

TO: Mayor Gene F. Eriquez and Members of the Common Council  
RE: Minutes of the Common Council Meeting held April 6, 1999

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

**PRESENT:** Scalzo, McAllister, Arconti, Smith, Buzaid, Boynton, Dean Esposito, Machado, Shuler, Setaro, John Esposito, Levy, Basso, Fox, Moore, Saracino, Abrantes, Gallagher and Falzone

**ABSENT:** Charles and Coco

Mr. Charles was ill and Mr. Coco was working

### **PUBLIC SPEAKING**

Eileen Mitchell, 19 Mountainville Avenue, Danbury, CT 06810

Ms. Mitchell spoke in reference to Item No. 60 on the Agenda. She spoke in favor of stricter rules for parks. She spoke on behalf of a neighbor living near Rogers Park and said one of the fields at Rogers Park was ruined after one festival. Mrs. Mitchell said that little or no problems occur with the Irish Festival.

Amy Louen, Site Acquisition Agent at SNET, 1441 North Colony Road, Meriden, CT 06450

Ms. Louen spoke in reference to Item No. 40 on the Agenda. Ms. Louen asked that the Council look further into SNET's request for an easement on one of three possible sites saying that to provide service and meet customer needs, they need to use one of these sites. Her next step is to contact Richter Park. Ms. Louen left materials for the Council to look at and requested that they contact her for further information and explanation.

Jerry Curran, Representative of the Irish Festival which is held in Danbury.

Mr. Curran spoke in reference to Item No. 60. Mr. Curran explained that the Irish Festival is a family event. He was displeased with The News-Times articles which grouped the Irish Festival with problems encountered at other festivals held at Rogers Park. He said that \$40,000 and up is spent to make the Irish Festival the pride of the community. He expressed his hope that the Irish Festival can continue to be held at Rogers Park for the next 10 years.

Roy Koveleski, 15 Mountainville Avenue, Danbury, CT 06810

Mr. Koveleski spoke in reference to Item No. 60. He thought it was unfair to lump all the festivals into one group. He and his family enjoy the diversity in Danbury. He said the Irish Festival is a good festival. His problem is with the PA system from PAL Little League games and other ethnic festivals. He requested that the PA be eliminated or toned down after 10 p.m. He wants to enjoy his home which is located close to Rogers Park. Something is always going on from June to October.

Michael Baldasare, 154 South Street, Danbury, CT 06810

Spoke in reference to Item No. 60 on the Agenda. Sometimes he and his wife have to leave their house because noise from events are so loud. He had no complaints with the Irish Festival.

John R. Mitchell, 19 Mountainville Road, Danbury, CT 06810

Spoke in reference to Item No. 60 on the Agenda. Mr. Mitchell commended the Council Committee for coming up with a good solution to the park festival problem. He supports having a decibel meter and police patrolling the festivals. He said to do what is right for everyone.

Lynn Waller, 83 Highland Avenue, Danbury, CT 06810

Complimented the Mayor and officials working on the Candlewood Lake Easement. Also commended the committee working on the Rogers Park issue. She said they came up with a good solution. Specifically, complimented Dean Esposito and Mary Saracino.

Mark Nolan, 25 Town Hill Avenue, Danbury, CT 06810

Mr. Nolan introduced himself as the President of Non Profit Rental Housing Corporation and extended his appreciation for the advanced cooperation of the Council. He then explained that The Non Profit Rental Housing Corporation created the Palace View Housing Limited Partnership to build 70 units of senior housing on Main and Bank Streets, utilizing the federal low income housing tax credit program which combined private sector investment, municipal support and the non profit community. The private investment is coming from California based National Housing Investment Corporation who has invested in thousands of units throughout the United States and represents corporate communities throughout the country. By combining their equity and that of Union Savings Bank on the local banking community level, along with the Federal Home Loan Bank of Boston and the municipal funds from the City of Danbury, we are creating an economic development project of approximately \$8,000,000,000 to the Danbury's central business district. The housing will be available to senior persons for 40 years who are no more than 60% of the area median income. Also targeted are persons who are less than 40% of the area median income as well as persons who are less than 25% of area median income. Mr. Nolan stated that they already have had over 175 individuals inquiring as to the availability of housing to date with no advertisement.

### **BUDGET MESSAGE**

Mayor Gene F. Eriquez presented his annual budget message for the proposed budget for the 1999/00 Fiscal Year.

**MINUTES** – Minutes of the Common Council Meeting held March 2, 1999. Mr. Setaro made a motion to accept the minutes as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Ms. Fox. Motion carried unanimously.

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

6 – Approve application and resolution for Emergency Management Assistance Program allocation from State Department of Public Safety for Danbury Airport - \$15,081.

7 – Approve application and resolution for State Board of Education School Readiness and Child Day Care Grant Program to accept carryover funds - \$40,975.

8 – Approve application and resolution for State Department of Education funds for Danbury Youth Services via the City of Danbury in an amount not exceeding \$75,000.

10 – Approve resolution authorizing the Mayor to execute a Contract for the Construction Inspection Services Federal Local Bridge Program Replacement of Old Newtown Road Bridge over Still River, Bridge No. 05102, Federal Project No. BRZ06034(5), State Project No. 34-271, City Project No. 93-28.

12 – Approve resolution authorizing the Mayor to execute an amended contract between the City and State Department of Public Safety for operation of State provided Enhanced 911 system.

13 – Approve application and resolution for State Emergency Response Commission hazardous materials emergency preparedness grant.

19 – Approve and authorize Corporation Counsel to obtain property easement agreements for the sites along the Still River Corridor trail in East Danbury.

20 – Approve application and resolution for State Department of Economic and Community Development payment-in-lieu-of-taxes program.

21 – Confirm reappointment of Edward Siergiej to the Candlewood Lake Authority.

- 23 – Confirm appointment of McGladrey & Pullen, LLP as City auditors for a three year period.
- 24 – Approve appropriation of \$6,498 from Contingency Fund to Health Department line item for rental real estate.
- 25 – Approve reappropriation of \$473 from Elderly Services Donations account to Commission on Aging budget for printing, professional services and office supplies.
- 35 – Approve reappropriation of \$380 to the Veteran’s Advisory Office Equipment Account.
- 39 – Approve agreement between City and Patricia, Laurie and Noella Grenier for removal of trees related to flight paths at Danbury Municipal Airport.
- 40 – Receive communication from Corporation Counsel, City Engineer and negative Planning Commission report dated March 23, 1999 regarding SNET request to acquire easements and take no action.
- 41 – Receive communications from Corporation Counsel and negative reports of Planning Director, City Engineer and Planning Commission regarding request to purchase property at 20 Harvest Hill Road and take no action at this time.
- 42 – Receive negative reports from City Engineer, Director of Finance, Director of Planning and Planning Commission regarding proposed conveyance of King Street district property and take no action at this time.
- 43 – Receive report from Corporation Counsel and negative reports from Planning Commission, Director of Planning, City Engineer and Director of Finance regarding request to purchase property at Pine and Cedar Trails and take no action at this time.
- 44 – Receive report from Corporation Counsel and negative reports of City Engineer, Planning Commission and Director of Planning and take no action at this time.
- 45 – Receive negative reports from City Engineer, Planning Commission and Director of Planning regarding request to accept Jireh Lane as City road and take no action at this time.
- 46 – Receive reports from Planning Commission, Director of Finance, City Engineer and Director of Planning regarding request to purchase property at 73 Stadley Rough Road and take no action at this time.
- 47 – Receive March 23, 1999 report of Planning Commission tabling action as to offer of land to the City on Great Plain Road and take no action at this time.
- 48 - Receive positive reports of City Engineer and Planning Commission and approve request for City to accept .06± acres relative to Palace View Senior Housing.
- 50 – Approve request for eighteen month extension of time regarding sanitary sewer and water approval for Denver Terrace.
- 51 – Approve resolution certificate of notice of assessments and list of assessments relative to final water assessments – Pleasant Acres.
- 53 – Receive Communication from Mayor Enriquez regarding disclosure of conflicts regarding Palace View Senior Housing.
- 55 – Approve Consent and Acknowledgement of Assignment Agreement between City and U.S. Filter Operating Services assigning payments by the City to John Hancock Mutual Life Insurance.

56 – Receive report and approve positive recommendations regarding amendment to Danbury Code Section 11-4 relative to peddlers’ fees.

59 – Receive report and approve positive recommendations regarding Bear Mountain Cottage repairs.

61 – Receive report and approve recommendations to take no action regarding surplus property on Old Hayrake Road.

63 – Approve transfer of \$11,938 from Contingency Fund to capital line item East Pearl Street Bridge.

64 – Approve transfer of \$7,500 from Contingency Fund to capital line item Airport Tree Management Plan and Fence Installation.

Mr. Levy made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Boynton. Motion carried unanimously.

1 – **ORDINANCE AND RESOLUTION** – An Ordinance Making Appropriations for the Fiscal Year beginning July 1, 1999 and Ending June 30, 2000 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 1999 and Ending June 30, 2000. Mr. Setaro asked that this be referred to a Public Hearing and the appropriate budget committees. Mayor Eriquez so ordered.

(See attached Budget Committees and Bond Proposal Committee.)

2 – **ORDINANCE** – An Ordinance Appropriating \$500,000 for Public Improvements in the 1999-00 Capital Budget and Authorizing the Issuance of \$500,000 Bonds and Bond Anticipation Notes of the City to meet said Appropriation. Mr. Setaro asked that this be referred to Public Hearing and the appropriate budget committees. Mayor Eriquez so ordered.

3 – **ORDINANCE** – Water Rates. Mr. Setaro asked that this be referred to a Public Hearing and the appropriate budget committees. Mayor Eriquez so ordered.

4 – **ORDINANCE** – Sewer Rates. Mr. Setaro asked that this be referred to a Public Hearing and the appropriate budget committees. Mayor Eriquez so ordered.

5 – **ORDINANCE** – Revision to Section 10-16(1)

Letter from Director of Health, William Campbell and Director of Welfare and Social Services, Deborah MacKenzie and Ordinance to provide needed tools to address serious code emergencies such as lack of heat:

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

THAT Subsection 10-16(1)(i) 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)(i) A fund to be known as the “housing relocation and repair fund” is hereby created and established, to be administered pursuant to rules and regulations adopted by the code enforcement division of the health department in consultation with the directors of the health and welfare departments. Said fund shall be used for the purpose of defraying the costs associated with emergency housing repairs and with providing emergency housing necessitated by code enforcement activities. For purposes of this section, “code enforcement activities” shall include, but shall not be limited to, administrative or judicial action intended to achieve compliance with provisions of the Housing Maintenance and Occupancy Code, the Fire Safety Code, the Building Code and the Public Health Code. Into such fund will be deposited such monies as shall be appropriated or allotted by the common council or shall be realized from the sale of

bonds issued pursuant to Chapter 109 of the Connecticut General Statutes, as amended, for that purpose, or such amounts as may be received as grants-in-aid under any state or federal program, or such other monies that shall be made available to the fund.

Mr. McAllister asked that this be referred to Public Hearing. Mayor Eriquez so ordered.

6 – **RESOLUTION** – Emergency Management Assistance Program Funding.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, an Emergency Management Assistance Program Funding Allocation is provided each year to the Danbury Municipal Airport by the State of Connecticut Department of Public Safety, Division of Fire, Emergency and Buildings Services; and

WHEREAS, funding in the amount of \$15,081.00 is available for the allocation period of October 1, 1998 through September 30, 1999; and

WHEREAS, no local dollar match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for and accept such funding from the Connecticut Department of Public Safety, to execute an agreement therefore between the City of Danbury and the State of Connecticut and to do all things necessary to effectuate the purposes hereof.

The Resolution which would allow the City of Danbury Municipal Airport to apply for and accept funding from the Connecticut Department of Public Safety for Emergency Management Assistance Program Funding was approved on the Consent Calendar.

7 – **RESOLUTION** – School Readiness Carryover Funds.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, through the State Board of Education made available to priority school districts a School Readiness and Child Day Care Grant Program pursuant to Public Act 97-259; and

WHEREAS, the purpose of this program expands and enhances school readiness and child day care programs in the priority municipalities; and

WHEREAS, said grant program was approved by the Common Council for the 1997-1998 fiscal year; and

WHEREAS, the City of Danbury and its Board of Education are desirous of using certain carryover funds from these grants program in the amounts of \$40,975.00 for fiscal year 1998-1999.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez be and hereby is authorized to accept said grant, and execute such documents as are necessary for the accomplishment of the purposes hereof.

The Resolution allowing the City of Danbury Board of Education to apply for and accept funding from the State of Connecticut through the State Board of Education for a School Readiness and Child Day Care Grant Program was approved on the Consent Calendar.

8 – **RESOLUTION** – Danbury Youth Services.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed seventy five thousand dollars (\$75,000.00) are available from the State of Connecticut Department of Education for 1999-2000 Danbury Youth Services Bureau operations; and

WHEREAS, the continuation of Danbury Youth Services Bureau, for its twenty second year, is deemed to be in the best interest of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT, the actions of Gene F. Eriquez as Mayor of the City of Danbury, in applying for the said funds be and hereby are ratified and that Mayor Eriquez be and hereby is authorized and directed to contract with the State of Connecticut Department of Education for a state cost sharing grant not to exceed \$75,000 for Danbury Youth Services for the fiscal period commencing July 1, 1999.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all documents, applications, or other instruments pertinent to this program.

The resolution that will allow the City of Danbury to apply for and accept funding from the State of Connecticut Department of Education for Danbury Youth Services Bureau operations was approved on the Consent Calendar.

9 – **RESOLUTION** – Replacement of Old Newtown Road Bridge.

RESOLVED by the Common Council of the City of Danbury:

Federal Project No. BRZ – 6034(5)  
State Project No. 34-371  
City Project No. 93-28

Old Newtown Road Bridge/

THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute the FIRST SUPPLEMENTAL AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REPLACEMENT OF THE OLD NEWTOWN ROAD BRIDGE (BRIDGE NO. 05102) ON NEWTOWN ROAD OVER STILL RIVER UTILIZING FEDERAL FUNDS AND A PROJECT GRANT UNDER THE STATE'S LOCAL BRIDGE PROGRAM, together with such other documents as may be necessary for the accomplishment of the purposes thereof.

Mr. Setaro moved to adopt said Resolution, accept the agreement between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance required in conjunction with the replacement of the Old Newtown Road Bridge on Newtown Road over Still River utilizing federal funds and a project grant under the State's Local Bridge Program. Seconded by Mr. D. Esposito. Motion carried unanimously.

10 – **RESOLUTION** – Agreement for Construction Inspection Services for Replacement of Old Newtown Road Bridge.

RESOLVED by the Common Council of the City of Danbury:

Old Newtown Road Bridge

THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to execute the CONTRACT FOR THE CONSTRUCTION INSPECTION SERVICES FEDERAL LOCAL BRIDGE PROGRAM REPLACEMENT OF OLD NEWTOWN ROAD BRIDGE OVER STILL RIVER, BRIDGE NO. 05102, FEDERAL PROJECT NO. BRZ06034(5), STATE PROJECT NO. 34-271, CITY PROJECT NO. 93-28, together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The resolution authorizing Gene F. Eriquez, Mayor of the City of Danbury to execute the contract for Construction Inspection Services for Replacement of Old Newtown Road Bridge was approved on the Consent Calendar.

11 – **RESOLUTION** – Replacement of East Pearl Street Bridge.

RESOLVED by the Common Council of the City of Danbury:

Project Description:

Local Bridge Program  
East Pearl Street over Blind Brook – Bridge No. 034038  
City of Danbury

Be it resolved that, Gene F. Eriquez, Mayor of the City of Danbury, is authorized to sign the agreement “PROJECT GRANT AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY UNDER THE LOCAL BRIDGE PROGRAM for the East Pearl Street over Blind Brook Bridge No. 034038”,

Adopted by the Common Council of the City of Danbury, Connecticut on April 6, 1999.

Mr. Boynton made a motion to approve the resolution authorizing Gene F. Eriquez, Mayor of the City of Danbury to execute the agreement known as “Project Grant Agreement between the State of Connecticut and the City of Danbury under the Local Bridge Program for the East Pearl Street over Blind Brook Bridge No. 034038.” Seconded by Mr. Levy. Motion carried unanimously.

12 – **RESOLUTION** – Enhanced 911 System.

RESOLVED by the Common Council of the City of Danbury:

Resolved that, Gene F. Eriquez, Mayor of the City of Danbury, be and hereby is authorized to execute an amended contract on behalf of the City of Danbury with the Connecticut Department of Public Safety – Division of fire Emergency and Building Services for the operation of state provided Enhanced 911 hardware and software at a state approved Enhanced 911 public safety answering point

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Danbury this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

The resolution authorizing Gene F. Eriquez, Mayor of the City of Danbury to execute the new Public Safety Answering Point Enhanced 9-1-1 System Agreement between the City of Danbury and the State of Connecticut was approved on the Consent Calendar

13 – **RESOLUTION** – Hazard Materials Emergency Preparedness Grant

Resolved by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Emergency Response Commission has made available a hazardous materials emergency preparedness grant funded through the U.S. Department of Transportation; and

WHEREAS, said funding is intended to assist in complying with the requirements of the Emergency Planning and Community Right to Know Act; and

WHEREAS, said funding would be used to hire a consultant to direct the Local Emergency Planning annual exercises; and

WHEREAS, said grant requires a local in-kind match of twenty (20%) percent, to be fulfilled through in-kind staff services from the Health, Fire and Civil Preparedness Departments;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez be and hereby is authorized to execute said grant application and to take such other action as is required to effectuate the purposes hereof.

The resolution that will allow the City of Danbury Health, Fire and Civil Preparedness Departments to accept funding from the U.S. Department of Transportation which revises a resolution approved on October 6, 1998 was approved on the Consent Calendar.

14 – **RESOLUTION** – Property Acquisition Mill Plain Swamp

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Services has made available a grant for the purposes of purchasing open space land; and

WHEREAS, the Health and Housing Department of the City of Danbury would like to apply for a grant to purchase land currently known as Mill Plain Swamp; and

WHEREAS, this grant would provide \$127,500. or 50% of the total purchase price and a 50% local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate the purposes of this grant.

Mr. Levy made a motion to approve the request for the City of Danbury Health and Housing Department to apply for a grant in the amount of \$127,500 from the State of Connecticut Department of Environmental Services to assist in the purchase of land currently known as Mill Plain Swamp, adopt the resolution and refer the matter of the local match in the amount of \$127,500 to the Leadership Committee under the “Vision 21” bond proposal. Seconded by Mr. Shuler. Motion carried unanimously.

15 – **RESOLUTION AND REPORTS** – Acquisition Tarrywile Lake Property. Reports from City Departments.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Services has made available a grant for the purposes of purchasing open space land; and

WHEREAS, the Health and Housing Department of the City of Danbury would like to apply for a grant to purchase 101 acres of property adjoining the Tarrywile Park property which is already owned by the City; and

WHEREAS, this grant would provide \$582,500. or 50% of the total purchase price and a 50% local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate the purposes of this grant.

Mr. Levy made a motion to accept Reports from City Engineer and Director of Finance regarding the offer to sell Tarrywile Lake property, to approve the request of the City of Danbury Health & Housing Department to apply for a grant from the State of Connecticut Department of Environmental Protection in the amount of \$582,500 in order to provide assistance with the purchase of 101 acres of land adjoining Tarrywile Park, adopt the resolution and refer the matter of the local cash match in the amount of \$582,500 to the Leadership Committee under the “Vision 21” bond proposal. Seconded by Mr. Shuler. Motion carried unanimously.

16 – **RESOLUTION** – Stormwater Management Funding.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Services has made available a grant for the purposes of Stormwater Management; and

WHEREAS, the Health and Housing Department of the City of Danbury would like to apply for a grant to utilize these funds for designing a stormwater management structure at the Kenosia Town Park; and

WHEREAS, this grant would provide \$20,000. and no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate the purposes of this grant.

Ms. Abrantes made a motion to accept the communication, adopt the Resolution allowing the City Health and Housing Department to apply for and accept a grant from the State of Connecticut Department of Environmental Protection for the design of a stormwater management structure at the Kenosia Town Park in the amount of \$20,000. Seconded by Mr. Setaro. Motion carried unanimously.

17 – **RESOLUTION** – Tea21 Recreational Trails Grant for Rogers Park.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Services has made available a grant in the amount of \$20,000 for construction and/or maintenance of recreational trails around Rogers Park Pond; and

WHEREAS, the funding would be in the for of a pass thru under the Transportation Efficiency Act for the 21<sup>st</sup> (TEA 21) century; and

WHEREAS, a 20% local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate the purposes of this grant.

Mr. Boynton made a motion to accept the communication and adopt the Resolution allowing the City of Danbury Health & Housing Department to apply for and accept funding from the State of Connecticut Department of Environmental Protection in the amount of \$20,000 to be used to construct an educational trail around the Rogers Park Pond. Seconded by Ms. Abrantes. Motion carried unanimously.

18 – **RESOLUTION** – Tea21 Still River Corridor Trail.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Services has made available a grant in the amount of \$20,000 for construction and/or maintenance of recreational trails for the Still River Corridor; and

WHEREAS, the funding would be in the for of a pass thru under the Transportation Efficiency Act for the 21<sup>st</sup> (TEA 21) century; and

WHEREAS, a 20% local match is required which is available in the Still River Grant Appropriation.

NOW, THEREFORE, BE IT RESOLVED THAT, Gene F. Eriquez as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate the purposes of this grant.

Mr. Boynton made a motion to accept the communication, adopt the Resolution authorizing the City of Danbury Health & Housing Department to apply for and accept funding from the State of Connecticut Department of Environmental Protection in the

amount of \$20,000 to be used to construct and maintain recreational trails for the Still River Corridor. Seconded by Ms. Abrantes. Motion carried unanimously.

19 – **RESOLUTION** – Easement Agreements – Still River Corridor Trail.

Authorization for Corporation Counsel to obtain property easement agreements for the sites along the Still River Corridor trail in East Danbury was approved on the Consent Calendar.

20 – **RESOLUTION** – Payment in Lieu of Taxes.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 128, 129, 130 and 133 of the Connecticut General Statutes, the Department of Economic and Community Development (DECD) is authorized to extend financial assistance to Local Housing Authorities, Municipalities and Non-profit Corporations; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Section 8-216(b) of the General Statutes in order to undertake a program of PAYMENT-IN-LIEU-OF-TAXES and to execute an Assistance Agreement,

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes.
2. That the filing of an application by the City of Danbury in an amount not to exceed \$269,574.22 is hereby approved and that Mayor Gene F. Eriquez is hereby authorized and directed to execute and file such application with the Department of Economic and Community Development to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance, if such an Agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury.
3. That in consideration of said Assistance Agreement, applicant does hereby waive any Payments-in-Lieu-of-Taxes by the Housing Authority to the City of Danbury under the provisions of Section 8-71 of the Connecticut General Statutes.
4. That the current established mill rate is 19.13 and the current assessment is \$14,091,700.00.
5. It is also resolved that any prior actions taken by Mayor Gene F. Eriquez with respect to this Agreement are also approved.

The application and resolution authorizing the City to apply for and accept financial assistance from the State of Connecticut under a program of payments in lieu of taxes was received and approved on the Consent Calendar.

21 – **COMMUNICATION** – Reappointment to the Candlewood Lake Authority.

Letter from Mayor Gene F. Eriquez requesting the confirmation of the reappointment of Edward Siergiej to the Candlewood Lake Authority. The communication was received and the appointment confirmed on the Consent Calendar.

22 – **COMMUNICATION** – Schools State and Federal Projects Amended.

Request from Danbury Public School Superintendent, Timothy P. Connors, for a budget amendment to increase the State and Federal projects budget total for the current fiscal

year to \$9,584,155 from the originally approved amount of \$5,731,366. Mr. Setaro made a motion to receive the communication and approve the request. Seconded by Ms. Fox. Motion carried unanimously.

23 – **COMMUNICATION** – Appointment of Auditors.

Request from Director of Finance to approve the appointment of the firm of McGladrey & Pullen, LLP as the City's independent auditors for a three year term. The communication was received and the appointment of McGladrey & Pullen, LLP as the City's independent auditors for a three year term was approved on the Consent Calendar.

24 – **COMMUNICATION** – Additional Funds Health Department.

The request from Director of Finance to appropriate \$6,498 from the Contingency Fund to the Health Department's line item, Rental Real Estate Account #02-04-101-024500 due to delays connected with the completion of the City Hall addition. The communication was received and the transfer of funds was approved on the Consent Calendar.

25 – **COMMUNICATION** – Reappropriation of Funds Department of Elderly Services.

Request from Director of Elderly Services, Leo McIlrath, for a transfer of funds in the amount of \$359 from the Elderly Services Donations Revenue Account to the Commission on Aging budget. A certification of funds was attached. The communication was received and the transfer of funds authorized on the Consent Calendar.

26 – **COMMUNICATION** – Donations to the Department of Elderly Services.

Request from Director of Elderly Services, Leo McIlrath, for permission to accept donations in the total amount of \$120. Mr. Arconti made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Ms. Basso. Motion carried unanimously.

27 – **COMMUNICATION**- Donation to the Police Department.

Request from Chief of Police, Robert L. Paquette, for permission to accept a donation from the Freemasons of Connecticut to cover costs for the Masonic Model Student Assistance Training for D.A.R.E. Officer, Peter Tragni in the estimated amount of \$1,000. Ms. Fox made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Falzone. Motion carried unanimously.

28 – **COMMUNICATION** – Donations for the Millenium Project.

Request from Director of Finance, Dominic A. Setaro, Jr., for permission to accept donations in the amount of \$2,000 to the Millennium Project. Ms. Abrantes made a motion to receive the communication, accept the donation, credit the proper line item and send letters of thanks. Seconded by Ms. Basso. Motion carried unanimously.

29 – **COMMUNICATION** – Donation to Millenium Project Committee from Ad Pros.

Letter from Mayor Gene F. Eriquez requesting permission to accept the donation of services with a monetary value of \$775 from The Ad Pros. Mr. Arconti made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Ms. Abrantes. Motion carried unanimously.

30 – **COMMUNICATION** – Donation to Children First for Rogers Park.

Request from Robert G. Ryerson, Director of Parks and Recreation for permission to accept a donation from the Danbury Children First Initiative in the amount of \$4,480 for the purchase of additional playground equipment to enhance the play structure at Rogers

Park. Ms. Saracino made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Setaro. Motion carried unanimously.

31 – **COMMUNICATION** – Donation to the Danbury Senior Net.

Letter from Director of Elderly Services, Leo McIlrath, requesting permission to accept a donation in the amount of \$528 for the Danbury Senior Net at the Danbury Senior Center. Ms. Abrantes made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Ms. Basso. Motion carried unanimously.

32 – **COMMUNICATION** – Donations to the Library.

Letter from Library Director, E. McDonough, requesting permission to accept donations to the Danbury Public Library in the amount of 69.25. Mr. Falzone made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Ms. Abrantes. Motion carried unanimously.

33 – **COMMUNICATION** – Donation to the Danbury PAL Bambino Baseball Complex.

Request from Robert G. Ryerson, Director of Parks & Recreation, for permission to accept a donation from Danbury PAL Bambino Baseball Association totaling \$12,500 for improvements to the Bambino Baseball Complex. Mr. Scalzo made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Ms. Abrantes. Motion carried unanimously.

34 – **COMMUNICATION** – Donation and Transfer to Training Courses Account Fire Department.

Request from Carmen J. Oliver, Fire Chief, for permission to accept a donation in the amount of \$250 to be credited to the Fire Department's Training Courses Account. Ms. Abrantes made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Ms. Basso. Motion carried unanimously.

35 – **COMMUNICATION & CERTIFICATION** – Reappropriation of Donated Funds Veterans Affairs.

Request from Director of veterans Affairs, Patrick R. Waldron, for a reappropriation of funds in the amount of \$380 to Office Equipment. A certification of funds was attached. The communication was received and the reappropriation of funds authorized on the Consent Calendar.

36 – **COMMUNICATION** – Waiver of Bid for Lease/Purchase of Fire Apparatus.

Request from Purchasing Agent, Warren W. Platz, and Deputy Fire Chief, Peter J. Siecienski, to waive the formal bidding procedures for the purchase of fire apparatus as it would be in the best interest of the City to do so. Mr. Boynton made a motion to receive the communication, adopt and authorize the request for waivers of bid for lease/purchase of fire apparatus from Pierce Manufacturing. Seconded by Mr. McAllister. Motion carried unanimously.

37 – **COMMUNICATION & CERTIFICATION** – Conservation Commission.

Request from Conservation Commission Chairman, Frank Klecha, for an appropriation of \$2,900 to the Conservation Commission to cover the cost of waste disposal for the demolition of the caretakers cottage at the Old Quarry Nature Center. A certification of funds was attached. Mr. McAllister made a motion to receive the communication and authorize the transfer of funds from the Contingency Fund to the Conservation

Commission Outside Services Account. Seconded by Mr. Buzaid. Motion carried unanimously.

38 – **COMMUNICATION** – Request to Purchase City Property.

Letter from Steven Cognato and Family of 41 Woodside Avenue, Danbury requesting the purchase of a vacant plot of land, owned by the City and located adjacent to 41 Woodside Avenue. Mr. Falzone asked that this request be referred to the Planning Director, City Engineer, Corporation Counsel and Planning Commission. Mayor Eriquez so ordered.

39 – **COMMUNICATION** – Airport Safety Tree Removal.

Request from Corporation Counsel, Eric L. Gottschalk, to enter into an Agreement between the City of Danbury and Patricia, Laurie and Noella Grenier for the removal of trees creating potential obstructions in the flight paths at Danbury Municipal Airport. The communication was received and the City authorized to enter into the agreement on the Consent Calendar.

40 – **COMMUNICATION** – Reports from City Departments. Request for Easement - SNET.

Reports from City Engineer, Corporation Counsel and a negative report from the Planning Commission regarding SNET's request for an Easement for the installation of communications equipment cabinets on one of three parcels of land in the City of Danbury were received and no action was taken on the Consent Calendar.

41 – **COMMUNICATION** – Reports from City Departments - 20 Harvest Hill Road.

Reports from Corporation Counsel, negative reports from Planning Commission, City Engineer, Director of Finance and Director of Planning regarding Geoffrey and Marcy Cooke's request to purchase property at 20 Harvest Hill Road (Tax Assessor's Lot No. EO9005) were received and no action taken at this time on the Consent Calendar.

42 – **COMMUNICATION** – Reports from City Departments. Proposed Conveyance of Property - King Street District.

Negative reports from City Engineer, Director of Finance, Director of Planning and the Planning Commission regarding the conveyance of property in the King Street District to the City of Danbury were received and no action taken at this time on the Consent Calendar.

43 – **COMMUNICATION** – Reports from City Departments. Request to Purchase Property - Pine and Cedar Trails.

Report from Corporation Counsel and negative reports from Planning Commission, Director of Planning, City Engineer and Director of Finance regarding the request to purchase property at the corner of Pine and Cedar Trails (Tax Assessor's Lot No. HO3029) were received and no action taken at this time on the Consent Calendar.

44 – **COMMUNICATION** – Reports from City Departments. Donation of Property - Old Neversink Road.

Report from Assistant Corporation Counsel, and negative reports from the City Engineer, Planning Commission and Director of Planning regarding the Heussners' request to donate a parcel of land to the City of Danbury were received and no action taken at this time on the Consent Calendar.

45 – **COMMUNICATION** – Reports from City Departments. Request for Acceptance of Jireh Lane.

Negative reports from City Engineer, Planning Commission and Director of Planning regarding the City's acceptance of Jireh Lane because the road is not ready for

acceptance at this time were received and no action taken at this time on the Consent Calendar.

46 – **COMMUNICATION** – Reports from City Departments – 73 Stadley Rough Road.

Reports from the Director of Planning, City Engineer, Director of Finance and Planning Commission regarding the proposed purchase of 73 Stadley Rough Road by Marc J. Migiano were received and no action taken at this time on the Consent Calendar.

47 – **COMMUNICATION** – Report from Planning Commission – Taylor Family Farm.

Report from Planning Commission recommending the tabling of the offer of land to the City pending additional reports was received and no action taken at this time on the Consent Calendar.

48 – **COMMUNICATION** – Reports from City Departments - Palace View Senior Housing, 132 Main Street.

Favorable reports from City Engineer and Planning Commission regarding the request for the City to accept .06± Acres at the Palace View Senior Housing Center to enable the City to realign Bank Street with Main Street. Communications were received and the request for the City to accept said property was approved on the Consent Calendar.

49 – **COMMUNICATION** – Water Problem – Ford Lane.

A letter from Robert E. Scalzo requesting the City to look into a water problem on Ford Lane. Ms. Fox asked that this be referred to an ad hoc committee, Engineering Mayor Eriquez so ordered and appointed Council Members Levy, Coco and Moore to the committee.

50 – **COMMUNICATION** – Extension of Time, Sewer and Water Extension – Denver Terrace.

A letter from Eugene McNamara requesting an eighteen month extension to the sanitary sewer and water approval at Denver Terrace from the Common Council was received and approved on the Consent Calendar.

51 – **COMMUNICATION** – Final Water Assessments – Pleasant Acres Water System.

Letter from Assistant Corporation Council requesting the approval of a resolution, certificate of notice of assessment and list of assessments regarding the final water assessments at Pleasant Acres Water System. Communication was received and the resolution, certificate of notice of assessments and list of assessments were approved and adopted on the Consent Calendar.

52 – **COMMUNICATION** – Candlewood Lake.

Letter from Mayor Gene F. Eriquez requesting a Council Committee be appointed and in place to expeditiously consider and act upon the Conservation Restriction Agreement and the potential Town Park Purchase Agreement to meet deadlines imposed by DPUC with regard to Candlewood Lake issues affected by the electric deregulation law passed by the General Assembly last year. Mr. McAllister asked that the ad hoc committee, City Engineer, Director of Planning, Director of Finance, Corporation Counsel, Candlewood Lake Authority and Planning Commission. Mayor Eriquez so ordered and appointed Council Members Setaro, Levy, J. Esposito, Abrantes and Basso to the Committee.

53 – **COMMUNICATION** – Palace View Senior Housing Project.

Letter from Mayor Gene F. Eriquez clarifying issues in view of the numerous parties involved in the Palace View Senior Housing Project and disclosure of the obtainment of opinion of Non Profit Rental Housing Corporation Counsel and the City's Corporation Counsel. These state that there is no perceived or evident violation of state or local law

with respect to the potential conflicts which exist or could arise, as such conflicts are defined in the federal regulations. The Mayor also requested the continued commitment of the Council to the Palace View Senior Hosing project at 132-144 Main Street. The communication from Mayor Gene F. Eriquez regarding disclosure of conflicts regarding Palace View Senior Housing was received on the Consent Calendar.

54 – **COMMUNICATION** – Discontinuance of a Portion of Oil Mill Road.

Letter from Attorney Grogins, representing Nancy’s Farm, Inc., requesting that a section of Oil Mill Road consisting of .13 acres of land be discontinued pursuant to Section 12a-49 of the Connecticut General Statutes. Ms. Abrantes asked that the matter be referred to ad hoc committee, Director of Planning, City Engineer, Corporation Counsel and Planning Commission. Mayor Eriquez so ordered.

55 – **COMMUNICATION** – U.S. Filter Waste Water Treatment Facility Service Agreement.

Acknowledgement of Assignment Agreement between City and U.S. Filter Operating Services assigning payments by the City to John Hancock Mutual life Insurance was approved on the Consent Calendar.

56 – **REPORT** – Ordinance – Peddlers Section 11-4

Report from Christopher C. Setaro, Chairman of Common Council committee of the whole recommending that the Common Council adopt Section 11-4(B) of the Code of Ordinances as amended. The amendment lowers the peddlers’ license fee from \$250 to \$200 which was mandated by state statute. The report was received and positive recommendations regarding amendment to Danbury Code Section 11-4 relative to peddlers’ fees was approved on the Consent Calendar.

57 – **REPORT** – Final Assessments – Sanitary Sewer Extension – Kenosia Commons, 46-15 Kenosia Avenue.

Mr. Setaro read the report from the Common Council as a committee of the whole recommending that the Council adopt the final assessments in the amount of \$205,475 pertaining to the sanitary sewer extension – Kenosia Commons, 46-15 Kenosia Avenue. Mr. Levy made a motion to accept the report and recommendations therein. Seconded by Mr. Scalzo. Motion carried unanimously.

58 – **REPORT** – Governmental Entities Review and Evaluation.

The Governmental Entities Review and Evaluation Committee met and made the following recommendations to the Common Council:

1. Cultural Commission renewed for five years
2. Commission on Aging renewed for five years
3. Parking Authority renewed for five years
4. Youth Commission renewed for two years
5. Commission on the Status of Women renewed for two years

Also recommended was a two year follow-up regarding the Youth Commission and Commission on the Status of Women.

Dean Esposito asked that the recommendations be referred to Public Hearing. Mayor Eriquez so ordered.

59 – **REPORT** – Bear Mountain Cottage.

Report from Common Council Committee appointed to review a request for reimbursement of expenses for improvements to Bear Mountain cottage. The committee recommended \$2,623.80 be transferred from rental moneys in escrow account to reimburse Mr. Terry, Tenant at Bear Mountain Cottage, subject to certification of funds

by Director of Finance. The report was received and positive recommendations regarding Bear Mountain Cottage repairs was approved on the Consent Calendar.

60 – **REPORT** – Regulations for Rogers Park.

Report from Common Council Committee appointed to review the rules and regulations at Rogers Park recommending the following regulations be adopted and enforced in Rogers Park.

1. Rogers Park is to opened ½ hour after sunrise and will close with lights out at 11:00 p.m. No exceptions.
2. Pets on leashes only
3. Conform to City Noise Ordinance, which states no amplified music will be allowed.
4. Use of athletic fields is by reservation only through the Parks and Recreation Department.
5. No alcohol will be allowed in city parks with the exception of Hatters Park Pavilion, Hatters Park Banquet Hall, Kenosia Park Pavilion, Tarrywile Park mansion and Richter Park Clubhouse and Arts Center.
6. Amend Code of Ordinance Section 12.1.1 subsection (d) to limit the exception to certain public parks (Hatters Park Pavilion, Hatters Park Banquet Hall, Kenosia Park Pavilion, Tarrywile Park mansion and Richter Park Clubhouse and Arts Center. No exceptions should be granted for any public park not listed in the above amendment as of January 1, 2000.
7. All groups seeking a permit for functions utilizing city parks or city property must provide police security at their own expense
8. Ask that park rules and regulations be posted in full view at the park entrance with the name Rogers Park clearly visible.
9. Request that festivals relocate to either CityCenter Green or the Ives Center at Western Connecticut State University which could provide better accommodations for these events.
10. Officially request notification to the Board of Trustees of the Scott Fanton Museum and Historical Society that the city property of 7.1 acres on Mountainville Avenue currently under long term lease only be utilized for museum functions as noted in the lease agreement.
11. Any festival/function currently utilizing the property on Mountainville Avenue be requested to relocate to the area commonly referred to as the Westerner's Field, which is located between the Little League field and Rogers Park Middle School on Memorial Drive. These events must be scheduled through the Parks and Recreation Department and should be scheduled only when fields are not being used by athletics.

Mr. Setaro thanked the committee for their commitment to finding solutions to the Rogers Park issue and made a motion to refer the matter to a committee of the whole. Seconded by Mr. Levy. Motion carried unanimously.

61 – **REPORT** – Surplus Property, Old Hayrake Road.

Report from Common Council Committee appointed to review the sale of Surplus Property on Old Hayrake Road recommending no action be taken as the parcel, Tax Assessors Lot No. EO7116 is and will remain an open space parcel of land. The report was received and recommendations to take no action regarding surplus property on Old Hayrake Road was approved on the Consent Calendar.

62 – **REPORT** – Request to Purchase Property, 97 Golden Hill Road.

Mr. Scalzo read the report from the Common Council Committee appointed to review the request of Al and Jean Hazard to purchase property adjacent to 97 Golden Hill Road declared surplus by the City. The committee gave a positive recommendation to sell the parcel of land adjacent to property at 97 Golden Hill Road to Al and Jean Hazard for \$5,000 subject to the easements and restrictions as per the map prepared for the City of Danbury by the Engineering Department dated January 20, 1993. Mr. Arconti made a motion to accept the report and positive recommendations of the Common Council

Committee to sell property adjacent to 97 Golden Hill Road pursuant to the conditions of the report. Seconded by Ms. Basso. The Motion carried unanimously.

63 – **COMMUNICATION & CERTIFICATION** – East Pearl Street Bridge.

Request and certification from Director of Finance, Dominic A. Setaro, Jr., for authorization to transfer \$11,938 from the Contingency Fund to a new Capital line item entitled, “East Pearl Street Bridge” for the City’s share for this project. The transfer of \$11,938 from Contingency Fund to capital line item East Pearl Street Bridge was approved on the Consent Calendar.

64 – **COMMUNICATION & CERTIFICATION** – Airport Grant.

Request and certification from Director of Finance, Dominic A. Setaro, Jr., for the authorization of a transfer of funds in the amount of \$7,500 from the Contingency Fund to a new Capital line item entitled, “Airport Tree Management Plan and Fence Installation” pursuant to the approval of a grant by the FAA. The transfer of \$7,500 from Contingency Fund to Capital line item Airport Tree Management Plan and Fence Installation was approved on the Consent Calendar.

65 – **DEPARTMENT REPORTS** – Fire Chief, Fire Marshall, Police Chief, Police Department, Elderly Services, Water Department, Sewer Department, Highway Department, Engineering, Health & Housing.

Mr. Setaro made a motion that the department reports be accepted as submitted and reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Ms. Fox. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council, a motion was made by Mr. Levy for the meeting to be adjourned at 9:50.

Respectfully submitted,

\_\_\_\_\_  
Katie Gallagher

ATTEST:

\_\_\_\_\_  
Elizabeth Crudginton  
City Clerk