

To: Mayor Joseph H. Sauer
Members of the Common Council

Re: Minutes of the Common Council Meeting held March 7, 1989

The meeting was called to order at 8:00 P.M. by Mayor Sauer, who led the assembly in the Pledge of Allegiance. Councilman Esposito offered the prayer.

The following members were recorded as present: Connell, Moran, Renz, Esposito, Farah, Flanagan, Zotos, Shaw, Cassano, Charles, Bundy, Danise, DaSilva, Eriquez, Regan. Absent - Bourne, Gallo, Cresci, Nimmons, Fazio, Shaw, Butera.

15 present - 6 absent.

Mr. Gallo, Mr. Nimmons, Mr. Cresci, Mrs. Bourne were absent due to illness. Mr. Eazio was traveling out of State and Mrs. Butera was at school.

Mayor Sauer announced that Town Clerk Michael Seri was in the hospital as was Wilbur Conlea who suffered a heart attack.

Mayor Sauer offered condolences to Councilman Anthony Cassano on the passing of his father.

Mayor Sauer wished Elizabeth Crudginton a happy birthday on March 6th.

Mrs. Butera arrived at 8:30 P.M.

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

1. Resolution - Youth Services Bureau Operations
28. Report - Military Museum at Tarrywile Park
29. Report - Sheridan Street Drainage Easement
30. Report - Request for Sewer and Water Extensions, 20 and 22 Virginia Avenue.
32. Report - Capitola Road
34. Report - Request of Ashkar Associates to purchase land on Maple Avenue
35. Report - Exchange of Easements, Tan Mar Drive
37. Progress Report - Sunset Review Commission.

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

MINUTES - Minutes of the Common Council Meeting held on February 1989 and February 21, 1989. Mr. DaSilva made a motion that the minutes be accepted as presented and the reading waived as all members have copies and copies are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

1 - RESOLUTION - Youth Services Bureau Operations.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed EIGHTY THOUSAND (\$80,000) DOLLARS are available from the State of Connecticut Department of Children and Youth Services for 1989-1990 Youth Services Bureau Operations; and

WHEREAS, the continuation of the Youth Services Bureau for a twelfth year is deemed to be in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of Joseph H. Sauer, Jr., as Mayor of the City of Danbury, in applying for said funds be and hereby are ratified and that Mayor Joseph H. Sauer, Jr. be and hereby is authorized and directed to contract with the State of Connecticut Department of Children and Youth Services for a State cost-sharing grant not to exceed \$80,000 for a Youth Service Bureau for the fiscal period commencing July 1, 1989.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all related documents, applications or other pertinent instruments pursuant to this program.

The Resolution was adopted on the Consent Calendar.

2- ORDINANCES - Housatonic Resources Recovery Authority.

Mr. Eriquez asked that these ordinances be deferred to Public Hearing. Mayor Sauer so ordered.

3 - COMMUNICATION - Letter from Leo McIlrath, Director of the Department of Elderly Services asking for permission to receive a donation from the Northeast Utilities Company in the amount of \$517 and also the sum of \$100 from a number of organizations to the Cellmates.

Mr. Shaw made a motion that the contributions be accepted and letters of thanks sent. Seconded by Mr. Eriquez. Motion carried unanimously.

4 - COMMUNICATION & CERTIFICATION- Request from the Corporation Counsel's Office for the sum of \$25,000 for the outside services account. Certification of the availability of funds was attached. Mr. DaSilva made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Charles. Motion carried unanimously.

5 - COMMUNICATION - Letter from Mayoral Aide Kenneth Tripp regarding a conflict between the City and Richard P. Jowdy. Mayor Sauer stated that this was a verbal agreement that the City could use the water at Tuxedo Junction Cafe for the remodeling of Post Office Street. Mr. Tripp stated that the agreement was made by former Mayor Dyer and former Planning Director Len Sedney. He has been unable to obtain confirmation of the agreement. Mr. Renz asked that this be referred back to the Mayor's Office and the Corporation Counsel.

6 - COMMUNICATION - Letter from Director of Public Works Daniel Minahan asking for acceptance of donations to the Living Memorial account. Mr. Shaw made a motion that the communication be accepted pending notification of the account to be credited. Seconded by Mr. Moran. Motion carried unanimously.

7 - COMMUNICATION - Lease of Space at Ives Manor, Health Department. WITHDRAWN.

8 - COMMUNICATION - Letter from Superintendent of Public Works William Buckley regarding the need for increasing water rates. Mr. Charles asked that this be referred to the original committee as well as Mr. Minahan, Mr. Buckley and Mr. Setaro. Mayor Sauer so ordered. The original committee is Council Members Shaw, Connell and Cassano.

9 - COMMUNICATION - Letter from Councilman William Shaw asking that an ad hoc committee be formed to research the feasibility of forming a motor pool for City vehicles used for the purpose of conducting City business. Mr. Eriquez asked that this be referred to an ad hoc committee. Mayor Sauer appointed Council Members Shaw, Renz and DaSilva and directed Mr. Shaw to invite Mr. Schweitzer, Mr. Campbell and Mr. Null to the meeting.

10 - COMMUNICATION - Letter from the Cultural Commission asking for a contribution of \$10,000 for the Marian Anderson Annual Award. Mr. Zotos made a motion to accept the communication and approve the appropriation of \$10,000 pending certification. Seconded by Mr. DaSilva.

Mr. Shaw stated that he agrees that Marian Anderson is worthy of such an honor but in light of the fiscal crisis facing the City he would have to vote no. Mrs. Danise agreed. Mr. Flanagan stated that the \$10,000 would generate revenue in August by the event that would bring people into the City. Mr. Bundy stated that because it is such a worthy cause people would still come to the City.

The motion failed with the members voting as follows:

Yes - Council Members Moran, Esposito, Flanagan, Zotos, Charles, DaSilva, Eriquez. No - Council Members Connell, Renz, Farah, Shaw, Cassano, Bundy, Danise, Regan.

7 Yes - 8 No.

11 - COMMUNICATION - Appeals from the Board of Tax Review.

Mr. Renz made a motion that this item be moved to the end of the agenda so that the Council could go into Executive Session. Seconded by Mr. Eriquez. Motion carried unanimously.

12 - COMMUNICATION - Letter from General Manager of Solid Waste Michael Cech asking for the formation of a committee to review proposed changes in the ordinances governing Landfill and Recycling. Mr. Renz asked that this be referred to an ad hoc committee, the Director of Public Works, Mr. Cech, the Manager of Solid Waste and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Regan and Flanagan to the committee.

13 - COMMUNICATION - Letter from Dominic Setaro asking for approval of additional funds from the Educational Enhancement Act so that the additional funds in the amount of \$485,363 will be appropriated to the School Department Budget. Mr. Eriquez made a motion that the communication be approved and the authorization approved. Seconded by Mrs. Danise. Motion carried unanimously.

14 - COMMUNICATION - Petition from residents along Lake Avenue asking that a solution to the littering problem be found. Mr. Renz asked that this be referred to Director of Public Works Daniel Minahan for a report back in thirty days. Mayor Sauer so ordered.

15 - COMMUNICATION - Letter from Comptroller Dominic Setaro together with a copy of a lease for the Candlewood Park Concession Rental asking for approval of an abatement for lease payments. Mr. Eriquez asked that this be referred to an ad hoc committee, Mr. Ryerson, Mr. Setaro and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bourne, Nimmons and Zotos to the committee.

16 - COMMUNICATION - Letter from Housing Authority Director Bernard Fitzpatrick listing sites for the scattering site housing proposal. Mr. DaSilva asked that this be referred to an ad hoc committee, Mr. Fitzpatrick, Mr. Elpern and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Fazio, Connell and Farah to the committee.

17 - COMMUNICATION - Letter from Councilman Barry Connell asking for a committee to study the mandated 911 Emergency Phone System. Mr. DaSilva asked that this be referred to an ad hoc committee, the Fire Chief and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Connell, Cresci and Esposito to the committee.

Corporation Counsel Resha stated that it is possible that the Common Council might be treading on issues that are bargainable.

18 - COMMUNICATION - Report from City Engineer Jack Schweitzer regarding a request for an easement to property of Stanley Bernstein on Mountainville Avenue. The report recommends that no action be taken until a decision is made with respect to the transfer of the present Scott-Fanton Museum lease. Mrs. Danise made a motion that this be deferred until item 20. Seconded by Mr. Shaw. Mr. Eriquez pointed out that this request had been made before and did not have anything to do with item 20. Motion carried unanimously.

19 - COMMUNICATION - Reports from the Director of Public Utilities and the City Engineer regarding State Project No. 34-185, Water Main Installation I-84 Rest Area. The reports were that the project is acceptable. Mr. Flanagan made a motion to accept the communication along with the additional eight steps required for water extensions. Seconded by Mr. Moran. Motion carried unanimously.

20 - COMMUNICATION - Letter from Mayor Sauer suggesting that the Common Council consider the adoption of a resolution which would clarify the action taken at the February Common Council meeting by the committee considering the Scott-Fanton Lease to Community Action. The Mayor also recommended that the present lease be terminated and that the Common Council authorize the execution of a lease between the City and the CACD.

Mr. Renz asked that this be referred to the original committee.

Mr. Eriquez asked for a point of personal privilege and asked the maker of the motion to reconsider his referral in the best interest of the City. Mayor read the communication he had sent to Council Member Danise urging that the project be moved forward and asked that a final report be forthcoming at the April meeting.

Mrs. Danise stated that the communication did not receive this item until January and that they are waiting for additional information from various departments. She stated that the Ives house can be moved without the lease being transferred and that the lease is in error.

Mr. Farah stated that perhaps all attention should not be focused on this lot and other options should be looked into such as a structure that already exists. Mr. Eriquez stated that this was done by the Mayor's Task Force.

Mr. Flanagan asked that the committee meet as soon as possible and that a Special Common Council Meeting be held to finalize this matter.

Mayor Sauer appointed the original committee which is Council Members Danise, Connell and Flanagan.

18 - Communication - Mr. Flanagan made a motion that the communication be accepted and the request denied without prejudice. Seconded by Mr. Moran. Motion carried with Mrs. Danise voting no and Mr. Esposito abstaining.

21 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric Gottschalk regarding a problem with the land for the Erickson House and asking the Council to look into possible condemnation proceedings. Mr. Flanagan made a motion that the communication be accepted and the action approved. Seconded by Mr. DaSilva. Motion carried unanimously.

22 - COMMUNICATION - Request from Ashkar Associates to purchase City owned land on Maple Avenue. Mr. Moran asked that this be referred to the Corporation Counsel and the Planning Commission, the City Engineer and an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Moran, Gallo and Danise to the committee.

23 - COMMUNICATION - Request from Carvalho to purchase land on Maple Avenue. Same as above.

24 - COMMUNICATION - Request from Jim Howley requesting an easement to connect to the storm drainage on Osborne Street Field for the creation of parking. Mr. Renz asked that this be referred to the City Engineer for a report back in thirty days. Mayor Sauer so ordered.

25 - COMMUNICATION - Letter from Mill Plain Package Store regarding permit fees. Mr. Renz asked that this be referred to the City Engineer for a report back in thirty days. Mayor Sauer so ordered.

26 - DEPARTMENT REPORTS - Health Department, Police Department, Parks and Recreation, Airport Administrator, Fire Chief, Fire Marshall, Building Department, Superintendent of Public Utilities. Mr. DaSilva made a motion that the department reports be accepted as presented and the reading be waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran and so carried.

27 - REPORT & ORDINANCE - Landfill Ordinance 16A-32(h)

Mr. Regan submitted the following report and ordinance:

The ad hoc committee appointed to review the proposed modification to the ordinance pertaining to the landfill ordinance 16A-31 to 16A-34 met on February 23, 1989 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan, Bourne and Flanagan. Also attending were Michael Cech, Dave Gervasoni, Les Pinter Mr. Van deMark-Hutchins and Council Members Danise and Connell, ex-officio.

Mr. Cech explained that the change sought by the Director of Public Works was to enable him to enforce the ordinance regulations, specifically with regard to Section 16A-32, subsection C, D and E which deals with deposits of wastes from outside of the City and the requirements for commercial permits and non-commercial permits. The intention is to issue permits to residents for bulky waste deposits and then randomly call to verify that the information is correct when a hauler brings waste into the landfill. Mr. Pinter stated that the Department Head should have the power to enforce the ordinance and this proposed change would do that.

Mr. Flanagan made a motion to change the attached ordinance to 16A-32H and change the end of the first sentence to read 16A-32 C, D, E. Seconded by Mrs. Bourne. Motion carried unanimously.

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

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

16A-32(h) Adoption of regulations. The Director is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of section 16A-32, subsections (c)(d) and (e). At least one public hearing, notice of which hearing shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the city and by posting a notice of such hearing in a public place, shall be held by the Director of Public Works before any such regulation is adopted. After adoption every regulation shall within ten (10) days be published in its entirety in a newspaper having a general circulation in the city and unless it shall specify a later date become effective on the thirtieth day after such publication.

Mr. DaSilva made a motion to accept the report and defer the ordinance to public hearing. Seconded by Mr. Charles. Motion carried unanimously.

28 - REPORT - Military Museum at Tarrywile Park.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request to locate the Military Museum of Southern New England at Tarrywile Park met on February 22, 1989 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and DaSilva. Also attending were Richard Murray, Richard Palanzo, Paulette Pepin, John Valuzzo and Dolores Levy, as well as Council Members Moran and Charles, ex-officio.

Mr. Valluzzo explained his desire to acquire 10 to 15 acres of land at Tarrywile Park to establish a permanent location for the Military Museum of Southern New England. Mr. DaSilva noted that the Museum appears to be an impressive and rapidly growing well run museum. However, he did not feel that the Common Council should grant this request for land because no Master Plan of Development has been adopted yet for the Tarrywile Park Property.

Mr. DaSilva made a motion that this request be given to the Tarrywile Park Authority once it is established. Seconded by Mr. Regan and so voted.

The report was accepted on the Consent Calendar.

29 - REPORT - Sheridan Street Drainage Easement.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the Sheridan Street Drainage Easement met on February 17, 1989 at 9:00 A.M. in the City Engineer's Office in City Hall. In attendance were committee members Regan and Bundy. Also in attendance were City Engineer Jack Schweitzer and Director of Public Works Daniel Minahan.

Mr. Minahan explained that sewer and storm drainage systems were tied together in this area of town along time ago and the plan is to separate the two systems and the drainage easement is necessary to do this.

Mr. Regan stated that the Planning Commission at its meeting on January 23, 1989 voted that the Common Council should first negotiate for the easement. If unsuccessful, the Common Council should come back for authority to condemn the property.

Mr. Bundy made a motion to obtain the necessary easement either through negotiations or, if necessary, through eminent domain. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

30 - REBORT - Request for Sewer and Water Extensions - 20 and 22 Virginia Avenue.

Mr. Regan submitted the following report:

The committee regarding the above captioned matter met on February 17, 1989. In attendance were Committee Members Regan, Connell and Gallo. Also attending were City Engineer Jack Schweitzer and Director of Public Works Dan Minahan along with Council Members Roger Bundy, ex-officio.

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

1. The petitioner shall bear all costs relative to the installation of said sewer and water lines.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and waterlines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and waterlines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

31 - REPORT - Sewer Rate Increases.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to review the request for sewer rate increases met at 8:00 P.M. on February 16, 1989 in Room 432 in City Hall. In attendance were committee members Shaw, Esposito and Cresci. Also in attendance were William Buckley, Dan Minahan and Dominic Setaro.

The Public Utilities Department is requesting a sewer rate increase of approximately 30%. This increase is necessary to cover debt service which will account for approximately 20% of the sewer budget. The Common Council previously approved the new sewage treatment plant and the initial charges for the engineering study will be due in the upcoming year. This bond will be in the form of a twenty year loan, of which twenty percent will be a grant and the remainder will be charged at the rate of two percent interest. The present estimate of the bottom line for this plant is now approaching seventy million. This plant is mandated by the State of Connecticut and will be paid for by sewer users. The estimated sewer bill is presently averaging \$63.36 per year. The anticipated increase would result in an average bill of \$82.37 or an increase of approximately \$19.01 per year or \$1.58 per month. Mr. Setaro concurred with the necessity of these figures due to the general obligation bonds which we are anticipating.

Mr. Connell recommended that this request be referred to a public hearing. Seconded by Mr. Esposito. Motion carried unanimously.

Mr. Eriquez made a motion to accept the report and defer it to public hearing. Seconded by Mr. Bundy. Mr. Moran pointed out that Mr. Connell was a member of the committee, rather than Mr. Cresci. Motion carried unanimously.

32 - REPORT - Capitola Road.

Mr. Connell submitted the following report:

The ad hoc committee appointed to study the request that Capitola Road be considered a City highway met on February 22, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Connell and Gallo. Also in attendance were Director of Public Works Daniel Minahan, Engineer Jack Schweitzer and Council Members Moran and Charles, ex-officio.

A discussion was held concerning the research done by Assistant Corporation Counsel Eric Gottschalk. A motion was made by Mr. Gallo that the committee recommend to the Common Council that the situation be clarified by formally accepting Capitola Road. It should be noted that by this action the City of Danbury does not become obligated to improve Capitola Road, but rather to take reasonable care that it is maintainance free of defects that render it unsafe for public travel. Seconded by Mr. Connell. Motion carried unanimously.

The report was accepted on the Consent Calendar.

33 - REPORT - Request for Sewer Extension, Danbeth Partners.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to formalize the conditions of Danbeth Partners sewer extension met in the Fourth Floor Lobby in City Hall at 8:00 P.M. on February 9, 1989. In attendance were committee members Shaw, Flanagan and Bundy. Also in attendance were Jack Schweitzer, Bill Buckley, Attorney Ted Backer and Mr. Williamson, Engineer.

Mr. Shaw questioned those in attendance as to what benefits the City of Danbury would derive from this agreement. The building will be in the Town of Ridgefield, adding to their tax base, using Danbury water and disposing their sewage into the Danbury facility. Mr. Shaw also questioned if this will be the same sewer line that Largo Associates wanted to utilize for their \$40,000,000 complex on

Danbury property. Mr. Buckley stated that it was and also that he is on the record that this is the risk you run when you give future sewer capacity away. Mr. Shaw introduced a letter from former Common Council President Connie McManus (attached). Also attached is the request dated November 17, 1988 from Assistant Corporation Counsel Eric Gottschalk, stating that the Common Council cannot refuse to grant Danbath authority to construct the sewers.

Mr. Flanagan made a motion that the attached eight regular steps be added to the interlocal agreement in addition to a ninth step that sewer service is provided subject to the 1985 interlocal agreement. Seconded by Mr. Shaw. Motion carried unanimously.

Mr. Bundy made a motion that the report be accepted in compliance with the interlocal agreement and that the eight steps be added. Seconded by Mr. Moran. Motion carried unanimously.

34 - REPORT - Request of Ashkar Associates to purchase land on Maple Avenue.

Mr. Moran submitted the following report:

The Common Council Committee appointed to review the request of Ashkar Associates to purchase property on Maple Avenue met in the Fourth Floor Lobby in City Hall on February 6, 1989 at 7:00 P.M. In attendance were Committee Members Moran, Gallo and Danise. Also in attendance were City Engineer Jack Schweitzer, Assistant Corporation Counsel Eric Gottschalk, Mr. and Mrs. Norman Carvalho, Ed Carvalho and Council Member Louis Charles, ex-officio.

Mr. Schweitzer opened the meeting by showing the assessor's map and a description and history of the property. A letter was read by the Committee dated November 21, 1988 and a Committee Report of the Common Council dated October 6, 1987 which stated: "Re: Request of A & S Auto Sales to Purchase Property on Balmforth Avenue." The committee concluded, and it was confirmed by the Common Council, that the subject land be declared surplus and that it be offered to Norman and Dorothy Carvalho for a price to be determined by the Assessor. The committee also voted to recommend that the stipulation suggested by the City Engineer be written into the deed. The property in question has not as yet been declared surplus.

Mr. Gallo made a motion that the petition of Ashkar Associates be denied without prejudice. Seconded by Mr. Moran. Motion carried unanimously.

The report was accepted on the Consent Calendar.

35 - REPORT - Exchange of Easements, Tan Mar Drive.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to review the request for an exchange of easements on Tan Mar Drive met at 7:30 P.M. on February 16, 1989 in Room 432 in City Hall. In attendance were Committee Members Shaw and Cresci. Also in attendance was William Buckley.

Mr. Buckley stated that this exchange would also benefit his department because they will maintain the easement. Part of the easement is to a water tank located on Spruce Mountain.

Mr. Cresci moved that the committee recommend to the Common Council that the exchange of easements be approved and authorize the Mayor to execute the agreement. Seconded by Mr. Shaw. Motion carried unanimously.

The report was accepted on the Consent Calendar.

36 - REPORT - Conflict with the Water Department.

Mr. Moran submitted the following report:

The committee appointed to review a conflict with the Water Department met in Room 432 in City Hall on February 1, 1988 at 7:30 P.M. In attendance were committee members Moran, Esposito and Renz. Also attending were William Buckley, Paul Galvin and the complainant Harry Russell.

Mr. Moran read a letter from Mr. Russell to Mayor Sauer dated December 17, 1988 explaining his complaints. Mr. Buckley stated that according to Sections 21-5 and 21-6 of the Code of Ordinances, the billing was correct. The total bill was \$1,100.26. Neither party could produce maps of the water main in question. The committee then found out that the water main was a private line. During the course of discussion it became obvious that litigation would follow and it was now the committee's responsibility to arbitrate a reasonable solution to the problem. In breaking down the bill we find in labor 4 men, 7 hours @ \$20 per hour (4 hours morning, 3 hours afternoon), \$468.73 in material and service charges and tax of \$71.53. The work was completed in under 4 hours by Cioffoletti Construction on November 3, 1988.

It was apparent that these circumstances were singular and nothing in this report should be taken to say that everyone should take this route. It was felt that it would be better to have the Director of Public Utilities devote his time to his duties rather than spend 2 or 3 hours in a courtroom.

Mr. Moran made a motion to recommend to the Common Council to forgive the 4 men 3 hours in the afternoon for a total of \$240 plus \$18 in tax for a total of \$258. Seconded by Mr. Renz. Motion carried unanimously.

Mr. Renz made a motion that the report be accepted. Seconded by Mr. Charles. Motion carried with Mr. Eriquez voting in the negative.

37 - Report - Sunset Review Commission.

The ad hoc committee appointed as a Governmental Entity Review and Investigation Committee pursuant to Section 2-177 of the Code of Ordinances of the City of Danbury met on February 22, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Regan, Flanagan and Rosenberg.

After reviewing the replies received from the various commissions it was determined that there was a general lack of necessary information to make a decision. Therefore, the committee proposed to make up a questionnaire to be sent to the commissions being reviewed.

The progress report was accepted on the Consent Calendar.

38 - PROGRESS REPORT - Cross Street Bridge.

Mr. Shaw submitted the following report:

The committee appointed to review the status of the Cross Street Bridge met on January 19, 1989 at 7:00 P.M. in City Hall. In attendance were committee members Shaw, Danise and Esposito. Also in attendance were City Engineer Jack Schweitzer and Dan Minahan.

Mr. Esposito made a motion that the Mayor's Office in coordination with the City Engineer and the Director of Public Works apply for State funds to build the Cross Street Bridge. Seconded by Mrs. Danise. Motion carried unanimously.

On February 26, 1989, Mr. Minahan directed Mr. Schweitzer to apply for funds to build this bridge thus connecting major arteries in the City of Danbury. See enclosure from State Department of Transportation and Mr. Minahan's directive to Mr. Schweitzer.

Mr. Flanagan made a motion to accept the Progress Report.
Seconded by Mrs. Danise.

Mr. Farah spoke on the background of the project and asked that if anyone was against the project to speak out now before progress is made and then the project is voted down as it was in the past after spending City funds. Mr. DaSilva stated that he opposed the project in the past and gave the reasoning behind it.

Motion carried unanimously.

39 - PROGRESS REPORT - Lake Kenosia Commission.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to study the request of the Lake Kenosia Commission met in Room 432 on February 16, 1989 at 7:15 P.M. In attendance were Committee Members Shaw and Cresci. Mrs. Butera was absent. Also in attendance was William Buckley.

Mr. Cresci questioned Mr. Buckley on the baseline study funds requested by the Lake Kenosia Commission. It is Mr. Buckley's opinion that the information he has accumulated over quarterly inspections of the quality of the lake water might satisfy the State requirements of the requested baseline study. This would then authorize the commission to request a state grant. All applications must be submitted to the State by August.

Mr. Shaw commented that with the present fiscal crisis in the City of Danbury, we should exhaust all possible avenues before committing local resources. Mr. Buckley will arrange a meeting with the Lake Kenosia Commission to provide them with the baseline information.

Mr. Cresci moved to delay any decision on this request until the above meeting. Seconded by Mr. Shaw. Motion carried unanimously.

Mr. Eriquez made a motion to accept the Progress Report. Seconded by Mr. Bundy. Mr. Eriquez made a motion to suspend the rules so that the expert could speak. Seconded by Mr. Bundy. Motion carried unanimously. Mr. Jonathan T. Simpson, Executive Director of the Candlewood Lake Commission and an unpaid consultant to the Lake Kenosia Commission spoke about the grant being given by the state. Mr. Bundy asked how much it would cost to do the samplings that would be needed to apply for the grant. Mr. Simpson reported that it would be \$3,540.

Mr. Bundy made a motion to amend the motion to appropriate \$3,540 for the samplings, pending certification. Seconded by Mr. Charles. Motion carried. Mr. Shaw asked if this could now be a final report. Mayor Sauer stated that it could. Original motion, as amended, carried unanimously.

40 - COMMUNICATION - Tarrywile Park Mansion, Appropriation of Funds. Letter from Mr. Buckley asking authorization of \$70,000 to be appropriated to the Water Fund for the above project. Mr. DaSilva made a motion to accept the communication and authorize the transfer of funds pending certification of the surplus in the water fund. Seconded by Mr. Bundy. Motion carried unanimously.

41 - COMMUNICATION - East Starrs Plain Road.

Mr. Renz asked that this item be added to the agenda. Seconded by Mr. Esposito. Motion carried unanimously.

Letter from City Engineer Jack Schweitzer together with a description of the property as requested. Mr. Renz moved to accept the communication. Seconded by Mrs. Danise. Motion carried unanimously.

42 - REPORT and ORDINANCE - Tarrywile Park Authority.

Mr. Nimmons submitted the following report and ordinance:

The committee of the whole appointed to review the above Ordinance met on February 28, 1989 in the Council Chambers in City Hall. In attendance were 20 Council Members with Mrs. Butera absent due to illness. On acceptance of the Authority, there seemed, from the beginning of the committee's discussion, a consensus of approval of the Authority. However, two key points surfaced regarding the text of the ordinance. One, Council Member Bourne questioned the content of Sec. 13A-53 regarding the Commission's authority. Two, Councilman Esposito requested a legal opinion addressing the question regarding a possible conflict with the City Charter.

The Chair requested Councilman Flanagan to have a legal opinion from Corporation Counsel ready for the March meeting. In regard to Council Member Bourne's question on Sec. 13A-53, she and Councilman Flanagan discussed this subject after the committee meeting and the Chair expects some mutual resolution prior to the March Council meeting. At this point, Councilman Flanagan made a motion to accept the Ordinance. Seconded by Mr. Eriquez. Motion carried with 18 yes and 1 abstention by Mrs. Bourne who had previously expressed her support for the authority.

THAT Chapter 13A of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding the following sections, to be numbered 13A-50 - 13A-55, which said sections read as follows:

ARTICLE V. TARRYWILE PARK AUTHORITY

Sec. 13A-50. Creation; powers and responsibilities.

(a) Creation. The Common Council of the City of Danbury (hereinafter referred to as "city"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Tarrywile Park Authority (hereinafter referred to as "authority"). Tarrywile Park shall extend to all lands, and additions thereto, of the former C.D. Parks property, except for lands subsequently deleted by Common Council through sale, lease, or other form of conveyance.

(b) Powers and responsibilities. Such authority shall have the following powers and responsibilities:

- (1) To administer, operate and maintain said Tarrywile Park, including all structures and land and any adjacent property owned by the city which is made part of the park;
- (2) To contract and be contracted with in order to administer, operate and maintain said park;
- (3) To make, amend and repeal bylaws, rules, and regulations not inconsistent with general law to carry out its purposes;
- (4) To use and develop park facilities as authorized by law only within said park in accordance with a duly approved Master Plan, as amended;
- (5) To fix and revise from time to time and to charge and collect fees, rents, and other charges for the use of any project or facilities thereof on behalf of the city and in an amount sufficient to (1) pay operating and maintenance expenses, and (2) pay the annual principal of and interest on bonds heretofore or hereafter issued by the city to finance the construction and reconstruction of park facilities withinsaid park and the principal of and interest on any obligations the authority may incur;
- (6) To pay over the net receipts annually in July of each year (gross receipts less operation and maintenance expenses, a reserve for capital improvements not exceeding twenty-five per cent ((25%)) of gross receipts for the fiscal year, and authority debt service from the operation of the park), to the treasurer of the city to be placed in the general fund of the city;
- (7) To make an annual audit, consistent with general law, of the financial transactions of the authority. The treasurer elected by the members of the commission shall be bonded in an amount determined pursuant to Section 7-148 of the General Statutes of Connecticut, as amended;
- (8) To issue its bonds, notes or other obligations as authorized by Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended, to be paid solely from the revenues of the authority;

- (9) To accept loans or grants from the city or any other person, government or agency thereof, for the purposes of the authority; and,
- (10) To appoint or dismiss an Executive Director and to adopt an annual budget for the administration of the park under the overall direction of the authority, the fiscal year of said budget to coincide with that of the City of Danbury.

Sec. 13A-51. Powers and responsibilities reserved for the Common Council.

The Common Council of the City of Danbury shall retain the following powers and responsibilities for the administration of Tarrywile Park.

- (a) Upon recommendation of the authority, final approval for (1) the issuance of all bonds, notes, or other obligations by the authority, and (2) the acquisition, purchase, sale, lease, or other conveyance of lands and property within or to be added to Tarrywile Park, and all conditions attached thereto.
- (b) Approval by majority vote of a Master Plan, and amendments thereto, for the development of the park, said plan to designate the construction, demolition, extension, renovation, or substantial improvement, excluding routine maintenance, of all structures, lands, lakes, ponds, and watercourses, conservation areas, park and recreational facilities, public utilities, roads and walkways, and other public facilities. All improvements to structures shall be compatible with the historic nature and character of the property. Prior to the adoption of said plan, (1) the use of the park shall be limited to authorized public and private functions at the Mansion and to existing municipal use of the property, and (2) improvements shall be limited to the restoration and maintenance of existing structures and features, including the provision of health and safety measures. Approval of the Master Plan and amendments thereto shall follow a public hearing and referral to the Planning Commission for review and report.

Sec. 13A-52. Articles of incorporation.

The articles of incorporation of the authority are as follows:

- (a) The name of the authority and the address of its principal office shall be: Tarrywile Park Authority, City Hall, Danbury, Connecticut.
- (b) The authority is created under Connecticut General Statutes, Sections 7-130a to 7-130x, inclusive, as amended.
- (c) The participating political subdivision is the City of Danbury, Connecticut.
- (d) The initial members of the authority, their addresses, and terms of office, shall be as follows:

[List members, addresses, terms upon appointment]
- (e) The authority is created for the sole purpose of administering Tarrywile Park with the power granted to such authority by this enacting ordinance of the City of Danbury.

Sec. 13A-53. Commission of authority - Appointment; membership; terms.

The Mayor of the city, with the approval of a majority of the Common Council, shall select and appoint the members of said authority which shall consist of nine (9) members. One of said members shall be a member of the Parks and Recreation Commission. The Director of the Department of Parks and Recreation shall be an ex-officio member of said authority. There shall be a maximum of six (6) members from any one political party. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members, two (2) years, and of the last three (3) initial members, three (3) years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.

Sec. 13A-54. Same - Compensation of members.

No members of such authority may receive any compensation for their services but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in the performance of their duties.

Sec. 13A-55. Perpetual existence.

The said authority shall remain in existence perpetually unless terminated by the city.

Mr. Flanagan made a motion that the report be accepted and the ordinance adopted. Seconded by Mr. Moran. Motion carried with all the members voting in the affirmative except Mrs. Butera who abstained because she did not understand the report.

REPORT - Appointments to Committees

Mr. Eriquez asked the Corporation Counsel if it would be appropriate to add this item without a written report. The Corporation Counsel ruled that it would be appropriate if it received a two-thirds vote. Mr. Farah stated that it would be difficult to vote on something not in writing. Mayor Sauer stated that he was perplexed by the situation as it was his understanding that there was to be a Special Meeting after the public hearing on this subject, but no report had been prepared and that this reeks of politics. Mr. Renz stated that there were 20 people at the public hearing, and some of those were not in attendance at this meeting. Mr. Eriquez stated that people have other commitments. Motion to add failed with the members voting as follows:

Yes - Esposito, Flanagan, Zotos, Cassano, Charles, Bundy, Butera, DaSilva, Eriquez, Regan.

No - Connell, Moran, Renz, Farah, Shaw, Danise.

43 - **REPORT** - Request for Sewer and Water Extensions - 44 Lake Avenue Ext.

Mr. Shaw made a motion to add this report to the agenda. Seconded by Mr. Moran. Motion carried unanimously.

Mr. Shaw presented the following report:

The Common Council Committee appointed to review the request for sewer and water extension at 44 Lake Avenue Ext. met on March 6, 1989 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Shaw, Regan and Butera. Also attending were Bill Buckley, Paul Jaber, Albert Salame and Peter LaPoint as well as Council Member Joe DaSilva, ex-officio.

Mr. Buckley stated that City water on Mill Plain Road is as far as the Ethan Allen on one side and Kenosia Avenue on the other side. Sewer does not extend to the planned development directly across from the entrance to the Westside WesConn Campus. The agreed upon access for water would be to extend the water main from the Ethan Allen terminus to the site. Mr. Buckley said he will require 16" main to be used from the present 12" which runs up to the Ethan Allen. Mr. Buckley stated that using the larger pipe will enhance the City water line on Mill Plain road. The use of the larger pipe would entail a cost figure of approximately \$4 per linear foot. Buckley said the larger pipe coupled with the 2,700 foot extension of the water line would greatly benefit the City. Buckley further stated that as a further incentive to the acceptance of this project, according to City plans, he would be willing to provide material equal to the dollar value to the developer.

Mr. Shaw questioned Peter LaPoint as to any expense to the City regarding traffic lights and road improvements. He stated that this would all be paid for by the developer. Mr. Regan questioned Buckley as to whether he had any reservations about this project. Mr. Buckley said it would not only add to the City's tax base but also benefit the City in extending the water line 2,700 feet.

Mr. Regan a motion to approve the request for sewer and water extension with equivalent of \$4 per linear foot of water main extension on City approved plans and deliver to the developer material equal to the dollar value not to exceed \$12,000 and that the regular eight steps be complied with. Seconded by Mrs. Butera. Motion carried unanimously.

Mr. Moran made a motion that the report be accepted. Seconded by Mrs. Danise. Motion carried unanimously

44 - REPORT - Grant from the Connecticut Alcohol and Drug Abuse Commission.

Mr. Moran made a motion to add the following report and resolution to the agenda. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Moran submitted the following report and resolution:

The committee appointed to review the resolution of grant monies from the Connecticut Alcohol and Drug Abuse Commission met in Room 432 in City Hall. In attendance were Committee Members Moran, and Zotos. Also attending was Health Director William Campbell.

Mr. Campbell stated that this grant previously was for a six month period which expired on December 31, 1988 and that the State did not have the proper paperwork ready in time to continue this type of grant into 1989. The State had forwarded the sum of \$2,000 to the City which would have to be returned to the State when the new grant was forthcoming and accepted by the City. Notification of the new grant was received on February 23, 1989 and the grant now extends from February 24, 1989 through December 31, 1989. The new figure for that period is \$31,713 which includes salary, fringe, travel, training, education materials and supervision. A resolution has been prepared reflecting the new time span and dollar value for your consideration.

Mr. Zotos made a motion that this committee recommend to the Common Council to accept the resolution approving the grant from the Connecticut Alcohol and Drug Abuse Commission in the sum of \$31,713. Seconded by Mr. Moran. Motion carried unanimously.

WHEREAS, the Center for Disease Control of the United States Government sponsors an AIDS Prevention Program, making funds available to local agencies and departments of health through the State of Connecticut Department of Health Services and the Connecticut Alcohol and Drug Abuse Commission; and

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

WHEREAS, the Connecticut Alcohol and Drug Abuse Commission, an independent agency attached to the Connecticut Department of Mental Health under its AIDS Prevention and Outreach Program has approved the application of the Danbury Health Department for funds in the amount of \$31,713 to fund two part-time Outreach workers to work in the intravenous drug community to provide comprehensive and understandable information on AIDS prevention, testing and substance abuse treatment under the supervision of the Danbury AIDS Program Coordinator; and

WHEREAS, said funding will cover the period from February 4, 1989 to December 31, 1989; and

WHEREAS, the program will serve the City of Danbury and the surrounding communities;

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

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 Connecticut Alcohol and Drug Abuse Commission.

Mr. Connell made a motion to accept the report and adopt the resolution. Seconded by Mrs. Danise. Motion carried unanimously.

45 - REPORT - Lakecrest Drive Storm Drainage Easements.

Mr. Renz made a motion to add this to the agenda. Seconded by Mr. Connell. Motion carried unanimously.

Mrs. Danise read the following report:

The committee charged to review the above met in City Hall, Room 432 at 7:40 P.M. on February 27, 1989.

Attending were committee members L. Bourne (Chair), M. Danise, and ex-officio members L. Charles, and H. Moran. Also, Lakecrest Drive property owners, Norman Buzaid, Jr., Dennis Daugherty, Anthony Simonowicz, Brian Smith, and Robert Spremulli.

In beginning the discussion the Chair stated that a previous Council (2/86) had appropriated \$57,000 to bring the road up to specifications for City acceptance. Per Mr. Setaro, Acting Director of Finance, those funds are still available. She explained that a notification of this meeting and copies of Asst. Corporation Council's letter (2/7/89) were sent to all Lakecrest Drive property owners per the Tax Assessor's records, and to Southern New England Telephone Company.

After discussion with the property owners in attendance, it was stated by Mr. Smith that drainage is still a problem. Property owner Mr. Simonowicz is reluctant to give the City an easement. He is concerned about protruding manhole covers in his backyard which he states that no easements for this are on file. As this was not in our purview, he was advised to speak with Mr. Schweitzer and Atty. Pinter. Mr. Spremulli is not opposed to granting an easement, however, his concern is simply from a safety viewpoint of whether the drain will have a grating over it.

Mrs. Danise moved to recommend to the Council to adopt the attached resolution enabling Corporation Council to obtain necessary drainage easements required to bring Lakecrest Drive into compliance with the appropriate subdivision regulations and enable the City to accept said road. Seconded by Mrs. Bourne. Motion passed unanimously.

The documentation before us will enable the Corporation Council's office to renew eminent domain proceedings in order to obtain the necessary drainage easements. Per Mr. Pinter, a surety bond in the amount of \$70,000 is still in existence. This means that the City will be reimbursed for its expenses up to that amount. And although City Engineer, Jack Schweitzer's office has not updated the cost estimation, Mr. Schweitzer (after conversation with Frank Cavagna Highway Department) is confident that the work can still be done at the \$57,000 level barring unforeseen complications.

Mr. Renz made a motion to accept the report. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Flanagan made a motion to go into Executive Session at 10:00 P.M. Seconded by Mr. Zotos. Motion carried unanimously.

After returning from the Executive Session, Mr. Flanagan made a motion to approve the settlements as outlined in Item 11. Seconded by Mr. Bundy. Motion carried unanimously.

PUBLIC SPEAKING

State Senator James Maloney, 15 Wooster Heights - Spoke regarding the Community Action Daycare Center and gave the background on the proposal.

Harry Kessler, 112 Carol Street - Spoke regarding item 11 and the method of re-evaluation. Also spoke on scattered site housing, water and sewer rate increases and Tarrywile Park Authority.. He is opposed to these proposals.

Lynn Taborsak, 48 Hayestown Road - Spoke in favor of the Community Action Day Care Center and stated that she is a member of the Mayor's Task Force.

Stanford Smith, Sr. - 7 Wooster Street - Former Council Member and Member of the Mayor's Task Force and also Vice President of NAACP. Spoke in favor of the Day Care Center and stated that there would be serious demonstrations if the day care center is not passed.

Glen Wicklund, 9 Mountainville Avenue - Spoke about the neighborhood concerns if the daycare center were put in that area.

William Knight, 6 Jandee Drive - spoke in favor of the Action Daycare Center and asked that it not become a political football.

Dallas Gardner, 25 Padanaram Road - Disappointed in the vote against the funding for the Marian Anderson Award.

Gladys McFarland, Somers Street - Spoke in favor of the Community Action Day Care Center and stated that it was an excellent facility. She read a letter in support.

Glenda Armstrong, South Cove Road - Spoke in favor of the Community Action Daycare Center and also read a quote from Joseph Epstein.

Lola Akins, 14 Oakland Avenue - Spoke in favor of the Community Action Daycare Center and stated that she was one of the founders of the Center more than 20 years ago.

Rev. Ruben Bush, 21 East Pearl Street - Spoke in favor of the Daycare Center.

Bernard Fitzpatrick, Director of Housing and Vice Chair of the Community Action Committee. Stated that the Task Force has looked at many sites and urged the Council to act rapidly as the money will not be available forever.

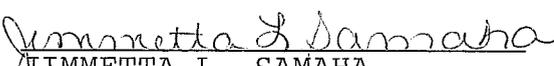
Also spoke about the scattered site proposal and clarified the Gregory Street site. It is really on Herman Street and Hakim Street Ext. as it is dissected by I-84.

Lila Leopold, Dogwood Drive - Feels that the proximity of the Daycare Center to the Junior High School would allow staff of the day care center to be creative and there is an absolute need for daycare.

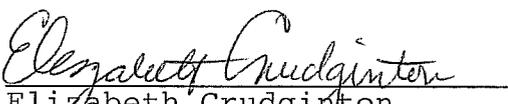
Leatha Perkins, 61 Rowan Street, Needs a daycare center and thanked the Council in advance.

There being no further business to come before the Common Council a motion was made by Mr. Flanagan for the meeting to be adjourned at 11:00 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk