

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

RE: Minutes of the Common Council Meeting held February 6, 1996

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

PRESENT - Scalzo, Abrantes, McAllister, Arconti, Coladarci, Boynton, Buzaid, Valeri, Machado, Shuler, DaSilva, Esposito, Levy, Gomez, Basso, Butera, Carboni, Fox

ABSENT - Charles, Mead, Setaro

Mr. Charles had a previous commitment; Mr. Mead is on vacation; and Mr. Setaro had an unexpected emergency.

18 Present - 3 Absent

PUBLIC SPEAKING - There were no members of the public wishing to address the Common Council.

ANNOUNCEMENTS

February 4th - Council Member Harry Scalzo and his wife, Sandra, celebrated their wedding anniversary.

February 8th - Council Members Albert Mead, Jr., and his wife, Joan, will celebrate their wedding anniversary.

February 23rd - Council Members Paul McAllister will celebrate his birthday.

February is Black History Month

February 4-10 is School Counselors Week

February 9 - Chamber of Commerce Eggs and Issues Breakfast

February 12 - City Hall Closed for Lincoln's Birthday

February 12 - Harlem Globetrotters at the O'Neill Center

February 15 - United Way Awards Dinner

February 15 - Remember the USS Maine Ceremony on West Street

February 17 - Dream Come True Gala Ball

February 19 - City Hall Closed for Washington's Birthday

February 19 - 51st Anniversary of Iwo Jima - Council Member John Esposito was there

February 20 - Hispanic Society Fundraising Breakfast

February 24 - Hord Foundation Ball

February 28 - Common Council Constitutents Meeting at 7:30 P.M.

Mayor Eriquez congratulated the coaches, families, players and cheerleaders of the DAYO Danbury Trojans. He handed out certificates of merit to the players.

Joe DaSilva wished Mayor Eriquez a happy birthday on February 9th.

MINUTES - Minutes of the Common Council Meeting held January 3, 1996 and the Special Common Council Meeting held January 22, 1996. Mr. DaSilva made a motion that the minutes be accepted 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 Mr. Levy. Motion carried unanimously.

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

- 1 - Approve Resolution levying the Property Tax for the Downtown Special Services District
- 3 - Approve application for National Fish and Wildlife Foundation Grant - \$25,000
- 4 - Approve receipt of Federal Emergency Management Agency Grant - \$7,000
- 5 - Approve appointments and reappointments to the Environmental Impact Commission - David Athans, Bruce Lees, Lawrence Rinaldo, and Mark Verna
- 6 - Approve appointments and reappointments to the Parks and Recreation Commission - Patrick O'Connor, Mario Tiani, Robert Gentry
- 7 - Approve appointments and reappointments to the Cultural Commission - Mary Burke, John Cherry, Christine Rotello, Robert Feinson
- 8 - Approve appointment as Alternate to the Planning Commission - Arnold Finaldi, Jr.
- 9 - Approve appointments to the Redevelopment Commission - Joseph Canale, Jr., Barbara Susnitzky
- 10- Approve reappointments to the Library Board of Directors - Thomas Frizzell, Betty Jane Hull
- 11- Approve appointments to the Governmental Entities Review and Evaluation Committee - Ernest Boynton, Eileen Coladarci, Joyce Carboni, Hillel Goldman, Frank Caracansi
- 14- Approve reappointments to the Commission on Aging - Sigrid Benyei, John Dzurik, Elizabeth McKee
- 18- Approve reappropriation of \$4,175.45 to the Department of Elderly Services
- 19- Approve request for \$5,039 for Danbury Airport
- 20- Approve request for \$7,175 for Registrars of Voters
- 22- Approve appropriation of \$22,000 for GC Services Collection Agency Fee
- 23 - Approve disposal of surplus vehicles by sealed bid
- 31- Approve receipt of report from Planning Commission regarding surplus property at 13 Barnum Court and declare the parcel surplus
- 35- Approve Ordinance regarding Building Permits and Tax Delinquents
- 36- Approve Candlewood Park Area Sewer Assessments
- 37- Approve easement and release of covenant on Correia Drive
- 38- Approve receipt fo report and recommendation regarding request for paving of Birch Trail
- 39- Approve request for water extension - 62 Federal Road
- 40- Approve request of Danbury Preservation Trust - \$4,400

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

1 - RESOLUTION - A Resolution Levying the Property Tax for the Danbury Downtown Special Services District.

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 1996 AND ENDING JUNE 30, 1997

SECTION 1. The sum of ONE HUNDRED ELEVEN THOUSAND, THREE HUNDRED FIVE DOLLARS (\$111,305.00) representing the gross appropriation for the City of Danbury Downtown Special Services District of ONE HUNDRED AND TWENTY-NINE THOUSAND, EIGHT HUNDRED NINETY-NINE DOLLARS (\$129,899.00) for the fiscal year beginning July 1, 1996 and ending June 30, 1997, and minus indirect revenue of \$ - 0 -, and minus estimated available "Surplus" of \$ - 0 -, plus uncollectible taxes reserve in the amount of EIGHTEEN THOUSAND FIVE HUNDRED AND NINETY-FOUR DOLLARS (\$18,594.00) is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the corrected annual Grand List as of October 1, 1995.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 1996 and ending June 30, 1997 with respect to said property interests within said District shall be as follows:

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in four equal installments on July 1, 1996, October 1, 1996, January 1, 1997 and April 1, 1997 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 1996 in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 1996 and ending June 30, 1997.

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Grant to the Top Hat Volunteers

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury in collaboration with the National Retiree Volunteer Coalition (N.R.V.C.) in 1994 formulated the first Municipal Government employee-based Retiree Volunteer Program in the United States; and

WHEREAS, the City subsequently entered into a formal agreement with N.R.V.C. to establish a City of Danbury Corporate Retiree Volunteer Program (CRVP) known as the "Top Hats" which serves as a model program for other municipal and state governments throughout the country; and

WHEREAS, retirees from the field of education and various City departments including police, fire, public utilities and public works, have been working to redefine the meaning of retirement so that a concept of self-rewarding community service has emerged; and

WHEREAS, initial funding to underwrite the City of Danbury program was secured from the Fairfield County Community Foundation; and

WHEREAS, the successful continuation of this model volunteer service program, which meets community needs by utilizing the skills, knowledge and experience of retired municipal workers and their spouses, also depends on the use of grant funds to meet the expenses of its service-oriented goals; and

WHEREAS, the Danbury Community Fund and the Fairfield County Community Foundation have provided grant funds in the amount of \$5,000 (\$1,000 and \$4,000 respectively) to offset expenses incurred through June 30, 1996;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to accept said funds and to take any and all actions necessary to effectuate the purposes of said grant, to execute any necessary documents and to meet compliance requests of the grantor agencies.

Mr. Valeri made a motion to accept the grant and adopt the Resolution. Seconded by Ms. Fox. Motion carried unanimously.

3 - RESOLUTION - National Fish and Wildlife Foundation Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has received a grant from the State of Connecticut Department of Environmental Protection (DEP) for revitalizing the Still River, which includes \$24,000 for the design of wetland restorations along the shoreline of the river corridor; and

WHEREAS, the available funding would only allow the restoration of one of the three wetland areas in the project corridor; and

WHEREAS, the National Fish and Wildlife Foundation offers "challenge grants" to supplement non-federal funding sources for environmental restorations of wetlands that occur on private lands; and

WHEREAS, the proposal entitled, "Wetland Restoration in the Still River Watershed" is eligible for funding from the NFWF and, if awarded, would allow the City to complete the design of all three wetland zones in the project corridor; and

WHEREAS, the work completed for the wetland restorations is part of a larger effort to create a linear river park from Commerce Park to the Danbury-Brookfield border; and

WHEREAS, Jack S. Kozuchowski, as director of the Still River Alliance and the City's Coordinator of Environmental and Occupational Health Services is eligible to apply for such funding on behalf of the City through the Director of Health, William J. Campbell;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury and the Danbury Health and Housing Department, acting through William J. Campbell, Director of Health, and Jack S. Kozuchowski, Coordinator of Environmental and Occupational Health Services, as the Mayor's designees, are hereby authorized to apply to the National Fish and Wildlife Foundation for a challenge grant in the amount of \$25,000 and to accept such grant if it is awarded; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is authorized to make, execute and approve any and all contracts or amendments thereof in connection with said grant and to take any actions necessary to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Federal Emergency Management Agency Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA), working through the United Way of Northern Fairfield County, Inc., is allocating funds from its Phase XIV Program for the greater Danbury area to be used for emergency food and shelter; and

WHEREAS, the Welfare Department of the City of Danbury has applied for funds not to exceed \$7,000.00 from said program to help offset the cost of operating the City's Homeless Shelter at 41 New Street; and

WHEREAS, the grant period extends from October 1, 1995 through September 30, 1996, with no local match required;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Gene F. Eriquez, Mayor of the City of Danbury, and the Department of Welfare in applying for said grant are hereby ratified; and

BE IT FURTHER RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to accept said funds if offered through the United Way of Northern Fairfield County, Inc., and to execute any agreements or other documents necessary to effectuate the purpose of said grant.

The Resolution was adopted on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of David D. Athans, Bruce Lees and Lawrence Rinald to the Environmental Impact Commission for terms to expire December 1, 1998 and the appointment of Mark Verna for a term to expire December 1, 1996. The appointment and reappointments were confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Patrick J. O'Connor to the Parks and Recreation Commission for a term to expire December 1, 1996; and the reappointments of Mario Tiani and Robert Gentry for terms to expire December 1, 1998. The appointment and reappointments were confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Robert Feinson to the Cultural Commission for a term to expire February 1, 1997 and the reappointments of Mary Burke, John Cherry and Christine Rotello for terms to expire February 1, 1999. The appointment and reappointments were confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Arnold Finaldi, Jr. as an alternate member of the Planning Commission for a term to expire January 1, 1998. The appointment was confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Joseph E. Canale, Jr. to the Redevelopment Agency for a term to expire January 1, 1998; and the reappointment of Barbara Susnitzky for a term to expire January 1, 2001. The appointment and reappointment were confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Thomas Frizzell, Betty Jane Hull, to the Library Board of Directors. The reappointments were confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez appointment Council Members Ernest Boynton, Eileen Coladarci and Joyce Carboni to the Governmental Entities Review and Evaluation Committee and Hillel Goldman and Frank Caracansi as public members. The appointments were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of Paul Estefan as Towing Hearing Officer for the City of Danbury. Mr. Boynton made a motion that the communication be accepted and the appointment confirmed. Seconded by Mrs. Coladarci.

Mrs. Carboni stated that in her view Mr. Estefan already has a full plate. She is concerned that these positions should be offered to people in the community. Mayor Eriquez stated that any resident who is a registered voter can request to serve on any volunteer board or commission. These are Mayoral appointments with confirmation by the Common Council. There are two parking ticket officer who hold hearings on Thursdays at 5:45 P.M. This will avoid confusion when towing complaints come before them.

Mrs. Basso asked how many appointees in this department. Mayor Eriquez pointed out that there is no department - these are volunteers.

Mr. Gomez stated that before his election to the Common Council he served in this position and it was very confusing for people who did not understand the difference between Parking Ticket Violations and Towing Violations.

Motion carried with Mrs. Carboni and Mrs. Basso voting in the negative.

13 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Richard Murray to the Housatonic Valley Tourism Board of Directors to represent Danbury for a term to expire December 31, 1996. Mr. DaSilva made a motion that the communication be accepted and the appointment confirmed. Seconded by Mrs. Butera.

Mrs. Carboni asked when the meetings are held. Mayor Eriquez stated that are held 1 day a month first thing in the morning. Mr. Murray has participated in tourism activities in conjunction with his duties in the Parks Department.

Mrs. Basso stated that there is already one City employee on this Commission. Has anyone else put their name in? Mayor Eriquez stated that Mr. Pinter serves on the Commission as a representative of the Town of Bridgewater, not as a City of Danbury representative.

Motion carried with Mrs. Basso voting in the negative.

14 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Sigred Benyei, John Dzurik and Elizabeth McKee to the Commission on Aging for terms to expire October 1, 1998. The reappointments were confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Director of Finance Dominic Setaro requesting confirmation of the appointment of Ernst & Young as our City auditors for the fiscal year ending June 30, 1996. Mr. Boynton made a motion that the communication be accepted and the appointment confirmed. Seconded by Ms. Fox. Motion carried unanimously.

16 - COMMUNICATION - Letter from Deputy Fire Chief Peter Siecienski requesting permission to accept the donation of ten desk top computer systems from Boehringer Ingelheim to the Fire Department; to accept the donation of a snow blower from Home Depot; and the donation of \$100 from C. L. & P. to the Fire Department. Mrs. Coladarci made a motion that the donations be accepted, the proper line item credit and letters of thanks sent. Motion carried unanimously.

17 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$2,603.20. Mrs. Butera made a motion that the donations be accepted, the proper line items credit and letters of thanks sent.

Mr. Arconti noted that the \$2,000 donation from Hughes Danbury Optical Systems, Inc. was in fact made by the Employees Helping Hand Fund. Motion carried unanimously.

18 - COMMUNICATION & CERTIFICATION - Request from Leo McIlrath for a transfer of funds in the amount of \$4,175.45 from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

19 - COMMUNICATION & CERTIFICATION - Request from Airport Administrator Paul Estefan requesting that the sum of \$2,120 be allocated for the cost of gate repairs and the sum of \$2,919 be allocated for his overtime account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

20 - COMMUNICATION & CERTIFICATION - Request from the Registrars of Voters for the sum of \$7,175 for the Republican Presidential Primary to be held on March 5, 1996. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

21 - COMMUNICATION & CERTIFICATION - Request from Superintendent of Public Utilities William Buckley requesting that the sum of \$344,000 be approved for accounts as a result of the additional amount of mechanically processed demolition allowed into the landfill consistent with the Consent Agreement with the State of Connecticut Department of Environmental Protection. A certification of funds was attached. Mrs. Coladarci made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mr. McAllister.

Mrs. Basso stated that \$75,000 is requested for overtime services. Where does the overtime come from? Mr. Buckley stated that the landfill opens at 6:00 a.m. so that the trucks do not interfere with the general public. Mr. Buckley explained the reasons for the allocations to the Professional Services Account and the Leased Services account. Ms. Fox asked about regular salaries and part time salaries. Mr. Buckley explained the situation.

Motion carried unanimously.

22 - COMMUNICATION & CERTIFICATION - Request from Tax Collector Catherine Skurat requesting the sum of \$22,000 to be transferred to her Outside Services line item so that we can continue to pay for the services of the collection agency. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

23 - COMMUNICATION - Letter from Purchasing Agent Warren Platz requesting permission to disposal of surplus vehicles through the sealed bid process. The permission was granted on the Consent Calendar.

24 - COMMUNICATION - Proposed lease renewal for Hatters Park cottage now leased by Mr. and Mrs. Ambrose. Mr. Valeri asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

25 - COMMUNICATION - Westville Avenue Sanitary Sewer Project. Mr. Levy made a motion to receive the communication and proceed with the next step in accordance with the Code of Ordinances. Seconded by Mr. Gomez. Motion carried unanimously.

26 - COMMUNICATION - Request for sewer extension at DePalma Lane. Mr. Scalzo requested 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 Machado, McAllister and Basso to the committee.

27 - COMMUNICATION - Offer to sell property on Churchill Road to the City. Mrs. Butera asked that this be referred to the City Engineer and the Planning Director for reports back within thirty days. Mayor Eriquez so ordered.

28 - COMMUNICATION - Request to study problems on Pembroke Road. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Director of Public Works and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Setaro, Abrantes and Carboni to the committee.

29 - COMMUNICATION - Petition from residents to accept Wilkes Road under 17-34. Mrs. Butera made a motion to accept the correspondence and proceed with the process. Seconded by Mrs. McAllister. Motion carried unanimously.

30 - COMMUNICATION - Reports regarding request to purchase property at 6 Starr Road. Mr. DaSilva made a motion to receive the reports, forward them to Planning Commission and to the Mayor to enter into negotiations. Seconded by Mrs. Butera. Motion carried unanimously.

31 - COMMUNICATION - Report from Planning Commission declaring surplus property at 13 Barnum Court. The report was accepted on the Consent Calendar.

32 - COMMUNICATION - Request to purchase surplus property at 13 Barnum Court. Mrs. Butera asked that this be referred to an ad hoc committee, the Corporation Counsel and the Tax Assessor. Mayor Eriquez so ordered and appointed Counsel Members Scalzo, Shuler and Mead to the committee.

33 - COMMUNICATION - Lease/Purchase Agreement with IBM Credit Corporation by the Board of Education. The total lease/purchase payments for five years will be \$503,000 for new IBM administrative computers and software. Mr. Levy made a motion to accept the communication and approve the lease/purchase agreement pending requested tax information. Seconded by Mr. Shuler. Motion carried unanimously.

34 - DEPARTMENT REPORTS - Public Utilities, Public Works, Fire Chief, Fire Marshall, Police Chief, Parks and Recreation, Health and Housing. Mr. DaSilva made a motion that the department reports be accepted 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 Ms. Fox. Motion carried unanimously.

35 - REPORT & ORDINANCE - Building Permits and Tax Delinquents

Mr. DaSilva submitted the following report:

The Common Council Committee met as a committee of the whole at 7:40 P.M. on January 22, 1996 to review a proposed ordinance regarding Building Permits and Tax Delinquents. This Ordinance, drafted in accordance with enabling legislation by the State of Connecticut, allows the City of Danbury to withhold the issuance of building permits to properties on which taxes are owed.

Director of Finance Dominic Setaro and Corporation Counsel Eric Gottschalk explained that this procedure is in place now, but codification would be beneficial. They discussed the exception which includes safety conditions and fires and the possibilities of other exemptions.

Mr. Boynton moved to recommend approval of the proposed Ordinance regarding Building Permits and Tax Delinquents. The motion was seconded by Mr. Scalzo 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 adding a section to be numbered 6-1, which said section reads as follows:

Sec. 6-1. Withholding building applications when taxes are delinquent.

(a) Approval withheld. Pursuant to the provisions of Public Act 95-320, and except when otherwise provided in Subsection 6-1(b) hereof, the Building Official of the City of Danbury shall withhold approval of building applications when taxes are delinquent for the property for which an application was made.

(b) Exceptions. Notwithstanding the provisions of subsection 6-1(a) hereof, the Building Official may

(1) Issue a demolition permit;

(2) Issue a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the Building Official determines that such repairs should be performed immediately to protect the safety of the public or of the occupants of the structure; or,

(3) Issue a permit to perform work to restore a structure damaged by fire, provided that the Building Official obtains evidence satisfactory to the City of Danbury that the City will receive the proceeds of a fire insurance policy in an amount sufficient to cover any existing tax delinquency for the property with respect to which the application was made.

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

36 - REPORT & RESOLUTION - Candlewood Park Area Sewer Assessments

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:40 P.M. on January 22, 1996 to review the final sewer assessments for the Candlewood Park area. The process of sewer installation and assessment was explained to a number of residents at the preceding public hearing. Only one resident spoke. He was thankful for the installation and reduced cost of the sewer line.

Mr. Arconti moved to recommend approval of the assessment of the sanitary sewer line in the Candlewood Park area. The motion was seconded by Mr. Boynton and passed unanimously.

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 Candlewood Park Area Sewer Line; 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 March 1, 1996 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 Candlewood Park Area Sewer Line;

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 (\$100.00) DOLLARS.

3. The interest on any deferred payments hereunder shall be due at a rate per annum of 5.50 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:

February 6, 1996

RESOLVED by the Common Council of the City of Danbury:

CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT
OF ASSESSMENT OF BENEFITS

The undersigned Tax Collector of the City of Danbury in the County of Fairfield, State of Connecticut hereby certifies from the date hereof an installment payment plan is in effect for payment of an assessment of benefits for the installation of a sewerage system, in favor of the City of Danbury, upon real property situated in said City, which real property is more fully described in the City Land Records in:

Vol. _____ Page _____

The notice of such assessment of sewerage benefits herein certified is to _____ (owner of property), the principal of which is \$ _____ due to said City of Danbury, together with legal interest fees and charges thereon assessed on March 1, 1996 in the name of _____, and the same becomes due on March 1, 1996 and may be paid in annual installment payments of \$ _____ each plus interest at the rate of 5.50 percent on the unpaid balance and continuing to _____.

This certificate is filed pursuant to Section 7-253 of the General Statutes, as amended.

The property assessed is:

Lot _____

Street _____

Item No. _____

Tax Collector

Received _____, 19__

At _____ M.

Recorded in the Danbury Land Records

Vol. _____ Page _____

Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessments of Benefits by virtue of the construction of the sewer project are hereby fixed as follows:

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

37 - REPORT - Village Bank and Trust Company, Correia Drive

Mr. DaSilva submitted the following report:

The committee to review a request from the Village Bank and Trust Company regarding Parcel C on Correia Drive met at 7:00 P.M. on January 10, 1996 in Room 432 in City Hall. In attendance were committee members DaSilva, Butera and Mead. Also in attendance were Public Works Director Jack Schweitzer, Corporation Counsel Eric Gottschalk, Attorney Paul Jaber representing Village Bank and the Executive Vice President of Village Bank, J. Umbarger.

Mr. Jaber, Mr. Schweitzer and Mr. Gottschalk explained that the parcel under discussion has a covenant on the land records that prohibits its sale or lease unless the City of Danbury constructs a public highway. This parcel would afford the building of two single family homes. The City has no present intention of building such a road which would offer no immediate benefit. Without the release of covenant and an easement, the property is of no value to the Village Bank and Trust Company and it may well end up belonging to the City in the near future. The committee felt that it would be best for the City to grant the request and allow homes to be built and added to the tax rolls.

Mrs. Butera moved to recommend approval of the request for an easement to pass and repass over Correia Drive and to release the covenant on this property. The motion was seconded by Mr. Mead and passed unanimously.

The report was adopted on the Consent Calendar.

38 - REPORT - Request for Pavement of Birch Trail

Mrs. Coladarci submitted the following report:

The subcommittee to review the request by the residents of Birch Trail for pavement of their road met at 7:05 P.M. in Room 432 in City Hall. In attendance were committee members Coladarci, and Abrantes. Also in attendance were Director of Public Works Jack Schweitzer, Assistant Corporation Counsel Les Pinter, Lew Wallace of the Mayor's Office and Council Member Tom Arconti, ex-officio, along with many residents.

Mr. Schweitzer gave a brief history of the area, stating that the road is a very narrow one and in various states of disrepair and that it is not a City road. Mr. Pinter then discussed the private road Ordinance Section 17-34. It was agreed that the residents can petition for road acceptance and in certain cases the City will assist in the process.

Birch Trail began as a summer community and has now reached undriveable conditions at certain points. It was paved as a community project 15-17 years ago. Ambulance and fire trucks have difficulties driving through which is the reason for this request. There is no drainage on the road at this time. Eleven homes cover a 700 foot range. The road is 25 feet wide when the properties are not extended. The nearest City road is Fanton Road which was paved in 1993. There is a small section of Hull Road (also a private road) connecting Birch Trail to Fanton Road.

Mr. Schweitzer explained that the whole road need not be a part of the petition but the road must connect to a City road. The residents can ask the two or three houses on Hull Road to be a part of the petition.

Mrs. Abrantes made a motion that the committee be closed. The petitioners should look into using the City Private Road Ordinance to petition the residents of the area to obtain 51% of residents in favor of City road status. The motion was seconded by Mrs. Coladarci and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Arconti submitted the following report:

The committee appointed to review the request for a water extension at 62 Federal Road met in City Hall at 8:05 P.M. on January 22, 1996 and at 7:00 P.M. on January 29, 1996. In attendance at both meetings were committee members Arconti, Abrantes and Basso. Also in attendance were City Engineer Jack Schweitzer, Mario Riconzi of the Public Utilities Department and Tom Williams and Ted Backer representing HART. Superintendent of Public Utilities William Buckley attended the meeting on January 22, 1996 and Manny Merullo attended the meeting on January 29, 1996.

The Planning Commission gave a positive recommendation at its January 17, 1996 meeting regarding the water extension. Discussion ensued regarding the technical aspects of this request extension. There are several engineering issues that have yet to be resolved. At the January 29th meeting, Mr. Schweitzer and Mr. Riconzi stated that the City and the HART engineers have conceptually agreed to an engineering approach. Mr. Backer concurred with this statement but added that other alternatives may still exist that warrant discussion. One of the outstanding issues is the possible donation of materials by the City to extend the benefits of this water extension to adjacent properties in this area.

Mrs. Abrantes moved to recommend approval of a water extension to 62 Federal Road subject to the normal eight steps plus the addition of a ninth step which shall read:

9. Because this extension may be of benefit to the Danbury water system, the Department of Public Works shall advise the Common Council whether and to what extent it recommends a City donation of materials for the project.

Mrs. Basso seconded the motion and it passed unanimously.

The report was accepted on the Consent Calendar.

40 - REPORT & CERTIFICATION - Request of Danbury Preservation Trust.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request for funds by Danbury Preservation Trust met on Wednesday, January 24, 1996 at 8:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Machado and Mead. Also in attendance was Paulette Pepin, President of Danbury Preservation Trust.

Dr. Pepin shared with the committee plans for an exhibit which in concert with the Still River Restoration Project will chronicle Danbury's historical relationship with the Still River, from Native American settlements and industrial use and abuse to the flood of 1955 and subsequent reconstruction to present and future efforts and plans for its restoration and preservation. An integral part of the exhibit, an interactive three dimensional scale model of Danbury's Still River basin, the cost of which is estimated at approximately \$4,400.00, is the subject of the funding request.

Mr. Valeri expressed concern that beyond the exhibit, scheduled at Union Station from June through September of this year, the suggestion that having the model on permanent display in City Hall in particular would not serve to educate and inform to the extent that using it in conjunction with the proposed slide shows and narratives intended for the schools would. Dr. Pepin agreed and expressed her intentions to extend the use of the model far beyond the exhibit period as a tool for education.

Mr. Mead made a motion to recommend the approval of funding in the amount of \$4,400 to Danbury Preservation Trust in support of the Still River Project. Motion was seconded by Mr. Machado and passed unanimously.

The report was adopted on the Consent Calendar.

Mr. Gottschalk then asked Mayor Eriquez that a clarification of the intention of the Common Council with regard to items 25 and 29 would be in order. He asked for a review of those items.

Mayor Eriquez stated that the intent was that based upon the response of the preliminary survey, the intent of the Council is then to proceed in accordance with the Ordinance for a sanitary sewer project and to have the City Engineer then estimate the cost, conduct the actual survey and notify the homeowners of a public hearing.

Ms. Samaha stated that in the past the motion has always been to ask the City Engineer to conduct a survey, submit preliminary assessment then go to Public Hearing, rather than the stated motion. For the sake of the minutes, the motion should be more specific.

Mayor Eriquez stated that for clarity for our recordkeeping for the future, the request is to identify the item and refer it to the City Engineer to prepare preliminary estimates and for him to notify the property owners and applicants and conduct a public hearing.

Mr. Gottschalk asked if it was clear that the next official action will be holding a public hearing after staff prepares preliminary assessments. Mayor stated that this is correct. The Common Council will not make any final determination until after the public hearing is held. Mr. Gottschalk asked if it was the desire of the Common Council that the City Clerk set the date of the public hearing once they are notified that the City Engineer has completed his survey or that a report comes back to the Common Council.

Mr. DaSilva stated that he thinks we are getting confused. He stated "the motion that is made to conduct a survey was already done on the project. The motion is to conduct the informal survey that is included here and Mr. Schweitzer has done that and come back to the Common Council with whatever it is. At this point, I think the motion is to proceed with the process as we did through many times which is outlined by either State law or City ordinance which includes the drafting of an official estimate and the public hearing, etc. That is all part of that process."

Mayor then stated to Attorney Gottschalk, "to answer your question the City Engineer would have to notice the City Clerk that the estimates are done so that the clerk can schedule a public hearing."

Mr. Gottschalk stated that he wanted it to be clear that this item will not come back to the Common Council prior to establishing a public hearing. Mayor Eriquez stated that this is correct.

Mr. Gottschalk then turned to item 29 and Mayor Eriquez stated that this is the same. The City would estimate the preliminary assessments, notify the property owners and have a public hearing. Mr. Gottschalk stated that he understood this to be a 17-34 request and customarily a 17-34 acceptance procedure does not involve an assessment. Mayor Eriquez stated that they are requesting to proceed with an assessment method.

Mayor Eriquez extended all committees.

41 - Mr. DaSilva made a motion to add item 41 - Appointment to the Aviation Commission. Seconded by Mr. Boynton. Motion carried with Mrs. Butera voting in the negative.

Letter from Mayor Eriquez requesting confirmation of the appointment of Thomas Oppermann to the Aviation Commission for a term to expire July 1, 1996. Mr. Scalzo made a motion that the communication be accepted and the appointment confirmed. Seconded by Mr. Boynton. Motion carried unanimously.

Mayor Enriquez appointed Council Members Setaro, Scalzo, Abrantes, Shuler and Mead to the Education Budget Committee.

There being no further business to come before the Common Council a motion was made at 8:56 P.M. for the meeting to be adjourned.

Respectfully submitted,

Jimmatta L. Sama
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk