

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

Re: Minutes of the Common Council Meeting held June 6, 1989.

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

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

Absent - Cassano

20 Present - 1 Absent.

Mayor Sauer announced that June 6th is D-Day; June 11th is Portugese Day; and the Greek Festival will be held June 9 -11.

Mr. Eriquez stated that Mr. Cassano is out of town on business.

CONSENT CALENDAR - Mr. Fazio presented the following items for the Consent Calendar:

- 1 - Resolution - Grant for Optimal Environmental Quality Program
- 2 - Resolution - Worker's Compensation Volunteer Coverage
- 5 - Communication - Appointment to the Planning Commission as Alternate
- 6 - Communication - Appointment to the Equal Rights and Opportunities Commission
- 7 - Communication - Appointment to the Library Board of Directors
- 8 - Communication - Appointments to the Aviation Commission
- 15 - Communication & Certification - Request for Funds for Registrars of Voters
- 23 - Communication - Korean War Veterans Memorial
- 33 - Communication - Report regarding uninsured claim
- 52 - Progress Report - Combining Engines 23 and 7
- 53 - Report - Bodnar Complaint - 10A & 10B Beckett Street
- 56 - Report - Berol Easement
- 59 - Report - Request for Sewer Extension - Virginia Avenue
- 62 - Report - Request for Water Extension - 10 Beckett Street
- 63 - Report - Request for Water Extension - Meadowbrook Road
- 65 - Report - East Starrs Plain Road
- 67 - Progress Report - Clapboard Ridge Heights Water Association
- 68 - Progress Report - Request for Curfew in Rogers Park

Mr. Charles made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Cresci. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held May 2, 1989 and the Special Common Council Meetings held May 11, 1989 and May 18, 1989. Mr. DaSilva made a motion that the minutes be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez. Motion carried unanimously.

Mr. Gallo asked that item 11 become 64A and item 66 become item 11. Mr. Shaw asked that item 66 become item 12A. Seconded by Mr. Connell. Motion carried unanimously.

1 - RESOLUTION - Grant for Optimal Environmental Quality Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has made funds available to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal environmental quality in the City of Danbury; and

WHEREAS, a continuation grant award request of \$35,854.00 with no local match requirement will be processed by the Danbury Health and Housing Department;

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

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

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Worker's Compensation Volunteer Coverage.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 31-275 of the Connecticut General Statutes authorizes the City of Danbury to include any elected or appointed official or agent of the City within the definition of the term "Employee" for purposes of the Workers' Compensation Act; and

WHEREAS, said designation would permit the City of Danbury to obtain coverage for said individuals under the Workers' Compensation Act; and

WHEREAS, said coverage tends to increase the incentive given to those inclined to perform voluntary service to this community and to remove barriers to such service;

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

The City of Danbury does hereby designate all unpaid elected or appointed officials or agents of the City of Danbury as "Employees" for purposes of the Workers' Compensation Act. The foregoing shall not apply to any volunteer members of any Authority or similar municipal body having its own Workers' Compensation insurance policy; including but not limited to the S. L. Richter Memorial Park Authority and the Danbury Parking Authority.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Construction of Runway 8/26 at Danbury Airport.

Resolved by the Common Council of the City of Danbury:

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport and Airway Safety & Capacity Expansion Act of 1987; and

WHEREAS, the City of Danbury through the Danbury Municipal Airport intends to Reconstruct Runway 8/26; and

WHEREAS, the City of Danbury will make application for a federal and state grant in the amount not to exceed \$4,029,675 with a local match of two and one-half percent equaling an amount not to exceed \$103,325.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Joseph H. Sauer, Jr., is hereby authorized to make application for said grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized

Mr. Connell made a motion that the Resolution be adopted. Seconded by Mr. Flanagan. Motion carried unanimously.

4 - COMMUNICATION - Letter from Mayor Sauer appointing Carmen Rao, 35 Town Hill Avenue as Fire Inspection. Mr. Flanagan moved that the communication be accepted and the appointment confirmed. Seconded by Mrs. Butera. Motion carried unanimously.

5 - COMMUNICATION - Letter from Mayor Sauer appointing Steven Zaleta, 5 Fir Drive to the Planning Commission as a alternate for a term to expire January 1, 1992. The appointment was confirmed on the Consent Calendar.

6 - COMMUNICATION - Appointment of William Carroll, 6 Golden Hill Road to the Equal Rights and Opportunities Commission for a term to expire August 1, 1991. The appointment was confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Sauer appointing Robert J. De-Nicola, 6 Cannonball Drive; and R. Stephen Sharlow, 31 Wooster Heights to the Library Board of Directors for terms to expire January 1, 1991. The appointments were confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Sauer appointing Lawrence W. Landermann, 21 Olympic Drive and A. J. Bernard, 59-67 Federal Road to the Aviation Commission for terms to expire July 1, 1990 and July 1, 1989 respectively. The appointments were confirmed on the Consent Calendar.

9 - RESOLUTION - Alzheimer's Aide

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, application for grant funds in the amount of \$21,965.00 has been made by the Department of Elderly Services to the Western Connecticut Area Agency on Aging and the State of Connecticut Department on Aging; and

WHEREAS, said application has been approved and the Department of Elderly Services will use the grant funds provided for salary and fringe benefits for an alzheimer's disease aide at Interweave, the Danbury Adult Day Care Center, in order to continue essential programs for the elderly; and

WHEREAS, matching funds for this program are not necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Department of Elderly Services and the Mayor of the City of Danbury are hereby ratified concerning the award of \$21,965.00 in grant funds from the Western Connecticut Area Agency on Aging under Title III-B of the Older Americans Act for Interweave for the period July 1, 1989 through June 30, 1990; and

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

Mr. Moran made a motion that the Resolution be adopted. Seconded by Mr. Connell. Motion carried unanimously.

10 - COMMUNICATION - Letter from Library Director Betsy Lyke requesting permission to accept a donation in the amount of \$500 from Danbury Youth Services. Mr. Connell made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Danise. Motion carried unanimously.

11 - COMMUNICATION - See 64A.

12 - COMMUNICATION - Hat City Boxing Club. Request from Councilman William Shaw asking that an appropriation be made to pay the rent and utilities for the Hat City Boxing Club. Mr. Renz made a motion that the appropriation be granted. Seconded by Mr. Connell. Mr. Eriquez request that upon certification be added. Motion carried with Mr. Regan voting in the negative.

12A - REPORT - Parking Garage.

Mr. Renz presented the following report:

The committee appointed to review the Parking Garage met on May 25, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Renz and Nimmons. Also present were Council Members Shaw and Charles, ex-officio, Dominic Setaro, Dennis Elpern, Charles Bardo and other members of the Downtown business district.

Updated information relative to design cost estimates and Parking Authority revenue was provided by Barbara Coombs of Adams and Company. An overview of the status of the general area surrounding the proposed site was given by Felice Plain of Citycenter. Some specific comments made by Ms. Plain are as follows:

Approximately 45,000 square feet of vacant office or retail space lies within 300 square feet of the proposed facility.

The garage could accomodate permit parking only.

Potential lease agreements have not been concluded, inadequate parking cited in many cases.

The next issue was financial support of the proposal. Mr. Setaro listed some fiscal options, the result of which was made in the form of a motion by Mr. Nimmons as follows:

The committee recommends that the issue of the Parking Garage be forwarded to the Common Council with the following financial senarios:

1. That the Council, in effect, fund the yearly shortfalls the garage will incur. This approach allows for the Parking Authority to contribute its surplus to the deficit on a yearly basis. The current surplus is approximately 225k. This approach would require an amount approaching 250k to be included as a line item in the budget, commencing fiscal year 1991-92.

5. That the entire proposal be funded through the issuance of a 20 year general obligation bond contingent upon the outcome of a referendum. This approach does not allow the expenditure of the Parking Authority surplus to reduce the yearly operating deficit of the garage.

Motion passed unanimously.

Mr. Eriquez made a motion to accept the report and endorse funding through revenue bonds. Seconded by Mr. Bundy. (Note: Mr. Zotos excused himself from the room as he had a conflict of interest)

Mr. Flanagan spoke in support of the garage and feels that the construction of such a garage is a key part of the comprehensive attempt to revitalize the downtown area. Mr. Bundy agreed with Mr. Flanagan and asked for an explanation of the differences in the methods of funding. Mr. Setaro addressed this question.

Mrs. Bourne asked if under a general obligation bond could the City enter into an agreement with the Parking Authority to take its excess funds and what is the amount of the current bond obligation of the City. Mr. Setaro stated that it is approximately 120 million dollars. Mrs. Bourne asked what the difference in interest is. Mr. Setaro stated that there is virtually no difference. Mrs. Bourne asked who holds the revenue bonds. Mr. Setaro stated that local banks do.

Mr. Eriquez spoke in support of the garage. Mr. Gallo does not support the construction of a garage because in the 6-8 years that this issue has been before the Council, not one constituent in the Second Ward has called in support of this. Mr. Charles gave statistics on the garage.

Mrs. Bourne made a motion to amend Mr. Eriquez's motion to approve the garage with the issuance of general obligation bonds by referendum to be held on November 7, 1989 from 6:00 a.m. to 8:00 P.M. providing an agreement can be reached pertaining to excess funds of the Parking Authority. Seconded by Mrs. Butera.

Mr. Eriquez stated that this would change the primary intent of the original motion and asked Attorney Resha for a clarification. Mr. Resha stated that it is not opposite but would muddy the question and make it confusing. Mr. Resha stated that an ordinance would have to be drafted by Bond Counsel. Mr. Eriquez stated that the amendment would then be out of order because there is no proposed ordinance from Bond Counsel. Vote was taken on the amendment. Motion to amend carried with Council Members Flanagan, DaSilva, Eriquez and Regan voting in the negative. (Recess was taken to allow Corporation Counsel to research this issue).

Upon returning from recess, Mrs. Bourne made the following motion: To approve the concept of funding a parking garage through the issuance of general obligation bonds subject to the outcome of a City-wide referendum providing that prior to the referendum an agreement between the City of Danbury and the Parking Authority can be reached whereby all excess funds that the Parking Authority derives from all its revenue sources will be turned over to the City in the event that the voters approve the bonding. Seconded by Mr. Charles. Motion carried with the members voting as follows:

Yes - Bourne, Connell, Gallo, Moran, Esposito, Farah, Flanagan, Cresci, Nimmons, Fazio, Shaw, Charles, Bundy, Butera, Danise, DaSilva.

No - Renz, Eriquez, Regan.

16 Yes - 3 No

13 - COMMUNICATION - Request from Amos House for an appropriation of \$5,000. Mr. Cresci asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Moran, Cresci and Eriquez to the committee.

14 - COMMUNICATION - Request for an appropriation of \$5,000 for Greater Danbury REACT. Mrs. Bourne made a motion to accept the communication and reject the request. Seconded by Mr. Connell. Motion carried with Mrs. Butera voting in the negative.

15 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$4,365 for the registrars of voters. Certification of funds attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

16 - COMMUNICATION & CERTIFICATION - Letter from Comptroller Dominic Setaro stating that in April, Chief Lagarto requested that \$15,000 be appropriated to the Fire Department's salary account and \$1,420.21 be appropriated to the holiday account. This was referred to a sub-committee which was unable to meet due to a lack of a quorum. Mr. Setaro asked for approval at the June 6th meeting. Certification of Funds was attached. Mr. Gallo made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Bundy. Mr. Shaw asked for an opinion as to whether the Common Council can vote if the committee has not met. Mayor Sauer stated that he would entertain a motion to disband the committee. Mr. Bundy so moved. Seconded by Mrs. Danise. Motion carried unanimously. Mr. Gallo's motion carried unanimously.

17 - COMMUNICATION & CERTIFICATION - Request for an appropriation in the amount of \$25,000 for the Corporation Counsel's Outside Services account. Certification of Funds was attached. Mrs. Bourne made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Moran. Motion carried unanimously.

18 - COMMUNICATION & CERTIFICATION - Request for Funds in the amount of \$1,000 for the Probate Court. Certification of Funds was attached. Mrs. Danise made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Bundy. Motion carried with Council Members Cresci, Fazio and Shaw voting in the negative.

19 - COMMUNICATION - Request for Emergency Funding for Broadview Jr. High School Structural Repairs. Mr. Connell asked that this be referred to an ad hoc committee, Richard Palanzo, Dominic Setaro. Mayor Sauer so ordered and appointed Council Members Regan, Connell and Cassano to the committee.

20 - COMMUNICATION - Request for Funding to revitalize the Police Department heating and cooling systems. Mr. Connell asked that this be referred to an ad hoc committee, Richard Palanzo and Dominic Setaro. Mayor Sauer so ordered and appointed Council Members Regan, Connell and Cassano to the committee.

21 - COMMUNICATION - Request from Police Chief Macedo for funding in the amount of \$5,038 for repairs of two police vehicles. Mrs. Bourne made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Connell. Motion carried with Mr. Cresci voting in the negative.

22 - COMMUNICATION - Complaint against the Welfare Department. Mrs. Butera asked that this be referred to the Mayor's Office and that the complainant be present. Mayor Sauer so ordered.

23 - COMMUNICATION - Letter from Comptroller Dominic Setaro asking that funds in the amount of \$12,382.99 be transferred from the Capital section of the budget to the grant section of the budget for the Korean War Veterans Memorial. The transfer was authorized on the Consent Calendar.

24 - COMMUNICATION - Letter from Council Member Charles requesting approval of pledging \$825,000 toward the development phase of the regional waste to energy incinerator project. Mrs. Bourne asked that this be referred to the committee of the whole. Mayor Sauer so ordered.

25 - COMMUNICATION - Request from Mayor Sauer asking that a new Charter Revision Commission be established. Mrs. Bourne made a motion to accept the communication and deny the request. Seconded by Mr. Connell. Motion carried with Council Members Esposito and Cresci voting in the negative.

26 - COMMUNICATION - Letter from Council Member Fazio asking that a Blue Ribbon Task Force on Education be established. Mayor Sauer so ordered and appointed Council Members Fazio, Nimmons and Eriquez to the Task Force.

27 - COMMUNICATION - Letter from Director of Parks and Recreation Director Robert Ryerson requesting that the sum of \$35,904 collected from the rental of Hatters Park be appropriated to the capital line item "Improvements at Hatters Park". Mr. Charles asked that this be referred to an ad hoc committee, Mr. Ryerson and Mr. Setaro. Mayor Sauer so ordered and appointed Council Members Regan, Connell and Esposito to the committee.

28 - COMMUNICATION - Request from Fire Chief Lagarto to the Special Services Revenue Account in the amount of \$2,500. Mr. Gallo made a motion to approve the request. Seconded by Mr. Flanagan. Motion carried un-animously.

29 - COMMUNICATION - Request for six month approval of the Redevelopment Agency's request to condemn a 15 by 500 foot strip of land running from Ives Street to Patriot Drive. Mr. Connell made a motion to accept the communication and grant the extension. Seconded by Mrs. Bourne. Mr. Flanagan noted that the extension would be until January 3, 1990. Motion carried with Mrs. Bourne voting in the negative.

30 - COMMUNICATION - Conn. Air Service v. City of Danbury; City of Danbury v. Conn. Air Service. Mr. Eriquez made a motion to go into Executive Session. Seconded by Mrs. Bourne. Motion carried unanimously. Upon returning from Executive Session, Mrs. Bourne made a motion to accept the terms of the proposed settlement. Seconded by Mr. Moran. Motion carried unanimously.

Mr. Gallo made a motion to move item 55 to item 30A. Seconded by Mr. Fazio. Motion carried unanimously.

30A - REPORT - Proposal to build a Playscape.

The committee appointed to review the proposal to build a playscape met on May 24, 1989 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Renz and Cresci. Also present were Robert Ryerson and members of the Creative Recreational Foundation of Danbury Deborah Dufel, Karen Dodge and Irene Strobel.

A presentation was made by Ms. Dufel citing the type of equipment planned and the parks initially cited for this improvement. It is worthy of note that this group formed in March has done impressive volumes of research, asks no City funding and is in the process of soliciting Corporate donations. They plan to upgrade all City playgrounds working with the Department of Public Works. This issue of insurance has been studied thoroughly (see attached).

The committee wholeheartedly commends this group and in a motion by Mr. Cresci, seconded by Mr. Renz, urged the Common Council to approve this concept.

Mr. Connell made a motion that the report be accepted. Seconded by Mr. Eriquez. Motion carried unanimously.

31 - COMMUNICATION - Letter from Police Chief Nelson Macedo stating that a petition requesting a traffic control signal at the intersection of Route 39, King Street and Padanaram Road was forwarded to the Conn. DOT. Mr. Connell asked that this be referred to an ad hoc committee, Chief Macedo and the Traffic Engineer and Comptroller. Mayor Sauer so ordered and appointed Council Members Bourne, Fazio and Butera to the committee.

32 - COMMUNICATION - Letter from Planning Director Dennis Elpern asking authorization to renumber South Street. Mr. Connell referred this to Mr. Elpern. Mayor Sauer so ordered.

33 - COMMUNICATION - Report from Risk Manager Tom Fabiano stating that the City is not responsible for damage to employees Cars left in the City Hall parking lot during working hours. The report was accepted on the Consent Calendar.

34 - COMMUNICATION - Request from George Klein to change the name of Farview Avenue. Mrs. Bourne asked that this be referred to the Planning Director. Mayor Sauer so ordered.

35 - COMMUNICATION - Complaint from Mrs. Evelyn Ellis regarding property at South Meadow Drive. Mr. Connell asked that this be referred to Director of Public Works Dan Minahan. Mayor Sauer so ordered.

36 - COMMUNICATION - Letter from Director of Parks and Recreation Robert Ryerson seeking approval of a lease for the bowling alley at Hatters Park. Mrs. Danise asked that this be referred to an ad hoc committee, the Corporation Counsel and Robert Ryerson. Mayor Sauer so ordered and appointed Council Members Moran, Cresci and Flanagan to the committee.

37 - COMMUNICATION - Letter from Joseph Tomczuk regarding a storm drain that is not functioning at the northwest corner of Dennis Gate and Stadley Rough Road. Mr. Connell 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, Moran and Charles to the committee.

38 - COMMUNICATION - Request of Moody Fantel Properties, Inc. for Sewer and Water Extension at Shelter Rock Road and South 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 Shaw, Danise and Farah to the committee.

39 - COMMUNICATION - Request from Director of Public Works Daniel Minahan for an easement regarding Oakland Avenue Extension Drainage. Mrs. Butera asked that this be referred to the Planning Commission, Corporation Counsel, City Engineer and Director of Public Utilities for a report back in thirty days. Mayor Sauer so ordered.

40 - COMMUNICATION - Request for Council Member William Shaw that an ad hoc committee be appointed to address a water problem at 14 Catherine Street. Mrs. Danise asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Sauer so ordered and appointed Council Members Shaw, Danise and Zotos to the committee.

41 - COMMUNICATION - Petition for Acceptance of Centennial Drive as a City road. Mrs. Butera asked that this be referred to the City Engineer for a report back in thirty days. Mayor Sauer so ordered.

42 - COMMUNICATION - Request from Attorney Ward Mazzuco that College Park Drive be accepted as a City road. Mr. Connell asked that this be referred to an ad hoc committee, the City Engineer and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Bundy, Cresci and Butera to the committee.

43 - COMMUNICATION - Request for extension of time for sewer and water for Woodland Construction, Terrace Heights Subdivision. Mrs. Butera asked that this be referred to an ad hoc committee, the City Engineer, the Director of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Bourne, Connell and DaSilva to the committee.

44 - COMMUNICATION - Request for a clarification of the request for the discontinuance of a portion of Joe's Hill Road. Mrs. Bourne made a motion that the previous communication be accepted. Seconded by Mr. Moran. Motion carried unanimously.

45 - COMMUNICATION - Steven C. and Anastasia Osdranus, Hayestown Heights - Conveyance of Title. Mrs. Danise asked that this be referred to an ad hoc committee, the City Engineer, the Corporation Counsel and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Shaw, Danise and Gallo to the committee.

46 - COMMUNICATION - Complaint from residents of Blueberry Lane concerning the development and building of the Lake Place Condominiums. Mrs. Butera asked that this be referred to the Planning Director. Mayor Sauer so ordered.

47 - DEPARTMENT REPORTS - Fire Department, Police Department, Health, Parks and Recreation, Public Utilities, Landfill, Building, Airport. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Fazio. Motion carried unanimously.

48 - REPORT & CERTIFICATION - Funds to hire an architect to determine City space needs.

Mrs. Bourne submitted the following report and also made a motion that the reading of the report be waived. Seconded by Mr. Connell. Motion carried with Mr. Flanagan voting in the negative.

The Committee charged to review the above met in the City Engineer's office of City Hall on May 24, 1989 at 2 P.M. In attendance were Committee members L. Bourne, Chair, M. Danise, and J. Esposito. Also attending were Acting Director of Finance/Comptroller, Dominic Setaro; Planning Director, Dennis Elpern; City Engineer, Jack Schweitzer; Director of Public Works, Dan Minahan; and Supt. of Public Buildings, Rick Palanzo.

The Mayor formed a Task Force to review the space needs of the City. In addition to the department heads listed above attending the meeting, the Mayor's aide, Ken Tripp and Leo Null are also members of the Task Force. The Task Force reviewed current needs, 5-year and 10-year departmental space projections. Currently the following departmental areas view their space as not adequate—Assessor's, Building Dept., Comptroller's, Corporation Counsel's, Data Processing, Purchasing, Tax Office, Town Clerk's, Senior Center, Fire Department, Health Department, Landfill, Library, Police Department (both headquarters, and Canine Control), and Public Works (Equipment Maintenance, Highway Department, Public Building Department, and Public Utilities). The members of the Task Force feel that the cramped situation at City Hall has been compounded and will continue to worsen.

The Task Force is asking for the appropriation of \$35,000 to hire the New Haven firm of Kosinski & Associates to do a professional assessment of the City's space needs. Kosinski & Associates will not be working under any preconceived notions, they will meet with department heads, view departmental areas, analyze current and projected needs, and help to anticipate what future needs will be. Kosinski & Associates were chosen from a field of 12 firms that were reviewed by the Task Force. They have an excellent reputation in Danbury and have worked for the following City area firms: Charles Ives Center for the Arts (open air pavillion), Ridgefield Board of Education, Western Connecticut State University, and Zotos Realty.

Mr. Esposito questioned as to why we could not use in-house staff to study the space needs. Mr. Schweitzer and others explained that we do not have an architect on board, that this is a specialized field.

Currently the City is paying \$61,000 per year for outside rentals of property for City staff.

The Space Needs Study is considered Phase I of this project. Once the assessment is completed, estimated within 90 days, design, cost and funding will take up future phases.

After further discussion and reviewing the departmental space projections and existing floor square footage areas, Mr. Esposito moved to recommend to the Council the acceptance of the Space Needs Task Force request of an appropriation of \$35,000 to hire a professional architect skilled in ascertaining current and future space needs. Seconded by Mrs. Danise. Motion passed unanimously.

Mr. Shaw stated that Mr. Null had an excellent idea of building out over the existing parking lot.

Mrs. Bourne made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Moran. Motion carried with Council Members Connell, Renz, Fazio, Shaw, and Danise voting in the negative.

49 - REPORT AND CERTIFICATION - Request for Funds for Various Departments.

Mr. Renz submitted the following report:

The Common Council Committee appointed to review the request for funding from various departments met on Tuesday, May 16, 1989 at 8:20 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, DaSilva and Zotos. Other committee members, Renz and Nimmons, were unavoidably detained and unable to attend. Also in attendance were Police Chief Nelson Macedo, Fire Chief Antonio Lagarto, Planning Director Dennis Elpern, Welfare Director Debra MacKenzie, Comptroller Dominic Setaro and Art Sullo from the Police Department. Also attending was Councilman Charles, ex-officio.

By mutual consent of the committee members present it was decided that Mr. Bundy would chair the meeting.

Ms. MacKenzie advised that her department, Public Welfare, is requesting \$150,000 in general assistance. This request is governed by Connecticut State Statute and is 90% reimbursable (in some instances more than 90%). Mr. Setaro has already certified the availability of the funds to meet this request.

Mr. DaSilva made the following motion:

"To recommend to the Common Council that the appropriation of \$150,000 be approved for the Public Welfare Department, for which a certification has already been obtained from the Comptroller." The motion was seconded by Mr. Zotos and passed unanimously.

Mr. Elpern requested additional funding of \$1,500 for the Planning Commission and \$1,300 for the Environmental Impact Commission. He explained that these funds were essential in order to complete year end activities (obligations) for such things as transcripts, secretarial expenses and overtime. The functions performed and to which the funding will be applied are mandated by law to be performed.

Mr. DaSilva made the following motion:

"To recommend to the Common Council that the appropriation of \$1,500 for the Planning Commission and \$1,300 to the Environmental Impact Commission be approved, pending certification from the Comptroller." The motion was seconded by Mr. Zotos and passed unanimously.

Chief Macedo requested \$65,000 for application to the Special Services account in the Police Department budget. This funding and subsequent expense are 100% reimbursable once the special services are performed and billings are received. Since this is an amendment to the Police Department budget no certification from the Comptroller is necessary. Adjustment will be made by Mr. Setaro to the expense and revenue sides to accommodate the change.

Mr. DaSilva made the following motion:

"To recommend to the Common Council that the appropriation of \$65,000 additional funding be approved for the Police Department Special Services account and direct Mr. Setaro to make the appropriate changes necessary to accommodate the funding." The motion was seconded by Mr. Zotos and passed unanimously.

Chief Lagarto requested \$5,000 additional funding for the automotive maintenance equipment account and \$40,000 for the overtime account (both are line items in the Fire Department budget). Chief Lagarto explained that overtime was averaging \$10,000 per month and the figure requested should cover anticipated shortfalls without need for further appropriation. Mr. Setaro commented that he and Chief Lagarto had gone through the Fire Department budget and made some adjustments and reallocations to cover anticipated shortfalls in other areas thereby eliminating the need for any other appropriations.

Mr. DaSilva made the following motion:

"To recommend that the Common Council approve the additional appropriation of \$5,000 for the Fire Department Automotive Maintenance Equipment account and \$40,000 for the Fire Department Overtime Account pending certification from Mr. Setaro." Seconded by Mr. Zotos and passed unanimously.

Mrs. Bourne made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Moran. Mr. Fazio made a motion to divide the question. Seconded by Mr. Renz. Motion carried.

Mr. Farah made a motion to authorize the transfer of \$150,000 to the Welfare Department. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Moran made a motion to transfer \$1,500 to the Planning Commission and \$1,300 to the Environmental Impact Commission. Motion was seconded by Mr. Farah. Motion carried with Mr. Fazio voting in the negative.

Mr. Moran made a motion to transfer \$65,000 to the Police Special Services Account. Seconded by Mrs. Bourne. Motion carried with Council Members Connell, Renz, Fazio, Shaw and Danise voting in the negative.

Mrs. Bourne made a motion to transfer \$45,000 to the Fire Department account. Seconded by Mrs. Butera. Motion carried with Council Members Connell, Renz, Fazio, Shaw and Danise voting in the negative.

Mr. Nimmons submitted the following report:

The ad hoc committee of the Common Council appointed to consider the request for the transfer of funds for estimated contract settlements met on Monday, May 22, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Nimmons and Eriquez. Also attending were Council Members Bundy and Charles, ex-officio, and Comptroller Dominic Setaro.

In recognition of the nature of this request, Mr. Eriquez made a motion to move into Executive Session. Seconded by Mr. Nimmons and passed unanimously.

Those present discussed the request from Mr. Setaro to transfer funds from contingency to applicable department budgets for estimated contract settlements (funds to be transferred to the appropriate 32 departments are identified and certified on the attached communication). This procedure is necessary to comply with accepted accounting practices at fiscal year 1988-89 year-end.

Subsequent to the close of the Executive Session, Mr. Eriquez moved to recommend to the Common Council that \$560,000 be transferred from contingency to the applicable departmental budgets for estimated contract settlements as certified and attached hereto. Seconded by Mr. Nimmons. Motion carried unanimously.

Mrs. Bourne made a motion that the report be accepted and the transfer of funds authorized. Seconded by Mr. Moran. Mr. Connell asked Mr. Setaro if the balance can still be used before the end of the fiscal year. Mr. Setaro replied that it could. Motion carried unanimously.

51 - REPORT - Noise Problem at Hatters Park. WITHDRAWN.

52 - PROGRESS REPORT - Combining Engines 23 and 7.

Mr. Connell submitted the following report:

The ad hoc committee appointed to study combining Engines 23 and 7 met on May 30, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Connell, Renz, Cresci, Gallo and Esposito. Also attending were Dominic Setaro, Rick Palanzo and various members from the Water Witch Volunteer Fire Department.

Chief Lagarto stated that he had received no new information from the Board of Education regarding the site. Mr. Setaro suggested that new appraisals on both locations be done at this time. Mr. Palanzo stated that the underground fuel tank at Engine Company 23 has been removed and that there is no contamination on the property.

The committee recommends that Chief Lagarto contact the Mayor and Dr. Singe to give this committee an answer as to whether this property is available. The committee will reconvene when it receives this information.

The progress report was accepted on the Consent Calendar.

53 - REPORT - Bodnar Complaint - 10A & 10B Beckett Street.

Mrs. Bourne submitted the following report:

The Committee charged to review the above met on May 17, 1989, at 7:03 P.M., in the 4th Floor Lobby of City Hall (the Committee also previously met on May 10, 1989). In attendance were members, Bourne (Chair), Danise, Farah and ex-officio member Charles; City department heads and staff--William Buckley, Jack Schweitzer, William Campbell, Les Pinter, Nick Justo, Leo Null; petitioner, James Bodner, Atty. Neil Marcus (petitioner's attorney); Patricia McCarthy of Raveis Real Estate and Sal Pandolfi of Pandolfi Real Estate.

Research of the complaint by William Campbell, Director of Health, proved that the City was not at fault, and that the fault lies with the petitioner's own well driller. The petitioner withdraw his complaint against the City on advice of his attorney, Neil Marcus.

The report was accepted on the Consent Calendar.

54 - REPORT - Request for Street Light on Apple Orchard Drive.

Mr. Renz submitted the following report:

The committee appointed to review the request for the installation of a street light on Apple Orchard Drive met on May 24, 1989 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Renz and Regan. Also present were Dan Minahan and Ed Smythe.

The issue was presented as follows: Since 1985 an inordinate number of events involving parking, drinking, drug use and theft has occurred in a cul-de-sac on Apple Orchard Drive. Many calls have been logged to the police in an attempt to deter such activity. A street light is being requested by Mr. Smythe and his neighbors in hopes that a lighted cul-de-sac will alleviate this situation. The cost for this light (due to underground power) is approximately \$4,500.

No motion was made at the committee meeting to approve or deny this request, but rather that it be voted on the floor, based on its merits.

Mrs. Bourne made a motion to accept the report and deny the request. Seconded by Mr. Regan. Motion failed with Council Members Bourne, Butera and Regan voting in the affirmative. Mr. Flanagan made a motion to approve the sum of \$4,500 for a street light. Seconded by Mr. Moran. Motion carried with Council Members Bourne, Cresci and Butera voting in the negative.

55 - REPORT - See 30A.

56 - REPORT - Berol Easement.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the proposed Commerce Park/Eagle Road Connector to Federal Road met on April 26, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Farah. Also attending were Dan Minahan and Jack Schweitzer.

Mr. Minahan explained that a review by the State indicated that slightly more land should be taken, first, to widen Federal Road to maintain straight traffic lanes - a strip of land approximately 10 feet wide by 700 feet long on the West side; and second, to round the corners on the right hand turns from Eagle Road onto Federal and from Federal onto White Turkey Road Extension, approximately 10 feet by 80 feet.

Mr. Farah made a motion to recommend to the Common Council that the additional land needed to complete the proposed Eagle Road/Federal Road improvements be acquired either through negotiations or eminent domain, if necessary, subject to Planning Commission approval. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

57 - REPORT - Largo Associates - Request for Sewer Extension on Briar Ridge.

Mr. Flanagan submitted the following report:

The Common Council Committee appointed to review the request of Danbury Largo Associates for an extension of the sanitary sewer system to their property on Briar Ridge Road on which they plan to build a \$40,000,000 office project met on November 14, 1988 at 7:00 P.M., November 30, 1988 at 8:15 P.M. and May 1, 1989 at 7:00 P.M. in Room 432 in City Hall.

Present were committee members Flanagan and Shaw. Also attending were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer, Attorney Francis Collins representing the petitioner, and Consulting Engineer Jeannie Williamson, State Representative Norma Gyle, Janet Gershwin and Council Member Hank Moran, ex-officio.

The Plan, as proposed, following extensive discussion between the petitioner and the City's representatives, calls for the Largo Associates to construct a sanitary sewer line from their property to Ken Oaks Drive, down Boulevard Drive connecting with the existing line at approximately the intersection of Kenosia Boulevard. The cost of that line, estimated at \$500,000 would be by the developer.

Mr. Buckley supports the concept because it would allow improved service on the West side of the City where there are problems with the system's current capacity. In addition, this new sewer line would make it possible for residents on Ken Oaks and Boulevard Drive to hook into the sewer system. The Common Council recently received a petition from 48 families in the Boulevard Drive area requesting extension of the sewer system to their neighborhood. Mr. Buckley also stated that the integrity of Lake Kenosia will be protected by hooking Boulevard Drive lines into the City sewer system.

Approval of this plan may require the City to use its eminent domain power for an easement over a 15 square foot piece of privately owned land that separates the petitioner's property and Ken Oaks Drive. At the November 14th meeting, Mr. Shaw stated his serious reservations to using eminent domain. The committee suggested that another attempt be made to negotiate with the property owner.

On November 30, 1988, Attorney Collins reported to the committee that his client had offered the owner of the 15 square foot triangular piece \$1,000 plus the cost of their legal fees. He was informed that they are not interested at this time. On April 11, 1989, Attorney Collins offered the sum of \$3,000 for the easement. The parties are currently negotiating and Mr. Collins is very optimistic that an easement agreement will be made in the near future.

The committee discussed the potential public benefits to be derived from this project as weighed against the use of the eminent domain power. After lengthy discussion, Mr. Shaw moved that the committee recommend approval of the project with the usual eight steps required for sewer projects, plus the addition of a ninth step, as follows:

It is the recommendation of the 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 extension.
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 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 line as the City Engineer's office determines are of potential benefit to other landowners in the City.
7. No final Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer line.
8. This approval shall expire eighteen (18) months following the date of Common Council action.
9. Danbury Largo Associates shall continue discussions with adjacent landowners to secure access to the property necessary for the pipeline. If necessary, and only as a last resort as determined by the Corporation Counsel, the power of eminent domain shall be exercised to the 15 square feet of land necessary to construct the aforementioned sewer line. The entire cost of the acquisition shall be borne by the developer.

Motion was seconded by Mr. Flanagan and passed unanimously.

Mr. DaSilva made a motion to accept the report. Seconded by Mr. Charles. Motion carried unanimously.

58 - REPORT - Community Development Block Grant.

Mr. Shaw submitted the following report:

The committee appointed to analyze the Community Development Block Grants met on May 10, 1989 in the Fourth Floor Lobby in City Hall. In attendance were committee members Shaw, Regan and DaSilva.

Mr. Shaw stated his reservations on ethnic groups, i.e. Hispanic Cultural Center, receiving \$10,000 for rent. He stated his firm, long standing argument that if one group is singled out for taxpayers funds, then all ethnic organizations should be considered eligible.

Mr. DaSilva made a motion to accept the grants report as submitted. Seconded by Mr. Regan. Motion carried unanimously.

Mr. Enriquez made a motion that the report be accepted. Seconded by Mr. Regan. Motion carried with Mrs. Bourne voting in the negative.

59 - REPORT - Request for Sewer Extension - Virginia Avenue.

Mr. Cresci submitted the following report:

The ad hoc committee appointed to review sewer extension at 2 Virginia Avenue met on May 17, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Cresci and Regan. Also attending was Bill Buckley, Jack Schweitzer and Mr. and Mrs. Harrington.

Discussion followed with Mr. and Mrs. Harrington stating that they are badly in need of connecting into the City sewer due to constant water problems since they purchased this house three years ago. Mr. Buckley then explained that the nearest possible connection at this time is located in Commerce Park. Mr. Buckley stated that he could not estimate the cost but that it was not feasible at this time. He stated that there is a residential apartment complex planned on Morgan Road in the future.

Mr. Regan made a motion to deny the request due to the large sum of money involved. Seconded by Mr. Cresci. Motion carried unanimously.

The report was accepted on the Consent Calendar.

60 - REPORT - Building Demolitions.

Mr. Moran submitted the following the following report:

The ad hoc committee appointed to review the ordinance pertaining to building demolitions met in Room 432 in City Hall at 7:00 P.M. on May 24, 1989. In attendance were committee members Moran, Danise and Charles. Also in attendance was William Buckley.

The committee review the proposed ordinance change to Sec. 21-22 and a discussion followed. Mr. Buckley explained the the changes and the need for this addition.

Mr. Charles made a motion that the committee recommend to the Common Council that this addition regarding termination of water services be adopted. Seconded by Mr. Moran and passed unanimously.

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

61 - REPORT - Request regarding recycling center:

Mrs. Danise submitted the following report:

The Common Council Committee appointed to review the request regarding the recycling center met on May 10, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Danise, Shaw and Esposito. Also attending were Council Members Moran and Charles, ex-officio; Michael Cech, and Daniel Minahan.

After discussion, a motion was made to recommend that the City not enter into a long term contract and that the present contract should stay in force until the bids are reviewed that will come up on June 9, 1989. Motion seconded and passed unanimously.

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

62 - REPORT - Request for Water Extension - 10 Beckett Street.

Mrs. Danise submitted the following report:

The committee regarding the above captioned matter met on May 22, 1989. In attendance were Committee Members Danise and Cresci. Also attending were Council Members Moran and Charles, ex-officio, Jack Schweitzer, Bill Buckley, James Bodnar and Sal Pandolfi.

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 water extension.

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 water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.

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

The report was accepted on the Consent Calendar.

63 - REPORT - Request for Water Extension - Meadowbrook Road.

Mr. Cresci submitted the following report:

The committee regarding the above captioned matter met on May 24, 1989. In attendance were committee members Cresci and Cassano. Also attending were Jack Schweitzer, William Buckley, Louis Charles, ex-officio and the petitioner Lisa Nazzaro.

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 water extension.
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 water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

64 - REPORT - Request for Special Ambulance Account.

Mr. Bundy submitted the following report:

The committee appointed to review a request to establish a special account for the Fire Department Ambulance Service met on Monday, May 22, 1989 at 8:30 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and Butera. Also in attendance were Comptroller Dominic Setaro, Fire Chief Antonio Lagarto, Firefighter Michael Esposito and Council Members Eriquez and Charles, ex-officio.

Discussion focused on donations to the Fire Department from citizens. Mr. Esposito explained that usually these donations were given by people who had received emergency ambulance service and wanted to show their appreciation to the Fire Department. At present there is no specific account for these donations. Mr. Setaro stated that the prudent thing to do would be to establish a special fund for the ambulance service and direct the donation to that account.

Mrs. Butera made the following motion:

"The committee recommends to the Common Council that approval be given allowing donations made to the Fire Department to be transferred into a Special Ambulance Account and that the two donations made by Edward and Alma O'Neil and Dorothy Burton for \$20 and \$100 respectively be approved as the first donations designated for this Special Ambulance Account (copies of checks attached). The motion was seconded by Mr. Bundy and passed unanimously.

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

64A - COMMUNICATION - Donation of \$25.00 for special ambulance account. Mr. Shaw made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Danise. Motion carried unanimously.

65 - REPORT - East Starrs Plain Road.

Mr. Fazio submitted the following report:

The committee to review the request of Mrs. Katherine Gallagher concerning E. Starrs Plain road met on January 25, 1989 in the fourth floor lobby at City Hall. In attendance were committee members DaSilva, Danise and Fazio. Also in attendance were Assistant Corporation Rick Gotshalk, Supt. of Highways Frank Cavagna, Director of Public Works Dan Minahan Attorney Frizzell and Mr. Gallagher.

A brief review of the problem was presented by Mr. Frizzell, who stated that Mrs. Gallagher could not develop a parcel of land on E. Starrs Plain Road because she could not get a permit due to a lack of frontage on a public highway. It was the contention of Mr. Frizzell that E. Starrs Plain road remained a public highway even though a former Common Council had ruled that it was abandoned by the city. But his argument was that the road had never been formally abandoned and that the road did not meet all the tests to be considered an abandoned road by statute.

Mr. Gallagher stated that it was not his intention to have the city improve the road and he only wanted permission to access E. Starrs Plain Road in a way that would allow him to transfer clear title with access.

After a lengthy discussion of the problem it became evident that the best solution for both Mrs. Gallagher and the city would be to have the city formally discontinue a section of E. Starrs Plain Road since it had been a town road and never was formally discontinued by action of the Council.

It was also discussed that by our formal discontinuance of the road beyond the Gallagher property, and our acknowledgement that the short piece that runs in front of the Gallagher parcel is still a public road would not in any way require the city to improve the road but would make the city responsible in a way that it is for any public highway.

Mr. DaSilva made a motion that the committee recommend to the council that since E. Starrs Plain is a public highway that the council discontinue that portion of E. Starrs Plain Road from the southerly line of the Gallagher

property[1-25009] as shown on assessors maps I-25 and H-25 (see attached schedule for specific description) in a southerly and westerly direction to the resumption of the improved portion. Second by Mrs. Danise. Motion Carried unanimously.

The report was accepted on the Consent Calendar.

66 - REPORT - See 12A.

67 - PROGRESS REPORT - Clapboard Ridge Heights Water Association.

Mrs. Bourne submitted the following progress report:

The Committee charged to review the above met on Thursday, 4th Floor Lobby of City Hall. In attendance were Committee members Nimmons and Butera, and Sup. of Public Utilities, William Buckley. Committee Chairman Bourne was unable to attend, and had asked Mr. Nimmons to Chair the meeting.

Mrs. Bourne supplied the Committee with the following information:

The item before the Committee has to do with the Clapboard Ridge Heights Water Association, which is owned by a Mr. Sobel in New Fairfield. Mr. Sobel has let the water system for the customers he serves deteriorate to the point where the State is in the process of ordering the City to take it over. This means that the City (via the Water Fund) will bear all costs involved. Since the State is ordering, this circumvents our Charter provision.

It will be necessary for the City to obtain easements from property owner(s) on either Stuart or Henso Drives (or both) to facilitate the laying of piping.

Bill Buckley does not know at this time which property owners he will try to obtain the easements from. And, as time is somewhat of the essence in putting together an engineering plan to submit to the State, the Council needs to give its authorization to negotiate.

Mr. Nimmons reported that Mr. Buckley advised the Committee that the Clapboard Ridge Heights Water Association is under court order to rectify the situation and as it stands, the State will most likely order the City to take the system over. At that point the City will be able to negotiate with property owners for easements to correct the situation.

A motion was made by Mr. Nimmons, seconded by Mrs. Butera that Mr. Buckley proceed with the necessary agreements, as soon as possible, and report back to the Committee with final plans and costs. Motion carried unanimously.

As an addendum, please note that communication was received from the Planning Commission dated April 25, 1989, that it had voted a positive recommendation for the Clapboard Ridge Heights Water Association.

The report was adopted on the Consent Calendar.

68 - PROGRESS REPORT - Request for Curfew in Rogers Park.

Mr. Cresci submitted the following report:

The ad hoc committee appointed to review the implementation of a curfew at Rogers Park met on May 17, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Cresci and Connell. Also attending was Lt. Sullo from the Police Department, Parks and Recreation Director Bob Ryerson and Council Members Moran and Regan, ex-officio.

Discussion followed with Mr. Cresci expressing his concern for the elderly residents of Glen Apartments and their concerns regarding the abusive noise from cars and people congregating in the park. Mr. Connell stated his concerns regarding illegal drinking and/or drugs to which Lt. Sullo responded that the Police Department would answer any complaint filed. Mr. Ryerson suggested that to alleviate congestion by the Glen Apartments, no parking signs should be installed from the Rose Garden to the pond. He also suggested repainting both sides of the street with parking lines and also to post signs stating that the park closes at 11:00 P.M.

Mr. Connell made a motion that the Police Department and the Parks and Recreation Department report back on these suggestions within thirty days. Seconded by Mr. Cresci. Motion carried unanimously.

The progress report was accepted on the consent calendar.

69 - COMMUNICATION - Lease between the City and Executive Air Service. Mrs. Bourne made a motion that this item be added to the agenda. Seconded by Mr. Moran. Motion carried unanimously.

Mr. Shaw asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Bundy, Shaw and DaSilva to the committee. Also referred it to the Planning Commission.

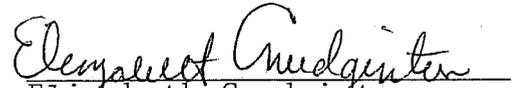
There were no members of the public wishing to address the Common Council.

There being no further business to come before the Common Council a motion was made by Council Member Moran for the meeting to be adjourned at 11:50 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk