

To: Mayor James E. Dyer, City of Danbury, Connecticut.

Re: Minutes of the Special Common Council Meeting held May 11, 1987.

The meeting was called to order at 7:30 P.M. by Common Council President Constance McManus, who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman John J. Esposito.

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

PRESENT: Council Members - Johnson, Sollose, DeMille, Philip, Godfrey, Flanagan, Zotos, Hadley, Rotello, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Farah, Smith and Torian.

21 Members Present - 0 Members Absent.

NOTICE OF THE SPECIAL MEETING - To be held on the 11 day of May, 1987, at 7:30 O'Clock P.M. in the Common Council Chambers at City Hall, for the purpose of acting upon the following:

01 - COMMUNICATION - Emergency Repairs Easement for the Sunrise Ridge Condominiums.

RETURN OF SERVICE - Notices were delivered by Police Officers of the Danbury Police Department.

A motion was made by Councilman DaSilva and seconded by Councilman Charles for the Call and the Return of Service to be accepted. Motion carried unanimously.

01 - COMMUNICATION - Emergency Repairs Easement for the Sunrise Ridge Condominiums.

Councilwoman McManus submitted the following report:

The committee appointed to review the request from Sunrise Ridge Condominiums for the City to condemn easements on the property owned by residents of Juniper Ridge met on May 7, 1987 at 7:30 P.M. in City Hall. Present at the meeting were Committee Members McManus and Johnson, Council Members Donald Sollose, Peter Philip and Edward Torian. Also attending was Assistant Corporation Counsel Les Pinter, together with the attorney for the Condominium Association, Ward Mazzucco and their Engineer, Mr. Marnicki. Also present were resident of Juniper Ridge and Sunrise Ridge.

Unfortunately, the City Engineer and Building Inspector were unable to attend the meeting. Although much information was submitted at the meeting, it was impossible for the committee to evaluate it without the professional input from the City staff. The committee does not feel it can reach a decision without the needed input, but due to the emergency status of the problem, is hesitant to further delay a decision by the full Council by scheduling another committee meeting.

The committee recommends that the Common Council members read the minutes of the committee meeting which are attached and to formulate any questions that they may have. The Mayor will be requested to schedule a special meeting and to ensure the attendance of the necessary City personnel including the City Engineer and the Building Inspector so that the full Council can make an informed decision. While formulating their concerns and questions, Council Members should be aware that the Assistant Corporation Counsel stresses that they should keep in mind two facts: 1. the City assumes more liability be entering into the condemnation procedure; and 2. the Condominium Association must show that they have exhausted all avenues in their attempt to rectify the situation.

The committee apologizes to the Common Council for its lack of a recommendation.

Mr. DaSilva made a motion to suspend the rules to allow persons other than Council Members to speak during the meeting. Seconded by Mr. Godfrey. Motion carried unanimously.

Mr. Schweitzer, the City's Engineer stated that he felt there are other ways to repair the wall rather than from behind it. Mr. Boynton asked a question directed to Mr. Schweitzer concerning drainage holes. Discussion followed concerning ways to repair wall.

Mr. Hadley asked a question regarding costs of the repairs. Mr. Schweitzer replied that he had no idea what the costs would be.

Mr. Boynton asked a question pertaining to the breaking of the wall where there is no building. Mr. Schweitzer replied that it sounded logical.

Mr. Farah asked Mr. Goldstein if the City has the right to condemn private property. Mr. Goldstein said the City could condemn property if the situation required intervention due to a threat to public safety or under eminent domain.

Mr. DaSilva asked if there were further legalities involved if protecting lives is involved. Mr. Goldstein stated that he could find no such cases.

Mr. Goldstein also answered a question concerning appropriation of funds and it was his opinion that some costs could have to be born of the City of Danbury.

Mr. Godfrey asked what the responsibility of the Common Council is. Mr. Goldstein replied that the status is that the Common Council will determine if they will provide a special appropriation and easements. Mr. Godfrey stated that they could only speculate on an amount since there is no appropriations bill before them.

Mr. Gallo asked what the City's liability is since the wall was not built to specifications. Discussion followed on proper engineering.

Mr. Rotello asked Mr. Schweitzer how long the wall would stay up. Mr. Schweitzer stated that he had no idea. Mr. Rotello voiced his concern about children getting onto the property and being injured. Mr. Schweitzer stated that there is a security system in place and there is a rope around the property.

Mr. Boynton stated that in order to secure property and life, several steps need to be taken: Adopt resolution to board up buildings that have been condemned and secure the area. Mr. Goldstein responded that this is private property and does not know if the City has any further authority. Mr. Boynton then directed the question to Mr. Null, the building inspector, i.e. does the City have the authority to board up the property. Mr. Null responded that it does, but it is not necessary. Mr. Boynton asked Mr. Null if the City has done all it can to protect life and property. Mr. Null answered yes.

Mr. Boynton then asked how the City can get involved in spending taxpayers money to correct a problem on private property. Mr. Goldstein answered because it is a life and health situation. Mrs. McManus stated that a precedent had been set with the situation on the Jackson-Hanson property on Main Street. Mr. Boynton said there are big differences between the two properties. Mr. Boynton stated that he had a few more questions, but Mrs. McManus moved on to other Council Members.

Mr. Eriquez asked what liability does the City assume by getting into condemnation. Mr. Goldstein replied that the condemnation involves 5 properties on Juniper Ridge. It is not necessary for the Common Council to start eminent domain proceedings since it is already provided for in the power of the building department.

Mr. Eriquez asked if all avenues had been exhausted other than condemnation. Discussion followed concerning responsibility.

Mr. Farah what about the procedure in alleviating hardships of the condominium owners. Can taxes on the property be abated.

Mr. Schweitzer stated that he had no formalized presentation, but was only present to answer questions.

Mr. Philip gave a brief recitation concerning the committee meeting which had taken place the previous week.

Mr. DaSilva explained the charge of the Council.

Mr. Godfrey made a motion to accept the Committee Report and deny the petition without prejudice. He stated that it is up to the building department to deal with the problem and then come back to the Common Council if an appropriation is needed. There was no need to take any action. Seconded by Mr. Philip. Motion carried unanimously.

Mr. Eriquez stated that they should move toward a permanent solution.

Mr. Torian suggested that the Condominium Association meet with the City Engineer.

Mr. Ward Mazzucco spoke on behalf of the Condominium Association and stressed the urgent need for a solution.

The engineer for the Condominium Association, Mr. Marnicki, gave a presentation on his study of the wall. He proceeded to answer technical questions from several Council Members.

Mr. Boynton stated that the City Engineer had stated that there were alternative ways to repair the wall and perhaps Mr. Marnicki should sit down with the City Engineer and come up with a solution.

Attorney Ted Backer stated that he was representing the 5 Juniper Ridge homeowners and gave his presentation.

Joseph McCabe, President of the Sunrise Ridge Condominium Association stated that he was speaking for the 38 condominium owners involved and explained the steps the Association had taken to correct the problem.

James Nourse of Juniper Ridge spoke about the situation, as well as the following persons: A. Charles Setaro, Juniper Ridge; Catherine Kloss, Juniper Ridge; Sam Melillo, Juniper Ridge; Dr. Townsend, Juniper Ridge; Jeremy Hutchings, Sunrise Ridge; Jean Burns, Sunrise Ridge; Bill Stevenson, Juniper Ridge; Pat Brothers, Sunrise Ridge and Don Giarrantano, Juniper Ridge.

Frank O'Neill, an appraiser gave his presentation for the Juniper Ridge homeowners stating that they are in danger of losing 10-30% of the values of their homes.

Attorney Mazzucco gave a summarization on behalf of the Sunrise Ridge Condominium Association. Attorney Backer responded to Mr. Mazzucco's summarization.

Discussion followed regarding liens on the property and how such liens could be released as each unit owner went to sell the property.

A motion was made to accept the committee report as amended. Motion was seconded and passed unanimously.

Mr. Gottschalk answered Mr. Farah's question about tax abatement stating that taxes could not be abated unless the building was leveled,

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Pat Brothers - Asked where the Condominium Owners should go from here.

John Hutchings - Stated that the Common Council had "missed the point".

James Nourse - Thank the Common Council.

Harold Nourse - Thanked the Council and said it was a wise choice.

Mr. Null gave a dissertation of his feelings on the problem.

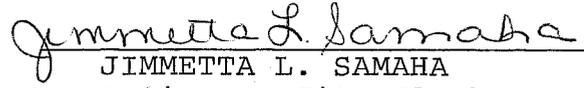
Mr. Farah stated that he was disturbed that Mr. Null had not stated his view during the formal portion of the Common Council meeting, before the vote had been taken.

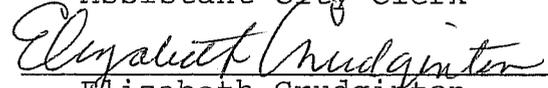
Mr. Torian asked what options were available. Mr. Schweitzer stated that he had not been asked for solutions.

Mary Stevenson responded to Mr. Null and stated that if the wall fell the Juniper Ridge homeowners would sue the City.

There being no further business to come before the Common Council a motion was made at 10:12 P.M. by Council Member Godfrey for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk


Elizabeth Crudginton
City Clerk

ATTEST: