Park area. Mr. Smith also stated that King Street and Great Plain Road have egg masses which can be seen in many of the trees.

Although the State is providing the survey, funds for spraying will not be readily available. The City of Danbury will have to cover the cost. Mr. Setaro said that at this point funds will not be available for spraying. The four options discussed were:

1. Do nothing;
2. Spray key areas and include old trees of historical value. The areas would include schools, parks, possibly downtown, Deer Hill Avenue and Ohehyatah Place which have many old Oak trees. If we choose a widespread spraying, two or three contractors should be hired to expedite the process due to the time limit involved in spraying.
3. Another alternative would be to spray the trees which were defoliated last year so they will not be killed by a second infestation.
4. Do all City trees.

The committee decided to wait until late March before making a decision.

Mrs. Coladarci will remind the Mayor of the importance of the survey and to encourage that the request be submitted immediately. By the end of March the final results of the survey will be in and the City's financial situation will show whether spraying can be provided at all.

The report was accepted on the Consent Calendar.

54 - REPORT - Building Permit Fees.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review building permit fees met on February 21, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Falzone, Boughton and Zotos. Also attending were Leo Null, Laszlo Pinter and Council Members DaSilva, Regan and John Esposito, ex-officio.

Mr. Null stated that the City has been waiving building permit fees for the past 25 years to non-profit organizations without having the proper Ordinance to do so. Mr. Zotos asked how much money the City lost due to the waiving of these fees last year. Mr. Null stated that approximately \$400,000 was waived. He used Danbury Hospital as an example. The Hospital has several corporations of which only one is non-profit. When a building permit is issued for construction work on the hospital site, the Building Department is not told which corporation is having the work done. The permit fee is waived automatically because the applicant is Danbury Hospital, the non-profit corporation.

Mr. Boughton stated that since the permit fees have been waived for the past 25 years we should change the Ordinance to reflect these past practices.

After further discussion, Mr. Zotos made a motion to retain the Ordinance as it currently reads which is: "Everyone pay a building permit fee except federal, state and local governments." Seconded by Mr. Falzone. Motion carried with Mr. Boughton voting in the negative.

Mr. Boynton made a motion to accept the report. Seconded by Dean Esposito. Discussion followed, the full text of which is on file in the Office of the City Clerk for public inspection.

Motion carried with the members voting as follows:

Yes - Falzone, Gallo, Mack, Farah, Dean Esposito, DaSilva, John Esposito, Cassano, Charles, Boynton, Butera, Regan.

No - Fazio, Kilcullen, Coladarci, Gogliettino, Boughton, Scozzafava and Valeri.

12 yes - 7 no

55 - REPORT - Request for Water Extension - 81 Kenosia Avenue

Mr. Cassano submitted the following report:

The committee appointed to study the above water extension request met on February 27, 1990 at 8:30 P.M. in Room 432 in City Hall. Present were committee members Cassano, Kilcullen and Boughton. Also present were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Attorney James Maloney and Robert Zohn, owner of Business Aircraft Center.

Messrs. Schweitzer and Buckley reviewed the petition for the committee and provided any necessary background information. The Department of Public Works has no problem with the petition. The Planning Commission has issued a positive recommendation by letter of February 26, 1990.

Mr. Boughton moved that the committee recommend to the Common Council that the water extension petition for Kenosia Avenue be approved subject to the standard eight steps common to Common Council acceptance of water and sewer petitions. The eight steps are attached. Seconded by Mr. Kilcullen. Motion carried unanimously.

The petitioner shall bear all costs relative to the installation of said water line .

The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

That upon completion of installation, title to said water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.

No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.

This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

56 - REPORT - Request for Water Extension - Edgewood Street

Mr. Cassano submitted the following report:

The committee appointed to study the above water extension request met on February 27, 1990 at 9:00 P.M. in Room 432 in City Hall. Present were committee members Cassano, Kilcullen and Boughton. Also present were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioner Tamas Biro.

Messrs. Buckley and Schweitzer reviewed the petition for the committee and provided any necessary background information. The Department of Public Works has no problem with the petition. The Planning Commission has issued a positive recommendation by letter of February 26, 1990.

Mr. Boughton moved that the committee recommend to the Common Council that the water extension petition for Edgewood Street be approved subject to the standard eight steps common to the Common Council acceptance of water and sewer petitions. A copy of the eight steps is attached. Seconded by Mr. Kilcullen. Motion carried unanimously.

The petitioner shall bear all costs relative to the installation of said water line.

The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

As required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

At upon completion of installation, title to said water line shall be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.

No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.

This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar

57 - REPORT - Request for Sewer and Water Extension - 11-13 Mannions Lane.

Mr. Gallo submitted the following report:

The committee regarding the above captioned matter met on February 27, 1990. In attendance were committee members Gallo, D. Esposito and Scozzafava. Also in attendance were William Buckley and Jack Schweitzer, Alan Weiner and Attorney Paul Jaber.

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer and water lines.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer & water lines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

58 - REPORT - Request for Sewer and Water Extension - 22 South Street.

Mr. Gallo submitted the follow report:

The committee regarding the above captioned matter met on February 27, 1990. In attendance were committee members Gallo, Dean Esposito and Scozzafava. Also attending were Jack Schweitzer, William Buckley, Alan Weiner and Attorney Paul Jaber

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer and water lines.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water & sewer lines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

Mr. Jaber explained the proposed sewer and water routes, the number of its being built and a bond agreement his client would like to enter into with the City. Neither Mr. Schweitzer nor Mr. Buckley had any problems with the above.

Mr. Scozzafava moved to approve with the eight steps. Seconded by Mr. Esposito. Motion carried unanimously. Mr. Scozzafava moved to recommend to the Council that the petitioner post a bond in the amount of \$50,000 contingent upon Corporation Counsel and the petitioner entering into a contract agreement. Seconded by Mr. Esposito. Motion carried unanimously.

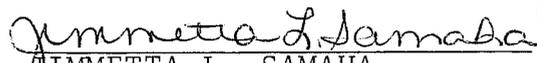
The report was accepted on the Consent Calendar.

Mayor Eriquez extended all committees who had not completed their work.

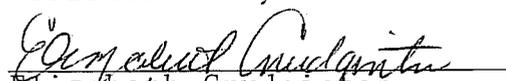
There were no members of the public wishing to address the Common Council.

There being no further business to come before the Common Council Mr. DaSilva made a motion for the meeting to be adjourned at 9:22 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk