

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

RE: Minutes of the Common Council Meeting held January 7, 1997

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

Present - Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynton, Buzaid, Valeri, Machado, Shuler, Setaro, Esposito, Levy, Gomez, Basso, Butera, Fox, Gallagher, Mead, Nolan

Absent - Charles

20 Present - 1 Absent

Mr. Charles had a previous commitment

PUBLIC SPEAKING

Bob Ross - Spoke regarding item 3, Palace Walk. Would like to purchase the Palace Theatre, renovate it, have a show there and then turn it over to the City.

Monique LeCoz, 23 Woodbury Drive - Spoke regarding item 1 asked what the Department of Transportation has to with Cops in Shops Program. Money should go to a DOT Program. Is it so bad the number of kids drinking? Will this help curb the drinking? This would be a great time for good pay.

January 19 - Council Member Al Mead will celebrate his birthday

January 26 - Joseph DaSilva and his wife will celebrate their anniversary

January 10 - HVCEO Elected Leaders Luncheon

January 11 - Your Dance, My Dance Program at Danbury Public Library

January 10 - Hat City Youth Sports Awards Banquet

January 11 - Hanahoe Clinic Celebration of 50,000th Patient

January 13 - Community Leaders Breakfast sponsored by the Military Museum

January 18 - Germantown Volunteer Hose Company No. 10 Annual Meeting

January 20 - Martin Luther King, Jr.'s Birthday
City Hall Closed

January 22 - Community Playground Improvement Meeting

February 1 - Datahr Rehabilitation Institute Annual Gala

January 26 - February 1 - Catholic Schools Week

The Mayor announced that on December 19, 1996 the gas recovery system design plan was submitted to the DEP and a coordination meeting took place last week. Once DEP has approved the plan and there is a more specific timetable, there will be a committee of the whole meeting in late January.

STATE OF THE CITY ADDRESS - The Mayor gave his annual State of the City address to the Common Council, outlining the accomplishments of last year and outlining his goals for the coming year.

MINUTES - Minutes of the Common Council meeting held December 3, 1996. Mr. Setaro made a motion to accept the minutes 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 Miss Fox. Motion carried unanimously.

CONSENT CALENDAR - Mr. Esposito submitted the following items for the Consent Calendar:

- 2 - Adopt Resolution regarding Germantown/First Street Area Proposed Sanitary Sewer Extension Project Easement Acquisitions
- 5 - Approve reappointment of Robert Peat and appointment of Michael Steinerd to the Redevelopment Agency
- 6 - Approve appointment of Edward Siergiej to the Candlewood Lake Authority
- 7 - Approve reappointment of John Plecity and Roger LeBlanc to the Building Code Board of Appeals
- 8 - Approve reappointment of Harold Wibling, William Goodman and Joan Damia to the Danbury Library Board of Directors
- 9 - Approve reappointment of Paul Estefan and Francis Kieras as Town Hearing Officers
- 13 - Approve reappropriation of \$150 for Library equipment for the Danbury Public Library
- 15 - Approve reappropriation of \$2,146 from the Elderly Services donation account to the Commission on Aging budget
- 17 - Approve transfer of \$4,281 from the Contingency Account into the Police Department Auto Equipment Account for City share of Local Law Enforcement Block Grant
- 18 - Approve reappropriation of \$375,000 to the Police Special Services Account
- 19 - Approve reappropriation of \$4,050 of Railroad Station Parking and permit fees.
- 22 - Receive communication regarding acceptance of Terrace Street in Terrace Heights subdivision as a City road and refer to Planning Commission
- 23 - Receive communication and officially designate Custance Road as South Cove Road
- 25 - Receive communication regarding offer of sale of land at the corner of East Franklin Street and Maple Avenue and take no action
- 26 - Receive communication regarding request for reimbursement for broken sewer lateral at 61 Rowan Street and take no action
- 29 - Approve report and recommendations regarding request for funds for Childcare Connections
- 30 - Approve report and recommendations regarding request for sewer extension at 85 Great Plain Road
- 31 - Approve report and recommendations regarding drainage problems at 23 Woodbury Drive
- 33 - Approve report and recommendations regarding request for water extension - Edgewood Street

Mr. Boynton made a motion that the Consent Calendar be adopted as read. Seconded by Mrs. Coladarci. Motion carried unanimously.

1 - RESOLUTION - Cops in Shops Pilot Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation Division of Highway Safety will make available to the City of Danbury grant funding in the amount of \$918.00 in order to support the Cops in Shops Pilot Program; and

WHEREAS, 100% of the funding, or \$918.00 is to be designated for said program through which officers work with package stores to increase enforcement of "under 21" alcohol laws; and

WHEREAS, no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for said grant on behalf of the City of Danbury, to accept the grant award, if made, subject to the terms and conditions established in connection therewith by the State of Connecticut, to execute any contracts/agreements therefor and to take any additional actions necessary to effectuate the purposes hereof.

BE IT FURTHER RESOLVED THAT any past actions of Mayor Gene F. Eriquez to effectuate the purposes of this grant award are hereby ratified.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Mead. Motion carried with Mrs. Butera abstaining.

2 - RESOLUTION - Germantown/First Street Area Proposed Sanitary Sewer Extension Project Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council on June 4, 1996, approved the use of the remaining funds within the 1977 bond authorization for the installation of a sanitary sewer in the First Street, Beaver Brook Road area and Germantown Road; and

WHEREAS, it is necessary and in the best interests of the City of Danbury to acquire interests in and to real property as hereinafter set forth in order to proceed with the construction of said sanitary sewer in the Germantown Road/First Street portion of this area; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several property owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property listed below;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire said property interests as set forth herein either by negotiation or by eminent domain through the institution of suits against the named property owners listed below, their heirs, executors/administrators, successors and assigns and their respective mortgage holders and encumbrancers, if any. Legal descriptions of the easement areas to be acquired are attached as Exhibits 1 through 5.

Permanent Sanitary Sewer Easements

<u>Exhibit No.</u>	<u>Owner(s) Now or Formerly</u>	<u>Lot No.</u>	<u>Location</u>	<u>Sq. Ft.</u>
1	Keever, Pamela A.	K10025	8 Michaud Rd.	2,220
2	Montesi, William L. and Donna M. (Together with temporary construction easements 15 feet in width located along the northeast and southwest limits of the permanent sanitary sewer easement.)	J10180	20 Michaud Rd.	1,219
3	Petruzzelli, Dennis and Pamela G. (Together with a temporary construction easement 15 feet in width located along the easterly line of the permanent sanitary sewer easement.)	K10024	6 Michaud Rd.	2,898
4	Robertine, Adam and Anna Parcel A: (Together with a temporary construction easement varying from 15 feet to 20 feet in width located along portions of both sides of the permanent sanitary sewer easement.)	J10178	3-7 Great Plain Rd	8,430
	Parcel B: (Together with a temporary construction easement generally 15 feet in width along the southerly and westerly boundaries of the permanent sanitary sewer easement.)	J10145	Michaud Rd.	2,171
5	Southern New England Telephone Company (Together with a temporary construction easement 20 feet in width located along a portion of the southerly line of the permanent sanitary sewer easement.)	K10019	1 Rockwell Rd.	14,708

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Palace Walk

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury desires to construct a walkway in the area of the former Palace Theatre to be known as Palace Walk; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in Schedules A, B, C and D attached hereto containing the legal descriptions of the properties involved; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said properties upon the amount, if any, to be paid for their respective interests to be taken in and to the real property listed on said schedules;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to June 3, 1997, property interests as set forth in the attached legal descriptions either by negotiation or by eminent domain through the institution of suits against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrancers, if any.

Mr. Setaro asked that this be referred to an ad hoc committee, and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Setaro, Levy and Mead to the committee.

4 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Michael A. Tyskiewicz to the position of Lieutenant within the Career Division of the Danbury Fire Department. Mr. Arconti made a motion that the communication be accepted and the appointment confirmed. Seconded by Mrs. Butera. Motion carried with eighteen members voted yes, Mr. McAllister voting no and Mr. Setaro abstaining.

5 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Robert Peat to the Redevelopment Agency for a term to expire January 1, 2002 and the appointment of Michael Steinerd for a term to expire January 1, 1999. The appointments were confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Edward Siergiej to the Candlewood Lake Authority for a term to expire April 1, 1999. The appointment was confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of John Plecity and Roger LeBlanc to the Building Code Board of Appeals for terms to expire January 1, 2000. The reappointments were confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of Harold Wibling, William Goodman and Joan Damia to the Danbury Library Board of Directors for terms to expire January 1, 2000. The reappointments were confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of Paul Estefan and Francis Kieras as Towing Hearing Officers for terms to expire December 31, 1997. The reappointments were confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Building Inspector Leo Null requesting permission to accept the donation of a fax machine from Mr. Anthony Lucera for use by the Building Department. Ms. Fox made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Mead. Motion carried unanimously.

11 - COMMUNICATION - Letter from Fire Chief Carmen Oliver requesting permission to accept a donation in the amount of \$100 from Connecticut Light & Power Company for training courses. Mr. Nolan made a motion to accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Mead. Motion carried unanimously.

12 - COMMUNICATION - Letter from Library Director Betsey McDonough requesting permission to accept a donation from Dorothy Buono in the amount of \$32.64 to be credited to the BOOKS line item. Mr. Mead made a motion to accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Boynton. Motion carried unanimous

13 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting approve of the reappropriation of \$150 of general library donation funds for library equipment. The reappropriation was approved on the Consent Calendar.

14 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$1,646 for use for programs at the Danbury Senior Center. Mrs. Butera made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Miss Fox. Motion carried unanimously.

15 - COMMUNICATION & CERTIFICATION - Letter from Director of Finance Dominic Setaro requesting the transfer of \$2,146 from the Elderly Services Donations Revenue Account to the Commission on Aging budget. The transfer was approved on the Consent Calendar.

16 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting the appointment of Ernst & Young as the City auditors for the fiscal year ending June 30, 1997. Miss Fox made a motion that the communication be accepted and Ernest & Young be appointed auditors for the fiscal year ending June 30, 1997. Seconded by Mr. Boynton.

Mr. Nolan asked if there is a bid process in selecting the auditors. Mayor Enriquez stated that it is customary in municipalities to maintain the same auditors. The Director of Finance stated that there is no bid requirement in State law. Motion carried unanimously.

17 - CERTIFICATION - Letter from Director of Finance Dominic Setaro requesting the transfer of \$4,281 for the City's share of a Department of Justice Bureau Assistance grant for the purchase of two police vehicles. The transfer was authorized on the Consent Calendar.

18 - COMMUNICATION - Request from Police Chief Nelson Macedo for the sum of \$375,000 to be appropriated to the 1996-97 fiscal year Police Budget, Special Services funding account. The transfer was approved on the Consent Calendar.

19 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting the reappropriation of \$4,050 for the Danbury Railroad Station from fees collected from parking. The reappropriation was granted on the Consent Calendar.

20 - COMMUNICATION - Request from Attorney Paul Jaber requesting a release of City Utility Easement in Silversmith Heights at Sterling Woods. Mrs. Butera asked that this be referred to the Corporation Counsel and the Planning Commission for reports back. The Mayor so ordered.

21 - COMMUNICATION - Request from Attorney J. Timothy Deakin requesting purchase on behalf of his clients to purchase an unused portion of Olympic Drive. Mr. Scalzo asked that this be referred to an ad hoc committee, the City Engineer, the Planning Director, the Planning Commission and the Tax Assessor. Mayor Enriquez so ordered and appointed Council Members Shuler, Machado and Basso to the committee.

22 - COMMUNICATION - Report from City Engineer Jack Schweitzer recommending the Terrace Street in Terrace Heights be accepted as a City street. The communication was accepted on the Consent Calendar and referred to the Planning Commission.

23 - COMMUNICATION - Reports from the City Engineer and the Director of Planning recommending that South Cove Road aka Custance Road be officially named "South Cove Road". The recommendation was accepted and South Cove Road officially named on the Consent Calendar.

24 - COMMUNICATION - Reports regarding offer of an exchange of land at 2 Mountainville Road. Miss Fox asked that this be referred to an ad hoc committee, the City Engineer, the Director of Planning, the Corporation Counsel and the Tax Assessor. The Mayor so ordered and appointed Council Members Valeri, Buzaid and Mead to the committee.

25 - COMMUNICATION - Reports regarding offer of sale of land at the corner of East Franklin and Maple Avenue. The reports were received on the Consent Calendar and no action taken at this time.

26 - COMMUNICATION - Report from Corporation Counsel regarding reimbursement of broken sewer pipe lateral. The communication was received on the Consent Calendar and no action taken.

27 - COMMUNICATION - Report from Planning Commission regarding Bluebird Aviation Lease Assignment. Mrs. Butera asked that this be referred to an ad hoc committee, the Airport Administrator, the Corporation Counsel and a representative of Bluebird Aviation. The Mayor so ordered and appointed Counsel Members Scalzo, Arconti and Nolan to the committee.

28 - DEPARTMENT REPORTS - Public Utilities, Welfare, Public Buildings, Elderly Services, Engineer, Fire Marshall, Fire Chief, Health and Housing, Highways. Mr. Setaro made a motion that the Department Reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Miss Fox.

Mrs. Basso asked if the City can recover money from private landlords for evictions. The Mayor stated that he would have the Corporation Counsel research the issue. Motion carried unanimously.

29 - REPORT - Request for funds for Childcare Connections.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for funds for Childcare Connections met on November 13, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Boynton, Gallagher and Basso. Also in attendance were Director of Finance Dominic Setaro, Welfare Director Deborah MacKenzie and the Director of Childcare Connections Marilyn Glen.

After giving Mrs. Glen the opportunity to explain what Childcare Connections is and the need for funding, the committee agreed that no action be taken until the Childcare Connection uses up the \$4,700 in Block Grant funds never submitted for. This motion was made by Mr. Gallagher and seconded by Mrs. Basso. After discussion, the motion carried unanimously.

The report was accepted on the Consent Calendar.

30 - REPORT - Request for Sewer Extension at 85 Great Plain Road.

Mr. Arconti submitted the following report:

The committee appointed to review the request for sewer extension at 85 Great Plain Road met on December 10, 1996 at 7:00 P.M. in City Hall. In attendance were committee members Arconti and Coladarci. Council Member Basso had a previous commitment. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities Bill Buckley and Rosemary Bouffard, the vice-president of the St. Gregory Parish Council.

Mrs. Bouffard explained the need for a sewer extension to St. Gregorys. Their septic system is over 30 years old and they would like to be prepared before a problem occurs with that system. Mr. Schweitzer discussed the requirements to bring septic to this area and stated that a nearby neighborhood has already petitioned for a sewer extension. St Gregorys is within the service area and the Planning Commission made a positive recommendation for this extension.

Mrs. Coladarci moved to recommend that the St. Gregory school, church, and rectory be included in the survey and project for a sewer extension to the Jackson Drive neighborhood. Seconded by Mr. Arconti and passed unanimously.

The report was accepted on the Consent Calendar.

31 - REPORT - Drainage Problem at 23 Woodbury Drive.

Mrs. Coladarci submitted the following report:

The subcommittee to review the drainage problem at 23 Woodbury Drive met at 7:30 P.M. in Room 432 in City Hall on December 10, 1996. In attendance were committee members Coladarci and Arconti. Pauline Basso had a previous commitment. Also in attendance were Director of Public Works Jack Schweitzer and Mr. and Mrs. Robert LeCoz of Woodbury Drive.

Mrs. LeCoz explained that they have standing water at the end of their driveway. The water drains onto their land and erodes the surface of their driveway. She said that the water is standing due to the pitch in the road. When the weather turns cold, the standing water freezes creating more problems. Mr. Schweitzer explained that Frank Cavagna, Director of the Highway Department, has reviewed the area. He prepared a catch basin measurement which shows that there is a natural dip at the top of the subject driveway. The area can be corrected by bringing a milling machine in to chop the existing surface and then re-grade the road. The water will then flow in the gutter to the existing catch basin.

Mr. Arconti made a motion that the Highway Department schedule the re-grading of the area in front of 23 Woodbury Drive during the next construction season. The motion was seconded by Ms. Coladarci and passed unanimously.

The report was accepted on the Consent Calendar.

32 - REPORT - Request for Sewer Extension at 3 Joe's Hill Road

Mr. Gomez submitted the following report:

The Common Council Committee appointed to review the request for sewer extension to 3 Joe's Hill Road, Lot C14012, met on December 18, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Gomez and Butera. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the applicants, Mr. and Mrs. Mulready, and Council Member Warren Levy, ex-officio.

The Planning Commission gave a positive recommendation. Mr. Schweitzer and Mr. Buckley reviewed and explained different options and requirements to Mr. and Mrs. Mulready. They both gave a positive recommendation to the request.

Mr. Gomez asked the department heads if the extension would cause any additional cost to current utility users or to the City. The answer was no. Mrs. Butera made a motion to approve the sewer extension subject to the City Code of Ordinances and the required eight steps. The motion was seconded by Mr. Gomez and passed unanimously.

Mrs. Butera made a motion to accept the report as read. Seconded by Mr. Levy. Mr. Nolan asked that the report reflect that he was absent because he was out of town on business. Motion carried unanimously.

33 - REPORT - Request for Water Extension - Edgewood Street

Mr. Charles submitted the following report:

The Common Council Committee appointed to review the request for water extension on Edgewood Street met on December 16, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Charles, Gomez and Nolan. Also in attendance were City Engineer Jack Schweitzer and the petitioner, Cesar M. Lopes.

Mr. Schweitzer recommended that the petitioner be granted permission to tie into the City water line. The Planning Commission gave a positive recommendation. Mr. Schweitzer recommended that the eight steps be followed.

After a brief discussion, Mr. Gomez made a motion to grant permission. Seconded by Mr. Nolan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

34 - COMMUNICATION - Drainage Problem at Hayestown Heights Road and Rose Lane. Mrs. Abrantes asked that this be referred to an ad hoc committee, and the City Engineer. The Mayor so ordered and appointed Council Members Abrantes, McAllister and Basso to the committee.

35 - COMMUNICATION - Lazy Creek Mills, LLC & Flagship Converters Inc. v. City of Danbury & Board of Assessment Appeals. Mr. Setaro made a motion to enter into Executive Session to discuss this matter. Seconded by Mrs. Coladarci. Motion carried unanimously.

At 8:46 P.M. the Common Council entered into Executive Session.

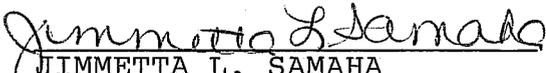
At 9:10 P.M. the Common Council reconvened in open session.

Mr. Mead made a motion to accept the recommendations regarding item 35 as discussed in Executive Session. Seconded by Miss Fox. Motion carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 9:11 P.M. by Mr. Nolan for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk