

TO: Honorable Mayor James E. Dyer - City of Danbury, Connecticut.  
 SUBJECT: Minutes of the Common Council Meeting held on February 5, 1985.

The Meeting was called to order at 8:00 O'Clock P.M. by the Honorable Mayor James E. Dyer.

Councilman Mounir Farah led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Bernard Gallo.

Roll Call was taken by the City Clerk Elizabeth Crudginton, with the following members being recorded as:

PRESENT: Council Members - Johnson, Sollose, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Chianese, Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Butera, Durkin, Eriquez, Farah, Torian.

21 Members Present - None Absent.

#### NOTICES FROM MAYOR DYER

Mayor Dyer announced that today, February 5th, marks the date that Mary Rickert, Assistant City Clerk, will begin her 30th year as an employee of the City of Danbury.

Mayor Dyer also made the following announcements:

City Hall will be closed on February 12th - Lincoln's Birthday.  
 Extended greetings for Valentines Day - Feb. 14th.  
 City Hall will be closed on February 18th when Washington's Birthday will be observed legally.  
 February 20th will be Ash Wednesday.

Mayor Dyer announced that Councilman Gene Eriquez will be the recipient of the JayCee Service Award on February 13th, and that his birthday will be celebrated on February 9th.

The Mayor also announced that his secretary Rose Kruse celebrated her birthday on February 4th. and has completed five years of service to the Mayor as his secretary.

Byron Johnson celebrated his birthday on February 3rd. and former Mayor John A. Define will celebrate his birthday on Feb. 14th.

Mayor Dyer extended Greetings and Best Wishes to all of the above.

#### CONSENT CALENDAR

Councilman Joseph DaSilva submitted the following items to be included on the Consent Calendar.

- 08 - Communication - Relocation of Route U.S. 7.
- 09 - Communication & Certification - Request for transfer of funds for the Town Clerk's Office.
- 010 - Communication & Certification - Funds for Retirement Administrative Costs.
- 011 - Communication & Certification - Funds for humidification of City Hall.
- 012 - Communication & Certification - Funds to purchase Ordinance Books.
- 014 - Communication - Transfer of funds from Revenue Account to Commission on Aging (Printing & Binding).
- 015 - Communication - Transfer of funds from Revenue Account to Commission on Aging (Day Care Budget).
- 018 - Communication - Appointments to the Aviation Commission.
- 019 - Communication - Appointments to the Cultural Commission.
- 020 - Communication - Appointments to the Fair Rent Commission.
- 021 - Communication - Appointments to the Commission for the Handicapped.
- 023 - Communication - Appointments to the Commission on the Status of Women.
- 024 - Communication - Appointments to the Youth Commission.
- 025 - Communication - Appointments to the Richter Park Authority.
- 028 - Report - Flooding Problem at 1 South Cove Road.
- 029 - Report - Long Ridge Road Widening Parcels (Clayson Property).
- 030 - Report - Ken Oaks Cul-de-sac.

CONSENT CALENDAR - Continued

- 031 - Report - Guard Rail at Canterbury Court.  
 032 - Report & Resolution - Acceptance of Valley View Drive.  
 034 - Report - Acceptance of Land on Boulevard Drive.  
 036 - Report - C. D. Parks Property.

A motion was made by Councilman Boynton and seconded by Councilman Charles for the Consent Calendar to be accepted as submitted.  
 Motion carried unanimously.

MINUTES - Minutes of the Common Council Meetings held on January 3, 1985 and January 22, 1985.

A motion was made by Councilman DaSilva and seconded by Councilman Charles to waive the reading of the minutes as all members have copies which are also on file in the Office of the City Clerk. Said Minutes to be accepted as submitted. Motion carried unanimously.

- 01 - COMMUNICATION - Request of D. J. M. of Norwalk, Inc. for additional extension of water and sewer for Crows Nest Lane & Great Pasture Road.

Councilman Gallo requested referral to the Sewer & Water Extension committee and Planning Commission. Mayor Dyer so ordered.

Mayor Dyer stepped down from the podium and Council President C. McManus presided at the meeting.

- 02 - COMMUNICATION - Request of Paul Scavo to extend water line on Industrial Plaza Road.

Councilman Gallo requested referral to the Sewer & Water Extension Committee & Planning Commission. Council President McManus so ordered.

- 03 - COMMUNICATION - Request of B.R.T. for sewer & water to Park Ridge South (Rose Lane).

Councilman Torian requested referral to the Sewer & Water Extension Committee & Planning Commission. Council President McManus so ordered.

- 04 - COMMUNICATION - Request for explanation of conditions approved for water extension - Somerset Condos - Shelter Rock Road.

Councilman Gallo requested referral to the Sewer & Water Extension Committee. Council President McManus so ordered.

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- 06 - COMMUNICATION - Request to purchase City Lot - Corner of Great Plain Road and Wixon Road.

Councilman Boynton requested referral to the Public Works Committee and Planning Commission. Council President McManus so ordered.

- \*\*\*05 - COMMUNICATION - Widening of Scuppo Road.

Councilman Charles requested referral to the Public Works Committee and Planning Commission. Council President McManus so ordered.  
 Mayor Dyer returned to the podium.

- 07 - COMMUNICATION - Equipment for Danbury Fire Department.

Councilwoman McManus requested referral to an ad hoc committee..  
 Mayor Dyer so ordered and appointed the following committee:  
 Council Members Gallo, Cassano and Farah.

08 - COMMUNICATION - Relocation of Route U.S. 7 (File #116-84-  
(34-190) - 6 E.

Replacement of an existing 60 inch reinforced concrete pipe with a pipe of the same size a few feet away from its present location including the required drainage right of way for installation and maintenance of the pipe.

The Communication was accepted by the Common Council on the Consent Calendar.

09 - COMMUNICATION & CERTIFICATION - Request by Michael Seri, Town Clerk for additional funds in the amount of \$9,500.00 as outlined below:

\$1,200 -	Roller shelves for land records
2,000 -	Map files
3,800 -	Binding of Maps
1,000 -	Partitions for computer
1,500 -	Inspection of Land Records
<u>\$9,500.-</u>	Total Amount

CERTIFICATION #19 - was submitted by Comptroller John P. Edwards in the amount of \$9,500 available to be transferred from the General Fund balance account to the Town Clerk's Office for the above expenses.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

010 - COMMUNICATION & CERTIFICATION/<sup>\$16</sup> Recommendation from the Comptroller, Mr. John P. Edwards, that an additional \$4,828.00 be transferred from the unappropriated fund balance in order to pay outstanding bills and anticipated expenses for paying retirement administrative costs.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

011 - COMMUNICATION & CERTIFICATION - Request from Robert Winkelstern Superintendent of Buildings for the Common Council to provide funds in the amount of \$6700.00 for the installation of humidification equipment in City Hall.

CERTIFICATION #18 was submitted by Comptroller John P. Edwards certifying the availability of \$6,700 to be transferred from the General Fund fund balance account to Account #02-01-224-031000 for the installation of humidification equipment at City Hall.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

012 - COMMUNICATION & CERTIFICATION - Request from City Clerk Elizabeth Crudginton for a transfer of funds to the Ordinance Account #02-01-112-022000 in the amount of \$4,000 to purchase 50 updated copies of the Code of Ordinances of the City of Danbury, together with 25 binders.

CERTIFICATION #17 - was submitted by Comptroller John P. Edwards certifying the availability of \$4,000 to be transferred from the General Fund fund balance account to the Ordinance Account #02-01-112-022000, Printing and Binding for the purchase of the Ordinance books and binders.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

013 - COMMUNICATION & CERTIFICATION - Request from the Corporation Counsel Theodore H. Goldstein for the transfer of \$50,000 to the Outside Office Expense Account so as to fully satisfy the obligations of the City of Danbury.

Mr. Goldstein stated that he was in receipt of statements from the several attorneys involved in various matters which exceed the present balance in the Outside Office Expense line item. Attorney Goldstein anticipated no further request will be made during the balance of the current fiscal year.

CERTIFICATION #20 was submitted by Mr. John P. Edwards, Comptroller certifying the availability of \$50,000 to be transferred from the General Fund fund balance account to the Corporation Counsel's Outside Office Expense Account.

A motion was made by Councilwoman C. McManus and seconded by Councilman E. Boynton for the Communication to be accepted and transfer of funds authorized. Motion carried unanimously.

014 - COMMUNICATION - The Danbury Commission on Aging now has \$6,000 plus in the City Revenue Fund and requests that \$1468 be transferred into the Commission on Aging budger (printing/binding - \$1268) (communications - \$200).

The Comptroller's Office indicates that no certification is needed. They will amend the budget and revenue in a like amount.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

015 - COMMUNICATION - The Danbury Commission on Aging has \$6,000 in the City Revenue Fund and requests that \$1,410 be transferred into the Commission's Day Care budget (equipment - \$1,060) (Professional service fees - \$350).

The Comptroller's Office indicates that no certification is needed. They will amend the budget accordingly.

The Communication was accepted and transfer of funds authorized by the Common Council on the Consent Calendar.

016 - COMMUNICATION & CERTIFICATION - Request from Paul D. Estefan, Administrator of the Danbury Airport for funds to purchase snow removal equipment.

\$45,000 has been allocated from the F.A.A. Regional Office for the purchase of snow removal equipment - a spreader and a high speed broom.

The City's share is approximately \$1,500. The State and F.A.A. will pay their portions.

CERTIFICATION #21 was submitted by Mr. John P. Edwards, Comptroller, certifying the availability of \$1,125.00 to be transferred from the General Fund fund balance account to a capital account entitled Airport Snow Removal Equipment. This amount has been adjusted from the original \$1,500 as the result of recomputation of federal and state shares.

A motion was made by Councilwoman C. McManus and seconded by Councilman E. Boynton for the Communication to be accepted and transfer of funds authorized. Motion carried unanimously.

from Mr. John P. Edwards, Comptroller,  
017 - COMMUNICATION - Request/to consider the appointment of the  
outside independent accountant to perform the city audit for the  
fiscal year ending June 30, 1985.

Councilman Sollose requested referral to an ad hoc committee.  
Mayor Dyer so ordered and appointed the following committee:  
Council Members - Torian, Esposito, Torcaso.

018 - COMMUNICATION - Appointments & re-appointments by Mayor Dyer  
of the following to the Aviation Commission:

Appointment:

Paul V. Curtis, 33 Olympic Drive, Danbury for a term to expire on  
July 1, 1985. Mr. Curtis is employed as a Captain for Mobil Oil Co.

Re-appointment of Christopher Taylor, Ridgebury Road, Danbury, for a  
term to expire on July 1, 1987.

The Communication was accepted and appointment and re-appointment  
confirmed by the Common Council on the Consent Calendar.

019 - COMMUNICATION - Re-appointments by Mayor Dyer of the following  
to the Cultural Commission:

Joan Damia, 113 Clapboard Ridge Road, Danbury for a term to expire on  
February 1, 1988 and

Edward Wicks, 11 West Redding Road, Danbury for a term to expire on  
February 1, 1988.

The Communication was accepted and re-appointments confirmed by the  
Common Council on the Consent Calendar.

020 - COMMUNICATION - Appointments and Re-appointments by Mayor Dyer  
of the following to the Fair Rent Commission:

Appointments:

Mr. George M. Bernard, George Hull Hill Road, Danbury for a term to  
expire on July 1, 1987. Mr. Bernard is retired and has expressed a  
willingness to serve on this Commission.

Sylvia Esposito, 6 South Meadow Drive, Danbury as an alternate member  
of the Commission for a term to expire on July 1, 1986. Mrs. Esposito  
is employed a a bookkeeper.

Re-appointments:

Reuben L. Bush, 21 East Pearl Street, Danbury for a term to expire on  
July 1, 1987 and

Muriel Epstein, 8 Locust Avenue, Danbury for a term to expire on  
July 1, 1987.

The Communication was accepted and appointments and re-appointments  
confirmed by the Common Council on the Consent Calendar.

021 - COMMUNICATION - Re-appointments by Mayor Dyer of the following  
to the Commission for the Handicapped:

Carol A. Ferreri, 18 Robinson Avenue, Danbury for a term to expire  
on March 1, 1988.

Ernest Goldstein, 16 H Ta'Agan Point Road, Danbury for a term to  
expire on March 1, 1988 and

Mary Young, 14 Crest Road, Danbury for a term to expire on March 1, 1988.

The Communication was accepted and re-appointments confirmed by the  
Common Council on the Consent Calendar.

022 - Withdrawn

023 - COMMUNICATION - Appointments & Re-appointments by Mayor Dyer, to the Commission on the Status of Women:

Appointments:

Mrs. Lila Leopold, 1 Jackson Drive, Danbury for a term to expire on April 1, 1987. Mrs. Leopold is employed at Darby Animal Hospital.

Charlotte Barrows, 55 Hospital Avenue, Danbury for a term to expire on April 1, 1987. Mrs. Barrows is an office supervisor at Consolidated Controls Corporation.

Deborah Goodman, Orchard Street, Danbury for a term to expire on April 1, 1986. Mrs. Goodman is Regional Director of American Heart Association.

Re-appointments:

Kathy A. Bondur, 34 Farview Avenue, Danbury for a term to expire on April 1, 1986.

Ileana Velaquez, 4 Golden Heights, Danbury for a term to expire on April 1, 1986.

The Communication was accepted and appointments and re-appointments confirmed by the Common Council on the Consent Calendar.

024 - COMMUNICATION - Appointments & re-appointments by Mayor Dyer, to the Youth Commission:

Appointments:

Mr. Edward Cowan, 31 Hickory Street, Danbury for a term to expire on April 1, 1986. Mr. Cowan is crew supervisor at Connecticut Light & Power Company.

Barbara Feinson, 47 Juniper Ridge Road, Danbury for a term to expire on April 1, 1986. Mrs. Feinson is director of the Volunteer Bureau of Danbury.

Ellen Sharon Salvador, 5 Jackson Drive, Danbury for a term to expire on April 1, 1988. Mrs. Salvador has expressed an interest in serving on this Commission.

John A. Mahoney, 5 Griffing Avenue, Danbury for a term to expire on April 1, 1988. Mr. Mahoney is a member of the Police Department.

Re-Appointments:

Peter W. Philip, 20 Country Ridge Road, Danbury for a term to expire on April 1, 1988.

Glenda Armstrong, 3 South Cove Road, Danbury for a term to expire on April 1, 1988.

Sharon Fusco, 136 Hammersmith Apartments, Danbury for a term to expire on April 1, 1987.

The Communication was accepted and appointments and re-appointments confirmed by the Common Council on the Consent Calendar.

025 - COMMUNICATION - Appointment by Mayor Dyer of Stanford Smith, 7 West Wooster Street, Danbury as a member of the Richter Park Authority for a term to expire September 1, 1986.

Mr. Smith is employed at Davis & Geck, active in Pop Warner Football and is Vice President of the NAACP.

The Communication was accepted and appointment confirmed by the Common Council on the Consent Calendar.

026 - COMMUNICATION & ORDINANCE - Highway Projects.

Corporation Counsel Theodore H. Goldstein submitted a proposed Ordinance stating that in the course of the several highway projects undertaken by the City of Danbury it will be necessary to go upon private property to partially reconstruct driveways which exit upon public highways together with curbs which front upon said highways. In the past we have sought, at some effort, to secure easements from property owners which would allow us to do this work which is of a benefit to them. This has required a fair amount of time and energy.

Accordingly, and following the language of Connecticut General Statutes Sec. 13a-60a, Attorney Goldstein prepared the following Ordinance for submission to the Common Council for its consideration and action:

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

THAT whenever a driveway or curb requires repairing, reconstructing or relocating as a result of a highway relocation, repair, construction or reconstruction, and there is no taking of private property involved, the director of public works or his agents may enter upon such private property for the purpose of repairing, relocating or reconstructing such driveway or curb. He and his agents shall use care that no unnecessary damage shall result and the cost of such repair, relocation or reconstruction or of any damage or injury caused to such property shall be paid from appropriations made for such purpose.

Councilwoman C. McManus requested deferral of the Ordinance for a public hearing. Mayor Dyer so ordered.

027 - DEPARTMENT REPORTS

Fire Chief	Housing Inspector
Fire Marshal	Health Inspector
Airport Administrator	Blood Pressure Program
Non-Profit Development Corp.	Building Department
Environmental & Occupational Health Services	
Commission on Equal Rights & Opportunities	

A motion was made by Councilman Joseph DaSilva and seconded by Councilman Bernard Gallo to dispense with the reading of Department Reports as all members have copies which are also on file in the Office of the City Clerk for public inspection. Reports to be accepted as submitted. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

028 - REPORT - Flooding Problem at 1 South Cove Road.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a flooding problem at One South Cove Road. It appears that during heavy rains some water runs off the parking lot from the Danbury Town Park into this property. When this occurs a septic system on the property is flooded and then needs to be pumped at a cost to the owner.

Director of Public Works, Daniel Garamella, reported that the present drain in the parking lot was somewhat clogged. It has been cleaned. The elimination of the night time congregation of vehicles and varying sized groups will help in keeping this drain clear. He also reported that in the Spring he will re-examine this area to ascertain if any further action is necessary such as the expansion of the present basin or the addition of another.

The Public Works Committee recommends no further action be taken at this time, but wait until the proposed remedies are, in fact, successful.

The Report was accepted by the Common Council on the Consent Calendar.

029 - REPORT - Long Ridge Road Widening Parcels (Clayson Property)

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed an offer to accept road widening parcels at the Clayson property on Long Ridge Road. These are the parcels of land required by the Planning Commission to be turned over to the City for possible future road widening. City Engineer J. Schweitzer reported that this property would be of benefit to the City.

The Public Works Committee recommends acceptance of the road widening parcels at the Clayson property on Long Ridge Road.

The Report was accepted by the Common Council on the Consent Calendar.

030 - REPORT - Ken Oaks Drive Cul-de-sac.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to accept the Cul-de-sac at the end of Ken Oaks Drive, into the City Highway system. An on-site inspection was performed. Superintendent of Highways, E. Fusek informed the committee that Public Works trucks do use this area as a turn around in the performance of their routine duties and in snow plowing. They have been doing this for many years.

The Public Works Committee recommends the acceptance of the cul-de-sac on Ken Oaks Drive as part of the City highway system, contingent upon receipt of all necessary drainage rights as may be required by the Office of the Corporation Counsel.

The Report was accepted by the Common Council on the Consent Calendar.

031 - REPORT - Guard Rail at Canterbury Court.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a petition to install a guard rail next to property at 1 Canterbury Court. The committee performed an on-site inspection of the scene and discussed the matter with Public Works Department Personnel. The committee voted to deny this petition at this time for the following reasons:

Aunt Hack Road in this area is too narrow to accommodate the addition of a guard rail. Making the road narrower at this point would cause a safety hazard as well as a problem in holding a build up of snow after plowing. Placement of a guard rail on private property causes City liability which the committee does not wish to recommend. It was further noted that the responsibility for a guard rail in this area most properly belonged to the developer of the property and that there are some large stones on the border of the property which can be added to in order to form a barrier for errant vehicles.

The Committee voted 5-1 for denial. Mr. Cassano voted in the negative.

The Report was accepted by the Common Council on the Consent Calendar.

032- REPORT & RESOLUTION - Acceptance of Valley View Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to accept Valley View Drive as a City Highway. An on-site inspection was performed by the committee. The committee reviewed the inspection report citing necessary repairs for acceptance. It was found that almost all of the specifications necessary have been met. A few minor repairs need yet to be completed, but are not possible during the winter season.

The committee decided to recommend acceptance of this road with the following stipulations: A letter of credit or cash in the amount of \$5,000 be held until the few repairs, as stipulated by the Engineering Department, are completed.

The Public Works Committee recommends Valley View Drive be accepted as a City Highway with the stipulation as stated above.

RESOLUTION - Resolved by the Common Council of the City of Danbury:

THAT VALLEY VIEW DRIVE be accepted as a public highway in the City of Danbury subject to the following conditions:

That a Deed and Certificate of Title, in forms satisfactory to the Office of the Corporation Counsel, be delivered to the City of Danbury. A letter of credit or cash in the amount of \$5,000 be held until the few repairs, as stipulated by the Engineering Department are completed.

The Report was accepted and Resolution adopted by the Common Council on the Consent Calendar.

033 - REPORT & ORDINANCE - Veterans Property Tax Exemptions.

Councilwoman Carole Toracso submitted a report stating that the committee appointed to review amending Ordinance giving Veterans property tax exemptions, met on December 17, 1985 with committee members Carole Torcaso, John Esposito and Donald Sollose attending. Robert Godfrey and Louis Charles attended ex-officio. Attending for the V.F.W. were Mr. Robert Fahan, Commander of Post 149, Mr. Paul Ricci and Mr. Dominic Liccursi.

Public Act #82-318 of the Connecticut General Statutes was reviewed. This act enables municipalities to allow veterans an additional \$1,000 exemption from property tax (Assessment) if qualified under income requirements.

Mr. Robert Fahan stated that the Veterans support this amendment. The number of Veterans falling within the income requirements is not known, but the number was thought to be very small as compared to the numbers qualified under the present Ordinance allowing a \$1,000 exemption to veterans.

Councilman Godfrey gave the committee a draft of an Ordinance and it was forwarded to Assistant Corporation Counsel Eric Gottschalk for review.

Councilman Esposito made a motion at the committee meeting that the committee recommend to the Common Council that the present Ordinance granting Veterans Tax exemptions, be amended to accommodate Public Act #83-318 of the Connecticut Statutes. Mr. Sollose seconded the motion which was passed unanimously.

Councilman Gallo requested deferral of the Ordinance for public hearing. Mayor Dyer so ordered.

The Report was accepted unanimously upon a motion made by Councilman Gallo and seconded by Councilman DaSilva.

034 - REPORT -Acceptance of Land on Boulevard Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Sunrise Lake-Merrimac Associates to accept a parcel of property on Boulevard Drive. This Property will contain a newly built road that will replace the present section of Boulevard Drive in that area.

An on-site inspection of the property was conducted by the committee. Public Works Department personnel reported that the proposed new section of road will be of benefit to the City as it improves the intersection of Boulevard Drive and Kenosia Avenue. The new roadway intersects at almost a 90 degree angle as opposed to the present very sharp angle necessary for a left turn. This provides a higher safety factor for traffice in this area.

The Public Works Committee recommends acceptance of the land proposed on the map submitted dated 9/27/1984. This acceptance to be contingent of the completion of the new roadway in a manner acceptable to the Public Works Department and the proper landscaping of the existing roadway which will no longer be in use.

The Report was accepted by the Common Council on the Consent Calendar.

035 - REPORT & ORDINANCE - Insurance Contracts.

Councilman Joseph J. Durkin submitted a report stating that the Common Council Ad Hoc committee appointed to review the request for an Ordinance regarding Insurance Contracts met on January 24, 1985.

Members of the committee present were Council Members - Eriquez, Johnson, and Durkin. Others in attendance included T. Fabiano, Risk Manager for the City of Danbury.

Mr. Fabiano explained that the Ordinance would include the Superintendent of schools or his/her designee as a member of the Board of Review when the City seeks to purchase insurance coverage that includes insuring the interests of the Danbury Board of Education. As a courtesy, this practice is presently being followed.

This change would formalize the inclusion of the Superintendent of Schools or his/her designee as a full voting member of the Board of Review when insurance purchases for the City are contemplated for such matters as:

Property - Liability - General - Auto - Excess - Worker's Compensation.

However, the Danbury Board of Education would continue to be responsible for the purchase of their own individual insurances, such as:

Basic Hospital - Medical - Surgical - Dental - School Board Liability.

It was noted by Mr. Durkin that Assistant Corporation Counsel has approved the language of the proposed Ordinance change.

G. Eriquez commented that the change merely allows the Superintendent of Schools or his/her designee the right to be included in the selection process of prospective insurers that would have a direct affect on the Danbury Board of Education.

Mr. Eriquez moved to recommend to the full Council that the Ordinance be adopted and scheduled for a public hearing. Motion was seconded by B. Johnson and passed unanimously. Ordinance to be deferred for public hearing.

The Report was accepted and Councilman Durkin requested deferral of the Ordinance for a public hearing. Mayor Dyer so ordered.

036 - REPORT - C. D. Parks Property Referendum.

Council President C. McManus submitted a report stating that the Committee of the whole of the Common Council met on January 7, 1985 and Jan. 23, 1985 to discuss putting a second question for maintenance costs, on the C. D. Parks property referendum.

The committee requested Planning Director Len Sedney to estimate costs for minimal passive recreation, City Engineer Jack Schweitzer for the cost to provide inexpensive parking areas and driveways and Superintendent of Public Buildings, Robert Winkelstern to estimate the cost to repair to secure the buildings on the site. In response to these requests, Mr. Sedney estimated \$150,000 to provide five miles of hiking and equestrian trails. After discussion with Mr. Sedney, Mr. Schweitzer recommended two unimproved parking areas and driveways in the vicinity of the trails for a cost of \$300,000. Mr. Winkelstern reviewed Building Inspector Leo Null's report on the condition of the buildings on the property and also visited the site himself. He estimates a cost of \$887,440 to demolish the unsalvageable buildings and to secure the remaining ones against both vandalism and further deterioration from the elements.

A motion at the committee meeting was made by Councilman Durkin and seconded by Councilwoman Butera to appropriate \$800,000 plus Bond costs to provide driveways and parking, to develop passive recreation and to repair to secure the buildings on the property. The motion passed 8 to 6. The chair did not vote.

The Committee of the whole was also charged to review a request from Steven Daum that the City give him its option on the C. D. Parks property. Assistant Corporation Counsel Eric Gottschalk advised the committee that the City does not have a formal written option. Mr. Daum has withdrawn his request at this time and therefore the committee took no action.

The committee recommends that the Council request the Bond Counsel to draft two questions for a referendum. The first should address the purchase price and bond costs associated with the acquisition of the C. D. Parks property. The second should request the appropriation of \$800,000 plus bond costs, for the cost of improvements to the property.

The Report was accepted by the Common Council on the Consent Calendar.

037 - REPORT & RESOLUTION - Midtown-East Neighborhood Development Project.

Councilwoman C. McManus submitted a report stating that the committee appointed to review the Redevelopment Agency's recommendation of John A. Errichetti as developer for the redevelopment parcel in downtown Danbury, met on January 21, 1985 at 8:00 P.M. in the Council Chambers.

In attendance at the meeting were members of the Redevelopment Agency Jack Sullivan, Boyd Lossee and Paul Garavel, Redevelopment Director Gene Barrett, Redevelopment Attorney James Maloney and from the City's Corporation Counsel Office, Attorneys Theodore Goldstein and Eric Gottschalk. Several Council Members attended in an ex-officio capacity.

During the meeting, those Redevelopment Agency members who had supported the choice of John Errichetti as developer, informed the committee of the reasons for their decision. Agency members John Addessi and Lawrence Reifberg were unable to attend the meeting but Mr. Addessi submitted a letter that evening and Mr. Reifberg addressed the Council a constituents meeting the following evening and also submitted his remarks in writing.

The Redevelopment Agency gave a presentation which included an historical summary and addressed the issues which have surfaced in the public forum. Attorney Maloney stated that, in his opinion, the Redevelopment Agency's process had complied with the law. Attorney Goldstein defined the parameters of the Common Council's authority in the procedure.

The committee met again on January 24, 1985 at 7:30 P.M. in the Council Chambers. Also in attendance were John Errichetti and his development team of Robert Nocera, Scott Ziegler, Michael Stein, Joseph DiLullo and Michael Bobick, Attorneys Goldstein, Gottschalk and Maloney, Gene Barrett, Members of the Redevelopment Agency and Council Members.

After a presentation by the Errichetti team and discussion by the committee members, the committee voted unanimously to recommend that the Council approve the Resolution attached to this report.

A motion was made by Councilman Gallo and seconded by Councilman Farah for the Report to be accepted. Motion carried.

Councilman Zotos requested and was granted permission to abstain from voting on the above Report and Resolution to follow.

RESOLUTION - "Pre-Development/Master Agreement".

Resolved by the Common Council of the City of Danbury:

- (1) THAT the City of Danbury enter into a certain "Pre-Development/Master Agreement" with John A. Errichetti pertaining to the "Midtown-East Neighborhood Development Project", and in specific regard to the Redevelopment Agency of the City of Danbury's downtown revitalization program, also referred to as "Parcel A", said "Pre-Development/Master Agreement" referenced in the Redevelopment Agency's Resolution of January 3, 1985 as submitted to the Common Council on January 3, 1985, of said "Pre-Development/Master Agreement" in form as on file in the office of the City Clerk; and
- (2) THAT James E. Dyer, Mayor of the City of Danbury be, and he hereby is authorized and directed to execute said "Pre-Development/Master Agreement", on behalf of the City of Danbury, in final form as approved by the Corporation Counsel of the City of Danbury; and
- (3) THAT the preliminary reuse price for said "Parcel A" in the amount of Five Hundred & Eighty-Five Thousand Dollars (\$585,000.00) be, and hereby is approved, subject to the subsequent final action and approval by the Common Council of the City of Danbury in accordance with the process established in said "Pre-Development/Master Agreement", in particular reference to Section 4 (5) thereof.

A motion was made by Councilman Gallo and seconded by Councilman Torian for the Resolution to be adopted.

Councilman Flanagan remarked that the Redevelopment Agency had a very difficult decision to make and that he was not comfortable in supporting this Resolution but wished whoever does the job, will do it well.

Councilman Boynton remarked that "we have given this matter a great deal of thought and will support Errichetti as long as he lives up to the contract. Will look very closely at the progress. No one has taken this matter lightly"

Councilman Farah read the following letter from John Errichetti Associates to Mr. Eugene P. Barrett, Executive Director of the Danbury Redevelopment Agency, dated February 5, 1985.

Dear Mr. Barrett:

This is written to confirm certain points expressed by myself and my associates during our presentation of January 25, 1985 to the Danbury Common Council Committee reviewing your agency's recommendation of January 3, 1985 concerning the redevelopment of Parcel A in Downtown Danbury.

First, my organization shall indeed provide all of the parking spaces as stated in our proposal to the Agency in response to your Invitation For Bids dated May 22, 1984 as amended. In my remarks I indicated that should the City of Danbury desire parking spaces in addition to the spaces proposed by us, I would be pleased to negotiate for the development of such additional spaces. Such negotiations do not pertain to the spaces required by the terms of the bid itself.

Second, in regards to the letter from The Nocera Company to Mrs. Constance McManus, Danbury Common Council president, dated January 24, 1985, and in specific connection with the issue of parking spaces to be made available on a "phase by phase basis", please be assured that I am entirely cognizant that the IFB required that the developer must provide "sufficient on site parking in each phase of the project for 125% of the number of vehicles required for the type and extent of the improvements to be located in each phase... and for additional public use parking within each phase equal to 100% of the number of spaces of municipal parking lost due to the planned development." The Nocera Company letter discussed the practical development of the parcel. From that pragmatic point of view, the use of the expression "phases" addressed only the construction planning of the project. We believe this is consistent with the requirements of the IFB. For example, while Phase I, from a construction point of view, may consist of a building and its directly associated amenities, such as parking space for the users of that particular building, from a technical and legal point of view, a phase may consist not only of that building and its associate areas, but may also include sufficient additional areas and parking space, albeit they are not necessarily contiguous, to meet the IFB requirements. In other words, the actual phasing of the project, as such phasing is to officially establish

the pre-development process, may produce individual legal "phases" of the project consisting of two or more portions of Parcel A. One such portion devoted to the development use contemplated by the IFB and our bid. The other such portion devoted to the replacement parking requirements.

Third, I believe that it is also appropriate to restate our position in regard to the derivation of our parking computations. As noted in The Nocera Company letter, our bid supplied 125% of the parking to meet the zoning requirement for the development actually proposed in our bid, and also made provisions to replace the municipal parking lost due to that proposed development. It should be clearly recognized, however, that as our bid indicated that the entire site will not be actually built upon; not all of the existing parking spaces currently within Parcel A will be lost to such development.

This explains the difference between the total number of spaces that seem to be estimated to be on the Parcel A site and our preliminary estimate that only 335 of those spaces will actually be lost to the development. As we have stressed repeatedly, should the development as actually approved by the pre-development/master agreement process require adjustments to the 335 spaces principally based on the results of the technical studies required by Sections 4.1(lb.) and 4.2 under the Pre-Development Steps of the August 6, 1984 IFB, then indeed an adjustment in the amount of these 335 spaces is justified, and the number of replacement spaces will be adjusted correspondingly, thereby assuring that the parking space requirements set forth in the IFB are fully adhered to.

In regard to this same matter, I have had occasion to review the memorandum from your agency to the Mayor and Common Council of the City of Danbury dated January 21, 1985. In particular, I have reviewed the Agency's analysis concerning the parking requirements as set forth in our bid for the downtown project. I am pleased to advise that I concur in the analysis concerning parking set forth in that memo.

I hope that this correspondence puts to final rest all of the various discussions concerning parking on the site as proposed by my organization. I look forward to working with the City of Danbury and the Danbury Redevelopment Agency in the construction of this most exciting project.

Councilman Godfrey spoke stating that he shares Mr. Flanagan's concern with the arduous task of making the right decision. The decision by the Redevelopment Agency should stand - had reservations about parking, but it has been explained that details still can be filled in. Contract should include local and minority employment.

The Resolution was adopted by a roll call vote of 17 Ayes - 3 Nays and 1 abstention.

Council Members - Sollose, Foti, Torcaso, Esposito, Godfrey, Chianese Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Durkin, Eriquez Farah, Torian voted Aye (17 votes)

Council Members - Johnson, Flanagan and Butera voted Nay (3 votes)  
Councilman Zotos abstained from voting.

Mayor Dyer extended all existing committees, including the committee appointed to review the Redevelopment Project - for them to update the Common Council on the progress of the Redevelopment Agency's Agreement.

Mayor Dyer thanked the members of the Civil Preparedness Office and the Public Works Department for the transportation of Council Members to this meeting, during the snowstorm.

Mayor Dyer also thanked the Redevelopment Agency who saw that this has come about.

Mayor Dyer thanked the members of the Council and the people in the audience who came out on this difficult evening.

The Mayor stated that is always a pleasure to see the citizens of Danbury attend the meetings and public hearings, keeping in mind the upcoming Budget sessions to be held in the near future.

In accordance with the City Charter, Mayor Dyer asked for public speakers who wished to address the members of the Common Council on any matter listed on the agenda of this evening's meeting.

Dr. T. Valluzzo stated that the citizens have appreciated the opportunities to speak with members of the Common Council who listened to them and asked the Council to see that the requirements of the IFB are adhered to and enforced.

Mr. David Burke - Labor Union Representative thanked the Council "very much for considering a request to review a local hiring ordinance", to assure that Danbury people will be hired for the Redevelopment Project.

There being no further business to come before the Common Council, a motion was made by Councilman Godfrey and seconded by Councilman Gallo for the meeting to be adjourned at 8:40 O'Clock P.M.

Respectfully submitted

  
Assistant City Clerk

Attest:   
City Clerk