

To: Mayor JOSEPH H. SAUER, City of Danbury, Connecticut.

Re: Minutes of the Common Council Meeting held July 6, 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 to the Flag. Mr. Esposito offered the Prayer. Roll Call was taken with the members being recorded as:

Present: Bourne, Connell, Moran, Renz, Esposito, Godfrey, Flanagan, Zotos, Cresci, Nimmons, Cassano, Charles, Bundy, Butera, Danise, DaSilva, Eriquez, Regan.

Absent: Gallo, Fazio, Shaw.

18 Present - 3 Absent

Mr. Gallo had a previous business commitment.  
Mr. Shaw was out of town.

Mayor Sauer offer congratulations to John and Geneva Esposito on the occasion of their 41st wedding anniversary to be celebrated on July 25, 1988.

CONSENT CALENDAR - Mr. Nimmons presented the following items for the consent calendar:

- 3 - Resolution - Women, Infants and Children Supplemental Nutrition Program
- 7 - Communication - Appointments to the Housatonic Valley Tourism Commission
- 14 - Communication - Application for Funds from the Connecticut Alcohol and Drug Abuse Commission
- 19 - Communication - Drainage Easement, Wadad Fakhredding Ghannam
- 22 - Communication - Danbury FCI Sewer Line
- 33 - Communication - Municipal Infrastructure Trust Funds
- 35 - Communication - Long Ridge Road Historic District
- 36 - Communication - Neighborhood Assistance Applications
- 40 - Report - Request for Sewer and Water Extensions - 100 Saw Mill Road
- 41 - Report - Request for Water Extension on Clapboard Ridge Road
- 42 - Report - Request for Water Extension on South Cove
- 43 - Report - Final Subdivision, Briar Ridge Estates
- 44 - Report - Request for Sewer Extension - Beaver Brook Road
- 45 - Report - Storm Drainage Easement, South King Street
- 46 - Report - Code of Ethics Ordinance
- 48 - Report - Street Renumbering, East Lake Road
- 49 - Report - Contamination of Drinking Water
- 51 - Report - Offer of 35 Acres of land on Miry Brook Road for sale to the City
- 55 - Progress Report - Petition of Fairview Condominium Association
- 56 - Progress Report - Request for Restoration of Funds for Richter Park
- 57 - Progress Report - Request for Sewer and Water Extensions - Shannon Ridge and Fairlawn Avenue

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

MINUTES - Minutes of the Common Council Meetings held on June 7, 1988 and June 27, 1988. Mr. DaSilva made a motion that the reading of the minutes be waived and the minutes be accepted. Seconded by Mr. Nimmons. Mrs. Bourne asked that it be noted that at the June 27th meeting she was absent for votes on items 1 and 2. Motion carried unanimously.

1 - RESOLUTION - Planning and Designing of Additional Housing Authority Units.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the United States of America, acting through the Secretary of Housing and Urban Development (herein called the "Government"), is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Government shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, the Housing Authority of the City of Danbury (herein called the "Local Authority") is a public housing agency and is applying to the Government for a preliminary loan to cover the costs of surveys and planning in connection with the development of low-rent housing;

NOW, THEREFORE, be it resolved by the Common Council of the City of Danbury as follows:

1. That there exists in the City of Danbury a need for such low-rent housing which is not being met by private enterprise;
2. That the application of the Local Authority to the Government for a preliminary loan in an amount not to exceed \$40,000.00 for surveys and planning in connection with low-rent housing projects of not to exceed approximately 60 dwelling units is hereby approved.

Mr. Connell made a motion to adopt the resolution. Seconded by Mr. Moran.

Mrs. Bourne made a motion to suspend the rules to allow Mr. Fitzpatrick to address the Common Council. Seconded by Mr. Godfrey. Motion carried unanimously. Mr. Fitzpatrick explained the application and the necessity for preliminary approval and that there is a deadline of July 15th. Mr. Moran asked if this was a loan or a grant. Mr. Fitzpatrick explained that it would become part of the mortgage. Motion carried unanimously.

## 2 - RESOLUTION - General Aviation Apron and Inner Taxiway "A"

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the City of Danbury through the Danbury Municipal Airport intends to Construct General Aviation Apron and Inner taxiway Alpha ("A"), and survey runway "8"; and

WHEREAS, the City of Danbury will make application for a federal and state grant in the amount not to exceed \$1,338,675.00 with a local match of two and one-half percent equalling an amount not to exceed \$34,325.00;

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

Mr. DaSilva made a motion to approve the Resolution, upon certification of funds. Seconded by Mr. Charles. Motion carried un-animously.

3 - RESOLUTION - Women, Infants and Children Supplemental Nutrition Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1987 through September 30, 1988 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

WHEREAS, the City of Danbury through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

WHEREAS, a grant award of up to \$134,782.00 has been processed by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

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

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

The Resolution was adopted on the Consent Calendar.

4 - ORDINANCE - Danbury Firefighters Pension.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section to be numbered 14-38 which said section reads as follows:

Sec. 14-38 - RECALL

Whenever a regular member of the Danbury Fire Department has been retired and is eligible for pension benefits pursuant to the provisions of either Section 14-32 or 14-33 hereof relating to disability pensions, but excluding those whose disabilities were established pursuant to the provisions of Connecticut General Statute Section 7-433c, the Board of Directors of the 1967 Danbury Firefighters Pension Fund may cause said person to be re-examined by two physicians selected by the board. If such retired member of the Danbury Fire Department is found to be able to return to active firefighting duties said board may terminate the payment of pension benefits to him or her and order his or her return to active service with the Danbury Fire Department. Upon reinstatement pursuant to this section, any such person shall be returned to his or her former classification without loss of seniority or benefits. The provisions hereof shall not apply to any employee or former employee who is over 55 years of age or who, but for his or her disability, would otherwise have completed 27 years of service with the Danbury Fire Department.

Mrs. Bourne requested that this be deferred to Public Hearing. Mayor Sauer so ordered.

5 - COMMUNICATION - Appointments to the Police Department.

Civil Service Commission applications submitted by Mayor Sauer requesting approval of the following for appointment to the Police Department:

John Michael Browne, 75 Hickory Street, Bridgeport;  
Vincent Edward Lajoie, Brewster Hill Road, Brewster, New York;  
Luigi Anthony Critelli, 77 Sheridan Street, Danbury;  
Bruce Kevin Bertram, 9 Fleetwood Drive, Danbury;  
Peter Charles Tragni, 3 Huntington Court, Bethel;  
Edward Anthony Lopes, 31 Hillside Avenue, Oakville.

Mayor Sauer apologized to the Common Council Members for not having the information on these appointments to them in a more timely fashion and explained the delay. However, Mayor Sauer stated that he could not understand what the Council could object to given the testing that these people had gone through.

Mr. Eriquez moved for a five minute recess so the Members could read the information. Seconded by Mr. Godfrey. Motion carried unanimously.

After the recess, Mrs. Bourne asked Mayor Sauer where these individuals had placed on the Civil Service list. Mayor Sauer explained that they were at the top of the list due to others being disqualified.

Mr. Connell made a motion to accept the communication and confirm the appointments. Seconded by Mr. Bundy. Motion carried unanimously.

6 - COMMUNICATION - Letter from Mayor Sauer appointing Rosemarie Germinaro Boucher, 126 Osborne Street to the Parking Authority replacing Gerard Lefebvre, Chairman, whose term expired June 30, 1988. Mr. Connell made a motion to accept the communication and approve the appointment. Seconded by Mr. Moran. Motion carried with Mr. Flanagan voting in the negative.

Mr. Eriquez requested that Mayor Sauer send a letter of thanks to Mr. Lefebvre for his many years of service to the City.

7 - COMMUNICATION - Letter from Mayor Sauer appointing Hans J. Demuth, William T. Doyon, Clarice Osiecki and Mildred Siegel to the Housatonic Valley Tourism Commission. The appointments were approved on the consent calendar.

8 - COMMUNICATION - Letter from Robert T. Ryerson, Director of Parks and Recreation asking approval of the acceptance of a donation in the amount of \$200 from the Mad Hatters Square Dance Club. Mr. Connell made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Moran. Motion carried unanimously.

9 - COMMUNICATION - Request for Sewer and Water extensions at Broad Street at Whitney Avenue from Broad Street Associates. Mrs. Butera asked that this be referred to an ad hoc committee. the Planning Commission and the City Engineer. Mayor Sauer so ordered and appointed Council Members Regan, Danise and Gallo to the committee.

10 - COMMUNICATION - Request for sewer extension at Willow and Lyon Street from Emil J. Curran. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission and the City Engineer. Mayor Sauer so ordered and appointed Council Members Regan, Danise and Gallo to the committee.

11 - COMMUNICATION - Request from Robert A. Moravsky to hook into the City sewer line at Lake Place. Mrs. Butera asked that this be referred to the Director of Public Utilities for a report back in thirty days. Mayor Sauer so ordered.

12 - COMMUNICATION - Request from residents of South Cove Road for permission to hook into the City sewer and water lines. Mr. Renz asked that this be referred to an ad hoc committee, the Planning Commission, City Engineer. Mayor Sauer so ordered and appointed Council Members Regan, Danise and DaSilva to the committee.

13 - COMMUNICATION - Letter from Emanuel Rosenberg regarding water damage at 112 Forty Acre Mountain Road. Mr. Connell asked that this be referred to the Director of Public Works for a report back in thirty days. Mayor Sauer so ordered.

14 - COMMUNICATION - Application for funds from the Connecticut Alcohol and Drug Abuse Commission. The application was approved by the Common Council on the consent calendar.

15 - COMMUNICATION - Request from Dennis I. Elpern, Planning Director requesting \$50,000 for the purpose of financing the Plan of Development. Said funds will be used for upgrading the computer system to operate new software; have 16 maps prepared by a graphics firm and for printing and binding costs and miscellaneous supplies. Mr. Godfrey made a motion for the communication to be accepted and the transfer of funds authorized upon receipt of certification. Seconded by Mr. Charles. Motion carried with Mr. Cresci voting in the negative.

16 - COMMUNICATION - Request for funds for NAACP. WITHDRAWN

17 - COMMUNICATION - Request for the sum of \$10,200 from Citizens Hose Company for the addition of 1200 feet of 5" hose to supplement the present 1,200 feet now carried. Mrs. Danise asked that this be referred to an ad hoc committee. Mayor Sauer appointed Council Members Renz, Shaw and Esposito to the committee.

18 - COMMUNICATION - Agreement between the City of Danbury and the American Red Cross stating what the duties of the Red Cross should be in Danbury during their time of need. Mrs. Butera asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Cresci, Moran and Charles to the committee.

19 - COMMUNICATION - Storm Drainage Easement obtained concerning the property of Wadad Fakhreddine Ghannam - Lot No. L 08003 on Nabby Road. The easement was accepted by the Common Council on the Consent Calendar.

20 - COMMUNICATION - Letter from Robert A. Collischonn asking that the Common Council authorize an office change of road name of the previously abandoned Old Forty Acre Mountain Road Extension. Mrs. Danise asked that this be referred to the City Engineer for a report back in thirty days. Mayor Sauer so ordered.

21 - COMMUNICATION - Lease between the City of Danbury and the Women's Center, Main Street. Mr. Connell asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Moran and Eriquez to the committee.

22 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric Gottschalk regarding bill of sale relating to the Danbury FCI Sewer Line. The communication was accepted on the Consent Calendar.

23 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley requesting an easement be given to SNET. Mr. Eriquez requested that this be referred to an ad hoc committee, The Planning Commission and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Nimmons, Renz and Zotos to the committee.

24 - COMMUNICATION - Petition from residents of Flint Ridge Road asking that the City accept said road as a city highway. Mr. Connell 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.

25 - COMMUNICATION - Request from Corporation Counsel for permission to hire outside counsel to handle a Dana Mark David Association issue due to a conflict of interest in their office. Mr. Godfrey made a motion that the communication be accepted and the request granted. Seconded by Mrs. Butera.

Mrs. Bourne asked what the conflict is and what would prohibit another attorney from handling the matter. Mr. Resha explained the conflict and that the Rules of Ethic is clear on the matter stating that if one member of a firm has a conflict, all members of the firm have a conflict. Motion carried with Members Bourne, Renz, Cresci and Danise voting in the negative.

26 - COMMUNICATION - Letter from Executive Director of the Redevelopment Agency asking for a 6 month extension on the acquisition of property through condemnation of land within the downtown redevelopment area. Mr. Flanagan made a motion for the communication to be accepted and the extension granted. Seconded by Mr. Godfrey. Motion carried with Council Members Bourne, Renz, Cresci voting in the negative.

27 - COMMUNICATION - Offer of land on Hampton Court for Municipal Use from Ralto Developers, Inc. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel, City Engineer and the Richter Park Authority. Mayor Sauer so ordered and appointed Council Members Connell, Fazio and DaSilva to the committee.

28 - COMMUNICATION - Proposed agreement between the Redevelopment Agency and H. M. Zotos Realty Corporation exchanging certain real property easements. Mr. Renz asked that this be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel and the Redevelopment Agency. Mayor Sauer so ordered and appointed Council Members Bourne, Cassano and Fazio to the committee.

29 - COMMUNICATION - Offer of state land to be sold on the Northerly side of Mill Plain Road; Map Number 34-MISC-121A; Size 0.372±. Mrs. Butera made a motion that this be referred back to the Mayor and the City Engineer. Seconded by Mr. Charles. Motion carried unanimously.

30 - COMMUNICATION - Offer of state land for sale on the Northerly side of Mill Plain Road; Map Number 34-Misc-120B; Size 0.014±. Mrs. Butera made a motion to referred this back to the Mayor and the City Engineer. Seconded by Mr. Godfrey. Motion carried unanimously.

31 - COMMUNICATION - Letter from Jack S. Kozuchowski, Coordinator of Environmental and Occupational Health Services describing the plan for a regional collection day for household hazardous wastes. Mr. Bundy asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Bundy, Cresci and Flanagan to the committee.

32 - COMMUNICATION - Letter from Mayor Sauer asking for review of the City's proposal to condemn properties along Federal and Eagle Roads. Mrs. Danise asked that this be referred to an ad hoc committee, the Planning Commission and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Regan, Bourne and DaSilva to the committee.

33 - COMMUNICATION - Letter from Comptroller Dominic Setaro submitting final application for funds under the State of Connecticut Municipal Infrastructure Trust Fund. The communication was adopted on the consent calendar.

34 - COMMUNICATION - Letter from Fire Chief Charles Monzillo requesting change of wording in Ordinance, Sec. 8-15, Duties of the Fire Marshall. Mrs. Bourne asked that this be referred to public hearing. Mayor Sauer so ordered.

35 - COMMUNICATION - Letter from residents of Long Ridge Road asking for the reestablishment of the Long Ridge Road Historic District Committee. The communication was adopted on the consent calendar.

36 - COMMUNICATION - Letter from Mayor Joseph H. Sauer with applications for grants under the Neighborhood Assistance Act Program. Approval of the applications were granted by the Common Council on the consent calendar.

37 - COMMUNICATION - Letter from Paul Jaber, Chairman of the Charter Revision Commission setting forth proposed changes to the Charter. Mrs. Butera asked that this be referred to public hearing and a committee of the whole. Mayor Sauer so ordered. Mr. Godfrey stated that a public hearing would be held on July 20th to expedite this matter.

38 - DEPARTMENT REPORTS - Health Department, Parks and Recreation Department, Public Works, Police, Fire, Airport, Building. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies that are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez. Motion carried unanimously. Mr. Eriquez praised all Department Heads who submit reports for the extensive details they have been providing on a regular basis.

39 - REPORT and ORDINANCE - Automobiles parked on City sidewalks

Mr. Gallo submitted the following report and Ordinance:

The committee appointed to review the complaint of vehicles parked on sidewalks met on March 21, 1988, and June 23, 1988 and did an onsite and measurement of various neighborhood sidewalks on June 28th to come up with a set width for a public rightaway as defined in the attached ordinance.

There is a state law which prohibits the parking of motor vehicles on public sidewalks (Section 14-250a). The committee felt that we needed a local ordinance for the following reasons:

1. Revenue derived from ordinance violations accrue to the municipality not the state as is the case with revenue resulting from fines imposed for violations of Connecticut General Statutes Section 14-250(a).

2. Police procedures are more involved and time consuming when issuing a summons for violation of the state law than is the case for violation of an ordinance.

3. The proposed ordinance will assist the Police Department in clarifying what area constitutes a public rightaway on sidewalks.

Besides the committee members, Chief Macedo and Alan Mattei were present from the Police Department. Hank Moran and Art Cresci were present ex-officio. Between both meetings there were 22 residents present. Barry Connell moved to recommend to the full Council adoption of the attached ordinance. Seconded by Mr. Nimmons. Motion carried unanimously.

#### 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 adding a section to be numbered 19-36 which said section reads as follows:

#### Sec. 19-36 Obstructing sidewalks.

No person shall park any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal. For purposes of this section the term "public sidewalk" shall be defined to include that portion of the public highway right-of-way located within the area lying between the edge of the road pavement and a line outside of said pavement, parallel to said pavement edge and located eight (8) feet therefrom. Violation of this section shall be punishable by a fine in the amount of fifty (\$50.00) dollars.

Mrs. Butera asked that the Ordinance be deferred to Public Hearing. Mayor Sauer so ordered.

Mrs. Danise submitted the following report:

The committee regarding the above captioned matter met on June 8, 1988. In attendance were Committee Members Danise and Gallo. Also attending were William Buckley, Jack Schweitzer, David Williamson, Attorney Paul Jaber, Roy Pueschel and Anthony Vournazos.

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 extensions.

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 and waterlines.

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

The Report was accepted on the consent calendar.

41 - REPORT - Request for Water Extension on Clapboard Ridge

Mr. Moran submitted the following report:

The committee regarding the above captioned matter met on June 13, 1988. In attendance were committee members Moran and Regan. Also attending were Jack Schweitzer and William Buckley.

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

1. The petitioner shall bear all costs relative to the installation of said water extension.

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

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

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

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

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

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

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

The report was accepted on the Consent Calendar.

42 - REPORT - Request for Water Extension - South Cove.

Mr. DaSilva submitted the following report:

The committee appointed to review a request for the installation of a City water line at South Cove met at 7:45 P.M. on June 20, 1988. In attendance were committee members DaSilva, Eriquez and Connell. Also in attendance were City Engineer Jack Schweitzer and several residents of South Cove.

Mr. DaSilva and Mr. Schweitzer explained that there is no vehicle for the City to install a water line and charge residents on a long term basis. The City is also prohibited by the City Charter from participating in the payment of installation. It was explained that in order for a water line to be installed at South Cove, an application for a water extension should be submitted to the Common Council. If approval is granted, the residents can go ahead with the installation of a water line.

Mr. Eriquez made a motion that no action be taken given that the residents indicated that they may petition the Common Council for a water extension. Mr. Connell seconded the motion. Motion carried unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Final Subdivision, Briar Ridge Estates.

Mr. Nimmons submitted the following report:

The ad hoc committee appointed to review the above matter met on May 18, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Nimmons, Charles and ~~Paris~~. Also present were Dennis Elpern, Planning Director and Attorney Robert V. Eberhard.

Discussions on the road widening purpose and conveyance of the property were held. The conveyance should be accepted effective upon satisfactory compliance with the requirements of the City Engineer and the Office of the Corporation Counsel.

Motion regarding the above conveyance was made by Mr. Charles and seconded by Mr. Nimmons. Motion carried unanimously.

The report was accepted on the consent calendar.

Mr. Moran submitted the following report:

The committee regarding the above captioned matter met on June 13, 1988. In attendance were committee members Moran and Esposito. Also attending were Jack Schweitzer, Bill Buckley and Howard P. Rubinow, III.

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 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 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.

45 - REPORT - Storm Drainage Easement, South King Street.

Mrs. Bourne submitted the following report:

The Committee charged with reviewing the above subject met on July 21, 1988, in Room 432, City Hall at 7:34 P.M. Present were committee members—L. Bourne, Chair, and R. Bundy. J. DaSilva was absent due to his son's high school graduation ceremony. Also present were: City Engineer, J. Schweitzer, Council President, J. Nimmons, and representing Mrs. Wiebling, her three sons, Paul, Seth & Hal Wiebling.

The Chair began by introducing all present, and summarizing the past history of this project. She stated that this item was brought to the Council's attention in March of 1987 by Mrs. Clarice Osiecki. Mrs. Osiecki stated in her letter in part that, "...lack of drainage systems, shoulders, and broken pavement edges have created the most hazardous driving conditions ...." The item was submitted to a Council committee.

The Common Council accepted the Committee's recommendation on the June 1987 consent calendar "that \$100,000 be appropriated for repairs for the drainage problem in the King Street area." "The money will come either from the Public Improvement Bond Issue or from excess state funds."

The construction plans are now in a semi-final form, and the project is ready to be put out to bid. However, the City needs to enter into a drainage easement agreement with property owner, Mrs. Mildred Wiebling.

Mrs. Wiebling in conversation with the Chair on June 21st has no problem with the proposal. Her only stated concern is that the catch basins be maintained more regularly.

Mrs. Wiebling's sons present at the meeting also voiced their mother's concern that catch basins are not maintained and are allowed to fill up with sand. Paul Wiebling asked if easement drain no. 2 could be moved to the north side of the stone wall. Mr. Schweitzer did not seem to have a problem with that, and said that this could be part of the negotiation process.

Roger Bundy moved to recommend to the Council that we authorize Corporation Counsel to enter into negotiation with Mrs. Wiebling for easement drainage rights as outlined in the Resolution attached to J. Schweitzer's 4/15/88 memo to the Council. Seconded by L. Bourne. Motion passed unanimously.

Please note that in speaking with Acting Director of Finance, D. Setaro, on June 20, 1988, the Chair ascertained that monies are still left in the drainage account that can go toward this project. However, it is necessary to move forward quickly.

The Wiebling brothers decided that the contact person to intercede on behalf of their mother is:

Mr. Harold "Hal" Wiebling  
Willow Lake Drive  
Danbury, CT 06811  
Home - 744-0833  
Work - 792-2200

The report was accepted on the Consent Calendar.

46 - REPORT - Code of Ethics Ordinance.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review whether all aspects of advisory opinions should be made public and also to consider who has standing to request an advisory opinion met on June 15, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Eriquez. Also present was the Chairman of the Board of Ethics Barbara Flanagan.

After reviewing Code of Ethics Ordinances from 21 different municipalities and a model code from the National Institute of Municipal Law Offices, it was found that only one ordinance provided for all residents to have a standing to request an advisory opinion. The others gave standing only to elected, appointed or employees of the municipalities. It is the belief of the committee that the advisory opinion section of the ordinance is designed to be a help to an individual employee or officer of the City to make a decision about ethical standards of conduct with regard to acts or actions pertaining to the City.

The ordinance allows for an investigative section in which any resident has a standing to file a complaint of improper conduct against any officer of the City. Regarding whether all aspects of advisory opinions should be made public, specifically whether names should be deleted from its advisory opinions or not, the Danbury Board of Ethics in their by-laws state that an individual requesting an advisory opinion may waive the right to have his/her name deleted. It is the belief of the committee that advisory opinions should delete names as these opinions are impartial decisions based on facts and personalities should be left out and an advisory opinion is designed to be a help to an individual on a personal level and is usually sought out before the fact. If confidentiality is not maintained, an individual may be reluctant to seek an advisory opinion when needed.

Based upon these findings and judgments of the committee, Mr. Eriquez made a motion to leave the Code of Ethics Ordinance as is. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

Mr. Moran submitted the following report:

The ad hoc committee appointed to review well contamination on East Pembroke Road met in the Fourth Floor Lobby in City Hall at 8:00 P.M. on June 16, 1988. Present were committee members Moran and Gallo. Also in attendance were Jack Schweitzer, William Buckley, and Kevin Norton of Hissing and Wyatt.

Mr. Buckley gave a history of what has taken place since the problem began. It was noted that Hissing and Wyatt paid for 12 water connections up front. They have agreed to provide services to the City equal to the cost to the City due to the provide they created.

Mr. Gallo made a motion that the committee recommend to the Common Council that the Superintendent of Public Utilities be authorized to negotiate a payback agreement with Hissing and Wyatt for water installations on East Pembroke Road, Haddy Lane and Oak Lane subject to approval by the Corporation Council. Seconded by Mr. Moran. Motion carried unanimously. & Common Council

Mr. Moran moved that the report be accepted as amended. Seconded by Mr. Connell. Motion carried unanimously.

48 - REPORT - Street Renumbering, East Lake Road.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on June 20, 1988 in the Common Council Chambers in City Hall.

Mr. Godfrey made a motion to recommend the adoption of the renumbering in accordance with the Planning Department and Tax Assessor's recommendation and to approve the requested reversal of lots 58 and 60 on the proposed plan. Seconded by Mrs. Bourne. Motion carried unanimously.

The report was accepted on the Consent Calendar.

49 - REPORT - Contamination of Drinking Water.

Mr. Connell submitted the following report:

The Common Council Committee appointed to review the problem of contamination of drinking water in the Cedar Heights area met in the Fourth Floor Lobby on June 24, 1988 in City Hall. Present were committee members Connell and Gallo. Mr. Quinn from the Health Department could not attend.

This committee was set up by former Council Member John DeMille in September, 1987. It has been monitored since that time and there has been no problems or resident complaints. It should also be noted that Mr. Quinn contacted the State Department of Health and other City Officials and this contamination problem has been completely resolved.

Mr. Gallo made a motion that no action be taken at this time since Mr. Quinn feels that the problem has been resolved. Seconded by Mr. Connell. Motion carried unanimously.

The report was accepted on the Consent Calendar.

50 - REPORT & CERTIFICATION - Petition for Funding to Repair Fire House Roofs.

Mr. Connell submitted the following report:

The Common Council Committee appointed to review the petition for funding to repair Engines 3, 5 and Headquarters met on June 22, 1988 at 7:00 P.M. in City Hall. In attendance were committee members Connell, Cresci and Esposito. Also present were Fire Chief Monzillo, Dominic Setaro, Rick Palanzo and Asst. Fire Chief Jack Murphy.

The request was for funds for roof repairs on Engines 3, 5 and headquarters. Chief Monzillo gave a brief summary of the last 3 years on the general condition of the roofs. They are in desperate need of repair. On April 8, 1988 Chief Monzillo sent a letter to Mayor Sauer stating these facts. Based on quotes made by contractors, it would take \$74,000 to repair and bring roofs up to date. Assistant Chief quoted prices on Engine 3 roof by Bethel Roofing at \$42,250. to repair roof, but \$29,000 would do a lot less to stop leaks. The specifications that are used in these quotes are the same used for all City buildings. To repair headquarters roof the cost would be \$51,415. However, when it goes out to bid it could cost up to 25% more as stated by Mr. Palanzo. The money for this would have to come out July 1st fiscal year.

Mr. Setaro stated that if this is approved, the money would be put into a capital line item labeled Roof for Fire Houses.

Mr. Esposito wanted it stated for the record that he is quite upset about the Mayor's and Public Safety Committee cuts in the building maintenance department. Mr. Cresci made a motion to replace Engine 3 and 5 roofs and to repair headquarters roof and to put into next year's budget money to replace headquarters roof. Motion was seconded by Mr. Esposito.

Mr. Esposito made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Moran.

Mr. Eriquez questioned the certification of \$23,120 rather than the figure in the report of \$29,000.

Mr. Connell offered an amendment to have the report reflect the figure of \$23,100. Seconded by Mr. Moran. Motion to amend carried unanimously.

Mrs. Bourne stated that this request for funds never came to the Public Safety Budget Committee. Mr. Esposito stated that it was clearly in the budget. Mr. Setaro stated that it was in the volunteers budget submitted to the Chief, but the headquarters repairs was not. Mrs. Bourne asked if the previous Council have authorized the sum of \$14,000 for these repairs. Mr. Setaro stated that yes it had authorized that sum, but the money was never spent. Mr. Connell asked if it went to the general fund. Mr. Setaro stated that it stayed in the general fund.

Original motion, as amended, carried with Council Members Bourne and Renz voting in the negative.

51 - REPORT - Offer of 35 Acres of land on Miry Brook Road for sale to the City.

Mr. Connell offered the following report:

The Common Council Committee appointed to review the request for sale of 35 acres of land on Miry Brook Road met on June 23, 1988 in the Fourth Floor Lobby in City Hall. In attendance were committee members Connell and Cresci. Mr. Charles was present ex-officio.

A motion was made by Mr. Cresci that the City not purchase the land at this time, without prejudice. Seconded by Mr. Connell. Motion carried unanimously.

The report was accepted on the Consent Calendar.

Mrs. Danise submitted the following report:

The committee appointed to review the drainage problem regarding Jerry Sanchez and property located on Route 37 met in the Fourth Floor Lobby in City Hall on June 28, 1988 at 7:10 P.M. In attendance were committee members Danise and Renz. Also in attendance were William Buckley, Jack Schweitzer, Attorney Ray Yamin, Bill Crumman and Paul McMorrow.

The meeting opened with an overview of the situation by Mr. Buckley who also listed specific items of concern and then Mr. Crumman addressed himself to the concerns of the City.

Basically, the installation of oil separators, one at the top of the hill and one at the bottom of the hill will provide more than adequate protection and containment in the event of a spill. The size of the separators is one issue that will be resolved with the concurrence of the appropriate City officials. The acquisition of a casement was also required and agreement was reached to convey the necessary easement for a one time payment to the City of \$2,500.

It was further noted that upon receipt of final plans, the City will forward the same to the State for approval and, further, no work is to be initiated until State approval is received. It is noted that Bill Crumman was most cooperative and is intent on fully complying with the City's concerns in this matter.

Agreement among all present having been reached, a motion was made by Mr. Renz that the Common Council approve the application of Ann Marie Sanchez and Frank Scalzo to acquire an easement to discharge storm drainage from the property known as Ashwood, Route 37, Danbury opposite the applicants property and bordering Margerie Reservoir, provided that the applicants comply with the provisions of Chapter 474 of the Connecticut General Statutes. Seconded by Mrs. Danise. Motion carried unanimously.

Mr. Renz moved that ~~the report be~~ accepted. Seconded by Mr. Connell. Motion carried unanimously.

53 - REPORT - Acceptance of Tanglewood and Catalpa Road.

Mr. Nimmons submitted the following report:

The Common Council Committee appointed to review the request for acceptance of Tanglewood Drive and Catalpa Road met on June 23, 1988 at 8:00 P.M. in City Hall. In attendance were committee members Nimmons and Danise. Also attending were Jack Schweitzer and Attorney Neil Marcus.

Following discussion on the roads in question, a motion was made by Mrs. Danise and seconded by Mr. Nimmons to accept the roads subject to the Engineering Department's approval.

Mr. Moran made a motion that the report be accepted. Seconded by Mr. Bundy. Motion carried unanimously.

54 - REPORT - Request to accept Corntassle Road as a City Road.

Mr. DaSilva submitted the following report:

The committee appointed to study a request to accept Corn-tassle Road as a City highway met at 7:30 P.M. on June 28, 1988. In attendance were committee members DaSilva and Fazio. Also in attendance was the petitioner Sal Pandolfi and City Engineer Jack Schweitzer.

Mr. DaSilva reviewed a communication from the City Engineer which outlined two conditions to be met for City acceptance.

Mr. Fazio moved that Corn-tassle Road be accepted as a City highway with the provisions that legal documents and engineering certifications be submitted and approved by the appropriate City agencies. Seconded by Mr. DaSilva (see attached communication from Jack Schweitzer). Motion passed unanimously.

Mr. Godfrey made a motion that the report be accepted. Seconded by Mr. Moran. Motion carried unanimously.

55 - PROGRESS REPORT - Petition of Fairview Condominium Association.

Mr. Moran submitted the following progress report:

The ad hoc committee appointed to review the petition of the Fairview Condominium Association met in Room 432 of City Hall on June 13, 1988 at 8:00 P.M. In attendance were committee members Moran, Regan and Zotos. Also attending were Jack Schweitzer and Valetta DeWitt who represented other condominium association members in attendance.

Mrs. DeWitt stated that they were dissatisfied with the treatment they are given by the City regarding maintenance of sewers and snow plowing. She stated that the condominium association does its own plowing and sanding.

Mr. Schweitzer asked why the plows could not get into the area and was it due to on street parking? The question could not be answered as Mr. Minahan was not in attendance.

Mr. Zotos made a motion that this matter be referred to the Department of Public Works who should report back to this committee within thirty days. Seconded by Mr. Regan. Motion carried unanimously.

The progress report was accepted on the consent calendar.

56 - PROGRESS REPORT - Request for restoration of Funds for Richter Park.

Mr. Connell submitted the following progress report:

The Common Council Committee appointed to review the request for the restoration of funds for the Richter Park Authority met on June 23, 1988 in Room 432 in City Hall. In attendance were committee members Connell, Moran, Nimmons, Charles and Zotos. Also attending ex-officio were Council Members Bundy, Cresci and Bourne. Also attending were Comptroller Dominic Setaro, Richard Branigan and Max Sinowitz, Dino Storoni and Dave Athans.

Mr. Branigan explained the operation of the Richter Park Authority and that funding usually went to the Authority for non-golf activities such as the art center, musicals, tennis, hiking trails, cross country skiing and a number of other activities that could be added. 95% of their income is generated through golfing. Mr. Branigan stated that when he came to Danbury one and one-half years ago, he was hired as a recreation professional.

A general discussion was held and questions about the operation of the authority were answered. Mr. Zotos requested that Richter Park submit a financial statement for the Richter Park Art Center. Mr. Moran made a motion that a progress report be submitted for lack of information, that Richter Park submit a financial statement for the Art Center and for the Authority. Seconded by Mr. Zotos. When the information is received another meeting will be called.

July 6, 1988

The progress report was adopted on the consent calendar.

57 - PROGRESS REPORT - Request for Sewer and Water Extension Shannon Ridge Road and Fairlawn Avenue.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the cost of sewer extensions to Shannon Ridge Road and Fairlawn Avenue met on June 16, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan, Danise and Charles. Also attending were William Buckley, Jack Schweitzer and 16 residents of Shannon Ridge and Fairlawn Avenue.

Mr. Buckley explained the procedure to fund a sewer extension and also how the residents of the area would have to be assessed in order to pay for the cost of the sewer installation and additionally the assessment for the use of the sewer. After giving the residents this information, they requested that a cost estimate be worked up by City Engineer Jack Schweitzer so that they could have a better idea of the actual per residence cost for this project. Mr. Schweitzer said that he would do this but it would take about 2 months to do so.

The Planning Commission at its June 1, 1988 meeting voted a positive recommendation for this sewer extension.

The progress report was accepted on the consent calendar.

58 - REPORT - Sanitary Sewers for Edgewood Street.

Mr. Charles submitted the following report:

The ad hoc committee for a sanitary sewer project on Edgewood Street met on June 21, 1988 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Nimmons and Charles. Also present were City Engineer Jack Schweitzer. Mr. Schweitzer informed the committee that preliminary estimates were mailed to the residents. The residents informed Mr. Schweitzer that they were in favor of the project.

Mr. Charles checked with the Comptroller about the sewer funds that were available if needed. The answer was in the affirmative. The percentage of the residents who favored the sewer project was 70.7%.

Mr. Charles made a motion that he was in favor of the installation of the sanitary sewer. Mr. Nimmons seconded the motion. The motion carried unanimously.

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

59 - REPORT - Request for Water Extension - Sand Pit Road.

Mr. Eriquez made a motion that this report be added to the agenda. Seconded by Mr. Godfrey. Motion carried unanimously.

Mr. Shaw submitted the following report:

The Committee regarding the above request met on Jun 17, 1988 In attendance were committee members Shaw and Nimmons. Also attending were Jack Schweitzer and Dr. Albert Cassaza.

It is the recommendation of this committee that the petition be granted with the following restrictions;

1. The petitioner shall bear all costs relative to the installation of said water extension.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licenced 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. Godfrey made a motion that the report be accepted. Seconded by Mr. Flanagan. Motion carried unanimously.

60 - REPORT - Request for Water Extension - 27 Mill Plain Road

Mr. Eriquez made a motion that the report be added to the agenda. Seconded by Mr. Godfrey. Motion carried unanimously.

Mr. Shaw submitted the following report:

The Committee regarding the above request met on Jun 17, 1988. In attendance were committee members Shaw and Nimmons. Also attending were Jack Schweitzer and Leigh Overland representing Mill Kenosia Partnership.

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

1. The petitioner shall bear all costs relative to the installation of said water extension.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licenced 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.

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

61 - COMMUNICATION - Letter from Friends of Tarrywile.

Mr. Eriquez made a motion to add the communication to the agenda. Seconded by Mr. Godfrey. Motion carried unanimously.

Letter from Friends of Tarrywile asking for permission to sell apples on the grounds of Tarrywile Park from the orchard at an Octoberfest. All proceeds will benefit Tarrywile Park.

Mr. Eriquez made a motion to accept the communication and authorize the sale of apples. Seconded by Mr. Godfrey. Motion carried unanimously.

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

There being no further business to come before the Common Council, a motion to adjourn was made by Council Member Moran at 9:15 P.M.

Respectfully submitted,

*Jimmatta L. Samaha*  
JIMMETTA L. SAMAHA  
Assistant City Clerk

Attest: *Elizabeth Crudginton*  
Elizabeth Crudginton  
City Clerk