

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

Re: Minutes of the Common Council Meeting held December 6, 1988.

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

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

ABSENT - Fazio.

20 Members Present - 1 Member Absent.

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

- 1 - Resolution - Septage Receiving Facility
- 2 - Resolution - Military Museum of Southern New England
- 3 - Communication - Reappointments to the Commission on Aging
- 4 - Communication - Appointment to the Airport Commission
- 5 - Communication - Appointments to the Environmental Impact Commission
- 6 - Communication - Appointments to the Fair Rent Commission
- 8 - Communication - Appointment of A Governmental Entity Review and Investigation Committee
- 9 - Communication - Reappointments to the Parks and Recreation Commission
- 10 - Communication - Appointment as Alternate to the Planning Commission
- 11 - Communication - Appointment to the Redevelopment Agency
- 12 - Communication - Appointments to the Richter Park Authority
- 13 - Communication - Appointments to the Youth Commission
- 14 - Communication - Appointments to the Commission on the Status of Women
- 37 - Communication - Proposed Maintenance Agreement - City of Danbury and Town of Bethel
- 43 - Communication - Patton, Former Sand & Salt Storage Site
- 50 - Communication - Report from Corporation Counsel regarding Lot 103 Lakeview Avenue
- 51 - Report - Flint Ridge Road
- 54 - Report - City Engineers Report regarding land on Scuppo Road
- 56 - Report - Drainage Problem on Apple Blossom Lane
- 57 - Report - Towing Hearing Complaint Officer
- 63 - Progress Report - Update on City's Garbage Disposal Position
- 64 - Report - Status of Cross Street Bridge
- 65 - Progress Report - Downtown Redevelopment Project and the Mill Rate
- 66 - Report - Request to lease land at the Airport for hangars

Mrs. Bourne made a motion that the Consent Calendar be adopted as presented. Seconded by Mrs. Danise. Mr. DaSilva questioned item 4 and asked if only Mr. Sherwood was being appointed at this time. Mayor Sauer stated that that was correct and the other two commissioners would remain at this time due to litigation. Mr. Shaw questioned Mr. Pinter as to how long the litigation would last and Mr. Pinter replied that he did not know. Motion carried unanimously.

Mr. Godfrey made a motion to add the minutes of the November 1, 1988 meeting to the agenda. Seconded by Mr. Flanagan. Motion carried unanimously. Mrs. Bourne made a motion to accept the minutes with the following corrections: Item #8 should read Norma Tomey; item #55 should read Shaw, Cresci, Charles, Cassano, Gallo and in public remarks Mr. Weiner's remark "and not refer everything to committee" should be deleted. Motion to accept minutes carried unanimously. (Note: In listening to the tape, in public remarks, Mr. Weiner did refer several times to not referring everything to committee. Public Comments are paraphrased in the monthly minutes.)

1 - RESOLUTION - Septage Receiving Facility

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes § 22a-439 (formerly C.G.S. § 25-54r) authorizes the Commissioner of Environmental Protection to make grants available to municipalities for the construction, rehabilitation, expansion or acquisition of a pollution abatement facility; and

WHEREAS, the City of Danbury has been and is participating in an interlocal agreement with several neighboring communities for the provision of a septage receiving facility; and

WHEREAS, the City of Danbury has been and would continue to apply for said grant funds for the purposes of said facility;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Joseph H. Sauer, Jr., Mayor of the City of Danbury, is hereby authorized to execute and file applications and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for State grants and to execute on behalf of the City of Danbury all the applications, instruments and documents and accept payments and do all other things that may be necessary for State grants for improvements to pretreatment facilities at sewage plant to handle regional septage.

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Military Museum of Southern New England

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Section 32-6a of the Connecticut General Statutes, the Connecticut Department of Economic Development is authorized to extend financial assistance for the purpose of promoting historic preservation and tourism; and

WHEREAS, it is desirable and in the public interest that the Military Museum of Southern New England make application to the State for \$75,000 in order to undertake restoration of military vehicles and to execute an Assistance Agreement, and it is understood that the Military Museum of Southern New England will provide a local grant-in-aid in accordance with requirements of Section 32-6a of the Connecticut General Statutes, as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That it is cognizant of the application for State assistance from the Historic Assets Grant Program prepared by the Military Museum of Southern New England;

2. That it supports the project and endorses the submission of the application to the Department of Economic Development for financial assistance.

The Resolution was adopted on the Consent Calendar.

3 - COMMUNICATION - Letter from Mayor Sauer asking for confirmation of the reappointments of Mildred Siegel and Elizabeth Moran to the Commission on Aging for terms to expire October 1, 1991. The reappointments were confirmed on the Consent Calendar.

4 - COMMUNICATION - Letter from Mayor Sauer appointing Raymond H. Sherwood, Sr. to the Aviation Commission for a term to expire July 1, 1991. The appointment was confirmed on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Sauer appointing Seymour Leopold to the EIC for a term to expire December 1, 1991 and reappointing R. F. Michael Van Tassel for a term to expire December 1, 1991. The appointments were confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Sauer appointing Samuel M Kier to the Fair Rent Commission for a term to expire 7-1-91 and Fred Carollo for a term to expire July 1, 1990. The appointments were confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Sauer appointing Antonio Lagarto as Chief of the Fire Department. Mr. Connell made a motion that the communication be accepted and the appointment confirmed. Seconded by Mr. Moran. Mr. Flanagan stated that this was a good choice and he was pleased to see the appointment made from within. Mayor Sauer stated that the name of Robert Whitlock was also considered for this appointment along with names listed in the Danbury News Times. Also, that when called to be informed of the choice, all candidates stated that it was a good one and they would all work with the new Chief. Motion carried unanimously.

8 - COMMUNICATION - Letter from Mayor Sauer appointing Ed Rosenberg, Bunny Jacobson, and Council Members Regan, Fazio and Flanagan to the Governmental Entity Review and Investigation Committee. The appointments were confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Sauer reappointing Carol Smith, David Coelho and Peter Krajc to the Parks and Recreation Commission for terms to expire December 1, 1991. Confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Sauer reappointing William A. Hajj as an alternate on the Planning Commission for a term to expire January 1, 1991. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Sauer appointment Evald Mukk to the Redevelopment Agency for a term to expire January 1, 1990. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Sauer reappointing Frances Kelly, Jack D. Garamella and Lianne Thayne to the Richter Park Authority for terms to expire September 1, 1991 and appointing Laurie Burns for a term to expire September 1, 1991. The appointments were confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Sauer reappointing Amy Salvador, Ann Harrigan, Glendar Armstrong and John Mahoney to the Youth Commission for terms to expire April 1, 1991 and appointing Marilyn Kautto and Stasia Ziobrowski for terms to expire April 1, 1991. The appointments were confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Sauer appointing Heidi Palmer and Penelope King to the Commission on the Status of Women for terms to expire April 1, 1989. The appointments were confirmed on the Consent Calendar.

15 - COMMUNICATION - Appointment of Towing Hearing Officer. Withdrawn.

16 - COMMUNICATION - Letter from Library Director Betsy Lyke requesting permission to accept a donation in the amount of \$200 from Steven Kellogg for the purchase of children's books. Mr. DaSilva made a motion to accept the donation and send a letter of thanks to Mr. Kellogg. Seconded by Mr. Charles. Motion carried unanimously.

17 - COMMUNICATION - Letter from Library Director Betsy Lyke asking for permission to accept a \$50 donation to be used to support the Storytime Programs. Mr. Eriquez made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Godfrey. Motion carried unanimously.

18 - COMMUNICATION - Letter from Margaret G. Jackson offering land on Fox Den Road to the City. Mr. Connell asked that this be referred to the Planning Commission and the City Engineer for a report back in 30 days. Mayor Sauer so ordered.

19 - COMMUNICATION - Letter from the Children's Christmas Fund asking for a donation. Mr. Eriquez made a motion that the \$1,515 collected from the Common Council's annual firewood sale be donated. Seconded by Mr. Godfrey. Motion carried unanimously.

20 - COMMUNICATION - Letter from Director of Public Works Daniel Minahan asking for permission to accept donations of fill material.

Mr. Flanagan asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Sauer so ordered and appointed Council Members Danise, Cresci and Godfrey to the committee.

21 - COMMUNICATION - Letter from Mayoral Aide Diana Burgos requesting transfer of a long term lease from the Scott-Fanton Museum to the Community Action Committee for a day care facility. Mr. Renz 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 Danise, Connell and Flanagan to the committee.

22 - COMMUNICATION - Letter from Mayor Sauer requesting that an Education Budget Liaison Committee be established. Mr. Godfrey made a motion to accept the communication and authorize the establishment of such a committee. Seconded by Mr. Connell. Motion carried unanimously. Mayor Sauer appointed Council Members Bundy, Renz, Shaw, Eriquez and Flanagan to the committee.

23 - COMMUNICATION - Letter from Mayor Sauer asking that a committee on school building improvements be established. Mr. Godfrey made a motion that the communication be accepted and authorization of the establishment of such a committee be authorized. Seconded by Mr. Flanagan. Motion carried unanimously. Mayor Sauer appointed Council Members Renz, Shaw, Bundy, Eriquez and DaSilva to the committee.

24 - COMMUNICATION - Letter from Alan Raph of the Danbury Brass Band asking to be considered as Danbury's official band. Mr. Flanagan asked that this be referred to an ad hoc committee, the Corporation Counsel and the Risk Manager. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Charles to the committee.

25 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric Gottschalk regarding a proposed agreement between the State of Connecticut and City of Danbury regarding traffic signalization at Route 39 and East Gate Road. Mr. Godfrey asked that this be referred to an ad hoc committee, and the Traffic Engineer. Mayor Sauer so ordered and appointed Council Members Bourne, Fazio and Cassano to the committee.

26 - COMMUNICATION - Letter from Assistant Corporation Counsel Laszlo L. Pinter requesting authorization of settlement concerning May Department Stores Company v. City of Danbury, Property Tax Appeal, Danbury Fair Mall, Backus Avenue. Mr. Eriquez made a motion that this be deferred to the end of the agenda for an Executive Session. Seconded by Mr. Godfrey. Motion carried unanimously.

27 - COMMUNICATION - Letter from Mead Construction Company asking that Contemporary Drive be accepted as a City road. Mr. Eriquez asked that this be deferred to the City Engineer and the Planning Commission for a report back in thirty days.

28 - COMMUNICATION - Request from Andy DiGrazia for sewer extension at Deer Hill Avenue. Mrs. Danise asked that this be referred to an ad hoc committee, the Planning Commission, the City Engineer and the Superintendent of Public Utilities. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Zotos to the committee.

29 - COMMUNICATION - Request from Richard F. Finaldi for sewer extension at 105 Park Avenue. Mr. Renz asked that this be referred to an ad hoc committee, the City Engineer, Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Zotos to the committee.

30 - COMMUNICATION - Danbeth Partners, Inc. Sewer Extension - Turner Road. **WITHDRAWN.**

31 - COMMUNICATION - Request from Attorney Paul Jaber for permission to relocate a drainage easement at the Germantown Plaza on Germantown Road. Mr. Renz 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 Moran, Connell and Butera to the committee.

32 - COMMUNICATION - Request from Ashkar Associates Real Estate to purchase City property on Maple Avenue. Mrs. Danise asked that this be referred to an ad hoc committee, the Planning Commission, the City Engineer and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Moran, Danise and Gallo to the committee.

33 - COMMUNICATION - Letter from Fire Chief Monzillo requesting the sum of \$20,437.51 be transferred to the Salary Account for Holiday Pay. Mr. Connell asked that this be referred to an ad hoc committee, the Fire Chief and the Comptroller. Mayor Sauer so ordered and appointed Council Members Fazio, Renz and Cassano to the committee.

34 - COMMUNICATION - Letter from Fire Chief Monzillo asking for funds to purchase pumper from Citizens Hose. Mr. Eriquez asked that this be referred to committee, the Fire Chief and the Comptroller. Mayor Sauer so ordered and appointed Council Members Connell, Danise and Esposito to the committee.

35 - COMMUNICATION - Letter from Fire Chief Monzillo regarding the failure of U. L. Ladder test. Mr. Renz asked that this be referred to an ad hoc committee, the Fire Chief and Mr. Setaro. Mayor Sauer so ordered and appointed Council Members Bundy, Connell and Esposito to the committee.

36 - COMMUNICATION - Proposal for regional hazardous materials response and other emergency services by the Danbury Fire Department. Mr. Eriquez asked that this be referred to an ad hoc committee, the Fire Chief, Mr. Setaro and the Director of Health. Mayor Sauer so ordered and appointed Council Members Shaw, Danise, Zotos, Connell and Gallo to the committee.

37 - COMMUNICATION - Proposed maintenance agreement for the portion of Reservoir Road also known as Heyman Road between the Town of Bethel and the City of Danbury. The agreement was approved on the Consent Calendar.

38 - COMMUNICATION - Construction Agreement regarding proposed alterations and improvements of traffic control devices on grade crossing on Main Street, Route 53. Mr. Eriquez moved to accept the agreement and authorize the alterations and improvements. Seconded by Mr. Charles. Motion carried unanimously.

39 - COMMUNICATION - Letter from Assistant Corporation Counsel Laszlo Pinter regarding land at the Airport to be leased to the FAA. Mr. Renz asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Bourne, Shaw and Butera to the committee.

40 - COMMUNICATION - Lease and communication from Assistant Corporation Counsel Laszlo Pinter regarding rental of property at Maple Avenue and Garamella Boulevard to John Holbrook. Mr. Zotos made a motion to accept the communication and authorize the lease of the property. Seconded by Mr. Moran. Mr. Eriquez asked how the financial terms of the lease were determined. Mr. Pinter said that they are standard legal terms. Motion carried unanimously.

41 - COMMUNICATION - Letter from City Engineer Jack Schweitzer asking that a portion of Joe's Hill Road be discontinued. Mr. Connell asked that this be referred to the Corporation Counsel and the Planning Commission for a report back in thirty days. Mayor Sauer so ordered.

41 - 1 COMMUNICATION - Petition from residents of Great Plain Road and Stadley Rough concerning dangerous intersection. Mr. Renz asked that this be referred to an ad hoc committee, the Planning Commission, City Engineer, the Corporation Counsel, Traffic Engineer and Police Chief. Mayor Sauer so ordered and appointed Council Members Renz, Moran and Gallo to the committee.

41-2 COMMUNICATION - Letter from Mayor Sauer stating that the Vietnam Memorial Association would like to donate \$12,382.99 towards the Korean Memorial. Mr. Flanagan moved to accept the communication and create a capital line item for the Korean Memorial. Seconded by Mr. Moran. Mr. Flanagan congratulated the Vietnam Memorial Association for being prudent with public funds. Motion carried unanimously.

42 - COMMUNICATION - Request from the owner of Tuxedo Junction Cafe for a settlement of an agreement in the amount of \$600. for water usage. Mr. Renz asked that this be referred to the Mayor's office.

43 - COMMUNICATION - Draft Agreement between John Patton and the City providing for indemnification of Mr. Patton as a result of the City's use of his property for the storage of winter road sand and salt. The agreement was accepted on the Consent Calendar.

**44 - COMMUNICATION & ORDINANCE** - Proposed Ordinance creating the Tarrywile Park Authority. Mr. Flanagan asked that this be referred to an ad hoc committee, the Corporation Counsel and the Planning Director Mayor Sauer so ordered and appointed Council Members Regan, Bundy, and DaSilva to the committee.

**45 - COMMUNICATION** - Amendments to the Code of Ordinances concerning the Danbury Sanitary Landfill. Mr. Renz asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Bundy, Renz and Butera to the committee.

**46 - COMMUNICATION** - Letter from Council Members Charles, Renz Nimmons asking that the sum of \$49,344 be certified by the Comptroller to fund the employment of an additional 3.5 school nurses to June 30, 1989. Mr. Charles made the above motion, seconded by Mrs. Butera. Mr. Flanagan asked Mr. Setaro if he would certify the funds if the motion carried. Mr. Setaro said that he would. Mr. Shaw asked if the School Board would budget this item for next year. Mr. Charles said that he is only concerned with the 1988-89 budget. Mr. Nimmons asked Mr. Setaro if he can certify funds down to 0. Mr. Setaro said that he can certify until he determines that there is no money available. Motion carried with the members voting as follows:

**Yes** - Gallo, Renz, Esposito, Godfrey, Flanagan, Zotos, Nimmons, Cassano, Charles, Butera, DaSilva, Eriquez.

**No** - Bourne, Connell, Moran, Cresci, Shaw, Bundy, Danise, Regan.

12 yes - 8 no.

**47 - COMMUNICATION** - Consideration of the Erichetti Redevelopment Project and the Redevelopment Master Agreement. Mr. Flanagan made a motion to suspend the rules to allow Mr. Marcus to address the Common Council. Seconded by Mr. Bundy. Motion carried unanimously.

Mr. Marcus stated that at a Special Meeting of the Redevelopment Agency said agency voted unanimously to approve the proposed Performance and Payment Bonds to be issued by the Reliance Insurance Company in accordance with Section 3.A of the Phase Agreement for the garage and Inverness Towers subject to the final execution by the Redevelopment Agency of the Multiple Oblige Agreement presented at said meeting as a first reading draft after execution of the same by the Contractors, Redeveloper, Bond Company and construction mortgager lenders in final form to be incorporated and made a part of the aforesaid bonds. Mr. Marcus spoke in detail regarding the above.

Mrs. Butera asked about the toxic waste cleanup. Mr. Marcus and the Mayor explained how the waste would be cleaned up. Mr. Connell asked if the DEP had issued a timetable for the cleanup. Mr. Marcus said that they had not as yet.

Mr. Eriquez asked if there would be further requests to amend the phase agreement. Mr. Marcus stated that he anticipated no further requests.

Mr. Bundy asked Mr. Resha if these terms met his motion from last month's meeting. Mr. Resha explained in detail his opinion on the bond. Mr. Bundy made a motion that the Corporation Counsel begin steps to find Erichetti in default. Seconded by Mr. Moran. Mrs. Bourne asked if the Common Council has the authority to terminate the developer. Mr. Resha explained that it was his opinion that the Common Council has the ability to change the agreement, but beyond that it's control is limited.

Mr. DaSilva asked that this go to a Common Council Committee to study Mr. Bundy's request as there was not enough information available to make an informed decision. Mayor Sauer appointed Council Members Bundy, DaSilva, Renz, Connell and Flanagan to the committee.

**48 - DEPARTMENT REPORTS** - Airport, Building, Public Works, Health Department, Fire Chief, Fire Marshall, Police Department, Parks and Recreation. Mr. DaSilva made a motion to accept the minutes and waive the reading as all members have copies and copies are on file in the office of the City Clerk for public inspection. Seconded by Mr. Godfrey. Motion carried unanimously.

**49 - REPORT & RESOLUTION** - Grant to Rebuild Main Runway at Danbury Airport. Mr. Bundy submitted the following report and resolution:

The Common Council Committee appointed to review the request for permission to apply for a grant to rebuild the main runway at the airport met on Tuesday, November 15, 1988 at 8:30 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and Shaw. Also in attendance were Airport Administrator Paul Estefan, Comptroller Dominic Setaro and Council Members Barry Connell and Mari Ann Danise, ex-officio.

During discussion it was determined that the main runway at Danbury Airport needs to be rebuilt. The Federal Aviation Commission (FAA) has advised the City that they will fund \$3,600,000 out of the total approximate cost of \$4,000,000. The contribution from the State of Connecticut for this project is \$300,000. This leaves a balance of \$100,000 as the City's share of the cost. Mr. Setaro advised that he will make the necessary adjustments to appropriate the \$100,000 from proceeds gained from the sale of land by the City of Danbury to the State of Connecticut if the motion to do so is approved by the Common Council.

Mr. Bundy made a motion that the Common Council approve the attached Resolution and require the Danbury Municipal Airport Administrator, Paul Estefan, to notify the Federal Aviation Administration that the City's \$100,000 in matching funds was obtained from the sale of land owned by the City to the State of Connecticut and direct Comptroller Dominic Setaro to make the necessary adjustments to appropriate the City's \$100,000 contribution from said land sale. Motion seconded by Mr. Shaw and passed unanimously.

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 Reconstruct Runway 8/26; and

WHEREAS, the City of Danbury will make application for a federal and state grant in the amount not to exceed \$3,900,000 with a local match of two and one-half percent equalling an amount not to exceed \$100,000.

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. Godfrey made a motion to accept the report and adopt the resolution. Seconded by Mrs. Butera. Motion carried unanimously.

**50 - COMMUNICATION** - Letter from Assistant Corporation Counsel Eric Gottschalk regarding lot 103, Lakeview Avenue, recommending that the current property owner transfer the land directly to the water company without involving the City and there is no benefit to the City. The report was accepted on the Consent Calendar.

51 - COMMUNICATION - Report from City Engineer's Office recommending that Flint Ridge Road not be accepted as a City road. The report was accepted on the Consent Calendar.

52 - COMMUNICATION - Reports from Corporation Counsel, Planning Commission and the Tax Assessor approving the Change of Name of Old Forty Acre Mountain Road to Jireh Lane. Mr. Flanagan moved to accept the reports and approve the change. Seconded by Mr. Moran. Motion carried unanimously.

53 - REPORT - Use of Grassy Area, 292 Main Street. Mr. Shaw submitted the following report:

The Common Council committee convened at 7:00 P.M. on Nov. 28, 1988 in room 432 in City Hall. Committee members present were, Shaw, Charles, and Danise. Ex Officio - Moran and Bourne. Others in attendance were Atty Pinter, D. Setaro and Atty. Chan, representing Saffron's Restaurant.

Mr. Shaw displayed a sketch of the area and explained the request of the owner, Mr. Albino DaSilva to have small tables and chairs for outdoor dining on the grass strip, directly in front of his restaurant.

In the opinion of the chairman of this committee, I feel it would be a plus for that area of Main Street. While there was a negative report from the Planning Commission, their primary concern was City Liability in event of an injury.

After some discussion, Mr. Charles made a motion that Saffron's be permitted to utilize the grass strip for outdoor dining. The tables and chairs will be put inside at night and the area kept clean at all times. The fee will be one dollar (\$1.00) per year and can be mutually terminated by either party with sixty (60) days written notice. Saffron's will obtain sufficient insurance determined by City Risk Manager to absolve the City of liability. Motion was seconded by Mary Ann Danise. The vote was unanimous. The meeting was adjourned at 7:25 P.M.

Mr. Moran made a motion to accept the report and authorize the usage. Seconded by Mr. Connell. Mr. Enriquez made a motion to amend the motion to refer the report to the Corporation Counsel to prepare a licensing agreement. Seconded by Mr. Flanagan. Motion to amend carried unanimously. Motion as amended carried unanimously.

54 - REPORT - Report from City Engineer Jack Schweitzer regarding land on Scuppo Road. The land may be suitable for limited development, the City Engineer would not recommend it for 60 units of housing. The report was accepted on the Consent Calendar.

55 - REPORT - Offer of land on Hampton Court. Mr. Connell submitted the following report:

The Common Council committee appointed to review the offer of land on Hampton Court for Municipal use, met on November 21, 1988 at 7:30 O'Clock P.M. in Room 432 of City Hall.

In attendance were committee members Barry Connell, Chairman; Joseph DaSilva and Michael Fazio. Also present were Dino Storoni, Richter Park Authority, Jack Schweitzer, City Engineer and Jack Daly, Esq. Attorney for Raldo Developers. Also attending the meeting were Councilmembers Charles, Mary Ann Danise, Hank Moran and Roger Bundy, (ex-officio).

A discussion was held regarding offer of property totaling 18.616 being made to the City by Raldo Developers, Inc. This property is proposed to be conveyed to the City of Danbury Richter Park Authority. The Planning Commission in its August 16, 1988 meeting voted a positive recommendation in this matter noting that the property could be used by the City as a "buffer" piece adjoining Richter Park. Mr. Storoni stated that this land could be used for hiking trails and improvements to the golf course.

Mr. DaSilva made a motion stating the following: "I move to recommend to the Common Council that the City of Danbury accept the parcel of land totalling 18.6 acres being offered by Raldo Developers. This conveyance to be made to the City in exchange for the abatement of accrued taxes and charges due to the City on this property". The motion was seconded by Mr. Fazio and passed unanimously.

A motion was made and duly seconded to adjourn and the meeting was adjourned.

Mr. Godfrey made a motion to accept the report. Seconded by Mr. Charles. Motion carried unanimously.

**56 - REPORT** - Drainage on Apple Blossom Lane. Mr. Connell submitted the following report:

The Common Council committee appointed to review continuing water drainage problems on Apple Blossom Lane, Danbury, Connecticut, met on November 28, 1988 at 7:00 O'Clock P.M. in the Fourth Floor Lobby of City Hall. In attendance were committee members, Barry Connell Chairman; Bernard Gallo and Nicholas Zotos. Also present were residents of the area in question which are #2,3,5,7 & 9 Apple Blossom Lane.

Discussion was held regarding continuous problems of water drainage since the development of Barclay Commons Development, being encountered by the residents of Apple Blossom Lane. Prior reports have indicated that no water drainage problems existed prior to aforementioned construction. A report submitted to the committee by City Engineer, Jack Schweitzer, recommended that Barclay Commons should engage in repair work to correct the problem and the citizens of Apple Blossom Lane should eliminate low spots on their property which collect the water runoff.

Mr. Gallo suggested that the City's Corporation Counsel contact the owner of Barclay Commons and set up a meeting to discuss this problem.

Mr. Zotos requested that the committee refer this to the Corporation Counsel with a report to be submitted in thirty days.

The report was accepted on the Consent Calendar.

**57 - REPORT** - Towing Hearing Complaint Officer. Mrs. Bourne submitted the following report:

The Committee charged to review the above met on November 28 at 7:35 P.M. in the 4th Floor Lobby. In attendance were Committee members L. Bourne (Chair) and W. Shaw -- Mrs. Butera was absent. Attending ex-officio B. Connell, and also Atty. Resha.

The Chair began the meeting by explaining that this was a moot issue for the Council as State Statute gives the "chief executive officer" of each town the authority to appoint a suitable person.

Mr. Resha explained that Atty. Jowdy had withdrawn his name.

And, Councilman Connell spoke about the procedure an individual must go through with the State if one wishes to file a complaint. He viewed the appointment as a duplicative effort on the City's and State's behalf.

The report was accepted on the Consent Calendar.

**58 - REPORT** - Acceptance of Highfield Drive. Mr. Regan submitted the following report:

The ad hoc committee appointed to review Highfields Drive as a city road met on November 29 at 6:45 P.M. in Room 432 in City Hall.

In attendance were committee members Regan and Zotos and Attorney Robert Talarico representing Highfields Land Company.

Mr. Regan stated that at the last meeting, Dan Minahan and Jack<sup>2</sup> Schweitzer were present and said that everything was acceptable about the road except that there was a stone wall in the City right-of-way and once the wall was removed, that their recommendation was to accept the road. Since that time, Mr. Schweitzer has inspected the site and said that the wall was moved and the road should be accepted.

Mr. Regan made a motion to recommend to the Common Council to accept High Fields Drive, seconded by Mr. Zotos and so voted.

Mr. DaSilva made a motion to accept the report. Seconded by Mr. Flanagan. Motion carried unanimously.

59 - REPORT - Water Rate Increases. Mr. Shaw submitted the following report:

The Common Council committee appointed to review Water Rate Increases, met on November 28, 1988 at 7:30 P.M. in room 432 in City Hall. Committee members present were Councilmen Shaw and Connell; ExOfficio: Bourne, DiSposito and Charles. Others in attendance were W. Buckley, D. Setaro and Atty. Pinter.

Mr. Buckley covered the various aspects of the requested water rate increase and the basic content of this request is enclosed. He stated that the average homeowner's increase would be under twelve dollars (\$12) per year or one dollar (\$1.00) a month. Connection fees would remain the same.

Non-metered customers numbering around 200 would be charged higher fees with the hope it will expedite installation of meters. These new rates will be effective in September, 1989.

Councilman Connell made a motion we recommend to the Common Council that the requested increase be approved and a public hearing be scheduled. The public hearing should be held at the same time and date as the requested sewer increase rates. Motion carried unanimously. Meeting adjourned at 8:30 P.M.

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

60 - REPORTS - Exchange of Easements, Tan Mar Drive. Communications from Corporation Counsel, Planning Commission, the Engineer and the Superintendent of Public Utilities outlining terms for the exchange between Gemza Family and the City. Mr. Renz asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Cresci and Butera to the City.

61 - REPORT - Limousine Service Conflict (Wintergreen Hill). Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the Limousine Service Conflict on Wintergreen Hill, met on Monday, November 28, 1988 at 6:15 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Danise and Butera. Also present were Council Members Moran, Connell, Charles and Bourne, ex-officio, Susan Tuman, Jean Heslin, Marcie and Gene Weiner and Dr. Kumarasamy, residents of Wintergreen Hill. Also present were Lieutenant Gallucci, Danbury Police Department and Robert Resha Esq., Corporation Counsel.

The Committee and others present were given copies of the Progress Report of the Nov. 21, 1988 meeting to review before any dialogue was entered into regarding the specifics of the problem. After completing the review Mr. Weiner and Councilwoman Butera questioned Mr. Resha regarding what exactly constituted a cease and desist order and how such order is issued and enforced. Mr. Resha explained what the order means and how it is executed. Mr. Resha went on to explain that the matter concerning the C & M Limousine Service has been handled by Mr. George Sakalares, Assistant Corporation Counsel, up to the point where a court date has been set whereupon Mr. Ralph, owner of C & M Limousine will be required to appear and explain why he has failed to obey the cease and desist order by continuing to operate the business.

Mr. Resha, in a communication to the Common Council at its November meeting, requested approval to hire outside Counsel to handle this case, due to a possible conflict of interest, stemming from the fact that John Jowdy, Assistant Corporation Counsel has, in the past, represented Mr. Ralph, owner of C. and M. Limousine.

Mr. Resha gave an excellent rendering of what constitutes a conflict of interest in the eyes of the Bar Association and supported his argument by explaining that the best interests of the City and its constituents is served by adhering to a strict code of ethics and professional behavior.

Lieutenant Gallucci, Danbury Police Department, advised that from January 1, 1987 through November 20, 1988, there were seventy-six (76) complaints received from Golden Hill, four of which were regarding the Limousine Service. Specifically, allegations that the cars were parked illegally on the street.

Lieutenant Gallucci further advised that there is no local ordinance prohibiting cars from being parked facing traffic, so no tickets were issued. There were no reckless driving complaints or any other complaints regarding the problem in question.

Mrs. Butera made a motion to recommend to the Common Council that approval be granted authorizing the hiring of outside Counsel to represent the City of Danbury in the case involving the C & M Limousine Service.

The motion was seconded by Mr. Bundy and passed unanimously. A motion was made and seconded to adjourn and the meeting was adjourned at 6:58 O'Clock P.M.

Mr. Godfrey made a motion to accept the report. Seconded by Mr. Flanagan. Captain Lovell of the Police Department addressed the Common Council on the State Statute on parking on the wrong side of the Road. Motion carried with Mrs. Bourne voting in the negative.

REPORT - Capital Line Item, Improvements at Hatters Park.  
Mr. Cresci submitted the following report:

The Common Council Committee appointed to review Capital Line Item Improvements at Hatters Community Park met on November 9, 1988 at 7:30 P.M. in City Hall. In attendance were committee members Cresci and Godfrey. Also attending were Comptroller Dominic Setaro and Parks and Recreation Director Bob Ryerson.

Mr. Cresci asked Mr. Ryerson where the \$9,000 collected had come from, Mr. Ryerson explained that it was accumulated from the rental of the banquet hall, bowling alley, pavilion at Hatters Community Park. Mr. Ryerson stated that the projection is that \$30,000 will be raised from this property and that that money is spent for improvements on said property. The \$9,000 has been collected since July. Mr. Cresci asked if any improvements were scheduled. Mr. Ryerson stated that the carpet in the banquet room is going to be replaced at a cost of \$3,400. Also, improvements to the tiny tot playground for \$1,000 and replacing the ceiling with fire resistant material at a cost of between \$4,500 and \$5,000.

Mr. Godfrey made a motion that said funds be appropriated to the capital line item - Improvements at Hatters Park and that the committee authorize Parks and Recreation to expend said funds. Seconded by Mr. Cresci. Motion carried unanimously.

Mr. Connell made a motion to accept the report. Seconded by Mr. Godfrey. Mr. Shaw asked Mr. Setaro if this was usual practice to reinvest funds in the building. Mr. Setaro stated that there is a resolution in existence indicating that any revenue is to be put back into the building. Motion carried unanimously.

**63 - REPORT - (Progress Report )** - Update on City's Garbage Disposal Position. Mr. Bundy submitted the following report:

The Common Council Committee appointed to review an update report on the City's garbage disposal position met on Monday, November 4, 1988 at 7:00 P.M. In attendance were committee members Bundy, Egan and Flanagan. Also in attendance were Council Members Connell, DiSposito, Charles and Moran, ex-officio, Daniel Minahan, Michael Cech, Jack Schweitzer and David Gervasoni. The purpose of the committee meeting was to hear a presentation by Mr. Walter Flocken of NEWEST technologies.

Mr. Flocken discussed the system employed by NEWEST to handle the municipal solid waste stream of a community or group of communities. NEWEST uses a "wet process system" which has been patented by its resident and founder Mr. Fred Gange, an aerospace engineer formerly employed by Grumann Aircraft in Massachusetts. Essentially, the system handles all types of waste from bulk to paper. It centers around a self-contained shredder which is capable of processing thirty (30) tons per hour. The shredder reduces all types of waste to four inch (4") strips. After the reduction the waste is transferred into a "pulper tank" where water is added to further reduce its dye. The waste is then passed through several other water based processes eventually becoming separated into collections of ferrous metals, aluminum, paper, glass and other compost materials or material to make fuel pellets. A landfill would still be required albeit a small one (depending on how much waste is processed) since the system processes only 85% to 90% of all waste. Being that water in large quantities is a necessary item to make the system work (50,000 gallons per day is required for a 1,000 ton per day plant) Mr. Flocken was asked about source of such a supply and its disposition once it is used to operate the system with any residual water being returned to the treatment system.

The plant proposed has a built-in redundancy system capable of handling 250 tons per day per line. The process operates on an eight hour per day premise with the capability of storing three days collection on-site.

NEWEST has entered into a preliminary agreement with the Town of Ansonia, Connecticut to process their solid waste on a trial basis (90 t.p.d. for 150 days) and, if it is successful the contract would be extended. As yet, no State DEP or EPA approvals have been obtained. However, they are being sought. The problem seems to be that a permitting and licensing procedure has yet to be formulated by the State. NEWEST is basically operating on confidence in their own system and its built-in capabilities to process waste to within safe parameters. The company is providing Ansonia with a \$1,000,000 performance bond as well as an insurance policy for any liability they may incur. The company has no plants currently in operation and on-line as of this report.

Regarding some specifics regarding costs and requirements, Mr. Flocken advised that the tipping fees would range between \$48 - \$58 per ton if there were 500 to 750 t.p.d. processed. The company would need a guarantee that the City could provide the necessary amount of waste. Since Danbury alone produces only 250 t.p.d. it would mean the addition of waste from neighboring communities. The company reserves the right to increase its tipping fee as its costs may rise. NEWEST will not limit its price increase to the rise of the Consumer Price Index. The amount of property needed for this facility is approximately eight acres located so as to be accessible to an appropriate sewage treatment water line. If the City could provide the site the tipping fee would be adjusted downward. The host community benefit is \$3.50 per ton.

The committee in conjunction with the Technical Advisory Team will be reviewing the pertinent data and reports given to them by NEWEST and will advise the Common Council of any further developments. The meeting was adjourned at approximately 8:55 P.M.

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The Common Council committee appointed to review and update the City's garbage disposal position met on Monday, Tuesday and Wednesday, Nov. 28th., 29th and 30th respectively at 7:00 P.M. in the Common Council Chambers in City Hall. These three meetings were held to entertain proposals from Ogden Martin Systems, Inc. (Monday), Environmental Recovery Systems (Tuesday) and Phoenix Environmental Technologies, Inc. (Wednesday).

In attendance at Monday's meeting were the following individuals: Councilman Roger Bundy, Chairman, Councilmen Arthur Regan & Stephen Flanagan (Committee Members), Hank Moran, Eugene Eriquez, Mary Ann Danise, John Esposito and Louis Charles (ex-officio). Also present were the following City Officials: Michael Cech, Daniel Minahan, Jack Schweitzer, William Buckley, Jack Kozuchowski and David Gervasoni. Mayor Joseph H. Sauer was also present. Ogden Martin was represented by Richard A. Ubaldi, Senior Marketing Representative, David B. Sussman, Vice President, Environmental Affairs and Garrett A. Smith, Manager-Recycling Programs.

Ogden Martin is a company that deals in a mass burn (incinerator) technology and are the constructors of the Bristol, Conn. facility. They currently have approximately eight other facilities currently operating in the United States with another six facilities under construction. The mass burn concept is based on incineration of waste which produces heat, creating steam which drives a turbine to produce electricity. The end product is sold to facilities such as power companies for a profit. Even with an incinerator there is the need to provide a landfill for bulky waste and some demolition and construction debris. The system however, can incorporate front end recycling for appropriate items. The Ogden Martin mass burn facilities employ a scrubber and bag house system to keep the emissions and ash within prescribed limits set by E.P.A. and D.E.P. regulations. Some specifics of note are that the Bristol, Conn. plant which is designed for processing up to 650 tons per day (+pd) was built at a cost of \$101 Million dollars in 1985 and was financed through a bond issue.

The tip fee began at \$37.50 a ton and increases with the C.P.I. each year. Ash produced from this operation totals 162.5 tons per day in a landfill. Host community benefits amount to 25 cents per ton and a \$100,000 per year lease agreement. This system operates three shifts and requires 500-600 gallons of water per minute to provide necessary steam. The construction time is between 30 and 36 months after all permitting and licensing approvals are obtained.

An additional footnote to cost of construction is the fact that an agreement recently entered into for an Ogden Martin facility to be located in Preston, Conn. is \$198 Million. The cost of construction may approach or surpass \$300 Million if and when a facility is negotiated for our region.

In attendance at Tuesday's meeting were committee members Roger M. Bundy, Chairman, Arthur Regan and Stephen Flanagan, as well as Councilmen Hank Moran, Louis Charles (ex-officio). The same City officials who attended the meeting of November 28, 1988 were present at this meeting. Environmental Recovery Systems was represented by Thomas Wiens, President, Bryce Vice-President and twelve other individuals representing the engineering, accounting, financing, equipment, composting, environmental and legal aspects of their operation.

Environmental Recovery Systems, Inc. (E.R.S.) discussed their system proposal at great length and detail beginning with the fact that they have optioned a 38 acre parcel of property located off exit 8, suitable for their operation. They produced a rendering of the facility and described how it would be constructed. E.R.S. uses Morrison-Knudsen engineering and technology and employs Marsh and McClennan as their insurance provider (performance guarantee, business interruption and liability). E.R.S. takes all of a community's municipal solid waste with the exception of hazardous waste, automobile scrap, steel reinforced concrete, white goods, flammable and tires. These items would need to be handled at a bulky waste landfill or transferred out of town as they are now. All other waste is front end separated for recyclables and made into a high grade marketable compost which is sold. The system is entirely enclosed and employs state of the art technology, including a chemistry lab on the premises. The process is checked for any irregularities throughout each stage of decomposition and composting.

The marketability of E.R.S.' compost was substantiated by a presentation from Roger Tuttle, who has been in the business of marketing and selling compost for approximately 15 years.

Construction of an E.R.S. facility would take approximately ten months after a permitting process lasting approximately six months. The tipping fee would be \$78 per ton reduced to \$58 per ton for Danbury's waste (as part of host community benefits package). Other benefits to the City would be a \$400,000 a year payment in lieu of property taxes, a 50/50 split from sales of compost and a negotiated per ton rebate. E.R.S. provides their own financing for land acquisition and construction (approximately \$40-\$45 Million) and requires a twenty year commitment from the City requiring that the City provide the necessary agreed to waste. The facility would operate on a two shift basis employing 40-45 people. The facility would consist of two buildings (processing building - 80,000 sq. ft., composting building - 100,000 sq. ft.).

It should be noted that E.R.S. has yet to build a facility of this type however, as evidenced by the preparation, presentation and financial commitment put forward in their proposal, it would seem that the company is prepared to back up what they put forth.

In attendance at Wednesday's meeting were Committee members Roger M. Bundy, Chairman; Arthur Regan, Bob Godfrey and Stephen Flanagan. Also in attendance were Councilman John Esposito, Councilwoman Mary Ann Danise, Councilmen Louis Charles and Gene Eriquez (ex-officio). The same City officials present at the two prior meetings were again present at Wednesday's presentation. Phoenix Environmental Technologies was represented by James Cohen President, Bob Beal, Tony Gauley K.T.I. Corporation, John Berry, National Ecology and Dr. Bernie Hamill.

Phoenix Environmental Technologies is a combination of technologies brought together by Mr. Cohen to design and build a system to suit the needs of a community based on Resource Derived Fuel (RDF). National Ecology, Inc. designed and built an RDF facility in Baltimore, Maryland in January of 1976. This system which is still in operation accepts municipal solid waste (sans white goods, other unacceptable items) from a transfer station, puts it through front end separation to pull out hazardous materials, conveys it through a hammer mill for reduction, separates metals (ferrous) with magnets, removes grit, non ferrous metals and glass then runs the remainder through a secondary shredder further reducing the waste to a point where it can be compacted into RDF pellets (5500-8000 BTU's), then shipped by trailer to Baltimore Gas Electric Company where it is burned with coal to produce electricity (20% RDF, 80% coal). The system is designed for redundancy and its hammer mills are built to suppress possible explosions. The premise in this operation is that RDF pellets are a viable, usable source of fuel for a mass burn facility. The front end recycling can be modified to accommodate a community's needs. K.T.I. Energy, Inc. uses basically the same procedures except that the RDF produced is transferred to a connected mass burn incinerator which produces steam that in turn runs an adjacent turbine producing electricity for use or sale. Essentially, it is a facility that has all the pieces connected with no need for transference of the RDF to a separate mass burn facility. KTI is currently constructing two of these facilities in Maine. This process needs a landfill for unacceptable items and for the ash produced from burning the RDF. (upwards of 30% by weight is ash).

Specific figures and plans were not provided to the committee by Phoenix. It is Phoenix's position that until the City or HRRRA will commit to their proposal they will not undertake the necessary preparation, planning and costing out to provide figures such as tipping fees, construction costs, permitting, markets, guarantees and host community benefits. Therefore, it is very difficult to assess the benefits to be derived from using this system.

The final committee report will be forthcoming so that the Council may review all proposals and recommendations of the committee before being asked to vote on any project or proposal.

The report was accepted on the Consent Calendar.

**64 - REPORT** - Status of Cross Street Bridge. Mr. Shaw submitted the following report:

The committee was convened at 20:00, November 15, 1988, with committee members Shaw, Nimmons, Esposito and Danise. Godfrey was absent. Others in attendance were Jack Schweitzer and Dom Settaro.

Mr. Shaw distributed 12 pages of information on the Cross Street Bridge, which is the total file kept on record in Hartford. Jack Schweitzer personally obtained these for the committee.

Mr. Esposito made a motion that we direct the Mayor's office to obtain funding commitment from the State to replace Cross Street Bridge, and also request funds be included in the Capitol budget in the next fiscal year to complete this project. This motion was seconded by Danise. The vote was unanimous.

Mr. Shaw said he would send the required correspondence to the Mayor.

This committee will hold another meeting when the funding commitment is received from the State. The committee then adjourned.

The report was accepted on the Consent Calendar.

**65 - REPORT - (Progress Report) - Downtown Redevelopment Project and the Mill Rate.** Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the downtown redevelopment project and the mill rate met on Thursday, November 10, 1988 at 11:30 a.m. in the Fourth Floor Lobby in City Hall. In attendance were committee members Bundy, Charles and Danise. Also present were Dr. Robert Fand, John Campbell and Willard Louey. Mr. Bundy made a motion to suspend the rules. Seconded by Mrs. Danise. Motion carried unanimously.

A discussion was held concerning the June 3, 1986 "Master Agreement"/Resolution from Erichetti project (pages 12 and 13 of Master Agreement attached). Specifically, discussion focused upon the fact the Redevelopment Agency is to be named as "the beneficiary" of either a performance and payment bond in a sum equal to the value of the improvements to be constructed by the redeveloper upon the property or a clean Irrevocable Commercial Letter of Credit in an amount equal to the value of the improvements to be constructed by the redeveloper upon the property.

Dr. Fand discussed an alternate use of the downtown redevelopment site which centered on an elderly housing project. Further discussion supported the fact that until the City, Erichetti and the Redevelopment Agency resolve their existing problems it would be improper to enter into any kind of detailed dialogue regarding an alternate project. Although the idea of an elderly housing project has merit, further discussion on the advisability or feasibility of such a project would have to be set aside at this time.

John Campbell, a builder representing J. F. C. Construction Company and Mr. Willard Louey of Dynasty Construction Company were invited to attend the committee meeting by Dr. Fand. These two builders (Campbell and Louey) are contractors with a great deal of experience involving major projects. Mr. Campbell has done most of his work in Manhattan working with such developers as Donald Trump on commercial construction in the 1970's and 80's. Mr. Louey focuses his work on luxury homes approaching \$5,000,000. Their comments dealt essentially with the uses that can be made of the existing foundation (footings and pilings) in the ground on the redevelopment site. Mr. Bundy advised that any detailed discussion regarding uses for the site would not be appropriate until the current plan between the City and Erichetti comes to a conclusion. The committee is appreciative of the time and concern of Messrs. Campbell and Louey and their sincerity in trying to assist the City. However, the time is not right to pursue the matter.

The report was accepted on the Consent Calendar.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the request to lease land at the Airport for hangars met on Tuesday, November 15, 1988 at 8:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Bundy and Connell. Also in attendance were Airport Administrator Paul Estefan, Robert Gawe, Chairman of the Aviation Commission, Richard A. Dice of Airport "T" Hangars of Hartford and Council Members Hank Moran and William Shaw, ex-officio.

Mr. Dice began the discussion by explaining what "T" Hangars are and how they are constructed and used. He expressed his request concerning leasing land at the Airport so he may build "T" Hangars and lease them to the public. He explained how the City would receive a fair price in the lease agreement generating income for the City. Mr. Dice continued stating that he has expressed interest in doing this project in the past. He has mailed correspondence to the Mayor and Mr. Estefan as well as a letter dated October 3, 1988 to Council Member Lovie Bourne.

Mr. Dice commented that he had been following with continued interest the proposal by Wilmorite Corporation to construct fifty "T" Hangars for the City at the Airport. Mr. Estefan discussed the Master Plan of Development for the Airport. Specifically, the area set aside for "T" Hangars. On the Map of the Airport facility provided by Mr. Estefan there was a specific area designated for "T" Hangars. This area is located on a 33 parcel which is wetlands (same parcel as the Wilmorite proposal). Mr. Estefan pointed out that a thorough drainage study conducted by Edwards and Kelsy showed a severe drainage problem in this area. In order to develop this particular site and make it suitable for its designated use ("T" Hangars) extensive development would have to be undertaken to alleviate the drainage problem and raise up the plateau. Mr. Dice stated that he would not entertain locating his "T" Hangars on this particular parcel (33 acres) due to the prohibitive costs he would incur in making the site suitable for use. He would need to construct a pond to hold the excess water caused by drainage and fill in the area for a flood plain. Mr. Dice pointed to another area on the map away from the designated area for "T" Hangars and asked about using it for his project. Mr. Estefan explained that the area Mr. Dice was referring to is not eligible for any alterations as determined by the FAA. The FAA has designated that particular area as a "critical zone".

Mr. Bundy asked Mr. Estefan what the normal procedures are if someone wishes to make a proposal to the Airport for improvements, betterments or business interests similar to Mr. Dice's request. Mr. Estefan explained that procedures call for the proposal to be sent to the Airport Administration and the Aviation Commission and if the request is deemed to be acceptable under the Master Plan and the FAA it is sent out to bid. Mr. Estefan stated that he has on file eight or nine proposals for "T" Hangar development from different companies and/or individuals. However, since the designated area is wetlands with an accompanying drainage problem none of these proposals are feasible at this time due to the excessive costs which would be incurred by any prospective builder. Other prospective parcels of land at the Airport such as the one pointed out by Mr. Dice are designated by the FAA for other specific uses. This may change in the future and if it does those companies/individuals who made proposals will be notified. Mr. Bundy asked Mr. Dice if he had made a proposal to construct "T" Hangars at the Airport to either Mr. Estefan or the Aviation Commission. Mr. Dice advised that he had not as yet done so. Mr. Bundy advised Mr. Dice that it would behoove him to make his formal proposal through the proper channels following normal procedures and then if he felt he was encountering a problem he should ask for a Common Council Committee to look into it. Mr. Bundy further advised Mr. Dice that communications should be directed to Mr. Estefan and Mr. Gawe in order to facilitate his request.

Mr. Connell made a motion to recommend that the Common Council take no action on this matter and advised that Mr. Dice should make a proposal to the Airport Administration and the Aviation Commission. The motion was seconded by Mr. Bundy and passed unanimously.

The report was adopted on the Consent Calendar.

**67 - REPORT** - Landing Fees at the Airport. Mr. Shaw submitted the following report:

Meeting convened at 20:50, on November 15, 1988, in Room 432. Committee members present were Shaw and Connell. Ex officio Bundy and Danise. Others in attendance were Estefan and Gawe, Aviation Commission Chairman.

Motion by Connell to suspend rules were seconded by Shaw.

Councilman Shaw expressed dissatisfaction with his request of Aviation Committee to study feasibility of imposing landing fees on transient aircraft at Danbury airport. This committee was appointed by the Mayor in May. In June, at the first committee meeting, data on typical area landing fees was submitted to the Aviation Commission members Crudginton, Scalzo and Scarfi. Commission member Scalzo at that meeting informed Chairman Shaw that "there was an Aviation Commission before Bill Shaw, there will be one after Bill Shaw, and there would be no landing fees." Five months later the Aviation Commission still had not honored the request of the Common Council. It is apparent to the Chair that this was sufficient time to at least have this item on the agenda.

Councilman Shaw stated that as a taxpayer he objected to subsidizing the airport with his tax dollars, while transient aircraft are allowed to come and go free of charge. When the subject of collection was discussed, Chairman Gawe said it would be difficult to collect. Shaw suggested, as he had also done at the June meeting, that the FBOs collect the fees and give half to the city. Shaw also stated that Danbury is the only airport he utilizes that gives "a free ride". Brainard, Oxford, Dutchess County, Poughkeepsie, Westchester County, and even grass strips on Long Island charge transient aircraft landing fees. (See enclosure).

Paul Estefan recently commented that we have had a "Jetstar", four engine jet, and a "Falcon 50", three engine jet, visit Danbury with no landing fee charged.

Shaw then made a motion recommending the Council ad hoc committee be dissolved, due to an apparent negative attitude of the Commission to this request. Seconded by Connell.

The report was withdrawn.

**68 - REPORT** - Sewer Extension on Briar Ridge Road. Mr. Flanagan submitted the following report:

The Common Council committee appointed to review the request of Danbury Largo Associates for an extension of the sanitary sewer system to their property on Briar Ridge Road, met on November 14th at 7:00 P.M. and November 30th at 8:15 P.M. in room 432 in City Hall.

Present were committee members Flanagan, Shaw and Cresci; Mr. Buckley, Director of Public Utilities; Mr. Schweitzer, City Engineer, Attorney Fran Collins representing the petitioner, and David Williams, Consulting Engineer.

The Plan as proposed, following extensive discussion between the petitioner and the City's representatives, calls for the Largo Associates to construct a sanitary sewer line from their property to Ken Oaks Drive, down Boulevard Drive connecting with the existing line at approximately the intersection of Kenosia Blvd. The cost of that line, estimated at \$500,000, would be shared by the developer and the City, with the City's contribution of \$200,000 maximum to come from the \$200,000 annual appropriation included in the enterprise fund section of the public utilities budget. Mr. Buckley would dedicate this line in the 1989-1990 Fiscal Year Budget, to this project. The revenue is not raised through property taxes, but from sewer user fees.

Mr. Buckley supports the concept because it would allow improved service to existing customers on the West side of the City where there are problems with the system's current capacity. In addition, this new sewer line would make it possible for residents on Ken Oaks and Boulevard Drive to hook into the sewer system. The Common Council recently received a petition from 48 families in the Blvd. Drive area requesting extension of the sewer system to their neighborhood. Mr. Buckley also stated that the integrity of Lake Kenosia will be protected by hooking Blvd. Drive lines into the City sewer system.

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Approval of this plan may require the City to use its eminent domain power for a 15 sq ft piece of privately owned land that separates the petitioner's property and Ken Oaks Drive. At the Nov. 14th meeting Mr. Shaw stated his serious reservations to using eminent domain. The committee suggested that another attempt be made to negotiate with the property owner.

On November 30th Attorney Collins reported to the committee that his client had offered the owner of the 15 sq. ft triangular piece, \$1000 plus the cost of their legal fees. He was informed that they are not interested at this time.

The committee discussed the potential public benefits to be derived from this project as weighed against the use of the eminent domain power. After lengthy discussion, Mr. Flanagan moved that the committee recommend approval of the project with the usual eight steps required for sewer projects, plus the addition of two special steps:

It is the recommendation of the 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 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 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 line 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 line.
8. This approval shall expire eighteen (18) months following the date of Common Council action.
9. In that the project is of substantial benefit to the Danbury Sewer system, the City shall contribute \$200,000 towards its completion. Said sum shall not be paid to the petitioner until all other conditions hereof shall have been met to the satisfaction of the City Engineer and the Corporation Counsel. Thereafter the City shall make the foregoing payment to the petitioner within sixty (60) days.
10. Danbury Largo Associates shall continue discussions with adjacent land owners to secure access to the property necessary for the pipeline. If necessary, and only as a last resort as determined by the Corporation Counsel, the power of eminent domain shall be exercised to the 15 sq. ft. of land necessary to construct the aforementioned sewer line. The entire cost of the acquisition shall be borne by the developer.

Motion was seconded by Mr. Shaw and passed unanimously. Meeting adjourned at 9:00 P.M.

Mr. Godfrey made a motion that the report be accepted. Seconded by Mr. Connell. Mr. Gallo asked the Corporation Counsel if this would set a precedent, by contributing to a contractor's installation of a sewer line. Mr. Gottschalk responded that it would not bind the Council to contributions in the future, but it does send a signal.

Mr. Flanagan stated that he felt the public benefit would outweigh the use of imminent domain.

Mrs. Bourne stated that she felt it was wrong to expend money from the Sewer Fund to help a private developer. Mr. Godfrey stated that this would benefit the Kenosia project and the benefits would go beyond just to the developer.

Mr. Flanagan made a motion to suspend the rules. Seconded by Mrs. Butera. Motion carried with Mr. Gallo voting in the negative. Attorney Collins addressed the Common Council on this project.

Mr. Cassano stated that he had no problem with the idea of public benefits, but felt that this should be handled as all other sewer projects had been handled in the past, with bonding and assessing homeowners.

Mr. DaSilva moved that this be recommitted. Seconded by Mr. Godfrey. Motion carried unanimously.

**69 - COMMUNICATION** - Contribution in the amount of \$25,000 from Union Carbide to the City to support the Housing Partnership Act. Mr. Eriquez made a motion to accept the contribution and send a letter of thanks to Union Carbide. Seconded by Mr. Bundy. Motion carried unanimously.

**70 - COMMUNICATION** - Donation of portable generator. Mr. Godfrey made a motion to add this item to the agenda. Seconded by Mr. Flanagan. Motion carried unanimously.

Letter from Police Chief Macedo asking for permission to accept the donation of a small portable generator from Wick's Lumber to the Police Department. Mr. Connell made a motion to accept the generator and send a letter of thanks. Seconded by Mr. Godfrey. Motion carried unanimously.

**71 - COMMUNICATION** - Proposal to appoint an Historic District Study Committee for Long Ridge Road. Mr. Eriquez made a motion to add this item to the agenda. Seconded by Mr. Bundy.

Letter from Long Ridge Road Historic District asking that three alternates be appointed. Suggested: Paulette Pepin, Joseph LeMoine, and Stephen Flanagan. Mr. Godfrey made a motion to accept the communication and confirm the appointments. Seconded by Mr. Flanagan. Motion carried unanimously.

**72 - COMMUNICATION** - Sheridan Street Drainage Easement. Mr. Eriquez made a motion to add the communication to the agenda. Seconded by Mr. Flanagan. Motion carried unanimously.

Letter from Assistant Corporation Counsel Laszlo Pinter regarding the Sheridan Street Drainage Easement. Mr. Godfrey asked that this be referred to an ad hoc committee, City Engineer and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Godfrey to the committee.

At this time in the meeting, Council President James Nimmons asked for permission to read a communication. Mayor Sauer granted that permission. Mr. Nimmons then read a letter resigning his at large Common Council seat effective immediately. Mr. Nimmons then left the Chambers.

Mr. Eriquez stated that because that this came as such a shock to all present, he would like this put on the agenda of the Special Common Council Meeting to be held on December 13, 1988. Mayor Sauer agreed.

Mr. Godfrey made a motion to go into Executive Session to discussion item 26. Seconded by Mr. Flanagan. Motion carried.

Mr. Godfrey made a motion to authorize settlement of the claim. Seconded by Mr. Moran. Motion carried unanimously. At 11:16 P.M. Mr. Godfrey made a motion to return to the public meeting. Seconded by Mr. Flanagan. Motion carried unanimously.

**PUBLIC SPEAKING SESSION -**

Carole Torcaso, 3 Grove Street - Spoke against City contribution to Briar Ridge Sewer installation.

Bernard Fitzpatrick - Offered Community Action's support of item 21.

State Senator James Maloney, 15 Wooster Heights - spoke about the City's position on garbage disposal.

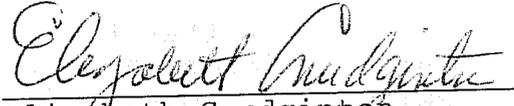
Ronald Blonski, 18 Griffing Avenue - spoke about the City's position on garbage disposal.

There being no further business to come before the Common Council a motion was made at 11:35 P.M. by Council Member Moran for the meeting to be adjourned.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk