

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

Re: Minutes of the Common Council Meeting held June 5, 1990

The Meeting was called to order at 8:00 P.M. by Mr. DaSilva. Mr. Zotos led the assembly in the Pledge of Allegiance. Mr. Smith offered the Prayer. The members were recorded as:

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

Absent - Fazio

20 Present - 1 Absent

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

5. Approval of Community Development Block Grant Allocations - \$506,000
6. Approval of AIDS Prevention Grant for \$93,100
7. Approval of Resolution for Landfill Fees
8. Approval of Acceptance of Tanglewood Drive as a City highway
9. Approval of appointments of Paul Werner and Donald Melillo as Parking Ticket Hearing Officers
10. Approval of Appointment of Theodore S. Farah to the Environmental Impact Commission
11. Approval of Appointment of James O'Connell to the Conservation Comm.
12. Approval of Appointment of Hillel Goldman to the Commission on the Status of Women
13. Approval of Appointment of Mari Ann Danise to the Lake Kenosia
16. Approval of Appropriation of \$18,000 to the Welfare Department
29. Approval of Report denying City takeover of open space land on Bear Mountain Road
30. Approval of Release of State Land on Newtown Road
33. Approval of Request to acquire property adjacent to Boggs Pond Reservoir
34. Approval of permit fee of \$25 for a well drillers permit
35. Approval of proposed fees for Food Service Establishments
36. Approval of Ordinance changes in Health Department Code dealing with food service establishments and sub surface disposal system permits
37. Approval of ordinance on prohibited materials at the Danbury Sanitary Landfill
38. Approval of Ordinance on Group Homes
39. Approval of report on relocation of PAL Youth Soccer League Field
40. Approval of report recommending no action be taken on a request for water extension on 81 Kenosia Avenue
41. Approval of a report for no action on lease of Carriage House at Tarrywile Park
42. Approval of report to adopt Resolution to obtain financial assistance for Bear Mountain Reservation
43. Approval of report for no action on transfer of funds for school buildings
44. Approval of report recommending a sewer extension at 33 Mill Plain Road
45. Approval of report recommending a \$2.00 room fee for hotels and boarding houses
46. Approval of a report concerning conflicts of interest
48. Approval of a report denying a request to use City land
49. Approval of a report denying an offer to purchase property at 70 Main
51. Approval of a report to revise State and Federal Budget of \$2,991,416.
52. Approval of a report to send properties on Locust Avenue and Osborne Street to bid
54. Approval of reeport recommending a sewer extension at 75 Padanaram Road

Mr. Charles moved that the Consent Calendar be adopted as presented. Seconded by Mr. Kilcullen. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held May 1, 1990 and the Special Meeting held May 15, 1990. Mrs. Gogliettino made a motion that the minutes be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Smith. Mr. Boughton asked that item 9 be changed to reflect that he was a member of the committee rather than Mr. Scozzafava. It was so noted. Motion carried unanimously.

Mayor Eriquez arrived and assumed duties as the Chair.

NOTICES BY THE MAYOR

June 11 - Council Member Joan Mack will celebrate her birthday.
June 14 - Council Member Janet Butera will celebrate her 50th birthday.
June 1 - Hatters Yard Lottery was held
June 3-9 - National Safe Boating Week
June 3 - PING Challenge
June 5 - Immaculate High School Graduation
June 6 - World of Difference Dance Program
June 9 - Wooster School Graduation
June 10 - Portuguese Day
June 14 - Flag Day
June 15-19 - 58th Annual Mayor's Conference in Chicago
June 16 - Henry Abbot Tech Graduation
June 19 - Alternative School Graduation
June 20 - Danbury High School Graduation
June 23 - Grand Opening of Tarrywile Park Mansion
June 24 - Soap Box Derby
June 28 - NAACP Scholarship Awards Dinner
June 30 - Ethnic Festival
June 8-10 Greek Festival

Nelson Neves of the Danbury Police Department has been elected as the 3rd National VP of the Police Athletic League.

Council Member Dr. Mounir Farah has been selected as the selected as Connecticut's Outstanding Economics Teacher of the Year.

1 - ORDINANCE - Amendment to Section 34(d) of the Code of Ordinances. Mrs. Butera asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Proposed Amendment to Ordinance Sections 21-56 and 16-41. Mr. Smith asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Amendment to Section 16-30 (Sewer Use Charge) and Section 16-14(g). Mr. Gallo asked that this be referred to an ad hoc committee, Mr. Buckley and Mr. Setaro. Mayor Eriquez so ordered and appointed Council Members Gogliettino, Dean Esposito and Regan to the committee.

4 - RESOLUTION - National Endowment for the Arts

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the arts enhance our quality of life by helping to define a nation's and a community's identity, values and heritage, contributing to cross-cultural communication and developing creative problem-solving skills; and

WHEREAS, public investment in the arts stimulates economic growth, attracts business and corporate investment to communities, promotes downtown and neighborhood revitalization, spurs tourism, enhances the image of our communities and nation, and encourages innovation and inspiration in society; and

WHEREAS, the National Endowment for the Arts' twenty-five year stellar history of promoting creativity and cultural vitality has enabled a flourishing of the arts to reach every state and community and made the arts available to every citizen of our nation; and

WHEREAS, in its twenty-five year history the National Endowment for the Arts has made over 85,000 grants and funded the presentation or creation of over 1,000,000 images of which only 25 projects have become controversial; and

WHEREAS, the restrictive language approved by Congress in 1990 would have the effect of promoting censorship and inhibiting creativity at the expense of quality within the arts community, and gives Congress the power to micro-manage the Endowment and define obscenity rather than the courts; and

WHEREAS, the Endowment's citizen-involved panel system, local matching requirements for grants and reviews by the Presidentially-appointed National Council on the Arts and its Chairman provide appropriate checks and balances in regard to federal funding for the arts; and

WHEREAS, President Bush supports reauthorization of the NEA without restrictive language and has submitted legislation to that effect in Congress; and

WHEREAS, President Lyndon B. Johnson, in sponsoring legislation to establish NEA, proclaimed, "We fully recognize that no government can call artistic excellence into existence. It must flow from the quality of the society and the good fortune of the nation. Nor should any government seek to restrict the freedom of the artist to pursue his goals in his own way. Freedom is an essential condition for the artist and, in proportion, if freedom is diminished so is the prospect of artistic achievement."

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury resolves to support reauthorization of the National Foundation on the Arts and Humanities Act of 1965 and continued funding for the National Endowment for the Arts, National Endowment for the Humanities and the Institute of Museum Service for FY-1991 without restrictive language.

Mr. Boughton made a motion that the Resolution be adopted. Seconded by Mrs. Butera. Motion carried unanimously.

5 - RESOLUTION - Community Development Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1974, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program year commencing August 10, 1990 through August 10, 1991 for the Sixteenth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury is hereby authorized to execute all contracts and take all necessary actions to effect the purposes of this grant application.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - AIDS Prevention Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the AIDS Prevention Program has made grant funds available from July 1, 1990 through June 30, 1991 to full-time health departments by providing health education information, free counseling and human immuno-deficiency virus (HIV) antibody testing services in the Danbury area for both the youth and general public and for individuals concerned about possible exposure to HIV; and

WHEREAS, this program shall serve both residents and non-residents; there are no restrictions on who may be served for AIDS education, counseling or HIV testing; and

WHEREAS, the City of Danbury, through the Danbury Health and Housing Department has formulated an Acquired Immuno-deficiency Syndrome (AIDS) Out-Reach Education and Risk Reduction Counseling and Testing Program for the Danbury area; and

WHEREAS, a grant award of up to \$93,100.00 has been processed by the Danbury Health and Housing Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT, the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized; and

BE IT FURTHER RESOLVED THAT to accomplish said program the Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services and to take all necessary actions to effectuate the goals of said program.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Landfill Fees

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Code of Ordinances authorizes the establishment of Passenger and Non-Passenger Vehicle Permit and User Fees for the use of the Danbury Sanitary Landfill site; and

WHEREAS, the following Permit and User Fees represent a fair and equitable means of defraying a portion of the annual cost of operating the Danbury Sanitary Landfill site;

NOW, THEREFORE, BE IT RESOLVED THAT the Non-Passenger Vehicle User Fee for deposition of permitted wastes at the Danbury Sanitary Landfill site be and hereby is fixed at THIRTY (\$30.00) DOLLARS per ton as determined by the weigh scale at the Danbury Sanitary Landfill.

AND BE IT FURTHER RESOLVED THAT in any given trip, regardless of the tonnage delivered by any vehicle except passenger vehicles, in no event shall the fee be less than TWO (\$2.00) DOLLARS per trip.

AND BE IT FURTHER RESOLVED THAT all bills which remain unpaid for more than thirty (30) days after the date when payment is due, shall accrue interest, from the date of billing, at the rate of one and one half (1 1/2) per cent per month; provided, however, that in no event shall any such interest charge be less than TWO (\$2.00) DOLLARS.

AND BE IT FURTHER RESOLVED THAT the Passenger Vehicle User Fee for deposition of permitted wastes at the Danbury Sanitary Landfill site shall be fixed as follows:

(a) For all passenger vehicles displaying an Annual Passenger Vehicle Permit, no User Fee shall be imposed.

(b) For all passenger vehicles displaying a Residential Passenger Vehicle Permit, said User Fee shall be ONE (\$1.00) DOLLAR per vehicle per trip.

AND BE IT FURTHER RESOLVED THAT the Permit Fees for Passenger Vehicle and Non-Passenger Vehicle Permits shall be fixed as follows:

(a) The Permit Fees for Commercial Non-Passenger Vehicle Permits which may be obtained for vehicles bearing Commercial or Temporary Commercial registration plates issued by the Connecticut Department of Motor Vehicles shall be fixed as follows:

(1) For pickup trucks with a rated capacity of three-quarters of a ton or less, said permit fees shall be TWENTY FIVE (\$25.00) DOLLARS per year for each vehicle.

(2) For trucks with a rated capacity of more than three-quarters of a ton, whose owners are not primarily engaged in the business of hauling wastes, said permit fees shall be ONE HUNDRED AND FIFTY (\$150.00) DOLLARS per year for the first vehicle and ONE HUNDRED AND TWENTY-FIVE (\$125.00) DOLLARS per year for each additional vehicle.

(3) For trucks with a rated capacity of more than three-quarters of a ton, whose owners are primarily engaged in the business of hauling wastes, said permit fees shall be THREE HUNDRED (\$300.00) DOLLARS per year for the first vehicle and ONE HUNDRED AND TWENTY FIVE (\$125.00) DOLLARS per year for each additional vehicle.

(b) The Permit Fees for Non-Commercial, Non-Passenger Vehicle Permits which may be obtained for vehicles bearing Trailer, Combination, Farm, Livery, Transporter, Dealer or Dealer Repair registration plates issued by the Connecticut Department of Motor Vehicles shall be fixed as follows:

(1) For any pickup, van, trailer or truck with a rated capacity of three-quarters of a ton or less, said permit fee shall be TWENTY FIVE (\$25.00) DOLLARS per year for each vehicle.

(2) For any pickup, van, trailer or truck with a rated capacity in excess of three-quarters of a ton, said permit fee shall be ONE HUNDRED AND FIFTY (\$150.00) DOLLARS per year for the first vehicle and ONE HUNDRED AND TWENTY FIVE (\$125.00) DOLLARS per year for each additional vehicle.

(c) For Annual Passenger Vehicle Permits, said Fee shall be FIFTY (\$50.00) DOLLARS per vehicle per year.

(d) For Residential Passenger Vehicle Permits, no Permit Fee shall be charged.

(e) All vehicles bearing Disabled Veteran, Handicapped or POW registration plates shall be exempted from the provisions hereof relating to permit fees. The owner of any such vehicle may obtain an Annual Passenger Vehicle Permit upon request.

AND BE IT FURTHER RESOLVED THAT the foregoing schedule of permit and/or user fees take effect as of July 1, 1990.

The Resolution was adopted on the Consent Calendar.

8 - 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.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointments of Paul Werner, 7 Clearbrook Drive and Donald Melillo, 78 Davis Street as Parking Ticket Hearing Officers for terms to expire June 1, 1992. The appointments were confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Theodore S. Farah, 151 Shelter Rock Road to the Environmental Impact Commission for a term to expire December 1, 1993. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of James O'Connell, 7 Durham Road to the Conservation Commission for a term to expire July 1, 1993. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Hillel Goldman, 3 Greta Drive to the Commission on the Status of Women for a term to expire April 1, 1993. The appointment was confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Mari Ann Danise, 23 Tree Terrace End to the Lake Kenosia Commission for a term to expire May 1, 1992. The appointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Neighborhood Assistance Act.

Letter from Mayor Eriquez asking that a public hearing be held on the project proposals for inclusion in the Neighborhood Assistance Act. Mr. Charles asked that this be deferred to public hearing. Mayor Eriquez so ordered.

15 - COMMUNICATION - Letter from Mayor Eriquez request favorable consideration for the installation of a traffic control signal at the intersection of East Gate Road and Clapboard Ridge Road (Route 39). Also included in the letter was a program outline of other intersections that have been identified as priorities.

Mrs. Coladarci made a motion to accept the correspondence as read and appropriate the \$16,000 pending certification as of July 1, 1990 for installation of the traffic light on East Gate Road and Clapboard Ridge. Seconded by Mrs. Gogliettino. Mr. Boughton stated that this item was not listed in the priority list. Mayor Eriquez pointed out that it is item 1. Mr. Boughton asked if the other listings will be acted on as fatalities occur and feels that this should be funded. Mayor Eriquez stated that in 1987 there was no priority list. Motion carried with Mr. Cassano voting in the negative.

16 - COMMUNICATION & CERTIFICATION - Request for Funds for the Welfare Department.

Letter from Director of Welfare Deborah MacKenzie requesting funds in the amount of \$18,000 for completion of the fiscal year. Certification of Funds was attached. The transfer of funds was authorized on the Consent Calendar.

17 - COMMUNICATION - Request from the Public Works Department for permission to accept a donation in the amount of \$100 from the Rotary Club for the "Living Memorials" line item. Mrs. Mack made a motion that the donation be accepted and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

18 - COMMUNICATION - Request from Andrew Daniel Gibbs to purchase City owned property at 37 Virginia Avenue. Mrs. Putera asked that this be referred to the Planning Commission, the Director of Planning and the City Engineer for a report back in thirty days.

19 - COMMUNICATION - Request for Sewer Extension on 2 Second Street by Dorothy Ahlf. Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Schweitzer, Mr. Buckley and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallo, Boynton and Boughton to the committee.

20 - COMMUNICATION - Letter from Richard J. Haughey asking for a solution to a water problem on Hubbell Road. Mr. Gallo asked that this be referred to Mr. Cavagna for a report back in thirty days.

21 - COMMUNICATION - Letter from Ralph Nelson and Joan McGowan asking for a change of street name to Peper Ridge Court. Mr. Gallo asked that this be referred to Mr. Elpern and Mr. Schweitzer for a report back in thirty days. Mayor Eriquez so ordered.

22 - COMMUNICATION - Request for a committee regarding building permit fees for Danbury Sewer Department Upgrading Project. John Esposito asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

23 - COMMUNICATION - Letter from Superintendent of Schools Anthony Singe seeking Council approval of a Board of Education lease/purchase agreement with the UNISYS Corporation for software. Mr. DaSilva made a motion to accept the communication and approve the lease/purchase agreement. Seconded by Mr. Smith.

Mr. Valeri asked if the money for this has already been budgeted. Mayor Eriquez replied that it had. Mr. Boughton stated that 15% interest on money for a contract is high for a school system to be paying. Mr. Scozzafava asked if this agreement has already been signed. Mayor Eriquez stated that yes it had been signed. Mr. Scozzafava asked if in the future the agreements would come to the Common Council before they are signed. Mayor Eriquez stated that they would. Motion carried unanimously.

24 - COMMUNICATION - Letter from Anton Fry, M.D. asking to purchase City owned property on Hospital Avenue. Mr. Smith asked that this be referred to the Planning Commission, City Engineer, Fire Chief and Planning Director for reports back in thirty days. Mayor Eriquez so ordered.

25 - COMMUNICATION - Petition from residents of Hollandale Estates seeking investigation of the engineering feasibility and related costs for installing sewer lines. Mr. Gallo asked that this be referred to the City Engineer and Superintendent of Public Utilities for a survey and report back in thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - South Street Associates, Southfield Condominiums, South Street. Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Buckley, Mr. Schweitzer and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Falzone, Zotos and Regan to the committee.

27 - COMMUNICATION - Request of John N. Ashkar to purchase property owned by the City on Maple Avenue. Mrs. Mack asked that this be referred to an ad hoc committee, Mr. Schweitzer, Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Member Cassano, Kilcullen and Fazio to the committee.

28 - COMMUNICATION - Request of Norman Carvalho to purchase property adjoining land on Balmforth Avenue and Maple Avenue. Mr. Charles asked that this be referred to an ad hoc committee, Mr. Schweitzer, Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Cassano, Kilcullen and Fazio to the committee.

29 - COMMUNICATION - Reports regarding request to deed open space to City from Bear Mountain Home Owners Association. It was the opinion of the Corporation Counsel and the Planning Commission that the land not be accepted by the City. The recommendations not to accept the land was approved on the Consent Calendar.

30 - COMMUNICATION - Letter from Patricia Ellsworth outlining the land to be provided to the City of Danbury as shown on the Map sent by Mr. James Lewis of the State DOT and stating that it is adequate for future roadway improvement purposes. The land is on Newtown Road. The correspondence was accepted on the Consent Calendar.

31 - COMMUNICATION - Danbury/Brookfield Modification of Existing Intermunicipal Agreement. Mrs. Coladarci asked that this be referred to an ad hoc committee, Mr. Schweitzer, Mr. Buckley and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members DaSilva, Charles and Scozzafava to the committee.

32 - DEPARTMENT REPORTS - Public Works, Health Department, Parks and Recreation, Welfare, Building, Fire Chief, Fire Marshall, Police Chief, Airport. Mr. DaSilva made a motion to accept the Department Reports 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 Mrs. Butera. Motion carried unanimously.

33 - REPORT & RESOLUTION - City of Danbury to gain access to Boggs Pond Dam and Spillway.

Mr. Esposito submitted the following report & resolution:

The Common Council committee appointed to review the request for property acquisition adjacent to Boggs Pond Reservoir, met in Room 432 in City Hall, on May 15, 1990 at 6:45 P.M.

In attendance were committee members D. Esposito, E. Boynton. Also in attendance were William Buckley, Superintendent of Public Utilities and Councilman Charles, ex-officio. Councilman Fazio had a previous commitment.

Mr. Buckley stated his reasons for his requests were to properly maintain the Dam and land around it. Mr Charles asked why they could not gain access by way of Richter Park Golf Course which runs along side of Boggs Dam and Reservoir.

Mr. Buckley's response was, there was a creek between the Dam and the Park which meant a bridge would have to be constructed to gain access.

Mr. Boynton made a motion to recommend adoption of the Resolution to gain access to Boggs Pond Dam and Spillway . Motion was seconded by Dean Esposito and carried unanimously.

WHEREAS, it is necessary and in the public interest that the City of Danbury gain access to the Boggs Pond Dam and Spillway; and

WHEREAS, in order to gain such access the City of Danbury must obtain permanent right of way easements over 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 said real property;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire permanent 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

Property of Dorothy G. Pane as set forth on attached Schedule A.

Property of Edward Markowitz and Barbara Markowitz as set forth on attached Schedule B.

The report was accepted and the resolution adopted on the Consent Calendar.

34 - REPORT & RESOLUTION - Proposed Permit Fee- Well Drillers

Mr. Kilcullen submitted the following report and resolution:

The Common Council Committee appointed to review the proposed permit fee for well drillers met on May 14, 1990 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Kilcullen and Butera. Also in attendance was Director of Public Health William Campbell.

Mr. Campbell explained that the current fee is \$1 and due to the paperwork involved it should be raised to \$10.

Mrs. Butera moved to impose a fee of \$25. Seconded by Mr. Kilcullen. Motion carried unanimously.

WHEREAS, Section 25-130 of the Connecticut General Statutes requires that before commencing work on any well, the registered well driller shall obtain a permit from the State of Connecticut authorizing said work, and

WHEREAS, said section further requires that the driller shall then submit the permit, with a fee to be determined by the legislative body of the City, to the local director of health or his agent who is then required to sign such permit if the proposed well conforms to the public health code,

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

The fee to be imposed in connection with the above-referenced well permit review shall hereby be established in the amount of twenty five dollars (\$25.00).

The report was accepted and the resolution adopted on the Consent Calendar.

35 - REPORT & RESOLUTION - Proposed Fees - Food Service Establishments

Mr. Kilcullen submitted the following report and resolution:

The Common Council Committee appointed to review the proposed fees for Food Service Establishments met on May 14, 1990 at 8:00 P.M. in room 432 of City Hall.

In attendance were committee members Kilcullen and Butera. Also in attendance was Director of Public Health William Campbell.

Mr. Campbell explained that the City currently charges a \$20 fee for all licenses; a \$50 re-inspection fee and a \$75 fee for reviewing the Plans submitted for a new facility. He wishes to impose a license fee of \$40 for facilities with 0-74 seats and a fee of \$75 for facilities with 75 or more seats. In addition he requested that the licensing for Food Stores and Markets be set at \$25.

The reinspection and plan review fees are to remain at \$50 & \$75 respectively. However, the Director did request that he be permitted to impose a \$50 fee where an applicant informs the Department that the facility is ready for final inspection but the Department at the time of inspection determines this is not the case.

Mr. Campbell also requested that a late fee of \$25 be imposed, if upon the renewal of a license, the fee is not paid within 30 days of the renewal date.

Finally, the Director pointed out that while he is not proposing an increase in the fee for temporary permits the current Ordinance does not authorize the Director to impose fees for temporary permits.

Mr. Kilcullen moved to approve the changes to the fees as proposed by the Director, also to amend the existing Ordinance to require that a fee be paid for a temporary permit. Seconded by Mrs. Butera. Motion carried unanimously.

WHEREAS, the City of Danbury has enacted a Food Service Establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances, and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expense of Food Service Establishment Licensing,

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

The Director of Health is hereby authorized and empowered to impose the following fees for all licenses issued from July 1, 1990 through June 30, 1991.

1. All Food Service Establishments, except food stores and markets, having a seating capacity of from zero to 74 seats shall pay an annual fee of forty dollars (\$40.00).

2. All Food Service Establishments, except food stores and markets, having a seating capacity of 75 or more seats shall pay an annual fee of seventy-five dollars (\$75.00).

3. All food stores and markets shall pay an annual fee of twenty-five dollars (\$25.00).

4. Any Food Service Establishment which fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances prior to August 1, 1990 shall be subject to a late payment fee of twenty-five dollars (\$25.00).

5. The fees established in paragraphs 1 through 3 hereof are intended, in part, to defray the costs associated with routine periodic inspections of Food Service Establishments. All such establishments requiring additional inspections due to the existence of conditions, observed during routine inspections, which require correction and therefore reinspection, shall pay a fee of fifty dollars (\$50.00) per reinspection.

6. Any plan review and inspection required pursuant to Sections 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of Food Service Establishments shall be performed by the Director of Health or his designee upon payment of a fee of seventy-five dollars (\$75.00).

7. All Food Service Establishments requiring more than one preoperational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first preoperational inspection which require correction and therefore reinspection, shall pay a fee of fifty dollars (\$50.00) per reinspection.

8. Any temporary Food Service Establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of a twenty dollar (\$20.00) license fee.

The report was accepted and the resolution adopted on the Consent Calendar.

Mr. DaSilva submitted the following report and ordinances:

Re: Proposed Ordinance - Changes in the Health Dept. Code.

Members of the Common Council met as a committee of the whole on May 15, 1990 at 7:40 P.M. to review proposed Ordinance changes in the Health Department Code.

These changes dealt with food service establishments and subsurface sewage disposal system permits.

Councilman Boynton made a motion to recommend adoption of the proposed Ordinance. The motion was seconded by Councilmember J. Butera and passed unanimously.

THAT Section 8A-1 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 8A-1. Definition. Food service establishment shall mean any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, cafeteria, commissary, food store or market, or similar place where food or drink is sold or prepared for sale or for service on the premises or elsewhere.

THAT paragraph (e) of subsection 10-11(1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Subject to the approval of the common council, the director of health may set a reasonable fee schedule and receive fees pursuant thereto which are to be paid prior to the issuance of a license as required by this section.

That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 9-8, which said section reads as follows:

Sec. 9-8. Subsurface sewage disposal system permit.

(a) No subsurface sewage disposal system permit shall be issued by the health department of the City of Danbury until the applicant has paid the required permit fee of twenty five dollars (\$25.00).

(b) In addition, when required by the director of the Danbury health department pursuant to subsections 19-13-B103(c) or 19-13-B103(e) of the Public Health Code of the State of Connecticut, the proposed system shall be based upon a plan prepared by a professional engineer, registered in the State of Connecticut. In that event, no permit shall be issued until said plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of seventy five dollars (\$75.00).

The report was accepted and the ordinances approved on the Consent Calendar.

Mr. DaSilva submitted the following report and ordinance:

Re: Proposed Ordinance on prohibited materials at the Danbury Sanitary Landfill.

Members of the Common Council met as a committee of the whole on May 15, 1990 at 7:40 P.M. to review a proposed Ordinance on prohibited materials at the Danbury Sanitary Landfill.

The Ordinance specified various materials that will not be² allowed at the Landfill.

Councilman Boughton made a motion to recommend adoption of the proposed Ordinance. Councilmember J. Butera seconded the motion which passed unanimously.

THAT, subsection 16A-32(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Certain materials prohibited. No person, firm, corporation or other entity shall dispose of the following materials at the Danbury Sanitary Landfill site, nor shall any person, firm, corporation or other entity knowingly dispose of said materials in any manner which results in the ultimate disposal thereof at the Danbury Sanitary Landfill site:

- (1) Vehicles or parts thereof.
- (2) Tree stumps.
- (3) Demolition or renovation materials or debris; provided, however, that material or debris originating from the renovation of owner-occupied residential structures maintained for three (3) families or less shall be accepted at the Danbury Sanitary Landfill site for disposal. In addition, demolition or renovation materials or debris shall be accepted at the Danbury Sanitary Landfill site if said wastes are generated by a non-profit organization during the course of demolition or renovation of one or more structures in furtherance of a plan to provide low or moderate income housing opportunities.
- (4) Hot ashes from coal, wood, charcoal or other combustible materials.
- (5) Metal hydroxide sludges.
- (6) Hazardous wastes. For purposes of this article, the phrase "hazardous wastes" shall have the definition established in Section 9-74 of the Danbury Code of Ordinances for the phrase "hazardous substances."

The report and ordinance were adopted on the Consent Calendar.

38 - REPORT & ORDINANCE - Group Homes

Mr. DaSilva submitted the following report and ordinance:

Members of the Common Council met as a committee of the whole on May 15, 1990 at 7:40 P.M. to study a proposed Ordinance on Group Homes.

This Ordinance regulates Group Homes which were not covered in the present Code of Ordinances.

Councilman Boughton made a motion to recommend adoption of the proposed Ordinance. Councilman Smith seconded the motion which passed unanimously.

THAT the first paragraph of Section 10-11 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

No person shall operate a rooming house, dormitory or hotel or shall occupy or let to another for occupancy any unit in any rooming house, dormitory or hotel which is not in compliance with the provisions of every section of this Article except the provisions of sections 10-3, 10-5, 10-9(1) 10-10, and 10-20.

Any facility licensed by the State of Connecticut as a community residence, as defined in Section 19a-507a of the Connecticut General Statutes, or as a private boarding home, group home or other residential facility as described in section 19a-451 of the Connecticut General Statutes or as a child care facility licensed by the Department of Children and Youth Services which is intended to serve as a residential group home shall be exempt from the provisions of this section.

No owner or other person shall occupy or let to another person any rooming unit, dormitory unit or hotel unit unless it is clean and sanitary, and complies with all the applicable requirements of the City of Danbury, including the following:

The report and ordinance were adopted on the Consent Calendar.

39 - REPORT - Request to relocate PAL Youth Soccer League Field

The Common Council committee appointed to review a request to relocate the P.A.L. Youth Soccer League Field, located at Danbury Airport, met on May 16, 1990 at 7:30 P.M. in the fourth floor lobby at City Hall.

In attendance were Councilmembers Valeri and Fazio; Director of Parks & Recreation, Robert Ryerson; Danbury Airport Administrator Paul Estefan; PAL Director Detective Sgt. Nelson Neves and Councilman Louis Charles, ex-officio. Mrs. Gogliettino was absent.

Councilman Fazio restated his request based on concern for the safety of those using the Backus Avenue field, in light of the recent mishap in which a private airplane veered out of control and crashed through the fence on Backus Avenue, colliding with a motor vehicle on the street.

Mr. Ryerson stated that the location of the field, approximately ten years in operation, has been a constant source of concern, but that no alternate sites exist at present.

Mr. Estefan stated that certain design considerations in the construction of the runway adjacent to the Backus Avenue soccer field were exercised expressly for the safety of those using the field, further reinforcing the longtime concern over its location. He then offered for consideration the possibility of using a lot at the corner of Backus and Kenosia Avenues as a potential relocation site. The site, although being considered for the future West Side Fire Station, will not be developed for that purpose for at least several years, and since the property has already been cleared and graded with top soil, paid for, it appears to be the most economically feasible interim solution.

Mr. Ryerson spoke of several possible sites presently undeveloped, but concurred with Mr. Estefan's assessment of the Backus Kenosia property as a solid interim solution. Additionally, the size of that lot could potentially accommodate two fields, thus providing greater utility and much needed room for the expansion of the PAL Youth Soccer Program. Also under consideration is a possible leasing agreement with the P.A.L. program that would dramatically lower future maintenance costs.

Councilman Fazio made a motion to request a study by Mr. Ryerson to evaluate the West Side Fire Station Lot as a possible interim site, including workable timelines and projected expense with a report back to the Council prior to the July, 1990 regular meeting. The motion was seconded by Councilman Valeri and passed unanimously.

The report was accepted on the Consent Calendar.

40 - REPORT - Request for Water Extension at 81 Kenosia Avenue.

Mr. Cassano submitted the following report:

The committee appointed to study the above water extension request met on May 29, 1990 in Room 432 in City Hall. Present were committee members Cassano, Kilcullen and Boughton. Also present was Superintendent of Public Utilities William Buckley.

The Chairman presented the positive recommendation of the Planning Commission contained in a letter of May 21, 1990.

Mr. Buckley reviewed the project and informed the committee that the project, as approved by the Common Council at its meeting on March 6, 1990 has been approved by the Engineering Department, constructed, accepted by the City and is now in service. Following some discussion, Mr. Boughton moved that the committee recommend to the Common Council that no action be taken since the water line has been built, accepted by the City and meets the 8 standard steps. Seconded by Mr. Kilcullen and there was unanimous approval.

The report was accepted on the Consent Calendar.

41 - REPORT - Carriage House Lease

Mr. John Esposito submitted the following report:

The Common Council Committee appointed to review the lease of the carriage house at Tarrywile met on May 7, 1990 at 7:30 P.M. in City Hall. In attendance were committee members John Esposito, DaSilva and Regan. Also attending were Tarrywile Authority Members David Lane and Gerry Daly and from the Conservation Commission Barbara Monsky.

Mr. Daly explained that the thinking of the Authority was that the renting of the Carriage House to a future director of the Authority would expedite the hiring of this position. Mr. Esposito read a letter from Assistant Corporation Counsel Laszlo Pinter stating that the present tenant at the Carriage House will no longer be residing there after June 1, 1990.

Mr. DaSilva stated that since the Lessee will be leaving, the charge of this committee is moot. He recommended that there should be a request for an ad hoc committee to work with the Tarrywile Park Authority to develop guidelines for future leases. Since no action could be taken by this committee at this time a motion to adjourn was in order.

The report was accepted on the Consent Calendar.

John Esposito submitted the following report:

The Common Council Committee appointed to review the Bear Mountain Reservation Resolution met on May 24, 1990 at 7:00 P.M. at City Hall. In attendance were committee members John Esposito, Boynton and Boughton. Also attending were Barbara Monsky and Ed Caco, members of the Danbury Conservation Commission.

Mrs. Monsky explained the request for the resolution is to obtain financial assistance from the State Department of Environmental Protection for the future development of the Bear Mountain Reservation. The commission needs the permission of the City to apply for a grant. In correspondence from the City Comptroller Dominic Setaro he stated that the City's share of the requested grant is \$21,000 and that it would not have to make the appropriate grant until the total grant is approved by the State. Once it is approved the Common Council can vote to accept the grant and authorize the transfer of \$21,000 from the 1990-91 Contingency Account.

Mr. Boynton made a motion to recommend to the Common Council that the Resolution be approved. Seconded by Mr. Boughton. Motion carried unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - School Buildings

Mr. DaSilva submitted the following report:

The committee to review a request from Comptroller Dominic Setaro for the transfer of \$26,048.97 from the Contingency Account to the capital budget met at 6:30 P.M. on May 29, 1990. In attendance were committee members DaSilva and Esposito. Also in attendance was Comptroller Setaro.

Mr. Setaro stated that a number of requests for funds have been received by his office as of late especially a request for \$18,000 from the Welfare Department. With this and other requests there will be little left to transfer. He also stated that a thorough report on the problem of school maintenance is being prepared by Building Inspector Leo Null and will be presented to the Mayor in June.

Because of the small amount of money left in the Contingency Account Mr. Esposito moved to recommend no action be taken by the Common Council at this time. The motion was seconded by Mr. DaSilva and passed un-animously.

44 - REPORT - Request for Sewer Extension - 33 Mill Plain Road

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Sewer Extension at 33 Mill Plain Road met at 7:45 P.M. in Room 432 in City on May 9, 1990. In attendance were committee members Gallo, Boughton and Dean Esposito. Also attending were Superintendent of Public Utilites William Buckley. Mr. Schweitzer was at another meeting.

Mr. Buckley stated that the City was in favor of what was proposed and also stated that the proposed project was under allocation. The Planning Commission voted a positive recommendation on April 18, 1990.

After a review of the plans of the project, Mr. Boughton moved to recommend approval to the full Common Council subject to the eight steps attached. Seconded by Mr. Esposito. Motion carried unanimously.

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

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 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 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 lines.

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

The report was accepted on the Consent Calendar.

45 - REPORT - Proposed Fees - Hotels and Rooming Houses.

Mr. Kilcullen submitted the following report:

The Common Council Committee appointed to review the proposed fees for hotels and rooming houses met on May 14, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Kilcullen and Butera. Also in attendance was the Director of Health William Campbell.

Mr. Campbell explained that the City currently charges each establishment a base fee of \$10 plus the sum of \$1 per room after the first five rooms. He would like to increase the per room charge to \$2 and have the base fee remain \$10.

Mrs. Butera moved to increase the per room charge to \$2. Seconded by Mr. Kilcullen. Motion carried unanimously.

The report was accepted on the Consent Calendar.

46 - REPORT - Conflicts of Interest

Mr. Kilcullen submitted the following report:

The Common Council Committee appointed to review conflicts of interest met on March 20, 1990 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Kilcullen, Farah and Regan. Also in attendance was Comptroller Dominic Setaro.

Mr. Setaro was concerned that the Charter and the Code of Ordinances provisions in this area might be too broad and could have results not intended by the drafters of these provisions.

Mr. Regan moved that the committee recommend that this issue be added to the charge of the Charter Revision Commission. Seconded by Mr. Kilcullen. Motion carried unanimously.

The report was adopted on the Consent Calendar.

47 - REPORT - Proposed Improvements to the Danbury Water System

Mr. Kilcullen submitted the following report:

The Common Council Committee appointed to review improvements to the Danbury Water System met on May 7, 1990 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Kilcullen and Dean Esposito. Also in attendance was Superintendent of Public Utilities William Buckley.

Mr. Buckley explained that the City currently owns land which adjoins Harvest Hill Road. However, a title search disclosed a 2 foot strip which separates the property from Harvest Hill Road. He went on to state that the City will not be able to use the subject property.

Mr. Esposito moved to acquire a 2 foot by 30 foot easement so as to permit access to the Harvest Hill Road property currently owned by the City. Seconded by Mr. Kilcullen, who pointed out that since the Planning Commission voted a negative recommendation a 2/3's vote of the Common Council will be required to approve the proposal. Motion carried unanimously.

Mr. Falzone made a motion to accept the report and approve the easement. Seconded by Mr. Regan.

Mr. Boughton asked for an explanation as to why the Planning Commission gave a negative recommendation. Mr. Kilcullen explained that no explanation was given by the Planning Commission. Mr. Boughton asked if the owners had been approached. Mr. Kilcullen stated that Mr. Buckley has had conversations with them. Mr. Regan asked if this is vacant land and Mr. Kilcullen said that it is.

(At this time 8:39 P.M. Mr. Fazio arrived at the meeting).

Mrs. Mack asked the Mayor if explanations could be given by the Planning Commission when they submit negative recommendations. Mayor Enriquez stated that this could be arranged.

Mr. Gottschalk asked Mr. Kilcullen if there had been any discussion regarding location of the easement. In order to proceed clarification would be needed. Mr. Kilcullen stated that it was his understanding that the property is next to the road and that this was just a quirk in the title.

Mr. Boughton made a motion to recommit this to the committee. Seconded by Mr. Charles. Motion carried unanimously.

48 - REPORT - Request to use City owned land.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request to see Christmas trees on City owned land met in Room 432 on May 10, 1990 at 7:30 P.M. In attendance were committee members Dean Esposito and Donald Boughton. Mrs Butera had a previous commitment. Also in attendance was the Corporation Counsel.

Mr. Boughton made a motion for a negative recommendation based on a negative recommendation from the Planning Commission and the fact that the applicant did not attend the meeting. Motion was seconded by Mr. Esposito and carried unanimously.

The report was accepted on the Consent Calendar.

49 - REPORT - Offer of Property for sale at 70 Main Street

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the offer of property for sale at 70 Main Street met on May 2, 1990 at 7:45 P.M. in Room 432 in City Hall. In attendance were committee members Boynton, Charles and Regan. Also attending was Franklin E. Brown, Assistant Vice President from the firm of Cushman & Wakefield.

Mr. Brown told the committee that two parcels of land were being offered to the City for \$2,950,000 or \$1,500,000 each. The committee knew of no urgent reason for the City to purchase this land and therefore Mr. Regan made a motion to reject the offer to purchase this land. Seconded by Mr. Boynton. Motion carried unanimously.

Therefore, the committee recommends to the Common Council that the City of Danbury should pass on the offer to purchase the property known as 70 Main Street.

The report was accepted on the Consent Calendar.

50 - REPORT - Proposed Water Line Easement - Henso Drive

Mr. Kilcullen submitted the following report:

The Common Council Committee appointed to review the City's request for a water line easement on Henso Drive met on May 7, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Kilcullen and Dean Esposito. Also in attendance was Superintendent of Public Utilities William Buckley.

Mr. Buckley stated that the easement is being sought as part of the City's efforts to upgrade the Sobel private water system which services 41 homes. It is his intention to run a line on Clapboard Ridge through the Drska Property on Chambers Road and ultimately to the water tower the City plans to construct off Harvest Hill Road. In the event that the Harvest Hill tower is not approved the City would drill a well on the Drska property to provide additional water to Mr. Sobel's customers. Finally, Mr. Buckley explained that since the Planning Commission voted a negative recommendation a 2/3's affirmative vote of the Council would be required for approval of this project.

Mr. Kilcullen moved to acquire the easement set forth on that certain map entitled "Proposed Water Line Easement Through the Property of Walter A. Schimanskey, Sr. and Arlene U. Schimanskey". Seconded by Mr. Esposito. Motion carried unanimously.

Mr. DaSilva asked if any further legal description was needed. Mr. Gottschalk stated that there was. Mr. Smith made a motion to recommit this to committee. Seconded by Mrs. Mack. Motion carried unanimously.

Mrs. Mack submitted the following report:

The Common Council Committee appointed to review the Board of Education's request for a State & Federal Budget amount of \$2,991,416.00 met on Monday, May 21, 1990 at 7:30 P.M. in the 4th floor lobby of City Hall.

In attendance were committee members Boughton, Farah and Mack. Also present were: Mark Choury, Board of Education Member, Jack Heidenreich, School Director of Finance, Ass't Superintendent Gail Nordmoe, Dom Setaro, City Comptroller, and Council Members Joe Scozzafava and John Esposito, ex-officio.

Mr. Heidenreich explained that each year the Board of Education and the City Council adopt a Federal and State Budget, which is based on estimates of grants to be received. This year, the Board received a \$215,000 Federal Grant for Project Redesign, and a \$82,500 State Grant for drug and alcohol prevention, which were also added to the budget.

Mr. Boughton expressed concern that the Board of Education was spending funds that were not yet authorized by the Common Council, although Mr. Heidenreich explained his impression of "encumbered vs. spent" funds. After discussion in which Mr. Setaro strongly recommended the Board bring their request to the Council much sooner than was done in this year. He advised that it be done in the month of March or April, since the figures are only estimates. Mr. Heidenreich explained that the amended budget was held until the May 1st-State Date in order to have the most up to date Grant amounts.

Mr. Boughton made a motion to recommend to the Council that the revised State & Federal Budget of \$2,991,416.00, be approved and also note that future Board of Education requests for State and Federal Budget approval be submitted in February or March. Seconded by M. Farah, and passed unanimously.

The report was adopted on the Consent Calendar.

52 - REPORT - Disposal of Surplus Properties on Locust Avenue and Osborne Street.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the disposal of surplus properties on Locust Avenue and Osborne Street met on May 2, 1990 at 7:45 P.M. in Room 432 in City Hall. In attendance were committee members Boynton and Mack. Mr. Fazio was absent. Also attending were Purchasing Agent Warren Platz, Fire Chief Antonio Lagarto, developers and bidders Warren Null and Alfred (Roy) T. Cahill and ten members of Waterwitch Volunteer Fire Company #7.

After discussing the history of trying to dispose of the two properties by the normal bidding procedures and listening to the possible alternative of going to a local real estate professional to sell the properties, Mrs. Mack suggested that the City try its bid procedure one more time due to the fact that there are two known bidders interested in the property. Mr. Platz said he could go out to bid with little time lost as he had his bid package from the last time. The purpose of disposing of these properties at or near their appraised value of \$222,000 for Locust Avenue and \$275,000 for Osborne Street is to derive sufficient funds to construct a new fire station on property near the Broadview Junior High School.

Mrs. Mack made the following motion: "That the City go out for sealed bids one more time to dispose of these properties as is allowed under current ordinances". The motion was seconded by Mr. Boynton. Motion carried unanimously.

The report was adopted on the Consent Calendar.

53 - REPORT - Letter from Frank Cavagna regarding the petition for the installation of a street light at the intersection of Moody Drive and Hawley Road. Mr. Farah made a motion to accept the report and approve the installation of the street light pending certification in the sum of \$1,858.48. Seconded by Mr. Smith. Motion carried unanimously.

54 - REPORT - Request for Sewer Extension - 75 Padanaram Road.

Mr. Gallo submitted the following report:

The committee appointed to review the request for sewer extension at 75 Padanaram Road met on June 5, 1990 at 10:15 A.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Gallo and Falzone. Mr. Boughton was working and could not attend. Richard Jowdy was there for the petitioner and Jack Schweitzer represented the City.

Mr. Schweitzer explained the route of the sewer line and the urgency of the request. He also stated that he and Mr. Buckley had no problem with the proposed extension.

Mr. Falzone moved to recommend to the Common Council approval subject to the regular eight steps. Seconded by Mr. Gallo. Motion carried unanimously.

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

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 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 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 lines.

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

The report was adopted on the Consent Calendar.

Dr. Farah submitted the following report:

The Common Council committee appointed to consider the the request of the Superintendent of Public Utilities to acquire land needed for the resolution of a problem in the vicinity of McDermott and Sheridan streets met at 7:00 PM on May 29, 1990 at the City Hall. Present were Committee members Mounir Farah and Arthur Regan. Also present were the Superintendent of Public Utilities, Mr. William Buckley and Mr. Francis Kieras whose land is under consideration.

Mr. Buckley explained the problem. The storm sewer and the sanitary sewer in that area are tied. In case of heavy rainfall, the added burden of drainage may cause sewage to flow out to the top of manholes near the Still River adjacent to Chestnut Road. In order to remedy the situation the City will have to construct another line of drainage. However, this would infringe on ownership rights of land by Mr. Francis Kieras. The City needs to negotiate with Mr. Kieras to acquire easement rights. Mr. Kieras explained that he is willing to negotiate and to settle the matter in an equitable way. Dr. Farah reported that the Planning Commission voted in support of the acquisition on May 21, 1990.

Councilman Regan moved to recommend to the Council the approval of the aquisition. Councilman Farah seconded. The motion passed unanimously.

Mr. Zotos moved to accept the report and recommend approval as stated in the report. Seconded by Mr. Regan. Motion carried unanimously.

56 - Mr. DaSilva made a motion to add a request from the Probate Court for the sum of \$2,500. Seconded by Mr. Charles. Motion to add fails with the members voting as follows:

Yes - Fazio, Kilcullen, Falzone, Coladarci, Mack, Dean Esposito, Zotos, DaSilva, John Esposito, Smith, Charles, Boynton, Regan.

No - Gallo, Farah, Gogliettino, Cassano, Boughton, Butera, Scozzafava Valeri.

13 yes 8 no (2/3's needed to add)

57 - COMMUNICATION & RESOLUTION - Renovations to the Wastewater Treatment Plant - Property Acquisitions.

Mr. Fazio made a motion to add this to the agenda. Seconded by Mr. Kilcullen. Dr. Farah asked about the urgency of this matter. Mr. Gottschalk explained that if it were not urgent he would not submit it and that it was just brought to his attention on Monday, June 4th.

Mr. Boughton stated that adding items to the agenda does not allow Council Members sufficient time to digest the item. Mr. Kilcullen made a motion to move the question. Seconded by Mr. Charles. Motion carried unanimously. Motion to add carried with Mrs. Butera voting in the negative.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

WHEREAS, the Common Council has duly voted to approve funding for and implementation of the state mandated renovation project at the Danbury Wastewater Treatment Plant; 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 Acquisitions

1. Property of Energy Research Corporation as shown on Exhibit A attached hereto.
2. Property of RBC, Inc. or River Bank Crossing Association, Inc. as shown on Exhibit B attached hereto.
3. Property of Lionel Amaral and Elsie M. Amaral and Neves Ferreira and Matilde Ferreira as shown on Exhibit C attached hereto.

Mr. Boughton moved to adopt the resolution as presented. Seconded by Mr. Charles. Motion carried unanimously.

57 - Mr. Boughton moved to reconsider the Probate Court request. Seconded by Mr. Regan. Motion carried unanimously.

Mr. Boughton made a motion to add the request for \$2,500 for the Probate Court to the agenda as item 57. Seconded by Mr. Charles. Motion carried with Mrs. Butera voting in the negative.

Mr. Gallo stated that he finds it hard to believe that the Judge of Probate or any Department Head does not know 6 days before the meeting that he is running out of money. Mr. Setaro explained that the Clerk who would prepare the request was on vacation for a week.

Mr. Boughton made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried with Council Members Butera, Scozzafava and Valeri voting in the negative.

Mayor Eriquez extended all committees that have not completed their assignments.

PUBLIC SPEAKING

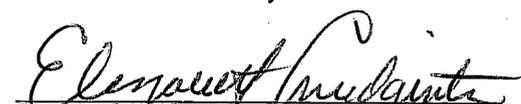
James Walsh, Executive Director of Danbury Youth Services, 32 Stevens Street. Spoke on item 5 and thanked the Common Council, Lisi Green, Carol Lucente and Mayor Eriquez for their work on the Community Development Block Grant and invited all Council Members to their annual meeting to be held on June 27, 1990.

There being no further business to come before the Common Council a motion was made by Mrs. Butera for the meeting to be adjourned at 9:13 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk