

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

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

The meeting was called to order at 8:00 P.M. by Mayor Eriquez. Mr. Kilcullen led the assembly in the Pledge of Allegiance. Mr. John Esposito offered the Prayer. The members were recorded as:

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

ABSENT - Smith

20 Present - 1 Absent

Mayor Eriquez stated that Council Member Smith is still recuperating from his recent illness.

NOTICES BY THE MAYOR

Mayor Eriquez introduced his new Administrative Assistant Basil J. Friscia.

Mayor Eriquez offered congratulations to Councilman and Mrs. Donald Boughton on the birth of their first granddaughter, Julianne Marie Moore born on March 10, 1990.

Mayor Eriquez announced that Council Member Eileen Coladarci and her husband Butch will celebrate their 17th wedding anniversary on April 14th.

The Mayor stated that Passover will begin on April 9th and that Easter will be celebrated on April 15th and wished everyone a happy holiday.

April is Fair Housing Month and the Mayor presented a proclamation to Paul Shierloh and to Bernard Fitzpatrick commemorating same.

April 4th will be Danbury Hat Day in Hartford. A ceremony will take place at the Capitol.

CONSENT CALENDAR - The following items were presented on the Consent Calendar by Councilman John Esposito:

- 3 - Approval of grant application of \$85,000 for the Danbury Youth Services
- 4 - Approval of Project Grant Fund Resolution for East Franklin Street
- 6 - Approval of discontinuance of Old Neversink Road
- 9 - Approval of appointments of Louis Rotello, Connie Shuler and Robert Patterson to the Fair Rent Commission
- 10 - Approval of reappointment of Stephen Flanagan, John Deeb and Frank Bondatti to the Planning Commission
- 11 - Approval of Appointment of Mary Reynolds to the Conservation Commission
- 12 - Approval of Appointment of Robert Smart to the Candlewood Lake Authority
- 13 - Approval of reappointment of Lila Leopold to the Commission on the Status of Women
- 19 - Approval of the appropriation of \$32,000 for Capital Improvements at Hatters Community Park
- 27 - Approval of Ordinance change for the Common for Persons with Disabilities
- 28 - Approval of Ordinance on the charges for temporary permits at the Danbury Landfill
- 33 - Approval of a report on road conditions at Three Partners Road
- 34 - Approval of a report recommending no action on actions on the Hillandale Sewer Assessment
- 38 - Approval of report concerning traffic problems on Chambers Road
- 39 - Approval of Progress Report on the selection of a Daycare Center

Mr. Boughton asked that item 39 be removed from the Consent Calendar. Mr. Charles made a motion to accept the Consent Calendar as amended. Seconded by Mr. Boynton. Motion carried with Council Members Mack and Gogliettino voting in the negative.

MINUTES - Minutes of the Common Council Meeting held March 6, 1990. Mr. DaSilva made a motion to adopt the minutes as submitted and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boynton. Motion carried unanimously.

1 - ORDINANCE - An Ordinance making Appropriations for the Fiscal Year Beginning July 1, 1990 and ending June 30, 1991.

Mayor Eriquez gave the annual budget message outlining the keys aspects of the budget. He stated that he would elaborate further at a meeting with the Common Council on April 12, 1990.

Mr. DaSilva asked that this ordinance be referred to the various budget committees and to a public hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Service Charge for Returned Checks. Mrs. Coladarci asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3 - RESOLUTION - Department of Children and Youth Services Grant-in-Aid

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed Eighty-Five Thousand (\$85,000.00) Dollars are available from the State of Connecticut Department of Children and Youth Services for 1990-1991 Youth Services Bureau operations; and

WHEREAS, the continuation of the Youth Services Bureau for a thirteenth 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 \$85,000.00 for a Youth Services Bureau for the fiscal period commencing July 1, 1990.

BE IT FURTHER RESOLVED THAT the Mayor is hereby 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 - East Franklin Street Bridge Project Grant Fund.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation through its Local Bridge Program has made funds available to municipalities; and

WHEREAS, the East Franklin Street Bridge is in need of reconstruction; and

WHEREAS, the total cost of such reconstruction is in the estimated amount of \$502,000.00; and

WHEREAS, on August 25, 1983 a bond authorization was adopted by the Common Council and was subsequently approved through referendum on November 8, 1983 with a then local match for the reconstruction project in the amount of \$338,969.00; and

WHEREAS, the grant from the State of Connecticut is 30.48% of the eligible total cost of said reconstruction resulting in a state project grant of \$147,000.00 leaving a total estimated required local share of \$355,000.00; and

WHEREAS, the Common Council, by action at its regular meeting of January 3, 1989 voted to authorize then Mayor Joseph H. Sauer, Jr. to make application for project grant funds for the reconstruction of the East Franklin Street Bridge; and

WHEREAS, the State of Connecticut Department of Transportation has requested that the authority formerly provided Mayor Joseph H. Sauer, Jr. be granted to the present Mayor Gene F. Eriquez;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez be and hereby is authorized to make application and contract for said funds and to take any additional actions necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Acceptance of Tanglewood Drive

RESOLVED by the Common Council of the City of Danbury:

THAT Tanglewood Drive be accepted as a public highway in the City of Danbury, Connecticut subject to the following conditions:

THAT a Deed and Certificate of Title, in a form satisfactory to the Office of the Corporation Counsel, be delivered to the City of Danbury.

Mrs. Butera asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

6 - RESOLUTION - Discontinuance of Old Neversink Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council of the City of Danbury, pursuant to Connecticut General Statutes Section 13a-7, is the duly authorized body permitted to discontinue highways within City of Danbury municipal limits; and

WHEREAS, it is desired that that portion of Old Neversink Road comprising approximately .14 acres and located within the limits of the City of Danbury and identified as a portion of a driveway shown as "Old Neversink Road" on map No. 4028 of the Danbury Land Records and shown as "Formerly Old Neversink Road" on map No. 7064 also filed in the Danbury Land Records, be discontinued; and

WHEREAS, no ascertainable or apparent title in or ownership of said road by the City of Danbury is evident but implied acceptance by use or maintenance may exist;

NOW, THEREFORE, BE IT RESOLVED THAT by the statutory authority granted to it, the Common Council of the City of Danbury discontinues any interest right or title to Old Neversink Road, identified as a portion of a driveway shown as "Old Neversink Road" on map No. 4028 of the Danbury Land Records and shown as "Formerly Old Neversink Road" on map No. 7064 also filed in the Danbury Land Records, which it had, has or may have by ascertainable record or implied action.

The Resolution was adopted on the Consent Calendar.

7 - COMMUNICATION - Letter from Leo McIlrath requesting approval of a gift of \$190 to the Department of Elderly Services by the Connecticut Light and Power Company for the purpose of assisting Senior Citizens who may be in need of food, clothing or other necessities. Mr. Boynton made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Charles. Motion carried unanimously.

8 - COMMUNICATION - Letter from Betsy McDonough requesting approval of a donation of \$25 to the library in memory of George White. Mrs. Gogliettino made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Coladarci. Motion carried unanimously.

9 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the following appointments to the Fair Rent Commission: Mr. Louis Rotello for a term to expire July 1, 1992, Connie Shuler for a term to expire July 1, 1990 and Robert Pettersen for a term to expire July 1, 1992. The appointments were confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the following reappointments to the Planning Commission: Stephen Flanagan for a term to expire January 1, 1993, John Deeb for a term to expire January 1, 1993 and Frank Bondatti for a term to expire January 1, 1992. The reappointments were confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Mary Reynolds for a term on the Conservation Commission. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Robert Smart to the Candlewood Lake Authority for a term to expire April 1, 1992. The appointment was confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Lila Leopold to the Commission on the Status of Women for a term to expire April 1, 1993. The reappointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez asking the Common Council to consider the HRRRA Bond Resolution. Mrs. Mack asked that this be referred to an ad hoc committee and the Supervisor of the Landfill. Mayor Eriquez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

15 - COMMUNICATION - Letter from Mayor Eriquez requesting consideration for renaming the road into Rogers Park as "Memorial Drive". Mrs. Butera asked that this be referred to an ad hoc committee and the Veterans Council. Mayor Sauer so ordered and appointed Council Members John Esposito, Charles and Boughton to the committee.

16 - COMMUNICATION - Letter from Michael Cech requesting the formation of an ad hoc committee to review the proposed permit and user fees for the Municipal Landfill for the 1990-91 budget year. Mrs. Mack asked that this be referred to an ad hoc committee, the Comptroller and the Director of Solid Waste. Mayor Eriquez so ordered and appointed Council Members Kilcullen, Zotos and Fazio to the committee.

17 - COMMUNICATION - Letter from Board of Education Chairperson Maressa Gershowitz requesting that the amount of \$11,381.78 be reallocated to the Board of Education and if the Corporation Counsel is about to collect \$20,917.31 that that also be reallocated to the Board of Education. Council Member Farah made a motion that \$11,381.78 be reallocated to the Board of Education. Seconded by Mrs. Mack. Mr. Boynton asked if there would be fees expended in the collection of the \$20,917.31. Mayor Eriquez stated that he did not expect so. Motion carried with Mr. Boughton abstaining.

18 - COMMUNICATION - Letter from Mayor Eriquez requesting permission to accept a donation from the Danbury Chamber of Commerce to purchase signs for the Drug Free School Zones. Mr. Falzone made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Kilcullen. Motion carried unanimously.

19 - COMMUNICATION - Letter from Director of Parks and Recreation Robert Ryerson requesting that \$32,000 raised from the rental of the Hatters Community Park facilities be appropriated to the capital line item "Improvements at Hatters Community Park". The request was granted on the Consent Calendar.

20 - COMMUNICATION - Letter from Purchasing Agent Warren Platz requesting permission to exchange surplus equipment for new breathing apparatus. Mr. Gallo made a motion to accept the communication and authorize the exchange. Seconded by Mr. Boughton. Motion carried unanimously.

21 - COMMUNICATION - Request from Michael Mannion, Attorney for Mr. and Mrs. Antonio M. Resendes requesting permission to purchase City property at 7-9-11 Barnum Court. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Farah, Gogliettino and Reganto to the committee.

22 - COMMUNICATION - Letter from Purchasing Agent Warren Platz asking the Common Council to advise him on the next course of action regarding surplus property at Locust Avenue and Osborne Street. Mrs. Butera asked that this be referred to an ad hoc committee, the Comptroller, the Fire Chief and the Purchasing Agent. Mayor Eriquez so ordered and appointed Council Members Boynton, Mack and Fazio to the committee.

23 - COMMUNICATION - Request from Edward J. McCarty, Inc. for Water Extension at 1A South Street. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Planning Commission, William Buckley and Jack Schweitzer. Mayor Eriquez so ordered and appointed Council Members Gallo, Dean Esposito and Boughton to the committee.

24 - COMMUNICATION - Request from Country Kids Play Farm, Inc. for Sewer Extension at 33 Mill Plain Road. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Planning Commission, Mr. Buckley and Mr. Schweitzer. Mr. Eriquez so ordered and appointed Council Members Gallo, Dean Esposito and Boughton to the committee.

25 - COMMUNICATION - Request from Monopoly Investment Company for Water Extension at 103 & 105 Beaver Brook Road. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Planning Commission, Mr. Buckley and Mr. Schweitzer. Mr. Eriquez so ordered and appointed Council Members Falzone, Coladarci and Scozzafava to the committee.

26 - DEPARTMENT REPORTS - Health, Public Works, Parks and Recreation, Airport, Welfare, Fire Chief, Fire Marshall, Police, Building. Mr. DaSilva made a motion that the Department Report be accepted as submitted and the reading waived as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boynton. Motion carried unanimously.

27 - REPORT & ORDINANCE - Danbury Commission for Persons with Disabilities.

Mr. DaSilva submitted the following report and Ordinance:

The Common Council met as a committee of the whole on March 19, 1990 in the Common Council Chambers to review a proposed ordinance concerning the Commission for Persons with Disabilities. The proposed change would change the name from the present Commission for the Handicapped.

Mr. Boynton moved to recommend approval of the proposed ordinance. Mr. Charles seconded the motion which passed unanimously.

Sec. 2-56.13. Danbury Commission for Persons with Disabilities-
Created, purpose.

There is hereby created and established a commission to be known as the Danbury Commission for Persons with Disabilities. The commission shall as its primary purpose advise the mayor and the common council of the needs of persons with disabilities within the community with relation to housing, employment, transportation, economics, health, recreation and other relevant matters. The commission shall, in addition, recommend to the mayor and the common council ways in which programs and services offered by the City of Danbury may be made more accessible to persons with disabilities and in which obstacles hindering employment and enjoyment of programs and services may be eliminated.

Sec. 2-56.14. Same - Membership, terms, qualifications, etc.

(a) The Danbury Commission for Persons with Disabilities shall be composed of nine (9) members to be appointed by the mayor and confirmed by the common council. One third (1/3) of the membership of said commission shall be persons with disabilities or parents of such persons. Agencies which serve those residents or taxpayers of the City of Danbury having disabilities may be members of said commission. The members so appointed shall be individuals interested in the consideration and well-being of persons with disabilities. The initial terms of office of members of the Danbury Commission for the Persons with Disabilities shall be as follows:

- (1) The first three (3) persons named shall serve for a period of three (3) years.
- (2) The next three (3) persons named shall serve for a period of two (2) years.
- (3) The last three (3) persons named shall serve for a period of one year.

(b) Thereafter all appointments or reappointments shall be for a term of three (3) years. All members shall be residents or taxpayers of the City of Danbury. All members shall serve without compensation. Each member shall serve until his or her successor is duly appointed and qualified.

(c) Any vacancy in the membership of said commission which may occur through death, resignation or otherwise, may be filled for the unexpired portion of the term of such member by mayoral appointment and confirmation by the common council.

(d) Three (3) alternate members to the Danbury Commission for Persons with Disabilities shall be appointed by the mayor of the city and approved by the common council. The term of office of one of the three (3) persons originally appointed as alternates shall expire on January 1 in each of the years 1985 to 1987, inclusive, and term of each successor to such person originally appointed shall be three (3) years ending on January 1.

Any vacancy in the office of an alternate which does not arise from the expiration of a term of office shall be filled by the mayor for the unexpired portion of the term and approved by the common council.

Alternate members may attend meetings, participate in discussions and give suggestions, but will not engage in voting unless a regular member is absent.

The report and ordinance were adopted on the Consent Calendar.

28 - REPORT & ORDINANCE - Temporary Permits.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 9:30 P.M. on March 19, 1990 in the Common Council Chambers to review a proposed ordinance change regarding temporary permits at the Danbury Landfill. Manager of Solid Waste Michael Cech had explained at the prior public hearing that this change was recommended by the finance department. The present system causes excessive billing for small amounts which is not cost effective.

Mrs. Coladarci moved to recommend approval of the proposed ordinance. Seconded by Mr. Regan. Motion carried unanimously.

THAT, subsection 16A-31(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Temporary permits. Notwithstanding the provisions of this or any other section of the Danbury Code of Ordinances, temporary permits authorizing the disposal of permitted wastes at the Danbury Sanitary Landfill site may be issued to Danbury taxpayers and residents upon payment of the applicable permit fee. Said fee shall be ten (\$10.00) dollars for a passenger vehicle; thirty (\$30.00) dollars for a pickup truck, van or trailer having a rated capacity of up to one half (1/2) ton; thirty-five (\$35.00) dollars for a pickup truck, van or trailer having a rated capacity in excess of one half (1/2) ton but not more than three quarters (3/4) of a ton; and fifty (\$50.00) dollars for any vehicle having a rated capacity in excess of

three quarters (3/4) of a ton. For purposes of this subsection, the rated capacity of any vehicle shall be the rated capacity of that vehicle as established by the manufacturer thereof. Upon payment of said permit fee, no additional user fee shall be imposed. Temporary permits shall entitle the holder thereof to dispose of one (1) load of waste and shall only be valid on the date specified therein. No taxpayer or resident may obtain more than four (4) temporary permits during any fiscal year. Temporary permits shall neither be assigned nor transferred by the holder thereof. No wastes disposed of under the provisions of this section may originate from a source other than the residence or place of business of the permit holder. The City of Danbury shall not accept uncertified personal checks in payment for any permits issued hereunder.

The report and ordinance were accepted on the Consent Calendar.

29 - REPORT - Charter Revision Commission

John Esposito submitted the following report:

The committee appointed to review a request to form a Charter Revision Commission met on March 19, 1990 at 10:00 P.M. in City Hall. In attendance were committee members Esposito, DaSilva, Scozzafava and Fazio. Mr. Smith was ill and could not attend.

Mr. Scozzafava moved to establish a Charter Revision Commission composed of seven (7) members. The motion was seconded by Mr. DaSilva and passed unanimously. The committee presented the following seven names and approved them unanimously: Benjamin DaSilva, Murry Hough, Jean Swenson, Ann Boynton, John Turk, Brian O'Hare and John Pepe.

In view of the time limitations in order to put Charter changes before public for the November election the committee recommends that the Charter Revision Commission review those sections of the Charter pertaining to the following items:

1. Technical changes as proposed by the last Charter Revision Commission;
2. Maximum price for bids in the Purchasing Department;
3. Ethics Provisions;
4. Succession for the City Treasurer;
5. Minority Representation on the Common Council;
6. Bonding limits.

The recommendations were passed unanimously.

Mr. Boughton made a motion to accept the report and establish a Charter Revision Commission. Seconded by Mrs. Butera. Mr. DaSilva moved to amend the report to include that the Commission must report back to the Common Council by July 1, 1990. Seconded by Mr. Boynton. Motion to amend passed unanimously. Main motion, as amended, passed unanimously.

30 - REPORT - Reconstruction of Erickson - 41 Maple Avenue.

Mr. DaSilva submitted the following report:

The committee appointed to review a request to grant approval to reconstruct the Erickson House at 41 Maple Avenue met at 7:30 P.M. on March 20, 1990. In attendance were committee members DaSilva and Scozzafava. Also in attendance were Attorney Anthony DiPerrio, George Davon, Lewis Zurlo and Peter Herger representing the Danbury Preservation Trust and Councilman John Esposito, ex-officio.

Attorney DiPerrio explained that most of what was to be salvaged of the Erickson House for its reconstruction was undamaged by the recent fire and has been removed and stored for future use. Mr. Davon stated that the reconstructed house will be built to the specifications of the original. It will be composed of three two bedroom housing units that would be sold for \$110,000. These prices, as well as income limitations for purchase, will meet requirements of the Danbury Affordable Housing Partnership and state and federal agencies for moderate income housing. Housing Partnership regulations for first time home owners and preference for City employees and Danbury residents would be met. Further regulation or resale profit restrictions for thirty years will also be followed. He also stated that under this proposal the quality of the home with a perpetual facade easement will be a cornerstone of quality in the neighborhood that will encourage additional improvement of the area. No other use of this property will bring about the quality of housing as proposed here to the fringe of the downtown area. Mr. Davon will reconstruct this home for less than half of the normal profit ratio, seven percent or less, and will not charge for his personal time commitment. Finally, he stated that all guidelines for purchase and resale will be equal to or more stringent than those of the Danbury Affordable Housing Partnership.

After considerable discussion, Mr. Scozzafava moved to recommend approval of the reconstruction of the Erickson House at 41 Maple Avenue subject to the following deed restrictions:

1. Restriction on resale price for thirty years in accordance with provisions of the Danbury Affordable Housing Partnership.
2. Income restriction for purchase in accordance with provisions of the Danbury Affordable Housing Partnership.
3. Preference given to City employees and residents of Danbury in accordance with provisions of the Danbury Affordable Housing Partnership.
4. A perpetual facade easement to maintain historical integrity.

Mr. DaSilva seconded the motion which passed unanimously.

Mr. Boynton made a motion that the report be accepted. Seconded by Mrs. Butera.

Mr. Boughton stated that he had reservations concerning the way in which this came about. It gives the appearance of preferential treatment to other builders. The Mayor stated that the Housing Partnership is trying to attract private developers in a cooperative effort to build affordable housing. Mr. Regan stated that he agreed with Mr. Boughton and this project should have gone out to bid.

Mr. Boynton stated that he had a chance to look at the site before the fire and asked the Mayor if Mr. Davon was selected by a selection process. Mayor stated yes.

Mr. Farah stated that this started out as a preservation project and has now turned into affordable housing. He stated that the City should not be so willing to give away property. Mr. Zotos stated that the Preservation Trust tried to get other developers to move the house and Mr. Davon took it on.

Mr. Boughton stated that there are 500 or so condominiums on the market for \$110,000 or less. He asked the Corporation Counsel about the condemnation of the property and wouldn't other owners who had their property condemned be concerned. Mr. Gottschalk stated that there were two takings, 1 for road improvement and 1 for expansion and the ownership title was cloudy and the City does not expect any problems.

Mr. Kilcullen stated that State Statute provides that if the City creates affordable housing it will be entitled to grant money. He feels that this is an excellent merger of the public and private sectors.

The motion carried with Council Members Farah, Boughton and Regan voting in the negative.

31 - REPORT - Government Entities Review

Mr. DaSilva submitted the following report:

The Common Council met as a Committee of the Whole at 9:30 P.M. on March 19, 1990 to review a report from the Government Entities Review Committee. The committee recommended 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.

Mr. Boynton moved to approve moved to approve the report and re-establish the governmental entities as listed. Mr. Charles seconded the motion. The motion to approve re-establishment of the Aviation Commission, the Housing Site Development Agency, the Danbury Community Development Plan Agency and the Economic Development Commission passed unanimously. Mr. Valeri spoke against the re-establishment of the Redevelopment Agency because of its lack of effectiveness over the past several years. Further discussion ensued concerning problems that might arise from the dissolution of this agency with litigation on the Redevelopment site. The motion to re-establish passed with 10 voting in the affirmative and 4 voting in the negative.

Mr. Boynton made a motion to adopt the report. Seconded by Mrs. Gogliettino. Motion carried with Council Members Fazio and Valeri voting in the negative.

32 - REPORT - HVCEO - Danbury Watershed Protection Plan.

Mr. Zotos submitted the following report:

The Common Council Committee appointed to review the HVCEO - Danbury Watershed Protection Plan met on March 22, 1990 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Zotos, Charles and Regan. Also attending were Purchasing Agent Warren Platz and Superintendent of Public Utilities William Buckley.

Mr. Buckley explained a study prepared by Ground Water, Inc. There was a State grant in 1987 for \$10,000 through HVCEO for a Model Water Protection Plan. The final cost to prepare the study was \$22,869.50. The overcost was \$13,869.50. Of the \$10,000 grant, \$9,000 went to Ground Water, Inc. and \$1,000 was used for paper expenses by HVCEO. Legally the City is not responsible for the balance.

Following discussion, the committee feels that the City is obligated morally and ethically to reimburse half of the balance. Mr. Charles made a motion that the City, from the Water Fund, authorize the sum of \$6,500 for reimbursement to Ground Water, Inc. in good faith. Seconded by Mr. Regan. Motion carried unanimously.

Mr. Gallo made a motion to accept the report and authorize that \$6,500 be expended from the Water Fund. Seconded by Mr. Charles. Discussion followed as to the moral and ethical responsibility of the City to pay this cost. Motion carried with the members voting as follows:

Yes - Kilcullen, Falzone, Gallo, Coladarci, Zotos, DaSilva, John Esposito, Cassano, Charles, Regan.

No - Fazio, Mack, Farah, Dean Esposito, Gogliettino, Boughton, Boynton Butera, Scozzafava, Valeri.

10 Yes - 10 No. Mayor Eriquez cast the tie-breaking vote in the affirmative.

Mrs. Coladarci submitted the following report:

The Common Council Committee appointed to study the drainage problems on Three Partners Road met on March 21, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Coladarci and Scozzafava. Mr. Falzone had a previous commitment. Also attending were Director of Public Works Dan Minahan, Superintendent of Highways Frank Cavagna and approximately 22 residents of Three Partners Road.

Mr. Cavagna explained the history of many Danbury roads. The developer would put in as many lots as possible and drains were put in at the low point. If houses were built after the road was put in, the new homeowner was responsible for correcting drainage problems.

Mr. Scozzafava made a motion to waive the rules as long as one person was speaking and order was kept. Seconded by Mrs. Coladarci. Motion carried unanimously.

The residents explained that the drainage problems have existed for the entire duration of the road. The road conditions in the winter are icy and dangerous which in turn deteriorates the surface of the road. The houses built above the cul de sac were built on ledge and the groundwater drains onto the road which has no catch basin, thus creating a hazardous condition in the winter. Further up the road the catch basin is inches above the road surface and the water does not drain. The water remains along the side of the road or on the homeowners lawns and freezes in the winter again causing dangerous conditions.

After further discussion, Mr. Minahan stated that paving the road to improve the deteriorated condition would be worthless without correcting the drainage problem first. The drainage problem could be corrected by Public Works for between \$10,000 and \$12,000 if the Council will allocate the funds. The area is on the drainage problem list but is not considered high priority for this year. A temporary solution would be to crown the cul de sac so the water cascading down the hill will stay in the gutter and travel to the catch basin.

Mr. Scozzafava made a motion to repave the cul de sac with a proper crown in September of 1990 to keep the water in the gutter pending funding for the extra 240 feet of drainage and one catch basin for the end of the cul de sac of Three Partners Road. The motion was seconded by Mrs. Coladarci and carried unanimously.

Once the drainage is put in place, the road will be repaved to fix the cracks and pot holes and to realign the existing catch basin on the straightaway.

The report was accepted on the Consent Calendar.

34 - REPORT - Hillendale Sewer Assessments Appeal Review.

The Boynton submitted the following report:

The Committee to review the appeals to the sewer assessments for the Hillendale Sewer Project was formed at its December 1989 Council Meeting. The committee members are Council Members Boynton, Falzone and Fazio. The committee met on December 18, 1989, February 22, 1990 and March 14, 1990 all held at 7:30 P.M. in Room 432.

At both the December and February meetings the committee secured input from the Padanaram neighbors who filed the letter prompted this committee. Information regarding this project was secured from City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Assistant Corporation Counsel Eric Gottschalk.

In response to a letter to the Corporation Counsel's office asking for answers to several questions, the fact that an error in procedure did occur, The error was that the list of assessments was never filed in the Office of the Town Clerk. Further, neither the Town Clerk nor the City Clerk arranged to notify the affected property owners by publication and mailing as is required by State law.

A motion was made by Mr. Falzone that the Common Council should take no action at this time due to the fact that an error in filing of the assessments and subsequent publication and mailing was made. Therefore, the 21 day appeal period will start with the proper filing and the appeal process has not yet lapsed. Seconded by Mr. Fazio. The motion passed unanimously.

The report was accepted on the Consent Calendar.

35 - REPORT - Danbury Exchange Club Youth Baseball League Project.

Mr. DaSilva submitted the following report:

The Common Council met as a Committee of the Whole at 9:30 on March 19, 1990 to review a report granting the Danbury Exchange Club permission to upgrade Little League (Youth Baseball) field #1. The Exchange Club proposed to pay for improvements costing \$50,000 - \$60,000. These would include new fencing, an announcer's booth with a public address system and storage facilities, a lighting system and an irrigation system.

Mr. Boughton moved to approve the report. Seconded by Mr. Charles. Considerable discussion ensued which reflected concerns brought forth at the prior public hearing. This discussion included possible disruption of neighbors by the lights, the P.A. system, additional traffic and parking problems. Alternate site selection was also discussed. Several members spoke in favor of the proposal which would greatly improve the facility at no cost to the City.

Mrs. Mack moved to recommit the report to committee for further study. Seconded by Mr. Charles. Motion carried with 11 members voting in the affirmative and three members voting in the negative.

Mr. Falzone made a motion to accept the report and send it back to committee. Seconded by Mr. Gallo. Mr. Fazio made a motion to waive the rules of order to allow representatives of the Youth Baseball Leagues to answer questions. Section by Mr. Regan. Motion carried with the members voting as follows:

Yes - Fazio, Kilcullen, Falzone, Gallo, Coladarci, Mack, Farah, Dean Esposito, Zotos, Charles, Boynton, Regan, Scozzafava, Valeri.

No - Gogliettino, DaSilva, John Esposito, Cassano, Boughton, Butera.

14 yes - 6 no.

Richard Murray from the Exchange Club and also Coordinator of Park Services gave a presentation to the Council. He answered questions regarding lights, PA System, Parking. Mr. Kilcullen made a motion to move the question. Seconded by Mr. Boughton. Motion carried with John Esposito voting in the negative.

Motion to accept committee report failed with the members voting as follows:

Yes - Falzone, Mack, Dean Esposito, Zotos, DaSilva, John Esposito, Cassano, Boynton.

No - Fazio, Kilcullen, Gallo, Coladarci, Farah, Gogliettino, Charles, Boughton, Butera, Regan, Scozzafava, Valeri.

8 Yes - 12 No.

Mr. Boughton made a motion to grant the Exchange Club permission to make the improvements to field #1. Seconded by Mr. Charles. Mr. Valeri offered a three part amendment, seconded by Mr. Fazio, which they subsequently withdrew. Mr. Kilcullen made a motion to move the question. Seconded by Mr. Boughton. Motion carried with John Esposito voting in the negative.

Motion carried with Council Members John Esposito and Dean Esposito voting in the negative.

36 - REPORT - Richter Park Authority Capital Improvement Program.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request by Richter Park Authority for \$60K from the State Local Capital Improvement Program to aid in the completion of the park maintenance building project met in Room 432 in City Hall on March 26, 1990 at 7:30 P.M. In attendance were committee members Valeri, Charles and Boughton. Also in attendance were Richter Park Authority Chairperson Liane Thayne, Vice Chairman Felix Bonacci, Treasurer Jack Garamella, Secretary Frances Kelly, Manager Richard Branigan and members Ed Fusek and Francis Kieras.

Mr. Charles questioned the Authority's fiscal responsibility, citing the intent since its inception to operate on a self-sustaining basis and the fact that during the course of its 18 year history it has received approximately \$1.2 million in financial assistance from the City of Danbury. Mr. Garamella cited the City's investment in the property as being minimal compared to the cultural and recreational asset value to the community and additionally expressed the need for municipal government to treat recreational facilities throughout the City with a higher priority.

Mr. Branigan made a comprehensive presentation to the committee with highlights as follows:

1. Authority's return in capital improvements to the property in relation to City subsidies represents a 2 to 1 ratio.
2. Non-resident usage fees represent nearly 50% of generated revenues and have allowed for minimal increases in resident fees over the years. Furthermore, the present intent of the Authority is to maintain the existing quality of the facility while attempting to hold the line on resident usage fees.
3. Maintenance Building Project (begun in the Fall of 1986) delayed due to escalating costs and subsequent lack of adequate funding. Total cost to date \$260K. \$60K needed to satisfy OSHA requirements and supply basic infrastructure (septic, well, plumbing, heating, interior walls, etc.).
4. Budget constraints necessitate request for additional funds.

Mr. Valeri cited his previous on-site inspection of the project and expressed agreement with the need for this expense to expedite its completion. He also expressed concern over the existing maintenance facility's deteriorating condition and associated safety risks.

Mr. Boughton expressed his support for the completion of the project and further cited Richter Park's invaluable contribution as a recreational and cultural asset to the community.

Mr. Boughton made a motion to approve the request by the Richter Park Authority. Seconded by Mr. Valeri. Mr. Charles moved to amend the motion, requiring the Richter Park Authority to repay with interest the requested funds over a 4 year period. Motion was not seconded and thus withdrawn. Original motion passed with Mr. Boughton and Mr. Valeri voting in the affirmative and Mr. Charles voting in the negative.

Mr. Boughton made a motion to accept the report and passed the Resolution. Seconded by Mrs. Butera. Mr. Charles gave some background statistical information regarding revenue. Discussion followed on how the Capital Improvement money can be spent. Motion failed with the members voting as follows:

Yes - Kilcullen, Falzone, Zotos, John Esposito, Donald Boughton, Janet Butera, Arthur Regan, Thomas Valeri.

No - Fazio, Gallo, Coladarci, Mack, Farah, Dean Esposito, Gogliettino, DaSilva, Cassano, Charles, Boynton, Scozzafava.

8 yes - 12 no

Mr. DaSilva made a motion to make application to the State Local Capital Improvement Program for \$60,000 to rebuild and repave highways, Seconded by Mr. Gallo. Motion carried unanimously.

37 - REPORT - Eagle Road - WITH DRAWN

38 - REPORT - Traffic Problems - Chambers Road.

The committee appointed to investigate the traffic problem on Chambers Road met on February 27, 1990 at 7 P.M. in Room 432 in City Hall. Present were committee members, Kilcullen, Fazio and Gogliettino. Also present were Sergeant Mitchell Weston, Traffic Enforcement Officer of the Danbury Police Department and City Engineer, Jack Schweitzer.

Councilman Kilcullen explained residents of Chambers Road and Sturdevant Drive including himself and Councilman Fazio have become increasingly concerned over the excessive speeds being used by vehicles traveling on Chambers Road. He went on to explain that Chambers Road is a narrow, winding road which was established prior to the adoption of engineering standards as we know them today. Motorists appear to be using this road as a short cut in order to avoid the intersection of King Street and Chambers Road. In doing so, however, they are traveling much too fast and creating an especially dangerous situation for the children who reside in the numerous new homes which have been constructed on this road in the last few years. A petition signed by most of residents in the Chambers Road/Sturdevant Drive area has previously been submitted to the Committee. In such petition the residents are requesting the installation of a 3-way stop sign at the intersection of Chambers Road and Sturdevant Drive.

Sergeant Weston stated that he also believed that a serious problem existed based upon information he received from an officer who was assigned to monitor the road using a radar device. This officer reported speeds as high as 56 m.p.h. Sergeant Weston pointed out, however, that the National Highway Safety Code does not recommend the use of a stop sign in order to curb speeding and he indicated that in his experience, this often proves ineffective.

He went on to explain that it is likely that most of the current violators use this road on a relatively frequent basis and before installing a stop sign, it might be appropriate to substantially increase speed enforcement in the area. It was suggested that speed enforcement be increased to one or two days per week for a period of approximately 2 months. According to the Sergeant this has been successful in other residential areas in the City.

Mr. Schweitzer spoke next and indicated that in his opinion the stop sign was not needed at this time.

Councilman Kilcullen moved to accept Sergeant Weston's suggestions and have him report back in 4 months. This motion was seconded by Councilman Fazio and approved unanimously.

The report was accepted on the Consent Calendar.

39 - PROGRESS REPORT - Action Daycare Center

Mrs. Mack submitted the following report:

The ad hoc committee appointed to review the proposal to relocate the Action Daycare Center met on Wednesday, March 21, 1990 at 7:40 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Mack and Zotos. Also attending were Council Members, Charles, Valeri and Gogliettino, ex-officio, Glen Wicklund, Eileen Mitchell and Lorraine Herger. Committee Member Scozzafava attended another committee meeting the same evening and was not in attendance.

Mrs. Mack reviewed the charge of the committee and the historical background of the Action Daycare proposal. She passed out copies of the Mayor's Task Force Report on the Action Daycare Center relocation. After lengthy discussion, the committee determined the need to again search for alternative sites and to revisit previous sites including Mountainville Avenue. Mr. Zotos suggested that the committee reconvene when several alternative sites had been thoroughly research, visited and evaluated. Mrs. Mack stated that she would enlist the Planning office to provide her a list of potential city-owned land that meet all the criteria necessary for the relocation of the Action Daycare Center and report her findings to the committee.

Mrs. Gogliettino made a motion to accept the report. Seconded by Mr. Kilcullen. Mr. Boughton stated that Community Action has been waiting for over a year on this item. The Common Council is not a site selection committee. Motion carried with Mr. Boughton voting in the negative.

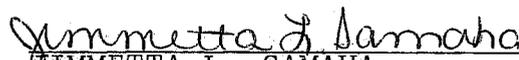
40 - COMMUNICATION - Letter from Purchasing Agent Warren Platz requesting permission to dispose of surplus equipment from the Police Department valued at less than \$1,000. Mrs. Coladarci made a motion to accept the communication as read. Seconded by Mr. Kilcullen. Motion carried unanimously.

Mayor Eriquez extended all committees.

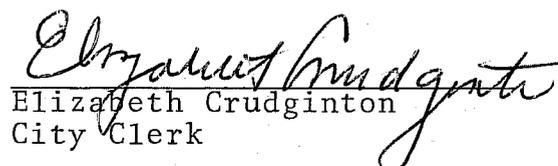
PUBLIC SPEAKING - Frank Bachyrycz, Three Partners Road. Spoke on item #33. Thanked Mrs. Coladarci for her help with the petition. Gave background information on the road problem and would like a catch basin installed.

There being no further business to come before the Common Council a motion was made at 10:35 P.M. by Mr. DaSilva for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk