

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

RE: Minutes of the Common Council Meeting held March 7, 2000

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

PRESENT – Levy, Scalzo, McAllister, Smith, Saadi, Buzaid, Dean Esposito, Machado, Shuler, Coco, Arconti, John Esposito, Abrantes, Pascuzzi, Furtado, Gallagher, Gogliettino, Michael Moore, Martin Moore, Saracino

ABSENT – Basso

20 Present 1 Absent

PUBLIC SPEAKING

1. Christopher Setaro, 163 Southern Boulevard – Spoke in favor of item 7 – Campaign Finance Reform
(At 7:40 P.M. Mrs. Basso arrived and was marked present)

2. Stacy Zimmerman, 13 Farview Avenue – Also spoke in favor of Campaign Finance Reform

3. Father Luke Mihaly, 74 Joe's Hill Road – Spoke in favor of item 27, Parking at Holy Trinity Church

4. Elaine Trainor – also spoke in favor of item 27

MINUTES – Minutes of the Common Council Meeting held February 1, 2000. Mr. Arconti made a motion to adopt 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 Dean Esposito. Motion carried unanimously.

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

- 3 - Adopt resolution establishing the annual tax levy for the Downtown Special Services District
- 4 - Adopt a resolution to authorize Danbury Youth Services to apply for and accept a State of Connecticut grant in the amount of \$75,000 for Youth and Family Counseling
- 5 - Adopt a resolution to authorize the Board of Education to apply for and accept a State of Connecticut grant in the amount of \$26,368 for the Before and After School Program
- 6 - Adopt a resolution to amend a lease agreement with the State of Connecticut regarding the Still River Greenway Project
- 8 - Adopt a resolution to authorize the Danbury Preservation Trust to apply for and accept a grant in the amount of \$20,800 from the General Electric Fund Environmental Stewardship Grant Program
- 9 - Approve the lease agreement with the State of Connecticut Department of Transportation and the sublease with the Danbury Railway Museum regarding Five railroad passenger coaches
- 10 – Approve the reappointment of Roberto Perez, Iola Gentile, Anthony Vitti and Janet Ross to the Commission on Persons with Disabilities
- 11 – Approve the reappointments of Michael Steinerd and Marcia Kendall to the Environmental Impact Commission
- 15 – Approve the request to apply for a donation of six computers from the Hamden Division/IBM, Inc. for the SeniorNet Program
- 17 – Approve the acceptance of a scholarship from the Center for Disease Control STD Prevention Division of the Massachusetts Department of Public Health To send one City employee to the “Sexually Transmitted Diseases Intensive Training Course” on May 22-24, 2000
- 23 – Approve the transfer of \$344 from the Elderly Services Donations Revenue Account to the Commission on Aging budget as described
- 24 – Approve the transfer of \$16,000 from the excess State Revenue account to

- the Registrars of Voters account as described
- 28 – Approve the transfer of \$15,000 into the Fire Department Special Services Account
 - 30 – Approve the phased in acceptance of water and sewer lines at the Lexington Mews Project
 - 31 – Receive the report regarding sidewalks on Tamarack Avenue and take no action at this time
 - 34 – Receive the report from the Acting Director of Public Works and the Acting City Engineer regarding the Lexington Mews Project
 - 35 – Receive the reports regarding 7 Bridle Ridge Road and deny the request to designate the parcel as surplus
 - 39 – Approve the recommendation to adopt the ordinances regarding the Downtown Tax District – Organization and Operations
 - 40 – Receive the report regarding the Arc Ice Rink
 - 41 – Approve the recommendation to change the road name from Pickett Ridge Road to George Hull Hill Road
 - 42 – Approve the recommendation for sewer and water extensions on Larson Drive, to be accepted in a phased in manner
 - 43 – Approve the recommendation to deny the request to waive late charges on a sewer and water bill
 - 44 – Approve the recommendation for sewer and water extensions at 62 Federal Road
 - 45 – Approve the recommendation for sewer and water extensions at Shelter Rock Road as described

Dean Esposito made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Scalzo. Motion carried unanimously.

1 – ORDINANCE – Panhandling Control

Dean Esposito asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 – ORDINANCE – Uniform Valuation of Personal Property

Mr. McAllister asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3 – RESOLUTION – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001

SECTION 1. The sum of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800) representing the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800) for the fiscal year beginning July 1, 2000 and ending June 30, 2001, and minus indirect revenues of \$ -0-, and minus estimated available "Surplus" of \$-0- plus taxes reserved in the amount of \$2,461, is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the corrected annual Grand List as of November 1, 1999.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 2000 and ending June 30, 2001 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.946 Mills

SECTION 3. The taxes levied and assessed herein provided shall be due and payable in four equal installments on July 1, 2000, October 1, 2000 and April 1, 2001 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 2000, in accordance with the General Statutes of

the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 2000 and ending June 30, 2001.

The Resolution was adopted on the Consent Calendar.

4 – 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 (\$75,000) dollars are available from the State of Connecticut Department of Education for 2000-01 Youth Services Bureau operations; and

WHEREAS, the continuation of the Youth Services Bureau for the twenty third 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 a Youth Service Bureau for the fiscal period commencing July 1, 2000.

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

The Resolution was adopted on the Consent Calendar.

5 – RESOLUTION – Before & After School Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Social Services had made a grant available in the amount of \$26,368; and

WHEREAS, these funds, if awarded, would be used for the Before and After School Program for the 1999-00 school year respectively; and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez Mayor of the City of Danbury is hereby authorized to apply for said grant funds and to sign all documents necessary and do all things necessary to effectuate the purposes of said program.

The Resolution was adopted on the Consent Calendar.

6 – RESOLUTION – Still River Corridor Lease/Linear Park

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, by Resolution dated December 7, 1999, the Common Council of the City of Danbury authorized Mayor Gene F. Eriquez to enter into an agreement entitled Lease Agreement between the State of Connecticut, Department of Transportation and City of Danbury Still River Corridor City of Danbury No. N/A; and

WHEREAS, pursuant to said Resolution Mayor Gene F. Eriquez signed said Lease Agreement on behalf of the City of Danbury on December 22, 1999; and

WHEREAS, the inception date of the Lease Agreement was incorrectly stated in said Resolution.

NOW, THEREFORE, BE IT RESOLVED that the action of Mayor Gene F. Eriquez in signing said Lease Agreement to begin March 1, 2000 is hereby ratified and authorized and further that the authority granted by said Resolution to “execute such other and related documents as may be necessary to accomplish the purposes” of the Lease Agreement is hereby restated and ratified.

The Resolution was adopted on the Consent Calendar.

7 – RESOLUTION – Campaign Finance Reform

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, during this Year 2000 Session of the General Assembly of the State of Connecticut, several proposals regarding Campaign Finance Reform have been submitted for consideration; and

WHEREAS, it is the intent of Campaign Finance Reform legislation to dramatically reduce the influence of special interests, to limit the ever-escalating cost of campaign, and to return the focus of campaigns to raising issues.

THEREFORE, BE IT RESOLVED that the Common Council of the City of Danbury supports the aforementioned stated purpose of Campaign Finance Reform legislation and encourages the members of the State Legislature to effect the same during this 2000 Year Session.

Mr. Levy made a motion that the resolution be adopted as presented. Seconded by Dean Esposito. Motion carried unanimously.

8 – RESOLUTION – GE Environmental Stewardship Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has initiated a long term project aimed at the construction of an environmental Greenway along the Corridor of the Still River; and

WHEREAS, the City successfully installed the first section of the Greenway in the fall of 1999 in Commerce Park, resulting in the creation of the first .5 mile trailhead loop and the installation of floodplain and shoreline environmental improvement demonstrations; and

WHEREAS, the Still River Alliance and the Danbury Preservation Trust are striving to sustain the momentum of the successful project initiation to extend the environmental Greenway from Commerce Park to the Danbury-Brookfield border; and

WHEREAS, the General Electric Corporation is offering the opportunity for an Earth Day 2000 Environmental Stewardship Challenge Grant aimed at promoting environmental excellence in communities; and

WHEREAS, the City of Danbury’s Still River Greenway Project represents a community environmental initiative aimed at opening the River Corridor for passive recreation and environmental education and historical heritage; and

WHEREAS, the Danbury Health and Housing Department has prepared a grant proposal seeking \$20,800 in funding from the GE Environmental Stewardship Grant Program to subsidize the design of the Still River Museum, the installation of an environmental education trail along the corridor beyond Commerce park and to promote two community celebrations of the River in 2000 and 2001;

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Danbury Health Department to apply for the grant funds to support this project and authorizes Mayor Gene F. Eriquez or his designee to accept such funds on behalf of the City and enter into any contractual agreements with the GE Fund program which would allow the execution of this grant.

The Resolution was adopted on the Consent Calendar.

9 – RESOLUTION – Danbury Railway Museum, Inc.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation has offered to lease five railroad passenger coaches to the City of Danbury for use in conjunction with the operation of the Danbury Railway Museum; and

WHEREAS, it is in the best interests of the City of Danbury to execute an agreement to permit such a lease and ultimately effect the utilization of the coaches through the Danbury Railway Museum;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez be and hereby is authorized to execute an agreement entitled 'LEASE AGREEMENT BETWEEN THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE CITY OF DANBURY FOR (5) RAILROAD PASSENGER COACHES RAIL FILE NO. (34) 7001-MISC-976 and take such other additional actions as may be necessary in order to effectuate the purposes hereof.

The resolution was adopted on the Consent Calendar.

10 – COMMUNICATION – Reappointments to the Commission on Persons with Disabilities

Letter from Mayor Eriquez requesting confirmation of the reappointments of Roberto Perez, John Gentile, Anthony Vitti, and Janet Ross to the Commission on Persons with Disabilities for terms to expire March 1, 2003. The reappointments were confirmed on the Consent Calendar.

11 – COMMUNICATION – Reappointments to the Environmental Impact Commission

Letter from Mayor Eriquez requesting confirmation of the reappointments of Michael Steinerd and Marcia Kendall to the Environmental Impact Commission for terms to expire December 1, 2002. The reappointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Donation to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$115 for the use of the Senior Center. Mr. Saadi made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Dean Esposito. Motion carried unanimously.

13 – COMMUNICATION – Donation to the Library

Request from Library Director Betsy McDonough asking permission to accept a donation in the amount of \$16.44 from the Woman's Club of Danbury-New Fairfield. Michael Moore made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Fire Department

Request from Fire Chief Carmen Oliver seeking approval to accept a donation of three pallets of shovels and axes from the FCI, Danbury. Mr. Furtado made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Pascuzzi. Motion carried unanimously.

15 – COMMUNICATION – Donation to SeniorNet

Letter from Director of Elderly Services Leo McIlrath requesting permission for the Department of Elderly Services/SenionNet Division to apply for a donation of six new, free IBM computers from the Hamden Division/IBM, Inc. The total value of these computers is \$5,400. Approval to apply for the computers was approved on the Consent Calendar.

16 – COMMUNICATION – Donations to SeniorNet

Request from Director of Elderly Services Leo McIlrath seeking approval to accept a donation in the amount of \$100 for the SeniorNet Program. Mr. Gogliettino made a motion that the donation to be handled in the appropriate manner. Seconded by Mrs. Basso. Motion carried unanimously.

17 – COMMUNICATION – Acceptance of Scholarship – SBHC

Request from Melanie Bonjour, SBHC Coordinator for permission to accept a scholarship which will enable Suzanne Levasseur to attend a "Sexually Transmitted Diseases Intensive Training Course", to be funded by the Center for Disease Control, STD Prevention Division of the Massachusetts Department of Public Health. The communication was received and the donation accepted on the Consent Calendar.

18 – COMMUNICATION – Donation of a used Van

Letter from Leo McIlrath requesting approval to accept the donation of a used van from HART. Mrs. Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

19 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Carmen Oliver requesting permission to accept a donation from A. Peter Damia in the amount of \$25. Mrs. Basso made a motion to receive the communication, accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Pascuzzi. Motion carried unanimously.

20 – COMMUNICATION – Donation to the Parks and Recreation Department

Letter from Parks and Recreation Director Robert Ryerson requesting permission to accept a donation of architectural services for improvements to the playing fields at Hatters Park. Mrs. Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

21 – COMMUNICATION – Donations to the Millennium Project

Letter from Mayor Eriquez requesting permission to accept a donation of services rendered by DRC Advertising on behalf of the Danbury Millennium Project. Michael Moore made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

22 – COMMUNICATION – Donations to the Millennium Project

Letter from Director of Finance Dominic Setaro requesting permission to accept donations to the Millennium Project. Mr. McAllister made a motion to receive the communication, accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

23 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for the transfer of funds in the amount of \$344 from the Elderly Services Donations Account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

24 – COMMUNICATION – Request for Funds for Primary

Request from Registrars of Voters for funds in the amount of \$16,000 to cover expenditures for the March 7, 2000 Primary election. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

25 – COMMUNICATION – Damage at Airport – Hurricane Floyd

Letter from Airport Administrator Paul Estefan requesting funds in the amount of \$2,771.00 payable to Hoyle Tanner & Associates for an analysis of damage from Hurricane Floyd; \$2,500 for overtime services for the winter season; and \$6,000 to finish repairs to Alpha Taxiway Circuit. A certification of funds was attached. Mr. McAllister made a motion to receive the communication and authorize the transfer of funds. Seconded by Mr. Buzaid. Motion carried unanimously.

26 – COMMUNICATION – Airport Equipment

Letter from Airport Administrator Paul Estefan requesting the sum of \$75,000 to replace a 33 year old truck at the airport. A certification of funds was attached. Mr. Gogliettino made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Furtado. Motion carried with Mrs. Basso voting in the negative.

27 – COMMUNICATION – Parking at Holy Trinity Orthodox Church

Request for an ad hoc committee to review parking at Holy Trinity Orthodox Church. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Corporation Counsel and the petitioner. Mayor Eriquez so ordered and appointed Council Members McAllister, John Esposito and Martin Moore to the committee.

28 – COMMUNICATION – Fire Department Special Services Account

Letter from Fire Chief Carmen Oliver requesting that the sum of \$15,000 be transferred into the Special Services Account for fire watch. The transfer of funds was authorized on the Consent Calendar.

29 – COMMUNICATION – Supplemental Appropriation to School Operating Budget from the Premium Stabilization Reserve

Request from Superintendent of Schools Timothy Connors for a supplemental appropriation for the current year's operating budget in the amount of \$276,000. These reserves are available from the PSR. Dean Esposito asked that this be referred to the Education Budget Committee. Mayor Eriquez so ordered.

30 – COMMUNICATION – Water and Sewer Application – Lexington Mews

Letter from Attorney Paul Jaber requesting that the Common Council amend the approval to extend sewer and water lines for Lexington Mews. The applicant requests that the installation of the water and sewer lines be phased in in accordance with plans to be approved by the City Engineer's Office and the Director of Public Utilities. The request was approved on the Consent Calendar.

31 – COMMUNICATION – Report regarding sidewalks on Tamarack Avenue

Report from Acting Director of Public Works stating that there is no easy way to install a sidewalk along Tamarack Avenue as there are grading, drainage and other obstacles. The report was received on the Consent Calendar.

32 – COMMUNICATION – Request for Sewer Extension – Huckleberry Lane

Mr. McAllister asked that this be referred to an ad hoc committee, the City Engineer, the Director of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Machado, Gogliettino and Basso to the committee.

33 – COMMUNICATION – Request for Numbers on Hull Road

Request from Kristi Hawthorne that street numbers be assigned to Hull Road. Mr. Scalzo asked that this be referred to the Planning Department. Mayor Eriquez so ordered.

34 – COMMUNICATION – Lexington Mews – Old Brookfield Road

Letter from Director of Public Works William Buckley and City Engineer Patricia Ellsworth stating that they have no objection to the modification of the terms and conditions of the Common Council's approval of the water and sewer extensions to allow for phased in acceptance of the improvements at Lexington Mews. The communication was received on the Consent Calendar.

35 – COMMUNICATION – Reports regarding 7 Bridle Ridge Road

Reports from the Coordinator of Environmental & Occupational Health Services, the City Engineer and the Corporation Counsel recommending that the City retain this parcel of land. The reports were received on the Consent Calendar and the request denied.

36 – REPORT – Water run-off Problem on Great Plain Road

Mr. Arconti made a motion to adopt the report and approve its recommendations. Seconded by Dean Esposito. Motion carried unanimously.

37 – REPORT & ORDINANCE – Parking of Commercial Vehicles in Residential Zones

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review parking of commercial vehicles in residential zones met at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher and Martin Moore. Connie Shuler was absent. Also in attendance were Assistant Corporation Counsel Les Pinter, Zoning Enforcement Officer Wayne Skelly, Mitch Weston from the Police Department and Council Members Arconti, Smith, Furtado, Basso, Scalzo, and Levy, ex-officio and Lynn Waller.

Mr. Gallagher stated that the charge of the committee was to address the concern of parking of commercial vehicles in residential zones and to have the Corporation Counsel prepare proposed ordinance. Mr. Gallagher asked for input from Mr. Weston who said that the Chief of Police had reviewed the proposed ordinance and had no problem with it. Mr. Gallagher then asked for input from Mr. Skelly who stated that zoning controls property lines and this would not work as a zoning regulation.

Discussion centered on how the ordinance was prepared; who determined the hours; would City vehicles be impacted; enforcement; safety issues and whether penalties should be included in the ordinance. Mr. Gallagher stated that all these points are valid and the committee should proceed to a public hearing so all points can be heard.

Mr. Moore made a motion to pass the proposed ordinance to the Common Council as a committee of the whole and then on to a public hearing. Seconded by Mr. Gallagher. Motion carried unanimously.

Mrs. Abrantes asked that the ordinance be deferred to public hearing. Mayor Eriquez so ordered.

38 – REPORT & ORDINANCE – Noise

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole on February 28, 2000 in the Common Council Chambers in City Hall immediately following a public hearing.

Assistant Corporation Counsel Les Pinter gave a review of the changes to the existing ordinance. Mr. Gogliettino made a motion to adopt the changes to ordinance 12-14. Seconded by Mr. Levy.

Discussion followed with regard to exemptions to the ordinance, fines, measuring equipment, truck idling, animal noises, and permits for events held in City parks. Mrs. Saracino requested that the committee of the whole be called to address regulation of uses for City parks.

Motion passed with Martin Moore and Mary Saracino voting in the negative.

Mr. Arconti made a motion to receive the report of the committee of the whole. Seconded by Mrs. Abrantes.

Mr. Saadi offered the following amendments:

That the proposed amendment to the Code of Ordinances of Danbury, Connecticut is hereby amended by the removal of Section 12-14, subsection (d), paragraph (1) and the substitution of the following in lieu thereof:

(l) Truck Idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds, manufacturer's gross vehicle weight (GVW), for a period in excess of ten (10) minutes when such vehicle is parked on a residential property [or on a city street next to residential property]; or on non-residential property which is adjacent to residential property; or on a public street when such engine or vehicle is within one hundred (100) feet of residential property.

That the proposed amendment to the code of Ordinances of Danbury, Connecticut is hereby amended by the removal of Section 12-14, subsection (d), paragraph (3) and the substitution of the following in lieu thereof:

Version 1.

(3) Commercial construction, demolition, excavation and building operations before 7:00 a.m. or after 8:00 p.m. Monday through Friday, before 8:00 a.m. or after 8:00 p.m. Saturday and before 10:00 a.m. or after 8:00 p.m. Sunday.

Version 2.

(3) Commercial construction, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.

That the proposed amendment to the Code of Ordinances of Danbury, Connecticut is hereby amended by the removal of Section 12-14, subsection (h) and the substitution of the following in lieu thereof:

(h) Penalties. Any persons in violation of the provisions of this section [should] be fined in the amount [not to exceed] of twenty-five dollars for their first violation; fifty dollars (\$50.00) for a subsequent violation occurring within thirty (30) days of their first violation; and seventy dollars (\$70.00) for any subsequent violation occurring within thirty (30) days of any previous violation not including their first violation occurring pursuant to this subsection. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

Seconded by Mr. Furtado.

After discussion of the proposed amendments Mr. Gogliettino moved the question. Seconded by Mrs. Saracino. Motion carried with Mrs. Saracino voting in the negative.

The motion on the amendments carried with Mr. McAllister voting in the negative.

Mrs. Basso offered a further amendment regarding the amplified music in City parks. Seconded by Mrs. Saracino. This motion was withdrawn after discussion.

Mr. Gallagher made a motion to move the question. The motion was seconded and carried with Council Members Dean Esposito, Coco, Martin Moore and Saracino voting in the negative.

The main motion, as amended, to receive the committee report and referred the ordinance, as amended, back to public hearing, carried with Mr. McAllister voting in the negative.

39 – REPORT & ORDINANCE – District Organization and Operations

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole on February 28, 2000 in the Common Council Chambers in City Hall immediately following a public hearing. Mr. Levy made a motion to adopt the ordinance. Seconded by Mr. Scalzo. Motion carried unanimously.

ORDINANCE

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

THAT Paragraph (1) of Subsection (b) of Section 19B-6 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 19B-6. District organization and operations.

(b) Board of commissioners:

(1) The board of commissioners shall have twelve (12) regular members and four (4) ex-officio members. The commissioners shall be elected at large from the entire district and may include members who are property owners, lessors of property, lessees of property and any employee(s) of the aforesaid categories. A majority of commissioners must at all times be property owners within the district. The board of commissioners is hereby empowered to fill any vacancies which occur on the board of commissioners. The four (4) ex-officio members will be the mayor and the planning director, or their designees, a member of the Danbury Parking Authority selected by the Authority and a member of the Community Services division of the Danbury Police Department selected by the police chief.

The report was received and the ordinance adopted on the Consent Calendar.

40 – REPORT – Arc Ice Rink Project

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole on February 28, 2000 in the Common Council Chambers in City Hall.

Mayor Eriquez gave a chronological accounting of the project. On October 7, 1999 Arc asked for an extension of January 18, 2000. Arc procured Jerry Zucker who owns 26% of Arc and is actively involved in Arc business. Mr. Zucker has made an offer which will be addressed by Arc tomorrow.

Discussion followed regarding safety of the building, escrow account balances, engineering studies and liens on the property.

Mr. Scalzo made a motion to adjourn at 9:15 P.M.

The report was received on the Consent Calendar.

41 – REPORT – Change of Name from Pickett Ridge Road to George Hull Hill Road

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole on February 28, 2000 in the Common Council Chambers in City Hall immediately following a public hearing.

Dean Esposito made a motion to recommend the change of name from Pickett Ridge Road to George Hull Hill Road. Seconded by Mrs. Basso. Motion carried unanimously.

The report was adopted on the Consent Calendar.

42 – REPORT – Request for Sewer and Water Extensions – Larson Drive

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Larson Drive met on February 29, 2000 at 7:00 P.M. in the Third

Floor Caucus Room in City Hal. In attendance were committee members Machado, Shuler and Martin Moore. Also in attendance were Superintendent of Public Utilities William Buckley, Attorney Paul Jaber and Jeanne Williamson, engineer for the petitioner.

Mr. Machado cited the positive recommendation of the Planning Commission. Mr. Buckley stated his confidence with the developer and mentioned past experience. Mr. Shuler asked if the project would be built at once or in phases.

Mr. Moore made a motion to recommend to the Common Council approval of the sewer and water extensions on Larson Drive subject to the normal eight steps and an additional ninth step whereby the developer would prepare emergency plans to redirect the sewer line consistent with the public works department approved plans, and a tenth step to recommend phasing of the project according to approved plans by the Public Works Department. The motion was seconded by Mr. Shuler and carried unanimously.

The report was received and its recommendations adopted on the Consent Calendar.

43 – REPORT – Late Charges on a Sewer and Water Bill

Mrs. Abrantes submitted the following report:

The Common Council Committee appointed to review the late charges on a sewer and water bill met on February 29, 2000 at 6:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Abrantes, McAllister and Saracino. Also in attendance were the Director of Public Utilities William Buckley, Corporation Counsel Les Pinter and Director of Finance Dominic Setaro.

The request to refund Ms. Angela Watters was discussed for late charges incurred on a sewer and water bill. Mr. Buckley explained that if the error had been on the part of the City, an adjustment to the bill could have been made, but this was not the case. Attorney Pinter explained the legality of her request and stated that this was an error on the part of the taxpayer and pursuant to the Ordinance, Section 21-38 she was not entitled to this refund.

Mrs. Saracino made a motion to deny the request based on Ordinance Section 21-38. Motion was seconded by Mr. McAllister and passed unanimously.

The report was received on the Consent Calendar.

44 – REPORT – Request for Sewer and Water Extension – Federal Road

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Federal Road met on February 29, 2000 at 6:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members McAllister, Smith and Martin Moore. Also in attendance were Superintendent of Public Utilities William Buckley and Arthur Ratner, Howard Sherman and Al doNascimento for the petitioners.

The petitioners spoke on their plans for the property and showed the committee the areas where the sewer and water lines were to be installed. Mr. Buckley stated that the proposed lines would be connected to an existing line coming from the Alvon apartment complex. Certain easements had been granted and the pipes were more than adequate for the area.

After discussion, Mr. Moore made the motion that the request for sewer and water extensions to 62 Federal Road be approved, provided that the usual eight steps be followed and pending the committee receiving the report of the Planning Commission. Seconded by Mrs. Smith. Motion carried unanimously.

The report was received on the Consent Calendar.

45 – REPORT – Request for Sewer and Water Extensions – Shelter Rock Road

John Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Shelter Rock Road met on February 7, 2000 at 7:00 P.M. in City Hall. In attendance were committee members John Esposito, Saadi and Basso. Also in attendance were Superintendent of Public Utilities William Buckley, the petitioner Tony Lucera of Benchmark Realty and Jim Rotunda of Consultants and Engineers.

Mr. Esposito read a letter from the Planning Commission motioning a positive recommendation concerning the extension of water and sewer to the applicant's site. Mr. Lucera and Mr. Rotunda gave a presentation with a map of the site showing that the larger portion of the site is in Bethel. Mr. Buckley gave a positive recommendation on both sewer and water extensions.

Mrs. Basso made a motion to recommend approve of the sewer and water extensions subject to the usual eight steps and that the water rate will be 150% of the Danbury rate. The City will own the water lines, but not the sewer lines. Seconded by Mr. Saadi and passed unanimously.

The report was approved on the Consent Calendar.

46 – REPORT – Habitat for Humanity – Blueberry Lane

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the proposal by Habitat for Humanity to purchase a lot on Blueberry Lane met on February 15, 2000 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher and Martin Moore. Joseph Coco was absent. Also in attendance were Assistant Corporation Counsel Les Pinter, Edwin Allan and Bruce Smith from Habitat and Council Members Manny Furtado and Pauline Basso, ex-officio.

Mr. Gallagher asked Mr. Allan to review their proposal for the committee. Mr. Allan stated that the City auctioned off one lot on Blueberry Lane. Two bids were rejected. Habitat's for \$1,000 and another bid of \$1,500. The Mayor suggested that Habitat submit a proposal to the Common Council. Mr. Gallagher asked Mr. Allan to review the mission statement of Habitat for Humanity. Mr. Allan stated that Habitat for Humanity builds homes for people who are willing to invest 400 hours of sweat equity. They provide those people with a mortgage payable to Habitat for Humanity. The homes are usually in the \$70,000 range. Budget counseling is offered.

Mr. Gallagher stated that in the City's last venture with Habitat there were certain deed restrictions placed on the property that were acceptable to the Corporation Counsel's Office. The Planning Department also had a say in the design of the home. Mr. Allan stated that they have a conceptual plan for a colonial home that would fit into the neighborhood beautifully. Mr. Pinter said that the deed restrictions said that the site plan had to be approved by the Planning Director and that the cost should cover taxes, liens and legal fees.

Mr. Gallagher asked who would decide the amount. Mr. Pinter said that the Common Council would. Mr. Allan stated that Habitat would be prepared to pay between \$3,000 - \$4,000.

Mr. Moore made a motion to recommend to the full Common Council that the City accept Habitat 's offer to purchase the lot on Blueberry Lane, subject to deed restrictions authorized by the Corporation Counsel, for the sum of \$3,000. Seconded by Mr. Gallagher and passed unanimously.

Mr. Scalzo made a motion to receive the report and adopt its recommendations. Seconded by Mr. McAllister. Motion carried unanimously.

47 – DEPARTMENT REPORTS – Fire Chief, Fire Marshall, Police Chief, Department of Elderly Services, Public Works, Engineering, Health and Housing. Mr. Arconti made a motion to approve the department reports 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 Mr. Shuler. Motion carried unanimously.

48 – COMMUNICATION – Insurance and FEMA Reimbursement Reappropriation

Request from Director of Finance Dominic Setaro requesting reappropriation of \$209,273.46 which represents the portion of the City's insurance deductible not covered by our carrier as listed. \$2,150 will be paid directly to volunteer fire companies who received reimbursement for damaged equipment of which no appropriation is necessary. Mr. Levy made a motion to accept the communication and reappropriate \$209,273.46 as requested. Seconded by Mr. Furtado. Motion carried unanimously.

Mayor Eriquez extended all committees.

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

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk