

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

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

Meeting was called to order at 8:00 P.M. by Mayor Gene F. Eriquez. Pledge of Allegiance was led by Mr. Scozzafava. Mr. Smith offered the Prayer. The members were recorded as:

Present - Fazio, Kilcullen, Falzone, Gallo, Coladarci, Mack, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Smith, Charles, Boughton, Regan, Scozzafava

Absent - Farah, Cassano, Boynton, Butera, Valeri

16 Present - 5 Absent

Mr. Cassano and Mr. Boynton were on business, Mrs. Butera had a previous committment and Mr. Valeri was ill.

NOTICES

September 12th - John Esposito will celebrate his 66th Birthday and on October 1st will celebrate his 10th year of retirement from the U. S. Postal Service

September 21st is the 5th Anniversary of Richard and Pat Kilcullen

Congratulations are in order for Dean Esposito who has recently become engaged to Sharon DiBiccari. Dean told his fellow Council Members that Sharon has made him the happiest man in the world.

September 7th - Toast to Danbury at the Hilton Hotel
September 9th - News Times 10K Road Race at 9:00 a.m.
September 9th - Taste of Danbury 12:00 to 7:00 P.M.
September 11th - United Way Fundraising Kick-Off
September 13th - Senior Center Picnic
September 13th - CACD 25th Anniversary
September 15th-16th - Charles Ives Crafts Festival
September 22nd - Celebrity Tag Sale and Auction
September 25th - Opening of Hatters Yard
September 27th - Yom Kippur
September 27th - Old Timers Dinner

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

- 1 - Approval of State Payment-in-lieu of Taxes for Fairfield Ridge, Mill Ridge and Coal Pit Hill
- 3 - Approval of Appointments to the Commission for Persons with Disabilities - Thomas Sjovall, Richard Hunt, Ernest Goldstein, Manuel Machado and Dr. Alan Hindin
- 12 - Approval of Adjustments to the Capital Budget Account - Library \$35,000
- 13 - Approval of Request for Pass-Through Funding for WeCahr - \$7,500
- 14 - Approval of Water Fund Transfers
- 15 - Approval of Establishment of Capital Budget Line Item in Sewer Fund, totalling \$44,000 for Abbott Street Sewers
- 18 - Approval of Special Service Account - Fire Department - \$20,000
- 19 - Approval of assigning of a lease by New England Aircraft
- 20 - Tele Track - Take no action because of the preliminary nature of this request
- 24 - Approval of Appropriation of \$15,000 to repair the Triangle Street Bridge
- 25 - Approval of report on Water Problems on Boxwood Lane - Take no action
- 29 - Approval of amended Water Connection Fees
- 30 - Approval of State Funding for White Street Bridge reconstruction
- 32 - Approval of Edgewood Street Sewer Assessment
- 33 - Approval of Request for Sewer and Water Extension on Old Sherman Turnpike
- 34 - Approval of Request for Sewer Extension at 16 Virginia Avenue
- 35 - Approval of Request for Sewer Extension at 2 Second Street
- 36 - Approval of Request for Sewer and Water Extension at Morgan Avenue and Beaver Brook Road
- 37 - Approval of Report to deny without prejudice requests at Southfield Dondominiums
- 38 - Approval of Progress Report on Drainage Problem at 3 Middle River Road
- 40 - Approval of declaration of surplus and granting request for safe at Tarrywile Park

Mr. Charles made a motion that the Consent Calendar be adopted as read. Seconded by Dean Esposito. Mr. Gallo stated that item 35 denies the sewer request. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held August 7, 1990. Mr. DaSilva made a motion that the minutes be accepted as presented and the reading waived as all members having copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mrs. Coladarci Motion carried unanimously.

1 - RESOLUTION - State Payment-in-Lieu of Taxes

WHEREAS, pursuant to Chapters 128, 129, 130 and 133 of the Connecticut General Statutes, the Commissioner of Housing is authorized to extend financial assistance to local housing authorities, municipalities and non-profit corporations; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Section 8-216b of the General Statutes in order to undertake a program of Payment-in-Lieu-of-Taxes and to execute an Assistance Agreement therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Danbury:

1. That it is cognizant of the conditions and prerequisites State Assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes.
2. That the filing of an application by the City of Danbury in an amount not to exceed \$256,609.86 is hereby approved and that Gene F. Eriquez the Mayor of the City of Danbury is hereby authorized and directed to execute and file such application with the Commissioner of Housing to provide such additional information, to execute such other documents as may be required by the Commissioner, 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.
3. That in consideration of said Assistance Agreement applicant does hereby waive any payments-in-lieu-of-taxes by the housing authority to the municipality under the provisions of Section 8-71 of the Connecticut General Statutes.
4. That the current established mill rate is 18.21 and the current assessment is 70% of Market Value.
5. It is also resolved that any prior action taken by the Housing Authority of the City of Danbury with respect to this Agreement is also approved.

The Resolution was adopted on the Consent Calendar.

2 - COMMUNICATION - Appointments to the Commission on Equal Rights and Opportunities - WITHDRAWN

3 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointments of Thomas Sjoval for a term to expire 3-1-93 and Richard M. Hunt for a term to expire 3-1-92 and reappointments of Ernest Goldstein for a term to expire 3-1-91 and Manuel Machado for a term to expire 3-1-93 to the Commission on Persons with Disabilities. The confirmation was granted on the Consent Calendar.

4 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of George E. Good, Samuel DeLuca, Robert Steinberg, William Knight, Frank S. Caracansi and Mary Ann Frede to the Economic Development Commission. Mr. DaSilva made a motion that the communication be accepted and the appointments confirmed. Seconded by Mr. Smith. Motion carried unanimously.

5 - COMMUNICATION - Letter from Mayor Eriquez seeking the appointment of a Council Member to serve on the 1983 Police Pension Board. Mr. Smith moved to accept the communication and nominate Mr. Bernard Gallo to the 1983 Police Pension Board. Seconded by Mr. Charles. There were no further nominations. Mr. Gallo was elected unanimously.

6 - COMMUNICATION - Letter from Robert J. Yamin, Chairman of the Republican Town Committee recommending Mr. Brian O'Hare to fill the vacancy on the Zoning Commission. Mr. Boughton made a motion that the communication be accepted and that Mr. O'Hare fill the vacancy. Seconded by Mr. Regan. Motion carried unanimously.

7 - COMMUNICATION - Letter from Leo McIlrath, Director of the Department of Elderly Services seeking permission to accept a donation in the amount of \$700 from the Perkin-Elmer Employees Good Neighbor Fund for Chairs for Interweave Adult Day Care Center. Mrs. Gogliettino made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Boughton. Motion carried unanimously.

8 - COMMUNICATION - Letter from Fire Chief Antonio Lagarto asking that a donation of \$50 to the Fire Department be accepted and deposited into his Public Safety Equipment Account. Dean Esposito made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Smith. Mr. Gallo stated that in the past these donations have gone to the Benevolent Association which benefits both volunteers and paid firefighters and would like to see this continue in the future. Motion carried unanimously.

9 - COMMUNICATION - Letter from Fire Chief Antonio seeking permission to accept a donation in the amount of \$100 from Union Carbide Industrial Chemical Division for his Public Safety Account. Mr. Falzone made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Kilcullen. Motion carried unanimously.

10 - COMMUNICATION - Letter from Director of Parks and Recreation Robert G. Ryerson asking permission to accept a donation from the Danbury Housing Authority of three sets of playground equipment. Mrs. Coladarci made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Smith. Motion carried unanimously.

11 - COMMUNICATION - Letter from Director of Parks and Recreation Robert Ryerson setting out improvements that WCSU will make in exchange for allowing their baseball team to use a field at Rogers Park. Mr. DaSilva made a motion that the communication be accepted and the improvements approved. Seconded by Mr. Charles.

Mr. Fazio stated that a proposal had been made several months ago to move the soccer field at the Airport to Rogers Park. He was concerned that nothing has been done with this proposal to date.

Mr. Boughton stated that the neighbors had objected previously to lights being installed at Rogers Park and they should be given an opportunity to voice their opinions about this proposal. Mayor Eriquez stated that there are no lights involved in this proposal. Mr. Boughton stated concern for the elderly residents. Motion carried unanimously.

12 - COMMUNICATION - Letter from Library Director Betsy McDonough asking for adjustments to the capital budget and revenue account in the amount of \$35,000 for improvements at the Library. The request was granted on the Consent Calendar.

13 - COMMUNICATION - Letter from Executive Director of WeCahr asking for approval of a pass through mechanism for funding received by WeCahr from the State. Approval was granted on the Consent Calendar.

14 - COMMUNICATION & CERTIFICATION - Letter from Dominic Setaro asking for reappropriation of funds that were appropriated and unspent at the end of the fiscal year for projects that will continue into the next fiscal year for the Water Department. Permission was granted on the Consent Calendar.

15 - CERTIFICATION - Letter from Dominic Setaro asking that the Common Council authorize a line item in the Sewer Fund's Capital Budget in the amount of \$44,000 for the Abbott Street Sewers. Authorization was granted on the Consent Calendar.

16 - CERTIFICATION - Letter from Dominic Setaro certifying the availability of \$2,000 for expenses incurred by the Charter Revision Commission. Mr. Charles made a motion to accept the communication and appropriate the funds. Seconded by Mr. Gallo. Motion carried unanimously.

17 - COMMUNICATION - Final Report of the Charter Revision Commission. WITHDRAWN

18 - COMMUNICATION - Letter from Chief Lagarto asking for the sum of \$20,000 to be added to the Fire Department's Special Services Account. The request was approved on the Consent Calendar.

19 - COMMUNICATION - Request from Aviation Commission seeking approval for New England Aircraft Sales to mortgage/assign its interest in its existing lease. The communication was approved on the Consent Calendar.

20 - COMMUNICATION - Request of Fred Miller to outline his Tele-Track Proposal to the Common Council. The communication was accepted on the Consent Calendar.

21 - COMMUNICATION - Letter from Helen Miller, President of Fairview Condominiums requesting permission to number parking spaces on Fairview Avenue. Mr. Falzone asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

22 - COMMUNICATION - Letter from Public Utilities outlining a water line break at 51 Southern Boulevard. Mrs. Gogliettino asked that this be referred to an ad hoc committee, Mr. Buckley and Mr. Schweitzer. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Boynton and Fazio to the committee.

23 - COMMUNICATION - Proposed Ordinance regarding extensions and expansions of the Water and Sewer Systems in the City of Danbury. Mrs. Mac asked that this be referred to an ad hoc committee, Mr. Schweitzer and Mr. Buckley. Mayor Eriquez so ordered and appointed Council Members Cassano, DaSilva and Regan to the committee.

24 - COMMUNICATION & CERTIFICATION - Letter from City Engineer Jack Schweitzer requesting that \$15,000 be appropriated for permanent repairs to the Triangle Street Bridge. Certification of Funds attached. The communication was accepted and the appropriation authorized on the Consent Calendar.

25 - COMMUNICATION - Report from Frank Cavagna regarding a complaint about water problems at 10-12 Boxwood Lane and stating that those a problem does exist it would be the responsibility of the homeowners due to the long term existance of the problem. The report was accepted on the Consent Calendar.

26 - DEPARTMENT REPORTS - Parks and Recreation, Fire Chief, Fire Marshall, Public Works, Department of Elderly Services, Health and Housing. Mr. DaSilva made a motion that the Department Reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Smith. Motion carried unanimously.

27 - REPORT & ORDINANCE - Citizenship Requirement and Age Restriction Appointments to the Police and Fire Departments.

Mr. DaSilva submitted the following report:

The Committee of a Whole met at 8:30 P.M. on August 20, 1990 to review an ordinance concerning citizenship requirement and age restriction for appointments to the Danbury Police and Fire Departments. This meeting followed a public hearing at which no one addressed the Council on this matter.

Mr. Gallo moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Boynton. Assistant Corporation Counsel Les Pinter explained that his office was asked to research these areas by the Civil Service Commission. This research showed that, if challenged, these restrictions might not be held up in Court. He further stated that a concern of the Civil Service Commission was that if an injunction were obtained, testing for the Police and Fire Departments would experience a long delay.

A lengthy discussion was held as the legalities and practicalities of the elimination of the restrictions of age and citizenship. A motion to table this matter in order to speak to the Civil Service Commission was defeated.

The motion was defeated by a vote of 4 to 12. Mr. Gallo then moved to recommend denial of the proposed ordinance changes. Seconded by Mr. Kilcullen. Motion passed unanimously.

Mrs. Gogliettino asked that this be referred to an ad hoc committee, the Corporation Counsel, Civil Service Director. Mayor Eriquez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

28 - REPORT & ORDINANCE - Amendments to Section 16-30 (Sewer User Charges) and Amendment to Section 16-14 (Septage Treatment Rules, Regulations and Fees)

Mr. DaSilva submitted the following report and ordinances:

The committee of a whole met at 8:30 P.M. on August 20, 1990 to review proposed amendments to Sections 16-14 and 16-30 of the Code of Ordinances of the City of Danbury. These changes would bring interest charges on late payments for public utilities to eighteen (18) percent. This would make them equal to the rate charged by other City departments.

Mr. Charles moved to recommend approval of the proposed ordinance changes. The motion was seconded by Mrs. Gogliettino. An extensive discussion was held on the interest rate. Mr. Boughton stated that the rate of eighteen percent was too high. Dr. Farah felt that the rate should be tied to the prime interest rate.

Mr. Boughton moved to amend the ordinance to a ten (10) percent rate of interest. The motion was seconded by Mr. Regan. After discussion the amendment failed 14-2 with Mr. Boughton and Mr. Scozzafava voting in the affirmative. Dr. Farah then moved to amend the interest rate at three (3) percent above prime rate as published in the Wall Street Journal in its first issue in July of each year. Mr. Boughton seconded the motion. After further discussion the amendment failed 13-2 with Dr. Farah and Mr. Boughton voting in the affirmative.

A vote on the main motion was then held and passed 12-3 with Dr. Farah, Mrs. Mack and Mr. Boughton voting in the negative.

THAT Section 16-14 of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a subsection designated as 16-14(g) which said subsection reads as follows:

(g) Due date; delinquency; penalty. If any fee is not paid in full within thirty (30) days of billing in accordance with subsection 16-14(d), the whole or such part of such fee as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent fee. The delinquent portion of the fee shall be subject to interest at the rate of eighteen (18) per cent per annum from the time it became due and payable until the same is paid.

THAT Section 16-30 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

User charges shall be payable as established by the common council. If any charge is not paid in full on or before the same date of the next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such charge as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent charge. The delinquent portion of the charge shall be subject to interest at the rate of eighteen (18) per cent per annum from the time it became due and payable until the same is paid.

Mr. Gallo made a motion that the report be accepted and the ordinances adopted. Seconded by Mr. Kilcullen. Mr. Boughton stated that 18% will not encourage those falling behind to pay and that Dr. Farah's suggestion of 2-3% above prime rate is reasonable.

Motion carried with the members voting as follows:

Yes - Kilcullen, Falzone, Gallo, Coladarci, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Charles, Regan

No - Fazio, Mack, Smith, Boughton, Scozzafava

11 Yes - 5 No

29 - REPORT & ORDINANCE - Connection Fees

Mr. DaSilva submitted the following report and ordinance:

The committee of a whole met at 8:30 P.M. on August 20, 1990 to review the proposed water connection fees. This meeting followed a public hearing at which no one addressed the Council on this matter.

Mr. Kilcullen moved to recommend approval of the proposed water connection fees. The motion was seconded by Mr. Charles and passed unanimously.

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

THAT Section 21-3 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

No person shall make any connection to the Danbury public water system nor make any additional use, nor connect any additional service pipe, plumbing or fixture without making an application to and receiving a permit from the department of public works. No such permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred dollars (\$200.00) to cover administrative costs associated therewith. All such permits shall be valid for a period of one year from the date of issuance. Every permit issued hereunder shall be subject to the rules and regulations of the Danbury Department of Public Works. Every person who shall use public water system water without filing an application and obtaining a permit in accordance with the provisions of this section, shall be liable for such use at a rate equal to three (3) times the regular rate.

AND THAT section 21-48 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(a) Connection fee. If no prior water assessment has been paid on the premises to be connected to the Danbury public water system pursuant to sections 21-56 et. seq. hereof, then no connection permit shall be issued until a connection fee is paid to the City of Danbury according to the following table:

Size of Meter (inches)	Connection Charge
5/8	\$ 750.00
3/4	1,500.00
1	3,000.00
1 1/2	6,000.00
2	12,000.00
3	25,000.00
4	50,000.00
6	100,000.00
8	200,000.00
10	400,000.00

(b) Refund. Said connection fee may be refunded if no actual connection is made prior to the expiration of the connection permit, provided that a written request for said refund is made within five (5) years of the date on which the permit is issued.

AND THAT subsection 16-4(c) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(c) Refund. Said connection fee may be refunded if no actual connection is made prior to the expiration of the connection permit, provided that a written request for said refund is made within five (5) years of the date on which the permit is issued.

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

30 - REPORT & RESOLUTION - White Street Bridge over Conrail

The Common Council met as a committee of the whole at 8:30 P.M. on August 20, 1990 to review a commitment to fund with the State of Connecticut to reconstruct the White Street Bridge over Conrail. This meeting followed a public hearing at which no one addressed the Council on this matter. This agreement stipulates that the entire cost of the bridge reconstruction will be paid by the State of Connecticut.

Mr. Falzone moved to recommend approval of the project and authorize the Mayor to execute the State's commitment to fund. The motion was seconded by Mr. Boynton and passed unanimously.

WHEREAS, the White Street Bridge over Conrail is in need of replacement; and

WHEREAS, the State of Connecticut Department of Transportation will undertake the design and reconstruction of White Street Bridge No. 3705 under its "Orphan" Bridge Program; and

WHEREAS, the City of Danbury's share of said reconstruction is 15% of the total cost for a preliminary estimate of \$180,000.00 subject to later adjustments, which share is eligible for total funding under the State's Local Bridge Program; and

WHEREAS, Mayor Gene F. Eriquez must be authorized to execute the State's Commitment to Fund letter of agreement for Fiscal Year 1990 in order to be eligible for said total funding;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT Mayor Gene F. Eriquez is hereby authorized to execute the State's Commitment to Fund letter of agreement and is further authorized to execute any and all further letters of Commitment to Fund, agreements, grant applications and other documents in connection therewith and to do any and all acts necessary to effectuate the reconstruction of the White Street Bridge.

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

31 - REPORT - Proposed Sanitary Sewer - Ledgemere Drive

Mr. DaSilva submitted the following report:

The Committee of a whole met at 8:30 P.M. on August 20, 1990 to review a proposed sanitary sewer at Ledgemere Drive. This meeting followed a public hearing on the matter at which several parties addressed the Council, the majority favoring the project.

Mr. Boynton moved to recommend approval of the installation of a sanitary sewer on Ledgemere Drive. Mr. Falzone seconded the motion. A discussion was held concerning the four part formula for calculating assessments. Mr. Boughton spoke against the motion because of inequities in the formula. Mr. Boynton and Mr. Regan stated that they felt the formula and assessments were fair.

The motion passed 15-1. Mr. Boughton voted in the negative.

Mrs. Gogliettino made a motion that the report be accepted and the proposal approved. Seconded by Mrs. Mack. Motion carried with Mr. Boughton voting in the negative.

32 - REPORT - Sewer Assessment - Edgewood Street

Mr. DaSilva submitted the following report:

The committee of the whole met at 8:30 P.M. on August 20, 1990 to review the sewer assessments on Edgewood Street. The meeting followed a public hearing on this matter at which one party in interest asked about the payment schedule.

Mr. Charles moved to approve the assessments for a sanitary sewer on Edgewood Street. Seconded by Mr. Kilcullen. Motion carried unanimously.

The report was approved on the consent calendar.

33 - REPORT - Request for Sewer and Water Extension - Old Sherman Turnpike.

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Sewer and Water Extension on Old Sherman Turnpike met at 7:30 P.M. on August 27, 1990 in Room 432 in City Hall. In attendance were Committee Members Gallo, Dean Esposito and Boughton. Also attending were City Engineer Jack Schweitzer, the petitioner's attorney Bobby Payne and Engineer Greg Wittite.

The petitioner's attorney and engineer explained where the sewer and water lines would run and how much allocation they would be using. The property is allocated 12,000 gallons per day. The petitioner expects to use 5,000 gallons per day. The Planning Commission gave a positive recommendation. Mr. Schweitzer had some questions but they could be taken care of under the eight steps for approval, attached herewith.

Mr. Boughton moved to approve subject to the eight steps. Seconded by Dean Esposito. Motion carried unanimously.

34 - REPORT - Request for Sewer Extension - 16 Virginia Avenue

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 16 Virginia Avenue met at 8:25 P.M. on August 27, 1990 in Room 432 in City Hall. In attendance were committee members Gallo, Falzone and Boughton. Also attending were City Engineer Jack Schweitzer and the Petitioner Dan Esposito.

Mr. Esposito explained the extension and what he planned to do. Neither the committee or Mr. Schweitzer had a problem with the plan. The Planning Commission also gave a positive recommendation.

Mr. Boughton moved to approve the request with the eight steps attached. Seconded by Mr. Falzone. Motion carried unanimously.

The report was accepted on the Consent Calendar.

35 - REPORT - Request for Sewer Extension - 2 Second Street

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request for Sewer Extension at 2 Second Street met at 8:00 P.M. on August 27, 1990 in Room 432 in City Hall. In attendance were committee members Gallo, Boughton and Boynton. Also attending were City Engineer Jack Schweitzer and the petitioner Dorothy Ahlf.

Mrs. Ahlf explained how she wanted to run the sewer line but the committee and Jack Schweitzer explained to Mrs. Ahlf that this would not be acceptable. After further discussion, Mrs. Ahlf said that she had a broken pipe between the house and the septic system and was told that she needed a new system. The committee and Mr. Schweitzer recommended to Mrs. Ahlf that she replace the pipe and go from there.

Mr. Boynton moved to deny the request due to the fact that the existing system has not failed but could be repaired or a new system could be engineered with waivers from the Health Department. Seconded by Mr. Boughton. Motion was carried unanimously.

The report was approved on the Consent Calendar.

36 - REPORT - Co-petition for Sewer and Water Extension - Morgan Avenue and Beaver Brook Road.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the co-petition for Sewer and Water Extension at Morgan Avenue and Beaver Brook Road met on August 27, 1990 at 9:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Boynton, Mack and Scozzafava. Also present were City Engineer Jack Schweitzer and the petitioner Paul Valeri.

Mr. Valeri explained that the petitioners would like to have a sewer project extend sewers to Morgan Avenue and Beaver Brook Road. They request that the Common Council proceed with a preliminary cost assessment and a public hearing to determine if this project will proceed. Mr. Valeri explained that many of the property owners have agreed to the sewer project and he is confident that after the Public Hearing the Common Council will approve the project.

The Marriott Corporation would like to extend the water line at their own cost and expense subject to some new legislation being prepared within the next 30 days which would allow them to recover some of the cost as others hookup to the line.

A motion was made by Mrs. Mack to recommend that the Common Council direct its City Engineer to conduct a preliminary cost assessment and a public hearing on this proposed sewer project. Seconded by Mr. Scozzafava. The motion passed. A second motion was made to table the water extension issue until a new ordinance is presented to the Common Council and this committee which will have a bearing on this matter. The motion was made by Mr. Scozzafava and seconded by Mrs. Mack and carried unanimously.

The report was approved on the Consent Calendar.

37 - REPORT - Southfield Condominium Requests.

Mr. Falzone submitted the following report:

The Common Council committee appointed to review the Southfield Condominium requests met on July 12, 1990 at 7:30 p.m. at City Hall in Room 432. In attendance were Committee members Michael Falzone and Nicholas Zotos. Also in attendance were John A. Schweitzer, Jr., City Engineer, Attorney David Grogins, Denise McMarien, and Roland Lapieore.

The Committee reviewed the request. Mr. Lapieore explained the sewer lines have been improved to increase capacity which service the Southfield Condominiums. He stated that since this service had been paid for by the condominium owners, new user's should reimburse the association as they hook up to the sewer line.

Mr. Schweitzer stated that the old line could have serviced the individual property owners. However, a new line was needed to increase the capacity required by the Southfield Condominiums.

Mr. Zotos made a motion to deny without the prejudice request #1 which would allow hookup fee's to be paid to the Southfield Condominiums, and request #2 which would allow an ordinance to be drafted to look into having a user fee paid to the developer as each property is hooked into the line. Motion was seconded by Mr. Falzone. Motion passed unanimously.

The report was accepted on the Consent Calendar.

38 - PROGRESS REPORT - Drainage Problem at 3 Middle River Road

Mr. Charles submitted the following progress report:

The ad hoc committee for the drainage problem on 3 Middle River Road met in Room 432 at 5:00 P.M. on August 28, 1990. In attendance were Committee Members Charles, Kilcullen and Regan. Also in attendance were City Engineer Jack Schweitzer, Frank Cavagna and the petitioner, Joseph Gagon.

Mr. Gagon cited the fact that the town had constructed the drainage pipe which ended in the backyard of his home and left about 80-100 feet from a brook incomplete. It was decided that Frank Cavagna and Jack Schweitzer would work together to bring in an estimate of said project. The committee decided to meet in the future to discuss and decide the problem.

The progress report was accepted on the Consent Calendar.

39 - COMMUNICATION - Danbury Square Limited Partnership v. Planning Commission. Mr. Falzone made a motion to defer this item to the end of the agenda. Seconded by Mr. Kilcullen. Motion carried unanimously.

40 - COMMUNICATION - Safe at Tarrywile Mansion.

Letter from Mayor Eriquez asking permission on behalf of Peter Jennings to take possession of a family safe which was stored in the Tarrywile Mansion prior to the City's acquisition of the property in 1985. The request was granted on the Consent Calendar.

41 - COMMUNICATION - Deferral of Property Taxes for Reservists

Mr. DaSilva made a motion that this be added to the agenda. Seconded by Mr. Charles. Motion carried unanimously.

Mr. DaSilva asked that this be referred to an ad hoc committee, the Comptroller and the Tax Assessor and Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Mack, Gogliettino and Fazio to the committee.

Mr. DaSilva made a motion that this be added to the agenda. Seconded by Mr. Charles. Mr. Boughton stated that he is still opposed to items being added at the end of the agenda. Mr. DaSilva stated that this became an emergency 2 days ago and it would be to the City's benefit to add this item. Motion carried with Mr. Boughton voting in the negative.

Mr. DaSilva asked that this be referred to an ad hoc committee, Mr. Buckley, Mr. Schweitzer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallo, Falzone and Boughton to the committee.

PUBLIC SPEAKING

1. Albert Hufsky, 51 Southern Boulevard - Spoke on item 22. Mayor Eriquez informed him that he would be notified of the committee meeting in the hope of resolving this matter.

2. Frank Ruccia, 29 Carriage House Drive - President of Tri-Community Homeowners Association. Spoke against the building of a Tele-Track and explained a survey that his association had conducted.

3. Pat Osouski, Ole Musket Lane - Spoke against the Tele-Track Proposal (At 9:02 P.M.) Dr. Farah arrived and was marked present)

4. Sen. James Maloney, 15 Wooster Heights - Spoke against the Tele-Track Proposal. He is the co-author of the statute that lets the Common Council rule on gambling facilities.

5. Mario DiLorenzo, Spruce Mountain Trail - spoke in opposition to the Tele-Track.

6. Fred Miller - Had serious doubts about speaking but asked that the Common Council look at every aspect of the proposal and was here to give information. He said the News Times was taking an hysterical position. He stated that zoning for type of thing was in existence for many years. Miry Brook services a heavy industrial area.

7. Barbara Wordley, 83 East Drive - spoke in opposition to the Tele-Track proposal.

8. Steve Wyman, 6 Spruce Mountain Trail - spoke against Tele-Track.

9. Ronald Blonski, 18 Griffing Avenue - Feels badly for Mr. Miller and the City. Should have had the proper Planning and Zoning procedures in place.

10. Maureen Smith, Spruce Terrace - opposed to Tele-Track but also opposed to a truck terminal.

At 9:30 P.M. Mr. Falzone made a motion to enter into Executive Session. Seconded by Dean Esposito. Motion carried unanimously.

Mr. Kilcullen absented himself due to his law firm's association with one of the litigants.

At 9:44 P.M. Mr. Boughton made a motion to enter into a public meeting forum. Seconded by Mr. Smith. Motion carried unanimously.

39 - COMMUNICATION - Danbury Square Limited Partnership v. Planning Commission. Mr. Boughton made a motion to allow the Corporation Counsel to proceed as presented in Executive Session. Seconded by Mr. Charles. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made at 9:46 P.M. for the meeting to be adjourned by Mr. Falzone.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk