

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

RE: Minutes of the Common Council Meeting held January 4, 1994

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

Present - Levy, Scalzo, Falzone, Arconti, Dennehy, Gallagher, Machado, Outlaw, DaSilva, Coladarci, Charles, Beck, Cappiello, Scozzafava, Setaro, Trocolla, Valeri

Absent - Yamin, Boynton, Esposito, Gomez

17 Present - 4 Absent

Mr. Esposito and Mr. Boynton were working

PUBLIC SPEAKING

1. Lynn Waller, 83 Highland Avenue - Spoke regarding item 7, request for funds for Tarrywile Park Architectural Study not cost effective. They do not get much out of it. Then they will come back and ask for more money. There is poor focus on the general usage of the Park. Vote no.

At 7:33 P.M. Mr. Gomez arrived and was marked present.

2. Anton Fry, 84 Hospital Avenue - requested to purchase City property on Hospital Avenue. Wants to purchase the property for a parking lot. He was told the approximate value would be \$10,000. The assessment was \$20,000. The land is valuable just to him and was surprised at the cost. He is not asking for special treatment and willing to split the cost half way. Would pay \$15,000 rather than \$19,400.

3. Ronald Blonski, 18 Griffing Avenue - spoke regarding item 23, There was a lot of effort and care put into the report and the committee and he appreciates it. What it amounts to is private parking on public property. Read a prepared statement which is on file in the Office of the City Clerk for public inspection.

ANNOUNCEMENTS

- January 2nd - Council Member Lou Charles celebrated his 83rd birthday.
- January 13th - 12:00 Violence Prevention Seminar
- January 14th - 7:00 P.M. Padanaram Hose Dinner
- January 15th - 4:00 P.M. Danbury Music Center Marian Anderson Recital Hall Dedication
- January 15th - 7:30 P.M. Jaycees 40th Anniversary Dinner  
Ethan Allen Inn
- January 17th - Martin Luther King Birthday - City Hall Closed
- January 22nd - Germantown Hose Company Dinner
- January 22nd - Water Witch Hose Company Dinner

Next week Mayor and Financial Officers will visit rating agencies in New York to review credit rating and upgrade bond rating.

Planning for a PAL Activities Center in the linear Town Park is commencing. A steering committee will be appointed shortly.

Goods for Guns Program will be offered soon. Mayor is working with Fred and Barbara Czap to implement the program in memory of their daughter who was murdered on Thanksgiving and with Stew Leonard's who has offered to donate \$3,000. The guidelines will be developed shortly.

MINUTES - Minutes of the Special Meeting held December 6, 1993 and the Regular Meeting held December 7, 1993. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mrs. Coladarci. Motion carried unanimously.

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

- 1 - Municipal Lighting Renovation Program - \$50,000
- 2 - Application for Infant Immunization Program Grant - \$25,000
- 3 - Reappointment of Art Roberts to the Redevelopment Agency
- 4 - Reappointment of John Plecity and Roger LeBlanc to the Building Code of Appeals
- 5 - Reappointment of Joseph Justino and Alice Hyman to the Planning Commission
- 6 - Reappointment of William Goodman and Joan Damia to the Library Board of Directors
- 13 - Homeless Shelter Transfer of \$300
- 15 - Approve sale of bonds \$26,855,000
- 18 - Board of Education Grant Budget Revision - \$432,099
- 23 - Traffic Engineer Report regarding sidewalk definition - send recommendations to Police Department
- 29 - Triangle Street Bridge - Local Bridge Program - Approval of Application
- 30 - Zoning Violations on Moss Avenue - report and recommendations
- 31 - Deny request for exemption of fees for certificate of Occupancy for Housing Authority
- 32 - Deny Airport Lease for New England Aircraft
- 33 - Approve Health Department Lease
- 34 - Approve Sewer and Water Extensions on Wibling Road
- 35 - Approve Sewer Extension on Germantown and Sandpit Roads
- 36 - Approve Sewer Extension on Sugar Hollow Road
- 38 - Approve sale of City property on Hospital Avenue for \$19,400

Mr. Charles made a motion that the Consent Calendar be adopted as read. Seconded by Miss Dennehy. Mr. Arconti asked that item 38 be removed. Motion, as amended, carried.

1 - RESOLUTION - Municipal Lighting Renovation Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is desirous of undertaking a municipal lighting renovation program in order to improve efficiency lighting for municipal buildings; and

WHEREAS, the State of Connecticut, in program conjunction with Northeast Utilities has made available a reimbursement grant for such purposes in the amount of \$50,000.00, with a local cash match of \$17,996.00; and

WHEREAS, Ventana Corporation, retained by the City of Danbury for previous renovation work of this kind, is the firm in the best position to provide implementation services for this program; and

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury hereby waives any bidding requirements which may exist with respect to retaining Ventana Corporation for the purposes of this project, as is permitted pursuant to the City of Danbury Code of Ordinances; and

BE IT FURTHER RESOLVED, that Mayor Gene F. Eriquez is hereby authorized to execute such applications, agreements or documents as may be necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

2 - RESOLUTION - Infant Immunization Program Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Department of Health and Housing has received notification from the State of Connecticut Department of Public Health and Addiction Services that the City of Danbury is eligible to receive a renewal of its Infant Immunization Program Grant in an amount not to exceed \$25,000.00; and

WHEREAS, the grant will cover the period from January 1, 1994 through December 31, 1994 with no local matching funds required; and

WHEREAS, the City will utilize these funds to provide vaccine protection against childhood communicable diseases to children of the Danbury area, infants to age two; and

WHEREAS, this program of immunization will not only protect children and benefit their families, but will provide reduced communicable disease exposure for all citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury, Gene F. Eriquez, or the Director of Health, William J. Campbell, as his designee, are hereby authorized to apply for said Infant Immunization Program grant funds, to accept a grant in the amount of \$25,000.00, if approved, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

The Resolution was adopted on the Consent Calendar.

3 - COMMUNICATION - Letter from Mayor Eriquez reappointing Art Roberts to the Redevelopment Agency for a term to expire January 1, 1999. The reappointment was confirmed on the Consent Calendar.

4 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of John Plecity and Roger LeBlanc to the Building Code Board of Appeals for terms to expire January 1, 1997. The reappointments were confirmed on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of Joseph Justino and Alice Hyman to the Planning Commission for terms to expire January 1, 1997. The reappointments were confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointments of William Goodman and Joan Damia to the Library Board of Directors for terms to expire January 1, 1997. The reappointments were confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Director of Tarrywile Park Authority for funds in the amount of \$7,150 for an architectural study for the Hearthstone Castle. Miss Dennehy asked that this be referred to an ad hoc committee, the Director of Finance and the Director of Tarrywile. Mayor Eriquez so ordered and appointed Council Members Setaro, Dennehy and Yamin to the committee.

8 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$95.00 to be credited to the Supplies line item. Mr. Falzone made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

9 - COMMUNICATION - Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$50 for the Books line item and \$88.40 for the Conferences line item. Mr. Levy made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mr. Falzone. Motion carried unanimously.

10 - COMMUNICATION - Letter from Director of Health William Campbell requesting permission to accept a donation in the amount of \$1,000 from Danbury Hospital for the School Based Health Center.

Mr. Trocolla made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

11 - COMMUNICATION - Letters from Director of Welfare Deborah MacKenzie requesting permission to accept donations in the amount of \$25 from E. Merullo, \$15 from Sandra Falzone, \$25 from Patricia Nagle, \$100 from Carole Soloff and \$40 per month from Patrick Daubert for Security Monitoring at the Welfare Department. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

12 - COMMUNICATION - Letter from Bobbi Feinson requesting permission to accept the sum of \$2,000 from the Meserve Memorial Fund for the Youth Commission's Conference Fund. Miss Beck made a motion that the funds be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

13 - COMMUNICATION & CERTIFICATION - Letter from Director of Welfare Deborah MacKenzie regarding \$300 in revenue account #02-65-000-653100. These funds were received from billings to other towns for persons staying in the City's Shelter. Request was made that these funds be transferred to the City's Homeless line item 02-20-000-072930. A certification of funds was attached. The transfer was authorized on the Consent Calendar.

14 - COMMUNICATION & CERTIFICATION - Letter from Director of Welfare Deborah MacKenzie requesting funds in the amount of \$160,200.00 to meet the needs of current and future welfare recipients. This figure represents the City's share of the request. A Certification of Funds was attached. Mr. Levy made a motion that the request be approved and the appropriation of funds authorized. Seconded by Mr. Falzone. Mr. Setaro asked if this sum would carry the City through until the end of the year. Ms. MacKenzie said that it should. Motion carried unanimously.

15 - COMMUNICATION - Resolution with Respect to the Issuance And Sale of \$26,855,000 General Obligation Bonds of the City of Danbury

Section 1. \$17,740,000 of the unissued balance of \$17,740,000 of the \$33,865,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$33,865,000 For Renovations, Improvements And Additions To Various City Schools And Authorizing The Issuance Of \$33,865,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on July 6, 1989, and approved by the electors at a referendum on November 7, 1989 shall bear an original issue date of February 1, 1994 and mature \$890,000 on February 1 in each of the years 1995-2008, both inclusive and \$880,000 on February 1 in each of the years 2009-2014, both inclusive.

Section 2. \$3,100,000 of the unissued balance of \$14,897,582 of the \$76,450,000 bonds authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$44,600,000 For Improvements To The Wastewater Treatment System And Authorizing The Issuance Of Not Exceeding \$44,600,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on October 17, 1989, as amended, shall bear an original issue date of February 1, 1994 and mature \$155,000 on February 1 in each of the years 1995-2014, both inclusive.

Section 3. \$2,000,000 of the \$4,300,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$4,300,000 For Improvements To Various City Dams Including West Lake Dam, Margarie Lake Dike Dam, Boggs Pond Dam, Upper Kohanza Dam, and Pandanaram Dam and Authorizing The Issuance Of \$4,300,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on September 1, 1992 and approved by the electors at a referendum on November 3, 1992, shall bear an original issue date of February 1, 1994 and mature \$100,000 on February 1 in each of the years 1995-2014, both inclusive.

Section 4. \$2,705,000 of the \$4,400,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Making Appropriations For Various Public Improvements Aggregating \$4,400,000 And Authorizing The Issuance Of \$4,400,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on September 1, 1992 and approved by the electors at a referendum on November 3, 1992, shall bear an original issue date of February 1, 1994 and mature \$220,000 on February 1 in each of the years 1995-1998, both inclusive, \$210,000

on February 1, 1999, \$165,000 on February 1 in each of the years 2000-2003, both inclusive, \$155,000 on February 1, 2004, and \$80,000 on February 1 in each of the years 2005-2014, both inclusive.

Section 5. \$1,310,000 of the unissued balance of \$4,160,000 of the \$7,000,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Authorizing The Issuance Of \$7,000,000 Serial Bonds To Finance The Additional Cost Of Improving The Sanitary Sewerage System Of The City Of Danbury, By Means Of Constructing Lateral Sewer Lines And Authorizing The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, The Cost of Such Improvements To Be Paid Solely By Benefitted Property Owners And/Or Federal Or State Grants", adopted by the Mayor and Council on April 20, 1977, and approved at a Special City Meeting on May 25, 1977, shall bear an original issue date of February 1, 1994 and mature \$70,000 on February 1 in each of the years 1995 and 1996, and \$65,000 on February 1 in each of the years 1997-2014, both inclusive.

Section 6. Said \$17,740,000, \$3,100,000, \$2,000,000, \$2,705,000 and \$1,310,000 bonds referred to in Sections 1 to 5, hereof, shall be combined into and issued and sold as a single issue of \$26,855,000 City of Danbury General Obligation Bonds, bearing an original issue date of February 1, 1994, maturing, in combination, \$1,435,000 on February 1 in each of the years 1995 and 1996, \$1,430,000 on February 1 in each of the years 1997 and 1998, \$1,420,000 on February 1, 1999, \$1,375,000 on February 1, in each of the years 2000-2003, both inclusive, \$1,365,000 on February 1, 2004, \$1,290,000 on February 1 in each of the years 2005-2008, both inclusive, and \$1,280,000 on February 1 in each of the years 2009-2014, both inclusive, bearing interest payable on February 1 and August 1 in each year until maturity, commencing August 1, 1994 (the "Bonds").

Section 7. (a.) \$17,740,000 of the Bonds are determined to be issued for School purposes and shall be includible in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for School projects.

(b) \$2,705,000 of the bonds are determined to be issued for General Public Improvement purposes and shall be includible in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for General Public Improvement projects.

(c) \$4,410,000 of the bonds are determined to be issued for Sewer purposes and shall be includible in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for Sewer projects.

Section 8. Shawmut Bank Connecticut, N.A., of Hartford, Connecticut, is hereby appointed as agent of the City to act as Registrar and Transfer Agent, Certifying Bank and Paying Agent and with respect to the Bonds.

Section 9. The Bonds shall be issued as book-entry bonds in accordance with the terms and provisions set forth in a Letter of Representations from the City of Danbury to The Depository Trust Company, and the Mayor is hereby authorized to execute and deliver such letter on behalf of the City with such changes, insertions and deletions as he shall deem necessary and appropriate.

Section 10. The Mayor and City Treasurer are hereby authorized to execute and deliver a Tax Regulatory Agreement on behalf of the City of Danbury in such form and containing such terms and provisions as they deem necessary and appropriate, and to rebate to the Federal Government such amounts, if any, as may be required pursuant to the Tax Regulatory Agreement for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended.

Section 11. The Mayor and City Treasurer are authorized to issue and sell the Bonds in a competitive offering to the bidder or bidders offering to purchase the same at the lowest true interest cost to the City, such sale to be held on a date determined by the Mayor and the City Treasurer.

The Resolution was adopted on the Consent Calendar.

16 - COMMUNICATION & CERTIFICATION - Agreement between the City of Danbury and The Danbury Municipal Employees Association, Inc. The full agreement is on file in the Office of the City Clerk for public inspection. Mr. Charles made a motion that the agreement be approved and the funds be appropriated. Seconded by Miss Dennehy. Motion carried unanimously.

17 - COMMUNICATION - Request for a committee to study the Charter Revision Commission recommendations. Miss Dennehy asked that this be referred to an ad hoc committee, the Corporation Counsel and the Mayor's Office. Mayor Enriquez so ordered and appointed Council Members DaSilva, Coladarci and Scozzafava to the committee.

18 - COMMUNICATION - Letter from Board of Education Chairman Nancy Marcus stating that the Board of Education adopted a revised State and Federal Grant of \$5,674,269. This is an increase of \$432,099. The revised budget was approved on the Consent Calendar.

19 - COMMUNICATION - Request for bond reduction for Woodland Construction Corp. Terrace Heights Subdivision. Miss Dennehy asked that this be referred to the City Engineer and the Planning Commission for reports back within thirty days. Mayor Enriquez so ordered.

20 - COMMUNICATION - Request from Lechmere Corporation to purchase City land on Backus Avenue. Mr. Scalzo asked that this be referred to an ad hoc committee, the Planning Commission, the Planning Director, the Corporation Counsel, the Airport Administrator. Mayor Enriquez so ordered and appointed Council Members Boynton, Levy and Scozzafava to the committee.

21 - COMMUNICATION - Offer to sell land on Mountainville Avenue to the City. Mr. Scalzo asked that this be referred to the City Engineer, the Planning Director and the Planning Commission for reports back within 30 days. Mayor Enriquez so ordered.

22 - COMMUNICATION - Offer to convey 935 Square Feet of land at the intersection of Tamarack and Virginia Avenues to the City. Miss Dennehy asked that this be referred to the City Engineer and the Planning Commission for reports back within thirty days. Mayor Enriquez so ordered.

23 - COMMUNICATION - Report from the Traffic Engineer regarding the definition of a sidewalk and recommendations for the police department. The report was accepted on the Consent Calendar and forwarded to the Police Department.

24 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley stating that the low bidder for cover material withdrew their bid after the contract was awarded to them. Mr. Buckley therefore requests that their bid bond check be deposited in the landfill account used to purchase fill and cover material. Miss Beck made a motion that the request be granted and the deposit authorized to the landfill account. Seconded by Mr. Charles. Mr. Gallagher asked the amount of the bid bond check. The Mayor stated that it was \$1,250.00 which is 5% of the total bid. Motion carried with Mr. Gallagher voting in the negative.

25 - COMMUNICATION - Request for payment of storage and towing charges for stolen vehicle. Mr. Arconti asked that this be referred to an ad hoc committee, the Corporation Counsel and the Chief of Police. Mayor Eriquez so ordered and appointed Council Members Scalzo, Gallagher and Cappiello to the committee.

26 - COMMUNICATION - Survey from City Engineer Jack Schweitzer regarding the Morgan Avenue Sanitary Sewer Project. Mr. DaSilva made a motion that the sewer petition be approved and the City Engineer be authorized to begin the necessary process. Seconded by Miss Dennehy. Mr. Setaro asked if those who voted no would still be responsible for the cost. Mr. Schweitzer said that everyone must pay the assessment if they tie in or not. Mr. Arconti asked what the average assessment would be. Mr. Schweitzer stated that he did not have any idea yet on this project. Motion carried unanimously.

27 - COMMUNICATION - Survey from City Engineer Jack Schweitzer regarding the Maplecrest Drive Sanitary Sewer Project. Mr. DaSilva made a motion that the petition be approved and the process begun by the City Engineer. Seconded by Miss Dennehy. Motion carried unanimously.

28 - DEPARTMENT REPORTS - Department of Elderly Services, Police, Fire Chief, Fire Marshall, Parks and Recreation, Sealer of Weights and Measures, Highways, Engineering, Department of Public Utilities. Mr. DaSilva made a motion to accept the Department Reports and waive the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro.

Mr. Arconti thanked the Highway crews who had to be out on Christmas Eve. Mr. Setaro asked for reports from BSI and the Mayor said they would start in February.

Motion carried unanimously.

29 - REPORT & RESOLUTION - Triangle Street Bridge Local Bridge Program Application

Mr. DaSilva submitted the following report and resolution:

The Common Council met as a committee of the whole at 7:05 P.M. on December 20, 1993 to review the proposed Triangle Street Bridge Local Bridge Program Application. Director of Public Works Jack Schweitzer explained the local bridge program. He stated that this project of approximately \$1,000,000 will replace the deck and support for the Triangle Street Bridge. In this program is a loan of \$500,000, a grant of \$325,000 and a local contribution of \$200,000. The local portion is included in the 1993-94 budget.

Mr. Esposito moved to recommend authorization for the Mayor to sign the supplemental application for the Local Bridge Program. The motion was seconded by Miss Dennehy and passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

Project Description:

Municipality: Danbury  
Location: Triangle Street Bridge  
Bridge Number 04073

THAT, Gene F. Eriquez, Mayor of the City of Danbury, is authorized to sign the agreement entitled Supplemental Application for Participation in the Local Bridge Program Sections 13a-175p through 13a-175u of the Connecticut General Statutes for the above referenced project, and be authorized hereby is authorized to execute such other documents as may be necessary for purposes of the Triangle Street reconstruction program.

The report and resolution was adopted on the Consent Calendar.

30 - REPORT - Zoning Violations on Moss Avenue

Miss Dennehy submitted the following report:

The Common Council committee appointed to review zoning violations on Moss Avenue met at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Dennehy, Scalzo and Cappiello. Also in attendance were Corporation Counsel Eric Gottschalk, Zoning Enforcement Officer Wayne Skelly, Police Captain Dennis Cooney, Charles Risso, George Risso, Bertha Buckhannon and Ronald Blonski. Mr. Scalzo made a motion to waive the rules to allow those present to speak. Seconded by Miss Dennehy. Motion carried unanimously.

Miss Dennehy stated that the zoning violation was illegal car repair on Moss Avenue. This violation has been going on and off for over 5 years. Wayne Skelly reported that the Zoning Department has dealt with this problem many times. The constituents expressed their concern about specific problems on #12, 10 and 17. Mr. Skelly said he would look into these violations. Captain Cooney talked about some police concerns by the constituents. He said he would look into the abandoned car. He also said he would help them with the adopt a street program. Mr. Scalzo mentioned many concerns and felt the Fire Department, Zoning Department, Police Department and Electrical Inspector could and should address all these concerns. Mr. Gottschalk stated that this is not a legislative issue and recommended that the committee refer this item to the Mayor's Office to research it.

After reviewing all the facts on the violations, Mr. Scalzo made a motion to refer this to the Mayor's Office to report back to the Common Council within 30 days. Seconded by Mr. Cappiello. Motion carried unanimously.

The report was adopted on the Consent Calendar.

31 - REPORT - Request for Exemption from Certificate of Occupancy Fees for the Housing Authority

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request by the Housing Authority of the City of Danbury for exemption from City Health Department Certificate of Occupancy fees met on Tuesday, December 28, 1993 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Setaro and Scozzafava. Also in attendance were Housing Authority Executive Director Bernard Fitzpatrick, Director of Health William Campbell, Assistant Director of Health Paul Schierloh and Assistant Corporation Counsel Les Pinter.

Mr. Fitzpatrick based his request on the anticipated financial burden the payment of these fees will create over the course of the fiscal year. Mr. Campbell and Mr. Schierloh both cited the need to maintain the inspection fee schedule and suggested the total expense incurred by the Housing Authority would not be as great as anticipated. Mr. Pinter explained that there is no provision for exemption to the ordinance as written and that a revision to the ordinance would first have to be made to allow for such an exemption. Mr. Setaro and Mr. Scozzafava commented on the need to maintain the inspection fee schedule without exception to avoid setting a dangerous precedent.

Mr. Scozzafava made a motion to deny, without prejudice, the request for waiver of Certificate of Occupancy fees based on our lack of authority to allow for an exemption from the ordinance as written, and recommend that if indeed undue financial burden results, a request for a supplemental appropriation be made to the Common Council for its consideration. The motion was seconded by Mr. Setaro and passed unanimously.

The report was adopted on the Consent Calendar.

32 - REPORT - Amendment between the City and New England Aircraft Sales.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the amendment between the City of Danbury and New England Aircraft Sales met on November 15, 1993 in Room 432 in City Hall. In attendance were committee members Falzone, Trocolla and Scozzafava. Also in attendance were Paul Estefan, Airport Administrator, Donald Crudginton and Lawrence Landerman of the Aviation Commission and Bob Zohn from Business Aircraft.

Mr. Falzone read the Aviation Commission's approval of the lease for the record. Mr. Crudginton stated that it was a unanimous approval. Mr. Landerman stated that he did vote yes on the approval but the legal description of the five acres needed for the lease had not yet been obtained at the time of the vote and he had now changed his mind on approving the lease. Mr. Estefan stated his opposition to the lease agreement. After further discussion it was decided to continue the meeting for an on-site inspection of the property.

The committee reconvened on December 28, 1993 with the addition of Ron Whelan of New England Aircraft and Les Pinter, Assistant Corporation Counsel. Mr. Crudginton and Mr. Landerman were not in attendance. Mr. Falzone read into the record a letter from Mr. Crudginton stating his and the Commission's support of the lease. Mr. Trocolla asked how long this lease was for and was told that it runs for 45 years. After a long discussion on the availability of parking for future use, the need for another FBO at the airport and the need for the Aviation Commission to get together with all parties involved and work out an agreement, the committee felt that there were too many unanswered questions at this time.

Mr. Trocolla made a motion to reject this lease. Seconded by Mr. Scozzafava and passed unanimously.

The report was adopted on the Consent Calendar.

33 - REPORT - Health Department Lease

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the lease for the Health and Housing Department met on December 14, 1993 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Arconti and Scalzo. Mr. Scozzafava was absent. Also in attendance was Council Member Warren Levy, ex-officio.

The committee considered all options that were potentially available to the City which included an offer to lease property at 30 West Street, continuation of a lease at 20 West Street, possible acquisition of the State Amory and the current consideration of purchasing the Van Houten property at 45 West Street. In view of the possibility of the City acquiring the Van Houten property, it was agreed that we should avoid the expense of any interim moves.

Mr. Scalzo moved to recommend that the Health and Housing Department remain at the present site at 20 West Street and that the City negotiate a short term lease with the present landlord. Seconded by Mr. Arconti and passed unanimously. It was further recommended by this committee that the City attempt to relocate the WIC program to 20 West Street at the time of re-negotiation due to the present inadequate facility at 13 Main Street.

The report was adopted on the Consent Calendar.

34 - REPORT - Request for Sewer and Water Extensions - Wibling Road.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for Sewer and Water Extension on Wibling Road met on December 28, 1993 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Falzone and Yamin. Also in attendance were Airport Administrator Paul Estefan and Martin Handshy and David Williamson representing Seahorse Aviation.

Mr. Falzone read into the record the Planning Commission's positive recommendation. He then stated Mr. Buckley and Mr. Schweitzer's approval of the plan. Mr. Estefan then spoke on how this is part of the Master Plan at the Airport and he also has no opposition to the sewer and water extensions.

After further discussions, Mr. Yamin moved to grant the sewer and water extensions for Wibling Road subject to the usual eight steps. Seconded by Mr. Falzone. Motion carried unanimously.

The report was adopted on the Consent Calendar.

35 - REPORT - Request for Sewer Extension - 34-45 Germantown Road and 47-49 Sandpit Road.

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the request for a sewer extension at 34-45 Germantown Road and 47-49 Sandpit Road met on December 27, 1993 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Arconti, Coladarci and Yamin, Superintendent of Public Utilities William Buckley, the petitioners and members of the public.

Mr. Arconti reported the positive recommendation of the Planning Commission at its December 15th meeting. Mr. Buckley stated that he had discussed this proposal with the City Engineering Department and that he has no objection to granting this extension.

Mr. Yamin moved to recommend the approval of the sewer extension at 34-45 Germantown Road and 47-49 Sandpit Road following the standard eight steps for sewer extensions. The motion was seconded by Mrs. Coladarci and passed unanimously.

The report was adopted on the Consent Calendar.

36 - REPORT - Request for Sewer Extension - 13 Sugar Hollow Road

Mr. Trocolla submitted the following report:

The Common Council Committee appointed to review the sewer extension at 13 Sugar Hollow Road met on December 20, 1993 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Trocolla, Coladarci and Cappiello. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Attorney Robin Kahn representing McCann Equities Development Co. Mrs. Coladarci made a motion to suspend the rules.

Mr. Buckley indicated that there were no problems with the plans and the company is proposing the preferred way of running the sewers.

Mrs. Coladarci made a motion to recommend to the Common Council approval of the project. Seconded by Mr. Cappiello. Motion carried unanimously.

The report was approved on the Consent Calendar.

37 - REPORT - Request to purchase land for Radio Beacon Tower on Spruce Mountain

Mr. Trocolla submitted the following report:

The Common Council Committee appointed to review the request to purchase land for the radio beacon presently on Spruce Mountain met on December 28, 1993 at 6:30 P.M. in City Hall. In attendance were committee members Trocolla and Valeri. Also in attendance were Airport Administrator Paul Estefan, Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter and Ted Gemza. Mr. Valeri made a motion to suspend the rules.

Mr. Estefan gave the history of the tower. The tower was built in 1962. At that time it was thought to have been built on State property. In 1989 Mr. Gemza had his property surveyed and found that the tower had been built on his property. The City has been negotiating with Mr. Gemza since 1989 to purchase the property and in 1990 an independent appraisal set the price at \$55,000. In negotiations with Mr. Gemza, Attorney Pinter was able to fix the price at \$45,000 for the three and one-half acres. Mr. Gemza asked for a quick resolution to this since he has been patient for three years. Mr. Setaro indicated that after the request for funds this month, the contingency fund would have only \$45,000 left in it.

Mr. Valeri made a motion that the committee recommend to the Common Council the purchase of the property based on the availability of the \$45,000. Seconded by Mr. Trocolla and passed unanimously.

Mr. DaSilva asked that this be resubmitted to the committee in light of new information. Seconded by Mr. Setaro. Motion carried unanimously. The committee consists of Council Members Trocolla, Valeri and Scozzafava.

At 8:20 P.M. Mr. Esposito arrived and was marked present

38 - REPORT - Request to purchase City property on Hospital Avenue.

Mr. Arconti submitted the following report:

The Common Council Committee appointed to review the request to purchase City property on Hospital Avenue met on December 14, 1993 at 7:30 P.M. in City Hall. In attendance were committee members Arconti and Scalzo. Also in attendance were City Engineer Jack Schweitzer, Tax Assessor Robert Coyne and the petitioner, Dr. Anton Fry and Council Member Warren Levy, ex-officio. Council Member Robert Yamin was absent.

Dr. Fry is requesting to purchase approximately 6,800 square feet of City property which abuts his property. He intends to use this property for expanded parking for his medical office building. Mr. Arconti read the positive recommendation of the Planning Commission into the record. Mr. Schweitzer gave a brief history regarding this parcel of land and stated he had no objection to this sale. Mr. Coyne presented an offering price of \$19,400 and explained how he arrived at this figure. Dr. Fry indicated he is willing to pay \$15,000 for the parcel. Discussion ensued regarding what would be a fair price, noting that the parcel in question is not marketable to anyone other than Dr. Fry. Mr. Arconti stated that this sale would allow Dr. Fry to expand his professional services, thereby promoting economic development in the City and that he would be willing to split the difference and recommend a sale price of \$17,200.

Mr. Scalzo moved to recommend the sale of approximately 6,800 square feet of City land on Hospital Avenue to Dr. Fry at the price of \$19,400. Secodned by Mr. Arconti and passed unanimously.

Mr. Falzone made a motion that the report be accepted and the property sold at \$19,400.00. Seconded by Mr. Scalzo.

Mr. Arconti stated that there was a difference of opinion on the committee. The Tax Assessor based the price on the market value. Miss Dennehy said she is not comfortable negotiating a price. The price should be set by the Assessor.

Mr. Scozzafava stated that he usually goes along with the committee recommendations, but the land is worthless to any one other than Dr. Fry. At this point the City is not collecting taxes. Mr. Setaro stated that the Common Council should authorize the Corporation Counsel to negotiate with Dr. Fry. Mr. Valeri asked if the Common

Council is authorized to negotiate in this situation. The Mayor stated that the Common Council requested the Assessor to set the price. Attorney Gottschalk said that the Council can negotiate or can authorize a department to do so, ultimately the decision rests with the Common Council.

Mr. Valeri stated that he is in favor of selling and splitting the difference. What would add to the tax rolls would make up the difference. Mr. Falzone asked if the land is attached to school property. Mr. Arconti said that it is. Mr. Falzone asked if the school might eventually want to use it.

Mr. Levy stated that there would be approximately \$300 in taxes. With a difference of \$2,000 the return would be made in little more than five years. Mr. Capiello agreed that we should split the difference.

Mr. DaSilva stated that he is in favor of selling the property but reducing the price might be setting a precedent. Mr. Gallagher agreed with Mr. DaSilva and said the price should be the one set by the Tax Assessor. Mrs. Outlaw agree. Mr. Scalzo read a portion of a letter from Mr. Coyne. Mr. Setaro agreed with the point that the Assessor should give an estimated price but the role of negotiator should be with the Corporation Counsel. Mr. Trocolla felt that City may be able to use the property.

Miss Dennehy moved the question. Seconded by Mrs. Outlaw. Motion carried unanimously. Motion failed with the members voting as follows:

Yes - Scalzo, Falzone, Arconti, Dennehy, Gallagher, Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Gomez, Trocolla

No - Levy, Beck, Capiello, Scozzafava, Setaro, Valeri

13 Yes - 6 No motion fails as two-thirds needed

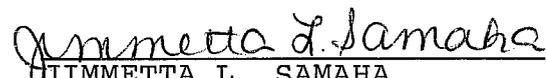
Mayor Eriquez extended all committees

The Mayor made the following replacements:

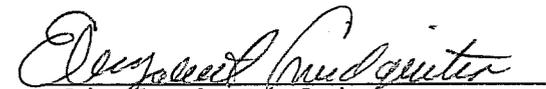
Item 16 - July, 1993 - Tom Arconti  
Item 13 - June, 1993 - Nancy Beck  
Item 24 - Sept, 1993 - Nancy Deck  
Item 22 - Sept, 1993 - Roberto Gomez

There being no further business to come before the Common Council a motion was made by Mr. Setaro for the meeting to be adjourned at 8:40 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk