

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

RE: Minutes of the Common Council Meeting held May 4, 1993

The meeting was called to order by Mayor Eriquez at 7:30 P.M. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT - Scalzo, Falzone, Arconti, Coladarci, Dennehy, Setaro, DaSilva, John Esposito, Dean Esposito, Outlaw, Cassano, Charles, Ciprian, Scozzafava, Trocolla

ABSENT - Fazio, Gallo, Boynton, Gogliettino, Butera, Yamin

15 Present - 6 Absent

Mr. Boynton and Mr. Fazio were out of town

PUBLIC SPEAKING

1. Stephen Flanagan, 1 Willow Lane - Spoke on item 21. Survey for Sanitary Sewer on Mountainville Road and Willow Lane. Understands that only a small number of the residents were willing to participate but would like Council to reconsider when the economic conditions have improved. Said that the Common Council and the Mayor are doing a fine job.

2. Phil LoPresti, 10 Cornstassle Road - spoke on item 12. The soil to be donated is cleaner than regulations required. Would save the City money.

ANNOUNCEMENTS

May is Stand Together and Make a Difference Month as well as Drug and Alcohol Abuse Prevention Month. There will be nine events held in relation to these programs.

At 7:37 P.M. Mrs. Butera arrived and was marked present

May 4th - Betty and Don Crudginton's Silver Wedding Anniversary
May 12th - Fire Chief Antonio LaGarto's birthday
May 13th - Tom and Sally Arconti's anniversary
May 19th - Chris Setaro's birthday
May 24th - Dean and Sharon Esposito's 2nd Wedding Anniversary
May 2-9 - Clean Drinking Water Week
May 4th - Teacher Appreciation Day
May 6th - Volunteer Bureau Auction at the Amber Room
May 7th - American Cancer Society Auction
May 9th - Mother's Day

At 7:39 P.M. Mrs. Gogliettino arrived and was marked present

At 7:40 P.M. Mr. Yamin arrived and was marked present

May 9-16 - Nursing Home Week
May 14th - Hospice Art Show and Auction
May 15&16 - Richter Park Juried Art Show
May 21 - Red Cross RSVP Volunteer Dinner
May 21 - Head Start Day
May 21 - ROTC Awards Dinner
May 23 - WCSU Graduation
May 24 - Freedom Fund Kick-Off
May 28 - Police Department Awards
May 31 - Memorial Day is Observed and City Hall will be closed

Mayor Eriquez thanked City Employees who participated in the Homefront Project

MINUTES - Minutes of the Common Council meeting held April 6, 1993. Mr. DaSilva made a motion that the minutes 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. Motion carried unanimously.

CONSENT CALENDAR - John Esposito presented the following items for the Consent Calendar:

- 3 - Approve application for HIV Health Education - \$120,000
- 5 - Approve application for grant from The Meserve Memorial Foundation for Danbury Library - \$2,071
- 6 - Approve application for grant for Danbury Opportunities for Offender Redirection Program - \$143,250
- 7 - Approve application for grant for Shelter Plus Care for \$1,043,880 to \$1,494,990
- 8 - Approve application for grant for Alzheimer's Specialist for Interweave - \$27,551
- 13 - Approve reappointments of Barbara Talarico and Paulette Pepin to the Tarrywile Park Authority
- 15 - Approve request for funds for Registrars of voters - \$3,000
- 16 - Approve appropriation of \$6,831 for Civil Service Commission
- 21 - Approve receipt of report on Mountainville Road, Willow Lane, Berkshire Place Sewer Project and take no action at this time
- 25 - Approve Candlewood Lake Sewer Project easement acquisition
- 27 - Approve Airport lease arbitration - \$8,149.36
- 29 - Approve Ordinances concerning Health and Housing Department
- 30 - Approve Ordinances concerning Health and Housing Department
- 31 - Approve Resolutions concerning Health and Housing Department
- 33 - Approve report and recommendation to deny offer of three lots in Candlevue Ridge to the City
- 34 - Approve report on use of Osborne Street Facility
- 35 - Approve receipt of report concerning Pleasant Acres, Racing Brook Meadows and Coal Pit Hill Water Systems
- 36 - Approve Lease between the City of Danbury and Executive Air

Mr. Setaro made a motion that the Consent Calendar be adopted as presented. Seconded by Dean Esposito. Motion carried unanimously.

1 - ORDINANCE - Ambulance Fee Schedule and Regulations. Mr. Arconti asked that this be deferred to Public Hearing. Mayor Eriquez so ordered

2 - ORDINANCE - Refusal to Accept Unwrapped Coins. Mrs. Coladarci asked that this be deferred to Public Hearing. Mayor Eriquez so ordered

3 - RESOLUTION - HIV Health Education

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, THE State of Connecticut Department of Health Services is making available an AIDS prevention grant and Ryan White II Consortia Funds for purposes of HIV Health Education/Risk Reduction, HIV Counseling and Testing and the provision of care to people living with HIV infection and

WHEREAS, said grant would be applicable for the period of July 1, 1993 through June 30, 1994; and

WHEREAS, said funding would be in an amount not to exceed \$120,000;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department and Mayor Gene F. Eriquez in applying for said funds are hereby ratified and authorization is hereby given the Mayor or the Director of Health and Housing to accept said grant for the purposes recited herein.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Recreational Fields and Open Space. Mrs. Butera asked that this be referred to the existing ad hoc committee. Mayor Eriquez so ordered and appointed Council Members Arconti, DaSilva and Fazio.

5 - RESOLUTION - Grant from the Meserve Memorial Foundation for Danbury Library.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Albert Wadsworth and Helen Clark Meserve Memorial Fund Foundation has accepted an application from the Danbury Public Library for a grant of \$2,071.00; and

WHEREAS, it has been determined that only 16% of elementary school age children living in Danbury's three public housing complexes have library cards; and

WHEREAS, the grant funds would be used to register these children, ages 5 through 12 years at the Danbury Public Library, issue library cards to them and bring them to the Library for its Story-Time Program; and

WHEREAS, the Danbury Kiwanis Organization has pledged volunteers and funds totaling \$50.00; and

WHEREAS, the Danbury Housing Authority has pledged staff in-kind support; and

WHEREAS, no City of Danbury cash match funds are required for this grant award;

NOW, THEREFORE, BE IT RESOLVED THAT all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application to The Meserve Memorial Fund for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$2,071 for the funding period of June, 1993 through September, 1993 to further the purposes of said grant award.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Danbury Opportunities for Offender Redirection Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has been notified by the State of Connecticut Office of Policy and Management that it is eligible to apply for pass through funds under the Federal Anti-Drug Abuse Act and the Federal Juvenile Justice and Delinquency Prevention Act; and

WHEREAS, the Danbury Public School System's "Danbury Opportunities for Offender Redirection (DOOR) Program" is in operation for fiscal year 1992-93 and;

WHEREAS, the grant award period for which the City will apply is July 1, 1993 through June 30, 1994; and

WHEREAS, the State of Connecticut will accept two applications for \$143,250 with state matching funds of \$47,750, as well as an additional \$72,000 for a total eligible amount of \$143,250 to support the School Department's second year program; and

WHEREAS, all youth accepted and served under this program will receive assessment in various aspects of family life, needs, aptitudes, mental and physical health and will be assigned a case manager who will work with families of accepted youths to provide support in all areas of need, being especially responsive to redirecting young people involved in early criminal behavior to more wholesome responses to personal stresses.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to apply for said grant award through two separate grant applications, if required by the State of Connecticut, and to accept said funds if awarded as a "pass through" to the Danbury Board of Education State and Federal Projects so that the Danbury School System may continue its DOOR Program; and

BE IT FURTHER RESOLVED that the Mayor is further empowered to take any actions and to sign any documents or contracts necessary to further the purposes of said program.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Shelter Plus Care Grant Funds

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Housing is permitting municipalities to access Shelter Plus Care grant funds for purpose of providing rent subsidy certificates to homeless persons; and

WHEREAS, the City of Danbury, through its Department of Welfare is desirous of making application for said funds; and

WHEREAS, said funds would also be utilized for additional support services to be provided to those receiving the certificates; and

WHEREAS, the grant application would request between \$1,043,280 and \$1,494,990 for these purposes;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to apply for said Shelter Plus Care grant funds, to sign any documents in connection therewith and to accept grant funds consistent with the application, if approved.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Alzheimer's Specialist for Interweave

RESOLVED, by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department on Aging will accept an application from the Department of Elderly Services of the City of Danbury for grant funds in the amount of \$27,551.00 for the purpose of maintaining the position of Alzheimer Specialist for Interweave Adult Day Care Center; and

WHEREAS, the City of Danbury will be required to provide matching funds in an amount yet to be determined; and

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez or his designee, Leo E. McIlrath, Director of the Department of Elderly Services is hereby authorized to apply for said grant, to sign any documents in connection therewith and to accept grant funds consistent with the application, if approved.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Letter from Library Director Betsy McDonough seeking permission to accept a donation in the amount of \$73.85 from the United Way of Northern Fairfield County for Conferences. Mr. Setaro made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

10 - COMMUNICATION - Letter from Tree Supervisor Richard K. Smith asking permission to accept a donation in the amount of \$250 from the Lions Club for the planting of trees on Arbor Day. Mrs. Butera asked that the donation be accepted and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

11 - COMMUNICATION - Letter from Director of Parks and Recreation Robert Ryerson asking permission to accept a donation from Chase Manhattan Bank for \$1,500 for Take Back Your Neighborhood Program. Mr. Trocolla made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

12 - COMMUNICATION - Letter from Richard Simonelli asking to donate soil to the landfill. Mr. DaSilva asked that this be referred to the Director of Public Works and the Landfill Coordinator for reports back within thirty days. Mayor Eriquez so ordered.

13 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Barbara Talarico and Paulette Pepin to the Tarrywile Park Authority for terms to expire May 1, 1996. The reappointments were confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez requesting that the upstairs hall in the Old Library Building on Main Street be named "The Marian Anderson Recital Hall". Mr. Setaro made a motion that the upstairs hall in the Old Library Building be named "The Marian Anderson Recital Hall." Seconded by Mrs. Outlaw. Motion carried unanimously.

15 - COMMUNICATION & CERTIFICATION - Request from the Registrars of Voters for the sum of \$3,000 for postage. A Certification of Funds was attached. The communication was accepted and the funds appropriated on the Consent Calendar.

16 - COMMUNICATION - Request from Civil Service Examiner Nicholas Nero requesting that the funds collected for Police Examination Application Fees be reappropriated to the Civil Service Postage Account in the amount of \$400 and the Professional Services/Fees Account in the amount of \$6,431.00. The request was granted on the Consent Calendar.

17 - COMMUNICATION - Request from Marti Hopper, Chairperson of the Post Prom Committee for the sum of \$1,500 as a donation to defray the cost of the post prom party at Danbury High School. Mr. Dean Esposito made a motion that the Common Council appropriate the sum of \$1,500 for the post prom party. Seconded by Joe DaSilva. The sum will be appropriated pending certification. Mr. Arconti offered an amendment that the committee shall submit an accounting to the Director of Finance as to how the funds were disbursed. Seconded by Mrs. Butera. Motion to amend carried unanimously.

Mr. Cassano asked if the Board of Education was approached for funding. Mr. Scozzafava stated that it had been in the past but he could not remember if the request was granted. Mr. Cassano stated that the Board of Education should meet the City's contribution dollar for dollar. Mr. DaSilva read a list of other contributors. Mr. Cassano asked Corporation Counsel if it would be allowable to word the motion in such a way as to make the City's donation contingent upon the Board of Education donating also. Mr. Gottschalk said it was.

Mr. Cassano offered an amendment that places the requirement that the City's funding be contingent upon matching funds from the Board of Education. Seconded by Mrs. Butera. Mr. Charles moved the question. Seconded by Mrs. Outlaw. Motion failed.

Mr. Esposito stated that he understands Mr. Cassano amendment but feels that vote should be taken on original motion and that will send a message to the Board of Education. The motion to amend fails with the members voting as follows:

Yes - Scalzo, Falzone, Outlaw, Cassano, Charles, Butera

No - Arconti, Coladarci, Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Dean Esposito, Cipriani, Scozzafava, Trocola, Yamin

6 Yes - 12 No

Main motion, as amended, carried with Mrs. Coladarci abstaining.

At 8:12 P.M. Mr. Gallo arrived and was marked present.

18 - COMMUNICATION - Letter from Seattle Espresso requesting permission to have outside seating at 262 Main Street. Mr. DaSilva asked that this be referred to the Corporation Counsel for a definition of the area. Mayor Eriquez so ordered.

19 - COMMUNICATION - Letter from Fire Chief Lagarto and Communication Supervisor Fred Visconti asking to encumber the funds from Revenue Account No. 02-65-000-683500 Fire Department Communications. The funds will offset budget requests for equipment needed within the 911 Communication Center. Mr. Setaro asked that this be referred to an ad hoc committee, Chief Lagarto, Mr. Visconti, President of the Volunteers Council and the Director of Finance. Mayor Eriquez so ordered and appointed Council members Scalzo, Dean Esposito and Scozzafava to the committee.

20 - COMMUNICATION - Request from Hawley Realty requesting an easement from the City at the rear of Plumtrees Plaza. Mrs. Butera asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Enriquez so ordered and appointed Council Members Cipriani, Coladaro and Fazio to the committee.

21 - COMMUNICATION - Survey from the Engineering Department regarding the Sanitary Sewer Project for Mountainville Avenue, Willow Lane and Berkshire Place. The Common Council voted to take no action at this time on the Consent Calendar.

22 - COMMUNICATION - Request from Guy and Sara Cormier requesting the City to sell them surplus property which is deadlocked between Virginia Avenue and Grove Place. Mr. Dean Esposito asked that the Director of Planning, the Planning Commission and the City Engineer report back within thirty days on this request. Mayor Enriquez so ordered.

23 - COMMUNICATION - Lease between the City and Tisano Realty. Mr. Setaro asked that this be referred to an ad hoc committee, the Airport Administrator and the Airport Commission, the Corporation Counsel and the Planning Commission. Mayor Enriquez so ordered and appointed Council Members Falzone, Trocolla and Yamin to the committee.

24 - COMMUNICATION - Letter from Director of Finance Dominic Setaro asking approval of the City's entering into an agreement for a collection agency through the Connecticut Conference of Municipalities. Mr. Arconti made a motion that the communication be accepted and the agreement authorized. Seconded by Mrs. Coladarcia.

Mr. Yamin asked Dominic Setaro if he was aware of the success rate. Mr. Setaro stated that he was not specifically aware of the success rate but whatever could be collected would be more than we could get with existing staff. Mr. Charles asked if this was the same as factoring. Mr. Setaro said that we are not selling it, per se, but is based on fee schedules. The percentage would vary on each level. Mr. Arconti asked who the municipal co-ordinator would be. Mayor Enriquez stated that it would be the Director of Finance. Mr. Arconti asked if the collection fee would also be recovered. Mayor Enriquez stated that it would be if possible.

Motion carried unanimously.

25 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley requesting an easement on South Cove Road to continue to move along the Candlewood Lake Sewer Project.

RESOLVED, by the Common Council of the City of Danbury:

WHEREAS, as part of the Common Council approved Candlewood Lake Sewer Project, the City intends to install a portion of the new system within the right of way of South Cove Road; and

WHEREAS, the purposes of said project require the acquisition of an easement for this purpose as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owner hereinafter named upon the amount, if any, to be paid for the interest to be taken in and to the real property identified below;

NOW, THEREFORE, BE IT RESOLVED that the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interest set forth herein either by negotiation or by eminent domain through the institution of suits against the owner, South Cove Road, Inc., its successors and assigns and its mortgage holders and encumbrancers, if any. The legal description of the interest to be acquired is set forth in Schedule A.

The communication and Resolution were adopted on the Consent Calendar.

26 - COMMUNICATION - City of Danbury v. Helen Fernandes, et al
Mr. DaSilva made a motion that this item be deferred until the end of
the agenda for Executive Session. Seconded by Mr. Setaro. Motion
carried unanimously.

27 - COMMUNICATION - Business Aircraft Center v. City of Danbury -
Arbitration Findings. Letter from Assistant Corporation Counsel Les
Pinter outlining the arbitration findings and requesting funds in the
amount of \$8,149.36 to cover costs. A certification of funds was
attached. The communication was accepted and funds appropriated on
the Consent Calendar.

28 - DEPARTMENT REPORTS - Public Utilities, Engineering, Parks and
Recreation, Health and Housing, Fire Chief, Fire Marshall, Police.
Mr. DaSilva made a motion that the department 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 Mrs. Outlaw
Motion carried unanimously.

29 - REPORT & ORDINANCES @ Health and Housing Department

Mr. DaSilva submitted the following report and ordinances:

The Common Council met as a committee of the whole at 7:30 P.M. on
April 26, 1993 to review proposed Health and Housing Department
Ordinances concerning subsurface sewage disposal permits, inspection
for compliance and certificates of occupancy requirements. Director
of Health William Campbell explained the rationale for the proposed
ordinances.

After a discussion of the need for a fee for a certificate of
occupancy and the proper notification to the public of such, Mr.
Boynton moved to recommend approval of the proposed ordinance. The
motion was seconded by Dean Esposito. The motion passed 14-1 with
Mr. Yamin voting in the negative.

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 9-69 of the Code of Ordinances of Danbury, Connecticut is
hereby amended to read as follows:

Sec. 9-69. Inspection for compliance.

The director of health or his designee shall annually inspect any
sites where hazardous substances are stored, used, mixed or produced and
shall issue a certificate of compliance with respect to all sites found
to be in compliance with the provisions of this Article. The fee of
said certificate shall be fifty dollars (\$50.00). In addition to the
foregoing, the director of health or his designee may inspect any such
sites at such other times as he shall deem advisable in order to insure
compliance with the provisions hereof.

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 9-8 of the Code of Ordinances of Danbury, Connecticut is
hereby amended to read as follows:

Sec. 9-8. Subsurface sewage disposal system permit.

(a) No subsurface sewage disposal system permit shall be issued
by the health department of the City of Danbury until the applicant
has paid the required permit fee of fifty dollars (\$50.00).

(b) In addition, when required by the director of the Danbury
health department pursuant to subsection 19-13-B103c or 19-13B103e
of the Public Health Code of the State of Connecticut, the proposed
system shall be based upon a plan prepared by a professional engineer,
registered in the State of Connecticut. In that event, no permit
shall be issued until such plan has been submitted to and approved
by the department and the required fee has been paid. The fee for
review of the aforesaid plans shall be in the amount of one hundred
dollars (\$100.00).

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Subsection 10-10(5) of the Code of Ordinances of Danbury,

Connecticut is hereby amended to read as follows:

Sec. 10-10. Certificate of occupancy requirement.

(5) The director of health may set a reasonable schedule of fees which are to be paid prior to the issuance of the certificate of occupancy required by this section to its approval and adoption by a resolution of the Common Council.

The report and Ordinances were adopted on the Consent Calendar.

30 - REPORT & ORDINANCES - Health and Housing Department

Mr. DaSilva submitted the following report and Ordinances:

The Common Council met as a committee of the whole at 7:30 P.M. on April 26, 1993 to review proposed Health and Housing Department ordinances concerning dwellings, amendment to Section 10-4, maximum density, minimum space, use and location requirements, amendment to section 10-10, order for abatement of nuisance and designation of a building as unfit for human habitation.

After discussion, Mr. Boynton moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Charles and passed unanimously.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Danbury:

THAT Subsection 10-2(14) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(14) Dwelling shall mean any enclosed space which is wholly or partly used or intended to be used for living and sleeping by human occupants, provided that single-family owner-occupied buildings as well as temporary housing as hereinafter defined shall not be regarded as a dwelling.

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 10-4 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of Subsections 10-4(7) and 10-4(13) and by the redesignation of Subsections 10-4(8) through 10-4(12) as 10-4(7) through 10-4(11).

BE IT ORDAINED BY the Common Council of the City of Danbury:

THAT subsection (1) of Section 10-9 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-9. Maximum density, minimum space, use and location requirements.

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

- (1) (a) Every dwelling unit shall contain not less than one hundred fifty (150) square feet of floor space for the first occupant and not less than one hundred (100) square feet of additional floor space for each additional occupant thereof.
- (b) No room shall be used for sleeping purposes unless it shall have a floor area of not less than (70) square feet.
- (c) Every habitable room shall have a clear room width of not less than seven (7) feet at the narrowest point exclusive of projections affecting less than ten (1) per cent of the floor area.
- (d) No part of a room shall be included within the floor area required above where the ceiling height is less than five (5) feet. At least half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet.

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 10-10 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of Subsection 10-10(3) and by the re-designation of Subsections 10-10(4) and 10-10(5) as 10-10(3) and 10-10(4) respectively.

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 10-13 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of Subsection 10-13(9).

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Subsection 10-16(1) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-16. Order for the abatement of nuisance.

(1) Whenever the director of health determines that any dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit, or the premises surrounding any of these, fails to meet the requirements set forth in this article or in applicable rules and regulations issued pursuant thereto, he shall issue an order setting forth the alleged failures and advising the owner, owner's agent, or occupant that such failures must be corrected. This order shall:

- (a) Be in writing.
- (b) Set forth the alleged violations of this article or of applicable rules and regulations issued pursuant thereto.
- (c) Describe the dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit where the violations are alleged to exist or to have been committed.
- (d) Provide a reasonable time for the correction of any violation alleged.
- (e)
 - (i) Be served upon the owner, owner's agent or occupant of the dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit personally or by certified mail, return receipt requested, addressed to the last known place of residence of the owner, occupant or other person in charge. If one or more persons to whom the notice is addressed cannot be found after a diligent effort to do so, service may be made upon such person or persons by posting a notice on or about the dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit described in the order or by causing such order to be published in a newspaper of general circulation for a period of five (5) consecutive days; or
 - (ii) Be served upon a resident agent for the receipt of service of such orders designated pursuant to Subsection 10-11(f) hereof; or
 - (iii) Be served upon the director of health where he has been designated the agent for such service pursuant to Subsection 10-11(g).

BE IT ORDAINED by the Common Council of the City of Danbury:

THAT Section 10-19 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 10-19. Designation of a building as unfit for human habitation.

(1) The designation of dwellings, dwelling units, rooming houses, rooming units, dormitories, dormitory units, hotels or hotel units as unfit for human habitation shall be carried out in compliance with the following requirements:

- (a) Any dwelling dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit which shall be found to have any of the following defects may be posted as unfit for human habitation, by the director of health if the director determines that repair of the defect is not possible or not possible within a reasonable period of time sufficient to avoid danger to occupants:

(i) One which is so damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public and/or contains lead based paint, glaze or other surface coverings containing a toxic level of lead which is in violation of the provisions of this Code of Ordinances or of Section 19a-111c of the Statutes of the State of Connecticut, as amended, or of the provisions of regulations promulgated pursuant to said section.

(ii) One which lacks illumination, ventilation, electrical, plumbing, heating or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(iii) One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

- (b) Any dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit posted as unfit for human habitation, by the director of health shall be vacated, either temporarily or permanentaly, within a reasonable time as ordered by the director of health. Whenever any dwelling, dwelling unit, rooming house, rooming unit, dormitory, dormitory unit, hotel or hotel unit has been posted and vacated, the director of health shall order services and other utilities to be turned off or disconnected and all utility meters to be removed.

- (c) No dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation may again be used for human habitation until written approval is secured from, and such poster is removed by, the director of health. The director of health shall remove such poster whenever the defect or defects, upon which the posting was based, have been eliminated.

- (d) No person shall deface or remove any poster from any dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation except as provided above. Whoever violates this provision shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

- (e) Any person affected by any notice relating to the posting of a dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit as unfit for human habitation may request, and shall be granted, a hearing on the matter before the hearing agency.

Mr. DaSilva submitted the following report and resolutions:

The Common Council met as a committee of the whole at 7:30 P.M. on April 26, 1993 to review proposed Health and Housing Department resolutions. These concerned certificate of apartment occupancy fees, room service fees, rooming house/hotel fees and well permit review fees.

After discussion, Dean Esposito moved to recommend approval of the proposed resolutions. The motion was seconded by Mr. Scozzafava. The motion concerning certificate of occupancy fees passed 12 to 1 with one abstention. Mr. Yamin voted in the negative and Mr. Boynton abstained. All other sections passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted a Food Service Establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances; and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expense of Food Service Establishment licensing,

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

The Director of Health is hereby authorized and empowered to impose the following fees for all licenses issued from July 1 through June 30 of each fiscal year.

1. All Food Service Establishments, except food stores and markets, having a seating capacity of from zero to seventy-four (74) seats shall pay an annual fee of Fifty Dollars (\$50.00).

2. All Food Service Establishments, except food stores and markets, having a seating capacity of seventy-five (75) or more seats shall pay an annual fee of One Hundred Dollars (\$100.00).

3. All food stores and markets shall pay an annual fee of Fifty Dollars (\$50.00).

4. Any Food Service Establishment which fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances prior to August 1 of the applicable fiscal year shall be subject to a late payment fee of Fifty Dollars (\$50.00).

5. The fees established in paragraphs 1 through 3 hereof are intended to defray the costs associated with routine periodic inspections of Food Service Establishments. All such establishments requiring additional inspections due to the existence of conditions observed during routine inspections, which require correction and therefore reinspection, shall pay a fee of Fifty Dollars (\$50.00) per reinspection.

6. Any plan review and inspection required pursuant to Sections 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of Food Service Establishments shall be performed by the Director of Health or his designee upon payment of a fee of One Hundred Dollars (\$100.00).

7. All Food Service Establishments requiring more than one preoperational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first preoperational inspection which require correction and therefore reinspection, shall pay a fee of Fifty Dollars (\$50.00) per reinspection.

8. Any temporary Food Service Establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of a Twenty Dollar (\$20.00) license fee.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted an ordinance designated as Section 10-10 concerning among other things the issuance of certificates of apartment occupancy; and

WHEREAS, Subsection 10-10(5) of said ordinance provides for the establishment of a fee to be charged in connection with the issuance of said certificates;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL of the City of Danbury, that:

The Director of Health is hereby authorized and empowered to impose a fee of Twenty-Five Dollars (\$25.00) for the issuance of all such certificates of occupancy.

RESOLVED BY THE COMMON COUNCIL of the City of Danbury:

WHEREAS, the City of Danbury has enacted an Ordinance designated as Section 10-11 of the Danbury Code of Ordinances concerning, among other things, the licensing of rooming houses and hotels; and

WHEREAS, Paragraph (e) of Subsection 10-11(1) provides for the establishment of a reasonable schedule of annual fees to be collected to defray the expense of licensing rooming houses and hotels,

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

The Director of Health is hereby authorized and empowered to impose a licensing fee consisting of a base fee of Ten Dollars (\$10.00) for each rooming house or hotel licensed hereunder plus Three Dollars (\$3.00) per room for each habitable room in each such rooming house or hotel. Said fees shall be imposed for all such licenses issued from July 1 through June 30 of each fiscal year.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 25-130 of the Connecticut General Statutes requires that before commencing work on any well, the registered well driller shall obtain a permit from the State of Connecticut authorizing said work; and

WHEREAS, said Section further requires that the driller shall then submit the permit, with a fee to be determined by the legislative body of the City, to the local director of health or his agent who is then required to sign such permit if the proposed well conforms to the public health code,

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

The fee to be imposed in connection with the above-referenced well permit review shall hereby be established in the amount of Thirty-Five Dollars (\$35.00).

The Reports and Resolutions were adopted on the Consent Calendar.

32 - REPORT - Governmental Entities Review and Evaluation

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:30 P.M. on April 26, 1993 to review the recommendations of the Governmental Entities Review and Evaluation Committee. The committee recommended a five year extension to the Tarrywile Park Authority, the Stanley Lasker Richter Memorial Park Authority, the Environmental Impact Commission and the Conservation Commission.

After discussion concerning the availability of the facilities at Tarrywile Park and the need for more activities there, Mr. Falzone moved to recommend the re-establishment of the Tarrywile Park Authority for two years. The motion was seconded by Dean Esposito and passed with Mr. Arconti voting in the negative.

Mr. Gallo moved to recommend the re-establishment of the Richter Park Authority for five years. The motion was seconded by Mr. Setaro and passed unanimously. Mr. Setaro moved to recommend the re-establishment of the Environmental Impact Commission for five years. The motion was seconded by John Esposito and passed unanimously. Mr. Gallo made a motion to recommend re-establishment of the Conservation Commission for five years. The motion was seconded by Dean Esposito. After discussion about the role of the Commission, Mr. Yamin moved to amend the recommendation to two years. The motion was seconded by John Esposito and defeated 11-3. The main motion carried 11-3 with John Esposito, Yamin and Outlaw voting in the negative.

Mr. Setaro made a motion that the report be accepted and the recommendations be adopted. Seconded by Dean Esposito. Mrs. Coladarci stated that the reason Tarrywile Park was changed from 5 years to 2 years due to more public participation and they should advertise what is available. Motion carried unanimously.

33 - REPORT - Offer of Three Lots in Candleview Ridge to the City

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the offer of three lots in Candleview Ridge to the City met on April 14, 1993 at 7:30 P.M. in Room 432. In attendance were Committee Members Gallo, Cipriani and Yamin. Also in attendance were City Engineer Jack Schweitzer, Corporation Counsel Eric Gottschalk, Director of Finance Dominic Setaro, Director of Parks and Recreation Robert Ryerson and Planning Director Dennis Elpern. The petitioners were represented by Attorney James Curran and Robert Kovacs. Ex-officio Council Members present were DaSilva, Charles and Fazio. Several residents of the area were also in attendance.

Mr. Gallo began by stating that the Planning Commission issued a negative recommendation. Mr. Gallo asked Mr. Elpern to read a staff report from the Planning Department (attached). The report was negative. Mr. Schweitzer, Mr. Ryerson and Mr. Elpern were in agreement that these parcels were of no value to the City.

Mr. Yamin made a motion to recommend that the City not accept the offer of the property to the City. Seconded by Mr. Cipriani. The motion carried unanimously.

The report was adopted on the Consent Calendar.

34 - REPORT - Use of Osborne Street Facility

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the request to construct a facility on Osborne Street met on April 7, 1993 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Arconti, Cipriani and Fazio. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Director of Parks and Recreation Robert Ryerson, the petitioner Peter Pinckney, and Council Member Eileen Coladarci, ex-officio and members of the public.

The Hat City Sports League would like to construct a storage building at the Osborne Street Field. They will incur all construction and related costs. Upon completion they intend to donate the building to the City in exchange for a lease for its use. This arrangement was implemented with DAYO regarding the existing building at the Osborne Street Field. Hat City Youth Sports intends to match the design of the existing building.

Mr. Ryerson stated that he has no objection to this plan and will work with Hat City Youth Sports to accomplish its goal.

Mr. Cipriani moved to recommend that the Common Council approve the concept of allowing the Hat City Youth Sports to construct a 25' x 40' storage building at the Osborne Street Field contingent upon their obtaining all necessary approvals from the land use agencies. Seconded by Mr. Fazio. Motion carried unanimously.

The report was adopted on the Consent Calendar.

35 - REPORT - Pleasant Acres, Racing Brook Meadows and Coal Pit Hill Water Systems.

Mrs. Coladarci submitted the following report:

The Subcommittee to review the Pleasant Acres, Racing Brook Meadows, and Coal Pit Hill water systems met at 7:00 PM on April 27, 1993 in the fourth floor lobby of Danbury City Hall. In attendance were Councilwoman Eileen Coladarci, Chair, and Councilman Mike Fazio. Also in attendance were Bill Buckley, Director of Public Works, Jack Schweitzer, Director of Engineering, Attorney Ted Backer, Fred W. Malmsheimer, George Eller, John Conroy and Bert Bertram.

Attorney Backer explained that the 145 customer water system at Pleasant Acres is run by the Pleasant Acre Homeowners Association because in 1986 DPUC in a foreclosure matter gave it to the Association with a receiver appointed by the Superior Court, Gail Greenberg. There are no water problems, the taxes are paid to date and the water comes from six wells within the community. Ms. Greenberg may be leaving the Community and technically if she leaves the Association Board must notify the DPUC.

Because Ms. Greenberg may leave the Board must decide what their options are:

- 1) be a water company,
- 2) sell to a private company
- 3) have city service and become part of the municipal system.

From an engineering standpoint the water runs out over Candlewood Lake and down Acre Drive.

Schweitzer and Buckley stated that the City line is on Hayestown Road under Acre Drive. If the City deemed the move to be adequate, it can interconnect but the pressure must be adequate for any additions.

Backer stated that this is a pressure based system and as far as he knows no one is having problems. They are just looking at long-term ramifications. They are not looking to be bailed out.

Mr. Bertram has two water systems, Racing Brook Meadows which has two wells and a storage tank and Coalpit Road which is the system for Deer Ridge and Robin Hill which has wells and a storage tank system but already interconnects with the City. The City sells them water through a 1" line.

Bertram has received calls from his customers who would like to take advantage of municipal water and lower rates. He has no desire to stay in the water business and is willing to work with the City.

If the Council allows the City to work with the owners of these three companies, the City will be exploring options with the opportunity to work on a step-by-step basis rather than crisis intervention. Buckley added that the companies will still need DPUC approval to sell even to the City.

Fazio made a motion that the Council direct Buckley to explore options for possible acquisition of said mentioned companies and report back to the Council within a reasonable period of time. The motion was seconded by Coladarci and approved unanimously.

The report was accepted on the Consent Calendar.

36 - REPORT - Lease between the City of Danbury and Executive Air Services

Mr. Falzone submitted the following report:

The Common Council committee, appointed to review the lease agreement between the City of Danbury and Executive Air Service, met on March 30, 1993 at 7:30 p.m. on the Fourth Floor at City Hall. In attendance were committee members, Michael Falzone, Christopher Setaro, and Joseph Scozzafava. Also, in attendance were Dominic Setaro, Director of Finance, Donald Crudginton and John Scarfi of the Aviation Commission, Assistant Corporation Counsel Les Pinter, and Rob Zohn of Executive Air Service.

Councilman Falzone read the Planning Commission's positive recommendation to the Committee with the stipulation that the language in paragraph 19, "Administration Approval" be revised to read, "...The Building Department and Planning Commission or Planning Department, as applicable,...". Counsel Pinter explained that this is basically the same type of lease agreement that the Council has approved between the City and Sea Horse Aviation Services and it will not affect other leases.

After further discussion, a motion was made by Councilman Setaro to agree to the lease with the changes asked for by the Planning Commission, and the revision in the description and schedule of property stated in the revised lease which was given to the Common Council. The motion was seconded by Councilman Scozzafava, and passed unanimously.

The report was accepted and the lease approved on the Consent Calendar.

At 8:23 P.M. Mr. Setaro made a motion that the Common Council enter Executive Session to take action on item 26. Seconded by Dean Esposito. Motion carried unanimously.

At 8:37 the Common Council reconvened in open session.

Mr. Setaro made a motion that the sum of \$750 be approved for settlement in the City of Danbury v. Helen Fernandes, et al suit. Seconded by Dean Esposito. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made at 8:38 P.M. for the meeting to be adjourned.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk