

TO: Mayor Gene F. Eriquez and Members of the Common Council

RE: Minutes of the Common Council Meeting held April 4, 1995

The meeting was called to order at 7:35 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT - Levy, Scalzo, Falzone, Yamin, Boynton, Dennehy, Gallagher Machado, Outlaw, DaSilva, Esposito, Coladarci, Gomez, Beck, Setaro, Trocolla, Valeri

ABSENT - Arconti, Charles, Nolan, Scozzafava

Mr. Nolan was in London on Business
Mr. Arconti was out of town on Business
Mr. Charles had a previous committment

17 Present - 4 Absent

PUBLIC SPEAKING

Dianne Yamin, 8 Johnson Drive, Judge of Probate - Spoke on item 27, the Probate Court's request for funds. She urged a speedy approval of the request. She continually needs to ask for funds and that is the reason for the lengthy letter. There has been a tremendous increase in the Court's cases but the budget has not increased. She urged the Council not to send this to committee.

Kathy Colley, McKay Road - Spoke on item 28. Fencing is urgently needed at Stadley Rough School and gave reasons for the need. She handed in a good number of signatures supporting the request.

Monica LeCoz, 23 Woodbury Drive - Spoke on item 29. She understands it is crushed material that is put on the ground. Couldn't this be recycled material. Recognized Norman Cusack who did much for recycling.

Susan Elbaum, 67 Wildman Street - Spoke regarding Tarrywile Park rebid. Please made a speedy decision. Every month that goes costs her family money that they cannot afford.

BUDGET MESSAGE

Mayor Eriquez delivered his budget message and explained the 4 component that make up the budget. There will be no tax increases. Sewer and Water taxes will decrease and the mil rate will also be reduced. Mayor Eriquez thanked the Director of Finance Dominic Setaro and his staff for their fine work on the budget. A full text of the Mayor's speech is on file in the Office of the City Clerk for public inspection.

MINUTES - Minutes of the Common Council Meeting held March 7, 1995. Mr. DaSilva made a motion that the meetings be adopted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro. Motion carried unanimously.

CONSENT CALENDAR - Mr. Esposito presented the followign items for the Consent Calendar:

- 8 - Approve Danbury Downtown Special Services District 1995-96 budget proposal and mil rate
- 9 - Approve application for Per Capita Grant - 1995-96 - \$34,338.20
- 10 - Approve Meserve Memorial Fund application for Danbury Library - \$5,220
- 11 - Approve application for Title XX Grant - \$25,781
- 12 - Approve application for National Infrastructure Readiness Grant - \$1,200
- 14 - Approve amended resolution regarding Library Community Room
- 15 - Approve acquisition and temporary construction easement for
- 25 - Approve reappropriation of donated funds for the Commission on Aging - \$456.70
- 26 - Approve request for funds for Ordinance Account - \$5,000
- 28 - Approve fencing at Schools and Parks - \$15,000
- 29 - Approve transfer of \$50,000 for Landfill demolition cover
- 35 - Approve transfer of land at 70 Backus Avenue

- 36 - Approve transfer of \$31,458.90 for Capital Line Item - Improvements at Hatters Park
- 38 - Approve reports regarding Interlude, Inc. request for tax reimbursement and deny report
- 42 - Approve request for Dog Fund appropriation - \$6,500
- 43 - Approve recommendation to not share the cost of repairs to Crescent Drive Water line break
- 44 - Approve recommendation to meet again on petition to accept Old Forty Acre Mountain Road
- 45 - Approve recommendation to take no action on request for sewer extension at 2-4 DePalma Lane
- 46 - Approve request for sewer extension at 28 Myrtle Avenue
- 47 - Approve water extension at 19-21 Beckerle Street
- 48 - Approve request for water and sewer extension at McKay Road
- 49 - Approve recommendation to take no action regarding request for reimbursement of auto repairs

Mr. Setaro made a motion that the Consent Calendar be adopted as read. Seconded by Miss Beck. Regarding item 48, Mrs. Coladarci stated that in Paragraph 2 "water" per day should read "sewage" per day. Motion carried unanimously.

1 - ORDINANCE & RESOLUTION --An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 1995 and Ending June 30, 1996; and a Resolution Levying the Property Tax for the Fiscal Year Beginning July 1, 1995 and Ending June 30, 1996. Mr. Falzone asked that this be deferred to Public Hearing and the appropriate budget committees. Mayor Eriquez so ordered and appointed the following budget committees:

HEALTH & PUBLIC SAFETY - Coladarci, Beck, Setaro, Levy, Nolan
 GENERAL GOVERNMENT I - Boynton, Charles, Scalzo, Outlaw, Nolan, Gallagher
 GENERAL GOVERNMENT II - Falzone, Dennehy, Valeri, Gomez, Yamin, Levy
 EDUCATION - Setaro, Scalzo, Gallagher, Scozzafava, Yamin
 PUBLIC WORKS - Arconti, Machado, Trocolla, Esposito, Beck, Gallagher, Scozzafava

2 - ORDINANCE - Water Rates --Mr. DaSilva asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Sewer Rates - Mrs. Coladarci asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - COMMUNICATION - Septage Rates. Miss Dennehy asked that this be referred to the Public Works Budget Committee. Mayor Eriquez so ordered.

5 - ORDINANCE - An Ordinance Appropriating \$500,000 for Public Improvements in the 1995-96 Capital Budget and Authorizing the Issuance of \$500,000 Bonds and Bond Anticipation Notes of the City to meet said Appropriation. Miss Dennehy asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

6 - ORDINANCE - Economic Development - Water and Sewer - Miss Dennehy asked that this be deferred to public hearing. Mayor Eriquez so ordered.

7 - ORDINANCE - Property Tax Relief. Miss Beck asked that this be deferred to public hearing. Mayor Eriquez so ordered.

8 - RESOLUTION - Danbury Downtown Special Services District's 1995-96 Budget Proposal and Mil Rate.

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN
SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING
JULY 1, 1995 AND ENDING JUNE 30, 1996

SECTION 1. The sum of ONE HUNDRED ELEVEN THOUSAND, THREE HUNDRED FIVE DOLLARS (\$111,305) representing the gross appropriation for the City of Danbury Downtown Special Services District of ONE HUNDRED AND THIRTY-ONE THOUSAND, THREE HUNDRED FIVE DOLLARS (\$131,305) for the fiscal year beginning July 1, 1995 and ending June 30, 1996, and minus indirect revenue of \$ - 0 -, and minus estimated available "Surplus" of \$ - 0 -, plus uncollectible taxes reserve in the amount of TWENTY THOUSAND DOLLARS (\$20,000) is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the corrected annual Grand List as of October 1, 1994.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 1995 and ending June 30, 1996 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.765 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in four equal installments on July 1, 1995, October 1, 1995, January 1, 1996 and April 1, 1996 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 1995 in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 1995 and ending June 30, 1996.

The Resolution was approved on the Consent Calendar.

9 - RESOLUTION - Per Capita Grant 1995-96

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health and Addiction Services (DPHAS) has made funds available for 1995-1996 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for \$34,538.20 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 1995 through June 30, 1996;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury, Gene F. Eriquez, or the Director of Health, William J. Campbell, as his designee, is hereby authorized to apply for and accept said per capita grant funds of \$34,538.20, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - Meserve Memorial Fund

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Public Library applied for a \$5,222 grant from the Fairfield County Community Foundation, Inc. for the purpose of obtaining funds to plan for a community FreeNet; and

WHEREAS, the Fairfield County Community Foundation, Inc. has denied the grant request from the Danbury Public Library but will submit the grant request to the Albert Wadsworth & Helen Clark Meserve Memorial Fund which is administered by the Fairfield County Community Foundation, Inc.; and

WHEREAS, a plan for a community FreeNet would serve the residents, businesses and organizations in the Danbury area and would strengthen the ability of the agencies and government which serve them to better communicate and more effectively deliver service; and

WHEREAS, the Fairfield County Community Foundation, Inc. is prepared to submit the Danbury Public Library's application to the Meserve Fund for a grant totaling \$5,222 for the grant period of October 1, 1994 through September 30, 1995;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is authorized to apply for said grant, to sign all agreements/documents in connection therewith, to accept the funds, if offered, and to do all things necessary to effectuate the purposes thereof; provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

11 - RESOLUTION - Title XX Grant

RESOLVED by the Common Council of the City of Danbury:

THAT Gene F. Eriquez, Mayor of the City of Danbury is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for a Title XX grant and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

12 - RESOLUTION - National Infrastructure Readiness Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut State Library has established a National Infrastructure Readiness Grant Program to provide public libraries within the state with Internet access; and

WHEREAS, the Danbury Public Library seeks to upgrade its existing equipment being used for Internet access; and

WHEREAS, the Danbury Public Library has prepared an application to the Connecticut State Library for the funding period of January 1, 1995 through September 30, 1995 for a grant of \$1,200 which requires a local cash match of \$1,200; and

WHEREAS, this grant will enable the public to access other Connecticut State Library catalogs and allow the reference staff to access Internet resources to better serve the information needs of the public;

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and, further, that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign said application and any grant agreement therefor, and that the Mayor and the Director of the Danbury Public Library are hereby authorized to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application and/or agreement, requiring additional expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

13 - RESOLUTION - Acquisition of two parcels of land from Wooster School. Mr. Setaro asked that this be referred to an ad hoc committee, Paul Estefan, Aviation Commission and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Valeri, Beck and Scozzafava to the committee.

14 - RESOLUTION - Library Community Room Renovations

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 98-480 (Federal Library Services and Construction Act Title II) provides for federal funds for library construction and Connecticut General Statutes Section 11-24c provides for state funds for library construction; and

WHEREAS, the Danbury Public Library requests that the Common Council approve an amendment to its original application and the resolution passed by the Council on September 8, 1993 allowing the Library to apply to the Connecticut State Library for a grant for the funding period of January 1993 - July 1995; and

WHEREAS, the total project cost for the Library Community Room / Lobby renovations is \$252,225, and the grant application submitted by the Danbury Public Library to the Connecticut State Library to partially fund said renovations is for a grant in the amount of \$75,000 for the referenced funding period, with a local cash match of \$177,225 required, which local cash match includes \$5,000 as a donation, \$50,000 jointly from the Danbury Public Library Board of Directors and Friends of the Library, together with \$122,225 from the City of Danbury; and

WHEREAS, if a one-year extension is/was requested, the local cash match is required by July 1995 or 1996; and

WHEREAS, the City of Danbury has the right to refuse the grant at any time if local funding is not available;

NOW, THEREFORE, BE IT RESOLVED THAT any past actions taken by Gene F. Eriquez, Mayor of the City of Danbury, or Elizabeth McDonough, Library Director in submitting such application are hereby ratified, and that Mayor Gene F. Eriquez is hereby authorized to accept said grant, if awarded, to sign any contracts/agreements therefor, and to do any and all things necessary to effectuate the purposes thereof; provided, however, that any amendments to the application which require additional expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is in the best interest of the City of Danbury to acquire an 11 ft., more or less, wide strip of property in the central business district for construction of a pedestrian walkway to be located along the north side of the former Steinbach building running from property of Union Savings Bank of Danbury east to Delay Street; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of the property, formerly the Estate of Fred Straus, on the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as set forth on the attached Schedule A;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests of the owners and/or trustees as set forth on said schedule either by negotiation or by eminent domain through the institution of suits against said property owners and/or trustees, their heirs, successors or assigns and their respective mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

16 - COMMUNICATION - Letter from Democratic Town Committee Chairman Joseph Walkovich recommending that Thomas Saadi of 141 Shelter Rock Road be appointed to fill the vacancy on the Zoning Commission and that Robert D. Lynch of 24 Forest Avenue be appointed as an alternate member of the Zoning Commission to fill the vacancy. Miss Dennehy made a motion that the communication be accepted and the recommendations approved. Seconded by Mr. Boynton. Mayor Eriquez asked if there were any other nominations. Mr. Boynton made a motion that the nominations be closed. Seconded by Mr. Falzone. Motion carried unanimously. Main motion carried unanimously.

17 - COMMUNICATION - Donations to the Welfare Department from City Employees in the amount of \$222.00. Mr. Setaro made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

18 - COMMUNICATION - Letter from Tree Supervisor Richard K. Smith asking permission to accept a donation from the Lions Club in the amount of \$300 for the planting of trees along Lions Way in memory of John K. Cooper, Harry Hoyt and William Shea. Mr. Boynton made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Miss Dennehy. Motion carried unanimously.

19 - COMMUNICATION - Letter from the Danbury Industrial Softball League offering repairs as a donation to field 2 at Rogers Park. Mr. Boynton made a motion to accept the donation and send a letter of thanks. Seconded by Miss Dennehy. Motion carried unanimously.

20 - COMMUNICATION - Letter from Chief of Police Nelson Macedo requesting permission to accept a donation in the amount of \$202 in memory of Owen McMahon. Miss Dennehy made a motion to accept the donation, credit the proper line item and send letters of thanks. Seconded by Mr. Yamin. Motion carried unanimously.

21 - COMMUNICATION - Letter from Library Director Betsy McDonough asking permission to accept the donation of \$11,220 from the Library Board of Directors and \$6,000 from the FRIENDS of the Danbury Library to support the Community Net Project. Mr. Falzone made a motion that the donations be accepted, the proper line item credited and a letter of thanks sent. Seconded by Miss Beck. Motion carried unanimously.

22 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath asking permission to accept donations in the amount of \$338.20 to be used in programs at the Danbury Senior Center. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

23 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting permission to accept the donation of a United States flag from Mr. Fakhri Abdulrehman for the Civil War Monument at West and Main Streets. Mr. Boynton made a motion that the donation be accepted and a letter of thanks sent. Seconded by Miss Dennehy. Mr. Levy stated that this is an example of an immigrant who cherishes his citizenship in this country. Motion carried unanimously.

24 - COMMUNICATION - Letter from Patrick Daubert donating free monitoring and service to the security system at the Welfare Department at 403 Main Street. Miss Beck made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

25 - COMMUNICATION & CERTIFICATION - Request from Director of Elderly Services Leo McIlrath for the transfer of \$456.70 from the Elderly Services donation account to the Commission on Aging budget. A certification of funds was attached. The request was granted and the transfer of funds authorized on the Consent Calendar.

26 - COMMUNICATION & CERTIFICATION - Request from the City Clerk's Office for the sum of \$5,000 for the Ordinance Account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

27 - COMMUNICATION - Letter from Probate Judge Dianne Yamin requesting the sum of \$4,025 for essential items for the Probate Court. Mr. DaSilva made a motion that the communication be accepted and the transfer of \$4,025 be authorized pending certification. Seconded by Mr. Setaro. Mr. Valeri stated that the funding is necessary by state statute. The 1989 figures quoted were remnants of the prosperous '80s but there are fiscal restraints in the '90s. This does not preclude any Department Head from submitting requests for funding. The motion carried unanimously.

28 - COMMUNICATION & CERTIFICATION - Request from Director of Parks and Recreation Robert Ryerson for \$15,000 from the Contingency Account for the installation of fencing and gates at Stadley Rough, Park Avenue and Mill Ridge Schools. A certification of funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

29 - COMMUNICATION & CERTIFICATION - Request from Superintendent William Buckley requesting the sum of \$50,000 to purchase cover material for the landfill. A certification of funds was attached. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

30 - COMMUNICATION & CERTIFICATION - Request from Airport Administrator Paul Estefan requesting the sum of \$15,495 for a 2,000 gallon gas tank for the airport. A certification of funds was attached. Mr. DaSilva made a motion that the communication be accepted and the transfer of \$15,495 authorized. Seconded by Mrs. Coladarci. Miss Beck asked for an explanation of the larger tank and the Mayor explained. Motion carried unanimously.

31 - COMMUNICATION & CERTIFICATION - Request for funds for a traffic signal approval at Route 37 and Jeanette Street. Mrs. Coladarci asked that this be referred to an ad hoc committee, the traffic engineer and the Chief of Police and that Representative Boughton be invited to attend. Mayor Eriquez so ordered and appointed Council Members Levy, Falzone and Yamin to the committee.

32 - COMMUNICATION - Request from Planning Director Dennis Elpern for the renumbering of South Street. Mr. Esposito asked that this be referred to an ad hoc committee, the Corporation Counsel, the Postmaster, the Fire Chief and the Police Chief. Mayor Eriquez so ordered and appointed Council Members Boynton, Esposito and Scozzafava to the committee.

33 - COMMUNICATION - Request for water extension on Edgewood Street. Miss Dennehy asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Dennehy, Charles and Nolan to the committee.

34 - COMMUNICATION - Request for water extension at 2 Edgewood Street and 118 Westville Avenue Ext. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Dennehy, Charles and Nolan to the committee.

35 - COMMUNICATION - A proposed transfer of Parcel X and Parcel Y and proposed easements for 70 Backus Avenue to the City for road widening strips and easements. The transfer was approved on the Consent Calendar.

36 - COMMUNICATION - Request from Director of Parks and Recreation Robert Ryerson requesting that the amount of \$31,458.90 produced from rentals at Hatters Park be appropriated to the line item Improvements at Hatters Community Park. These funds will be used for the new restrooms and renovations of the picnic pavilion. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

37 - COMMUNICATION - A request from Susan Elbaum to look into the rebid for renovations at the Tarrywile Park House. Mr. Levy asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

38 - COMMUNICATION - Reports from the Corporation Counsel and the Director of Finance recommending that taxes not be refunded to property owned by Interlude, Inc. The reports were accepted on the Consent Calendar, and the request denied.

39 - COMMUNICATION - Letter from Cohen & Wolfe requesting a new lease with Tisano Realty for properties it leases on Backus Avenue. Mr. Scalzo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Airport Administrator, the Aviation Commission. Mayor Eriquez so ordered and appointed Council Members Setaro, Trocolla and Yamin to the committee.

40 - DEPARTMENT REPORTS - Public Utilities, Engineering, Highways Elderly Services, Health and Housing, Parks and Recreation, Fire Chief, Fire Marshall, Sealer of Weights and Measures. Mr. DaSilva made a motion that the reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro. Mr. Levy thanked the Sealer of Weights and Measures for getting his report in and asked about the Police report. Mayor Eriquez stated that it was delivered last this afternoon and all Department Heads have been informed to get their reports in on time. Motion carried unanimously.

41 - REPORT - Governmental Entities Review and Evaluation Committee Mr. Boynton submitted the following report:

Members of the Committee:

Chairman, Ernest Boynton, Eileen Coladarci, Joseph Scozzafava, Mr. Donald Crudgington, and Mr. Ron Nussle.

Governmental Entities under review for 1995:

1. The Commission on Equal Rights and Opportunities
2. The Redevelopment Agency of Danbury
3. The Housing Site Development Agency
4. The Flood and Erosion Control Board of the City of Danbury
5. The Tarrywile Park Authority

The committee reviewed the report and minutes of the meeting held on March 8, 1995 with Julio Lopez of the **Commission on Equal Rights and Opportunities**. Crudgington moved that we take no action at this time on and let the commission terminate on 6/30/95 because Lopez said that he acts as the liaison between the City and the Commission. They have regular complaints and that these complaints have been channeled to the State Commission on Human Rights and Opportunities (CHRO) in Bridgeport or Paul Schierloh of the Danbury Health and Housing Department as well as the Commission on Disabilities. The motion was seconded Coladarci and passed 4 -0.

The committee then reviewed the report and minutes of the meeting held on March 8, 1995 with Dennis Elpern, the Director of the City's Planning Department, in regard to the **Redevelopment Agency of Danbury**. Crudgington moved to reinstate the Agency for a period of five years and the motion was seconded by Coladarci. There was a discussion as to the need and use of the Agency. Elpern explained that the agency reviews the plans for the City's downtown development. The motion passed 4 -0.

The committee then reviewed the report and minutes of the meeting held on March 8, 1995 with Bernard Fitzpatrick, Director of the Housing Authority in his role on **The Housing Site Development Agency**. Nussle made a motion to reinstate the agency for a period of five years, seconded by Crudgington. The discussion ensued that the need for the has Agency is sporadic and it has not been active, but it is needed for possible funding endeavors, and should be kept on the books. When DHA meets, the Site Development also meets, so there are minutes of each meeting on record. The vote was 4 - 0 to recommend continuation.

The committee reviewed the report and minutes of the meeting held on March 8, 1995 in regard to the **Flood and Erosion Control**. A motion was made by Nussle to continue the Flood and Erosion Control Board for five years because it needs to be available in an emergency per Ordinance, seconded by Crudgington and passed 4 - 0.

The committee again discussed the Tarrywile Park Authority. Crudgington moved to recommend to the full Council that the **Tarrywile Park Authority** be continued for an additional five years, and was seconded by Nussle. Coladarci added that their presentation and programs have improved since the last review. They are making an effort to include the public in their activities. Their management has grown and improved immensely. The motion passed 4 - 0.

Mr. DaSilva made a motion that the report be received and deferred to public hearing. Seconded by Miss Dennehy. Motion carried unanimously.

42 - REPORT & CERTIFICATION - Request for Dog Fund Appropriation

Mr. Gallagher submitted the following report, with certification of funds attached:

The Common Council Committee appointed to review the request for additional funds for the Canine Division of the Police Department met on March 10, 1995 at 7:15 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher, Dennehy and Nolan. Also in attendance was Director of Finance Dominic Setaro and Captain Arthur Sullo of the Police Department.

Captain Sullo explained that the rationale for the \$6,500 request was twofold. The first reason being the emergency repair of the canine division vehicle already undertaken by the Department. The second reason was the additional responsibility of this division regarding cats as specified by State statute. During the ensuing discussion, it was also noted that the local Animal Welfare had not supplied the same level of assistance to the department despite funding from the City.

Mr. Nolan moved to accept the correspondence and approve the additional funding request. Seconded by Miss Dennehy. The motion was approved unanimously.

The report was accepted and the transfer of funds authorized on the Consent Calendar.

43 - REPORT - Crescent Drive Water Line Break

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the Crescent Drive water line break met on March 27, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Machado, Outlaw and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Assistant Corporation Counsel Les Pinter, the petitioner Bob Creter and Council Members Levy and Scalzo, ex-officio.

Mr. Buckley explained that the break occurred in a private water line that serves seven residents that are responsible for fixing and maintaining any occurrences in the water line in accordance with the City ordinances. Mr. Scozzafava made a motion to suspend the rules. Seconded by Mrs. Outlaw. Motion carried unanimously. Mr. Creter explained that none of the residents knew that they were sharing a water line going across their yards instead of along the street and that when the Water Department was called, the City had no record on the line and ordered the residents to fix the break which resulted in a bill of \$3,479.00. The residents expected the City to fix it and send the bill to them.

Mr. Buckley explained that the City does not fix private line. We have a problem since we have a lot of these cases. He further explained that similar occurrences have happened and with the recent acquisition by the City of some water systems many more will happen. Mr. Schweitzer explained showing a sample that the water line is stated in the deeds of the property. Mr. Scozzafava expressed his concern about precedent.

After further discussion, Mrs. Outlaw moved to recommend that the City should not share the cost of the repairs. Seconded by Mr. Scozzafava. Motion carried unanimously.

The report was accepted on the Consent Calendar.

44 - REPORT - Petition to Accept Old Forty Acre Mountain Road as a City Road

Mrs. Coladarci submitted the following report:

The meeting to review the petition to accept Old Forty Acre Mountain Road as a City road met on March 28, 1995 at 8:10 P.M. In attendance were committee members Coladarci, Gallagher and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Albert Quell and Council Member Tom Arconti, ex-officio.

The committee members were concerned that the petitioners did not receive a copy of the meeting notice. Due to the negative report from the Planning Commission, it was agreed that the meeting should be postponed until further notice to same petitioners. It was explained to Mr. Quell, the one petitioner in attendance, how the process works in regard to private roads. Mr. Gallagher said we have to follow the ordinances.

Mr. Gallagher made a motion to have City Engineer do a report to advise the committee what improvements are needed to bring the road up to code. The motion was seconded by Mr. Scozzafava and passed unanimously. Mrs. Coladarci explained to Mr. Quell that once the report comes back to the Council a meeting will be held again and that all of the petitioners will be invited to attend.

The report was accepted on the Consent Calendar.

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for sewer extension to 2 & 4 DePalma Lane met on March 14, 1995 at 7:20 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Scalzo and Yamin. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioner, Bill Stanley, Jr.

The Planning Commission in a letter to the Common Council gave a positive recommendation to the request. Mr. Schweitzer and Mr. Buckley reviewed and explained different options and requirements to Mr. Stanley. During this review it was noted that the applicant wanted sewer extension to more than the single family dwelling on his application. It was also noted that the application was missing the Assessors's lot number. After further discussion, Mr. Stanley decided to withdraw his application at this time. He will resubmit at a later date after he talks to the other parties who would be part of the extension application.

No action was taken by the committee due to the withdrawal of the application.

The report was accepted on the Consent Calendar.

46 - REPORT - Request for Sewer Extension - 28 Myrtle Avenue

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for sewer extension to 28 Myrtle Avenue, Lot G14352, met on March 14, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Scalzo and Yamin. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, and the petitioner Ms. Forlastro.

The Planning Commission in a letter of the Common Council gave a positive recommendation on the request. Mr. Schweitzer and Mr. Buckley gave a positive recommendation to the request. Mr. Levy asked the department heads if this extension would cause any additional cost to the current utility users or the City. The answer was no.

Mr. Yamin made a motion to approve the sewer extension subject to the City of Danbury Code of Ordinances and the required eight steps. The motion was seconded by Mr. Scalzo and passed unanimously.

The report was accepted on the Consent Calendar.

47 - REPORT - Request for Water Extension - 19-21 Beckerle Street

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for water extension to 19-21 Beckerle Street, Lot G10058, G10132 met on March 14, 1995 at 7:50 P.M. in Room 432 in City Hall. In attendance were committee members Levy, Scalzo and Yamin. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioner Mr. Lynn Morse, dba Morse Development.

The Planning Commission in a letter to the Common Council gave a positive recommendation to the request. City Engineer Jack Schweitzer and Superintendent William Buckley reviewed and explained different options and requirements to Mr. Morse. Mr. Buckley commented that the applicant should anticipate a water pressure in that area of 40 lbs. This was acceptable to Mr. Morse. Mr. Buckley and Mr. Schweitzer gave a positive recommendation to the request.

Mr. Levy asked the department heads if this extension would cause any additional cost to the current utility users or the City. The answer was no.

Mr. Scalzo made a motion to approve the water extension subject to the City of Danbury Code of Ordinances and the required eight steps. The motion was seconded by Mr. Yamin and passed unanimously.

The report was accepted on the Consent Calendar.

48 - REPORT - Request for Sewer and Water Extension - McKay Road

Mrs. Coladarci submitted the following report:

The meeting was called to order on March 28, 1995 at 7:00 PM. In attendance were Eileen Coladarci and Tom Arconti. Also in attendance were Jack Schweitzer, City Engineer, Bill Buckley, Director of Public Utilities, Paul N. Jaber, attorney for Parcliff Development Associate, Michael G. Meyers of Parcliff Development Associates and Jeanne Williamson, Consultants & Engineers, Inc.

Jaber explained that this project was approved for development twelve (12) years ago as Sterling Woods. That project was approved for 85,000/gallons of ~~water~~ ^{sewage} /day for 549 units. 87 units were built before the project was discontinued for various reasons. Part of the Council approval included monitoring by the Public Utilities Department because there was not enough capacity for the approval.

Buckley explained that the monitoring was impossible and that he did not know what he was supposed to do if there was an overage.

Parkcliff Developers bought the adjacent land including the off-site water and sewer lines, which includes a tank, tower and water lines. These need refurbishing and completion. The new project downsized the number of units, so they are asking for re-approval with less units which will cover more capacity. this will assist in galling for sewer, bringing it up to 87,000 gal/day.

At this time, if the Council does nothing, the developers can continue with the project under the old approval

Two years ago, Davon came to the City with the new proposal. The allocation was re-worked taking out the already built 87 units for 20,000 gal/day leaving an existing 67,000 gal/day. It was decided that there was not enough capacity so the developer bought more land bringing the capacity to 72,000 gal/day based ; on 314 units, only 1800 gal/day is now needed which is a much better capacity than was approved in 1983. With the new figures the allocation comes to 87 gal/day/person rather than the needed 90 gal/day/person.

The five acre corner was also pulled out of the existing project to lose an additional 4200 gal/day which brings the total to 5759 over allocation.

A discussion then ensued in regard to the change in per flush water use based on the water conservation efforts since 1983. Now a toilet uses 1.6 gal/flush rates than 3.5 gal/flush thus saving 1.9 gal/flush for every use. The population for this project is proposed as 865 total which will include the 44 units already approved from Sterling Woods.

Buckley then explained the phasing aspect of such a large project. The eight steps would not strictly be used, they will be in effect for each completed portion not the full project. The City will have complete oversight and approval of each phase. The City will get the pipe, tank and pump.

Buckley then explained what was done for Sterling Woods, the pipe was looped from Discount Liquor over Palmer to Great Plain School which looped the gravity system that Sterling Woods operates on. The pump station is there which will be connected to a tank at the top of the hill. The improvements will also serve the existing units.

COs will only be issued as phases are completed to City standards. This project will take approximately 5 years but they would like building permits for 22 units (2 clusters at Meyers request - 3 - 6 townhouses = 1 cluster) of the already approved 44 units to have a showplace.

Buckley said this project is much better than the one approved in 1983, and will be the mechanism to get the facility turned over to the City, completed. The 22 building permits is a compromise to get the water system in our possession. They will not get Cos for the 22 units until the City has the water system.

Arconti moved to recommend:

1. Approve extension of sewer to a total of 358 units (44 previously approved so not on application) for Silversmith Heights with the understanding that the five acres on the corner (allocation of 4,050 gal/day) is being pulled out of the project and may be brought back by petition at a later date not subject to the allocation of this project.
2. Water and sewer is approved with the understanding that the project will be phased in in accordance to the eight standard steps as approved by the Common Council.
3. No COs will be given until the three component parts are completed and turned over to the City (pump station, pipe to the tank, and the tank).

The recommendation was seconded by Coladarci and passed unanimously.

The report was accepted on the Consent Calendar.

49 - REPORT - Request for Reimbursement of Auto Repairs

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review the request for reimbursement of automobile repairs met on March 29, 1995 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Setaro and Gomez. Also in attendance were the petitioner Philip Kallinikos, Risk Manager Thomas Fabiano and Council Members Joseph Scozzafava, ex-officio.

Mr. Kallinikos stated that his daughter was traveling eastbound on Backus Avenue on October 15, 1994. At the intersection of Backus Avenue and Boston Billiards her car collided with another driver's vehicle. The investigating police officer stated that the traffic signal had malfunctioned and was the cause of the accident. However, the City's liability insurance carrier has denied city liability based upon state statute. He seeks redress from the City for the cost of repairs to his daughter's vehicle, totalling \$1,700.00.

Mr. Fabiano stated that since there had been no negligence on the part of the City he supported the position of the carrier. Mr. Gomez stated he was concerned that a precedent would be set if the Council honored this request despite the denial by the liability carrier. Mr. Fabiano and Mr. Scozzafava suggested that the claimant could pursue the matter in Small Claims Court, pro se, a less expensive alternative course of action. Mr. Nolan stated that he felt that the insurance carrier of the other driver involved shared liability in the matter.

Mr. Nolan moved that the committee recommend to the full Common Council that we take no action on Mr. Kallinikos request at this time. Seconded by Mr. Gomez. Motion carried unanimously.

The report was accepted on the Consent Calendar.

50 - REPORT - Backus Avenue/Miry Brook Sewer Line

Mr. DaSilva made a motion that this report be added as item 50 to the agenda. Seconded by Miss Beck. Motion carried unanimously.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request for a Backus Avenue/Miry Brook sewer line met on Thursday, March 30, 1995 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri and Levy. Also in attendance were Corporation Counsel Eric Gottschalk, Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer, Attorneys Neil Marcus and Marc Grenier representing the applicants, along with David Williams consulting engineer for the applicants. Also in attendance were David Meredith of Ridgeland Associates and Laura Bennett and Phil Schulze of Ridgefield Realty Developers. Council Member Yamin had a prior commitment and did not attend. Rules were suspended to allow for an orderly discussion of the request.

Attorney Marcus' presentation to the committee explained the need for the extension of the Backus Avenue sewer line, citing existing problems with the septic system at the Post Office and the long standing problems at Wooster School. He also cited the need, based on future development along Backus Avenue and Miry Brook Road up to and beyond the Danbury/Ridgefield line. One of the applicants represented by Attorney Marcus, Ridgefield Associates, although in possession of two lots on Briar Ridge Road for which the application was submitted, owns a substantially greater tract of land in Ridgefield in which they are most interested in developing. The extent of their proposed development, a golf course/community is such that a sewer line would be necessary to pursue that end.

Mr. Williams offered the committee the proposed layout of the requested extension (beyond the Ridgefield line) and further indicated the need to build a pump station in Ridgefield to accommodate the potential flow. Mr. Buckley explained that the proposal was feasible and that there would be no threat to capacity nor development in Danbury. Attorney Grenier expressed support of the proposed sewer extension into Ridgefield and explained his family's desire to develop land on Miry Brook Road.

As the meeting progressed, it became apparent that the magnitude of this request and potential impact was far greater than anticipated and would therefore require the establishment of an inter-local agreement prior to any action on the applications.

After further discussion, Mr. Levy made a motion to recommend the establishment of a Danbury/Ridgefield Interlocal Negotiating Committee and to commence negotiations with Ridgefield. Motion was seconded by Mr. Valeri and passed unanimously.

Mr. Levy additionally made a motion to recommend taking no action at this time on the applications pending the outcome of the interlocal negotiations. Motion was seconded by Mr. Valeri and passed unanimously.

Mr. Boynton made a motion that the report be accepted and the recommendations adopted. Seconded by Mr. Falzone.

Mr. Trocolla asked if we are negotiating for Ridgefield's portion of our plant or are we selling our plant again. Mayor Enriquez stated that this request was before the Council twice before and no action was taken. The allocation would come from Danbury at a cost to be negotiated. Miss Dennehy asked what was being voted on. The Mayor said to accept the report and approve the recommendation to establish an interlocal negotiating committee. Miss Dennehy asked who would be on the committee. The Mayor said that has not been determined but usually five members. Mr. Gallagher stated that this does not presume any type of approve. That Mayor stated that that is correct. Mr. Scalzo stated that the Common Council would ultimately approve or disapprove the agreement. The Mayor stated that this is correct.

Mr. Trocolla stated by entering into an interlocal we are entertaining the golf course proposal. Since we haven't been interested in the past this is a new way to get around it. Mr. Boynton stated that he would vote positively because we do not know the pros and cons of the agreement. Mr. DaSilva stated that this request is from Danbury residents who would benefit from the sewers and does not see any harm in listening, but the offer would have to be outstanding. Mr. Valeri stated that it was not the intent of the committee to state approval of this request. Mr. Setaro stated that the confusion has to do with past experience. The latitude on the Newtown agreement was limited. It should be made clear to Ridgefield that the Common Council has the final authority to approve to disapprove.

After further discussion, Miss Dennehy made a motion to move the question. Seconded by Mr. DaSilva. Motion carried unanimously.

Motion carried with Council Members Dennehy, Coladarci, Outlaw and Trocolla voting in the negative.

51 - COMMUNICATION - Sewer Break - 28 Grove Street

Mr. DaSilva made a motion that this communication be added as item 51 to the agenda. Seconded by Mr. Setaro. Motion carried unanimously.

Letter from Superintendent William Buckley explaining about a sewer line break at 28 Grove Street and asking for reimbursement from the City to the Cormiers for services rendered in repairs. The total sum was \$1,115.00. Mr. Boynton made a motion that the communication be accepted and the reimbursement authorized. Seconded by Miss Beck. Motion carried unanimously.

The Mayor extended all committees.

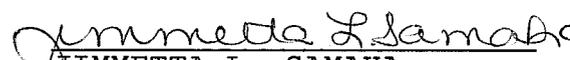
ANNOUNCEMENTS

April 13th - Coladarcis will celebrate their anniversary
April 15th - Kathy Dennehy will celebrate her birthday
April 20th - Val Machado will celebrate his birthday
May 2nd - Nancy Beck will celebrate her birthday

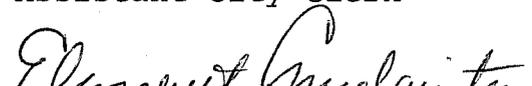
Mayor Eriquez congratulated that UCONN Women's Basketball Team on their NCAA Championship

There being no further business to come before the Common Council a motion was made by Mr. Falzone at 9:15 P.M. for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk