

TO: Mayor Eriquez and Members of the Common Council

RE: Minutes of the Common Council Meeting held November 8, 2001

The meeting was called to order at 7:40 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, David Furtado, Arconti, John Esposito, Abrantes, Pascuzzi, Basso, Manny Furtado, Gallagher, Gogliettino, Michael Moore, Martin Moore, Saracino

21 Present – 0 Absent

### **PUBLIC SPEAKING**

Floyd Hall – Update on the ice rink and please support additional appropriation  
John Dentz, Fairfield, Connecticut – Against Tobacco ordinance  
Mark Nolan, Town Hill Avenue – Apologized for the mistake regarding 52 Main Street, Sewer and Water extensions  
Elizabeth Bacelar – spoke in favor of item 5

**MINUTES** – Minutes of the Common Council Meeting held October 2, 2001. Mr. Arconti made a motion to approve 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 the Resolution to apply for and accept grant funding in the amount of \$76,879.48 for land purchase at Tarrywile Park

4 - Adopt the Resolution to apply for and accept grand funding in the amount of \$97,580 for the Emergency Homeless Shelter.

6 – Approve the purchase of additional grave sites as described pending certification by the Director of Finance

8 - Approve the transfer of funds as described

10 – Approve the additional funding for the Police Special Services account as described

18 – Approve the extension of time for a sewer extension at 50 Huckleberry Lane for a period not to exceed eighteen months

22 – Receive the correspondence and direct the Planning Department to complete the renumbering of the roads as Danbury addresses. Take no action regarding the method of mail delivery, as this is a decision to be made by the United States Postal Service

25 – Receive the reports and take no action at this time

26 – Receive the reports and take no action at this time

27 – Receive the report and take no action at this time

31 – Receive the report and approve the recommendation

32 – Receive the report and approve the recommendation

33 – Receive the report and approve the recommendation

34 – Receive the report and approve the recommendation

35 – Receive the report and approve the recommendation

37 – Receive the report and approve the recommendation

38 – Receive the report and approve the recommendation

Mr. Scalzo made a motion to adopt the Consent Calendar as presented. Seconded by David Furtado. Mrs. Basso asked that item 6 be removed. Motion carried unanimously.

1 – ORDINANCE – Assistant Director of Finance

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

2 – RESOLUTION – Assignment of Real Property Tax Liens

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes 12-195h authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid taxes on real property; and,

WHEREAS, the City of Danbury previously assigned certain real estate tax liens to American Tax Funding, LLC (“ATF”); and,

WHEREAS, the assignment of additional tax liens on the grand list of October 1, 2000 to ATF relating to the same properties covered by the tax liens previously assigned to ATF would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the city; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that Mayor Gene F. Eriquez be and hereby is authorized to accomplish the assignment to ATF of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand list of October 1, 2000 and having a value of \$457,876.31 (less any amounts paid on or after October 22, 2001) and that Mayor Eriquez be and hereby is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

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

3 – RESOLUTION – DEP Land Acquisition Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury recently prepared an update to its Plan of Conservation and Development; and

WHEREAS, the 2001 Plan of Conservation and Development identifies south Danbury as the priority area for open space preservation in the City; and

WHEREAS, the 2001 Plan of Conservation and Development specifically addresses and advocates a Plan for the expansion of Tarrywile Park which would span the southern tier of Danbury and connect to Wooster Mountain State Park; and

WHEREAS, there exists a 14.4 acre property off of Terre Haute Road currently owned by Richard Lynn, adjoining the Mootry Peak overlook, which has been identified as one of the parcels which needs to be acquired by the City to complete the expansion of Tarrywile Park; and

WHEREAS, the subject parcel includes a ridge with scenic views, an open area near its crest that could be used for wilderness camping and which contains significant ecological characteristics; and

WHEREAS, the City of Danbury and the current owner of this property have agreed to a purchase price of \$153,758.96; and

WHEREAS, the Connecticut Department of Environmental Protection offers open space acquisition grants providing up to 50% of the cost of the acquisition by municipalities for open space properties in Connecticut.

NOW, THEREFORE BE IT RESOLVED THAT the Common Council authorizes the City to apply for the grant funds for this acquisition and to authorize the Mayor to accept such funds on behalf of the City and enter into any contractual agreements with the State of Connecticut that would allow the executive of this grant.

The Resolution to apply for and accept grant funding in the amount of \$76,879.48 for land purchase at Tarrywile Park was adopted on the Consent Calendar.

#### 4 – RESOLUTION – Emergency Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services has made available a grant in the amount of \$97,580.00 for the operation of the Emergency Shelter; and

WHEREAS, the grant period is October 1, 2001 through September 30, 2002; and

WHEREAS, no local match is required.

NOW, THEREFORE, be it resolved that Gene F. Eriquez, Mayor of the City of Danbury, is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for this Emergency Shelter Grant and to affix the corporation seal.

The Resolution to apply for and accept grant funding in the amount of \$97,580 for the Emergency Homeless Shelter was granted on the Consent Calendar.

#### 5 – COMMUNICATION – Promotions within the Police Department

Request from Mayor Eriquez for confirmation of the promotion of Police Officer Edward Lopes to the rank of sergeant in the Police Department and the promotion of Police Officer Vincent LaJoie also to the rank of sergeant in the Police Department. These promotions will be effective upon swearing in.

Mr. McAllister made a motion to receive the communication and confirm the promotions. Seconded by Mrs. Basso. Motion carried unanimously.

#### 6 – COMMUNICATION – Graves for Indigent Veterans

Request from Mayor Eriquez that the sum of \$19,395 be appropriated for the purchase of fifteen additional gravesites for veterans. Mr. McAllister made a motion to receive the communication and authorize the appropriation, pending certification. Seconded by Mr. Pascuzzi. Motion carried unanimously.

#### 7 – COMMUNICATION – Donations to the Department of Elderly Services

Request from the Director of Elderly Services Leo McIlrath for permission to accept donations in the total amount of \$120.00 for the use of the Danbury Senior Center. Manny Furtado made a motion to receive the communication,

accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

8 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath that the sum of \$1109 be transferred from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds as described was authorized on the Consent Calendar.

9 – COMMUNICATION – Donation to the Parks and Recreation Department

Request from Director of Parks and Recreation Robert Ryerson for permission to accept a donation of work on the Rogers Park Soccer field from the Ecuadorian Civic Center. The estimate of the cost of the project is \$1,500. Mrs. Abrantes made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Michael Moore. Motion carried unanimously.

10 – COMMUNICATION – Funding for Police Special Services Account

Request from Deputy Chief of Police Mark Rosato requesting the sum of \$400,000 be appropriated to the Police Special Services fund. These funds will be returned to the City's general fund as indirect revenue as the private sector pays for these extra police services.

The additional funding for the Police Special Services Account as described was approved on the Consent Calendar.

11 – COMMUNICATION – Death/Health Benefits for Widows/Widowers of Firefighters who Die in the Line of Duty

Memorandum of Agreement granting death/health benefits for widows and widowers of firefighters who die in the line of duty. Mr. Arconti made a motion to receive the communication and approve the memorandum of agreement. Seconded by Mrs. Abrantes. Motion carried unanimously.

12 – COMMUNICATION – Request regarding 911 Call-Out System

Request from Jack Kozuchowski, Coordinator of Environmental & Occupational Health Services for the sum of \$30,000 to subsidize the installation of the 911 call-out system. Mr. Pascuzzi made a motion to receive the communication and approve the request for \$30,000, pending certification. Seconded by Mrs. Basso. Motion carried unanimously.

13 – COMMUNICATION – Request for Sewer and Water Extensions – 52 Main Street – Harrison Square

Mr. Gogliettino made a motion to receive the communication and grant the request for sewer and water extensions at 52 Main Street. Seconded by Mrs. Abrantes. Motion carried unanimously.

14 – COMMUNICATION – Request for Sewer Extension – 38 Aunt Hack Road

Mr. Scalzo 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 Dean Esposito, Michael Moore and Martin Moore to the committee.

15 – COMMUNICATION – Request for Water Extension – Lot BR 2, Berkshire Corporate Park, Riverview Drive

Michael Moore 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 John Esposito, Saadi and Martin Moore to the committee.

16 – COMMUNICATION – Request for Sewer Extension – 58 Benson Drive

Mr. Arconti 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 Machado, Shuler and Basso to the committee.

17 – COMMUNICATION – Request for Sewer Extension – 3 & 4 Ridgewood Drive

Manny Furtado 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 Gallagher, Gogliettino and Saracino to the committee.

18 – COMMUNICATION – Request for Extension of Time – Huckleberry Lane

Request from John E. Bruno for an extension of time for the installation of a sewer extension at Lot 50, Huckleberry Lane. The extension of time, not to exceed eighteen months, was approved on the Consent Calendar.

19 – COMMUNICATION – Request to Change Ridge Drive to Ridgewood Drive

Mr. Scalzo asked that this be referred to the Director of Planning, the Fire Chief and the Postmaster for reports back within thirty days. Mayor Eriquez so ordered.

19-1 COMMUNICATION – Request for Sewer Extension – 47-51 Federal Road

Mr. Gogliettino 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 Levy, Buzaid and Basso to the committee.

20 – COMMUNICATION – Request for Water Extension – Miry Brook Road

Mrs. Abrantes 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 Machado, Shuler and Basso to the committee.

21 – COMMUNICATION – Request for Sewer and Water Extensions – Oil Mill Road and Request for Abandonment of a portion of Oil Mill Road

Dean Esposito asked that this be referred to an ad hoc committee, the Director of Public Works, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Machado, Shuler and Basso to the committee.

22 – COMMUNICATION – Change to Danbury Mail Delivery for Hawthorne Cove

The correspondence was received and the Planning Department directed to complete the renumbering of the roads as Danbury addresses on the Consent Calendar. Also on the Consent Calendar no action was taken regarding the method of mail delivery, as this is a decision to be made by the United States Postal Service.

23 – COMMUNICATION – Cornell Hills Taxing District

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

24 – COMMUNICATION – Approval of Mariana Farms Drive as a City roadway

Mr. Gogliettino asked that this be referred to the Director of Public Works and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

25 – COMMUNICATION – Reports regarding Toll Land XVIII – Road Acceptance

Reports noting that as-built plans and profiles for these roadways have not been received. When they have been received a road inspection will be scheduled and the Common Council notified when all mapping is satisfactory and when any construction conditions requiring additional work have been addressed.

The reports were received on the Consent Calendar and no action taken.

26 – COMMUNICATION – Reports regarding Logan’s Way – Road Acceptance

Reports noting that the as-built plan and profile for this roadway has not been received. When said as-built plan and profile is received, a road inspection will be scheduled.

The reports were received on the Consent Calendar and no action taken.

27 – COMMUNICATION – Report regarding installation of lights on Caye Road

Report from Director of Public Works William Buckley stated that he feels the area would benefit from streetlights being placed at the intersection of Caye Road, Moody Drive and Diamond Road.

The report was received on the Consent Calendar and no action taken.

28 – COMMUNICATION – Ice Rink Appropriation

Request from the Director of Finance Dominic Setaro that an appropriation be established in the amount of \$225,115 in a Capital line item entitled, “Ice Rink Improvements” and that these funds will be certified from the net proceeds of the sale that is contained within the City’s revenue line item entitled, “Sale of Land”.

Mr. Arconti made a motion to receive the communication and approve the transfer of funds. Seconded by Dean Esposito. Motion carried with Council Members Mary Smith, Tom Saadi and Martin Moore voting in the negative.

29 – REPORT & ORDINANCE – Tax Credit for Elderly Homeowners

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole on October 29, 2001 following a public hearing in the Common Council Chambers.

Mr. Levy made a motion to recommend adoption of the Ordinance as proposed. Seconded by Mr. Gogliettino.

Mrs. Saracino asked about the impact on budget revenue. Mr. Setaro said it would cost \$151,000. The charges will be from \$300 to \$450 for singles, from \$400 to \$600 for married couples and adding \$2,000 to eligibility.

Motion carried unanimously.

Mr. Scalzo made a motion to receive the report and adopt the Ordinance. Seconded by Manny Furtado. Motion carried unanimously.

30 – REPORT & ORDINANCE – Tobacco Vending Machines

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on October 29, 2001 in City Hall.

Mr. Saadi made a motion to recommend adoption of the ordinance. Seconded by Michael Moore. Mr. Scalzo stated that he would like to see items 2-9 deleted because they state statistics and statistics change over time. Mr. Saadi offered the deletion of items 2-9 as a friendly amendment.

Motion, as amended, carried with Council Members Martin Moore and Mary Saracino voting in the negative.

Dean Esposito made a motion to receive the report and adopt the ordinance. Seconded by Mr. Gogliettino. Motion carried with Council Members Buzaid, Pascuzzi, Basso, Martin Moore and Saracino voting in the negative.

31 – REPORT & RESOLUTION – Final Sewer Assessments – Germantown Area

The Common Council met as a committee of the whole at 7:20 P.M. on October 29, 2001 in the Common Council Chambers in City Hall.

Mr. Buckley explained the sewer assessment process and the process by which this petition came before the Common Council. The Director of Finance Dominic Setaro explained the payment methods available.

Mr. Levy made a motion to recommend adoption of the proposed final sewer assessments in the Germantown area, in accordance with the assessed 19 year payment method. Seconded by Mr. Gallagher. Motion carried unanimously.

The report was received and the recommendations approved on the Consent Calendar.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Germantown Area Sanitary Sewer; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before January 1, 2002, provided,

however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Germantown Area Sanitary Sewer:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.

2. The minimum annual installment payment shall be ONE HUNDRED TWENTY SIX (\$126.00) DOLLARS.

3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.85 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as follows:

32 – REPORT – Request for Sewer Extension on Moran Avenue

Manny Furtado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Moran Avenue met on October 17, 2001 at 7:57 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Manny Furtado and Michael Moore. Mary Saracino was absent. Also in attendance was Director of Public Works William Buckley.

Mr. Buckley gave a review of the request. He wrote to the Common Council in July recommending approval of the sewer line on Moran Avenue. The house is actually on Forest Avenue but the line would come in on Moran Avenue. He recommends approval of the sewer extension subject to the standard eight steps.

Michael Moore made a motion to recommend approval of the sewer extension subject to the standard eight steps. Seconded by Manny Furtado. Motion carried unanimously.

The report was received and the recommendations approved on the Consent Calendar.

33 – REPORT – Request for Sewer and Water Extensions – Mountainview Terrace

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions met on October 2, 2001 at 7:25 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Tom Saadi and John Esposito. Martin Moore was absent. Also in attendance was Director of Public Works William Buckley.

Mr. Buckley stated that the petitioner had withdrawn the application.

John Esposito made a motion to take no action at this time. Seconded by Mr. Saadi. Motion carried unanimously.

The report was received and the recommendations approved on the Consent Calendar.

34 – REPORT – Plan of Conservation and Development

Mr. Arconti submitted the following report:

The Common Council met as a committee of the whole at 8:35 P.M. on October 29, 2001 in the Common Council Chambers. In attendance were Levy, Scalzo, Smith, Saadi, Shuler, Arconti, John Esposito, Abrantes, Gallagher, Michael Moore, Martin Moore and Saracino. Absent were McAllister, Buzaid, Dean Esposito, Machado, David Furtado, Pascuzzi, Basso, Manny Furtado and Gogliettino.

Ms. Saracino made a motion to endorse the Plan of Conservation and Development and forward comments of the Common Council to the Planning Commission. Seconded by Mr. Gallagher. Motion carried unanimously.

Meeting adjourned at 8:40 P.M.

The report was received and the recommendations accepted on the Consent Calendar.

35 – REPORT – Façade Improvement Program

Michael Moore submitted the following report:

The Common Council Committee appointed to explore a downtown façade improvement program met on February 27, 2001, September 6, 2001 and October 22, 2001. In attendance were committee members Michael Moore, John Gogliettino and Martin Moore. Mr. Gogliettino was absent at the October 22, 2001 meeting. Also in attendance at various meetings were Mayor Eriquez, Director of Finance Dominic Setaro, Director of Planning Dennis Elpern, Mark Nolan and Nancy Whitfield of CityCenter and various Council Members, ex-officio.

Michael Moore introduced a proposal to create a pool of funds that the City may offer to business or property owners in the downtown Special Services Tax District. Eligible businesses or property owners would use these funds for maintenance and capital improvements to the outside of their buildings. The City would disperse these funds either as a grant or low-interest loan.

Director of Finance Dominic Setaro stated that past efforts by the City to create a similar façade improvement program were difficult because business owners are skeptical of low-interest loans because of restrictions attached to the loans. Martin Moore asked if the proposal was to ensure a consistent design among facades in the downtown area.

Mayor Eriquez discussed at length the City's future plans for increasing business development and investment in downtown Danbury. The City is pursuing a program to offer funds for window treatments/energy efficiency.

Mr. Gogliettino stated that the first step should be a survey of the downtown business owners to determine the demand for such a program. Mr. Gogliettino made a motion to continue the committee for further study of the proposal. Seconded by Martin Moore. Motion carried unanimously.

The committee reconvened at 7:11 P.M. on September 6, 2001. Michael Moore gave an overview of the February 27<sup>th</sup> meeting. His revised approach is to focus on Danbury Main Street Historic District, giving incentives to preserve the City's historic structures. This allows compatibility with the proposed Plan of Conservation and Development. The proposal is to offer a grant to be matched by a property owner.

Mr. Elpern noted that such a program is found as a recommendation within the proposed Plan of Conservation and Development. Any incentive program should be created in consultation with the standards established by the U. S. Department of the Interior. Application, criteria and a review process must be established. He suggested consulting with Mark Nolan who has been an advocate for such a program.

Mr. Setaro suggested that the committee consult with the Corporation Counsel. He pointed out that there is an existing ordinance that permits a tax deferral for historic preservation.

Mr. Gogliettino made a motion to continue the committee. Seconded by Martin Moore. Motion carried unanimously.

The committee reconvened for the final time on October 22, 2001. The purpose of this meeting was to get feedback from CityCenter and to set the tone and direction of the program.

Mark Nolan stated that this program is important and multi-faceted. He spoke about concerns of downtown property owners. He said that there is a tax deferral program in place and it works well. However, no one is doing a historical façade right now. He educated the committee on various sources of funding available. Ms. Whitfield said that the last survey that CityCenter conducted did not have a 50% return rate. She said that the timing for a façade improvement program is perfect.

Martin Moore made a motion to recommend that the CityCenter Board explore and develop a Façade Improvement Program and return to the Common Council with a plan. Seconded by Michael Moore. Motion carried unanimously.

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

#### 36 – REPORT – Reliant Aircraft Lease

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the Reliant Aircraft Lease met on October 2, 2001 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Emile Buzaid and Michael Moore. Martin Moore was absent. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Finance Dom Setaro and Wayne Toher of Reliant.

Attorney Pinter outlined the new lease. The Aviation Commission approved the lease. The total acreage is 1.12. The lease is for eight years, with two five-year options. The cost is \$5,100 per year. Any structures built on the property by Reliant will be owned by Reliant, who will pay the property taxes. Upon termination of the lease, the buildings would revert to City ownership. This lease is consistent with other leases at the Airport. There will be no sub-lease or assignment unless approved by the Planning Commission. Attorney Pinter noted that the Planning Commission voted a negative recommendation, but he believes this was a scrivener's error, since backup documentation points to approval.

Mr. Buzaid stated that some members of the Caucus felt that the fee should be up to 25% higher. Mr. Setaro pointed out that this lease is higher than other tenants. Michael Moore pointed out that even though we are

interested in economic growth at the Airport, we should be careful of setting precedents since many airports have been impacted since September 11<sup>th</sup>.

Mr. Buzaid stated that perhaps we should raise the increase in the option. Attorney Pinter requested that the Planning Commission be asked to clarify its recommendation.

Michael Moore made a motion to raise the option from 10% to 12% for both option periods subject to review and to recommend approval of the lease. Seconded by Mr. Buzaid and passed unanimously.

Mr. McAllister made a motion to receive the report and approve the lease. Seconded by Mr. Shuler.

Mr. Scalzo offered an amendment to change the lease length to one year. Seconded by Mr. Gallagher. Motion to amend failed 9 yes, 12 no.

Mr. Levy offered an amendment to remove the options for extension of the lease. Seconded by Mr. Gogliettino. Motion carried 12 yes, 9 no.

Motion, as amended, carried with 13 yes, 8 no.

Mr. Arconti asked that this be recommitted. Seconded by David Furtado. Mayor Enriquez so ordered. The committee will be Council Members Buzaid, Michael Moore and Martin Moore.

#### 37 – REPORT – Request for Sewer Extension – 15 Lakeside Road

The Common Council Committee appointed to review the request for sewer and water extension met on October 17, 2001 at 7:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Scalzo, Levy and Martin Moore. Also in attendance were Director of Public Works William Buckley, the petitioners James Bassett and Patricia Deer and Council Members Basso, Michael Moore and Manny Furtado, ex-officio.

Mr. Scalzo read the positive recommendation of the Planning Commission. The petitioners said that the cost estimates they received were too high and they could not afford to do this project at this time.

Mr. Buckley stated that some time ago another property owner came to the Common Council for sewer and water extension on the street and agreed to do it cooperatively with other property owners. The other property owners dropped out. A cost to Mr. Boyce was negotiated at \$10,000 for water and \$10,000 for sewer. He suggests that the petitioners pay the City \$10,000 to hook up to the sewer which the City would bring onto their lawn. Ms. Deer asked if their connection could be assessed over time. Attorney Gottschalk joined the meeting at this point and stated that the connection could be assessed over time but it would have to go to public hearing and then a vote to do the project. The cost would be assessed and paid over time.

Mr. Levy made a motion to refer this to a public hearing and the assessment process per City ordinance and State Statute at a fixed price of \$10,000. Seconded by Martin Moore. Attorney Gottschalk stated that the ordinance describes the formula to be used. Any other approach presents a risk of appeal. The committee should ask for a waiver of appeal.

Mr. Levy offered an amendment, seconded by Martin Moore, to add that the petitioners will sign a waiver of appeal. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

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

#### 38 – REPORT – Snow Plowing Problems on Grace Street

Mr. Levy submitted the following report:

The Common Council Committee appointed to review a problem with snow plowing on Grace Street met on October 17, 2001 at 8:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, Scalzo and Basso. Also in attendance were Director of Public Works Bill Buckley, Corporation Counsel Eric Gottschalk and residents of Grace Street Peg and Al Bishop and Cindy Winch.

Mr. Levy stated that last winter there had been some difficulty with plowing Grace Street. The road is a non-conforming, dead-end road. The situation became tense and the purpose of this meeting is to head off a similar situation developing this winter.

Mr. Buckley stated that road is a cul-de-sac and is difficult to plow. Mrs. Bishop said that the driver jumped out of his truck and confronted Mr. Bishop. Mr. Bishop gave his account of the incident that led to this complaint. Mrs. Winch gave an account the problem with gravel on her lawn and to verify Mr. and Mrs. Bishop's complaint. Mr. Buckley stated that he had gone to look at Ms. Winch's lawn and the plow had gone onto the lawn for a considerable distance to push the snow back. Mr. Scalzo asked if it was a City crew or a sub-contractor. Mr. Buckley stated that it was a sub-contractor. He has spoke to all sub-contractors and instructed them not to be confrontational.

Mrs. Basso asked about the rules concerning complaints regarding sub-contractors. Are drivers taken off the route when there is a complaint? Mr. Buckley stated that we could discharge an employee or a sub-contractor. He has directed public works to stay off Grace Street. Mr. Levy stated that there is no doubt that there were difficulties. We must address this problem and watch over this road this winter.

Attorney Gottschalk stated that he is concerned about the roles of the legislative branch and the executive branch. He is sympathetic to the petitioners, but he is concerned about the Common Council directing departments on issues that are executive in nature. The solution should be framed in the terms of a recommendation.

Mr. Scalzo made a motion to recommend that the Director of Public Works stay abreast of the situation on Grace Street so that the problem does not reoccur. Seconded by Mrs. Basso. Motion carried unanimously.

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

### 39 – REPORT – Request for Funds for Library

The Common Council Committee appointed to review the request for funds for the Library met on October 18, 2001 at 7:07 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Buzaid, Gogliettino and Saracino. Also in attendance were Library Director Betsy McDonough and Director of Finance Dominic Setaro.

Mr. Buzaid asked for an explanation of the request. Ms. McDonough stated that in the 1996 fire all adult books and audiovisual materials were destroyed. They received a general insurance settlement to replenish the inventory. Since then they have been able to use the fire money to supplement City funds. During this year's budget discussions she informed the committee that the fire money would no longer be sufficient to supplement City funds. By the end of December all fire money will have been expended. She reduced her original budget request by 10%. Mr. Setaro suggested using funds available due to a full time vacancy for books. This still leaves a gap of \$66,000. Mr. Gogliettino asked if this would be sufficient through June 30, 2002. Ms. McDonough said it would.

Mr. Setaro stated that the contingency account now stands at \$201,000, of which \$60,000 has been earmarked for legal expenses. This leaves \$141,000 for all other expenses. He would not recommend appropriating this money from

the contingency account. Ms. McDonough stated that the library now gives \$2,800 per month from fines to the general fund. Would it be possible to use this money for books? Mr. Setaro stated that this sum has been budgeted to revenues. If it exceeds that amount, the excess could be used. Mrs. Saracino asked if there are any other revenues not already earmarked. Mr. Setaro stated that excess state revenue funds have already been used. After the contingency has been depleted, they will have to go to various departments. If the audit turns out favorably there may be something there.

Mrs. Saracino asked if no funds were budgeted because of the insurance funds. Ms. McDonough stated that she asked for \$135,000. During the review of her budget, the Mayor determined that the insurance money would be sufficient.

Mrs. Saracino made a motion to take no action at this time, but to have the request resubmitted when there is a better handle on the contingency fund. Seconded by Mr. Gogliettino. Motion carried unanimously.

Mr. Levy made a motion to receive the report and adopt its recommendations. Seconded by Mr. Gogliettino. Motion carried with Mrs. Smith voting in the negative.

#### 40 – REPORT – Review of the Office of Civil Preparedness

John Esposito submitted the following report:

The Common Council Committee appointed to review the Office of Civil Preparedness met on October 23, 2001 in the Third Floor Caucus Room in City Hall. In attendance were committee members John Esposito, Pascuzzi and Saracino. Also in attendance were Police Chief Robert Paquette, Fire Chief Carmen Oliver, Director of Civil Preparedness Paul Estefan, Coordinator of Environmental Services Jack Kozuchowski and Council Members Basso, Levy, Saadi and Scalzo, ex-officio.

Mr. Esposito stated that the purpose of this committee meeting was to assure the public that the Office of Civil Preparedness has a plan and it is being implemented. He asked Mr. Estefan for his assessment.

Mr. Estefan stated that he took a course in bioterrorism and learned to identify symptoms. He sent a template to nursing homes and day care centers. They now know how the situation should be handled and who to call. The Health Department has a protocol for response. The Mayor has authorized the Fire Department to go out to bid on a frequency, which has a digital reverse 911. This will allow the Police and Fire Departments to contact people to inform them to evacuate or to stay in their homes.

Mr. Esposito asked for information on the structure of Civil Preparedness. Mr. Estefan stated that the office is located in the basement of City Hall. There are 12 telephone lines installed. Chief Paquette has sent a team to the FBI Command Center to learn how to best upgrade the operations. There are working ham operators also. Mr. Esposito asked how a “blackout” would be handled. Mr. Estefan said he would first go to the “war room” at CL & P in Newtown. He would identify the elderly centers and areas where there are medical needs. He would brief the Mayor and the Fire Department. He would next identify if trees and/or wires were down.

Mr. Esposito asked the Fire Chief for his assessment. Chief Oliver said that they have had two courses in bioterrorism, as well as courses in weaponry and mass destruction. The response to bioterrorism would be the same used for a level three hazmat episode. He would notify the DEP, the Health Department and the Office of Civil Preparedness. There are critical needs in the emergency operations center. They now rely on cell phones. Communication between departments is critical. The radio and dispatch equipment is outdated. There are no fixed repeaters. You must be near a vehicle to get a signal back to the station. Dispatch centers need to be coordinated.

Mr. Esposito asked the Police Chief for his assessment. Chief Paquette said the main concern is acts of violence. The Mayor has asked for safety surveys for all City departments. When the surveys have been completed he will be able to report on recommendations. There have been no credible anthrax threats in Connecticut. The Mayor has asked him for a proposal for the emergency operations center. All previous emergencies have been run out of the Mayor's conference room. This is unacceptable. The office downstairs is inoperable. It will take a good amount of effort to get this center up and running. It requires furniture, faxes, computers, telephones, etc.

Mr. Esposito asked Mr. Kozuchowski for his assessment. Mr. Kozuchowski said that he has had a request from the Mayor for an update to the Community Emergency Response Plan. The update was completed on October 11<sup>th</sup>. He is unable to address bioterrorism so quickly. A new section will be completed in six months, but an interim plan will be adopted this week. He is learning as he goes along.

Ms. Saracino asked about costs of these needs. Mr. Estefan stated that the reverse 911 system is approximately \$30,000. Chief Paquette stated that since September 11<sup>th</sup> he has exhausted his overtime account. The cost of updating the emergency operations center would be at least \$250,000. Ms. Saracino stated that these items should have priority. There were additional questions from ex-officio Council Members.

Ms. Saracino made a motion to accept the reports given at this meeting and refer this issue to the new administration and Common Council as a committee of the whole. Seconded by Mr. Pascuzzi. Motion carried unanimously.

Dean Esposito made a motion to receive the report and adopt its recommendations. Seconded by Michael Moore. Motion carried unanimously.

#### 41 – REPORT – Ta'Agan Point Water Company

Mr. Arconti made a motion to table this report for an additional thirty days. Seconded by Dean Esposito. Motion carried unanimously.

#### 42 – DEPARTMENT REPORTS – Public Works, Health and Housing, Elderly Services, Fire Chief, Police Chief, Fire Marshall

Mr. Arconti made a motion to accept the 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 Dean Esposito. Motion carried unanimously.

43 – COMMUNICATION – Offer to donate a home at 11-13 Clark Street for housing for homeless teens. Mr. Arconti made a motion that this item be added to the agenda. Seconded by Dean Esposito. Motion carried with Council Members Saracino, Martin Moore, Gallagher and Basso voting in the negative.

Mr. Arconti asked that this be referred to the Mayor, the Corporation Counsel and the Director of Welfare for reports back within thirty days. Mayor Eriquez so ordered.

#### 44 – COMMUNICATION – Mill Plain Swamp – Open Space Land Transfer/Renewal of Authority

Mr. Arconti made a motion that this item be added to the agenda. Seconded by Dean Esposito. Motion carried with Council Members Gallagher, Basso and Martin Moore voting in the negative.

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, after approval by the Common Council, applied for a grant to purchase land known as Mill Plain Swamp; and

WHEREAS, pursuant to the Open Space and Watershed Land Acquisition Program, the City of Danbury was approved to receive a grant for said purchase; and

WHEREAS, said purchase was consummated on February 2, 2000 for the consideration of \$250,000.00; and

WHEREAS, in order to conclude the financial components of the transaction, the City of Danbury must execute a Grant Agreement with the State of Connecticut authorizing a grant amount of \$108,000 to be provided to the City of Danbury for these purposes.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez, having been elected as Mayor on December 1, 1999 and continuing his term through November 30, 2001 and being authorized to enter into agreements and contracts on behalf of the City of Danbury, be and hereby is authorized to execute an OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT AGREEMENT-CITY OF DANBURY MILL PLAIN SWAMP PROPERTY OSWA-35 with the State of Connecticut for financial assistance to acquire and manage open space land pursuant to Section 7-131d of the Connecticut General Statutes.

Mr. Arconti made a motion to receive the communication and adopt the resolution. Seconded by Mr. Shuler. Motion carried with Mrs. Basso voting in the negative.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 10:50 P.M. by Mr. Arconti for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

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