

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

RE: Minutes of the Common Council Meeting held November 1, 1994.

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

PRESENT - Levy, Falzone, Arconti, Boynton, Machado, Outlaw, DaSilva, Esposito, Coladarci, Charles, Gomez, Beck, Cappiello, Scozzafava, Setaro, Trocolla, Valeri

ABSENT - Scalzo, Yamin, Dennehy, Gallagher

17 Present 4 Absent

Miss Dennehy had a previous commitment

PUBLIC SPEAKING

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

ANNOUNCEMENTS

November 7th - Police Chief Nelson Macedo will celebrate his birthday  
November 12th - Director of Personnel Manny Merullo will celebrate his birthday  
November 14th - Council Member Dorothy Outlaw will celebrate her birthday

November 13-19 - American Education Week

(At 7:35 P.M. Mr. Gallagher arrived and was marked present)

November 3rd - Western Conn "100" Club luncheon  
3rd - Conference for the Blind in City Hall  
5th - Beckerle Hose Company will offer a CPR Course  
5th - Emblem Club Installation Dinner  
5th - Danbury Hospital Ball  
6th - Dedication of new Water Witch Hose Company  
6th - Charity Night at Danbury Fair Mall  
8th - Election Day - Schools will be closed  
9th - Armistice Day Celebration  
11th - Veterans Day - City Hall Closed  
12th - American Legion -75th Anniversary  
13th - Viet Nam Memorial Anniversary  
13th - JayCees Annual Harvest Festival  
20th - PAL Car Raffle Drawing  
22nd - Good Scout Award Luncheon  
24th - Thanksgiving Day - City Hall Closed  
25th - City Hall Closed - Thanksgiving  
27th - Hanukkah  
29th - Special Common Council Meeting

On October 31st the Community Services Building was dedicated. Also, Library Director Betsy McDonough was in Washington to receive a grant for the library awarded to only two cities.

MINUTES - Minutes of the Common Council Meeting held October 4, 1994 and the Special Common Council Meeting held October 17, 1994. 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 Mrs. Outlaw. Motion carried unanimously.

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

- 6 - Approve application for Fairfield County Community Foundation, Inc. Grant - \$5,222
- 7 - Approve amended Resolution regarding restoration of Union Station - \$2,600,000
- 10 - Approve amended Resolution regarding Immigrant Outreach Program - \$9,910.27
- 16 - Approve reappropriation of \$260 for Department of Elderly Services
- 18 - Approve expending of AIDS Prevention Grant Fees - \$4,000
- 20 - Approve Board of Education Lease/Purchase of Apple Computers - \$219,895
- 21 - Approve Board of Education Copier Agreement - \$467,881
- 24 - Approve extension of sewer approval for Danbeth project
- 25 - Approve receipt of communication and take no action
- 26 - Approve receipt of reports regarding request to purchase City land at 4 Moran Avenue and deny request
- 27 - Approve receipt of reports regarding Huntington Farms open space and accept offer
- 28 - Approve receipt of reports regarding Huntington Farms subdivision road widening parcel and accept property
- 29 - Approve receipt of Huntington Drive, Bridle Ridge Road and Wellington Court and accept as City highways
- 30 - Accept subdivision of property of St. Peter's Corporate Society - Main and Wooster Streets
- 34 - Accept extension of sewer line for Community Action Daycare Center
- 35 - Accept request for extension of sewer and water on Hayestown Road
- 36 - Accept report and recommendation regarding drainage problem on Wilkes Road

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

1 - ORDINANCES - Solid Waste - Demolition Materials. Mrs. Coladarc asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - ORDINANCES - Septage Treatment Rules, Regulations and Fees. Mrs. Coladarc asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Hazardous Waste. Mr. Levy asked that this be referred to an ad hoc committee, Jack Kozuchowski and the Corporation Council. Mayor Eriquez so ordered and appointed Council Members Gallagher, Levy and Yamin to the committee.

4 - ORDINANCE - Youth Commission. Mr. Arconti asked that this be deferred to a public hearing. Mayor Eriquez so ordered.

5 - RESOLUTION - Region 7 Form on Diversity and Quality in Education Plan. Mr. DaSilva asked that this be referred to a committee of the whole. Mayor Eriquez so ordered.

6 - RESOLUTION - Fairfield County Community Foundation, Inc. Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Public Library needs to obtain \$5,222 in local matching funds in order to receive a \$16,000 grant from the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) to determine the feasibility of establishing a community FreeNet; and

WHEREAS, the Fairfield County Community Foundation, Inc. has established a grant program that favors applications that have an inter-town impact and grant programs which serve to strengthen the organizational operations of agencies and thus their capacity to provide services; and

WHEREAS, a plan for a community FreeNet would serve the residents, businesses and organizations in the greater Danbury area and would strengthen the ability of the agencies and governments which serve them to better communicate and more effectively deliver service; and

WHEREAS, the Danbury Public Library has prepared an application to the Fairfield County Community Foundation, Inc. for a matching grant totaling \$5,222 for the grant period of October 1, 1994 through September 30, 1995;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to apply for said grant, to sign all agreements/documents in connection therewith, to accept the funds, if offered, and to do all things necessary to effectuate the purposes thereof; provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Union Station Restoration Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation has advised the City of Danbury that funds programmed for the restoration of Union Station have been increased to a total amount of \$2,600,000 to encompass all phases of the project; and

WHEREAS, federal reimbursement will cover 80% of this amount, the balance representing the local share; and

WHEREAS, in accordance with prior notification and authorization, the first phase of funding and services was undertaken;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez is hereby authorized to accept the offer of funding in the amount of \$2,600,000, to be offered and expended in phases, and is further empowered to execute or ratify all agreements, letters or contracts and do all things necessary to accomplish the purposes of said project.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Municipal Outdoor Recreation Grant Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to make application and obtain assistance from the State of Connecticut,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY AS FOLLOWS:

1. That an application be made to the Commissioner of the Department of Environmental Protection for an Outdoor Recreation Land Acquisition, and/or Development Grant for a City of Danbury project known as Hatters Park Pavilion Development and Related Capital Improvements;

2. That it is the intent of the City of Danbury that, should its application be selected and approved by the Commissioner of Environmental Protection, adequate funding for operating and maintaining the property and facility will be provided;

3. That Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized and directed to execute and file such application, and to act as authorizing correspondent;

4. That Mayor Gene F. Eriquez is hereby authorized to enter into such agreements and/or contracts and to execute all documents necessary for said grant with the State of Connecticut;

5. That the proposed acquisition and/or development is in accordance with the Plan of Development of the City of Danbury and that should said grant be made, said land will be retained in accordance with the provisions of Section 7-131a through 7-31k, inclusive, of the Connecticut General Statutes.

Mr. Boynton made a motion to accept the communication and adopt the Resolution. Seconded by Mr. Setaro.

Mr. DaSilva stated that this is a welcomed addition from the State. Hatters Park is widely used and in need of improvements. Mr. Falzone asked if the Common Council will have access to any plans as he has heard some concerns about noise. The Mayor said that the Council would and noise is being taken into consideration with the redevelopment of the pavilion.

Motion carried unanimously.

9 - RESOLUTION - Grant from the Connecticut State Library - Online Community Information Database.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 98-480 (Federal Library Services and Construction Act) provides for federal funds to assist in the extension and improvement of public library services; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of \$10,000 under said Federal Library Services and Construction Act, Title I, which requires a local match of \$5,000 for a total amount of \$15,450; and

WHEREAS, the Danbury Public Library is developing a community-wide planning committee to determine the feasibility of a city-wide on-line local information database (freeNet); and

WHEREAS, the production of a video to demonstrate the possibilities of a FreeNet and access to the nation's "Information Superhighway" will enhance community involvement in the planning process and demonstrate operating community computer networks throughout the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That in accordance with the requirements of the grant award, the City of Danbury will provide a local cash match of \$100 and an in-kind match of \$5,350, the sum of which totals at least one-half of the amount of the grant.

2. That all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$10,000 for the funding period of January 1, 1995 through September 30, 1995 to further the purposes of said grant award.

Mr. Boynton made a motion that the communication be accepted and the Resolution adopted. Seconded by Miss Beck.

Mr. Trocolla stated that he thinks this is a great idea and an excellent opportunity. Mr. Arconti asked what the in-kind contribution was. Director of the Library Betsy McDonough, through the Chair, said that it was staff time for developing the video.

The motion carried unanimously.

10 - RESOLUTION - Grant from the Connecticut State Library Immigrant Outreach Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P. L. 98-480 (Federal Library Services and Construction Act) provides for federal funds to assist in the extension and improvement of public library services; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of \$9,910.27 under said Federal Library Services and Construction Act, Title I, which requires a local cash match of \$1,318, and an in-kind match of \$3,640.98 for a total amount of \$14,869.25; and

WHEREAS, the 1990 census of population indicates that there are 4,810 persons of Hispanic origin and 2,393 persons of Asian or Pacific Islander origin living in the City of Danbury; and

WHEREAS, the Danbury Public Library wishes to determine and address the information needs of two of Danbury's largest immigrant groups and establish a plan for the library's outreach to other immigrant groups;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That in accordance with the requirements of the grant award, the City of Danbury will provide a local match of \$1,318 and an in-kind match of \$3,640.98, the sum of which totals at least one half of the amount of the grant.

2. That all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$9,910.27 for the funding period of January 1, 1995 through September 30, 1995 to further the purposes of said grant award.

The Resolution was adopted on the Consent Calendar.

11 - RESOLUTION - Western Connecticut Area Agency on Aging - Homesharing Connections Program. WITHDRAWN

12 - RESOLUTION - Interweave Adult Daycare Center. WITHDRAWN

13 - RESOLUTION - Department of Mental Retardation - Homeshare Connections. WITHDRAWN

14 - COMMUNICATION - Letter from Chief of Police Nelson Macedo requesting permission to accept the donation of a 1987 Toyota Tercel Wagon from Virginia F. Hannon to Explorer Post #33. Mr. Falzone made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

15 - COMMUNICATION - Letter from Director of Elderly Services asking permission to accept donations in the total amount of \$260. Mr. Setaro made a motion to accept the donations, credit the proper line items and send letters of thanks. Seconded by Mr. Charles. Motion carried unanimously.

16 - COMMUNICATION - Request from Director of Elderly Services Leo McIlrath to transfer the amount of \$260 from the Elderly Services donations account to the Commission on Aging Budget. A certification of funds was attached. The request was granted on the Consent Calendar.

17 - COMMUNICATION - Request for a contribution to the Children's Christmas Fund. Mrs. Coladarci asked that this be referred to an ad hoc committee. The Mayor so ordered and appointed Council Members Coladarci, Gomez and Scozzafava to the committee.

18 - COMMUNICATION - Request for the Common Council to expend fees in the amount of approximately \$4,000 collected from the AIDS prevention grant fees. The request was granted on the Consent Calendar.

19 - COMMUNICATION - Letter from Attorney Daniel Casagrande requesting the appropriation of \$90,000 for the settlement of William Pahaham and William Rogers v. City of Danbury. Mr. DaSilva made a motion to accept the communication and authorize the appropriation of \$90,000 to settle this matter. Seconded by Mr. Charles. Mayor Eriquez stated that \$40,000 was for attorneys fees and \$50,000 was for the officers. This will resolve this complaint which began in 1988. Motion carried unanimously.

20 - COMMUNICATION - Request for approval of the purchase of instructional computers/software for the Board of Education. The schools will lease/purchase \$219,895 worth of Apple computers over a three year period. The lease/purchase was approved on the Consent Calendar.

21 - COMMUNICATION - Request from the Board of Education for approval of a lease/purchase agreement in the amount of \$467,881 with A Copy for the next five years. The lease/purchase agreement was approved on the Consent Calendar.

22 - COMMUNICATION - Request from the Director of Finance for the Common Council to authorize the acceptance of \$120,000 reimbursement for the Police Department for services provided to the Housing Authority. Mrs. Coladarci made a motion that the communication be accepted and the Mayor authorized to execute the agreement. Seconded by Miss Beck. Mr. Gomez asked how long it would take to implement this agreement. Mayor Eriquez stated that it would be done as quickly as possible. Motion carried unanimously.

23 - COMMUNICATION & CERTIFICATION - Letter from Risk Manager Tom Fabiano stating that new awards under the Heart and Hypertension Statute will require additional appropriations in the amount of \$59,056.48. A Certification of Funds was attached. Mr. DaSilva made a motion that the communication be accepted and the amount of \$59,056.48 be appropriated. Seconded by Mr. Charles. Motion carried unanimously.

(At 8:03 P.M. Mr. Scalzo arrived and was marked present).

24 - COMMUNICATION - Letter from Attorney Lawrence M. Riefberg requesting that the Common Council grant an extension of time for the Danbeth project previously approved. The request was granted on the Consent Calendar.

25 - COMMUNICATION - Request for sewer and water extension on Briar Ridge Road, George Washington Highway, etc. The communication was accepted and no action taken on the Consent Calendar.

26 - COMMUNICATION - Reports from the Planning Commission, the Planning Director, the City Engineer and the Tax Assessor regarding the request to purchase City land at 4 Moran Avenue. The reports were accepted on the Consent Calendar and the request denied.

27 - COMMUNICATION - Reports from the Corporation Counsel, the Planning Commission, the City Engineer and the Superintendent of Public Utilities regarding the request to accept land for open space off Bridle Ridge Road. The reports were accepted on the Consent Calendar and the offer accepted.

28 - COMMUNICATION - Reports from the Director of Public Works, and the Corporation Counsel regarding Huntington Farms Subdivision, Road Widening Parcel. The reports were accepted on the Consent Calendar and the property accepted.

29 - COMMUNICATION - Reports from the Corporation Counsel, the City Engineer and the Planning Commission regarding the acceptance of Huntington Farms Subdivision as City roads. The reports were accepted on the Consent Calendar and the roads accepted.

30 - COMMUNICATION - Letter from Attorney Robert Talarico requesting that the Common Council accept a parcel of land from St. Peter's Corpore Society on Main and Wooster Streets in order to improve the intersection of these two streets. The parcel was accepted on the Consent Calendar.

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31 - COMMUNICATION - First Capital Life Insurance Company, In Conservation v. Anne DeFlumeri, as Tax Assessor of the City of Danbury. Mr. DaSilva asked that this be deferred to the end of the agenda for Executive Session. Hearing no objection, Mayor Eriquez so ordered.

32 - COMMUNICATION - Ottoway Newspapers, Inc. v. City of Danbury. Mr. DaSilva asked that this be deferred to the end of the agenda. Hearing no objection, Mayor Eriquez so ordered.

33 - DEPARTMENT REPORTS - Engineering, Public Utilities, Parks and Recreation, Police, Fire Marshall, Fire Chief, Highways, Elderly Services, Health and Housing, EMS Activity Reports. Mr. DaSilva made a motion that the department reports be accepted as submitted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Setaro. Motion carried unanimously.

34 - REPORT - Extension of Sewer Line for Community Action Daycare

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the Community Action Nursery School application for extension of sewer line and obtainment of an easement met on September 27, 1994 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Gallagher and Coladarci. Also in attendance were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley, Council Members Outlaw and Levy, ex-officio as well as representatives of Community Action.

During a brief discussion, Mr. Schweitzer stated that four options were discussed for this extension and the one selected was most advantageous for future usage in the stated area. The positive recommendation by the Planning Commission was noted.

Mrs. Coladarci moved to approve the sewer extension as planned. Seconded by Mr. Gallagher and unanimously passed.

The report was adopted on the Consent Calendar.

35 - REPORT - Request for Sewer and Water Extensions on Hayestown Road.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Hayestown Road met at 7:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Falzone and Gallagher. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and David Williamson for the petitioner.

Mr. Falzone read the Planning Commission's positive recommendation for the record for the reason that it is in the existing service area for sewer and water. Mr. Schweitzer stated that this is a revival of an old request that has already passed.

After further discussion, Mr. Gallagher made a motion to grant the sewer and water extensions for Hayestown Road in accordance with the Engineering Department comments and the usual eight steps. Seconded by Mr. Falzone and passed unanimously.

The report was adopted on the Consent Calendar.

36 - REPORT - Drainage Problem on Wilkes Road

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review drainage problems on Wilkes Road met at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Falzone, Levy and Cappiello. Also in attendance were Superintendent of Public Utilities William Buckley, Superintendent of Highways Frank Cavagna and residents of Wilkes Road.

Ron Becker spoke to the need to fix the drainage problems on the road because most of the water build up does come from his property. Mr. Cavagna spoke of the need for the City to resolve this because his crews have to go up several additional times per year and this costs the taxpayers more money.

After further discussions, Mr. Levy made a motion to offer Mr. Becker 200' of pipe and two catch basins in accordance with a plan proposed by the City Engineer or if the residents decide not to bring Wilkes Road up to City standards we will supply one catch basin and Mr. Becker will use his own material. Seconded by Mr. Cappiello and passed unanimously.

The report was adopted on the Consent Calendar.

At 8:07 P.M. Mr. DaSilva made a motion to enter into Executive Session. Seconded by Mr. Falzone and passed unanimously.

At 8:50 P.M. the Common Council reconvened in public.

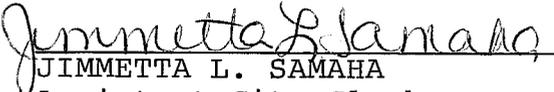
31 - Mr. Boynton made a motion to approve the recommendations for settlement as outlined in Executive Session. Seconded by Mr. Falzone. Motion carried unanimously.

32 - Mr. Falzone made a motion to accept the proposed settlement. Seconded by Mr. Scalzo. Motion carried unanimously.

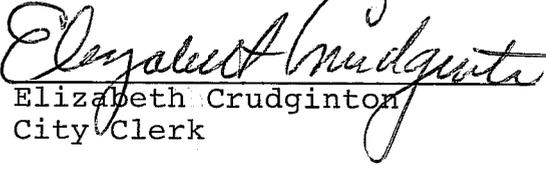
Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion was made at 8:51 P.M. by Mr. Setaro for the meeting to be adjourned.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk