

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

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

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

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

ABSENT - Farah, Cassano, Butera, Scozzafava

17 present - 4 absent

Mr. Cassano is out of town on business; Mrs. Butera, Mr. Farah and Mr. Scozzafava had previous commitments.

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

- 2 - Approval of a grant application of \$15,000 for Interweave Adult Day Care Center
- 3 - Approval of a grant application of \$8,000,000 to the Connecticut Department of Economic Development for Downtown improvements
- 4 - Approval of a grant application of \$62,869 for the Overflow Shelter
- 5 - Approval of authorization to procure drainage easements at Colonial Acres. Colonial Drive and Pilgrim Drive
- 6 - Approval of Catalpa Drive as a City highway
- 7 - Approval of cost sharing agreement for traffic signalization on Route 39 and East Gate Road
- 16 - Approval of request for the Department of Elderly Services to enter into a contractual agreement with Comcast
- 17 - Approval of a report regarding a noise study on Miry Brook Road
- 19 - Accept communication and deny request to purchase property on Hospital Avenue
- 20 - Accept communication regarding petition for sanitary sewer at Hollandale Estates
- 35 - Approval of Ordinance regarding hearings for Danbury Landfill
- 36 - Approval of Ordinance regarding levy of assessment of benefits
- 37 - Approval of Ordinance regarding cost of extension of new water service
- 38 - Approval of Neighborhood Assistance Act recipients
- 41 - Approval of report to deny sanitary sewers at Shannon Ridge, Fairlawn Avenue, Myrtle Avenue and Edgewood Street
- 42 - Approval of Water Extension 103-105 Beaver Brook Road
- 43 - Approval of Water line extension to F.A.A. Tower at Danbury Airport

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

MINUTES - Minutes of the Common Council Meeting held June 6, 1990. Mr. DaSilva made a motion that the minutes be adopted as presented 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. Boynton. Motion carried unanimously.

Mr. DaSilva made a motion to reconsider the minutes of the May 15, 1990 Special Common Council Meeting regarding the resolution concerning landfill rates. Seconded by Mr. Boynton. Motion to reconsider carried unanimously. Mr. DaSilva offered an amendment to Section (b) (1) reducing the rate for any pickup, van, trailer or truck with a rated capacity of three-quarters of a tone or less, from \$25.00 to \$20.00 and to authorize the City Clerk's Office to make a clerical correction. Motion carried.

#### MAYOR'S NOTICES

The Mayor extended birthday greetings to the following:

- July 12th - Eileen Coladarci
- July 18th - Michael Falzone
- July 21st - Donald Crudginton
- July 31st - John Sullivan
- July 31st - Mary Rickert

Mayor Eriquez extended Best Wishes to Council Majority Leader John Esposito and his wife, Geneva, on the occasion of their 43rd Wedding Anniversary which they will celebrate on July 25, 1990.

Mayor Eriquez thanked the Task Force on the Homeless, especially Council Member Deborah Gogliettino who chaired the committee, for their diligent efforts. Many of the recommendations of the committee are now being worked on by the Mayor's staff and Director of Welfare Deborah MacKenzie and there will be a report of these efforts forthcoming.

There will be a Council briefing in late July regarding the Downtown Redevelopment Project.

On July 2, the Deltron Ping Pro-Am Golf Tournament was held at Richter Park. The fundraiser has raised over \$150,000 over five years.

The following events will take place during the month of July:

- July 3rd - Fireworks at the Danbury Fair Mall
- July 4th - 214th Anniversary of Independence Day
- July 7th - Opening of the Charles Ives Center
- July 8th - Leaders of Danbury will have a softball game against the New York Giants Football Team
- July 10-12 - American Cancer Society Jail and Bail Day
- July 28th - Candlewood Lake Boat Parade

The Mayor wished all citizens of the City of Danbury a happy and safe 4th of July.

The Mayor introduced a guest in the Chambers, the son-in-law of Council Member John Esposito who is from Appleton, Wisconsin.

1 - ORDINANCE - Certain Materials Prohibited. Mr. Boynton asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - RESOLUTION - Interweave Adult Daycare Center

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act, through the Connecticut Department on Aging, in accordance with Sections 17-137(c)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made available funds to public agencies; and

WHEREAS, application for grant funds in the amount of \$15,000 has been made by the Department of Elderly Services to the Western Connecticut Area Agency on Aging and the State of Connecticut Department on Aging; and

WHEREAS, said application has been approved and the Department of Elderly Services will use the grant provided for Interweave, the Danbury Adult Day Care Center, a division of the Department of Elderly Services to fund its Alzheimer Specialist position, said funding to cover the period of July 2, 1990 through June 30, 1991. This position has been funded over the past three years through the Western Connecticut Area Agency on Aging.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Department of Elderly Services and the Mayor of the City of Danbury are hereby ratified concerning the award of \$15,000 in grant funds from the Western Connecticut Area Agency on Aging under Title III-B of the Older Americans Act for Interweave for the purpose herein contained; and

BE IT FURTHER RESOLVED THAT the Department of Elderly Services and the Mayor of the City of Danbury be and hereby are authorized to perform all necessary acts to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Application to the Connecticut Department of Economic Development.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Special Act 90-34, Section 23(e)(24) the Connecticut Department of Economic Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make an application to the State for Eight Million Dollars (\$8,000,000) in order to undertake development of a parking facility and related improvements and to execute an Assistance Agreement.

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

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Special Act 90-34 Section 23(e)(24).

2. That the filing of an application by the City of Danbury in an amount not to exceed Eight Million Dollars (\$8,000,000) is hereby approved and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Connecticut Department of Economic Development, to provide such additional information, to execute such other documents as may be required; to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, recisions and revisions thereto; and to act as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Funding for Overflow Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources of the State of Connecticut is authorized to extend financial assistance to municipalities and human resources development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury Department of Welfare make application to the State in such amounts as may be available for undertaking an Emergency Shelter Program and to execute a Grant Action Request therefor;

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.

2. That it recognizes the responsibility for the provision of local Grant-in-Aids to the extent that they are necessary and required for said program.

3. That the filing of an application by the Danbury Department of Welfare covering the period of July 1, 1990 through September 30, 1991 for a grant in the amount of \$62,869.00 or such other amount as is offered is hereby approved and that the Director of Welfare of the City of Danbury is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Colonial Acres, Colonial Drive and Pilgrim Drive

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on January 7, 1986 duly voted to approve the Colonial Acres, Colonial Drive and Pilgrim Road improvement project and appropriated funding in the amount of \$139,000.00 for said purpose; and

WHEREAS, the purposes of said project oblige the City of Danbury to acquire interest 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 owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED 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, if any, the affected properties being indicated by Tax Assessor's lot numbers.

Partial Property Acquisitions

1. F 10040 - 16 Colonial Drive / Cody, Raymond J. and Mary Ann (drainage easement)
2. F 10046 - Lake Shore Drive / Santore, D. Earle (drainage easement)
3. F 10045 - Pilgrim Drive (rear) / Santore, D. Earle (drainage easement)

The Resolution was adopted on the Consent Calendar

6 - RESOLUTION - Acceptance of Catalpa Drive

RESOLVED by the Common Council of the City of Danbury:

THAT Catalpa Drive be and hereby is 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.

7 - RESOLUTION - Traffic Signalization Route 39 and East Gate Road Cost Sharing Agreement

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, is hereby authorized to execute Agreement No. 5.31-01(90) between the State of Connecticut and the City of Danbury for the installation of a traffic control signal at the intersection of Route 39 and East Gate Road in the City of Danbury.

The Resolution was adopted on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Delaney W. Ryan and Thomas M. Morris to the position of Shift Commander with the Career Fire Department.

Mr. Boughton made a motion that the communication be accepted and the appointments confirmed. Seconded by Mr. Charles. Motion carried unanimously.

9 - COMMUNICATION - Letter from Data Processing Manager Frank A. Mastriani seeking authorization to accept the donation of 150 reels of magnetic tape from Prodigy Services Company.

Mrs. Gogliettino made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Smith. Motion carried unanimously.

10 - COMMUNICATION - Letter from Police Chief Macedo seeking permission to accept a donation of video equipment to be used for the surveillance of suspected intoxicated drivers from Hal and Joan Truesdale, 40 Miry Brook Road.

Mr. Boynton made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Gogliettino. Motion carried unanimously.

11 - COMMUNICATION - Donation to Ambulance Account - WITHDRAWN.

12 - COMMUNICATION - Letter from Chief Macedo requesting permission to accept the donation of a MKII, 9 mm, machine gun from Barry Chuck.

Mr. Boynton made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Charles. Motion carried unanimously.

13 - COMMUNICATION - Donation to the Ambulance Account - WITHDRAWN.

14 - COMMUNICATION & CERTIFICATION - Request for funds from the Contingency Account for Alzheimers Specialist. Mr. Boughton asked that this be referred to a committee. Mayor Eriquez so ordered and appointed Council Members John Esposito, Smith, and Regan to the committee.

15 - COMMUNICATION - Request for an ad hoc committee to study the intersection of Great Plain Road, Candlewood Drive and Harbor Ridge Road. Mrs. Mack asked that this be referred to an ad hoc committee, the Police Chief, and the Traffic Engineer. Mayor Eriquez so ordered and appointed Council Members Mack, Coladarci, and Regan to the committee.

16 - COMMUNICATION - Request from Director of Elderly Services Leo McIlrath for approval to enter into a contractual agreement with Comcast. The request was granted on the Consent Calendar.

17 - COMMUNICATION - Report from Police Chief Nelson Macedo regarding a noise complaint on Miry Brook Road. The report indicates that there are no noise violations in the area of the Haw Truck Stop. The communication was accepted on the Consent Calendar.

18 - COMMUNICATION - Reports from the City Engineer, and the Planning Director regarding the name change to Pepper Ridge Road. Mr. DaSilva asked that this be referred to the Mayor's Office, the Planning Director and the Corporation Counsel. Mayor Eriquez so ordered.

19 - COMMUNICATION - Reports from the Planning Commission, the City Engineer, the Fire Chief and the Planning Director regarding a request from Dr. Anton Fry to purchase City property on Hospital Avenue. The reports recommended denial of the request. The communication was accepted on the Consent Calendar.

20 - COMMUNICATION - Report from Jack Schweitzer regarding sanitary sewers on Hollandale Road. A survey will be conducted and the results will be forwarded to the Common Council. The communication was accepted on the Consent Calendar.

21 - COMMUNICATION - Hazard v. City of Danbury

Mr. Boynton made a motion that this item be moved to the end of the agenda. Seconded by Mr. Boughton. Motion carried unanimously.

22 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter explaining the Johns-Manville Settlement and Abatement Claim. Mr. DaSilva asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Kilcullen, Boynton and Fazio to the committee.

23 - COMMUNICATION - Letter from Attorney James Maloney requesting a committee be appointed to review matters pertaining to the extension of a water service line along the southerly end of Kenosia Avenue from Backus Avenue to the Danbury Airport. Mrs. Gogliettino asked that this be referred to the City Engineer and the Superintendent of Public Utilities for a report back in thirty days. Mayor Eriquez so ordered.

24 - COMMUNICATION - Water Problem, Boxwood Lane. Mr. Gallo asked that this be referred to Superintendent of Highways for a report back in thirty days. Mayor Eriquez so ordered.

25 - COMMUNICATION - Letter from William Buckley seeking land acquisition for land adjacent to the West Lake Water Treatment Facility. Mr. DaSilva asked that this be referred to an ad hoc committee, the Comptroller, Mr. Buckley and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Fazio to the committee.

26 - COMMUNICATION - Request from Vincent F. Donofrio to purchase City owned land on Backus Avenue. Mr. Falzone asked that this be referred to an ad hoc committee, Planning Director, Planning Commission, Airport Administrator. The Mayor so ordered and appointed Council Members Gogliettino, Charles and Boughton to the committee.

27 - COMMUNICATION - Abandonment of Old Neversink Road. WITHDRAWN.

28 - COMMUNICATION - Report from Parks and Recreation Director Robert Ryerson concerning the relocation of the Airport Soccer Field. Mrs. Coladarci asked that this be referred to an ad hoc committee, Airport Administrator, Director of PAL, Mr. Ryerson and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Valeri, Farah and Fazio to the committee.

29 - COMMUNICATION - Request for an ad hoc committee to review leases on City-owned structures (Bear Mountain Reservation). Mr. Boynton asked that this be referred to an ad hoc committee, Mr. Ryerson, the Comptroller and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Coladarci, Butera and Regan to the committee.

30 - COMMUNICATION - Request from Daniel Esposito for sewer extension at 16 Virginia Avenue. Mr. Boynton asked that this be referred to an ad hoc committee, the Planning Commission, Mr. Schweitzer and Mr. Buckley. Mayor Eriquez so ordered and appointed Council Members Gallo, Falzone and Boughton to the committee.

31 - COMMUNICATION - Request for Sewer Extension - 43 Pembroke Road. Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Planning Commission, Mr. Buckley and Mr. Schweitzer. Mayor Eriquez so ordered and appointed Council Members Zotos, Dean Esposito and Scozzafava to the committee.

32 - COMMUNICATION - Request from Paul Valeri for extension of Water and Sewer lines on Morgan Avenue. Mrs. Gogliettino asked that this be referred to Mr. Schweitzer and the Corporation Counsel. Mayor Eriquez so ordered.

33 - COMMUNICATION - Report from the Charter Revision Commission. Mr. Charles asked that this be deferred to public hearing. Mayor Eriquez so ordered.

34 - DEPARTMENT REPORTS - Fire Chief, Fire Marshall, Public Works, Building Department, Parks and Recreation, Health Department. 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 Mr. Charles. Motion carried unanimously.

35 - REPORT & ORDINANCE - Hearings for Danbury Landfill

Mr. DaSilva submitted the following report and ordinance:

The committee of a whole met at 8:35 P.M. on June 18, 1990 to review a proposed ordinance concerning hearings for the Danbury Landfill. Mr. Gallone moved to approve. Mr. Falzone seconded the motion.

Discussion ensued as to the need for the ordinance. City Engineer Jack Schweitzer explained that the provision of a designee will assure the proper scheduling of hearings at the City landfill. The motion passed unanimously.

BE it ordained by the Common Council of the City of Danbury:

That Section 16A-34(d) of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended to read as follows:

(d) Hearing. Any person, firm, corporation or other entity penalized pursuant to this section or whose permit has either been suspended or revoked pursuant to this section may request and shall be granted a hearing on the matter before any three of the following four individuals: the mayor, the director of the department of public works, the corporation counsel, the manager of solid waste/landfill manager or the duly authorized designees of said individuals; provided either that such person, firm, corporation or other entity shall file in the office of the department of public works a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within ten (10) days after the fine has been levied or the permit suspended or revoked, or, notwithstanding the foregoing, the department of public works determines that a hearing is appropriate. Upon receipt of such petition, or upon a determination by the department of public works that a hearing is appropriate, the department of public works shall set a time and place for such a hearing and shall give the petitioner written notice thereof. The filing of such a petition or the establishment of such a hearing shall operate to stay any proposed penalty until the decision of the hearing board is rendered.

At such hearing the petitioner shall be given the opportunity to be heard. Any such petitioner may be represented by counsel of his choosing, shall have the right to present evidence, cross-examine witnesses and present oral and written testimony. Within ten (10) days following any such hearing the petitioner shall be advised in writing, by certified mail of the decision of the hearing board which decision shall include written findings of fact which support that decision.

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

36 - REPORT & ORDINANCE - Levy of Assessment of Benefits

Mr. DaSilva submitted the following report and ordinance:

The committee of a whole met at 8:25 P.M. on June 18, 1990 to review a proposed ordinance concerning the levy of assessment of benefits. Mrs. Butera moved to approve the proposed ordinance. Seconded by Mr. Charles. Under discussion questions were raised concerning sections 16-44(c) and 16-44(d). The motion passed unanimously.

BE it ordained by the Common Council of the City of Danbury:

THAT the following sections of the Code of Ordinances of Danbury, Connecticut be and hereby are amended to read as follows:

**Sec. 16-41. Generally.**

The levy of assessments of benefits shall be made in accordance with this article and in accordance with Connecticut General Statutes Sections 7-249 through 7-253. All references to the common council herein shall be construed to mean the common council of the City of Danbury acting as its water pollution control authority.

**Sec. 16-44. Determination of cost of sewerage system, authority to divide benefited territory into districts.**

(a) The common council shall ascertain the cost of the sewerage system and in so doing shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing; all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to build the sewerage system or a portion thereof, and may divide the total territory to be benefited into districts or segments pursuant to this article, the Charter of the City of Danbury and Section 7-249 of the Connecticut General Statutes.

(b) The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. No lien securing payment shall be filed until the property is assessed.

(c) In assessing benefits against the property in any district, the water pollution control authority may add to the cost of the part of the sewerage system located in the district a proportionate share of the cost of any part of the sewerage system located outside the district but deemed by the water pollution control authority to be necessary or desirable for the operation of the part of the system within the district.

(d) The water pollution control authority may make reasonable allowances in the case of properties having a frontage on more than one street and whenever, for any reason, the particular situation of any property requires an allowance.

**Sec. 16-50. Enactment procedure.**

The common council shall fix in the assessment of benefits resolution the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment pursuant to Sections 7-252 and 7-253 of the Connecticut General Statutes.

No assessment shall be made until after a public hearing before the common council at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the common council may have knowledge. A copy of the proposed assessment shall be on file in the office of the town clerk of the municipality and available for inspection by the public for at least ten (10) days before the date of such hearing. When the common council has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the town clerk of the municipality and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the municipality and it

shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last completed grand list of the municipality or at any later address of which the water pollution control authority may have knowledge. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within twenty-one (21) days after such filing. Any person aggrieved by any assessment may appeal to the superior court for the judicial district wherein the property is located which appeal shall be brought in strict conformance and in accordance with Connecticut General Statutes Section 7-250.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Code of Ordinances of Danbury, Connecticut be and hereby is amended by the addition of the Section 16-53, said section to read as follows:

**Sec. 16-53. New and supplementary assessments.**

If any assessment is not valid or enforceable for any reason, a new assessment may be made. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be made by the water pollution control authority against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided no such supplementary assessment, together with the original assessment, shall exceed the value of the special benefit to accrue to the property against which the benefit is assessed.

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

37 - REPORT & ORDINANCE - Costs of Extension of New Water Service.

Mr. DaSilva submitted the following report and ordinance:

The committee of a whole met at 8:25 P.M. on June 19, 1990 to review a proposed ordinance concerning the costs of extension of new water services. Mr. Boughton moved to recommend approval. Mrs. Butera seconded the motion. After discussion, the motion passed unanimously.

Be it ordained by the Common Council of the City of Danbury:

THAT the following sections of the Code of Ordinances of Danbury, Connecticut be and hereby are amended to read as follows:

**Sec. 21-56. Generally.**

The common council shall levy and assess benefits for all costs of extensions of new water services to any segment of the city or to a neighborhood, a street, property or any other portion or segment of said city for construction of distribution lines, pumping stations and/or laterals in the manner and form as hereinafter provided and in accordance with Connecticut General Statutes Section 7-137c and d. The levy of assessments of benefits shall be made in accordance with this article and with the foregoing statute sections.

**Sec. 21-65. Enactment procedures.**

The common council shall fix in the assessment of benefits resolution the due date of assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment in a manner analogous to that provided for sewer assessments pursuant to Sections 7-252 and 7-253 of the Connecticut General Statutes.

No assessment shall be made until after a public hearing before the common council at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the common council may have knowledge. A copy of the proposed assessment shall be on file in the office of the town clerk of the municipality and available for inspection by the public for at least ten (10) days before the date of such hearing. When the common council has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the town clerk of the municipality and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the municipality and it shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the municipality or at any later address of which the common council may have knowledge. Within sixty (60) days of an assessment pursuant to this section, the owner of any property so assessed may appeal to the superior court for the judicial district within which such land is situated from the valuation of his assessment, by service of process made in accordance with the provisions of Connecticut General Statutes Section 52-67. Such appeal shall be a privileged case and shall not stay any proceedings under this section. The court shall have the power to grant such relief as to justice and equity appertains, upon such terms and in such manner and form as appears equitable.

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

38 - REPORT - Neighborhood Assistance Act

Mr. DaSilva submitted the following report:

The committee of a whole met at 8:25 P.M. on June 18, 1990 to review the proposed applications to the Neighborhood Assistance Act. Mr. Boughton moved to approve. Mr. Boynton seconded the motion which passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Kilcullen submitted the following report:

The Common Council Committee appointed to review improvements to the Danbury Water System met on June 25, 1990 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Kilcullen and Dean Esposito.

The committee had met on May 7, 1990 and approved the City's request. However, the necessary legal descriptions of the premises to be acquired was not included with the committee report of June 5, 1990 ( a copy is attached). As a result, the Common Council at its June 5th meeting voted to recommit this matter.

Mr. Kilcullen reported that a legal description for the subject premises had been approved by Assistant Corporation Counsel Pinter. Mr. Esposito moved to approve the City's request. Seconded by Mr. Kilcullen. Motion carried unanimously.

Mr. Boynton made a motion to accept the report and approve the action recommended. Seconded by Mr. Charles.

Mr. Boughton stated that the Planning Commission had issued a negative recommendation because of the large number of people against it and that the Common Council should consider this carefully. Mayor Eriquez stated that the Planning Commission did initially issue a negative recommendation then subsequently denied it without prejudice and it is now discussing it.

Mr. Kilcullen stated that Mr. Buckley only required an easement in order to have access to the land. There was a very strange situation in the title to the land and this was the sole basis on which the committee voted to approve. The committee was not endorsing the water tower.

Mr. Boughton stated that the Common Council should then reject this report until the Planning Commission makes its final recommendation. Mr. Kilcullen stated that Mr. Buckley indicated that he would come back to the Common Council for approval of the water tower.

Motion carried with Council Members Fazio, Gogliettino and Boughton voting in the negative,

40 - REPORT - Proposed Danbury/Brookfield Modification of Existing Intermunicipal Agreement

Mr. DaSilva submitted the following report:

The committee to review the proposed Danbury/Brookfield Modification of Existing Inter-Municipal Agreement met at 7:00 P.M. on June 26, 1990. In attendance were committee members DaSilva, Charles and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Assistant Corporation Counsel Les Pinter.

Mr. Schweitzer, Mr. Buckley and Mr. Pinter explained that an agreement to accept 500,000 gallons of sewage per day from the Town of Brookfield has been in existence since April 3, 1974. It now needs to be modified in order to establish the amount of money that Brookfield will pay Danbury for its proportionate cost of the sewer facility that Danbury is under order to update. The proposed modifications were negotiated by a committee from Danbury. The agreement has been reviewed and recommended for approval by Corporation Counsel Eric Gottschalk, Bond Counsel Kathleen Foster and Comptroller Dominic Setaro.

Mr. Scozzafava moved to recommend approval of the proposed Danbury/Brookfield Modification of Existing Inter-Municipal Agreement. Mr. Charles seconded the motion which passed unanimously.

Mr. Boynton made a motion to accept the report and defer it to Public Hearing. Seconded by Mr. Charles. Motion carried unanimously.

Mr. DaSilva submitted the following report:

The committee of a whole met at 8:25 P.M. on June 18, 1990 to discuss a proposed sanitary sewer at Shannon Ridge Road, Fairlawn Avenue, Myrtle Avenue and Edgewood Street. Mr. Boughton moved a negative recommendation on proposed Shannon Ridge Project and City Engineer try to sever Myrtle Avenue and Fairlawn Avenue into a separate project. Mr. Falzone seconded the motion. Motion passed unanimously.

The report was accepted on the Consent Calendar.

42 - REPORT - Water Extension at 103-105 Beaver Brook Road.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to consider the water extension on 103-105 Beaver Brook Road met on Monday, May 21, 1990, at 7:30 p.m. in Room 432. In attendance were Committee members Michael Falzone, Eileen Coladarci, and Joseph Scozzafava. Also in attendance were Superintendent of Public Utilities William Buckley and Warren Null, the owner of the property.

Mr. Falzone presented the positive recommendation of the Planning Commission.

Mr. Buckley explained that there are private water lines currently being used and that these lines are not adequate for fire protection in that area. He stated that by putting in city water line's hydrants can be put in by the petitioner. Mr. Buckley also stated that this private system creates a system of spaghetti lines underground which can be very confusing to maintain or fix. With a new city line this would bring the lines into conformity with others in the area.

Mr. Scozzafava made a motion to approve the application with the following nine steps:

1. The petitioner shall bear all costs relative to the installation of said water line.
2. The petitioner shall submit as-built drawings of this extension prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest, and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.

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

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.
9. The City shall provide the material to complete the water line loop from Sandpit Road to Old Beaver Brook Road.

The motion was seconded by Eileen Coladarci and was passed unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Water Line Extension - FAA Tower at Danbury Airport

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the water line extension for the FAA Tower at Danbury Airport met on Wednesday, June 20, 1990, at 7:30 p.m. in Room 432 at City Hall. In attendance were committee members Michael Falzone, Dean Esposito, and Arthur Regan. Also in attendance were William Buckley, Superintendent of Public Utilities, John Schweitzer, Jr., City Engineer, Paul Estafan, Airport Administrator, and Thomas Suindland from the FAA in Windsor Locks, CT.

Mr. Falzone read a letter stating that the Planning Commission gave a positive recommendation at its June 6, 1990 meeting.

Thomas Suindland explained that the well at the Airport Tower has run dry and it is not feasible to dig another one because the present well is already three hundred and twenty-five (325) feet down, while others around it are even deeper. The extension of the water line would be five hundred (500) feet from Backus Avenue.

After further discussion Mr. Regan made a motion to approve the request subject to the following eight (8) steps:

1. The petitioner shall bear all costs relative to the installation of said water line.
2. The petitioner shall submit as-built drawings of this extension prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest, and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.

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

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The motion was seconded by Dean Esposito. The motion was passed unanimously.

The report was accepted on the Consent Calendar.

44 - PROGRESS REPORT - Relocation of Action Daycare Center.

Mrs. Mack presented the following report:

The ad hoc committee appointed to review the proposal to relocate the Action Daycare Center, last met as a committee of the whole, on April 16, 1990 at 7:30 P.M., in RM.432 at Danbury City Hall. In attendance were committee members Mack, Scozzafava, and Zotos. Also present were: Senator Jim Maloney; Lucy Boland (Scott-Fanton Museum); Dorothy Outlaw; Elsie Nicholson; Glenda Armstrong; Lorraine Herger; Rev. Dewey Fagerburg; Eileen Mitchell; Glen Wicklund; Dennis Elpern (Planning Director); Susan De Cina (Planning Office), Jack Schweitzer; and Art Regan (ex-officio).

The purpose of this meeting was to review the potential city-owned sites available for the relocation of the Action Day Care Center. ( Motion made to review all possible sites made at 3/21/90 committee meeting.) Mrs. Mack stated that she met with both Dennis Elpern and Susan De Cina on 3/26/90 and received a complete list of all available lots. She reviewed all, looking at size (ability to facilitate a 6,500 sq. ft. building, requires 1-2 acre lot), proximity to water and sewer, wetlands, and zoning regulations, with Mr. Elpern and Ms. De Cina. As recommended by the Mayor's Task Force Report, ( initiated in 1986 under the Dyer administration, and re-activated again in 1988 under the Sauer administration) the Mountainville Avenue site emerged as the most appealing of all city-owned property. Mrs. Mack also reviewed all state owned property, as well. In the meantime, the committee of Mack, Zotos, and Scozzafava walked the Mountainville Ave. site and a potential new site, on Town Hill Avenue that was presented by the Scott Fanton Museum.

Mrs. Mack also received verbal confirmation from Mr. Elliot Ginsberg, Commissioner of the Department of Human Resources, that the bond money would be in place until January of 1991.

On 3/25/90, Lucy Boland from the Scott-Fanton Museum approached the committee with regard to another piece of museum-owned property at the rear of the Waldbaum's parking lot, on the Town Hill Avenue side. She also presented the possibility of an area behind the museum, which presently is leased to Waldbaum's. Lew Wallace, from the Mayor's office and Joan Mack met with the Scott-Fanton Board on 3/28/90 to discuss these sites further. Again, on 4/6/90 the Mayor, Joan Mack, Lew Wallace, Lucy Boland and Dennis Elpern met to evaluate the Town Hill Avenue/Waldbaum sites.

After extensive evaluation, Mr. Elpern explained that the Town Hill Ave. site, due to severe space constraints which would have made the children's play yard on another level from the school, the fact that 1/3 of the property was wetlands and that an area of the parcel was presently leased to Waldbaum's for a truck turn-around, this site, and the area behind the museum were regarded as highly unfeasible. Also, there was discussion with regard to the entrance to the site being the same as the museum, and it was noted that the Scott Fanton did not desire this.

Also, discussed at this 4/16/90 committee meeting was the possibility of exploring parcels of school properties. It was suggested that school space be evaluated as well as other city-owned land. After stating his concern that Action Daycare Center has waited over 15 years for it's own site, Councilman Scozzafava made a motion to recommend the committee meet with Dr. Singe, and Maressa Gershowitz to discuss the feasibility of relocating Action Day Care to a city-owned site presently assigned to the Danbury Public School System.

On May 9, 1990, Committee members Mack and Scozzafava met at Danbury High School with Principal Betty Feser; Ass't Principal, Roger Schmeidel; Maressa Gershowitz; Dr. Singe; Glenda Armstrong; Elsie Nicholson; and Jack Schweitzer to review possible considerations at two potential areas at Danbury High School.

These two areas, behind the La Gratta property and the corner area at the entrance to the school from East Gate Road were discussed and walked. Mr. Schweitzer was asked to do a brief feasibility study on both pieces and to contact Dennis Elpern. Both Dr. Feser and Mr. Schmeidel expressed their desire for a daycare facility at the high school. Again on June 7, 1990, the Mayor, Dr. Singe, Senator Maloney, Mrs. Mack, Elsie Nicholson, Mr. Schweitzer, and Dennis Elpern met to review studies of both parcels. Mr. Schweitzer pointed out that the corner piece was designated by the architects associated with Project Re-design, as a site for "future expanded parking", and that city sewer would be quite expensive to connect to that side of the high school. He also expressed his concern for a construction site during the renovations at the high school. Dr. Singe stated his concern for the safety of the children, and it was reiterated that the play yard would be fenced. Dr. Singe also stated at this meeting that he would present this possibility of relocating the Action Day Care Center at the next Board of Education meeting. C.A.C.D. is in the process of preliminary discussions regarding the Danbury High School site.

In order for this committee to adequately and genuinely review all possible options with regard to a suitable site for Action Daycare, it has required a lengthy amount of time; particularly for city departments to review and report back to the committee the preliminary evaluations of sites. It is the intention of this committee to further continue the coordinated effort of both the City of Danbury and C.A.C.D. in the search for the best possible site for the relocation of the Action Daycare facility. The committee will continue evaluation of all city-owned property, (including school sites) and a final report to the Common Council will be forthcoming as soon as all options and avenues are explored.

Mr. DaSilva moved to accept the report. Seconded by Mr. Smith. Motion carried unanimously.

45 - COMMUNICATION - Appointment of Dispatcher. Mr. DaSilva made a motion to add this item to the agenda. Seconded by Mr. Charles. Motion carried with Mr. Boughton voting in the negative.

Letter from Mayor Eriquez seeking confirmation of the appointment of Patrick M. Crowley as Dispatcher within the Career Fire Department. Mr. Falzone made a motion to accept the communication and confirm the appointment. Seconded by Dean Esposito. Motion carried unanimously.

Mayor Eriquez extended all committees that have not yet completed their work.

At 8:50 P.M. Mr. DaSilva made a motion to enter into Executive Session to discuss item 21. Seconded by Mr. Smith. Motion carried unanimously.

At 9:10 P.M. the Common Council returned to its public meeting.

Mr. Boughton moved to accept item 21 and authorize the settlement as stipulated in Executive Session. Seconded by Mr. Charles.

Mr. Boughton made an amendment asking that a certification of funds be submitted to the Common Council if needed. Seconded by Mr. Charles. Motion carried unanimously. Main Motion, as amended, carried unanimously.

PUBLIC SPEAKING SESSION

1. Ronald Blonski, 18 Griffing Avenue - Spoke on item 40  
Any consideration given to increasing fee for septage. Mayor Eriquez stated that it is a pre-existing agreement. Mr. Boughton explained the reasoning for the agreement.

There being no further business to come before the Common Council a motion was made by Council Member DaSilva for the meeting to be adjourned at 9:17 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk