

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

RE: Minutes of the Common Council Meeting held February 4, 1997.

The meeting was called to order at 7:35 by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT - Scalzo, McAllister, Arconti, Coladarci, Boynton, Machado Shuler, Setaro, Esposito, Levy, Basso, Butera, Fox, Gallagher, Nolan

ABSENT - Abrantes, Buzaid, Valeri, Charles, Gomez, Mead

15 Present 6 Absent

Mrs. Abrantes, Mr. Valeri and Mr. Mead were on vacation  
Mr. Charles was ill

#### PUBLIC SPEAKING

1. Mark Nolan, Town Hill Avenue. Spoke in support of Palace Walk. He is Chairman of Citycenter. This is an important improvement for Downtown. Also is in favor of the Business Center Traffic Signalization. This is also an important component for downtown.

2. Susan Affleck-Childs, 107 Middle River Road. Supports the Palace Walk project. This has been a long time priority for Citycenter.

3. Joann Kirk, 4 Westview Drive - She is favor of waiving the bidding procedures for landfill expenditures. She read a statement regarding the landfill.

4. Lynn Waller, 83 Highland Avenue - time limit would not be enough regarding permits. Is this for developers as well as homeowners?

5. John Klein, 226 Main Street - supports easements for Palace Walk.

6. Monique LeCoz, 23 Woodbury Drive -spoke regarding item 3. If police officer stops being a police officer does he pay higher interest. Why just police officers and not teachers for instance? The improvements to downtown would be nice to see but first all money should be put into closure of the landfill.

7. Tom Devine, 55 Oil Mill Road. Spoke in favor of Palace Walk. This is a very important project. This is a tremendous effort by the City.

#### ANNOUNCEMENTS

February 4th Harry and Sandy Scalzo's Anniversary  
February 8th Al and Joan Mead's Anniversary  
February 9th Mayor Eriquez's birthday  
February 14th Valentine's Day  
February 23rd Paul McAllisters Birthday

Black History Month  
American Red Cross Month  
National Friendship Month  
National Heart Month

February 3rd through February 7th - National School Counseling Week

Saturday, February 8th - Charles Ives Center for the Arts Mardi Gras Celebration 7:00 P.M. at the Amber Room

Wednesday, February 12th - Lincoln's Birthday City Hall Closed  
Monday, February 17th - President's Day City Hall Closed

February 13th - Troop 33 Court of Honor and 45th Anniversary Reunion 6:30 P.M. at Moose Lodge

February 15th - Music Centre Concert Honoring Marian Andersons 100th Birthday at 5:00 P.M.

- Saturday, February 15th - Remember the Maine Ceremony  
7:00 P.M. West Street Memorial
- Saturday, February 22nd - HORD Foundation Charity Ball  
7:00 P.M. Danbury Hilton
- Friday, February 28th  
through March 2nd - 15th Annual Easter Seals volleyball  
Marathon WCSU

Mayor Eriquez recognized retiring Chief of Police Nelson Macedo and acknowledged his 34 years of selfless service to the City.

MINUTES - Minutes of the Common Council Meeting held January 7, 1997. Mr. Setaro made a motion that the minutes be adopted as presented 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. Motion carried unanimously.

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

- 4 - Approve Resolution authorizing the Mayor to execute Agreement No. 11.01-01(96) between the State of Connecticut and City of Danbury for the construction, inspection and maintenance of intersection improvements utilizing federal funds from the Surface Transportation Program.
- 5 - Approve Resolution and application for the Community Employment Incentive Program Grant from the State of Connecticut Department of Labor in the amount of \$7,587.00
- 6 - Approve Resolution and authorize the Mayor to execute a contract with the State of Connecticut Department of Social Services for receipt of Emergency Shelter Services Grant funds in the amount of \$94,908.00.
- 8 - Approve reappointment of Benjamin DaSilva, Robert Feinson and Harvey Center to the Cultural Commission.
- 10 - Receive communication regarding donation of a vehicle to the Police Department and take no action at this time.
- 15 - Approve reappropriation of \$500 to the appropriate Danbury Library line item for library furnishings.
- 16 - Approve reappropriation of \$194.00 from the Elderly Services Donations Account to the Commission on Aging Budget for printing expenses.
- 17 - Approve transfer of \$10,000 from the General Fund to the Fire Department Special Services Account Number 011011 for Fire Watch.
- 20 - Approved revised Project Fund schedule for one police car and additional police bicycles - Local Law Enforcement Block Grant - United States Department of Justice.
- 21 - Approve reappropriation of \$12,941.11 rebate from Connecticut Light and Power to Library Technology Center line item.
- 22 - Receive communication, declare surplus strip of city owned land abutting Lot No. 112165 designated as Parcel X on a survey dated July 11, 1996 from Brautigan Land Surveyors, PC and authorize sale of the property for \$35,200.00 reserving a ten foot easement along the westerly and northerly right of way.
- 26 - Receive communication and approve acceptance of Sylvan Road as a City road contingent upon submission of satisfactory legal documents to the Office of Corporation Counsel
- 27 - Receive negative Planning Commission report regarding request to accept Hillside Road and Oak Lane as City roads and take no action
- 28 - Receive negative report from City Engineer regarding acceptance of Birch Trail as a City road and take no action.
- 37 - Approve report and recommendations regarding deferral of assessment increases attributable to construction or improvements and adopt proposed ordinance as amended.
- 39 - Approve report and recommendations regarding request for a sewer line at 54 Kenosia Avenue
- 40 - Approve report and recommendations regarding request for sewer and water extension on Tarrywile Lake Road.
- 41 - Approve report and recommendations regarding request for water extension on Presidents Street.

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

1 - ORDINANCE - Amendment to Ordinance 2-148 Award by Purchasing Agent, Board of Awards. Mr. Arconti asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

2 - ORDINANCES - Amendments to Connecticut Basic Building Code. Mr. McAllister asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3. RESOLUTION - Homeownership Opportunities for Police Officers

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Public Act No. 96-147, the Connecticut Housing Finance Authority ("CHFA") has developed a pilot program to provide low interest, fixed rate home mortgage loans to local and state police officers who are CHFA-eligible homebuyers to encourage them to live in designated neighborhoods in the community in which they are employed; and

WHEREAS, the purpose of the program is to reduce crime by promoting community policing;  
and

WHEREAS, the City of Danbury, having a population of over 45,000, is eligible to participate in the program; and

WHEREAS, the City of Danbury wishes to participate in the program.

NOW, THEREFORE, be it resolved:

1. The Common Council of the City of Danbury hereby authorizes participation in the program and directs Mayor Gene F. Eriquez to indicate said authorization, in writing, to CHFA promptly.

2. The following neighborhoods are designated for participation in the program as the presence of police living in these neighborhoods would be of benefit to the city.

Census tracts numbered: 2101, 2102, 2103, 2104, 2105, 2106, 2107

3. To be eligible for the program, an applicant must, among other requirements:  
a. be purchasing a home in a neighborhood designated in paragraph 2 above; and  
b. be a local police officer employed by this town, or a Connecticut state police officer.

4. Mayor Gene F. Eriquez is hereby authorized to take such action as is necessary and appropriate to implement this resolution.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. McAllister. Mrs. Basso asked if the units can be purchased and then rented out. Mayor Eriquez stated that he believed they must be owned occupied. Motion carried unanimously.

4 - RESOLUTION - Construction and Inspection of the Central Business District Traffic Signals Modernization Project.

RESOLVED by the Common Council of the City of Danbury:

State Project No. 34-255 and 34-285  
Federal Aid Project No. STPO-000S(474) and STPO-000S(763)

Description: Agreement between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance of intersection improvements utilizing Federal funds from the Surface Transportation Program.

RESOLVED THAT Gene F. Eriquez, Mayor, be and hereby is, authorized to sign the agreement entitled: "Agreement Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of Intersection Improvements Utilizing Federal Funds from the Surface Transportation Program".

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Community Employment Incentive Program (CEIP)

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Labor will make grant funds available to municipalities under its Community Employment Incentive Program (CEIP) to fund employment placement projects for recipients of General Assistance; and

WHEREAS, the State of Connecticut Department of Labor and municipal Welfare Departments are working together to advance their mutual goal of assisting recipients of General Assistance to secure employment and attain economic self-sufficiency; and

WHEREAS, the City of Danbury Welfare Department is eligible to receive a grant of \$7,587. for the grant period of April 1, 1997 to June 30, 1997 upon approval of an application therefor;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury and Deborah A. MacKenzie, Director of Welfare, are hereby authorized to apply for said funds, to accept the grant if approved, and the Mayor is further authorized to execute any contracts therefor and to do all things necessary to effectuate the purposes of the grant award.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Emergency Shelter Grant

RESOLVED by the Common Council of the City of Danbury:

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 an Emergency Shelter Services Grant and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Germantown/First Street Area Proposed Sanitary Sewer Extension. Mr. Setaro asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Benjamin DaSilva, Robert Feinson and Harvey Center to the Cultural Commission for terms to expire February 1, 2000. The reappointments were confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Director of Welfare Deborah MacKenzie requesting permission to accept a donation in the amount of \$50 from Parker Tyler, Jr to the Emergency Shelter for the Homeless. Mr. Arconti made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Shuler. Motion carried unanimously.

10 - COMMUNICATION - Letter from Police Chief Nelson Macedo requesting permission to accept the donation of a vehicle from the Danbury Ambulance Service for use by the department's Scuba Dive Team. Communication was accepted on the Consent Calendar.

11 - COMMUNICATION - Donation of two emergency vehicles from Danbury Ambulance. Miss Fox asked that this be referred to an ad hoc committee, the Assistant Director of Public Works, Danbury Ambulance and the Police Department. Mayor Eriquez so ordered and appointed Council Members Levy, Butera and Mead to the committee.

12 - COMMUNICATION - Donation to the Still River Restoration Project. Mr. McAllister asked that this be referred to an ad hoc committee, Jack Kozuchowski and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Arconti, Gallagher and Mead to the committee.

13 - COMMUNICATION - Letters from Library Director Betsy McDonough requesting permission to accept donations in the amount of \$500 from FRIENDS Volunteers New Canaan Library and in the amount of \$27.17 from Mrs. Dorothy Buono. Mrs. Coladarci made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. McAllister. Motion carried unanimously.

14 - COMMUNICATION - Letter from the Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amounts \$36 from Perritt Laboratories and \$30 from the Senior Network, Inc. Miss Fox made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Nolan. Motion carried unanimously.

15 - COMMUNICATION - Request for reappropriation of \$500 that had been donated to the Library as a result of the recent fire. The reappropriation was approved on the Consent Calendar.

16 - COMMUNICATION & CERTIFICATION - Request from Leo McIlrath for a transfer of funds in the amount of \$194 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

17 - COMMUNICATION - Request from Fire Chief Carmen Oliver that \$10,000 be added to the Special Services Account. All revenues received are returned to the General Fund. The request was granted on the Consent Calendar.

18 - COMMUNICATION & CERTIFICATION - Request from the Corporation Counsel for the transfer of \$110,000 to account 020108 Litigation Special to cover expenses for the Union Carbide v. Danbury Board of Assessment Appeals. Mr. Boynton made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mrs. Coladarci. Mr. Nolan asked what the current fund balance is. Dominic Setaro explained that funds from other accounts cannot be transferred until the fourth quarter. The current fund balance is 10.4 million. Mr. Machado stated that he is disappointed in Union Carbide. Mr. Boynton made a motion to move the question. Seconded by Mrs. Coladarci. Motion carried unanimously. Main motion carried unanimously.

19 - COMMUNICATION - Letter from Acting Corporation Counsel Eric Gottschalk asking to allow the purchasing department to waive the customary bidding procedure when necessary for emergency measures at the Danbury Landfill. Mr. Setaro made a motion to receive the communication and allow the waiver of bidding procedures when necessary as requested. Seconded by Mr. Scalzo.

Mr. Nolan asked what input the Common Council will have. Mayor Eriquez stated that these are administrative decisions, which are made with highly technical experts. The Common Council will be briefed as to any measures implemented.

Motion carried unanimously.

20 - COMMUNICATION - LLEBG Budget & Certification Clarification Letter from LLEBG Project Director Kevin Barry clarifying a memorandum presented at the January Common Council meeting listing "two vehicles" as the intended purchase under this grant. As the result of considered input on the part of the advisory board, one police car and additional vehicles in the form of police bicycles will be obtained. The communication was received on the Consent Calendar.

21 - COMMUNICATION - Letter from Library Director Betsy McDonough

requesting reappropriation of the sum of \$12,941.11 which represents a rebate from CL&P for the new lighting at the Library to a new Capital line item entitled "Library Technology Center" so that these funds can be used for the additions and renovations to the new technology center. The requested was granted on the Consent Calendar.

22 - COMMUNICATION - Connecticut Medical Properties, Inc. Surplus Property Purchase. Report from Assistant Corporation Counsel Laszlo Pinter stating that the Tax Assessor has determined a fair value of \$35,200 for a strip of land along Hospital Avenue. If the Common Council wishes to dispose of this property it would need to declare it surplus and authorize the sale of the property at the fair market value. The Common Council received the communication, declared surplus the strip of land designated as Parcel X on a survey dated July 11, 1996 and authorized the sale of the property at \$35,200 reserving a ten foot easement along the westerly and northerly right of way on the Consent Calendar.

23 - COMMUNICATION - Street Renumbering for Candlewood Drive, etc. Mr. Scalzo asked that this be deferred to public hearing. Mayor Eriquez so ordered.

24 - COMMUNICATION - Report from Attorney Eric Gottschalk, City Engineer Jack Schweitzer and Director of Finance Dominic Setaro regarding a review of the Utility Extension Assessment Formula as requested by Attorney Lawrence Riefberg. Mr. Levy made a motion to receive the report and take no action at this time. Seconded by Mr. Setaro. Mrs. Basso asked if this statement is written out. Mayor Eriquez said that it is. Motion carried unanimously.

25 - COMMUNICATION - Silversmith Heights at Sterling Woods. Miss Fox asked that this be referred to the City Engineer for a report back within thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Sylvan Road/Sylvan Estates. The communication was received and Sylvan Road accepted as a City Road contingent upon submission of satisfactory legal documents to the Corporation Counsel's Office on the Consent Calendar.

27 - COMMUNICATION - Received negative Planning Commission report regarding request to accept Hillside Road and Oak Lane as City roads and take no action on the Consent Calendar.

28 - COMMUNICATION - Received negative report from City Engineer regarding acceptance of Birch Trail as a City road and take no action on the Consent Calendar.

29 - COMMUNICATION - Road Widening Strip, Birch Road. Mrs. Butera asked that this be referred to the City Engineer, Corporation Counsel and Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

30 - COMMUNICATION - Water Extension for Valley Stream Drive. Mrs. Butera asked that this be referred to the City Engineer and the Corporation Counsel for reports back within thirty days. Mayor Eriquez so ordered.

31 - COMMUNICATION - Request for Sewer and Water Extension on Denver Terrace. Miss Fox asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Abrantes and Basso to the committee.

32 - COMMUNICATION - Request for Water extension on Wood Street. Mr. McAllister asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Abrantes and Basso to the committee.

33 - COMMUNICATION - Request for Water Extension and Sewer Extension on North Street and Hayestown Avenue. Miss Fox asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Abrantes and Basso to the committee.

34 - COMMUNICATION - Request for Sewer and Water Extension at 56 Pembroke Road. Mrs. Butera asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members McAllister, Abrantes and Basso to the committee.

35 - COMMUNICATION - Request for Sewer Extension at 17 Mill Plain Road. Mr. Shuler asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. The Mayor so ordered and appointed Council Members Fox, Valeri and Nolan to the committee.

36 - DEPARTMENT REPORTS - Engineering, Public Utilities, Elderly Services, Health and Housing, Public Works, Highways, Police Chief, Fire Chief, Fire Marshall, Welfare. Mr. Setaro made a motion that the 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. Boynton. Motion carried unanimously.

37 - REPORT & ORDINANCE - Deferral of assessment Increases Attributable to Construction or Improvements

Mr. Setaro submitted the following report:

The Committee of the Whole met on January 27, 1997 at 7:10 PM in the Common Council Chambers of City Hall to review a proposed ordinance regarding deferral of assessment increases attributable to construction or improvements. Director of Finance Dominic Setaro, Jr. explained that the ordinance proposal was a recommendation of the Mayor's Economic Incentive Task Force, that the aim of the ordinance was to improve Grand List growth by offering deferrals of municipal tax assessments for new construction and that he did not anticipate a negative impact on future budgets due to lost tax revenue. Assistant Corporation Counsel Les Pinter added that the ordinance would expand the scope of tax deferrals currently offered for development of redevelopment parcels to development within the entire City, that each petition for deferral would be decided upon individually by the Council and that the categories of deferrals are mandated by State statute.

Ms. Clarice Osiecki, President of the Greater Danbury Chamber of Commerce spoke in favor of the ordinance at the public hearing which preceded the committee meeting. Council members discussed with unanimity their desire and intent that the deferrals be limited to non-residential development. Mr. Pinter recommended that in order to clarify this intent, Section 18-25(b)(1) of the proposed ordinance be amended. Mrs. Butera moved to amend the proposed ordinance by placing parentheses around the language "or property subject to air rights" in Section 18-25(b)(1). Seconded by Mr. Shuler and passed unanimously. Mr. Levy moved that Section 18-25 of the Code of Ordinances be repealed and replaced with the proposed ordinance as amended. Seconded by Ms. Fox and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the repeal of section 18-25 and the substitution of the following in lieu thereof:

**Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.**

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b of the Connecticut General Statutes; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with section 12-65b of the Connecticut General Statutes, the City does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.

(b) Application and eligibility. An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, upon receipt of a report from the Planning Department, the Common Council must find that:

- (1) The applicant proposes to use the construction or improvements to real property (or property subject to air rights) for office, manufacturing, or for warehouse, storage or distribution use;
- (2) The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application;
- (3) The applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided for herein and therein.

(c) Application procedure.

- (1) All applications shall be submitted to the Danbury Planning Department on forms supplied by such Department. Each such application shall include the applicant's estimate of the cost of the construction or improvements subject to deferred assessment hereunder.
- (2) The Planning Department shall review each application submitted to it and shall forward each such application to the Common Council within 30 days of receipt together with the Department's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.
- (3) Upon receipt of an application and report from the Planning Department, the Common Council shall either approve the application, reject the application, or return the application to the Department for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Planning Department which addresses the reasons for rejection by the Common Council.
- (4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner or lessee of the property, as specified herein.

(d) Assessment deferral agreement.

- (1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the Common Council, shall reflect the assessment on the property immediately prior to the commencement of construction, and shall specify the period of deferral which shall begin with the issuance of a certificate of occupancy for the improvements to be constructed.
- (2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the Planning Department, as hereinafter set forth, and upon issuance of the certificate of occupancy, the increase in the assessment on the property due to such construction or improvements shall be deferred in accordance with one of the following schedules, as determined by the Common Council:
  - a. For proposed construction or improvements which value three million dollars (\$3,000,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;
  - b. For proposed construction or improvements which value five hundred thousand dollars (\$500,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;
  - c. For proposed construction or improvements which value not less than one hundred thousand dollars (\$100,000.00), fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;
  - d. For proposed construction or improvements which value not less than one hundred thousand dollars (\$100,000.00), twenty (20) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;
  - e. For proposed construction or improvements which value not less than five hundred thousand dollars (\$500,000.00), thirty (30) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;
  - f. For proposed construction or improvements which value not less than three million dollars (\$3,000,000.00), twenty (20) percent of the increased assessment may be deferred each year for a period of not less than five (5) years but no more than seven (7) years; or,
  - g. For proposed construction or improvements which value not less than five million dollars (\$5,000,000.00), thirty (30) percent of the increased assessment may be deferred each year for a period not to exceed seven (7) years.
- (3) Deferred assessments shall not apply to taxes levied under section 19B-3 of the Danbury Code of Ordinances applicable to Downtown Special Services District taxes.
- (4) The assessment deferral agreement shall provide that such construction or improvements shall be completed by a date fixed in such assessment deferral agreement. In the event that on the date so fixed for completion, the Planning Department has denied certification that the construction or improvements have been performed in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment deferral agreement, or at any time if the Planning Department determines that the owner or lessee or the property is in default under the terms of said agreement, and has failed

to cure said default after notice and an opportunity to do so, the agreement shall terminate. In the event of such termination, the owner or lessee of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Planning Department for an extension of time in which to complete the construction or improvements which, for good cause shown, the Planning Department may approve, but in no event shall such extension of time exceed a period of one (1) year.

(5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:

- a. That, in addition to the certification requirement of subsection (e)(3) of this section, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the Zoning Regulations, as required;
- b. The assessment deferral shall continue only as long as the use of the property remains a use authorized by subsection (b)(1) of this section;
- c. That the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and
- d. That the assessment deferral shall cease upon the sale or transfer of the improvements unless the new owner or lessee, as the case may be, of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) Miscellaneous provisions.

- (1) The Assessor shall have the sole responsibility for determining the cost and value of the construction or improvements subject to a deferral of assessment increases hereunder.
- (2) A copy of any assessment deferral agreement entered into pursuant to the provisions of this section shall be forwarded to the Assessor, who shall adjust his records accordingly.
- (3) The Planning Department shall forward a copy of its certification that the construction or improvements has been completed in accordance with the assessment deferral agreement to the Assessor. In the event that the Planning Department denies such certification, it shall send a copy of its denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.
- (4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.
- (5) The Planning Department is authorized to establish written procedures and technical specifications for the administration of this section.
- (6) Properties upon which construction or improvements commenced prior to the adoption of this section, but which have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section, provided that they meet the requirements of and apply in accordance with the provisions of this section.

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

38 - REPORT & RESOLUTION - Palace Walk

Mr. Setaro submitted the following report:

The committee appointed to review the Palace Walk easements met on January 28, 1997 at 7:10 PM in Room 432 of City Hall. In attendance were committee members Setaro, Levy and Mead. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Planning Director Dennis Elpern and Council member Nolan ex-officio.

Mr. Setaro read a positive Planning Commission report on the easement acquisitions at issue. Mr. Gottschalk stated that the agreements between the property owners and the City provide for the acquisition of four easements for rights of use and maintenance of property which would be improved by the City for purposes of Palace Walk, that the resolution provided for acquisition of the easement through condemnation proceedings if necessary and that the City would incur costs related to acquisition of the easements only if condemnation was pursued.

Mr. Elpern explained that the property at issue was basically an L shape down the current walkway along the side of the Palace Theater and across to Liberty Street, that negotiations between the parties for acquisition was progressing positively, that the project is included in the current plan of Redevelopment and that the parking lot in the rear of the Palace Theater is privately owned but currently used by the public. He added that the construction of Palace Walk would cost approximately \$100,000 which would be paid for through previously designated Community Development Block Grant Funds, that the proposed walkway would be constructed of either brick or patterned concrete with ornamental lighting and that when completed would improve access between the Main and Liberty Street areas and serve as an additional benefit if the Palace Theater is renovated as a theater for the performing arts.

Mr. Setaro and Mr. Levy spoke in favor of the proposal due to the improvement to the area, benefits to the downtown through greater and easier access for pedestrians between Liberty and Main Streets and the fact that completion of Palace Walk would effectuate the Redevelopment Plan. Mr. Mead spoke against the proposal based upon the fact that the Palace Theater renovation project is currently in the planning stages and that the parking lot in the rear of the theater is privately owned. Mr. Levy moved that the committee recommend to the Common Council adoption of the resolution and easement agreement. Seconded by Mr. Setaro and passed 2-1 with Mr. Mead voting in the negative.

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.

Miss Fox made a motion that the report be received and the Resolution adopted. Seconded by Mrs. Butera.

Mrs. Basso stated that she does not feel it is right to spend \$100,000 of taxpayers money right now. The City should order the owner to install lights for safety. She read from a prepared statement.

Mr. Levy stated that that the property being privately owned makes for a weak case. We would have no improvements whatsoever downtown if this were the case. It would be shortsighted not to support this.

Mr. Boynton stated that similar arguments were used against "Restaurant Row". It is very successful today.

Mr. Nolan stated that the parking lot is also privately owned. This project is designed to give the impression that the Palace Theatre project is in line. This is pork barrel type politics and is putting the cart before the horse.

Mr. Boynton moved the question. Seconded by Mrs. Coladarci. Motion failed with Council Members McAllister, Coladarci, Boynton, Machado, Shuler, Setaro, Esposito, Levy and Butera voting in the affirmative and Council Members Scalzo, Arconti, Basso, Fox, Gallagher and Nolan voting in the negative. A two-thirds vote was not achieved.

Mr. Arconti stated that the City should work with private property owners to benefit all citizens. This is a sound business decision. Mr. Gallagher stated that he found it humorous that the Republicans are anti business. We should follow the lead of the business leaders.

Mr. Setaro stated that this issue had been debated and discussed in committee. The issue is the right to use the alley by the people of the City. He respects the right of his colleagues to disagree with a policy decision. The merits have been evaluated on the policy of redevelopment. Mr. Shuler stated that this is a safety factor for people using the walkway.

The motion carried with Mrs. Basso and Mr. Nolan voting in the negative.

39 - REPORT - Sewer Line at 54 Kenosia Avenue

Miss Fox submitted the following report:

The Common Council Committee appointed to review the request for a sewer line at 54 Kenosia Avenue met on Tuesday, January 14, 1997 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Fox, Machado and Mead, as well as City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Attorney Lawrence Riefberg for the applicant and the applicant K. T. Shargouni.

Ms. Fox read a positive recommendation from the Planning Commission. Mr. Buckley outlined the proposal for the committee. The sewer line would pass down Kenosia Avenue from the intersection of Backus and Kenosia towards the airport. The properties affected by the assessment would be 54 and 56 Kenosia Avenue and property owned by the City of Danbury. Attorney Riefberg submitted a letter from Richard Baldwin, the owner of 56 Kenosia Avenue which read that Mr. Baldwin was in favor of a sewer line and would be willing to pay the assessment. Mr. Buckley also indicated that this sewer line could be used in the future for the airport which is without sewers at this time.

Mr. Mead made a motion to services these properties by normal sewer assessment. Seconded by Mr. Machado. Motion carried unanimously.

The report was accepted on the Consent Calendar.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request for sewer and water extension on Tarrywile Lake Road met on January 21, 1997 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Buzaid and Basso. Also in attendance were City Engineer Jack Schweitzer and the petitioner, Ralph Sergi.

The committee had originally attempted to move on this request in November, 1995 when it was then realized that due to the elevation of two of the sites in question, additional engineering would be necessary to supply adequate water pressure and the request was tabled until now. Mr. Schweitzer indicated that an acceptable engineering design had been arrived at for the subject property and that with Council approval the City would provide materials necessary to accommodate certain modifications that would improve service to existing as well as future customers. He further noted that the builder would still be required to install booster pumps in two of the eight planned residences, not unlike systems used in homes with private wells.

The Chair indicated a positive recommendation by the Planning Commission.

Mr. Buzaid motioned to recommend the following:

1. Approval of a sewer extension for the entire project subject to the usual eight steps.
2. Approval of a water extension for the south end (approximately 450-500 feet) of the project subject to the usual eight steps.
3. Approval of a water extension for the north end (approximately 200 feet) of the project, subject to the usual eight steps with an additional ninth step providing materials to accommodate improved service to existing and future customers.

Motion was seconded by Mrs. Basso and passed unanimously.

The report was adopted on the Consent Calendar.

41 - REPORT - Request for Water Extension on Presidents Street

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for water on Presidents Street met on January 14, 1997 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Boynton and Esposito. Mr. Nolan was absent. Also in attendance were Attorney Lawrence Riefberg for the applicant, Superintendent of Public Utilities William Buckley and City Engineer Jack Schweitzer.

Attorney Riefberg explained his request to extend a water line from its existing position on Presidents Street to lot 1R. Mr. Buckley and Mr. Schweitzer agreed to the request and had no objections to the extension to approximately midpoint of Lot 1R, 32 Presidents Street. During the discussion Mr. Riefberg asked if the City would be completing the loop to Morton Street thereby saving his client hydrant expense. Mr. Buckley suggested that if the applicant would provide all labor, backfill and pavement replacement, the City would provide the materials such as piping, hydrant assembly, valvings and fittings. This would be a win-win situation. The applicant gets the extension and the City would get a completed loop. On behalf of his client Mr. Riefberg agreed to these terms.

Mr. Esposito made a motion to recommend to the Common Council approval of the applicants request subject to the normal eight steps with a ninth step allowing the applicant to complete the water loop from its existing end to Morton Street, subject to the normal eight steps and the additional ninth step. Seconded by Mr. Boynton. Motion carried unanimously.

The report was adopted on the Consent Calendar.

42 - REPORT - Lease between the City of Danbury and the Police Athletic League

Mr. Setaro submitted the following report:

The committee appointed to review the lease agreement between the City of Danbury and the Police Athletic League ("PAL") met on January 28, 1997 at 6:30 PM in Room 432 of City Hall. In attendance were committee members Setaro, Levy and Mead. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Anthony Lynch and Nelson Neves on behalf of PAL and Council member Nolan, ex-officio.

Mr. Gottschalk explained that the lease at issue was for a period of twenty-five years for which the PAL would pay to the City \$1.00 each year for use of a parcel of property within Hatter's Park on which the PAL would be responsible for the construction and cost of a gymnasium type recreational facility. He added that the promissory note and mortgage for construction and permanent financing which the PAL was to enter into is in the amount of \$650,000.00 payable over ten years, that two related agreements must also be approved by the Council: (i) Assignment of Revenues and (ii) Consent to Leasehold Mortgage and Agreement and that it is possible, though unlikely, that there may be circumstances where if the PAL were to default that the City would incur the financial obligation of the note and mortgage.

Mr. Neves explained that the Planning Commission had made a positive recommendation regarding the lease at issue, that the structure would be one and one-half times the size of the War Memorial, that the financial status of the PAL is strong and that payment of the indebtedness would not be a financial hardship for the organization. He added that the anticipated recreational programming would be substantially the same as that offered at the War Memorial and would benefit thousands of children currently participating in PAL sponsored athletics and that completion of this project was anticipated in the Linear Park plan for Hatter's Park.

Mr. Gottschalk stated that he was in the process of finalizing language which was satisfactory to the lender and the City albeit non-substantive in nature and that any material changes would be brought to the attention of the committee for review. Mr. Mead moved that the committee recommend to the Common Council approval of the lease agreement between the City and the PAL, Assignment of Park Revenues and Consent to Leasehold Mortgage and Agreement in substantially the same form as proposed to the committee. Seconded by Mr. Setaro and passed unanimously.

Mr. Boynton made a motion that the report be accepted and the lease approved. Seconded by Mr. Machado. Mr. Levy stated that the PAL will take a major step forward in its 18 year quest to have a facility for kids. Mr. Nolan and Miss Fox stated support for the project.

Motion carried unanimously.

43 - COMMUNICATION - Albert Jowdy v. the City of Danbury.

At 9:17 P.M. Mr. Setaro made a motion to enter into Executive Session to discuss the above matter. Seconded by Mr. Boynton. Motion carried unanimously.

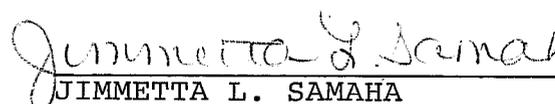
At 9:42 P.M. the Common Council reentered open session. Mr. Setaro made a motion that the terms of settlement, as outlined in Executive Session, be accepted. Seconded by Miss Fox. Motion carried unanimously.

The Mayor extended all committees.

Mayor Eriquez appointed Council Members Gallagher, Scalzo, Abrantes, Shuler and Mead to the committee.

There being no further business to come before the Common Council a motion to adjourn was made by Mr. Nolan at 9:43 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk