

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

RE: Minutes of the Common Council Meeting held December 5, 2000

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

PRESENT – Levy, Scalzo, McAllister, Saadi, Buzaid, Machado, Shuler, John Esposito, Abrantes, Pascuzzi, Basso, Furtado, Gallagher, Gogliettino, Michael Moore, Saracino

ABSENT – Smith, Dean Esposito, Arconti, Martin Moore

16 Present 4 Absent 1 Vacancy

Mrs. Smith was ill and Mr. Arconti was out of town on business

PUBLIC SPEAKING – Joe Rosato, 7 Long Ridge Road – opposed to deferral of taxes for purchaser of ice rink. (At 7:38 P.M. Martin Moore arrived and was marked present) John Koschel, 1 Ta’Agan Point Road – Thanked the Common Council for listening to the citizens on Ta’Agan Point Water system.

(At 7:55 P.M. Dean Esposito arrived and was marked present)

MINUTES – Minutes of the Common Council Meeting held November 9, 2000. Mrs. Abrantes 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 Mr. Gogliettino. Motion carried unanimously.

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

6 - Approve the appointment of C. Richard Hale and James LaClair to the Governmental Entities and Review Committee

7 - Approve the appointment of Bruce Lees to the Environmental Impact Commission

11 – Approve the reappropriation of donated funds from the Elderly Services Donations Revenue Account to the Commission on Aging Professional Services Account

13 – Approve the appropriation of \$400,000 to the Police Department Special Services Account pending certification from the Director of Finance

16 – Approve the request for an 18 month extension of time to complete utility easements serving 11-13 Mannions Lane

23 – Accept the report and adopt amendments to Sections 12-12, 19-34.1, 1-7 and 12-34 regarding Panhandling, Parking of Commercial Vehicles, General Penalties and Citation Enforcement Procedures

24 – Accept the report and adopt Ordinance amendments to Section 2-176 regarding the Schedule of Termination of Government Entities

25 – Adopt the revised Final Water Assessments – Anchor Street, Cedar Street, etc.

26 – Accept the report and the recommendations contained therein regarding the request for sewer and water extensions – Bear Mountain Road and Pembroke Road

27 – Accept the report and the recommendation contained therein regarding request for water line on 21 Shannon Ridge

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

1 – COMMUNICATION – Recommendation to fill Seventh Ward Vacancy

Recommendation from the Danbury Democratic Town Committee that David Furtado be appointed to fill the vacancy for the Seventh Ward Common Council seat. Mr. Saadi made a motion that the communication be received, the recommendation be accepted and David Furtado appointed to fill the Seventh Ward vacancy. Seconded by Mrs. Basso. Motion carried unanimously.

2 – ORDINANCE – Enforcement of Municipal Parking

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

3 – ORDINANCES – Aviation Commission

Mrs. Abrantes asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

4 – ORDINANCE – Commission on the Status of Women

Manny Furtado asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

5 – RESOLUTION – Airport Grant – Taxiway “A”

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

WHEREAS, The Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury intends to reconstruct, mark and light taxiway “A” at the Danbury Municipal Airport which will improve the safety and efficiency of airport operations; and

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$1,650,000.00 with a local match of two and one-half percent (2-½%) equaling an amount not to exceed \$41,250.00.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, is hereby authorized to make application for said grant and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

Mr. Levy made a motion to receive the communication and adopt the Resolution. Seconded by Mr. McAllister. Motion carried unanimously.

6 – COMMUNICATION – Governmental Entities Review Committee

Letter from Mayor Eriquez requesting confirmation of Warren Levy, Manny Furtado and Martin Moore and C. Richard Hale and James LaClair to the Government Entities Review Committee. The appointments were confirmed on the Consent Calendar.

7 – COMMUNICATION – Appointment to the EIC

Letter from Mayor Eriquez requesting confirmation of the appointment of Bruce Lees to the Environmental Impact Commission for a term to expire December 1, 2003. The appointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Donations to the Library

Request from Library Director Betsy McDonough for permission to accept donations in the total amount of \$883.00 in support of the “Bringing Brazil to the Danbury

Library” campaign. Mr. McAllister made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Abrantes. Motion carried unanimously.

9 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath for permission to accept donations in the amount of \$100 for the use of the Danbury Senior Center. Mrs. Abrantes made a motion to receive the communication, accept the donation, credit the proper line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Donation to the Rotary Club

Request from Director of Finance Dominic Setaro for permission to accept a \$10,000 donation from the Rotary Club for the Rogers Park Pond project. Dean Esposito made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Buzaid. Motion carried unanimously.

11 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$327 from the Elderly Services Donations Account to the Commission on Aging budget. A certification of Funds was attached. The transfer of funds was approved on the Consent Calendar.

12 – COMMUNICATION – Request for Appropriation of \$25,000 for Catholic Charities/Thresholds Women and Children Shelter

Letter from Mayor Eriquez requesting approval of an appropriation of \$25, 000 for Thresholds/Catholic Charities Women and Children Shelter. This appropriation replenishes fund intended for Thresholds through the Community Development Block Grant. A certification of funds was attached. Mr. Gogliettino made a motion to receive the communication and authorize the transfer of funds. Seconded by Mrs. Abrantes. Motion carried unanimously.

13 – COMMUNICATION – Police Department Special Services Account

Request from Police Chief Robert Paquette for the sum of \$400,000 to meet anticipated financial obligations for contractual police special services. The appropriation of \$400,000 for the Police Department Special Services Account was approved on the Consent Calendar.

14 – COMMUNICATION – Skywalk/Ice Rink

Request from Director of Finance Dominic Setaro asked for the appropriation of \$250,000 to the existing Capital line item entitled “Ice Rink Improvements”. The funds will only be appropriated provided the City receives a bid that is acceptable to the City. Mr. Levy made a motion that the communication be received and the funds reappropriated to the existing Capital line item entitled “Ice Rink Improvements”. Seconded by Mr. Scalzo. Motion carried unanimously.

15 – COMMUNICATION – Traffic Problem – Wooster Heights

Request from Council Member Michael Moore requesting that an ad hoc committee be appointed to investigate traffic conditions on Wooster Heights Road. Mr. Scalzo asked that this be referred to the Chief of Police and the Traffic Engineer for reports back within thirty days. Mayor Eriquez so ordered.

16 – COMMUNICATION – Request for Extension of Time – 11-13 Mannions Lane

Request from Attorney Robin Kahn for an eighteen month extension of time to complete the construction of sewer and water lines at 11-13 Mannions Lane. The request for an 18 month extension of time was granted on the Consent Calendar.

17 – COMMUNICATION – Ice Rink – Deferral of Assessment Increases

Request from Corporation Counsel Eric Gottschalk that a deferral of assessment increases for the Ice Arena be granted. Mr. Gallagher made a motion that the Mayor be authorized to enter into an agreement for the deferral of assessment increases consistent with provisions of Section 18-25 of the Code of Ordinances. Seconded by Dean Esposito.

After discussion, Mr. Gogliettino made a motion to move the question. Seconded by Mr. Scalzo. Motion carried with Mrs. Basso and Martin Moore voting in the negative.

Main motion carried with Mrs. Basso voting in the negative.

18 – COMMUNICATION – Condition of Taxicabs

Request from Bernard Barrett for legislation regulating the condition of taxicabs. Mrs. Abrantes asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

19 – COMMUNICATION – Request to Purchase City Land – Royal Pine Drive

Request from Julian and Cristina Val that a lot owned by the City on the corner of Royal Pine Drive and Palmer Road be declared surplus so that they may enter a bid to purchase it. Mr. McAllister asked that this be referred to the City Engineer, the Director of Planning, the Corporation Counsel, the Director of Finance and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

20 – COMMUNICATION – Request for Sewer Extension – Haddy Lane

Mr. Saadi asked that this be referred to the City Engineer for a survey. Mayor Eriquez so ordered.

21 – COMMUNICATION – Reports regarding East Lake Estates – Road Widening Parcel

Reports from the Corporation Counsel and the City Engineer recommending acceptance of the road widening parcel. Dean Esposito asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

22 – COMMUNICATION – Reports regarding 303-307 White Street – Road Widening Parcel

Reports from the Corporation Counsel and City Engineer recommending acceptance of the road widening parcel. Michael Moore asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

23 – REPORT & ORDINANCE – Panhandling, Parking of Commercial Vehicles, General Penalty, Citations

Mr. Arconti submitted the following report and ordinances:

The Common Council met as a committee of the whole on November 27, 2000 immediately following a public hearing on the above matters.

Mr. Levy made a motion to recommend adoption of the proposed amendments to the Ordinances. Seconded by Dean Esposito. Attorney Gottschalk pointed out that the fine of \$90 is per occurrence. Mr. Scalzo asked if the ordinance pertains to parking commercial vehicles on private property. Attorney Gottschalk said that it pertains to “street” parking. Motion carried unanimously.

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

THAT Section 12-12 of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended by the addition of subsection (e) as follows:

Sec. 12-12. Panhandling Control.

(e) Penalty for Violation. Any person violating this section shall be fined not more than twenty-five (\$25.00) dollars.

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

THAT Section 19-34.1. of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended by the addition of subsection (c) to read as follows:

Sec. 19-34.1. Parking of commercial vehicles in residential zones.

(C) Penalty for Violation. Any person violating this section shall be fined not more than ninety (\$90.00) dollars.

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

THAT Section 1-7 of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended to read as follows:

Sec. 1-7. General Penalty.

Whenever in this Code or in any ordinance of the City an act is prohibited or made or declared to be unlawful or an offense or violation, or whenever in such Code or ordinance the doing of an act is required or the failure to do an act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of the Code or any such ordinance shall be punishable by a fine of ninety (\$90.00) dollars. Each day's violation of any provision of this Code or of any ordinance shall constitute a separate offense.

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

THAT Paragraph (4) of Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 12-34. Citations.

(b)(4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-12, 12-13, 12-14, 12-24, 12-33, 18-13 and 19.34.1 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in paragraphs (1) through (3) of this subsection.

The report was accepted and amendments to Section 12-12, 19.34.1, 1-7 and 12-34 regarding Panhandling, Parking of Commercial Vehicles, General Penalties and Citation of Enforcement Procedures were adopted on the Consent Calendar.

24 – REPORT & ORDINANCE – Schedule of Termination of Government Entities

Mr. Arconti submitted the following report and ordinance:

The Common Council met as a committee of the whole immediately following a public hearing on November 27, 2000 to take action on the above matter.

Mrs. Abrantes made a motion to recommend adoption of the Ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

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

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-176. Schedule of termination of government entities.

(a) The following governmental entities are terminated, effective June 30, 2001, unless re-established in accordance with the provisions of section 2-184:

- (1) The Economic Development Commission
- (2) The Danbury Parks and Recreation Commission
- (3) The Danbury Housing Partnership

- (4) The Aviation Commission
- (5) The Youth Commission
- (6) The Commission on the Status of Women

(b) The following governmental entities are terminated, effective June 30, 2002, unless re-established in accordance with the provisions of section 2-184:

- (1) The Commission for Persons with Disabilities
- (2) The Danbury Aquifer Protection Agency
- (3) The Fair Rent Commission
- (4) The Board of Ethics

(c) The following governmental entities are terminated, effective June 30, 2003, unless re-established in accordance with the provisions of section 2-184:

- (1) The Stanley Lasker Richter Memorial Park Authority
- (2) The Conservation Commission
- (3) The Environmental Impact Commission
- (4) The Tree Advisory Commission
- (5) The Lake Kenosia Commission

(d) The following governmental entities are terminated, effective June 30, 2004, unless re-established in accordance with the provisions of section 2-184:

- (1) The City of Danbury Cultural Commission
- (2) The Commission on Aging
- (3) The Parking Authority of the City of Danbury

(e) The following governmental entities are terminated, effective June 30, 2005, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Redevelopment Agency of the City of Danbury.
- (2) The Housing Site Development Agency.
- (3) The Flood and Erosion Control Board of the City of Danbury.
- (4) The Tarrywile Park Authority.

The report was accepted and the amendments to section 2-176 regarding the Schedule of Termination of Government Entities were adopted on the Consent Calendar.

25 – REPORT – Revised Final Water Assessments – Anchor Street, Cedar Street, Denver Terrace, Ivy Lane

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole on November 27, 2000 immediately following a public hearing to take action on the above matter.

Mr. Saadi made a motion to recommend adoption of the revised final water assessments on Anchor Street, Cedar Street, Denver Terrace and Ivy Lane. Seconded by Mrs. Basso. Motion carried unanimously.

The final water assessments for Anchor Street, Cedar Street, Denver Terrace and Ivy Lane were accepted on the Consent Calendar.

26 – REPORT – Request for Water and Sewer Extensions – Bear Mountain Road and Pembroke Road

Manny Furtado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Bear Mountain Road and Pembroke Road met on November 20, 2000 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Michael Moore and Basso. Also in attendance were Director of Public Works William Buckley and Attorney David Grogins.

Mr. Furtado noted that the Planning Commission issued a positive recommendation. Attorney Grogins spoke regarding the plans for the property and pointed out the areas where the sewer and water lines are to be installed. The plan is for 22 units.

After discussion, Mr. Moore made a motion that the request for water and sewer extensions to Bear Mountain Road and Pembroke Road be approved subject to the normal eight steps, with two additional steps. Step nine – if the sewer line has to go in to the City watershed, the petitioners must acquire permits from the State Health Department and Step 10 – the petitioners must assure that the water pump station maintains the same flow and pressure. Motion seconded and passed unanimously.

The report and the recommendations contained therein regarding the request for sewer and water extensions on Bear Mountain Road and Pembroke Road were adopted on the Consent Calendar.

27 – REPORT – Request for Water Line – 21 Shannon Ridge Road

Mr. Pascuzzi submitted the following report:

The Common Council Committee appointed to review a request for a water line at 21 Shannon Ridge Road met on November 9, 2000 at 7:15 P.M. in the Common Council Caucus Room in City Hall. In attendance were committee members Pascuzzi and Saracino. Emile Buzaid was absent.

Mr. Pascuzzi advised the committee that the petitioner withdrew his request. Mrs. Saracino made a motion to take no action at this time. Seconded by Mr. Pascuzzi. Motion carried unanimously.

Meeting adjourned at 7:17 P.M.

The report and the recommendation contained therein regarding the request for a water line on 21 Shannon Ridge was accepted on the Consent Calendar.

28 – REPORT – Ta'Agan Point Water Main – Preliminary Assessments

Mr. Arconti submitted the following report:

The Common Council met as a Committee of the Whole on November 27, 2000 immediately following a public hearing to take action on the above matter.

Mr. Arconti asked City Engineer William Buckley for a description of the proposal. Mr. Buckley pointed out the area on a map and introduced Dr. Iwan and Mr. Hage of the State Department of Health. Mr. Buckley stated that the water would come from Pleasant Acres and six easements would be required. He explained the cost and stated that it is derived from assessed value, acreage, frontage and units. Mr. Buckley stated that the Department of Utility Control will hold two hearings on this matter, one on December 4th in Hartford and one on December 7th in Danbury.

Dr. Iwan explained the State's position on this matter. The criteria the State looks for is the proximity of the next capable water system which is the City, financial solvency, any special circumstances and other mitigating factors. The City would be the preference and the recommendation to the DPUC. Dean Esposito asked if the State is in the position to offer funds to offset the costs to homeowners. Dr. Iwan stated that there is no grant money available from the State Health Department, but the State can offer low interest loans. Mr. Buckley stated that State Representative Lewis Wallace is introducing special legislation for a grant for this project.

Director of Finance Dominic Setaro said that the residents would pay interest at the most recent rate at which the City sold bonds, which is 5 ½ - 6%. They could pay this in 19 installments. A state loan would be at a lower interest and a state grant would be the best option.

Several Council members asked Mr. Buckley about exploring other options. Mr. Buckley explained the two options and his concern about the pipe on top of the ground freezing, and although everyone is now receiving adequate water, this would not be the case if the pipe freezes.

Mr. Gallagher stated that he does not have a problem voting for the assessments but he wants to make sure that all alternatives are explored. Mr. Gallagher moved to take no action. Seconded by Martin Moore. Mr. Hage stated that the City could rule out private wells. The existing distribution system does not work. Mr. Furtado asked about replacing the wellhead for the 11 residents. Mr. Buckley stated that this depends on the availability of the land. Mr. Levy and Mr. Scalzo expressed concerns about financial hardships for many of the residents.

Mr. Arconti and Mrs. Smith expressed concerns about the delay of this project. Mrs. Basso asked if the well had been condemned by the State. Dr. Iwan said it had not.

Motion to take no action carried with Council Members Mary Smith and Thomas Arconti voting in the negative.

Mr. Scalzo made a motion to accept the report as read. Seconded by Mr. McAllister. Mrs. Basso noted that she asked if the State would condemn the well and the State said that it would not. Motion carried unanimously.

29 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Public Works, Fire Marshall, Welfare, Department of Elderly Services, Health and Housing. Mrs. Abrantes made a motion that the department reports be accepted as submitted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Gallagher. Motion carried unanimously.

30 – COMMUNICATION – Mrs. Abrantes made a motion that a request for sewer extension at Miry Brook Road be added to the agenda as item 30. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Request for sewer extension at Miry Brook Road. Mr. Levy asked that this be referred to an ad hoc committee, the City Engineer and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Shuler, Gallagher and Martin Moore to the committee.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion to adjourn was made by Mr. Gallagher at 9:17 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
City Clerk