

To: Mayor Joseph H. Sauer, City of Danbury, Connecticut.

Re: Minutes of the Common Council Meeting held June 7, 1988.

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

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

Absent - Cresci, Nimmons, Fazio, Shaw.

17 Present - 4 Absent. Mr. Nimmons was reported ill. Mr. Fazio, Mr. Cresci and Mr. Shaw were out of town.

CONSENT CALENDAR - Mrs. Bourne presented the following items for the consent calendar:

- 3 - Communication and Certification - Request for Funds for Common Council
- 13 - Communication - Offer of Land at Candlewood Vista
- 16 - Communication - Property at 9 Bank Street
- 23 - Communication - Report from Tax Assessor on 93 Boulevard Drive
- 31 - Report - Request to purchase land at 80 Chambers Road
- 32 - Report - Disposal of Construction and Demolition Debris
- 33 - Report - Repairs to Sidewalks on Myrtle Avenue
- 34 - Report - Dancon Corp. - Final Subdivision, Briar Ridge Estates
- 36 - Report - Conn. DOT v. City of Danbury - Rest Area Outfall Sewer
- 37 - Progress Report - Lease, City of Danbury and New England Aircraft

Mr. Charles made a motion that the consent calendar be adopted as presented. Seconded by Mr. Moran. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held May 3, 1988 and the Special Common Council meeting held May 12-13, 1988. Mr. DaSilva made a motion to accept the minutes as presented and to waive the reading of same since all members have copies and said copies are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez. Mr. Regan asked that on page 12 of the minutes of May 12-13, 1988, the minutes be corrected to reflect that he voted no on the contingency account vote. The motion to accept the minutes, as amended, carried unanimously.

1 - **COMMUNICATION** - Letter from Council Member Lovie Bourne asking that an ad hoc committee be formed to review whether or not municipal employees should be allowed to serve on City boards and commissions. Mrs. Bourne asked that this be referred to a committee. Mayor Sauer ordered that it be referred to a committee consisting of Council Members Bourne, Fazio and Godfrey and also referred it to the Corporation Counsel.

2 - **COMMUNICATION** - Letter from Library Director Betsy Lyke stating that the Library received a donation from The Women's Club of Danbury and New Fairfield totaling \$100. Mr. Connell made a motion that the donation be accepted and a letter of thanks sent to the Women's Club. Seconded by Mr. Flanagan. Motion carried unanimously.

3 - **COMMUNICATION** - Letter from Council President James E. Nimmons requested that the sum of \$1,000 be transferred to the Common Council's budget to cover operating expenses for the remainder of the current fiscal year. Certification of Funds attached. Communication was accepted and transfer of funds authorized on the Consent Calendar.

4 - **COMMUNICATION & CERTIFICATION** - Letter from Corporation Counsel Robert T. Resha asking the Common Council to appropriate the sum of \$3,783.00 for legal fees in the case of City of Danbury, et al v. Connecticut Air Service, Inc., et al. Certification of Funds attached. Mr. Godfrey made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mrs. Bourne. Motion carried unanimously.

5 - COMMUNICATION & CERTIFICATION - Letter from Corporation Counsel Robert T. Resha asking for appropriations for the Special Litigation Account and the Outside Services Account. Certification of Funds attached. Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Bundy, Regan and Godfrey.

6 - COMMUNICATION & CERTIFICATION - Request for Funds for the Hiring of Consultants to advise the City on the proposed regional resources recovery facility. Certification of Funds in the amount of \$75,000 was attached. Mrs. Butera asked that this be referred to an ad hoc committee and the Technical Advisory Team. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Bundy, Shaw and Eriquez.

7 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley requesting that an ad hoc committee be appointed for the purpose of reviewing and approving the easements necessary for the construction of the Phase III transmission main project along Route 37 in Danbury. Mr. Renz asked that this be referred to an ad hoc committee, the Planning Commission and William Buckley. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Moran, Gallo and DaSilva.

8 - COMMUNICATION - Letter from Dale L. Carlson, 126 Aunt Hack Road asking for an easement on Aunt Hack Road. Mr. Connell asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Regan, Cassano and Charles.

9 - COMMUNICATION - Communication from City Engineer Jack Schweitzer regarding recommendations regarding Hampton Estates, Tiffany Drive and Ralto Court. Mrs. Danise asked that this be referred to an ad hoc committee and the City Engineer. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Nimmons, Renz and DaSilva.

10 - COMMUNICATION & RESOLUTION - Letter and Resolution from Assistant Corporation Counsel Laszlo Pinter for purposes of negotiation and/or Condemnation regarding Westminster Woods. Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and stated that the ad hoc committee shall consist of Council Members Shaw, Charles and Zotos.

11 - COMMUNICATION - Letter from City Engineer Jack Schweitzer asking that the Common Council appropriate funds to pay Della Constructi Co., Inc. for the Balmforth/Maple Avenue Road Improvement Bridge. Mr. Renz asked that this be referred to an ad hoc committee and the City Engineer. Mayor Sauer so ordered and stated that the ad hoc committee shall consist of Council Members Renz, Shaw and Flanagan.

12 - COMMUNICATION - Reports from the Assistant Corporation Counsel, the City Engineer and the Planning Commission regarding a road widening parcel on Boyce Road. Mrs. Danise asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Nimmons, Cresci and Butera.

13 - COMMUNICATION - Reports from the City Engineer, the Assistant Corporation Counsel and the Planning Commission on the acceptance of land at Candlewood Vista. The City Engineer and the Planning Commission deemed that the land is of no value to the City. The reports were accepted on the Consent Calendar.

14 - COMMUNICATION - Request for water extension from Luke F. Sweeney, Inc. for property on Commerce Drive. Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Regan, Cresci and Esposito. The Mayor also ordered it referred to the City Engineer.

15 - COMMUNICATION - Petition from residents asking that a traffic light be installed at the corner of Shelter Rock Road and Shelter Rock Lane. Mr. Godfrey asked that this be referred to the Chief of Police for a report back in thirty days. Mayor Sauer so ordered.

16 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter asking that the committee regarding the property at 9 Bank

Street be re-established to further discuss the issue of granting a right of way. The communication was accepted on the consent calendar.

17 - COMMUNICATION - Sears, Roebuck & Co., v. City of Danbury. Mrs. Bourne made a motion to move this item to the end of the agenda. Seconded by Mr. Godfrey. Motion carried unanimously.

18 - COMMUNICATION - Letter from Felix Bonacci, Chairman of the Richter Park Authority asking that the Common Council restore the sum of \$30,000 that was eliminate from the Richter Park budget. Mr. Connell asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Connell, Moran, Nimmons, Zotos and Charles.

19 - COMMUNICATION - Letter from Attorney Thomas A. Frizzell on behalf of Karthene Gallagher asking that East Starrs Plain Road be brought up to City specifications for public highways. Mrs. Butera asked that this be referred to the Director of Public Works and the City Engineer for a report back in thirty days. Mayor Sauer so ordered.

20 - COMMUNICATION - Letter from Bill Glazier asking for a solution to road paving/drainage problems on Hawthorne Cove Road. Mrs. Butera asked that this be referred to an ad hoc committee, the Director of Public Works and the City Engineer. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Fazio, Bundy and Gallo.

21 - COMMUNICATION - Letter from Building Official Leo Null asking that an ad hoc committee be established to consider the necessary adjustments to building permits. Mrs. Danise asked that this be referred to an ad hoc committee, the building official and the Comptroller and the Corporation Counsel. Mayor Sauer so ordered and directed that the committee shall consist of Council Members Bundy, Renz and Flanagan.

22 - COMMUNICATION - Letter from Fire Chief Monzillo requesting emergency funding for roof repairs to engines 3, 5 and headquarters. Mrs. Bourne asked that this be referred to an ad hoc committee, the comptroller, the Fire Chief and the Superintendent of Public Buildings. Mayor Sauer so ordered and stated that the committee shall consist of Council Members Connell, Cresci and Esposito.

23 - COMMUNICATION - Report from Tax Assessor Anne DeFlumeri regarding the tax assessment at 93 Boulevard Drive stating that she has advised the petitioner that legal action would be the next step. The report was accepted on the Consent Calendar.

24 - DEPARTMENT REPORTS - Public Works, Building Department, Health Department, Airport Administrator, Fire Chief, Fire Marshall, Parks and Recreation. Mr. DaSilva made a motion to dispense with the reading of the Department Reports as all members have copies and said reports are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez. Motion carried unanimously.

25 - REPORT & ORDINANCE - Replacing Steel Traffic Drums with Plastic. In Mr. Nimmon's absence, Mrs. Bourne presented the following report and ordinance:

The Common Council met as a committee of the whole, immediately following a public hearing, on May 23, 1988 in the Common Council Chambers in City Hall.

Mr. Moran made a motion to recommend approval of the ordinance. Seconded by Mrs. Danise. Motion carried unanimously.

Ordinance - Be it ordained by the Common Council of the City of Danbury:

THAT Section 17-69 of the Code of Ordinances of Danbury, Connecticut be and hereby is amended to read as follows:

It shall be the duty of the permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the superintendent of highways, the travel path shall not be obstructed. The portions of the highway which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by flares, lanterns, lights, flasher beacons or other warning devices approved by the superintendent of highways. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of police officers, flagmen or trafficmen shall be employed by the permittee to direct the traffic safely through the areas. The use of metal drums as traffic control barriers shall not be permitted. Traffic control barriers, when permitted or required by the superintendent of highways, shall be constructed in a manner and with a material designed to do the least possible damage to vehicles in the event of a collision. The work shall, if possible, be planned to avoid such conditions.

Mr. Connell made a motion to amend the ordinance to read "at the determination of the police and the superintendent of highways", and also to change "employed" to "paid". Mr. Flanagan asked if the police chief should be heard on this change. Mr. Resha stated that he was only asked to provide the language for the change, he did not request the change. Mr. Gottschalk stated that it would be in order to send this back to committee as the change bypasses the public hearing. Mr. Connell withdrew his motion. Mr. Gallo made a motion to recommit to the previous committee. Seconded by Mr. Flanagan. Motion carried unanimously. Committee shall consist of Council Members Shaw, Butera, Renz.

26 - REPORT & ORDINANCE - City Historian

In Mr. Nimmons absence, Mrs. Bourne submitted the following report:

The Common Council met as a Committee of the Whole immediately following a public hearing on May 23, 1988 in the Common Council Chambers in City Hall.

Mr. Moran made a motion to recommend adoption of the Ordinance. Seconded by Mrs. Danise. Motion carried with Mr. Gallo, Mr. Cassano and Mrs. Bourne voting in the negative.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of Section 2-34 which said section shall read as follows:

Sec. 2-34 City Historian.

(a) Purpose. Pursuant to Public Act 87-278 of the State of Connecticut, a City Historian shall be appointed in the City of Danbury to promote a knowledge, appreciation and dissemination of Danbury history.

(b) Qualifications.

(1) The City Historian shall be a legal resident and elector of the City of Danbury.

(2) The City Historian shall be qualified by a knowledge of Danbury history as well as general State and American history, by a knowledge of historical research, and by good writing and speaking skills.

(c) Term of Office and Method of Appointment.

(1) The City Historian shall be appointed to a term of two (2) years. The City Historian shall be appointed by the Mayor and confirmed by the Common Council.

(2) A vacancy in the office of City Historian shall be filled by the Mayor for the unexpired portion of the term.

(d) Duties and Responsibilities. The City Historian shall:

(1) Promote an awareness of and an appreciation for the city's history through research, writing and public speaking; through publications, projects, exhibits, displays, celebrations and commemorations; through the maintenance of plaques, markers and monuments; and through the preparation of classroom aids, guides, workshops and training.

(2) Advise the Mayor and the Common Council on historical issues and subjects, including historical objects, historical structures and sites, historical districts, national register properties and historic preservation.

(3) Serve as a liaison among the city's museums, libraries and historical associations, and with similar outside groups, to encourage historical coordination, cooperation and resource sharing.

(4) Maintain a reference library of historic information and serve as a central referral point for inquiries regarding Danbury history.

(5) As appropriate, supervise staff and programs of the City, maintain an office, expend funds and obtain contributions and grants to carry out the aforesaid duties.

Mr. Moran made a motion that the report be approved and the Ordinance adopted. Seconded by Mr. Charles. Mrs. Bourne asked for a clarification of section 5 which Mr. Moran provided. Motion carried with Mr. Gallo voting in the negative.

27 - REPORT & ORDINANCE - Parking Violations.

In Mr. Nimmons absence, Mrs. Bourne presented the following report and Ordinance:

The Common Council met as a committee of the whole, immediately following a public hearing, on May 23, 1988 in the Common Council Chambers in City Hall.

Mrs. Bourne moved to recommend adoption of the Ordinance. Seconded by Mrs. Danise. Mr. Flanagan moved to amend the ordinance to read a \$50 fine rather than a \$100. fine. Seconded by Mr. Regan. Motion to amend carried with Mrs. Bourne, Mr. Moran and Mr. Gallo voting in the negative. Motion, as amended, carried with Mrs. Bourne, Mr. Moran and Mr. Gallo voting in the negative.

THAT Subsection 19-35(e) of the Code of Ordinances of Danbury, Connecticut be and hereby is amended to read as follows:

Penalty. Whenever any vehicle shall be found parked in violation of this section, any police officer of the Danbury Police Department may issue a citation for such violation, which violation shall provide for a fine of Fifty (\$50.00) Dollars payable to the City of Danbury and remitted to the Tax Collector within seven (7) days of the citation date. If any fine is not paid within seven (7) days a penalty in an amount equal to the fine shall immediately become due and payable in addition to the original fine and a warrant may be issued for the arrest of the violator.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Subsection 19-65(b) of the Code of Ordinances of Danbury, Connecticut be and hereby is amended to read as follows:

(b) Any vehicle which has five (5) or more outstanding and unpaid parking violations or three (3) or more outstanding and unpaid violations of Section 19-35 of the Code of Ordinances issued against it and which, after mailing to the registered owner a final notice demanding payment, is found parked in any parking area open to the public, on any public street, public highway or in any portion of the width between the boundary line of any way publicly maintained when any portion thereof is open to the use of the public for purposes of vehicular travel, or on any property owned by, or in the possession and control of the City, may be removed or immobilized pursuant to the provisions of Section 19-66 hereof.

Mr. Eriquez made a motion to accept the report and adopt the ordinance. Seconded by Mr. Godfrey. Mr. Renz made an amendment to add the paragraph as shown above.

Seconded by Mrs. Bourne. Motion carried with the members voting as follows: Yes - Bourne, Connell, Gallo, Moran, Renz, Godfrey, Charles, Bundy, Danis, Eriquez, Regan. No - Esposito, Flanagan, Zotos, Cassano, Butera, DaSilva. The original motion, as amended, carried with Mr. Cassano voting in the negative.

28 - REPORT - Amendment to Purchasing Department Manual.

In Mr. Nimmons absence, Mrs. Bourne submitted the following report:

The Common Council met as a committee of the whole, immediately following a public hearing, on May 23, 1988 in the Common Council Chambers in City Hall.

Mr. Esposito made a motion to recommend approval of the Amendment to the Purchasing Department Manual. Seconded by Mr. Charles. Motion carried unanimously.

Section 16. Purchases of Government Surplus items

In order to take advantage of the significant savings to the City of Danbury by the purchase of surplus goods from various government agencies or sources, the Purchasing Agent is hereby authorized to procure such government surplus items without adhering to the bid procedure. Any such procurement(s) however, shall require prior certification of funding by the office of the Comptroller of the City of Danbury.

This section shall apply only to purchases not exceeding ten thousand dollars (\$10,000.00). In the event of action by the Purchasing Agent pursuant to this section, the Common Council shall be deemed to have waived the requirements of local bidding as provided in Danbury Municipal Charter Section 6-6(d).

Mrs. Bourne submitted the following report:

The Council committee charged with reviewing the above subject met on May 16, 1988, at 7:35 P.M., in City Hall, Room 432. Committee members Lovie Bourne and Robert Godfrey were in attendance (A. Cassano was unable to attend).

Others present — Ann DeFlumeri, Tax Assessor's Office; Sue Steiner, Planning; and East Lake Road residents: Mrs. Beatrice Dahill, Mariann Dahill, Maria Barna and Pete Susa.

Mrs. Bourne began the meeting by introducing all present. She stated the charge of the committee, noting that letters* had been sent to all residents of record regarding this meeting and explained that the Common Council in the past had agreed that houses without numbers, and numbers not in sequential order cause a serious health and safety problem. She also explained that the Council has the authority to renumber.

Mrs. Dahill and her daughter Mariann both were in agreement that the street was in need of renumbering, however, as they've used their house number since 1945, they were upset at the expense and time involved in doing so. (Their statements are attached.)

Mrs. Barna, a 14-year resident was also upset at losing her house number. She asked what would happen if she did not comply with the change. Mrs. Bourne explained that if the Council agrees with the change, the Post Office would be notified, and, after a certain period of time, the Post Office would no longer deliver her mail.

Mrs. Dahill pointed out that Planning's renumbering system takes into account Blackberry Hill Road. Both Mrs. DeFlumeri and Ms. Steiner were not aware of this street.

Mr. Godfrey moved that East Lake Road be renumbered as houses without numbers and numbers not in sequential order pose a health and safety problem. Second by Mrs. Bourne. Motion passed unanimously.

Mr. Godfrey also asked Mrs. DeFlumeri and Ms. Steiner to be present at the Public Hearing and to bring along the map with the proposed renumbering system. Both agreed and stated that they would drive out and personally review the street to ensure that the renumbering is correct. Please note that the previous proposed numbering did not take into account a large (20A) parcel of property owned by the Previdi's. Whereas before this omission, eight families were thought not to be affected by this change; now only two are not affected.

Mr. Godfrey asked that this be referred to public hearing. Mayor Sauer so ordered.

30 - REPORT - Sunset Review Committee.

Mr. Renz submitted the following report:

The Sunset Review Committee met on May 25, 1988 at 8:00 P.M. in the Employees Lounge in City Hall. In attendance were Committee Members Renz, Moran, Esposito and Pichiarallo. Mrs. Torcaso was unable to attend. Also in attendance was A. Cipriani, Chairman of the Conservation Commission. Not present at the meeting due to a scheduled EIC meeting was Mark Massoud. However, he was available for any commentary the committee required.

Documentation submitted by both the Conservation Commission and the Environmental Impact Commission was examined with regard to Section 2-182 of the Code of Ordinances of the City of Danbury. Satisfied that both Commissions had responded properly and more than sufficiently to Section 2-181 of the Code of Ordinances of the City of Danbury, a motion was made by Mr. Esposito to recommend the Common Council approve the continuance of the two governmental entities known as the Conservation Commission and the Environmental Impact Commission. Seconded by Mr. Pichiarallo. Motion carried unanimously.

Mrs. Bourne asked that this be deferred to public hearing. Mayor Sauer so ordered.

31 - REPORT - Request to purchase land at 80 Chambers Road.

Mr. Renz submitted the following report:

The Common Council Committee appointed to review the request to purchase property at 80 Chambers Road met on May 25, 1988 in Room 432 in City Hall. Present were committee members Renz and Cassano.

A motion was made by Mr. Cassano to deny the petition without prejudice due to the failure of the Planning Commission to provide more definitive information to the committee and further, due to the fact that the petitioner, Heidi Kriegl, did not appear. Seconded by Mr. Renz. Motion carried unanimously.

The report was accepted on the Consent Calendar.

32 - REPORT - Disposal of Construction and Demolition Debris.

Mr. Bundy submitted the following report:

The Common Council committee appointed to review the proposal for disposal of construction and demolition debris met on May 17, 1988 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Bundy and Flanagan. Mr. Renz was unable to attend. Also in attendance were Director of Public Works Daniel Minahan, City Engineer Jack Schweitzer and Philip LoPresti of the Danbury Carting Company.

Mr. LoPresti presented a proposal whereby the Danbury Carting Company would provide a local disposal site for construction and demolition debris. He showed a video tape which illustrated a process of recycling these products (75%). The remaining 25% would be reduced in size and/or shape and put in a separate landfill at his proposed site. The system viewed is by International Recycling Systems and is called Demolition Recycling Systems. The system has a top capacity of 200-300 tons per day.

Mr. LoPresti explained that by providing a separate site for demolition and construction debris the current Danbury landfill would enjoy a longer life span. Mr. Schweitzer and Mr. Minahan agreed with this assessment. Currently, the Danbury landfill accepts only a limited amount of construction debris (that debris which comes from residential home improvements and can be verified as such). For other construction and demolition debris, haulers must dispose of it at designated and licensed landfills (a list of which is provided to them by Mr. Minahan).

It was decided that since this particular proposal requires Department of Environmental Protection permits as well as a Special Exception Permit for Zoning from the Planning Commission, Mr. LoPresti should pursue his proposal through a request to have it be put on the Planning Commission Agenda. Specific reference is made to pages 6-8 of the Zoning Regulations of the City of Danbury which outlines the process involved.

It is therefore recommended by this committee that at the present time the Common Council does not have an interest in this matter and no action should be taken. Mr. LoPresti was advised to contact the Planning Commission Chairman, Richard Durkin, and Planning Director Dennis Elpern if he wishes to pursue this matter.

The report was accepted on the Consent Calendar.

33 - REPORT - Repairs to Sidewalks on Myrtle Avenue.

Mr. Nimmons submitted the following report:

The ad hoc committee regarding the above captioned matter met on May 18, 1988 at 7:30 P.M. in City Hall. In attendance were committee members Nimmons, Charles and Zotos. Also in attendance were Myrtle Avenue residents Joseph Porohnavy, Joseph Howard, Ray Bento, and Mary Abdo.

Following discussions with the residents, Mr. Charles made a motion that Joseph Porohnavy be permitted to contact Daniel Minahan for further assistance, if any, concerning repairs to the sidewalks. Motion was seconded by Mr. Zotos. Motion carried un-animously.

The report was accepted on the Consent Calendar.

34 - REPORT - Dancon Corp. - Final Subdivision, Briar Ridge Estates. WITHDRAWN.

35 - REPORT - Proposed Leases.

In Mr. Cresci's absence, Mrs. Bourne submitted the following report:

The ad hoc committee appointed to review and consider a recommendation regarding the proposed leases met on March 2, 1988 and on May 6, 1988 in the Fourth Floor Lobby in City Hall. In attendance were committee members Cresci, Eriquez and Moran. Also attending were Comptroller Dominic Setaro and Associate Director of Housing Paul Schierloh.

The committee reviewed three proposed leases: The Montessori School, the Carriage House at Tarrywile Park and the house at Hatters Park. Mr. Setaro stated that the Properties Review Board considered the rate of rental currently paid, the duties performed by the two City employees currently occupying the Carriage House and the house at Hatters Park and the increase in the Consumer Price Index (for rental market) to determine their recommended rental rate increase for these two properties. For the Montessori School building Mr. Setaro noted that no lease had been negotiated at this time and the rental increase could be amended to June, 1988. Also, Mr. Setaro gave the committee recent HUD figures for 12-21-87 thereby increasing the Hatters Park rental \$44.00 and increasing the Carriage House rent \$49.00. Mr. Setaro also noted that \$100 per month allowance is given to each house for duties performed and responsibilities. That \$100 allowance is for utilities for each house so it can be noted that each lease is \$200 ^{less} ~~lease~~ because we have individuals taking on added responsibilities and supplying their own utilities.

Given these factors, the Board recommended the following lease rates and terms be set:

1. Carriage House at Tarrywile Park from \$500 per month to \$675 per month. Occupant - Robert Ryerson.
2. House at Hatters Parks from \$200 per month to \$581 per month. Occupant - William Ambrose.
3. Montessori School building at Tarrywile Park from \$350 per motn, remaining at \$350 per month. Occupant - Montessori School.

Each will be adjusted annually effective May 1st each year. Mr. Schierloh reported that these proposed rental rates are appropriately indexed utilizing the CPI as it relates to government market rentals.

After this discussion, Mr. Eriquez moved to recommend to the Common Council that the three leases and terms set forth within be approved by the Common Council and that the Properties Review Board continue to review and recommend adjustments on a yearly basis for leases involving occupied city buildings. Seconded by Mr. Moran. Motion carried unanimously.

Mrs. Bourne made a motion that the report be accepted and the leases approved. Seconded by Mr. Connell. Motion carried with Mr. Gallo voting in the negative.

36 - REPORT - Conn. DOT v. City of Danbury - Rest Area Outfall Sewer.

Mrs. Bourne submitted the following report:

The committee charged to review the above issue met in City Hall, Room 432 at 8:40 P.M. on June 1, 1988. In attendance were committee members Lovie Bourne, Chair, Robert Godfrey, and William Shaw.

The chairman explained that this was an item referred to the Council and the Planning Commission in February. Planning returned it with no action taken, stating that "it does not concern them."

On February 21, the Chair spoke with Rick Gottschalk, Assistant Corporation Counsel. At that time he recommended that a meeting not be called until he and Jack Schweitzer had an opportunity to discuss the settlement. To date, no communication has been received from Corporation Counsel's office. Therefore, the Chair moved that this Committee recommend to the Council the discharging of this committee, and that Corporation Counsel when deemed necessary will ask again for a committee to evaluate the potential for settlement of this matter. Motion seconded by Robert Godfrey and passed unanimously.

The report was accepted on the Consent Calendar.

37 - PROGRESS REPORT - Lease, City of Danbury and New England Aircraft.

Mrs. Bourne submitted the following report:

The Council committee established to review the above lease met again on June 1, 1988, at 7:33 P.M. in Room 432 of City Hall.

Present were Committee members, L. Bourne, Chair, R. Godfrey, and W. Shaw; and L. Pinter, Corporation Counsel's Office; D. Setaro, Acting Director of Finance; P. Estefan, Airport Administrator; Aviation Commission members, R. Gawe, Chair, D. Crudington, R. Scalzo, J. Scarfi; and R. Whalen of New England Aircraft.

The Chair began the meeting by reviewing the appraisal report from Tom Collins Appraisals. The report, a copy of which is on file in the City Clerk's office, is very detailed and extensive. It covered four appraisal techniques for evaluating the property as follows:

Cost Approach	N/A
Comparable Lease Approach	\$8,700.00 per year
Direct Sales Comparison Approach	\$91,000.00*
Income Approach Lease Value	\$9,400.00

(* Per the report, a price of \$6.00/sq.ft. or \$261,000 is considered fair for industrial land similar to the subject.)

The Committee and Mr. Setaro felt that the Comparable Lease Approach as explained in the appraisal was the best approach for the City. This approach as per the appraisal report, "considers leases of comparable properties. Adjustments were made for location. This method is considered to be a good indicator of value because it reflects the current trends and activities in the rental market." The appraisal also recommended increasing the lease \$.04 per square foot each five years (1 acre = 43,560 square feet).

However, after going over the lease and firming up the appraisal recommendation, the Aviation Commission members, all of whom had not reviewed the entire report, felt that the appraisal was too high. A lengthy discussion ensued regarding the property comparison locations, etc. The overall general feeling by Aviation Commission members was that this appraisal company perhaps is not familiar with aviation property appraisals. Note that the Aviation Commission's recommendation would have leased the property at \$3300.00.

B. Shaw proposed that we go out into the marketplace and get someone familiar with aviation property to do a comparable appraisal. R. Godfrey seconded. Passed unanimously. Mr. Estefan will contact the FAA and other sources to come up with a listing and contact the Committee Chair when this is accomplished.

Mr. Connell submitted the following report:

The Common Council Committee appointed to review the request for funds to repave East King Street met on May 24, 1988 at 7:00 P.M. in City Hall. In attendance were committee members Connell and Regan. Mr. DaSilva had a previous commitment. Also in attendance were Director of Public Works Daniel Minahan and Comptroller Dominic Setaro.

Mr. Minahan stated that the road in disuse is approximately 2,570 feet in length and 16 inches in width. The unpaved portion of the road is City owned and City maintained. The road is a dead end. Maintenance of the road includes sanding, plowing and grading. Mr. Minahan said that the City could pave the road a portion at a time with leftover asphalt. The letter received from Allen George asks that the road be paved all at once. The maintenance that is now done will not have to be done in the future, thereby paying back the amount that is spent to repave the road.

Mr. Regan made a motion to allocate \$6,000 to repave the road and to allocate the money to rebuilding and repaving of highways. This will be done this fiscal year, but in 1988 and 1989 starting in July. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Moran made a motion to accept the report and authorize the transfer of funds. Seconded by Mrs. Danise. Motion carried unanimously.

39 - COMMUNICATION - Letter from Daniel Minahan requesting a revision to City Ordinance 16A-31 for tonnage charge at the Danbury Landfill from \$12 to \$18 per ton effective August 1, 1988. Mr. Godfrey moved that this be added to the agenda. Seconded by Mr. Flanagan. Motion carried unanimously.

Mrs. Bourne asked that this be deferred to public hearing. Mayor Sauer so ordered.

40 - COMMUNICATION - City of Danbury v. State of Connecticut - Condemnation of Airport Properties. Mr. Godfrey made a motion to add this item to the agenda. Seconded by Mr. Eriquez. Motion carried unanimously.

Mr. Godfrey made a motion to appropriate the sum of \$12,500 to cover the costs of litigation in this matter, upon certification. Seconded by Mr. Charles. Motion carried unanimously.

41 - COMMUNICATION - City of Danbury vs. State of Connecticut Airport Condemnation settlement. Mr. Godfrey made a motion to add this item to the agenda. Seconded by Mr. Flanagan. Motion carried unanimously.

Mr. Eriquez made a motion to go into Executive Session to discuss items 17 and 41. Seconded by Mr. Flanagan. Motion carried unanimously. It was requested that Mr. Setaro and Mrs. DeFlumeri remain to discuss item 17.

Executive Session - In attendance at the Executive Session were Council Members Bourne, Connell, Gallo, Moran, Renz, Esposito, Godfrey, Flanagan, Zotos, Cassano, Charles, Bundy, Butera, Danise, DaSilva, Eriquez and Regan. Also, Mayor Joseph Sauer, Comptroller Dominic Setaro, Tax Assessor Anne DeFlumeri, Corporation Counsel Bob Resha, Assistant Corporation Counsels Les Pinter and Eric Gottschalk and Assistant City Clerk Jimmetta Samaha.

No votes were taken in Executive Session.

Mr. Godfrey made a motion to return to public session. Seconded by Mr. Esposito. Motion carried unanimously.

17 - Mr. Godfrey moved to accept the settlement. Seconded by Mrs. Bourne. Motion carried unanimously.

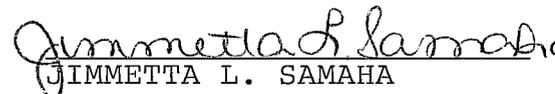
41 - Mr. Godfrey made a motion to authorize the Corporation Counsel to accept the settlement. Seconded by Mrs. Bourne. Motion carried unanimously.

PUBLIC SPEAKING SESSION - There were no members of the public wishing to address the Common Council.

Mr. Flanagan asked for a point of personal privilege. He offered a statement regarding the treatment of Mr. Regan at the caucus of the Republican members. Mrs. Bourne asked for a ruling from the Corporation Counsel as to the propriety of Mr. Flanagan's statement. Mr. Resha stated that rulings come from the Chair, not from the Corporation Counsel. The Chair ruled that Mr. Flanagan could continue his statement. Mr. Bundy offered a statement in defense of the Republican caucus.

There being no further business to come before the Common Council, Mr. Moran made a motion to adjourn at 9:46 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk