

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

Re: Minutes of the Common Council Meeting held May 2, 1989.

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

PRESENT - Bourne, Connell, Gallo, Moran, Renz, Esposito, Farah, Flanagan, Zotos, Nimmons, Fazio, Shaw, Charles, Bundy, Butera, Danise, DaSilva, Eriquez, Regan.

ABSENT - Cresci, Cassano.

19 Present - 2 Absent

Mr. Cresci had been present but was taken ill.
Mr. Cassano was traveling out of State on business.

Mr. Fazio presented the following items for the Consent Calendar:

- 2 - Resolution - Federal Family Development Playgrounds
- 5 - Communication - Appointment to the Environmental Impact Commission
- 6 - Communication - Appointments to the Tarrywile Park Authority
- 7 - Communication - Appointment to the Planning Commission
- 8 - Communication - Reappointments to the Commission on the Status of Women
- 9 - Communication - Appointment to the Handicapped Commission
- 14 - Communication & Certification - Request for Funds for the City Clerk's Office
- 23 - Communication - Permission to spend grant monies - Hispanic Cultural Society
- 34 - Communication - Request for Budget Amendment - Fire Department
- 38 - Communication - Report from Director of Public Works on Lake Avenue Cleanup
- 39 - Communication - Offer of Land - Hampton Estates
- 48 - Report & Ordinance - Changes Governing Landfill and Recycling Center
- 49 - Report & Ordinance - Landfill Ordinances 16A-32(h)
- 50 - Report & Ordinance - Housatonic Resources Recovery Authority
- 51 - Report & Ordinance - Water and Sewer Rate Increases
- 54 - Report - Great Plain Road Intersection
- 55 - Report - Request for Easement, Aunt Hack Road
- 56 - Report - Berol Easement - ~~withdrawn~~
- 57 - Report - Margerie Drive Easement
- 58 - Report - Request for Sewer Extension, 105 Park Avenue
- 59 - Report - Lease of Airport Property to the FAA - ~~withdrawn~~
- 63 - Report - Borrowing of Funds - Lateral Sewers
- 64 - Report - Re-evaluation

Mr. Connell made a motion to accept the Consent Calendar as presented. Seconded by Mrs. Bourne. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held April 4, 1989.

Mr. DaSilva made a motion that the minutes be accepted 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. Eriquez. Motion carried unanimously.

1 - RESOLUTION - Community Development Block Grant. Mr. Renz asked that this be referred to committee. Mayor Sauer appointed Council Members Shaw, Regan, DaSilva to the committee.

Mr. Flanagan asked if the Common Council has the authority to change any of the recommendations and suggested that the committee check with Corporation Counsel before attempting to do same.

2 - RESOLUTION - Federal Family Development Block Grant.

RESOLVED, by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to make application and obtain financial assistance from the State of Connecticut;

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

1. An application be made to the Commissioner of the Department of Environmental Protection for an Outdoor Recreation Land Acquisition and/or Development Grant for a municipal project known as FEDERAL FAMILY DEVELOPMENT PLAYGROUNDS;

2. It is the intent of the City of Danbury that should its application be selected and approved by the Commissioner of the Department of Environmental Protection adequate funding for operating and maintaining the property and/or facilities will be provided.

3. The Mayor of the City of Danbury is hereby authorized and directed to execute and file such application and to act as authorized correspondent;

4. The Mayor of the City of Danbury is hereby authorized to enter into such agreements and contracts and to execute all documents necessary to said grant with the State of Connecticut;

5. The proposed acquisition and/or development is in accordance with the Plan of Development of the City of Danbury and that should said grant be made said land will be retained in accordance with the provisions of Section 7-131a through 7-131k of the Connecticut General Statutes.

The Resolution was adopted on the Consent Calendar.

Mr. Gallo made a motion to move item 66 to item 2A. Seconded by Mr. Charles. Motion carried unanimously.

2A - REPORT - Rogers Park Site vs. Mountainville Avenue Site for CACD Daycare Center.

Mr. Regan submitted the following report:

The ad hoc committee appointed to compare the Mountainville Avenue site (Site A) with the Rogers Park Picnic Area Site (Site B) met on April 26, 1989 at 3:30 P.M. in the Engineering Department in City Hall. In attendance were committee members Regan, DaSilva and Gallo. Also in attendance were Jack Schweitzer, Mr. Buckley, Glenda Armstrong of CACD and News Times Reporter Sarah Passell.

The committee discussed the report from Mr. Buckley (attached) which indicated a major cost difference between the two sites to provide sewer and water to the locations.

Mr. Gallo stated that since the cost for sewer and water to Site B was so high that he would like to make a motion not to recommend the Rogers Park Picnic Area Site (Site B) over the Mountainville Avenue Site (Site A). Seconded by Mr. DaSilva. Motion carried unanimously.

Some discussion followed on making a recommendation on Site A and transferring the lease from Scott Fanton Museum to CACD. Mr. Gallo stated that that was not the charge of this committee. All we were to do was to compare the two sites and report back and that the lease transfer should be brought back up on the Council floor at the regular monthly meeting.

Mrs. Danise made a motion to accept the report as read. Seconded by Mrs. Butera. Motion carried unanimously.

Mr. Eriquez made a motion to authorize the Mayor to execute the appropriate lease contingent upon the satisfaction of Corporation Counsel that the subject land is clear to be utilized for this purpose (for the

relocation of the Action Daycare Center); that the necessary review and approval of the Planning Commission be garnered; and that all other necessary approvals of the City Boards and Agencies be obtained and secured in writing before the lease is executed. The lease should be for 25 years at \$1 a year with an option to renew for another 25 years. Seconded by Mr. Cresci.

Mr. Shaw made a statement regarding the racism issue and about the Osborne Street site. Mr. Eriquez responded to the Osborne Street site.

Motion failed with the members voting as follows:

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

No - Bourne, Connell, Moran, Renz, Nimmons, Fazio, Shaw, Danise.

11 yes - 8 no.

Mr. Flanagan stated that there is not the support for this site. He asked that a new committee be appointed to seek three additional sites. Mr. Nimmons stated that he supported Mr. Flanagan.

Mrs. Bourne stated that perhaps the CACD should look into buying their own property rather than looking at City property.

Mr. Farah asked that the committee act expeditiously on this matter.

Mayor Sauer appointed Council Members Bundy, Connell, Fazio, Butera and Flanagan.

The charge of the committee was clarified to state that the committee should look at three other sites and with reasonable speed come up with a site for a daycare center.

Mr. Eriquez asked that the committee not look at park land.

3 - RESOLUTION - Permit Fees and Additional User Fees

RESOLVED by the Common Council of the City of Danbury:

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the Non-Passenger Vehicle User Fee for deposition of permitted wastes at the Danbury Sanitary Landfill site be and hereby is fixed at TWENTY FIVE (\$25.00) DOLLARS per ton as determined by the weigh scale at the Danbury Sanitary Landfill.

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

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

(b) For all passenger vehicles displaying a Residential Passenger Vehicle Permit, said User Fee shall be TWO (\$2.00) DOLLARS per vehicle per trip.

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

(a) For commercial non-passenger vehicles, said permit fees shall be TWO HUNDRED AND FIFTY (\$250.00) DOLLARS per year for the first vehicle and ONE HUNDRED (\$100.00) DOLLARS per year for each additional vehicle. Said permits may be obtained for vehicles bearing Commercial, Temporary Commercial, Livery, Transporter, Dealer or Dealer Repair registration plates issued by the Connecticut Department of Motor Vehicles.

(b) For non-commercial, non-passenger vehicles, said permits fees shall be TWENTY (\$20.00) DOLLARS per vehicle per year. Said permits may be obtained for vehicles bearing Trailer, Combination or Farm registration plates issued by the Connecticut Department of Motor Vehicles.

(c) For Annual Passenger Vehicle Permits, said Fee shall be THIRTY SIX (\$36.00) DOLLARS per vehicle per year.

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

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

Mr. Charles asked that this be deferred to public hearing. Mayor Sauer so ordered.

4 - COMMUNICATION - Letter from Mayor Sauer appointing Deputy Fire Marshall Peter Siecienski to the position of Drill Master. Mr. Connell made a motion to accept the communication and confirm the appointment. Seconded by Mr. Moran. Motion carried unanimously.

5 - COMMUNICATION - Letter from Mayor Sauer appointing Douglas Breakstone, 5 Danfred Street to the Environmental Impact Commission for a term to expire December 1, 1991. The appointment was confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Sauer appointing David M. Lane, 20 Brighton Street; Carol M. Smith, 106 Deer Hill Avenue; and William A. Jennings, 23 Brushy Hill Road to the Tarrywile Park Authority for terms to expire May 1, 1992; Gerald J. Daly, 9 Wintergreen Hill Estates; Edward Prybylski, 36 Mountainville Road, and Robert E. Lovell, 21 Filmore Avenue for terms to expire May 1, 1991; and Paulette L. Pepin, 57 Linron Drive; Denise Duckett, 1 Beaver Brook Road and Lillian E. Parrish for terms to expire May 1, 1990. The appointments were confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Sauer appointing Michael E. Sibbitt, 56 Great Plain Road to the Planning Commission for a term to expire January 1, 1992. The appointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Sauer reappointing Heidi Palmer, 47 Balmforth Avenue, Ileana Velazquez, Tiffany Drive and Penelope King, 2 Homestead Avenue to the Commission on the Status of Women for terms to expire April 1, 1992. The reappointments were confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Sauer appointing Catherine DiBuono, 32 Windsor Gardens to the Handicapped Commission for a term to expire March 1, 1992. The appointed was confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Library Director Betsy Lyke asking for permission to accept \$185 in donations in memory of May E. Hartigan and Frank O'Neill. Mr. Shaw made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Moran. Motion carried unanimously.

11 - COMMUNICATION - Letter from Library Director Betsy Lyke asking for permission to accept a donation in the amount of \$200 in memory of Florence G. Lubcott. Mrs. Danise made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Butera. Motion carried unanimously.

12 - COMMUNICATION - Letter from Leo McIlrath asking permission to accept donation of a wheelchair for the Department of Elderly Services. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Flanagan. Motion carried unanimously.

13 - COMMUNICATION - Letter from Fire Chief Lagarto asking for permission to accept "Cyalume" Lightsticks" from Davis & Geck. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Flanagan. Motion carried unanimously.

14 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$1000 for the City Clerk's Office. Certification was attached. The communication was accepted and the certification approved on the consent calendar.

15 - COMMUNICATION & CERTIFICATION - Request for funds from Public Building Superintendent Rick Palanzo in the amount of \$35,000 for the hiring of an architect to determine City space needs. Mr. Connell asked that this be referred to an ad hoc committee, the Comptroller and Mr. Palanzo. Mayor Sauer so ordered and appointed Council Members Bourne, Danise and Esposito to the committee.

16 - 20 COMMUNICATIONS & CERTIFICATIONS - Request for Funds for the Welfare Department, the Fire Department Overtime Account, the Planning Commission, the Environmental Impact Commission, and the Fire Department Maintain Automotive Equipment Account. Mr. Fazio asked that these items be referred to the same committee and to the Comptroller. Mr. Nimmons moved that these be referred to a five member committee. Seconded by Mr. Flanagan. Motion carried with Mr. Eriquez voting in the negative. The Mayor appointed Council Members Renz, Nimmons, DaSilva, Bundy and Zotos to the committee.

21 - COMMUNICATION - Letter from Rogers Park Junior High School Students asking the Council to appropriate \$4,000 so that they can participate in the Odyssey of the Mind Competition to be held in Boulder, Colorado. Mr. Eriquez made a motion to accept the communication and authorize the sum of \$500 pending certification from Dr. Singe and the School Board that this is a sanctioned trip. Seconded by Mr. Fazio. Motion carried unanimously. Also, pending certification of funds.

22 - COMMUNICATION - Request for funds in the amount of \$65,000 for the Police Department Special Services Account. This was referred to the same committee as items 16-21.

23 - COMMUNICATION - Permission to spend grant monies - Hispanic Cultural Society. Letter from Hamilton Justniano asking for permission to spend \$2,006 in grant monies that were expended for audit, accounting, and administrative overhead. The communication was accepted on the Consent Calendar.

24 - COMMUNICATION - Letter from Deborah Hitchcock Dufel submitting a proposal to build a playground for the City. Mr. DaSilva asked that this be referred to an ad hoc committee, the Planning Commission and the Director of Parks and Recreation. Mayor Sauer so ordered and appointed Council Members Renz, Cresci and Gallo to the committee.

25 - COMMUNICATION - Proposal from Council Members Farah and Gallo seeking to dedication a line item for a supplementary Education Fund for the 1989-90 budget.

Mr. Farah gave the reasoning for the proposal. Mr. Shaw made a motion to adopt the proposal. Seconded by Mr. Renz. Mr. DaSilva made a motion to suspend the rules to allow Mr. Skronski to address the Council. Seconded by Mr. Eriquez. Mr. Shaw amended his motion to adopt the communication and petition the Board of Education to designate a line item for this proposal. Seconded by Mr. Renz. Motion to suspend the rules carried with the members voting as follows:

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

No - Bourne, Connell, Gallo, Moran, Renz, Nimmons, Fazio, Shaw, Danise.

10 Yes - 9 No.

Mr. Skronski address the issue and answered questions.

Mr. Zotos referred this item to committee. Mayor Sauer appointed Council Members Bundy, Bourne and Farah to the committee.

Mr. Cresci arrived at this point (9:17 P.M.)

26 - COMMUNICATION - Letter from Council Member Renz seeking an ad hoc committee to research the possibility of constructing a playscape at Hatters Park. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission and the Director of Parks and Recreation. Mayor Sauer so ordered and appointed Council Members Renz, Cresci and Gallo to the committee.

27 - COMMUNICATION - Letter from Council Member Gallo seeking a solution to the parking problems at City Hall. Mrs. Butera asked that this be referred to the Mayor's Office for a report back in thirty days.

28 - COMMUNICATION - Letter from Mayor Sauer asking for endorsement of the States Outdoor Recreation Program. Mrs. Bourne asked that this be referred to the same committee as item 1. Mayor Sauer so ordered. The committee is Shaw, Regan, DaSilva.

29 - COMMUNICATION - Request of Ron Clark for damages done to his automobile in the City Hall parking lot. Mrs. Butera asked that this be referred to the Corporation Counsel and the Risk Manager for a report back in 30 days. Mayor Sauer so ordered.

30 - COMMUNICATION - Petition for the installation of a sewer line on Fairlawn Avenue. Mr. Fazio asked that this be referred to an ad hoc committee, the City Engineer, Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Charles to the committee.

31 - COMMUNICATION - Petition for the installation of a sewer line on Shannon Ridge Road. Mr. Charles asked that this be referred as above. Mayor Sauer so ordered.

32 - COMMUNICATION - Sewer Assessments on Hillendale Road. Mrs. Danise asked that this be deferred to a Public Hearing. Mayor Sauer so ordered.

33 - COMMUNICATION - Petition from residents of Glen Apartments asking for a curfew in Rogers Park. Mr. Connell asked that this be referred to an ad hoc committee and the Chief of Police. Mayor Sauer so ordered and appointed Council Members Cresci, Connell and Flanagan to the committee.

34 - COMMUNICATION - Request for a budget amendment for the Fire Department in the amount of \$5,000. The communication was accepted on the Consent Calendar.

35 - COMMUNICATION - Letter from Comptroller Dominic Setaro asking that a committee be established to discuss the amounts of monies that will have to be transferred to the various departments for Union Contracts. Mr. Fazio asked that this be referred to an ad hoc committee and the Comptroller. Mayor Sauer so ordered and appointed Council Members Nimmons, Fazio and Eriquez to the committee.

36 - COMMUNICATION - Letter from James Bodner concerning a misunderstanding regarding building permits. Mr. Fazio asked that this be referred to an ad hoc committee, the Corporation Counsel, William Campbell and Leo Null. Mayor Sauer so ordered and appointed Council Members Bourne, Danise and Farah to the committee.

37 - COMMUNICATION - Request for an installation of a traffic light on Apple Orchard Drive. Mrs. Butera asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Sauer so ordered and appointed Council Members Renz, Regan and Butera to the committee.

38 - COMMUNICATION - Report from Director of Public Works Daniel Minahan regarding the clean up of the litter on Lake Avenue. The report was accepted on the Consent Calendar.

39 - COMMUNICATION - Revised figures regarding outstanding taxes due on the offer of land at Hampton Estates. The communication was accepted on the consent calendar.

40 - COMMUNICATION - Request from Kevin Mrozinski for sewer and water extension at Farview Avenue and Smith Street. Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Charles to the committee.

41 - COMMUNICATION - Request from Emilio Plant for water extension at 13 Belmont Circle. Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Moran, Connell and Butera to the committee.

42 - COMMUNICATION - Request from Ron Jowdy for sewer extension at 75 Padanaram Road. Mr. Farah asked that this be referred to an ad hoc committee, the City Engineer and the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Moran, Connell and Butera to the committee.

43 - COMMUNICATION - Request from Ralto Developers for Water Extension on Sunset Drive. Mr. Eriquez asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Connell, Bourne and Zotos to the committee.

44 - COMMUNICATION - Request from David A. Mack for sewer and water extensions on Eagle Road. Mr. Eriquez asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Bundy, Regan and Cassano to the committee.

45 - COMMUNICATION - Request from Jeffrey Nazzaro for water extension on Meadowbrook Road. Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Cresci, Bourne and Cassano to the committee.

46 - COMMUNICATION - Request for the installation of water and sewer lines on Country Ridge Road. Mr. Eriquez asked that this be referred to the City Engineer for a survey. Mayor Sauer so ordered.

47 - DEPARTMENT REPORTS - Fire Chief, Fire Marshall, Police, Health, Public Works, Parks and Recreation, Building. Mr. DaSilva made a motion that the 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. Eriquez. Motion carried unanimously.

48 - REPORT & ORDINANCE - Changes governing landfill and recycling center.

Mr. Farah asked that this be reopened and removed from the Consent Calendar. Seconded by Mr. Eriquez. Motion carried unanimously.

Mr. Farah asked that Section 16A-49(b) 1 be referred to Michael Cech for reconsideration. Mr. Flanagan made a motion to suspend the rules to allow Mr. Cech to address the Council. Seconded by Mr. Connell. Motion carried unanimously. Mr. Cech addressed the body on the proposed amendment and answered questions.

Mr. Farah made a motion to refer item 48 to Mr. Cech for reconsideration. Mr. Moran asked to divide the question. Seconded by Mrs. Danise. Motion carried. Motion to refer Section 16A-49(b) 1 to Mr. Cech carried unanimously. The remainder of the ordinance passed as submitted below:

THAT the following new sections and subsections of Chapter 16A Article II, Divisions 3 and 4 are hereby added to read as follows:

DIVISION 3. RECYCLING CENTER OPERATIONS.

Sec. 16A-48. Recyclable deposits.

(a) Authority to establish and vary rates for recycling deposits. The common council after public hearing is hereby authorized to establish and revise rates to be charged for permits required hereunder in connection with the deposition of recyclables at the Danbury Recycling Center.

(b) Requirements for Recycling Center permits. On and after the effective date of any permit fees or user fees established pursuant to the provisions of this section and section 16A-50, no person, firm, corporation or other entity shall be permitted access to the Danbury Recycling Center unless said person or entity shall possess a valid Danbury Recycling Center permit. Said permits may be obtained upon payment of the required permit fee and upon completion and approval of an application form provided by the department of public works.

Sec. 16A-49. Deposit regulations.

(a) Compliance with permit requirements. No person, firm, corporation or other entity shall deposit recyclables at the Danbury Recycling Center without compliance with the requirements contained in this article.

(b) Certain materials prohibited. The Danbury Recycling Center is established for the primary purpose of receiving recyclable items which originate from residential households within the corporate boundaries of the City of Danbury. No person, firm, corporation or other entity shall dispose of the following items at the Danbury Recycling Center:

- (1) Household appliances, or other scrap metal from outside the corporate limits of the City of Danbury.
- (2) Used oil of any description from sources outside the corporate limits of the City of Danbury.
- (3) Used oil from other than an engine or crankcase.

(c) Authority to establish regulations. The director of the department of public works is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of subsections 16A-49(a) and 16A-49(b). 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 the department 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.

Sec. 16A-50. User fees.

In addition to any permit fees which may be established pursuant to this article, users of the Danbury Recycling Center shall be subject to any additional user fees which may be established by the common council after public hearing.

Sec. 16A-51. Noncompliance with provisions of article.

(a) Refusal of access upon noncompliance or nonpayment. Any permit holder may be refused access to the Danbury Recycling Center where compliance with this article has not been effected or where any payment required pursuant to this section or pursuant to section 16A-50 has not been made within thirty (30) days of billing. In addition to the remedy provided in the immediately preceding sentence, in case of failure or refusal to make payment of any fees or charges due pursuant to the provisions of this article within thirty (30) days of billing, said fees and charges shall thereupon be delinquent and shall be subject to interest commencing upon the due date set for said payment. Such interest shall accrue at the rate established by the Connecticut General Statutes for delinquent real property taxes.

(b) Violation; penalty. Any person, firm, corporation or other entity that is found to have violated any provision of this article shall be fined the sum of one hundred dollars (\$100.00) for each offense.

(c) Suspension or revocation of permits. In addition to other remedies provided by law in case of nonpayment or noncompliance with the provisions of this article, the director of the department of public works is authorized to suspend or revoke any permits issued hereunder.

(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 the director of the department of public works; provided, that such person, firm, corporation or other entity shall file in the office of the director 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. Upon receipt of such petition the director of 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 shall operate to stay any proposed penalty until the decision of the director of the department of public works 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 director of the department of public works shall by certified mail send the petitioner a copy of his decision together with written findings of fact which support that decision.

DIVISION 4. RECYCLING CENTER SCAVENGING, SALVAGING, ETC.

Sec. 16A-52. Permit required; formal bidding for permit.

(a) Permit. No person, corporation, partnership or other legal entity shall remove any materials, salvage or scavenge at the Danbury Recycling Center unless said person, corporation, partnership or other entity holds a valid permit which was acquired in accordance with the further provisions of this article.

(b) Bidding. Any person, corporation, partnership or other legal entity desiring to obtain a permit for the purposes specified in this article shall first be required to submit a formal bid therefor pursuant to Sections 2-131 and 2-132 of the Code of Ordinances of the City of Danbury.

(c) City officers and employees not eligible. No officers or employees of the City of Danbury shall be eligible to bid under the provisions of this article.

(d) Board of awards. The board of awards for the purposes of this article shall consist of those officers designated as the board of awards pursuant to the provisions of section 6-6(d) of the Danbury Municipal Charter.

Sec. 16A-53. Conditions of bids.

(a) Nonliability of city for bidders' activities. No bid made hereunder will be acceptable unless the bidder furnishes such waivers, hold-harmless agreements, certificates of insurance and agreements as may be required by the comptroller and corporation counsel as in their sole discretion they deem necessary to protect and hold the city harmless from any and all claims for damages to persons or personal property as may result from the bidders' activities.

(b) Compliance with city, state and federal rules, regulations and laws. Any bidder under the provisions of this article agrees to comply with any and all rules, regulations or laws of the City of Danbury or of the state or federal governments.

Sec. 16A-54. Permit issuance.

Any permit issued under the provisions of this article shall be issued by the director of the department of public works of the city after certification by the purchasing agent that the applicant is entitled to such permit.

Sec. 16A-55. Commencement, duration of permit.

Any permit issued pursuant to the provisions of this article shall be for a period of one year from the date the successful bidder receives notice of acceptance of his bid and files any performance bond required therefor, whichever is later.

Sec. 16A-56. Negotiation of permit rights.

No permit issued pursuant to this article may be assigned, sold, encumbered or used in any way other than as contemplated by the provisions of this article.

49 - REPORT & ORDINANCE - Landfill Ordinances 16A-32 (h)

Mr. Nimmons submitted the following report and Ordinances which were approved on the Consent Calendar:

The Common Council met as a committee of the whole immediately following a public hearing on April 18, 1989 in City Hall. A motion was made by Mr. Bundy, seconded by Mr. Eriquez, to accept the ordinance as presented, effective July 1, 1989. Motion carried unanimously.

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

THAT the following sections and subsections of Chapter 16A, Article II, Divisions 1 and 2 of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows and new sections and subsections are also added to read as follows:

DIVISION 1:

Sec. 16A-31. Waste deposits.

(a) Authority to establish and vary rates for waste deposits. The common council after public hearing is hereby authorized to establish and revise rates to be charged for passenger vehicle permits and for non-passenger vehicle permits, and for subclasses thereof, required hereunder in connection with the deposition of wastes at the Danbury Sanitary Landfill site. For purposes of this article "passenger vehicle" shall mean those vehicles defined as "passenger motor vehicles" pursuant to the provisions of Connecticut General Statutes section 14-1 as amended; the term "non-passenger vehicle" shall mean any motor vehicle not falling within said definition.

(b) Temporary permits. Notwithstanding the provisions of this or any other section of the Danbury Code of Ordinances, temporary permits authorizing the disposal of permitted wastes at the Danbury Sanitary Landfill site may be issued to Danbury taxpayers and residents upon payment of a twenty-five dollar (\$25.00) permit fee. Upon payment of said twenty-five dollar (\$25.00) permit fee, no additional user fee shall be imposed provided that the total weight of wastes disposed of pursuant to any such permit does not exceed one thousand (1,000) pounds. For any wastes so disposed of in excess of one thousand (1,000) pounds, a user fee as established in accordance with the provisions of section 16A-33 hereof, shall be imposed. Temporary permits shall entitle the holder thereof to dispose of one load of waste and shall only be valid on the date specified therein. No taxpayer or resident may obtain more than four (4) such temporary permits during any fiscal year. Temporary permits shall neither be assigned nor transferred by the holder thereof. No wastes disposed of under the provisions of this section may originate from a source other than the residence or place of business of the permit holder.

Sec. 16A-32(b) Certain materials prohibited. No person, firm, corporation or other entity shall dispose of the following materials at the Danbury Sanitary Landfill site:

- (1) Vehicles or parts thereof.
- (2) Tree stumps.
- (3) Demolition or renovation materials or debris; provided, however, that material or debris originating from the renovation of owner-occupied residential structures maintained for three families or less shall be accepted at the Danbury Sanitary Landfill site for disposal.
- (4) Hot ashes from coal, wood, charcoal or other combustible materials.
- (5) Metal hydroxide sludges.
- (6) Hazardous wastes. For purposes of this article, the phrase "hazardous wastes" shall have the definition established in section 9-74 of the Danbury Code of Ordinances for the phrase "hazardous substances."

Sec. 16A-32(d) Requirements for non-passenger permits. In order to obtain a non-passenger vehicle permit, the owner or lessee, or an officer (identified and authorized as to title) of the owner or lessee, of each non-passenger vehicle engaged in the disposal of wastes at the Danbury Sanitary Landfill site shall be required to register with the department of public works of the city, on a form provided by it, disclosing to said department the information set forth in subsection 16A-32(f) below. The applicant shall further be required to sign an affidavit of origin, under penalty of false statement, that all refuse, garbage or sludge hauled to the Danbury Sanitary Landfill site originates or comes from within the corporate limits of the City of Danbury or from a municipality permitted to dispose of refuse, garbage or sludge at the Danbury Sanitary Landfill site pursuant to a duly authorized interlocal agreement. No vehicle used commercially to haul permitted

wastes to the Danbury Sanitary Landfill site shall be permitted access to the site unless a valid commercial permit sticker is permanently affixed to said vehicle. Such permit stickers may be obtained from the Danbury department of public works after registration and payment of any fees approved by the common council of the City of Danbury as required by subsection 16A-31(a) Such non-passenger vehicle permits shall neither be assigned nor transferred by the holder thereof.

Sec. 16A-32(e) Requirements for passenger vehicle permits. No passenger vehicle shall be permitted access to the Danbury Sanitary Landfill site unless a valid passenger vehicle permit sticker is permanently affixed to said vehicle. Passenger vehicle permit stickers may be obtained from the department of public works by residents and taxpayers of the city and others authorized to dispose of wastes at the Danbury Sanitary Landfill site pursuant to a duly authorized interlocal agreement. Such passenger vehicle permit stickers may be obtained upon proof of Danbury residence, Danbury taxpayer status or such other status as may be authorized by interlocal agreement and in any case upon payment of any permit fees as may be established by the common council. The applicant shall further be required to sign an affidavit of origin, under penalty of false statement, that all refuse, garbage or sludge hauled to the Danbury Sanitary Landfill site originates or comes from within the corporate limits of the City of Danbury or from a municipality permitted to dispose of refuse, garbage

or sludge at the Danbury Sanitary Landfill site pursuant to a duly authorized interlocal agreement. Passenger vehicle permit stickers may be obtained for any vehicle bearing passenger vehicle registration plates, provided said vehicle shall not be used to haul commercially produced permitted wastes to the Danbury Sanitary Landfill site. Such passenger vehicle stickers shall neither be assigned nor transferred by the holder thereof.

Sec. 16A-32(f) Registration form; affidavit of origin:

DANBURY SANITARY LANDFILL
DISPOSAL PERMIT APPLICATION

APPLICANT'S NAME: _____
MAILING ADDRESS: _____
_____ ZIP CODE _____
TELEPHONE NUMBER: _____

VEHICLE INFORMATION

MAKE: _____ MODEL: _____ YEAR: _____
BODY TYPE: _____ COLOR: _____ LICENSE: _____
TAX TOWN: _____ WHERE VEHICLE GARAGED: _____
REGISTERED TO:
NAME: _____
ADDRESS: _____
_____ ZIP CODE _____
VEHICLE IDENTIFICATION NO. _____

NON-PASSENGER APPLICANTS

- A. Additional vehicles, issued under this permit, are subject to an additional application fee. All vehicle information, listed above, must be attached on a separate page.
- B. List all principals or officers of your company and their titles:
 - 1. _____ 2. _____
 - 3. _____ 4. _____

Any hazardous or toxic substances which have been defined by the Connecticut State Department of Transportation, Health and Environmental Protection as posing a potential threat to the public health, environment, or safety must be specifically identified to the Director of Health at this time and a copy of DEP authorization to transport such substances furnished to the Director of Health within seven (7) days of application for this permit.

The undersigned, being the owner or a duly authorized officer of the owner of the attached listed vehicle or vehicles (HAVING BEEN DULY WARNED OF THE PENALTIES OF FALSE STATEMENT) hereby attests to the truth of the matters contained in this Registration Form and Affidavit of Origin and agrees that neither he/she will by himself-herself or his/her agent employee or permitted vehicle operator, allow to be deposited in the Danbury Sanitary Landfill site any refuse, garbage, septic waste or sludge which has not originated in or come from within the corporate limits of the City of Danbury.

I fully understand that if I make a statement which is untrue and which is intended to mislead a public servant in the performance of his official function, I will be in violation of Section 53a-157 of the Connecticut Penal Code. A false statement is a Class A misdemeanor punishable by up to one year in jail and/or a fine of up to \$1,000.

Witnessed by:

_____ Name of Applicant (print)

Date: _____ Signature of Applicant

Sec. 16A-32(h) Authority to establish regulations. The director of the department of public works is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of subsections 16A-32(c), 16A-32(d) and 16A-32(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 the department 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.

Sec. 16A-32(i) Disposal of bulky waste. No bulky wastes shall be disposed of at the Danbury Sanitary Landfill site without compliance with the further provisions of this subsection unless said wastes are presented for disposal by the Danbury resident or property owner who generated said wastes. Bulky wastes may be disposed of at the Danbury Sanitary Landfill site by a person or entity other than the Danbury resident or taxpayer who generated said wastes provided that the person or entity so disposing of said wastes shall obtain a special license authorizing said disposal from the director of the department of public works or his designee. Said license shall be issued without charge upon completion and approval of an application form provided by the city. For purposes of this article bulky wastes shall include but not be limited to demolition or renovation debris, brush and other yard wastes, appliances and home or office furnishings or other items of a similar nature.

Sec. 16A-33. Additional user fees.

Vehicles displaying a non-passenger vehicle permit and disposing of permitted wastes at the Danbury Sanitary Landfill site shall pay, in addition to any permit charges, a user fee based upon the actual weight of such wastes. Vehicles displaying a passenger vehicle permit and disposing of permitted waste at the Danbury Sanitary Landfill site shall pay, in addition to any permit charges, such user fees as may be established. Any such user fees shall be established by the common council after public hearing. The common council may, pursuant to its authority under the provisions of this section and the provisions of section 16A-31(a), elect to exempt certain classes of users from the provisions hereof relating to user fees.

Sec. 16A-34. Noncompliance with provisions of article.

(a) Refusal of access upon noncompliance or nonpayment. Any person, firm, corporation, business, partnership or other entity or any of the vehicles of any such person or entity may be refused access to the Danbury Sanitary Landfill site and any permits issued to such person or entity may be suspended or revoked where compliance with this article has not been effected or where any payment required pursuant to this section or pursuant to section 16A-33 hereof has not been made within thirty (30) days of billing. In addition to the remedy provided in the immediately preceding sentence, in the case of failure or refusal to make payment of any fees or charges due pursuant to the provisions of this article within thirty (30) days of billing, said fees and charges shall thereupon be delinquent and shall be subject to interest commencing upon the due date set for said payment. Such interest shall accrue at the rate established by the Connecticut General Statutes for delinquent real property taxes.

(b) Violation; penalty. Any person who violates any provision of this article shall be subject to fine in an amount not to exceed the maximum amount permitted by the Connecticut General Statutes.

(c) Suspension or revocation of permits. In addition to other remedies provided by law in case of nonpayment or noncompliance with the provisions of this article, the director of the department of public works is authorized to suspend or revoke any permits issued hereunder. Except for good cause shown, the duration of any such suspension or revocation occurring within any five (5) year period shall be as follows:

(1) Upon a first offense, any permits issued to the offender shall be suspended for a period of three (3) days.

(2) Upon a second offense, any permits issued to the offender shall be suspended for a period of fourteen (14) days.

(3) Upon a third offense, any permits issued to the offender shall be suspended for a period of twenty-eight (28) days.

(4) Upon any subsequent offense, any permit issued to the offender shall be revoked for a period of two (2) years.

(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 the director of the department of public works, corporation counsel, or his designee, and general manager of solid waste; provided, that such person, firm, corporation or other entity shall file in the office of the director 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. Upon receipt of such petition the director of 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 shall operate to stay any proposed penalty until the decision of the director of the department of public works 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 director of the department of public works shall by certified mail send the petitioner a copy of his decision together with written findings of fact which support that decision.

Sec. 16A-35. Inspection rights.

Landfill personnel are hereby authorized to make appropriate inspections to determine the source of any materials brought to the Danbury Sanitary Landfill site for disposal.

Sec. 16A-36. Household hazardous wastes.

The director of the department of public works is hereby authorized to accept household hazardous wastes for temporary storage and to coordinate periodic household hazardous waste collection for residents and property owners of the City of Danbury.

DIVISION 2:

Sec. 16A-41 of the Code of Ordinances of Danbury, Connecticut is hereby repealed.

Sec. 16A-43(c) Board of Awards. For purposes of this article, the board of awards shall consist of those officers designated as the board of awards pursuant to the provisions of section 6-6(d) of the Danbury Municipal Charter.

Sec. 16A-44(b) Compliance with city, state and federal rules, regulations and laws. Any bidder under the provisions of this article agrees to comply with any and all rules, regulations or laws of the City of Danbury or of the state or federal governments.

Sec.16A-45. Permit issuance.

Any permit issued under the provisions of this article shall be issued by the director of the department of public works of the city after certification by the purchasing agent that the applicant is entitled to such permit.

Sec. 16A-47. Negotiation of permit rights.

No permit issued pursuant to this article may be assigned, sold, encumbered or used in any way other than as contemplated by the provisions thereof.

50 - REPORT & ORDINANCE - Housatonic Resources Recovery Authority.

Mr. Nimmons submitted the following report and ordinances which were approved on the Consent Calendar:

The Common Council met as a committee of the whole immediately following a public hearing on April 18, 1989 in City Hall.

Mr. Eriquez made a motion to adopt the ordinance, seconded by Mr. Bundy, with the following changes:

1. Section 16A-63 to be revised by deleting the section of Paragraph a "except in the case of membership termination".

2. Deletion of Paragraph c.

Ordinances to be effective July 1, 1989.

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

THAT Section 16A-59 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16A-59 Creation and establishment of authority.

A public body politic and corporate of the state, to be known as the "Housatonic Resources Recovery Authority" (hereinafter referred to as the "authority"), constituting a political subdivision of the State of Connecticut, established and created for the performance of an essential public and governmental function, is hereby created for the purposes, charged with the duties and granted the powers as provided in Chapter 103b, Sections 7-273aa to 7-273oo of the Connecticut General Statutes, as amended by Public Act 85-478, and Chapters 446d and 446e of the Connecticut General Statutes, as amended, which authority is hereby designated as the regional resources recovery authority for the City of Danbury. The authority shall be the regional resources recovery authority for the City of Danbury and for such other member municipalities as shall by ordinance concurrent herewith adopt the provisions of Chapter 103b of the Connecticut General Statutes, as amended, create the authority and designate the authority as their regional resources recovery authority, and such other municipalities as shall by ordinance and upon such terms and conditions as the authority may determine hereafter become member municipalities of the authority.

THAT Subsection 16A-61(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Each member municipality may appoint one alternate member of the authority who shall act in the event of the disability or absence for any other reason of the member of the municipality. Said alternate representative shall have a voice at authority meetings and vote at authority meetings if the regular representative from said municipality is absent from the meeting.

THAT Section 16A-63 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16A-63. Voting units; quorum.

(a) The authority shall operate with one hundred (100) voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the authority as determined by the latest decennial federal census of population. There shall be no fractional votes and each municipality shall have a minimum of one vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member municipality. All actions by the authority shall require the affirmative vote of at least fifty-one (51) per cent of the total voting units present and voting at a duly called meeting of the authority at which a quorum is present.

(b) Members of the authority holding a majority of the voting units shall constitute a quorum; provided, that no quorum shall be deemed to exist unless at least fifty-one (51) per cent of the members of the authority shall be present.

THAT Section 16A-64 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16A-64. Compensation of members.

Members of the authority shall serve without compensation but may be reimbursed for their necessary expenses.

51 - REPORT & ORDINANCE - Water and Sewer Rate Increases

Mr. Nimmons submitted the following report and Ordinance which were accepted on the Consent Calendar:

The Common Council met as a committee of the whole on April 24, 1989 immediately following a public hearing. Mr. Eriquez made a motion to recommend to the full Common Council that the Sewer and Water Rate Increases be approved. Seconded by Mr. Flanagan. Motion carried un-animously.

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

THAT Section 21-42 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-42. Quarterly nonmetered rates.

The following are established as the quarterly nonmetered rates for the use of water which rates shall be in effect for all bills rendered on or after June 1, 1989:

- (1) Automobile washstands, each\$ 146.14
- (2) Bakeshops:
 - a. For the use of one faucet 55.16
 - b. For each additional faucet 19.30
 - c. For each toilet 35.84
- (3) Barbershops:
 - a. Barbershops, including the use of one faucet 44.12
 - b. For each additional faucet..... 19.30
 - c. For each toilet 33.08

(4)	Bottling Works	181.98
(5)	Clubrooms	275.72
(6)	Creameries, minimum rate	868.54
(7)	Factories other than hat factories:	
	a. For the use of one wash sink	137.86
	b. For each toilet	35.84
	c. For each urinal	55.16
	d. For each additional faucet	35.84
(8)	Families:	
	a. For each unit, including the use of one faucet and one sink.....	30.32
	b. For each bathtub	11.02
	c. For each water closet in home	19.30
	d. Minimum quarterly rate for each family ...	63.42
(9)	Fish Markets:	
	a. Fish market, including the use of one faucet	71.70
	b. For each additional faucet	19.30
(10)	Gasoline Stations:	
	a. For the use of one faucet.....\$	35.84
	b. For each toilet	35.84
(11)	Hairdressing Parlors:	
	a. For the use of one faucet	55.16
	b. For each additional faucet	19.30
(12)	Hat Factories:	
	a. Including factories having finishing and trimming departments, etc. per former..	548.70
	b. Engaged solely in manufacturing hats in the rough, per former	463.22
(13)	Laundries:	
	a. Laundries, such as "laundromats," for each washing machine	71.68
	b. Laundries, other than hand laundries and laundry machines such as "laundromats"..	507.34
(14)	Diners:	
	a. For the use of two (2) faucets	113.04
	b. For each toilet	35.84
(15)	Meat Markets:	
	a. For the use of one faucet	35.84
	b. For each additional faucet	19.30
	c. For each toilet	35.84
(16)	Photographic galleries:	
	a. For the use of one faucet	35.84
	b. For each additional faucet	19.30
	c. For each toilet	33.08
(17)	Public Garages:	
	a. For the use of one faucet	55.16
	b. For each toilet	35.84
	c. For each automobile washstand	146.14

(18) Restaurants:

- a. Minimum rate, including the use of one faucet 90.98
- b. For each toilet 35.84
- c. For each additional faucet 19.30

(19) Soda Fountains:

- a. Minimum rate, including the use of one faucet\$ 71.68
- b. For each additional faucet 19.30

(20) Stores and Offices:

- a. Stores and offices, including the use of one faucet 35.84
- b. For each additional faucet 19.30
- c. For each toilet 33.08

(21) Urinals, each 55.16

THAT Section 21-46 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-46. Meter rates generally.

Rates enumerated:

The following water meter rates shall be charged for those areas served and as specified by the superintendent of public utilities. Said rates are for quarterly billings rendered on or after June 1, 1989, and are limited to the first fifteen thousand (15,000) gallons of consumption:

Size of Meter (inches)	Minimum Charge for Three Months
5/8	\$ 29.78
3/4	36.40
1	56.24
1 1/2	99.26
2	145.58
3	322.60
4	645.20
6	1,290.40
8	2,580.80
10	5,161.60

For water consumed in excess of fifteen thousand (15,000) gallons the charge shall be: Two dollars and thirty-two cents (\$2.32) per one thousand (1,000) gallons.

THAT Section 21-47 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-47. Additional rates and charges for special uses.

In addition to the rates set forth in Sections 21-42 and 21-46, the following rates and charges are hereby established for all bills rendered on or after June 1, 1989:

- (1) Hydrant use by contractors, per 100 gallons ... \$0.83
- (2) The following quarterly rates shall be charged for water service to premises for fire protection purposes.

Size of Connection (inches)	Charge for Three Months
4 and under	\$ 66.18
6	124.08
8	181.98
10	248.15
12	330.88

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

THAT Section 21-49 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-49. Tank truck loads.

When the superintendent of public utilities determines that water is available for tank truck load sale, water shall be billed at thirty cents (\$0.30) per one hundred (100) gallons or a fraction thereof for all such water purchased on or after June 1, 1989.

THAT Section 16-32 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-32. Sewer use charges.

(a) There is hereby established a sewer use charge applicable with respect to all bills rendered on or after the effective date hereof to all sewer customers provided with metered city water service. Said charge, established in accordance with criteria contained in Section 16-27 of this Code of Ordinances, shall be determined in accordance with the following formula:

$$\text{Annual Sewer Use Charge} = \frac{0.9 \times A \times \$1.04}{1,000 \text{ gallons}}$$

Where "A" equals the volume of water, as measured through the customer's water meter, used during the previous four (4) billing quarters. Notwithstanding the prior provisions of this section the minimum annual sewer use charge shall be thirty-two dollars and fifty cents (\$32.50).

(b) There is hereby established a sewer use charge applicable with respect to all bills rendered on or after the effective date hereof to all sewer customers provided with flat rate city water service. Said charge, established in accordance with the criteria contained in Section 16-27 of this Code of Ordinances, shall be one hundred and fifty-two dollars (\$152.00) per unit.

(c) There is hereby established a sewer use charge applicable with respect to all bills rendered on or after the effective date hereof to all sewer customers having no city water service. Said charge, established in accordance with the criteria contained in Section 16-27 of this Code of Ordinances, shall be eighty-four dollars and fifty cents (\$84.50) per unit.

(d) A sewer unit shall represent the annual sewer use for a single-family residence. An additional sewer unit shall be assessed for each additional residence within any dwelling. A fractional sewer unit shall be assessed for a portion of a dwelling which, in the opinion of the superintendent of public utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single-family residence. All nonresidential flat rate city water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single-family residence.

(e) All sewer use charge bills shall be rendered semiannually.

52 - REPORT & ORDINANCE - An Ordinance Amending an Ordinance Appropriating \$44,600,000 for improvements to the Wastewater Treatment System and authorizing the issuance of not exceeding \$44,600,000 bonds of the City to meet said appropriation and pending the issue thereof the making of temporary borrowings for such purpose.

Councilman Fazio introduced and read the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$44,600,000 FOR IMPROVEMENTS TO THE WASTEWATER TREATMENT SYSTEM AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$44,600,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Section 1. Section 1 of an Ordinance entitled "An Ordinance Appropriating \$44,600,000 For Improvements To The Wastewater Treatment System And Authorizing The Issuance Of Not Exceeding \$44,600,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" is amended, thereby making said Section read as follows:

"Section 1. The sum of not to exceed \$80,000,000 is appropriated for the planning, design, acquisition, construction and equipping of improvements to the Danbury Regional Wastewater Treatment system, including but not limited to (a) renovations to the Danbury Wastewater Treatment Plant to add activated sludge nitrification tanks, upgrade buildings and roads and make further related improvements; (b) construction of a pumping station in Bethel; (c) construction of a force main in Bethel and Danbury and (d) related maintenance and operations facilities, all in accordance with the "Update To The Wastewater Management Facilities Plan, Danbury and Bethel Area, Connecticut" dated March 1989, prepared by Metcalf & Eddy Services, Inc., as the same shall be amended from time to time (herein referred to as the "Project"), and for administrative, printing and legal costs related thereto, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof and payments received from the Town of Bethel and any other municipality pursuant to an interlocal agreement with the City regarding use of the Project.

Section 2. The first sentence of Section 2 of said Ordinance is amended by substituting the figure not to exceed \$80,000,000 for the figure \$44,600,000 therein, thereby making said sentence read as follows:

"Section 2. To meet said appropriation not to exceed \$80,000,000 bonds of the City, or so much thereof as shall be necessary for such purpose, shall be issued, in one or more series, maturing not later than the twentieth year after their date."

Section 3. Section 5 of said Ordinance is amended, thereby making said Section read as follows:

"Section 5. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Sections 22a-475 to 22a-483 of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program") the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor shall determine. The Mayor is hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute, sell and deliver the same. Said obligations shall be general obligations of the City and each of the notes shall

recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program to the State.

Councilman Eriquez moved that said ordinance be adopted as introduced and read and the motion was seconded by Councilman Flanagan. Motion carried. The ordinance was approved by the affirmative vote of at least two-thirds of the members of the Common Council.

Councilman Fazio introduced and read the following resolution:

RESOLVED: That the ordinance entitled "An Ordinance Amending An Ordinance Appropriating \$44,600,000 For Improvements To The Wastewater Treatment System And Authorizing The Issuance Of Not Exceeding \$44,600,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose By Increasing Such Amounts To Not Exceed \$80,000,000" be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held JUNE 20 between the hours of 6 A.M. o'clock A.M. and 8:00 o'clock P.M. (E.S.T.), that the Warning of said meeting state the question to be voted on as follows: "Shall the ordinance increasing the appropriation and bond authorization from \$44,600,000 to \$80,000,000 for improvements to the wastewater treatment system adopted by the Common Council at its meeting held MAY 2, 1989, be approved?" The designation of said question on the ballot label shall read as follows: "Shall The Ordinance Increasing The Appropriation And Bond Authorization From \$44,600,000 To \$80,000,000 For Wastewater Treatment System Improvements Be Approved YES/NO"?

Councilman ERIQUEZ moved that said resolution be adopted as introduced and read, and the motion was seconded by Councilman FLANAGAN. The resolution was adopted unanimously.

* * *

A motion was made by Councilman FLANAGAN, seconded by Councilman CHARLES, that the Mayor be authorized and directed to call a Special City Meeting to be held on JUNE 20, 1989, between the hours of 6 AM o'clock A.M. and 8:00 o'clock P.M. (E.S.T.) at the several voting districts of the City to consider and take action upon the afore-said ordinance, and that the notice of said Special City Meeting be in substantially the following form:

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby warned and notified to meet where such persons are entitled to vote on the 20th day of June, 1989, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.) for the purpose of approving or disapproving the following question:

"Shall the ordinance increasing the appropriation and bond authorization from \$44,600,000 to \$80,000,000 for improvements to the wastewater treatment system adopted by the Common Council at its meeting held _____, 1989, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall The Ordinance Increasing The Appropriation And Bond Authorization From \$44,600,000 To \$80,000,000 For Wastewater Treatment System Improvements Be Approved? YES/NO"

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the ordinance shall place the pointer over the question on the voting machine at "YES". Those desiring to vote against the adoption of the ordinance shall place the pointer over the question on the voting machine at "NO".

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than \$1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran or as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

- District No. 1: Danbury High School, Clapboard Ridge
- District No. 2: Hayestown School, Hayestown Avenue
- District No. 3: Broadview Junior High School, on Hospital Avenue
- District No. 4: South Street School Auditorium, 129 South Street
- District No. 5: War Memorial Building, Rogers Park, 137 South Street
- District No. 6: Park Avenue School, Park Avenue
- District No. 7: Morris Street School, 28 Morris Avenue

Qualified voters will be entitled to vote at the polling place in the Common Council Chambers on the third floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between _____ o'clock A.M. and o'clock P.M. (E.S.T.).

Said vote is being held pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury, approved by the electors November 8, 1977.

The full text of the aforesaid ordinance is on file, open to public inspection, in the office of the City Clerk.

Dated at Danbury, Connecticut, this _____ day of _____, 1989.

Mayor

Attest:

City Clerk

Councilman Flanagan moved that said resolution be adopted as introduced and read and the motion was seconded by Councilman Charles. Motion carried. The resolution was adopted with Members Shaw and Moran voting in the negative.

53 - REPORT & ORDINANCE - School Bond Referendum.

Councilman Eriquez introduced and read the following ordinance:

AN ORDINANCE APPROPRIATING \$33,865,000 FOR RENOVATIONS, IMPROVEMENTS AND ADDITIONS TO VARIOUS CITY SCHOOLS AND AUTHORIZING THE ISSUANCE OF \$33,865,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Section 1. The sum of \$33,865,000 is appropriated for the planning, acquisition and construction of renovations, improvements and additions to various City schools, including the construction of additions at Danbury High School, Rogers Park Junior High School, Broadview Junior High School, and Park Avenue, Hayestown and Pembroke Elementary schools to provide additional classroom space; improvements and renovations at various schools consisting of roof repair and replacement, boiler and burner replacement, repaving and recurbing sidewalks, replacement of exterior and interior doors and lighting, ceiling and floor tiles, sprinkling systems, fixtures, and painting, the nature and extent thereof being more fully described in a report entitled "Danbury Schools Reorganization And Facilities Study Danbury, Ct Prepared For The Danbury Board of Education", prepared by Antinozzi Associates, P.C., Architects, of Stratford, Connecticut, dated February 2, 1989, said renovations, improvements and additions to be completed in substantial accordance with said Study or any modifications thereto approved by the Board of Education, and for administrative, printing, legal and temporary financing costs related thereto.

Section 2. To meet said appropriation \$33,865,000 bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the amount of bonds of each series to be issued shall be fixed by the Common Council in the amount necessary to meet the cost of the project provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in

bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Clerk and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Common Council in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor at public sale or private sale, in his discretion. If sold at public sale, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold at private sale, the purchase agreement shall be approved by the Common Council.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, City Clerk and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Councilman Eriquez moved that said ordinance be adopted as introduced and read, and the motion was seconded by Council Flanagan. The motion was denied with the members voting as follows:

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

No - Bourne, Connell, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Danise.

11 Yes - 9 No

Mr. DaSilva asked that an ad hoc committee be appointed to study the problem of growing enrollment in the Danbury public schools. It should report to the Common Council as soon as possible as the City stands to lose in excess of ten million dollars (\$10,000,000) if action is not taken by June 30, 1989.

Mayor Sauer so ordered and appointed Council Members Bundy, Regan, Eriquez, Fazio and Flanagan to the committee.

54 - REPORT - Great Plain Road Intersection

Mr. Renz submitted the following report:

The committee appointed to review the Great Plain Road Intersection met on April 17, 1989 at 7:15 P.M. in Room 432 in City Hall. In attendance were Committee Members Renz, Moran, Gallo.

Regarding the correspondence from the Office of the Corporation Counsel, the following motion was made by Mr. Moran: to recommend that the Common Council authorize the Corporation Counsel to perform a title search on said parcel of land, and further, if said parcel of land is found to be City property, then proceed with the project or, if said parcel is found not to be City property, Corporation Counsel is hereby authorized to proceed with the process of eminent domain. Seconded by Mr. Gallo. Motion carried unanimously.

The report was accepted on the Consent Calendar.

55 - REPORT - Request for Easement on Aunt Hack Road.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for an easement across City land on Aunt Hack Road by Dale Carlson met on April 6, 1989 at 7:30 in the Common Council Chambers in City Hall. In attendance were committee members Regan and Charles. Also attending was Attorney Ray Yamin representing Mr. Carlson.

Attorney Yamin stated that he had received approvals from the Planning Commission and Corporation Counsel as requested by this committee in an August 2, 1988 Progress Report and would like a recommendation from the committee to the full Common Council.

Mr. Charles made a motion to recommend to the full Council the granting of an easement to Mr. Carlson identical to the one granted to Mary Corey in 1986 for the sum of \$2,100. Seconded by Mr. Regan. Motion carried unanimously.

The report was adopted on the Consent Calendar.

56 - REPORT - Berol Easement - WITHDRAWN.

57 - REPORT - Margerie Drive Easement.

Mr. Connell submitted the following report:

The Common Council Committee appointed to review a requested easement for Margerie Drive met on April 6, 1989 at 7:30 P.M. in City Hall. In attendance were committee members Connell, Danise. Mrs. Butera was absent. Also attending were William Buckley, Daniel Minahan and Jack Schweitzer.

Mr. Buckley explained the situation regarding acquisition of the three easements that are needed to gain access to the dike. One of the three easements would gain access to the top of the dike while the other two are nearly impossible without some major improvements before access to the vicinity would be gained. Mr. Buckley stated that he was able to reach an agreement with one of the property owners involved. The Engineering Department and the Legal Staff have approved documents for the remaining two easements to allow for easier access to the dike.

Mrs. Danise made a motion to acquire and modify the easements. Seconded by Mr. Connell. Motion carried unanimously.

The report was adopted on the Consent Calendar.

58 - REPORT - Request for Sewer Extension - 105 Park Avenue

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension at 105 Park Avenue met on April 26, 1989 at 7:00 P.M. in Room 43 in City Hall. In attendance were committee members Regan and Zotos. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley, Attorney Robert Talarico and Engineer Steven D. Trinkaus representing the petition, Richard Finaldi.

Mr. Trinkaus showed the proposed sewer extension plan to the committee. Mr. Schweitzer and Mr. Buckley both disagreed with the proposed plan as it did not follow standard procedures established by the City of Danbury. Mr. Trinkaus said he would redesign the sewer extension plan and come back for approvals at a later date.

Mr. Zotos made a motion to table the request until the petitioner can provide City approved design plans for the extension. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

59 - REPORT - Lease of Airport Property to the FAA. - WITHDRAWN

60 - REPORT - Proposed Regional Waste to Energy Incinerator Project.

Mr. Renz submitted the following report:

The committee appointed to review the proposed regional waste to energy incinerator project met on April 20, 1989 at 7:00 P.M. in Room 43 in City Hall. Present were committee members Renz, Moran and DaSilva, as well as Dan Minahan, Dom Setaro and Michael Cech.

The issue before the committee was whether it should recommend to the Common Council approval of pledging \$825,000 toward the development phase of the regional waste to energy incinerator project. A proposed resolution was studied (attached) with the following comments made:

Mr. Moran asked that a letter be sent to John Reilly requesting the mandates by which the above mentioned matter will be accomplished.

Mr. Setaro urged that it be made clear that the resolution include the means by which the City approves funding, either through an increase (rate) or through spending of surplus.

Mr. Cech asked that the approval by HRRRA of Danbury's 33% weighted vote be approved prior to HRRRA addressing this issue.

Subsequent to the above commentary, a motion was made by Mr. Moran:

(a) That the City of Danbury hereby approves the issue by the Housatonic Resources Recovery Authority of bonds or notes and bond anticipation notes of the Authority in an amount not to exceed \$2,500,000. The bonds or notes shall be general obligations of the Authority. The Authority shall determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; designate a bank or trust company to be a certifying bank, registrar, transfer agent and paying agent for the bonds or notes; sell the bonds at public or private sale; deliver the bonds or notes; designate the person or persons by whom such bonds or notes shall be signed; and perform all other acts which are necessary or appropriate to issue the bonds or notes; and

(b) That the City of Danbury hereby agrees to guarantee the punctual payment of the principal and interest due on any such bonds, notes or temporary notes of the Authority in a principal amount equal to the lesser of \$825,000 or the City's pro rata share of the bonds or notes, or temporary notes outstanding plus interest thereon. Said guarantee shall be secured by the pledge of the full faith and credit of the City, and the Mayor, is hereby authorized to execute and deliver on behalf of the City any agreement or agreements with the Authority providing for such guarantee; and

(c) that the approval of this Resolution is contingent upon the HRRRA's approval of Danbury's 33% weighted vote.

Motion was seconded by Mr. DaSilva and carried unanimously.

Mrs. Danise made a motion that the report be accepted. Seconded by Mr. Shaw. Discussion followed on the pros and cons of the issue.

Motion carried with the members voting as follows:

Yes - Gallo, Renz, Esposito, Zotos, Nimmons, Fazio, Charles, Butera, Danise, DaSilva, Eriquez.

No - Bourne, Connell, Moran, Farah, Flanagan, Cresci, Shaw, Bundy, Regan.

11 yes 9 no.

61 - REPORT - Appointments to the Aviation Commission.

Mr. Shaw submitted the following report:

The committee appointed to review appointments to the Aviation Commission delayed from last summer due to pending litigation, and further delayed by tabling and referring to committee, met on April 17, 1989 at 7:15 P.M. In attendance were committee members Shaw, Moran and DaSilva. Also attending was Council Member Mari Ann Danise, ex-officio.

Mr. Shaw discussed that a request from a Common Council committee to research imposing landing fees on transient aircraft at Danbury Airport. This ad hoc meeting was held last Spring and as of this date the Aviation committee to research this has not held a meeting. Mr. Shaw further stated that possibly new members on the commission might view the imposition of landing fees as a source of revenue to make up the airport subsidy of approximately \$70,000. Mr. Shaw objects to the taxpayers subsidizing "out of town" aircraft owners.

Mr. DaSilva stated that his primary objection to these appointments was the pending litigation which has been ongoing.

Mr. Moran made a motion to approve the applicants and forward to the Common Council with a positive recommendation. Seconded by Mr. Shaw. Motion carried with Mr. Shaw and Mr. Moran voting in the affirmative and Mr. DaSilva voting in the negative.

Mr. Moran made a motion that the report be accepted and the appointments confirmed. Seconded by Mr. Connell.

Mr. DaSilva stated that his position is firm due to the pending litigation. Mrs. Danise stated that these positions expired last July, but the people can still be called to testify.

Mr. Eriquez stated that the incumbents also still wish to serve and spoke about the landing fees issue.

Mr. Bundy asked the Corporation Counsel if his position on this issue had changed. Mr. Pinter stated that it had not.

Mr. Renz moved the question. Seconded by Mr. Connell. Motion carried unanimously.

Original motion failed with the members voting as follows:

Yes - Bourne, Connell, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Dan.

No - Gallo, Esposito, Farah, Flanagan, Zotos, Charles, Bundy, Butera, DaSilva, Eriquez, Regan.

9 Yes 11 No.

61 - REPORT - Government Entity Review

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the termination of the following commissions as of June 30, 1989 met on March 22, 1989 in the Fourth Floor Lobby in City Hall: 1. Cultural Commission; 2. Youth Commission; 3. The Commission on the Status of Women; 4. Commission on Aging and 5. The Commission on Equal Rights and Opportunities. In attendance were committee members Regan, Flanagan, Rosenberg and Jacobsen.

The need of the different commissions being reviewed as per section 2-182 of the Code of Ordinances were discussed. The only recommendation was for the Mayor to request a quarterly report from the Equal Rights and Opportunities Commission. There is a definite need for this commission. However, it does not appear to be especially active.

Mr. Flanagan made a motion to re-establish the following commissions for a period of five (5) years: Cultural Commission, Youth Commission, Commission on the Status of Women, Commission on Aging and Commission on Equal Rights and Opportunities. Seconded by Mr. Rosenberg. Motion carried unanimously.

Mr. Cresci asked that this be deferred to public hearing. Mayor Sauer so ordered.

63 - REPORT - Borrowing of Funds - Lateral Sewers.

Mr. Nimmons submitted the following report:

The committee appointed to review the above subject met on April 18, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Nimmons and Eriquez. Also attending was Comptroller Dominic Setaro.

Mr. Setaro stated that borrowing from the Sewer Fund may be necessary to assure we make our sewer bond payments on time. Mr. Setaro advised the committee that tax payments may continue at a slower than normal rate. Furthermore, Hillandale Tax Bills will be billed for the 1989-90 tax period.

Mr. Eriquez made a motion to recommend to the full Common Council that Mr. Setaro be given permission to borrow from the Sewer Fund if necessary. Seconded by Mr. Nimmons. Motion carried unanimously.

The report was accepted on the Consent Calendar.

64 - REPORT - Re-evaluation.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to study re-evaluation met on April 19, 1989 at 7:00 P.M. in City Hall. In attendance were committee members Shaw, Gallo and Charles. Also attending was Mari Ann Danise, ex-officio.

After review of the Corporation Counsel's opinion on Connecticut General Statutes 12-62a stating that the time allowed by the State for such a study of re-evaluation had elapsed in October, 1987, Mr. Gallo moved that no action be taken at this time due to the ruling by Corporation Counsel. Seconded by Mr. Charles. Motion carried unanimously.

The report was accepted on the Consent Calendar.

65 - REPORT - Cross Street Bridge - WITHDRAWN,

66 - REPORT - See item 2A.

Mr. Flanagan made a motion to add item 67 to the agenda. Seconded by Mr. Regan. Motion failed with Council Members voting as follows:

Yes - Esposito, Farah, Flanagan, Zotos, Charles, DaSilva, Eriquez, Regan.

No - Bourne, Connell, Gallo, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Butera, Danise.

8 yes 11 no.

PUBLIC SPEAKING

Ronald Blonski, 18 Griffing Avenue - #53, disappointed that the Council did not send this issue to the voters.

Harry Kessler, 112 Carol Street - Spoke regarding Daycare, the school budget, disabled parking fines, City Hall parking.

Joanne Andrews, 36 Fox Den Road - Spoke regarding the School Bond Referendum. Thanked the Council for its vote.

Glenda Armstrong, South Cove Road - Spoke about Daycare.

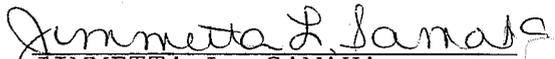
Dorothy Outlaw - Members who voted against site should resign.

Gladys McFarland, 15 Somers Street - Disappointed in votes on Daycare and School Bond.

Glen Wicklund, 9 Mountainville Avenue - Thanked the Council for its vote on the Daycare site.

There being no further business to come before the Common Council a motion was made by Mr. Moran for the meeting to be adjourned at 11:05 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk