

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

RE: Minutes of the Common Council Meeting held October 1, 1996

The meeting was called to order at 7:35 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, Charles, Gomez Basso, Butera, Fox, Gallagher, Mead, Nolan

21 Present - 0 Absent

PUBLIC SPEAKING

1. Hal Meeker, 20 Deer Hill Avenue - spoke regarding item 43. This is a unique opportunity. He had the pleasure of meeting a very gifted family from Tbilisi. This will be a cultural exchange and will only benefit the City.

2. Thomas Sacker, Scuppo Road - spoke regarding items 44 and 45. He has lived at the Condominiums for eight years and supports these two items. The water now is only nominally safe.

3. Linda Petrillo, Scuppo Road - She is a member of the Water Board at Racing Brook. It is very important for the City to take over the water system.

4. John Ward, 18 Garamella Boulevard - spoke regarding items 37 and 40. These items will assure that no discrimination will take place. He also spoke about Federal guidelines governing grants.

5. Mr. Baldwick, 6 Crosby Street - Spoke regarding item 52. This will give people a chance to get training, health care, better pay and a pension plan.

6. Cathy Moulton, Scuppo Road - Supports the Racing Brook Water system being taken over by the City.

7. Eileen Mitchell, 19 Mountainville Avenue - spoke regarding item 22. This is asking for a written guarantee of \$66,000 for Field 1 at Rogers Park if the bond issue passes. Fields 3 and 4 should be taken care of as previously promised. Putting up more lights will contribute to overuse of Rogers Park.

ANNOUNCEMENTS

OCTOBER 1 - Connie and Carleese Shuler will celebrate their wedding anniversary

October 3 - Warren and Betty Levy will celebrate their 35th wedding anniversary

October 9 - Tom and Wendy Valeri will celebrate their 3rd wedding anniversary

October 2 - Danbury Garden Club's Come to the Fair and Flower Show at Tarrywile Mansion

October 3 - NAACP Freedom Fund Dinner - Hilton

October 4 - Danbury Industrial League Award Banquet

October 6 - AIDS Walk-a-thon at Rogers Park 9:00 a.m.

Fire Department Memorial Service Melody/Halas Co. #23

October 9 - UCONN Alumni Association and Lions Club Evening with Jim Calhoun at the Amber Room - 5:30 P.M.

October 10- Citycenter Trolley Dedication at Citycenter Green

October 12- Columbus Day Celebration at Vespucci Lodge

October 13- Mill Plain Volunteer Fire Company Open House 40th anniversary of Danbury Opera Company

October 14- City Hall Closed - Columbus Day

October 18- YMCA Auction at Amber Room

- October 20 - Danbury Railway Museum Train Show and Fall Foliage Excursion
Catholic War Veterans 50th Anniversary at Amber Room
- October 21 - 8th annual Candlelight March and Interfaith AIDS Service
- October 25 - Household Hazardous Waste Collection Day - Public Works
- October 27 - Crop Walk '96 to Fight Hunger - Danbury War Memorial
Haunted Train Yark
- October 31 - Halloween

Election Day is Tuesday, November 5th. The next Common Council Meeting will be on Thursday, November 7th at 7:30 P.M.

Council Member Paul McAllister has been elected President of the Connecticut State Volunteer Firefighters. He is only the 4th person from Danbury to be elected.

Beginning October 2nd the Mayor will issue a public information plan regarding odors at the Landfill. Updates will be provided weekly.

MINUTES - Minutes of the Common Council Meeting held September 4, 1996. Mr. Setaro made a motion that the minutes be adopted as read 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. Mead. Motion carried unanimously.

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

- 2 - Approve Resolutions and sanitary sewer assessments for Maplecrest Drive, Morgan Avenue, Beaver Brook Road and Finance Drive
- 3 - Approve application and adopt Resolution for 1996/97 Emergency Services Shelter Grant - \$86,512
- 4 - Approve receipt of resignation of Michael Falzone as a regular member of the Zoning Commission
- 7 - Approve appointment of Robert Perez as a member of the Commission for Persons with Disabilities
- 10 - Approve reappropriation of library donations in the amount of \$8,046.82 for chemistry books, Junior Library furnishings and library equipment
- 11 - Approve reappropriation of \$880 from the Elderly Services Donations Revenue Account to the Commission on Aging budget office supplies account
- 12 - Approve reappropriation of \$921 from the Contingency Fund to the Environmental Impact Commission budget for a recorder, maintenance agreement and tapes
- 13 - Approve reappropriation of \$2,000 from the sale of surplus breathing apparatus to the Fire Department Accounts for Education Recreational Equipment and Public Safety Equipment
- 15 - Approve receipt of request for donation to the Children's Christmas Fund and take no action at this time.
- 17 - Approve appropriation of \$36,875 local match for Central Business District Traffic Signal Improvement Grant
- 20 - Approve request for reimbursement of payment to contractors - 1 Staples Street in the amount of \$450
- 25 - Approve receipt of Planning Commission report and accept land conveyance on Long Ridge Road
- 26 - Approve request to purchase City owned land on Osborne Street subject to conditions as set forth in Planning Department staff report of August 26, 1996 at a price to be determined by the Tax Assessor
- 38 - Approve Report and final sewer assessments for Morgan Avenue
- 39 - Approve Report and recommendations regarding street renumbering for Point Driftwood, The Crest Way, Lake Road, The By Way, The Crow's Nest
- 40 - Approve Report and Resolution and recommendations regarding Juvenile Justice and Delinquency Prevention Act Grant
- 41 - Approve Report, Resolution and recommendations regarding Traffic Control Project - Route 37 at the intersection of Jeanette Street
- 42 - Approve report and recommendations regarding request to purchase property at 13 Barnum Court
- 44 - Approver Report and recommendations regarding acquisition of Racing Brook Meadows Water Company
- 45 - Approve Report and recommendations regarding Racing Brook Water Company Acquisition
- 46 - Approve Report and recommendations regarding request for sewer and water extension at 1 President Street

- 47 - Approve Report and recommendations regarding water problem at 39 and 41 Rolfs Drive
- 48 - Approve Report and Recommendations regarding request to purchase City owned property on Milltown Road
- 49 - Approve Report and recommendations regarding request for payment of \$32,000 to the Ridgewood Country Club for removal of silt
- 50 - Approve receipt of report regarding Hatters Park Bowling Lanes Lease and refer to Planning Commission
- 51 - Approve report and recommendations regarding request to purchase City owned property on Virginia Avenue
- 52 - Approve report and recommendations regarding Danbury Construction Jobs Agreement

Mr. Setaro made a motion that the Consent Calendar be adopted as presented with item 52 removed and the following wording added to item 44: to acquire the water system and authorize connection to the City water system, to obtain the necessary easements and authorize the Mayor to execute such documents as may be necessary to further the purpose intended. Seconded by Mr. Charles. Motion carried unanimously.

1 - ORDINANCE - Manufacturers Tax Exemption. Mr. Arconti asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - RESOLUTIONS - Maplecrest Drive Sanitary Sewer Assessments, Morgan Avenue, Beaver Brook Road and Finance Drive, Sanitary Sewer Assessments. The sewer assessments were approved on the Consent Calendar. (See September 4, 1996 minutes for full text).

3 - RESOLUTION - Emergency Services Shelter Grant 1996-97

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.

4 - COMMUNICATION - Resignation of Michael Falzone as a regular member of the Zoning Commission effective immediately. The resignation was accepted on the Consent Calendar.

5 - COMMUNICATION - Appointments to the Parking Authority
WITHDRAWN

6 - COMMUNICATION - Letter from Mayor Gene F. Eriquez requesting confirmation of the appointment of Dimples Armstrong to the Library Board of Directors for a term to expire January 1, 1999. Mr. Shuler made a motion that the communication be accepted and the appointment confirmed. Seconded by Mrs. Butera. Motion carried unanimously.

7 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the appointment of Robert Perez to the Commission on Persons with Disabilities for a term to expire March 1, 1997. The appointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$80 from Jan Klapper of the Danbury/New Fairfield Newcomers Club and also donations to the Restoration Fund. Ms. Fox made a motion to accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Charles. Motion carried unanimously.

9 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations to the department in the amount of \$490.40. Ms. Fox made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Mead. Motion carried unanimously.

10 - COMMUNICATION - Request from Director of Finance Dominic Setaro that the sum of \$8,046.82 be reappropriated from funds donated to the Library as a result of the fire. The request was granted on the Consent Calendar.

11 - COMMUNICATION & CERTIFICATION - Request that the sum of \$880.00 be reappropriated from the Elderly Services Donation Account to the Commission on Aging Budget for the Office Supplies account. A certification of funds was attached. The transfer was granted on the Consent Calendar.

12 - COMMUNICATION & CERTIFICATION - Request for the sum of \$921 for the purchase of a recorder, maintenance agreement and tapes for the Environmental Impact Commission. A certification of funds was attached. The transfer of funds was granted on the Consent Calendar.

13 - COMMUNICATION & CERTIFICATION - Request from Fire Chief Oliver requesting that \$2,000 from the Town of Westport for the sale of surplus equipment be reappropriated to educational and recreational equipment in the amount of \$1,500 and \$500 to public safety equipment. A certification of funds was attached. The transfer was authorized on the Consent Calendar.

14 - COMMUNICATION & CERTIFICATION - Airport Underground Tanks
WITHDRAWN

15 - COMMUNICATION - Request for a donation to the Children's Christmas Fund. The communication was accepted on the Consent Calendar and no action taken at this time.

16 - COMMUNICATION - Centralized Voter Registration Use and Ownership Agreement. Mrs. Abrantes asked that this be referred to an ad hoc committee, the Corporation Counsel, Registrars of Voters, The Director of Finance and the Director of Data Processing. Mayor Eriquez so ordered and appointed Council Members Valeri, Abrantes and Basso to the committee.

17 - COMMUNICATION - Certification from Director of Finance Dominic Setaro requesting the appropriation of \$36,875 as a grant match for the Central Business District Traffic Signal Improvement grant. The appropriation was granted on the Consent Calendar.

18 - COMMUNICATION - Request for waiver of late payment fee to the Health Department. Mrs. Coladarci asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Eriquez so ordered.

19 - COMMUNICATION - Public Act 90-301 which requires the City to annually provide information to the Department of Environmental Protection regarding the operation, maintenance and funding of the sewage treatment plant and collection system. Ms. Fox asked that this be referred to the Common Council acting as the Water Pollution Control Authority. Mayor Eriquez so ordered.

20 - COMMUNICATION - Request for reimbursement of \$450 for payment of contractors at 1 Staples Street. The request was granted on the Consent calendar.

21 - COMMUNICATION - Letter from Mayor Eriquez outlining a tentative agreement between the Directors of Public Works for the City of Danbury and the Town of New Fairfield regarding a drainage problem and icing problem on Bear Mountain Road at the boundary of the two towns. Danbury would contribute various materials which the Town of New Fairfield would install. Mr. Setaro made a motion that the communication be accepted and Danbury provide materials to New Fairfield as agreed. Seconded by Mr. Charles. Mrs. Basso asked the cost of the materials. Mayor Eriquez stated the cost to be \$3,765.00. Motion carried unanimously.

22 - COMMUNICATION - Letter from the President of the Bambino Baseball League requesting that Field #1 drainage at Rogers Park be upgraded. They are asking for a written guarantee that if the Bond issue passes the City appropriate the sum of \$66,000 for the field. They would also like to donate the sum of \$11,000 for the drainage. Mr. Boynton asked that this be referred to an ad hoc committee, the Director of Parks and Recreation, the Director of Finance and the President of Bambino Baseball. Mayor Eriquez so ordered and appointed Council Members Setaro, Buzaid and Mead to the committee.

23 - COMMUNICATION - Reports from the Planning Director, the Planning Commission and the City Engineer regarding the request to purchase City owned land on Osborne Street. Mr. Machado asked that this be referred to an ad hoc committee, the Planning Director, the Public Works Director and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Coladarci, Gallagher and Nolan to the committee.

24 - COMMUNICATION - Reports regarding Olympic Drive. Mrs. Abrantes asked that this be referred to an ad hoc committee, the City Engineer, the Planning Director and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Shuler, Machado and Basso to the committee.

25 - COMMUNICATION - Planning Commission report voting a positive recommendation for the land conveyance on Long Ridge Road. The report was adopted on the Consent Calendar.

26 - COMMUNICATION - Reports from the Corporation Counsel, the Planning Director and the Planning Commission recommending a favorable response as long as other conditions are met. The reports were accepted on the Consent Calendar.

27 - COMMUNICATION - Conveyance of property at the corner of Main and Liberty Streets. Mr. Setaro asked that this be referred to the Corporation Counsel, the City Engineer and the Planning Director and Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

28 - COMMUNICATION - Petition for City water line on Glen Road and Rubson Drive. Ms. Fox asked that this be referred to the City Engineer for review and survey and to the Planning Commission. Mayor Eriquez so ordered.

29 - COMMUNICATION - Silversmith Heights, Request to extend water and sewer extensions to McKay Road and Nabby Road. Mr. Arconti 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 Scalzo, Coladarci and Basso to the committee.

30 - COMMUNICATION - Request for sewer extension at 3 Joe's Hill Road. Mr. Scalzo 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 Gomez, Butera and Nolan to the committee.

31 - COMMUNICATION - Request to accept Sylvan Road as a City Road. Ms. Fox asked that this be referred to the City Engineer and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

32 - COMMUNICATION - Request to accept Deer Park Subdivision as City Roads. Mrs. Abrantes asked that this be referred to the City Engineer and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

33 - COMMUNICATION - Acceptance of Fairmount Drive, Topfield Court West and Fairfield Court. Mr. Setaro asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

34 - COMMUNICATION - Request for Concord Road to be accepted as a City road. Mrs. Coladarci asked that this be referred to the City Engineer and the Planning Commission for reports back within thirty days. Mayor Eriquez so ordered.

35 - COMMUNICATION - Carpenters Extraordinaire, Inc. v. City of Danbury. Mayor Eriquez asked that this be moved to the end of the agenda for Executive Session. There were no objections.

36 - DEPARTMENT REPORTS - Engineering, Public Utilities, Public Buildings, Fire Chief, Fire Marshall, Health and Housing, Public Works. Mr. Setaro made a motion to accept the department reports as submitted and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Esposito. Motion carried unanimously.

37 - REPORT & ORDINANCE - Commission on Persons with Disabilities

Mr. Setaro submitted the following report:

The Common Council met as a Committee of the Whole at 8:00 P.M. on September 23, 1996 in the Council Chambers of City Hall to review the amendment to the ordinance regarding the Commission on Persons with Disabilities. This amendment delegates to the Commission on Persons with Disabilities the responsibility of hearing grievances and complaints brought by persons under the Americans with Disabilities Act. These duties had previously been performed by the municipal ADA Compliance Officer.

Acting Corporation Counsel Eric Gottschalk explained that this function is a proper role for the Commission as its members have expertise regarding the Americans with Disabilities Act. A number of Council members spoke to the issue of how this amendment would impact upon the enforcement of the ADA provisions.

Mr. Levy moved to recommend to the Common Council the adoption of the proposed amendments to the ordinance creating the municipal Commission on Persons with Disabilities. Seconded by Mr. McAllister and passed 16-1 with Mr. Nolan voting in the negative.

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

THAT the Code of Ordinances Section 2-56.13 Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-56.13. Commission for persons with disabilities--Created, purpose; acting as compliance committee for the Americans With Disabilities Act.

(a) There is hereby created and established a commission to be known as the Danbury Commission for Persons with Disabilities. The commission shall as its primary purpose advise the mayor and the common council of the needs of people with disabilities within the community with relation to housing, employment, transportation, economics, health, recreation and other relevant matters. The Commission shall, in addition, recommend to the mayor and the common council ways in which programs and services offered by the City of Danbury may be made more accessible to people with disabilities and in which obstacles hindering employment and enjoyment of programs may be eliminated.

(b) The commission shall also serve as a compliance committee for the purposes of hearing grievances and complaints brought by persons pursuant to the Americans With Disabilities Act. The Committee shall hold hearings and render decisions regarding participation in and access to public facilities, services, activities and functions by persons with disabilities in accordance with such procedures and regulations as may be established pursuant to the Americans With Disabilities Act.

Mr. Scälzo made a motion that the report be accepted and the Ordinance adopted. Seconded by Mr. Esposito. Mr. Nolan explained his previous negative vote has now changed his mind and will vote for this. Mayor Eriquez gave a summary of the enforcement process. Motion carried unanimously.

Mr. Setaro submitted the following report:

The Common Council met as a Committee of the Whole at 8:00 P.M. on September 23, 1996 in the Council Chambers in City Hall to review the final sewer assessments for Morgan Avenue property owners. In response to an inquiry at the public hearing as to how the assessments are computed, City Engineer Jack Schweitzer explained that the formula includes the assessment, area, front footage and zoning classification. Mr. Schweitzer added that the final assessments are one-half as much as proposed originally.

Mr. Levy moved to recommend to the Common Council that the final sewer assessments for Morgan Avenue property owners be accepted. Seconded by Mr. Gallagher and passed 16-1 with Mrs. Butera voting in the negative.

The report was accepted on the Consent Calendar.

39 - REPORT - Street Renumbering - Point Driftwood, The Crest Way, Lake Road, The By Way, The Crow's Nest

Mr. Setaro submitted the following report:

The Common Council met as a Committee of the Whole at 8:00 P.M. on September 23, 1996 in the Council Chambers of City Hall to review the street renumbering of Point Driftwood, The Crest Way, Lake Road, The By Way, The Crow's Nest. Those residents requesting the renumbering of these streets had previously submitted petitions to the Common Council which were referred to the Planning Department for review.

Council members stated that they felt that it was important that the City act expeditiously on requests such as these. Mr. Levy moved to recommend to the Common Council the adoption of the renumbering of Point Driftwood, The Crest Way, Lake Road, The By Way, and The Crow's Nest. Seconded by Ms. Basso and passed unanimously.

The report was accepted on the Consent Calendar.

40 - REPORT & RESOLUTION - Juvenile Justice and Delinquency Prevention Act Grant

Mr. Scalzo submitted the following report and Resolution:

The Common Council Committee appointed to review the Juvenile Justice and Delinquency Prevention Act Grant met in Room 432 in City Hall on September 23, 1996 at 6:30 P.M. In attendance were committee members Scalzo, Shuler and Mead. Also in attendance were Director of Finance Dominic Setaro, Director of the DOORS Program Glenda Armstrong, and Council Members Levy, McAllister and Basso, ex-officio.

Ms. Armstrong was asked to give an overview of the program which was completed in detail. She was asked many questions ranging from the number of clients and how they are served, the case managers and their functions, the various agencies and the services provided by them, and many questions concerning the expenditures outlined in the Council agenda item as budget description. All of the questions were answered to the satisfaction of the committee. The success of the program was also explained in detail.

Mr. Mead made a motion recommending the Common Council adopt the resolution for the grant and that a more accurate accountability of the funds spent be made to the City. Mr. Shuler seconded the motion and it passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has been notified by the State of Connecticut Office of Policy and Management that it is eligible to apply for pass-through funds under the Federal Juvenile Justice and Delinquency Prevention Act; and

WHEREAS, the Danbury Public School System's "Danbury Opportunities for Offender Redirection (DOOR) Program" as part of the Juvenile Justice Center Program, has been in operation for fiscal year 1995-96; and

WHEREAS, the grant award period for which the City will apply is July 1, 1996 through June 30, 1997; and

WHEREAS, the State of Connecticut will accept an application for \$263,000 to support the Juvenile Justice Center Program; and

WHEREAS, all youth accepted and served under this program will receive assessment in various aspects of family life, needs, aptitudes, mental and physical health and will be assigned a case manager who will work with families of accepted youths to provide support in all areas of need, being especially responsive to redirecting young people involved in early criminal behavior to more wholesome responses to personal stresses.

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to apply for said grant award through the grant application, if required by the State of Connecticut, and to accept said funds, if awarded, as a "pass through" to the Danbury Board of Education State and Federal Projects so that the Danbury Public School System may continue its DOOR Program.

BE IT FURTHER RESOLVED THAT the Mayor is further empowered to take any actions and to sign any documents or contracts/agreements necessary to further the purposes of said program.

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

41 - REPORT & RESOLUTION - Traffic Control Project on Route 37 at the Intersection of Jeanette Street

Mrs. Abrantes submitted the following report:

The Common Council Committee appointed to review the traffic control project easement on Route 37 at the intersection of Jeanette Street met on September 19, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Abrantes, McAllister and Basso. Also in attendance were City Engineer Jack Schweitzer, Common Council Member Warren Levy, ex-officio and several residents.

Ms. Abrantes gave a short overview of the request. Representative Boughton reviewed the entire progression of this request and the approval of the prior committee with regards to the light being installed at this location. Mrs. Basso made a motion to open the hearing. Several residents spoke as to their approval of the light being installed and requested that the committee approve the easement. Two residents were opposed to the light. Mr. Schweitzer cited a positive recommendation by the Engineering Department. Mr. McAllister stated a concern that the problem with the traffic situation would only be moved to another section. Mrs. Basso also requested that warning lights/flashers be put in place when the light is installed.

After additional discussion, Mrs. Basso made a motion to accept the resolution to execute an easement on Route 37 on City property with the stipulation that flashers or warning signs would be installed. Seconded by Mr. McAllister and passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on December 15, 1996 the City granted permission to the State Department of Transportation to install traffic control devices on a portion of City-owned land on the west side of Padanaram Road at the intersection of Jeanette Street; and,

WHEREAS, this traffic control project is being jointly funded by the City of Danbury and the State of Connecticut and is in the best interests of both the City and the State; and,

WHEREAS, the State of Connecticut has determined that in order to complete the project it will require the conveyance of an easement over the property, said easement being 237 square feet, more or less, and more particularly shown and described on a map entitled, "Town of Danbury, Map Showing Easement Acquired From City of Danbury By The State of Connecticut, Department of Transportation, Conn. Route 37 at Jeanette Street, Scale 1: 200, June, 1996, James F. Byrnes, Jr. P.E. Transportation Chief Engineer, Bureau of Engineering and Highway Operations, Town No. 34, Project No. 174-250, Serial No. 1, Sheet 1 of 1."; and,

WHEREAS, the City of Danbury is willing to grant the necessary easement to the State;

NOW THEREFORE BE IT RESOLVED THAT, Mayor Gene F. Eriquez be and hereby is authorize to convey said easement on behalf of the City of Danbury to the State of Connecticut and to execute any and all documents necessary to effectuate said transfer.

The Report was accepted and the Resolution adopted on the Consent Calendar.

42 - REPORT - Request to Purchase Property at 13 Barnum Court
Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the request to purchase surplus property at 13 Barnum Court and North Street met on June 11, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Scalzo, Shuler and Mead. Also in attendance were Tax Assessor Robert Coyne, Council Members Levy, Esposito and Basso, ex-officio, Ed Batista, Paul Dewitt, Tony Resendes and Padanaram Hose Co. #3 representatives Bill Coffey and Al Cavalier, all of whom had interest in purchasing the property.

Mr. Scalzo discussed the amounts due the City for taxes, interest, liens and legal costs on the foreclosed property as well as clean up costs incurred by the City. The total amount was \$181,482. He also read a letter from the Planning Commission recommending the property be declared surplus. Mr. Coyne gave his presentation of how he arrived at the appraised value and fair market value of the property which was \$165,000.

None of the public at the meeting were interested at this market value price. However, Mr. Coffey and Mr. Cavalier of Padanaram Hose Co. #3 stated that they wanted to exchange their existing property and building for the Barnum Court property.

A motion was made by Mr. Mead, seconded by Mr. Shuler, to adjourn the meeting to another time after Padanaram Hose Co. #3 obtained further information as to the feasibility of putting up a new firehouse and finances associated with such a project.

The committee reconvened at 7:30 P.M. on September 23, 1996 in Room 432 at City Hall. In attendance were committee members Scalzo, Shuler and Mead. Also in attendance were Corporation Counsel Eric Gottschalk and Council Member Basso, ex-officio, Paul DeWitt and Tony Resendes.

Mr. Scalzo reviewed the meeting of June 11, 1996 and a letter received from Padanaram Hose Co. #3 stating that they wanted to have the City deed the property over to them. It was also discussed that the City would like the property to be sold and placed back on the tax rolls.

Mr. Mead made a motion to recommend the property known as 13 Barnum Court and North Street be put out for bid by the City and the minimum bid be \$165,000, the market value placed on it by the City Assessor. Mr. Shuler seconded the motion and it passed un-animously.

The report was accepted on the Consent Calendar.

43 - REPORT - Sister City Relationship with Tbilisi

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the request for a sister city relationship with Tbilisi met on September 12, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Buzaid, Shuler and Basso. Also in attendance were Hal Meeker and Mr. Rtskhiladze.

Mr. Meeker presented the proposal, the goals and the procedures involved. Mrs. Basso stated that she was concerned about the lack of Danbury residents from Tbilisi, Georgia to warrant a sister city relationship. Discussion was held as to the definition of a sister city.

Mr. Shuler made a motion for an official recognition of friendship between the two cities to promote cultural, educational, artistic and social exchange to take advantage of the unique advantage. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Boynton made a motion to accept the report and adopt its recommendations. Seconded by Mrs. Coladarci. Mr. Mead asked for a clarification of the Sister City status. Mr. Buzaid said it is to extend an official recognition of friendship. Mr. Boynton said this is an excellent tool to recognize and understand cultural differences. Motion carried unanimously.

44 - REPORT - Acquisition of Racing Brook Meadows Water Company

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the acquisition of the Racing Brook Meadows Water Company met on September 17, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Machado, Shuler and Mead. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Corporation Counsel Eric Gottschalk and Council Member Eileen Coladarci, ex-officio.

Mr. Buckley, who, along with Attorney Gottschalk, were previously authorized by the Common Council to investigate and negotiate a proposed contract, explained the plan for the water system to be acquired for a price of \$187,500.00. He figured that it will cost approximately \$64,000 more to connect to the City system. Mr. Gottschalk mentioned that the total amount will be paid by the Racing Brook Association who were authorized by its members to negotiate the limits within which they will be billed and agreed to pay for. It was understood that the acquisition of this water system will add more contributors to the City water department and ensure the members of the Racing Brook Condominium Association a safe supply of water and some savings in the short run.

After further discussion, Mr. Mead made a motion to recommend that the Common Council authorize the water department to install water mains for the interconnection between the systems and acquire any and all necessary easements. Seconded by Mr. Shuler and passed unanimously.

The report was adopted on the Consent Calendar.

45 - REPORT - Racing Brook Water Company Acquisition

Mr. Setaro submitted the following report:

The Common Council met as a Committee of the Whole at 8:00 P.M. on September 23, 1996 in the Council Chambers of City Hall to review Racing Brook Water Company acquisition. Superintendent of Public Utilities William Buckley explained that the residents of Racing Brook had petitioned the Common Council to request that the City acquire the water system. He added that improvements were required to the system due to government regulations and that the cost of acquisition would be borne by the users through an assessment.

Council members stated their support for the acquisition as it would not impact upon the City budget, ultimately increase the revenue realized by the City and improve services to the users. Mr. Gomez moved to recommend to the Common Council that the City acquire the Racing Brook water company and the connection of the system into the public water supply. Seconded by Ms. Coladarci and passed unanimously.

The report was adopted on the Consent Calendar.

46 - REPORT - Request for Sewer and Water Ext. at 1 President Street

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 1 President Street met on September 10, 1996 at 7:00 P.M. in Room 432. In attendance were committee members McAllister, Esposito, Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer and Ralph Gallagher representing the petitioner.

Mr. Buckley noted that a City water line already exists on President Street and that that part of the request is moot. Mr. Gallagher noted that at the time of the request the petitioner was not sure if a line was present. The petitioner is requesting to extend the sewer line from Liberty up to 1 President which is now subdivided for two single family residences. Mr. Buckley stated that he wanted a proposed manhole cover moved to make access easier in case of repairs. He had no other objections, saying that it is compatible with the City sewer system. Mr. Schweitzer had no objection, saying that it is within the city's plan of development. The Planning Commission voted approval for this item.

A motion was made by Mr. Esposito to approve the request for the sewer extension to 1 President Street subject to the normal eight steps. Seconded by Mr. McAllister and passed unanimously.

The report was adopted on the Consent Calendar.

47 - REPORT - Water Problem at 39 and 41 Rolfs Drive

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the water problem at 39 and 41 Rolfs Drive met on September 17, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Machado, Shuler and Mead. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and petitioners Mr and Mrs. Philip Santoro and Mr. and Mrs. John Lorusso.

It was explained that a drainage problem has been causing problems for years to residents at 39 and 41 Rolfs Drive. A road in a low flat area, running off waters with nowhere to go, ponding, and severe buildup and frequent visits by city crews to remove ice with heavy equipment created numerous inconveniences to the residents. Mr. Buckley further explained that there is appropriated funds in the budget for this kind of problem.

A motion was made by Mr. Mead to recommend the public works be authorized to install a drain system to solve the problem and smooth the eroded curve at the two driveway entrances. The motion was seconded by Mr. Shuler and passed unanimously.

The report was adopted on the Consent Calendar.

48 - REPORT - Request to Purchase City owned Property on Milltown Road

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request to purchase City owned property on Milltown Road met on Wednesday, September 18, 1996 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Butera and Basso. Also in attendance were Assistant Corporation Counsel Laszlo Pinter and Director of Planning Dennis Elpern.

Mr. Valeri reviewed the history of the subject property which had been acquired by the City as a result of a tax foreclosure. The request to buy the property is being made by Gary and Debra Conklin who had a contract to purchase with the previous owners but were unable to do so as a result of failure to obtain the necessary permit to install a septic system due to the site's inability to accept a standard system. The prospective buyers believe, however, that an acceptable system can be engineered and are still interested in acquiring the property contingent upon their ability to obtain the necessary permits.

Mr. Elpern expressed certain doubts about the possibility of engineering an acceptable system but, if the interested party is willing to invest in an attempt to do so, and seeing how the subject property is of no use to the City, he has no objection to its possible sale. Mr. Valeri cited a positive recommendation by the Planning Commission in response to this request. Attorney Pinter advised the committee to recommend a declaration of surplus as part of the intended action.

Mrs. Butera made a motion to recommend that the subject property be declared surplus and that the necessary departments (i.e. Tax Assessor, Corporation Counsel) be authorized to commence the process of negotiating a contract to sell the property. The motion was seconded by Mrs. Basso and passed unanimously.

The report was adopted on the Consent Calendar.

49 - REPORT - Request for Payment of \$32,000 to the Ridgewood Country Club for the Removal of Silt

Mrs. Abrantes submitted the following report:

The Common Council Committee appointed to review the request for payment of \$32,000 to the Ridgewood Country Club for removal of silt met on September 24, 1996 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Abrantes, Levy and Basso. Also in attendance was Director of Finance Dominic Setaro, Superintendent of Public Utilities William Buckley, Corporation Counsel Les Pinter, and Council members Louis Charles and Harry Scalzo ex-officio.

Ms. Abrantes cited a positive recommendation by the Superintendent of Public Utilities to pay the Ridgewood Country Club the \$32,000 as the City's portion of the cost to remove the silt. Mr. Buckley explained how the drainage of the Westlake Treatment Plant and Lower Kohanza Reservoir probably caused some of the silt buildup in the ponds at the Ridgewood Country Club. Mr. Setaro stated that the pending request could be approved pending certification of the funds available from the water fund/surplus. Mr. Buckley stated that a formula was used to calculate the dollar amount that the City would contribute to the cost of the removal of the silt. Mrs. Basso was concerned that the Ridgewood may make additional future claims against the City for similar occurrences. Mr. Buckley responded that the events of 1990 which caused the situation before the committee were unique and that it was unlikely that these circumstances would recur.

Mrs. Basso moved to recommend to the Common Council that \$32,000 be paid to the Ridgewood Country Club for the removal of silt, where these funds represent the City's cost share of draining the pond, pending certification from the Director of Finance that funds are available from the water fund/surplus, and a release from the Ridgewood Country Club shall be executed simultaneously with receipt of funds from the City. Seconded by Mr. Levy and passed unanimously.

The report was adopted on the Consent Calendar.

50 - REPORT- Hatters Park Bowling Lanes Lease

Ms. Fox submitted the following report:

The Common Council Committee assigned to review the request for approval of the lease for Hatters Park Bowling Lanes met on Tuesday, September 24, 1996 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Fox and Charles. Also in attendance were Director of Finance Dominic Setaro, Assistant Corporation Counsel Laszlo Pinter, the proposed tenant Gerald Troccola and Council Members Levy, Scalzo and Basso, ex-officio. Robert Ryerson, Director of Parks and Recreation and Committee member Mead were unable to attend due to prior commitments.

Ms. Fox read Mr. Ryerson's letter recommending approval of the five-year lease into the record. Mr. Pinter reviewed the lease and explained that it was a standard lease for the City of Danbury. Ms. Fox questioned the amount of the security deposit. It was agreed that the security deposit would be increased to \$2,150.00 to be equivalent to the fifth year of monthly rent per the lease agreement.

Mr. Charles made a motion to approve the lease agreement for Hatters Park Bowling Lanes contingent on Planning Commission approval, if required. Motion seconded by Ms. Fox and passed unanimously.

The report was adopted on the Consent Calendar.

51 - REPORT - Request to Purchase City Land on Virginia Avenue

Mr. Setaro submitted the following report:

The committee appointed to review the request to purchase City owned land on Virginia Avenue met on September 24, 1996 in the Fourth Floor Lobby of City Hall. In attendance were committee members Setaro and McAllister. Also in attendance were Planning Director Dennis Elpern, City Engineer Jack Schweitzer, Assistant Corporation Counsel Les Pinter and the petitioner, Mr. Andrew Gibbs.

Mr. Setaro read for the record a positive Planning Commission report regarding the sale of the property. Mr. Schweitzer explained that the petitioner resides on lot 184 and seeks to purchase a small portion of the City owned property located behind lot 185 on Virginia Avenue. He along with Mr. Elpern stated that they do not foresee any future use of the property by the City but added that the City would retain drainage easements if the property were to be sold to the petitioner. The petitioner explained that he sought the property because some dumping had occurred there and that this situation would be remedied by the purchase of the parcel.

Mr. McAllister moved to recommend to the Common Council that the area at issue located behind lot J11095 on Virginia Avenue be declared surplus and that the City Assessor be directed to determine a market value of the property and that the Corporation Counsel be authorized to negotiate the sale and transfer of title. Seconded by Mr. Setaro and passed unanimously.

The report was adopted on the Consent Calendar.

52 - REPORT - Danbury Construction Jobs Agreement

Mr. Setaro submitted the following report:

The Committee appointed to review the Danbury Construction Jobs Agreement met on May 28, 1996 in Room 432 of City Hall. In attendance were committee members Setaro, Gomez and Basso as well as Assistant Corporation Counsel Les Pinter, and Edward Baldwick and Patrick Dugan of Carpenters' Local 210.

Mr. Dugan explained that the purpose of the agreement is to promote and recruit the training of unemployed and underemployed individuals as carpenter apprentices in State certified programs. He added that an objective is to promote the training and hiring of minorities and women in Danbury by private contractors who are signatories to the agreement, where candidates would be referred by participating community agencies/organizations. If a signatory, the City would be endorsing this program and would play a role substantially similar to that of a community agency in assisting in the recruitment of potential candidates. Mr. Pinter stated that he had questions regarding the City's role under the agreement, and Ms. Basso moved that the committee endorse the general principles represented by the agreement and that the Corporation Counsel negotiate terms with Carpenters' Local 210 and report back to the committee. Seconded by Mr. Gomez and passed unanimously.

The committee met on August 26, 1996 in Room 432 of City Hall. In attendance were committee members Setaro, Gomez and Basso as well as Corporation Counsel Eric Gottschalk and Edward Baldwick and John Cunningham, Jr. of Carpenters' Local 210. Mr. Gottschalk stated that negotiations of the terms had not yet concluded and Ms. Basso moved that Corporation Counsel report back to the committee within 30 days with a proposed agreement and that the committee recess until such time. Seconded by Mr. Gomez and passed unanimously.

The committee met on September 24, 1996 in the Fourth Floor Lobby of City Hall. In attendance were committee members Setaro, Gomez and Basso. Also in attendance were Assistant Corporation Counsel Les Pinter, Matthew Capece, General Counsel of Carpenters' Local 210 and Mr. John Cunningham, Jr. Business Agent for Local 210.

Mr. Pinter stated that terms of the agreement had been negotiated to the satisfaction of all parties involved. Mr. Capece stated that proposed agreement represented a partnership between the City, trade organizations and community agencies. He added that the program targets minority recruitment into apprenticeship programs, that it was designed to assist those who are underemployed, and that participating individuals and contractors need not be or become Union members or Union contractors. Ms. Basso moved to recommend to the Common Council the adoption of the proposed Danbury Construction Jobs Agreement and that the Mayor be authorized to execute the agreement so that the City may become a signatory. Seconded by Mr. Gomez and passed unanimously.

Mr. Boynton made a motion that the report be accepted and the recommendations adopted. Seconded by Mr. Mead. Motion carried unanimously.

Mr. Setaro made a motion to enter into Executive Session at 8:32 P.M. to discuss item 35. Seconded by Mr. Boynton. Mr. Nolan asked for a point of order - would he be able to add an item at the end of the agenda. Mayor Eriquez stated that adding items to the end of the agenda would be handled as usual.

At 9:00 P.M. the Common Council reconvened in open session.

Mr. Setaro made a motion to approve the settlement as outlined by the Corporation Counsel in Executive Session regarding item 35. Seconded by Miss Fox. Mr. Boynton stated that he feels that this is bad public policy. Motion carried with Council Members Boynton, Buzaid and Gallagher voting in the negative.

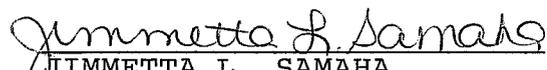
Mr. Nolan made a motion to add item 53 to the agenda, a Resolution regarding the General Assistance Program. Seconded by Mr. Mead. Ms. Fox made a motion to move the question. Seconded by Mr. Levy. Motion carried with Council Members Valeri and Basso voting in the negative.

Motion to add item 53 failed with Council Members Nolan, Mead, Basso and Arconti voting yes.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Boynton at 9:04 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk