

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

RE: Minutes of the Special Meeting held December 14, 1994.

The meeting was called to order at 7:55 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as :

Present - Levy, Scalzo, Arconti, Boynton, Dennehy, Outlaw, DaSilva, Esposito, Coladarci, Gomez, Beck, Nolan, Scozzafava, Setaro, Valeri

Absent - Falzone, Yamin, Gallagher, Machado, Charles, Trocolla

15 Present - 6 Absent

Mr. Falzone was working; Mr. Gallagher had a previous engagement; Mr. Trocolla is out of town and Mr. Charles is ill.

NOTICE OF THE SPECIAL MEETING - To be held on the 14th day of December, 1994 at 7:45 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the items listed below. Mr. DaSilva made a motion that the call and return of service be accepted. Seconded by Mr. Setaro. Motion carried unanimously.

PUBLIC SPEAKING

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

ANNOUNCEMENTS

State of Connecticut Department of Health Services ruled today that BSI has always been certified and able to enter into the agreement with the City and never needed to engage in this 18 month process.

The Mayor asked everyone to remember former Assistant City Clerk Doris Butler in their prayers. She recently passed away and had served the City from 1927 through 1970.

1 - REPORT & RESOLUTION - Demolition Rates

Mr. DaSilva submitted the following report:

The committee to review proposed demolition rates met at 7:00 P.M. on December 14, 1994. In attendance were committee members DaSilva, Esposito and Scozzafava. Also in attendance were Superintendent of Public Utilities William Buckley, Corporation Counsel Eric Gottschalk, Mayor Gene Eriquez, Director of Finance Dominic Setaro and Council Members Coladarci, Scalzo, Outlaw and Gomez, ex-officio.

Mayor Eriquez, Mr. Buckley and Attorney Gottschalk explained the contents of the proposed agreement and resolution. These documents have come about because of the recent discussions with the State of Connecticut Department of Environmental Protection that have determined that the City of Danbury landfill will close in July, 1996. The City will be allowed to fill the landfill to its capacity until this time, allowing the City to take in significant revenue.

Automated Waste Disposal, Inc. (AWD) has offered to the City the following: a guarantee of disposal of 160,000 tons of mechanically processed demolition debris (MPDD). This would end on July 1, 1996 at a price of \$25.00 per ton generating a guaranteed four million dollars; to take demolition debris from sites of blight as identified by the Office of the Mayor at no cost for processing or disposal; to take any demolition debris generated in Danbury that is delivered to their facility at a rate that is \$10.00 less than the gate rate charged at their facility; to supply to the City the necessary equipment for disposal of waste from the City residents without haulers (Moms and Pops). This is to be provided until December 31, 1999. To accept at no charge to the City, upon closure of the landfill up to 2,500 tons per year of Municipal Solid Waste (MSW) generated and collected by the City. This will include the Mom and Pop waste,

City municipal buildings waste and roadside dumping waste. This also is to continue until December 31, 1999; to provide transportation services necessary to dispose of MSW generated by Mom and Pop disposers.

This agreement will occupy approximately a little over half of the estimated capacity of the landfill. The City will take demolition from other haulers also during this time.

Mr. Setaro stated that this proposal gives the City a set dollar amount to count on for next year's budget deliberations.

Mr. Scozzafava moved to recommend adoption of the Demolition Debris Disposal Agreement and the Resolution designating the fee structure and to authorize the Mayor to execute the contract. Seconded by Mr. Esposito. Motion carried unanimously.

Mrs. Coladarci moved to approve the report, authorize the Mayor to execute the Demolition Debris Disposal Agreement and defer the Resolution to public hearing. Seconded by Mr. Scalzo.

Mr. Boynton stated that the \$250,000 security deposit at the beginning of the agreement and \$25.00 per ton for 1 year would generate approximately 4 million dollars. The Mayor stated that this was correct. Miss Dennehy asked about the December 31, 1999 date. The Mayor stated that this was negotiated for five years to maintain rates at current levels, for the necessary equipment to accommodate Moms and Pops, to process all designated urban blight debris at no costs. Miss Dennehy asked what would happen if they exceed the 160,000 tons. The Mayor stated that if the capacity is available they can avail themselves at the same rate. Miss Dennehy asked if there will be space. Mayor Eriquez stated that 160,000 tons is half the capacity.

Mr. Scalzo asked about payment of the security deposit. Director of Finance Dominic Setaro explained the process. Mr. Arconti asked the Mayor to clarify the dates which he did. Mr. Arconti asked if any hauler can collect demolition material. The Mayor said yes. Mr. Arconti asked if the gate rate was set by HRRRA. Mayor Eriquez stated that it was set by the facility. Mr. Esposito asked about the users upfront account. Dom Setaro stated that the hauler only uses it one time the City does not have to chase them for payment. We have our money upfront. Council Member Setaro asked if the revenue would exceed four million. Mayor Eriquez stated that it would not. Mr. Valeri stated that he was pleased that this would expedite removal of urban blight areas.

Mr. Nolan stated that this is also a benefit for AWD not just the City. Is this rate the best rate? It is a limited resource. What are comparable rates? Mayor Eriquez stated that the City of Groton gets between \$17 and \$22 per ton. Our rate is \$25. We can accommodate our Moms and Pops. The City did negotiate from a position of strength. Mr. Nolan asked if this would advance the closure date. Mayor Eriquez stated that it does not, but parts are already closed.

Miss Beck asked about the constitutionality of the agreement. Is this a private agreement or is it by Ordinance. Would this violate the Commerce Clause? Attorney Gottschalk stated that he has had no request for a written opinion and would be foolish to try to answer this without research. Mayor Eriquez stated that only Danbury trash can be taken to the landfill.

Mr. Boynton made a motion to move the question. Seconded by Mrs. Outlaw. Motion carried with Miss Dennehy voting in the negative.

Main motion carried unanimously.

2 - ORDINANCE - Deletion of Chapter Three. Mr. Setaro asked that this be deferred to public hearing. Mayor Eriquez so ordered.

3 - COMMUNICATION - Report from Tree Supervisor Richard Smith stating that the high banks on either side of the driveway seem to be more of a visibility problem than the tree. However, the tree department will add the 36" maple to the tree removal list and will remove it in the future. Also, he suggested that the high banks and part of the stone wall should be removed.

Mr. Boynton made a motion to accept the report and have the Tree Department set a schedule to remove the tree. Seconded by Miss Dennehy.

Miss Dennehy asked who pays for the removal. Mayor Eriquez stated that the tree is on City property so the City will pay. Miss Dennehy asked for the cost. Bill Buckley stated that it would be about four hours work.

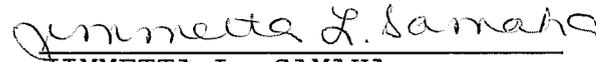
Mr. Valeri asked if the banks are on the owners property. Mr. Buckley stated that a survey will be done to determine this. Mr. Valeri made a motion to amend the main motion to recommend removal pending the survey. Seconded by Miss. Dennehy. Motion to amend carried unanimously.

Miss Beck asked if the 36" was in diameter. Mayor Eriquez stated that it was. Miss Beck asked how tall. Mr. Buckley stated that the tree is about 75 feet. Main motion, as amended, carried unanimously.

Mayor Eriquez extended all committees.

There being no further business to come before the Common Council a motion to adjourn was made at 8:51 P.M. by Mr. Arconti.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk