

TO: Mayor Joseph Sauer and Members of the Common Council.

RE: Minutes of the Common Council Meeting held October 3, 1989.

The Meeting was called to order at 8:00 P.M. by Mayor Sauer who led the assembly in the Pledge of Allegiance. The Prayer was offered by Councilman Esposito. Roll Call was taken with the members being recorded as:

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

Absent - Fazio.

Mayor Sauer congratulated Councilman Cassano on his 58th birthday which will be celebrated on October 15, 1989.

Mayor Sauer announced that Council Member Butera has been selected by the Order of the Sons of Italy to go to Ellis Island.

Mr. Bundy stated that Councilman Fazio was absent due to a death in his family.

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

- 2 - Resolution - Grant from the Department of Health to Promote Optimal Public Health Quality
- 3 - Communication - 911 Emergency Telephone Service
- 6 - Communication - Appointment to the Conservation Commission
- 7 - Communication - Improvements to the Library
- 8 - Communication - Additional Funding for Special Services - Fire Department
- 18 - Communication - Blueberry Lane
- 34 - Report - Renumbering of South Street
- 35 - Report - Land Acquisition - Kenosia and Backus Avenue
- 36 - Report - Road Widening Strip - Osdranus Property - Hayestown Heights
- 37 - Report - Water Extension - 24 Mill Plain Road
- 39 - Report - Request for Sewer and Water Extensions - Lombardi and Concord Streets
- 40 - Report - Request for Extension of Time for Sewer Installation - 109 Park Avenue
- 41 - Report - Josephine Martin Easement - Route 37
- 42 - Report - Sewer Extension - 105 Park Avenue
- 43 - Progress Report - Sewer Extension - Farview Avenue and Smith Street
- 44 - Progress Report - Request for Additional Funding for Employee Benefits
- 45 - Progress Report - Sewer Extension - Southern Boulevard and Terre Haute

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

MINUTES - Minutes of the Common Council Meeting held September 6, 1989. Mr. DaSilva made a motion that the minutes be accepted and the reading be waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

1 - ORDINANCE - Amendment to Section 16A-31(b) of the Code of Ordinances - Temporary Permits. Mr. Flanagan asked that this be deferred to Public Hearing. Mayor Sauer so ordered.

2 - RESOLUTION - Grant from the Department of Health to Promote Optimal Public Health Quality.

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 public health quality in the City of Danbury; and

WHEREAS, a continuation grant award request of \$36,390.00 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; and

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.

3 - COMMUNICATION - Letter from Mayor Joseph Sauer along with a proposed agreement between the City and State concerning the implementation of the Enhanced 911 Emergency Telephone Service. The communication and agreement were accepted on the Consent Calendar.

4 - COMMUNICATION - Letter from Police Chief Nelson Macedo requesting permission to accept donations of \$475 from the Danbury Fire Department, Ridgefield Fire Department, AWD, Inc., Hoffman Fuel Oil Company, HART, and Suburban Communications, Inc. for the purpose of rebuilding a building to house radio equipment. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Moran. Mr. Eriquez made a motion to amend and adjust the revenue and appropriate the money to the proper line item. Seconded by Mr. Bundy. Motion carried unanimously.

5 - COMMUNICATION - Letter from Leo McIlrath asking permission to accept a donation to the Department of Elderly Services in the amount of \$300 from the Danbury Pharmacy. Mr. Farah made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Bundy. Motion carried unanimously.

6 - COMMUNICATION - Letter from Mayor Sauer appointing Edward S. Caco Jr. of 50 Newtown Road to the Conservation Commission for a term to expire July 1, 1991. The appointment was confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Library Director Betsy Lyke requesting that adjustments be made to the capital budget in the amount of \$3,500 for improvements at the library. The request was granted on the Consent Calendar.

8 - COMMUNICATION - Request for Chief Lagarto that \$5,000 be transferred into the Fire Department Special Services Account. This will be a wash item. The request was granted on the Consent Calendar.

9 - COMMUNICATION - Letter from Michelle A. Stack asking for an increase in the fine for roaming dogs. Mr. Connell asked that this be referred to an ad hoc committee, the Dog Warden and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Moran, Renz and Butera to the committee.

10 - COMMUNICATION - Letter from Fire Chief Lagarto requesting that the amount of \$170,000 be added to the Fire Department's Overtime Account, Mr. DaSilva asked that this be referred to an ad hoc committee, the Fire Chief and the Comptroller. Mayor Sauer so ordered and appointed Council Members Connell, Danise and Gallo to the committee.

11 - COMMUNICATION - Memorandum of Agreement between the City and the Firefighters Union regarding Promotional Exams within the Fire Department. Mr. Gallo made a motion that the agreement be adopted. Seconded by Mr. Eriquez. Motion carried unanimously.

12 - COMMUNICATION - Letter from Solid Waste Manager Michael Cech requesting the formation of a committee to study the latest proposal from HRRRA. Mr. Connell asked that this be referred to an ad hoc committee, the Solid Waste Manager, the Comptroller and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Renz and DaSilva to the committee.

13 - COMMUNICATION - Letter from Comptroller Dominic Setaro certifying the availability of \$146,024.99 for Water Fund Transfers. Mr. Flanagan made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Bundy. Motion carried unanimously.

14 - COMMUNICATION - Request from Emilio Plante for Water Extension at 13 Belmont Circle. Mr. Farah asked that this be referred to an ad hoc committee, the City Engineer, Superintendent of Public Utilities, and the Planning Commission. The Mayor so ordered and appointed Council Members Regan, Cresci, and Zotos to the committee.

15 - COMMUNICATION - Request from Comptroller Dominic Setaro asking for approval of a line item in the Sewer Fund capital budget in the amount of \$70,000 for the construction of sewers on Edgewood Street. Mr. Charles made a motion to accept the communication and authorize the line item. Seconded by Mr. Connell. Motion carried unanimously.

16 - COMMUNICATION - Report from Corporation Counsel Eric Gottschalk regarding the Carvalho dispute concerning property on Maple Avenue. Mr. Connell asked that this be referred to the Engineer and the Planning Commission for reports back in thirty days. Mayor Sauer so ordered.

17 - COMMUNICATION - Letter from Councilman Gary Renz requesting that an ad hoc committee be appointed to review a drainage problem at 14 Stadley Rough Road. Mr. Eriquez asked that this be referred to an ad hoc committee, Dan Minahan and Jack Schweitzer. Mayor Sauer so ordered and appointed Council Members Renz, Moran and Farah to the committee.

18 - COMMUNICATION - Reports from William Buckley and Jack Schweitzer regarding Blueberry Lane. The reports were accepted on the Consent Calendar.

19 - COMMUNICATION - Tarrywile Lake Proposed Subdivision - Ralton Developers. WITHDRAWN.

20 - COMMUNICATION - Request of Andrew Gibb to purchase City owned property on Virginia Avenue. Mr. Charles asked that this be referred to the Tax Assessor to determine the value of the property. Mayor Sauer so ordered.

21 - COMMUNICATION - Letter from Attorney Neil Marcus seeking acceptance of Coach Hill Drive as a City road. Mrs. Bourne asked that this be referred to an ad hoc committee, the Planning Commission, City Engineer and Director of Public Works. Mayor Sauer so ordered and appointed Council Members Shaw, Fazio and Cassano to the committee.

22 - COMMUNICATION - Letter from City Engineer Jack Schweitzer requesting that a committee be appointed to perform an on-site inspection of Lot #37, Tanglewood Drive to confirm the belief that low stone walls pose no greater risk than other facilities along the street such as mail boxes, etc. Mrs. Bourne asked that this be referred to an ad hoc committee, Mr. Minahan, the City Engineer and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Nimmons and Esposito to the committee.

23 - DEPARTMENT REPORTS - Public Works, Health Department, Fire Chief, Fire Marshall, Police, Building Department, Parks and Recreation. 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.

24 - REPORT and ORDINANCE - Solid Waste Flow Control.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole on Thursday, August 17, 1989 at 7:30 P.M. in the Common Council Chambers in City Hall. A motion was made by Mr. Gallo to table discussions on the Flow Control Ordinance until such time as the State makes a ruling on whether or not to grant a horizontal expansion for the present landfill. Seconded by Mr. Bundy. Motion carried with 12 yes and 2 nay with Mr. Eriquez and Mr. DaSilva voting in the negative. Mr. Gallo made a motion to accept the report. Seconded by Mr. Connell. Motion carried with Members Cresci, Eriquez and DaSilva voting in the negative.

25 - REPORT - Pac v. City of Danbury and the Water Pollution Control Project.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review Pac v. City of Danbury and the Water Pollution Control Project (items 28 and 34 on the September 6, 1989 agenda) met on Tuesday, September 26, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Regan, DaSilva and Shaw. Also attending were William Buckley, Dan Minahan, Jack Schweitzer, Eric Gottschalk, Dominic Setaro, Richard Taylor, Lou Carbone, Paul Galvin and Fred Comstock, employees of the Water and Sewer Department. Simon Mimorek and Gary Johnson, two employees of the Conn. Department of Environmental Protection also attended the meeting as did approximately 15 members of the general public.

Mr. Gottschalk was asked to open the meeting by explaining the State ordered Stipulated Judgment and accompanying modifications. In essence the judgement requires the City to comply with the DEP approved plan and appropriate the necessary funding. Failure to do so will cause penalties to be put into motion against the City. These penalties are substantial (\$1,000 - \$5,000 per day. According to Mr. Gottschalk, it is imperative that the Common Council approve the necessary documents before the end of October to avoid the penalties.

Mr. Buckley explained the project to the committee and in so doing presented a good picture of the objectives and mechanics as well as the nuances of this undertaking. The City was tasked with this project and is now responsible to see it through while exercising as much personal initiative as possible to keep the costs in line. Mr. Buckley and Mr. Schweitzer did a good job in answering the many questions posed about the cost of this project and the resulting benefits to Danbury. One question in particular dealt with the relatively recent increase from an estimate of approximately \$45 million to one of \$79.5 million. It was explained that the initial figure of \$45 million was based on an alternative Facility Plan based on EPA and DEP Construction Curves (how much each facet of the project should cost, on average, in 1987). There was no adjustment made in the figures to reflect regional costs nor was there any attention given to the costs of short term financial borrowing. The \$79.5 million figure is based on a completed, or nearly completed engineering study and design plan presented by Metcalf and Eddy our contracted consultants. The current program calls for a 20% grant from the State to help finance this project. Since 1978 the grant participation figure has dropped from 90% to 20%. The remaining 80% of the project cost will be financed for the most part through a low interest (2%) loan facilitated by bonding. Mr. Buckley stated that he had reviewed Metcalf and Eddy's report with DEP and both were satisfied that the engineering and design work was accurate, complete and ready to go to bid. The final contingency figure on this project will be 5% after bid as required by the State. The current contingency of 15% in the Metcalf and Eddy report is to insure a proper funding level will be achieved to accomodate projected bids.

Regarding cost to consumers, the average water customer uses 88,000 gallons per year at a cost of \$100 or so. This cost will increase to approximately \$400 annually. The average septage rate for 1000 gallons is \$41.79. This cost will go up about 4 times.

The Chairman would note here that the predicate for this action is the Clean Water Act of 1978 which tasked the Federal Government as well as State and local governments to implement strategic plans to accomplish certain objectives. The State of Connecticut and the Federal Government have in the past worked closely with municipalities in this regard, the one drawback being the decrease in financial assistance since 1978 (90% to 20% less). We, as a municipality, must comply with the requirements as outlined and authorize the funding. If we stonewall we will only be hurting ourselves financially and environmentally. In the short run it will be a burden to sustain ourselves while shouldering such a large debt. However, in the long run the decision will pay benefits by providing Danbury with what it needs to help sustain growth and an environmentally sound community.

Mr. DaSilva made the following motion:

"To recommend that the Common Council approve the modification of the Stipulated Judgement from the State of Connecticut Department of Environmental Protection and authorize the necessary funding in the amount necessary to fulfill the City's obligation as mandated and required by said judgment not to exceed \$78,300,000. Seconded by Mr. Regan. Motion carried unanimously.

Mr. DaSilva made a motion to accept the Modified Stipulated Judgement Seconded by Mr. Bundy.

Mr. Moran asked what the motion meant. Attorney Gottschalk explained the sequence of events. Mr. Zotos made a motion to waive the rules to allow Mr. Buckley to address the Council. Mr. Buckley gave a brief outline of the project. Mr. Moran stated that his principle concern is the cost. Mr. Buckley explained the construction estimate. Mr. Bundy asked for an explanation of why the report was not acted on. Mr. Gottschalk explained his reasoning and stated that the numbers will be acted upon next month. Motion carried unanimously.

26 - REPORT, ORDINANCE & COMMUNICATION - Appropriations and Bonding for improvements to the Wastewater Treatment System. Mr. Gallo made a motion to table these items until next month. Seconded by Mr. Eriquez. Motion carried unanimously.

27 - REPORT - Maintenance of Aerial Ladder Truck

Mr. Connell submitted the following report:

The committee appointed to review the above matter met on September 26, 1989 in the Fourth Floor Lobby in City Hall. In attendance were committee members Connell, Charles and Shaw. Also attending were Council Member Fazio, ex-officio, Chief Lagarto, Michael Esposito, and Richard Tomaino of the Fire Department.

A discussion took place regarding the condition of the equipment. Due to the anticipated increase in private calls requesting an ambulance from the implementation of the E-911 emergency number in November, 1989 the ambulance will be subjected to an increased workload which will exacerbate the present situation. When first purchased, the ambulance chassis was supposed to be replaced every three years. It was never initiated. The ambulance's modular box is the most expensive component of the ambulance and does not necessitate replacement as often as the chassis. This program has been included in previous budgets but was deleted from the final budget in past years.

Mr. Shaw expressed concern that a committee should be formed in order to study the feasibility of establishing ambulance fees in order to make the ambulance service self-sufficient.

Mr. Charles made a motion that \$68,000 be appropriated to purchase two chassis from the 1981 and 1982 Chevrolets. He further recommends that an additional \$40,000 be set aside for this budget year upon notification from the Comptroller in November regarding an anticipated budget surplus for repairs on the 1981 ladder truck. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Farah asked if each item should be voted on separately or lumped together. Mr. Connell stated that Mr. Setaro will certify the ambulance priority in November. Mr. Charles asked Chief Lagarto to address the issue. The Chief gave a brief outline of the program. Mrs. Bourne asked the Chief why this wasn't in the budget. The Chief stated that it had been. Mr. Connell stated that he chaired the committee and he does not remember it in the budget. The Chief stated that it might have been in the capital budget. Mr. Farah asked that the question be divided.

Mr. Cassano made a motion to appropriate \$34,000 for the purpose of renovating either the 1981 or the 1982 Chevrolet and putting an additional \$34,000 into next year's budget to renovate the other, pending certification. Seconded by Mrs. Bourne. Motion failed with the members voting as follows

Yes - Connell, Gallo, Moran, Farah, Zotos, Nimmons, Shaw, Cassano.

No - Bourne, Renz, Flanagan, Cresci, Charles, Bundy, Danise, DaSilva, Eriquez, Regan.

Abstain - Esposito

8 Yes - 10 No - Absentention

(Mrs. Butera left the meeting).

Mr. Eriquez made a motion to refer the \$68,000 to the comptroller for the priority list. Seconded by Mr. Regan. Motion carried with Mr. Flanagan and Mr. Cresci voting in the negative.

Mr. Charles made a motion that \$40,000 for repairs of the aerial ladder truck be put on the priority list. Seconded by Mr. Eriquez. Motion carried with Council Members Bourne, Flanagan, Cresci and Danise voting in the negative.

28 - REPORT - Boulevard Drive

Mr. Cresci submitted the following report:

The committee appointed to study Boulevard Drive met on September 18, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Cresci and Cassano. Also in attendance were City Engineer Jack Schweitzer, Director of Public Works Daniel Minahan, Comptroller Dominic Setaro and Council Member Bundy, ex-officio.

After a thorough review of the record and an examination of the area in question, discussion ensued on the proposed contract and accompanying bid submitted in response to a request for renovations on Boulevard Drive. Mr. Schweitzer explained that a valid bid was received from a contractor which totaled \$32,448. This represents an amount that exceeds the approved funding (\$16,000) by \$16,448. Only one contractor bid on the project and his bid is valid until October 6, 1989.

Mr. Setaro explained that the additional funds required may come from unencumbered funds in the Capital Budget Account (Capital Budget Projects not completed or begun, prior years). Mr. Minahan agreed that monies unencumbered for projects not undertaken may be transferred to accommodate the \$16,448 shortfall in the Boulevard Drive project.

Mr. Cassano made the following motion:

To recommend to the Common Council that approval be granted to expend an additional \$16,448 for completion of renovations of a capital project at the intersection of Boulevard Drive and Kenosia Avenue and request the Public Works Director, Mr. Minahan, to investigate the possibility of a transfer of funds from the previous Capital Budget projects account (unencumbered) to this project. Mr. Cresci seconded the motion which passed unanimously.

Mr. Zotos made a motion to accept the report. Seconded by Mr. Bundy. Mrs. Bourne asked if this money can be moved from the capital budget by the Council. Mr. Setaro explained and stated that the Council does not need to appropriate funds. Motion carried unanimously.

29 - REPORT & CERTIFICATION - State Reimbursement on Educational Costs

Mr. Moran submitted the following report:

The ad hoc committee appointed to review State reimbursement on educational costs met on September 18, 1989 in the Fourth Floor Lobby in City Hall at 8:00 P.M. Committee Members in attendance were Moran and Nimmons. Also in attendance were Assistant Superintendent of Schools John Wolfkeil and Comptroller Dominic Setaro as well as Council Members Cresci and Bundy ex-officio.

Mr. Wolfkeil gave a description of the services provided non-public schools such as nurses, psychologists, social workers, etc. He stated that with the new State budget passed into law in June, 1989 the State will no longer reimburse 100% of the cost for providing these mandated services. Mr. Setaro stated that the State will only pay 80% of the total cost and the City must pay the other 20%. He also stated that since the City budget was passed in May and the City did not know of a cut in advance, money was not allocated for this service and the City faces a shortfall for fiscal 88-89 of \$64,790. This is money already paid out and must be appropriated. Mr. Setaro also suggested that a line item could be established and an appropriation made of \$69,240 in the 89-90 budget. This is an estimated figure and could change. Mr. Nimmons asked if there was any way to get some of the money back. Mr. Setaro stated that he had a bill from Greenwich for a Danbury resident going to a school there and Mr. Wolfkeil stated that they are preparing a list of students in non-public schools who do not reside in Danbury and that those towns will be billed for services rendered. Mr. Wolfkeil could not give estimate when this task would be completed but he said they are working on it as rapidly as possible. The feeling of the committee is that all towns involved should pay their fair share for these services. The total money that Danbury must appropriate is \$134,030.

Mr. Moran made a motion that a line item be established in the 1989-90 budget to cover the estimated shortfall on the cost of these services and the sum of \$69,240 be appropriated. Seconded by Mr. Nimmons and carried unanimously.

Mr. Nimmons made a motion to recommend to the Common Council appropriation of \$64,790 to cover the shortfall for fiscal 1988-89. Seconded by Mr. Moran and carried unanimously.

Mr. Gallo made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Charles. Motion carried with Mr. Fara voting in the negative.

30 - REPORT - Lease of Airport Property to the FAA

Mrs. Bourne submitted the following report:

The Committee charged to review the above met on April 20, 1989 at 7:30 P.M. in the 4th Floor Lobby of City Hall. In attendance were Committee members, L. Bourne (Chair), W. Shaw, and M. Danise ex-officio. Committee member, Mrs. Butera, was on vacation. Attending also were, P. Estefan, Airport Administrator, and R. Gawe, Aviation Commission Chairman.

The Council is being asked by the Airport Administrator, Paul Estefan, to swap approximately a 150' x 150' parcel of land in exchange for another parcel approximately the same size within the same vicinity with the FAA. Mr. Estefan gave the following reasons for the swap:

- (1) SAFETY - Prop Blast - People walking, and cars in same area where planes will come in; and,
- (2) To facilitate the future planning of the terminal apron area.

According to Mr. Estefan, this will facilitate the proposal to build a terminal building, and bring sewer and water to the airport. He estimates that the cost to the City (if this is done under a grant) would at maximum be \$500.00, with the City's portion coming from the Airport monies set aside for Airport improvements (sale of land to State of CT settlement, adjacent to Rt.7).

Mr. Gawe stated that the Aviation Commission supports the swap.

The Planning Commission gave the proposal a positive recommendation.

Mr. Shaw moved to recommend to the Council approval of the swap of property between the City of Danbury (Airport) and the FAA (the property) as described in Supplement No. 1 to lease No. DOT-FA72EA-6510 (description in Exhibit A attached thereto) per Corporation Counsel's review and recommendation. Mrs. Bourne seconded. Motion passed unanimously.

Mr. Cresci made a motion to accept the report. Seconded by Mr. Moran. Motion carried unanimously.

Mrs. Bourne explained that the report had originally been dated April, 1989 but that Attorney Pinter was not happy with the original agreement and was having it revised to better benefit the City.

31 - REPORT - Intersection of Great Plain Road and Stadley Rough Road

Mr. Renz submitted the following report:

The committee appointed to review the petition regarding the intersection of Great Plain Road and Stadley Rough Road met on September 27, 1989 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. Present were committee members Renz, Moran and Gallo, as well as Dan Minahan.

The first order of business was taken care of in the form of a motion by Mr. Moran to renew the condemnation authority of the Corporation Counsel and to authorize the Corporation Counsel to file all necessary court documents.

The project redesign was presented by Mr. Minahan along with the cost estimate of approximately \$50,000. The need for this redesign was agreed to by all present and the following motion was made by Mr. Gallo: "to approve the redesign and authorize the project, pending certification of approximately \$50,000 from the surplus. Seconded by Mr. Moran. Motion carried unanimously.

Mr. DaSilva made a motion to accept the report and add this to the priority list. Seconded by Mr. Renz. Motion carried with Council Members Flanagan, Bundy and Cresci voting in the negative.

32 - REPORT - Increase in Town Clerk's Salary.

Mr. Renz submitted the following report:

The committee appointed to review the request to increase the Town Clerk's Salary met on September 27, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Renz and Flanagan.

The issue before the committee concerned the Town Clerk's salary, but it was felt that a consideration should be made regarding the other three City offices.

Mr. Flanagan made a motion to recommend a 6% salary increase effective November 20, 1989 and an additional 6% increase for fiscal year 1990-91 for the following City offices: Mayor, City Clerk, Town Clerk and Treasurer. It was further moved that this motion be divided into four separate questions so that each office may be voted on its own merits. Motion was seconded by Mr. Renz and carried unanimously.

Mrs. Bourne made a motion to reject the report. Seconded by Mr. Cresci. After much discussion about the charge of the committee and dividing the question, Mrs. Bourne withdrew her motion. Mr. Bundy made a motion to increase the Town Clerk's salary by 6% as of November 20, 1989 and by 6% in the 1990-91 fiscal year. Seconded by Mr. Shaw. Motion carried with Council Members Bourne, Flanagan and Cresci voting in the negative.

Mr. Bundy made a motion to add to the agenda increases for the Mayor, City Clerk and Treasurer. Seconded by Mr. Regan. Motion failed with the members voting as follows:

Yes - Connell, Gallo, Esposito, Farah, Flanagan, Zotos, Nimmons, Cassano, Bundy, DaSilva, Regan.

No - Bourne, Moran, Renz, Cresci, Shaw, Charles, Danise.

Abstain - Eriquez

11 Yes, 7 No, 1 Abstention.

33 - REPORT - Sewer Extension on Shannon Ridge and Fairlawn Avenue.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension on Shannon Ridge and Fairlawn Avenue met on June 7, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Charles. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and petitioners Husain and Rubinow.

Mr. Schweitzer explained that Fairlawn could not be serviced with sewers without Shannon Ridge also being sewerred and if both these streets are to be sewerred at the same time Mrytle Avenue and Edgewood Street should be done in order to minimize cost. Several surveys of the residents of Shannon Ridge and Fairlawn Avenue have come back with a 50-50 split of those for versus those against the proposed sewer. The Planning Commission has given a positive recommendation to this proposal.

Mr. Regan made a motion to deny the request without prejudice. Failed for lack of a second. Mr. Charles made a motion to recommend that the City install sewers as requested. Seconded by Mr. Regan. Motion carried unanimously.

Mr. DaSilva made a motion that the report be referred to the City Engineer for cost estimates, then to public hearing. Seconded by Mrs. Danise. After discussion by the Corporation Counsel regarding the acceptance of committee reports, Mr. DaSilva made a motion to proceed with the installation of sewers with the City Engineer proceeding with cost estimates and then to public hearing. Seconded by Mrs. Bourne. Motion carried unanimously.

34 - REPORT - Renumbering of South Street.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole on September 25, 1989 in the Common Council Chambers immediately following a public hearing on the above matter. Mrs. Bourne made a motion to approve. Seconded by Mr. Moran. Motion carried unanimously with referral to the full Common Council.

The report was accepted on the Consent Calendar.

35 - REPORT - Land Acquisition - Kenosia and Backus Avenues.

Mr. Shaw submitted the following report:

The committee appointed to review land acquisition on Kenosia and Backus Avenues across from Toys R Us met in Room 432 on September 25, 1989 at 6:45 P.M. In attendance were committee members Shaw and Danise. Also attending were Council Members Moran and Charles, ex-officio.

This was the second meeting in a week scheduled for this item and the committee was hopeful that the Airport Administrator would attend. In his absence, Mrs. Danise made a motion to reject this property based on the City owning 18 adjacent acres, which would be more than enough for the West Side fire station. Mrs. Danise also commented that to pay \$800,000 for $\frac{1}{2}$ acre was an exorbitant amount due to the present fiscal crisis in the City. Seconded by Mr. Shaw. Motion carried unanimously.

The report was accepted on the Consent Calendar.

36 - REPORT - Road Widening Strip - Osdranus Property - Hayestown Hgts

Mr. Shaw submitted the following report:

The Common Council Committee appointed to review conveyance of a road widening strip on Hayestown Heights met in Room 432 on September 25, 1989 at 6:30 P.M. In attendance were Committee Members Shaw and Danise. Also attending were Attorney Martin Rader, Jr., and Council Members Charles and Moran, ex-officio.

Based on information from Eric Gottschalk (see attached) Mrs. Danise made the following motion: To recommend acceptance of the road widening strips pending finalization of the conveyance of said property and providing all documents are checked to make certain of their legality. Seconded by Mr. Shaw. Motion carried unanimously.

The report was accepted on the Consent Calendar.

37 - REPORT - Water Extension - 24 Mill Plain Road.

The committee regarding the above captioned matter met on September 20, 1989. In attendance were committee members Regan and Zotos. Also attending were Jack Schweitzer and William Buckley, Council Member Charles, ex-officio, and the petitioners George Hughes and Donald Altieria.

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 line.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, 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.

Mr. Regan noted that there was a positive recommendation from the Planning Commission for this request.

The report was accepted on the Consent Calendar.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request of the Housing Authority for the transfer of City land to the Housing Authority for use in their Scattered Site Housing proposal met on September 21, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan, Moran and DaSilva. Also in attendance was Bernie Fitzpatrick.

Mr. Fitzpatrick explained his plan was to locate single family low income housing throughout the City and to put tenants into these homes who would bond to the home and take care of the home and property. This would be done through the Housing Authority policy of transferring current families who have shown that they care for their current housing.

Mr. DaSilva made a motion to recommend to the Common Council the transfer of City land to the Housing Authority as per the request of the Housing Authority submitted to the Common Council in April, 1989 as follows: 1. census tract 2107 Gregory Street (Hakim Street Ext.) south of I-84; 2. 4 lots on Broad Street census tract 2104; 3. Sleepy Hollow Road census tract 2107; 4. Osborne Street census tract 2103 with the stipulation that only single family and duplex homes will be built on the land and that all City land use approvals are obtained and that City residents are given first priority to rent the homes. Seconded by Mr. Moran and passed unanimously.

Mr. Regan made a motion to accept the committee report and transfer the sites. Seconded by Mr. Bundy.

Mr. Gallo questioned Mr. Buckley about the sewer line for the Osborne Street site being at full capacity. Mr. Buckley stated that there is still capacity for a saturated existing zone. Mr. Gallo then asked about added traffic in the area. Mayor Sauer responded that the houses would add additional traffic.

Mr. Farah stated that he does not agree with this approach; that it is poor economics. The State should be pressured to mandate regionalized low income housing.

Mr. Flanagan made a motion to table this until the Planning Commission has issued a report. Seconded by Mr. Moran. Motion carried unanimously.

39 - REPORT - Request for Sewer and Water Extensions - Lombardi and Concord Streets.

Mr. Cresci submitted the following report:

The committee regarding the above captioned matter met on September 19, 1989. In attendance were committee members Cresci and Farah. Also attending was William Buckley, Council Member Hank Moran, ex-officio, Howard Rubinow and Anthony Deconca.

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

1. The petitioner shall bear all costs relative to the installation of said sewer and water line.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and 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 sewer & water lines.

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

Mr. Buckley stated that the City could assist the petitioner by supplying him with up to 710 feet of pipe and two fire hydrants. This would not affect the City's financial condition as Mr. Buckley has a line item each year providing extra hydrants and pipe. Also a future easement may be necessary across this property.

The report was accepted on the Consent Calendar.

40 - REPORT - Request for Extension of Time for Sewer Installation - 109 Park Avenue.

Mr. Cresci submitted the following report:

The committee to review extension of time for the installation of a sewer line at 109 Park Avenue met at 7:30 P.M. on September 19, 1989 in City Hall. In attendance were committee members Cresci and Bourne. Also attending were Council Members Connell and Moran, ex-officio, and Director of Public Utilities Bill Buckley.

Discussion took place as to why an extension of time is necessary. Mr. Buckley stated that he had not spoken with Mr. Russo but that it was his opinion that because of economics the developer did not wish to start construction. He was originally given approval by the Common Council 18 months ago.

Mrs. Bourne made a motion that providing that the Superintendent of Public Utilities and the City Engineer are not opposed to this request, that the Common Council grant an extension of time for sewer installation at 109 Park Avenue. Seconded by Mr. Cresci. Motion carried unanimously.

The report was accepted on the Consent Calendar.

41 - REPORT - Josephine Martin Easement - Route 37

Mr. Nimmons submitted the following report:

The Common Council Committee appointed to review the Josephine Martin Easement on Route 37 met on September 19, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were Council Members Nimmons, Connell and Zotos. Also present was Superintendent of Public Utilities William Buckley.

Mr. Nimmons read a letter dated September 12, 1989 from Robert Resha, Corporation Counsel, which offered his opinion regarding a resolution to the problem of destroyed septic fields. Mr. Resha's letter outlined Mr. Buckley's request to pay the sewer connection fee for Mrs. Martin from monies in the Water Department Account rather than rebuilding a new septic system. Mr. Resha agreed that this would be the most cost effective solution.

Mr. Connell made a motion that the City of Danbury be authorized to have a release signed by the Martins that is acceptable to the Corporation Counsel for the connection to the sanitary sewer that would protect the City from any claim against damage to the septic system and also authorize the Water Department to pay the sewer connection fee to the Sewer Department for the connection made to the Martin residence on Padanaram Road. Seconded by Mr. Zotos. Motion carried unanimously.

The report was accepted on the consent calendar.

42 - REPORT - Sewer Extension - 105 Park Avenue

Mr. Regan submitted the following report:

The committee regarding the above captioned matter met on August 2, 1989. In attendance were Committee Members Regan and Zotos, City Engineer Jack Schweitzer, William Buckley, Mr. Finaldi, the petitioner, Attorney Bob Talarico and Engineer Mr. Trinkaus.

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

1. The petitioner shall bear all costs relative to the installation of said sewer line.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, 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 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 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 sewer lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

43 - PROGRESS REPORT - Sewer Extension - Farview Avenue and Smith Street.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension on Farview Avenue and Smith Street met on September 20, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Charles. Also in attendance were Jack Schweitzer, William Buckley and Attorney Les Pinter for the City and Mr. Williamson, Mr. Mrozinski and Attorney Ward Mazzucco for the petitioners.

Attorney Mazzucco explained that the proposed route requested by Mr. Buckley and Mr. Schweitzer was unnecessary and cost prohibitive and asked if there was possibly another route or option available to the petitioner.

Mr. Buckley suggested a sewer line from Smith Street up to Farview Avenue to be constructed at the petitioner's expense and then turned over to the City, subject to the usual 8 City stipulations. This seemed agreeable to the petitioner who is to have his engineer draw up a plan to submit to the City.

Mr. Charles made a motion to table this request until the new plan is submitted. Seconded by Mr. Regan and so voted.

The report was accepted on the Consent Calendar.

44 - PROGRESS REPORT - Request for additional funds for employee benefits.

Mr. Bundy submitted the following report:

The committee appointed to review the request for additional funds in the amount of \$570,000 for employee benefits met on September 26, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and Shaw. Also attending were Risk Manager Tom Fabiano and Comptroller Dominic Setaro.

Mr. Fabiano stated that he begins preparing his budget request in December and in so doing bases his projections on the experience rating of the insurance carrier (supplied by the carrier). In December, 1988, Mr. Fabiano advised that a 25% increase would be sufficient for the 1989-90 fiscal year expenses. In May of 1989 new loss runs which adversely affected our experience rating caused our carrier to request a 60% increase (35% more than projected). This 35% difference amounts to \$570,000 in additional premium costs. Mr. Fabiano further explained that we go out to bid every three years and it usually benefits the City to keep the same carrier for at least that period of time to allow for a good experience rating to keep premiums at a reasonable level. Our first two years with our present carrier have been good and it would not be feasible or practicle to entertain any new bids at this time keeping in mind our last years experience. A new carrier would quote us a price based on only our last year.

Mr. Setaro and Mr. Fabiano advised the committee that at present our carrier is being asked to quote us a price on Administrative Services only, whereby the City pays its own claims and the carrier processes the work. In effect it is a self-insurance proposal for the most part and will reduce our initial costs. However, it is necessary to get all the facts before a decision can be made. Our current costs for this line item is projected at \$2.8 million for 1989-90. All facts regarding the new proposal should be in our hands in approximately 3 weeks at which time this committee will reconvene.

The report was accepted on the Consent Calendar.

45 - PROGRESS REPORT - Sewer Extension - Southern Boulevard and Terre Haute Road.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension at Southern Boulevard and Terre Haute Road met on September 20, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Zotos. Also attending were Jack Schweitzer, William Buckley and David Grogins, the attorney for the petitioner.

Mr. Buckley explained that he was requesting additional funding for engineering studies to determine the improvements necessary for the expansion of the City sewer service area to this proposed development. He feels this expense should be paid by the petitioner since he is the sole reason for the study. Mr. Buckley stated that approximately \$1,500 has been spent of sewer fund money for some of this study since his last not acted upon by the Council. Now, approximately \$3,000 is necessary to complete the study. Mr. Grogins indicated that the petitioner is agreeable to pay the cost of the study.

Mr. Zotos stated that he feels that this study is something the City should provide for its taxpayers and therefore Mr. Buckley should get the money from a City source and pay for the study.

The report was accepted on the Consent Calendar.

Mr. Bundy made a motion to appropriate the funds to cover the increase in the Town Clerk's salary. Seconded by Mr. Shaw. Motion carried unanimously.

46 - COMMUNICATION - Mr. Charles made a motion to add an amendment to the Parking Garage Referendum to the agenda. Seconded by Mr. Bundy. Motion to add failed with the members voting as follows:

Yes - Connell, Gallo, Esposito, Farah, Shaw, Cassano, Charles, Bundy, DaSilva, Eriquez, Regan.

No - Bourne, Moran, Renz, Flanagan, Cresci, Danise.

Abstain - Zotos

11 Yes - 6 No - 1 Abstention

47 - COMMUNICATION - Mr. Gallo made a motion to add the renewal of the lease for the Good Neighbor House to the agenda. Seconded by Mr. Connell. Motion carried with Council Members Bourne and Cresci voting in the negative.

Mr. Connell asked that the lease be referred to an ad hoc committee, and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Cresci and Flanagan to the committee.

48 - COMMUNICATION - Mr. Regan made a motion to re-add item 19 which was a letter from Mr. Buckley regarding Tarryville Lake Condo Project. Seconded by Mr. DaSilva. Motion carried with the members voting 11 yes, 5 no.

Mr. Regan made a motion that the developer pay to have the required survey done. Seconded by Mrs. Danise. Motion failed.

PUBLIC SPEAKING

Ronald Blonski, 18 Griffing Avenue - spoke regarding the Wastewater Treatment Plant. He is willing to pay his fair share but has a bad feeling about the process.

David Coelho, Jefferson Avenue - spoke against the new HRRR proposal.

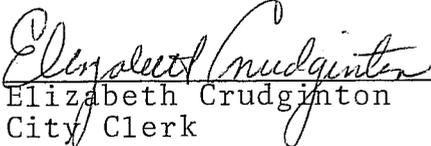
Ernest Boynton, 106 East Liberty Street - lost 50% of the Council during the remaining minutes of the meeting.

Bernard Fitzpatrick - Spoke about the scattered site housing project.

There being no further business to come before the Common Council,
a motion was made by Council Member Connell for the meeting to be adjourned
at 11:10 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk


Elizabeth Crudginton
City Clerk