

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

RE: Minutes of the Common Council Meeting held September 8, 1993

Meeting was called to order at 7:37 P.M. by Mayor Eriquez. The Prayer and Pledge of Allegiance were recited. The members were recorded:

PRESENT - Fazio, Scalzo, Falzone, Arconti, Coladarci, Boynton, Dennehy, Setaro, DaSilva, John Esposito, Dean Esposito, Outlaw, Charles, Trocolla, Yamin

ABSENT - Roth, Gogliettino, Cassano, Butera, Cipriani, Scozzafava

PRESENT - 15 - Absent - 6

Mr. Roth, Mr. Cipriani and Mrs. Gogliettino were working

PUBLIC SPEAKING

1. Ronald Blonski, 18 Griffing Avenue - Spoke regarding item 26. He is concerned about extending sewer and water to other municipalities. Item 26 was submitted by an attorney representing two individuals, not the municipality of Ridgefield. If municipalities want to contract for our water they should share in other costs to the City such as housing, etc.
2. Douglas Wise, 7 Fairfield Court - Supports changing Ordinance 17-34. These roads are used by the public and should be accepted by the City.
3. Lynn Waller, 83 Highland Avenue - Spoke regarding item 24. Is against giving money to benefit only one group of people. This will set a precedent. Tax dollars should benefit everyone. Also regarding Neighborhood Assistance Act feels that by the Common Council approving this report, it will approve the request.
4. Joseph Rosato, 7 Long Ridge Road - Spoke regarding item 30. Questioned the new installation of tanks. What are the specifications of the new tanks. No one makes a water tight storage tank that he is aware of. Why will it take three departments to handle this inspection.
5. Tony Reiberro, 70 Great Plain Road - Send item 2 to a public hearing. Will City bring road up to standard. Coach Hill Road did have a bond and the City should take the road over.
6. Lorraine Buffner, 3 Coach Hill Road - When she bought her house she was told that there was a performance bond. The bond should have been called in and the road taken over by the City. This should go to public hearing.
7. Doris Riedinger, Waterview Drive - supports changing Ordinance 17-34 and it should go to a public hearing.

ANNOUNCEMENTS

- School is now open, please drive carefully
- September 12th - Council Member John Esposito will celebrate his 69th birthday
 - September 17th - Council Member Debbie Gogliettino will celebrate her birthday
 - September 25th - Council Member Debbie Gogliettino and her husband, John, will celebrate their wedding anniversary
 - September 25th - Mrs. Geneva Esposito will celebrate her birthday
 - September 9th - Working Parents Day
 - September 11th - Back to School Picnic - Lions Playground
 - September 11th - 50th Anniversary Celebration for the Kiwanis Club
 - September 12th - Taste of greater Danbury
 - September 13th - Ann Olson Benefit Golf Tournament
 - September 14th - United Way Kick-Off
 - September 15th - Jewish New year
 - September 18th - Jenny Bryant Temple Anniversary Celebration
 - September 18th - Mexican Independence Day Celebration at Hatters Park

September 22 - Main Street Rehabilitation Center to be open
September 30 - Old Timers Dinner
October 2 - Girl Scout Council Care for the Earth Celebration
October 2 - Vespucci Columbus Day Dinner Dance

On September 18th and 19th, the Danbury Music Center will hold auditions for the Nutcracker

MINUTES - Minutes of the Common Council Meeting held August 3, 1993 and the Special Meeting held August 19, 1993. Mr. DaSilva made a motion that the minutes be accepted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Charles. Motion carried unanimously.

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

- 3 - Approve a Resolution authorizing interim funding of \$1,595,000 for Candlewood Sewers
- 4 - Approve Resolution regarding Payment in Lieu of Taxes for \$261,682.88
- 5 - Approve grant application for development of a Stormwater Management Program for the Upper Still River Basin
- 6 - Approve grant application to United Way for Venture Grant Committee for \$40,000
- 7 - Approve grant application to the Connecticut State Library for \$225,000
- 8 - Approve grant application to the Department of Labor General Assistance Grant - \$36,229
- 9 - Approve grant application for School Age Child Care Grant - \$23,095
- 10 - Approve grant application for DHR/DSS Homeless Shelter Grant Program \$94,908
- 11 - Approve grant application for Women, Infants and Children Supplemental Nutrition Grant - \$182,490
- 13 - Approve reappointment of James O'Connell to the Conservation Commission
- 14 - Approve appointment of Carol Thibodeau to the Commission on the Status of Women
- 15 - Approve appointment of Margaret Williams as alternate to the Fair Rent Commission
- 16 - Approve appointment of Robert Williams to the Aviation Commission
- 23 - Approve Water Fund reappropriation of \$1,072,055.20
- 31 - Approve Ordinance designating Health and Housing Department on implementation agency for affordable housing
- 32 - Approve designation of transfer station site
- 33 - Approve Government Entities Review and Evaluation Changes
- 34 - Approve appointment of Marita Repole to Tarrywile Park Authority
- 35 - Approve Neighborhood Assistance Act requests
- 36 - Approve request for water extension - Lots 2 and 4 Green Avenue
- 37 - Approve reprot and recommendations regarding drainage problems on Birch Road
- 38 - Approve report and recommendation regarding City of Danbury vs. Salame Realty, Inc.

Mr. Charles made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Dean Esposito. Motion carried unanimously.

1 - ORDINANCE - An Ordinance Appropriating \$ _____ For the Acquisition of Two Ambulances and Authorizing the Issuance of \$ _____ Bonds of the City to Meet said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose. Dean Esposito asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Subsection 17-34(a) Statement of Purpose and Intent. Mr. Arconti asked that this be referred to a public hearing and that the Coach Hill Road issue be referred to an ad hoc committee, the Planning Director, the Corporation Counsel and the Superintendent of Highways. Mayor Eriquez so ordered and appointed Council Members Coladarci, Arconti and Scozzafava to the committee.

3 - RESOLUTION - A Resolution Authorizing the Issuance of up to \$1,595,000 Interim Funding Obligations and Project Loan Obligations under the State of Connecticut Clean Water Fund Program

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. To meet the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Sections 22a-475 to 22a-483 of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program") the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in an amount not exceeding \$1,595,000 of the authorized and unissued balance of the \$7,000,000 bonds of the City authorized under 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 For Solely By Benefitted Property Owners And/Or Federal Or State Grants". The Mayor is hereby authorized to determine the amount, date, maturity, interest rate, form, denomination, and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and the Mayor and Treasurer are authorized to execute, sell and deliver the same. Said obligations shall be general obligations of the City and each of such obligations shall recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program to the State.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Payment in Lieu of Taxes

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 128, 129, 130 and 133 of the Connecticut General Statutes, the Commissioner of Housing is authorized to extend financial assistance to local housing authorities, municipalities and non-profit corporations; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Section 8-216b of the General Statutes in order to undertake a program of PAYMENT-IN-LIEU-OF-TAXES and to execute an Assistance Agreement therefor;

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

1. That it is cognizant of the conditions and pre-requisites for State assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes;
2. That the filing of an application by the City of Danbury in an amount not to exceed \$261,682.88 is hereby approved and that the Mayor is hereby authorized and directed to execute and file such application with the Commissioner of Housing to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance, if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury;

3. That in consideration of said Assistance Agreement, applicant does hereby waive any Payments-in-Lieu-of-Taxes by the Housing Authority to the municipality under the provisions of Section 8-71 of the Connecticut General Statutes;
4. That the current established mill rate is 18.57 and the current assessment is \$261,682.88.
5. It is also resolved that any prior action taken by the Mayor with respect to this agreement is also approved.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Development of a Stormwater Management Program for the Upper Still River Basin

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Protection (DEP) has indicated that the City of Danbury is eligible to apply for grant funds up to \$100,000 from the Environmental Protection Agency's (EPA) Section 104(b)(3) Program; and

WHEREAS, the City of Danbury Health and Housing Department has prepared a draft proposal for the "Development of a Stormwater Management Program for the Upper Still River Basin" which would be funded under this grant; and

WHEREAS, the grant would enable the City of Danbury to hire consultants, conduct water pollution surveys and prepare a stormwater management plan for the Still River Basin in Danbury with the objective of upgrading the Still River to "B" quality;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and William J. Campbell, Director of Health acting through his designee Jack S. Kozuchowski, Coordinator of Environmental & Occupational Health Services are hereby authorized to apply for said grant funds, to accept the grant, if offered, and that Mayor Eriquez is further authorized to sign any contracts or agreements therefor and to do all things necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Grant Application to the United Way of Northern Fairfield County's Venture Grant Committee

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The United Way of Northern Fairfield County, acting through its Venture Grant Committee, will accept an application from the City of Danbury Police Department for grant funds in the approximate amount of \$40,000; and

WHEREAS, said grant funds, if allocated upon grant application approval, will be used for community policing of the Oakland Avenue / Rowan Street neighborhood where the reassuring influence and presence of police authority and assistance will greatly aid in its revitalization;

NOW, THEREFORE, BE IT RESOLVED THAT Gene F. Eriquez, Mayor of the City of Danbury, and Nelson F. Macedo, Chief of Police, are hereby authorized to submit said application to The United Way of Northern Fairfield County for a grant approximating \$40,000, and if the application is approved and funding is in place, the Mayor is authorized to execute any contracts or agreements therefor, to accept grant funds in the amount offered and to do any and all things necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Grant from the Connecticut State Library to improve the use of the Public Community Room and Lobby

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, P.L. 98-480 (Federal Library Services and Construction Act Title II) provides for federal funds for library construction and Connecticut General Statutes Section 11-24c provides for state funds for library construction; and

WHEREAS, the Danbury Public Library plans to make application to the Connecticut State Library for the funding period of January 1993 - July 1995 for a grant of \$225,000, which requires a local cash match of \$48,000, which local cash match is required by July 1995 or 1996, if a one-year extension is requested; and

WHEREAS, the City of Danbury has the right to refuse the grant at any time if local funding is not available; and

WHEREAS, the Danbury Public Library will use the grant money for the following purposes:

To improve the use of the public Community Room and Lobby through (1) rewiring for greater electrical capacity and flexibility to accommodate new technology. For example, improved public address and sound system, and the installation of a video projection system, (2) new lighting, (3) installation of carpeting, and (4) improved seating.

NOW, THEREFORE, BE IT RESOLVED THAT approval is hereby given for said application and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized to sign said application and that the Mayor and the Director of the Danbury Public Library, Elizabeth McDonough, are hereby authorized to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring additional expenditure of City of Danbury funds must receive prior approval by the Common Council.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Department of Labor General Assistance Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 19 of Public Act 93-418 established a grant program to fund employment placement projects for recipients of general assistance, to be administered by the State of Connecticut Department of Labor in consultation with the Departments of Social Services and Mental Health; and

WHEREAS, the intent of the grant program is to enable recipients of general assistance to secure employment through local programs that demonstrate a clear linkage to the ultimate goal of securing employment for General Assistance clients; and

WHEREAS, the City of Danbury Welfare Department has prepared a project plan to be submitted under its grant application for \$36,229 in funding, the maximum it is eligible to receive under this program;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Gene F. Eriquez and Director of Welfare Deborah A. MacKenzie and hereby authorized to submit an application to the Connecticut Department of Labor for a grant of \$36,299 to be used for the purposes set forth in said application and that Mayor Gene F. Eriquez is hereby authorized to execute any contracts or agreements therefor and to do any and all things necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - School Age Child Care Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resources development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State of Connecticut in such amounts as may be made available for undertaking a Danbury Elementary School Before and After School Child Care Program; and

WHEREAS, the Commissioner of Human Resources is authorized to make grant funds available for said purpose and it is in the best interest of the City of Danbury that said funds be authorized for use by and provided to the Danbury School System effectuating this program;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor, Gene F. Eriquez, is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a School Age Child Care Program and to affix the corporate seal.

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - DHR/DSS Homeless Shelter Grant Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the Welfare Department of the City of Danbury continue its Emergency Shelter Services Program as a basic human service for those in greatest need; and

WHEREAS, the State of Connecticut Department of Social Services is authorized to extend financial assistance to municipalities and human resource development agencies who provide such services; and

WHEREAS, the Welfare Department of the City of Danbury desires to apply to the Department of Social Services for grant funds in the amount of \$94,908 to cover the period October 1, 1993 through September 30, 1994;

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

1. It recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required by the state for said program;

2. Gene F. Eriquez, Mayor of the City of Danbury, and Deborah A. MacKenzie, Director of Welfare, are hereby authorized to submit an application for \$94,908 in grant funds to the Department of Social Services of the State of Connecticut for said term period, and that Mayor Gene F. Eriquez is hereby authorized to execute any contracts, agreements, amendments, recisions and revisions that may be required by the State and to do all things necessary to effectuate the purposes of said program.

The Resolution was adopted on the Consent Calendar.

11 - RESOLUTION - Women, Infants and Children Supplemental Nutrition Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health and Addiction Services has notified the City of Danbury Health and Housing Department of its eligibility to apply for a renewal grant for its Women, Infants, and Children's (WIC) Supplemental Nutrition Program; and

WHEREAS, the Danbury Health and Housing Department's W.I.C. Program for Danbury area residents provides nutrition education and supplemental foods to pregnant women, nursing mothers and children to age five; and

WHEREAS, the Supplemental Nutrition Grant will be in an amount not to exceed \$182,490 and will cover the grant term from October 1, 1993 through September 30, 1994 and will require no matching funds;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury and William J. Campbell, Director of Health, are hereby authorized to apply for said grant on behalf of the Danbury Health and Housing Department; and

BE IT FURTHER RESOLVED THAT to accomplish the purposes of said program, Gene F. Eriquez, Mayor of the City of Danbury, is hereby empowered to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health and Addiction Services and to accept said grant funds, if offered.

The Resolution was adopted on the Consent Calendar.

12 - COMMUNICATION - Appointment to the Housatonic Valley Tourism Commission. WITHDRAWN

13 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of James P. O'Connell to the Conservation Commission for a term to expire July 1, 1996. The reappointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Carol A. Thibodeau to the Commission on the Status of Women for a term to expire April 4, 1995. The appointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Margaret Williams as an Alternate to the Fair Rent Commission, for a term to expire July 1, 1995. The appointment was confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Robert E. Williams, 11 Frandon Drive to the Aviation Commission for a term to expire July 1, 1994. The appointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - A letter from Police Chief Nelson Macedo seeking permission to accept a donation in the amount of \$25 from the Catholic War Veterans to the Police Department Honor Guard. Mr. Setaro made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

18 - COMMUNICATION - Letter from Library Director Betsy McDonough seeking permission to accept a donation in the amount of \$50 from Margaret Lewis Hilton for the BOOKS-CHILDREN account. Mr. Falzone made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

19 - COMMUNICATION - Letter from Director of Health William Campbell seeking permission to accept the donation of a used Sharp copier from the law firm of Secor, Cassidy and McPartland. Miss Dennehy

made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Outlaw. Motion carried unanimously.

20 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath seeking permission to accept donations in the total amount of \$1,075.00. Mr. Setaro made a motion that the donations be accepted, the proper line items credited and letters of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

21 - COMMUNICATION - Letter from William J. Chinn, Jr., Exalted Ruler of the Elks donating funding for the materials necessary to refurbish the fountain and surrounding area in Kennedy Park. Dean Esposito made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Setaro. Mr. Boynton asked to what department would this contribution be made. Mayor Eriguez stated that this donation would be in line with that of the Adopt a Street Program. Motion carried unanimously.

22 - COMMUNICATION - Request from the Conservation Commission to expend funds from the Bear Mountain Account. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Director of Finance, the Chairman of the Conservation Commission and the Director of Parks and Recreation. Mayor Eriguez so ordered and appointed Council Members Falzone, Roth and Fazio to the committee.

23 - COMMUNICATION & CERTIFICATION - Letter from Director of Finance Dominic Setaro certifying the availability of \$1,072,055.20 to be reappropriated from the surplus Water Fund balance to other accounts. The transfer was authorized on the Consent Calendar.

24 - COMMUNICATION - Request from GDSAP for funding for Latinos and Latino families who are uninsured or underinsured for mental health counseling. Miss Dennehy asked that this be referred to an ad hoc committee, the petitioner and the Director of Welfare. The Mayor so ordered and appointed Council Members Gogliettino, Cipriani and Fazio to the committee.

25 - COMMUNICATION - Letter from Housing Director Bernard Fitzpatrick seeking a waiver of Certificate of Occupancy fees for the Housing Authority. Mr. Scalzo asked that this be referred to an ad hoc committee, the Director of Housing, the Corporation Counsel and the Director of Health. Mayor Eriguez so ordered and appointed Council Members Dean Esposito, Setaro and Scozzafava to the committee.

26 - COMMUNICATION - Letter from Neil Marcus regarding the Danbury Ridgefield Interlocal Agreement. Mr. DaSilva asked that this be referred to the Superintendent of Public Utilities and the Corporation Counsel for a report back in thirty days. Mayor Eriguez so ordered.

27 - COMMUNICATION - Request for sewer extension at 15 Edgewood Street. Dean Esposito asked that this be referred to an ad hoc committee the Superintendent of Public Utilities, the City Engineer and the Planning Commission. Mayor Eriguez so ordered and appointed Council Members Trocolla, Charles and Yamin to the committee.

28 - COMMUNICATION - Lease between Tarrywile Park Authority and Anderson Montessori School - 5 Mountainville Road. Miss Dennehy asked that this be referred to an ad hoc committee, the Director of the Tarrywile Park Authority and the Corporation Counsel. Mayor Eriguez so ordered and appointed Council Members Dennehy, Scalzo and Scozzafava to the committee.

29 - DEPARTMENT REPORTS - Engineering, Highways, Public Utilities, Department of Elderly Services, Parks and Recreation, Health and Housing, Fire Marshall, Fire Chief. 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 Mrs. Outlaw. Dean Esposito asked that the Sealer of Weights and Measures report be typed. Motion carried unanimously.

30 - REPORT & ORDINANCE - Underground or Outdoor Storage of Fuel Oil or Chemicals.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:20 P.M. on August 23, 1993 to review a proposed Ordinance concerning the designation of the Health and Housing Department to be the implementation agency for CGS8-2g program exemption from density limits for construction of affordable housing. This designation deals with a zoning ordinance passed by the Zoning Commission and which calls for the Common Council to choose the agency for the implementation of the affordable housing components.

Mr. Falzone moved to recommend approval of the proposed ordinance. The motion was seconded by Mrs. Coladarci and passed unanimously.

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

THAT ARTICLE IV of Chapter 10 of the Ordinances of the City of Danbury be and hereby is amended by adding Section 10-64 as follows:

Sec. 10-64. Health and Housing Department as Implementing Agency for Affordable Housing.

Pursuant to the provisions of Connecticut General Statutes Section 8-2g the City of Danbury Department of Health and Housing is the designated agency for affordable housing design and implementation. The Department shall, in accordance with said section, implement a program designed to permit the construction of affordable dwelling units in excess of applicable density limits as established.

For the pupose of this section, the Director of Health and Housing, or his appointed designee, shall be charged with the design and implementation of such program(s).

The report and received and the Ordinance adopted on the Consent Calendar.

31 - REPORT & ORDINANCE - Underground or Outdoor Storage of Fuel Oil or Chemicals

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:20 P.M. on August 23, 1993 to review a proposed ordinance concerning underground or outdoor storage of fuel oil or chemicals. Jack Kozuchowski of the Health Department explained at length the rationale for the strengthening of the regulations for the burying of storage tanks in watershed areas. This is a regulation of residential tanks only in areas of Danbury that are in Class One and Class Two Watershed Areas.

Mr. Setaro moved to recommend approval of the proposed Ordinance on underground or outdoor storage of fuel oil or chemicals. The motion was seconded by Dean Esposito and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding Article VI to Chapter 9, composed of Sections to be numbered 9-80, 9-81, 9-82 and 9-83, which said Sections read as follows:

ARTICLE VI. UNDERGROUND OR OUTDOOR STORAGE OF FUEL OIL OR CHEMICALS

Sec. 9-80. Definitions. Except where the context clearly indicates otherwise, the words and phrases used in this Article and listed in this Section shall be defined as follows:

a. Cathodically Protected means a technique to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a Tank System can be cathodically protected through the application of either galvanic anodes or impressed current.

b. Class I Watershed Area means the land located within Public Water Supply Watersheds within the City of Danbury but excluding Lake Kenosia.

c. Class II Watershed Area means the land located within the City of Danbury and also located within the Public Water Supply Watershed of Lake Kenosia.

d. Compatible Metals means two or more metallic substances used in the construction of a Tank System and having the ability to maintain their respective physical and chemical properties upon contact with each other for the design life of the System.

e. Dielectric Component means a component that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system, such as the tank from its piping.

f. Discharge means the rupture of any Tank System which results in an accumulation of petroleum or hazardous materials, in the secondary containment area or which results in contact of these substances with the surface of the ground beyond the containment area.

g. Environmentally Sensitive Area means land located within a public water supply watershed protection zone which has one or more of the following characteristics: (1) areas located within two hundred and fifty (250) feet of the high water mark of a reservoir; (2) areas located within one hundred (100) feet of any wetland or watercourse, as defined in Sections 2.32 and 2.33 of the Inland Wetlands and Watercourses Regulations of the City of Danbury, which drain into a reservoir; (3) wetlands; and (4) areas with slopes fifteen percent (15%) or greater which have a soil depth of twenty inches (20") or less to bedrock.

h. Hazardous Materials means any substance or combination of substances which, because of quantity, concentration, or physical, chemical or infectious characteristics, pose a present or potential hazard to soil, groundwater, surface water, atmosphere, wildlife, vegetation or human health if discharged, placed or disposed of into or onto any land or water within the municipal boundaries of the City of Danbury. The phrase "Hazardous Materials" includes but is not limited to any of the following chemical substances: (1) any substance on the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") Hazardous Substances list (40 CFR 355.20), as the same may be amended from time to time; (2) any substance on the Superfund Amendments and Reauthorization Act of 1986 ("SARA") list of "Extremely Hazardous Substances" (40 CFR 355), as the same may be amended from time to time; (3) any "Hazardous Chemicals" as defined by the Federal Occupational Safety and Health Administration pursuant to the Hazardous Communication Act (29 CFR 1910.1200), as the same may be amended from time to time; (4) any substance appearing on the "Toxic Chemicals" list promulgated pursuant to "SARA" (40 CFR 372.45), as the same may be amended from time to time; (5) any substance appearing on the "Hazardous Substance" list promulgated by the Federal Department of Transportation (40 CFR 172.101), as the same may be amended from time to time; and (6) any Hazardous Substance as defined pursuant to section 9-74 of the Danbury Code of Ordinances, as the same may be amended from time to time.

i. Impervious Surface means any surface which prevents or greatly inhibits the infiltration of liquid into the underlying soil. For purposes of this Article, stone or gravel shall not be deemed to be impervious.

j. Petroleum means crude oil, or any fraction thereof, that is liquid at standard conditions of temperature and pressure. This includes, but is not limited to, motor fuels, gasoline, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

k. Public Water Supply Watershed means any land which drains into a reservoir used for the provision of potable water.

l. Secondary Containment means an area surrounding the storage Tank System which is designed to temporarily hold the entire volume of the Tank System plus sufficient freeboard for precipitation. This area shall contain a dike which is sufficiently impervious to spilled substances to prevent any infiltration of Petroleum or Hazardous Materials to the ground surface below it.

m. Tank System means any facilities used to store Petroleum or Hazardous Materials or that is designed or intended for the storage of Petroleum or Hazardous Materials including the tank itself and all piping connected to it.

o. Underground Storage Tank (UST) means a Tank System located below the surface of the ground. For purposes of this Article, a free-standing container located within a building and used to store fuel for heating purposes shall not be considered an Underground Storage Tank.

Sec. 9-81. Registration. The owner of any Underground Storage Tank in a Class I or Class II Watershed Area shall register said tank and Tank System with the Danbury Health Department. At the time of registration, the owner shall provide the following information to the Danbury Health Department on forms supplied by the Department: name, address and telephone number of the owner and the size, type, contents, location and the year of manufacture of the tank. Said tanks shall be so registered within sixty (60) days of the effective date of this ordinance. The owner of any such tank shall amend any registration form kept on file by the Danbury Health Department within 60 days of a change in the information contained on the form.

Sec. 9-82. Underground or Outdoor Petroleum or Hazardous Material Storage in Class I Watershed Areas.

a. New Installations of Underground Storage Tanks. The construction or installation of Underground Storage Tanks shall only be permitted within a Class I Watershed Area if approved by the Director of Health and the Danbury Building Official. Such approval shall only be granted if the following conditions are met:

- (1) The Underground Storage Tank must be protected by a secondary containment structure consisting of a vault or a double lined fiberglass tank or equivalent, as specified in 40 CFR 265.193.
- (2) The Tank System must be installed with a leak detection system as specified in 40 CFR 265.193.
- (3) The Underground Storage Tank must be installed with a structural mechanism for spill and overflow protection as specified in 40 CFR 265.194.
- (4) The owner of the Tank System must adhere to all notification and tank monitoring procedures specified in 40 CFR 265.196.

b. New Installations of Above Ground Tank Systems. Outdoor above ground Tank Systems may only be constructed or installed if they include a Secondary Containment area and a roof and sump. The design and construction of such Secondary Containment systems shall be subject to the review and approval of the Danbury Director of Health and the Danbury Building Official, or their respective designees.

c. Requiring Replacement Installations. The Danbury Director of Health shall be authorized to issue an order directed to the owner of any Underground Storage Tank which is found to be leaking or Discharging its contents requiring said owner to empty said tank and thereafter replace it with an above ground Tank System within the period of time provided for in such order. The Danbury Director of Health shall be authorized to issue an order directed to the owner of any above ground Tank System which is found to be leaking or Discharging its contents requiring said owner to empty said tank and thereafter repair or replace the Tank System within the period of time provided for in such order. Above ground replacement Tank Systems shall be isolated from the external environment by a roofed Secondary Containment system. The period of time fixed for the repair or replacement of any such Tank System shall be established by the Director of Health after an evaluation of the time necessary to complete the work as well as of any potential risks associated with the delay. The design and construction or installation of replacement of any such Tank System and Secondary Containment system shall be subject to the review and approval of the Danbury Director of Health and the Danbury Building Official, or their respective designees.

Sec. 9-83. Underground or Outdoor Petroleum or Hazardous Material Storage in the Class II Watershed Area.

a. New and Replacement Installations. New or replacement Tank Systems shall be permitted within the Class II Watershed Area, subject to the following conditions and restrictions:

1. Above ground Tank Systems shall be protected by a roofed Secondary Containment system, or equivalent system, the design and construction of which has been reviewed and approved by the Danbury Director of Health and the Danbury Building Official, or their respective designees.

2. The installation of a fiberglass tank and construction of its associated Tank System shall only be permitted within the Class II Watershed Area if the same is constructed or installed in accordance with the specifications prepared by the manufacturer of the tank. All fiberglass tanks shall be replaced upon expiration of the manufacturer's warranty.

3. No Underground Storage Tanks shall be constructed or installed within an Environmentally Sensitive Area unless said tanks are placed in a concrete Secondary Containment area, the design and construction of which has been approved by the Danbury Director of Health, the Danbury Building Official and the Danbury Fire Marshal or their respective designees.

4. The design and construction or installation of Underground Storage Tanks or above ground Tank Systems shall be subject to the review and approval of the Danbury Director of Health and the Danbury Building Official or their respective designees. The design and construction or installation of any Underground Storage Tank shall be subject to the further review and approval of the Danbury Fire Marshal.

5. Cathodically Protected steel tanks shall be permitted, provided that they are protected by all of the following mechanisms: (i) they shall be coated with a material which prevents contact of the tank with the external environment; (ii) non-conductive Dielectric Components shall be used to electrically isolate the tank; (iii) Compatible Metals shall be used between the tank and its associated piping system. All Cathodically Protected steel tanks shall be replaced upon expiration of the manufacturer's warranty.

b. Requiring Replacement Installations. The Danbury Director of Health shall be authorized to issue an order directed to the owner of any Underground Storage Tank which is found to be leaking or Discharging its contents requiring said owner to empty said tank and thereafter replace it with an

above ground Tank System within the period of time provided for in such order. The Danbury Director of Health shall be authorized to issue an order directed to the owner of any above ground Tank System which is found to be leaking or Discharging its contents requiring said owner to empty said tank and thereafter repair or replace the Tank System within the period of time provided for in such order. Above ground replacement Tank Systems shall be isolated from the external environment by a roofed Secondary Containment system. The period of time fixed for the repair or replacement of any such Tank System shall be established by the Director of Health after an evaluation of the time necessary to complete the work as well as of any potential risks associated with the delay. The design and construction or installation of replacement of any such Tank System and Secondary Containment system shall be subject to the review and approval of the Danbury Director of Health and the Danbury Building Official, or their respective designees. The design and construction or installation of any Underground Storage Tank shall be subject to the further review and approval of the Danbury Fire Marshal.

Mr. Falzone made a motion to accept the report and adopt the ordinance. Seconded by Dean Esposito.

Mr. Yamin asked what the cost to homeowners in the watershed areas would be. Mr. DaSilva stated that it would be between \$700 and \$1500 beyond the cost of installation of a regular tank. There would be no difference in cost for basement or garage installation.

Mayor Eriquez stated that this is based on the State DEP model. Motion carried with Mr. Fazio voting in the negative and Mr. Yamin abstaining.

32 - REPORT & ORDINANCE - Designation of Transfer Station Site

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:20 P.M. on August 23, 1993 to review a proposed ordinance concerning the designation of a transfer station site. This proposal deals with small haulers that fall between commercial haulers and "mom and pop" haulers. These are mainly small businesses or landlords who dump their own waste in a pickup truck or similar vehicle. They cannot dump at the HRRR designated transfer station because they do not have a vehicle with dump capabilities. This would allow them to bring their waste to the City Landfill for transportation to the transfer station on White Street.

My Boynton moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Falzone and passed unanimously.

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

THAT Section 16A-92 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16A-92. Designation of Transfer Station Site.

The City does hereby designate the following authorizes sites for the disposal of Acceptable Waste generated within the corporate limits of the City of Danbury:

(1) Each Collector authorized to collect Solid Waste within the City shall deliver, or cause to be delivered, all Acceptable Waste to the transfer station located at 307 White Street, Danbury, Connecticut, which shall be the Designated Transfer Station.

(2) All Danbury residents not served by a Collector who wish to dispose of their own Acceptable Waste, if generated within Danbury from residential property, shall deliver said waste to the Danbury Sanitary Landfill site.

The report was received and the Ordinance approved on the Consent Calendar.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:20 P.M. on August 23, 1993 to review a proposed ordinance concerning Government Entities Review and Evaluation. This proposal reflects scheduled changes approved by the Common Council in May, 1993.

Mr. Boynton moved to recommend approval of the proposed Ordinance concerning Government Entities Review and Evaluation. The motion was seconded by Mr. Charles and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of Section 2-56.2 entitled "Personnel appeals board".

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

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(a) The following governmental entities are terminated, effective June 30, 1994, unless re-established in accordance with the provisions of Section 2-184:

- (1) The City of Danbury Cultural Commission
- (2) The Youth Commission
- (3) The Commission on the Status of Women
- (4) The Commission on Aging
- (5) The Parking Authority of the City of Danbury

(b) The following governmental entities are terminated, effective June 30, 1995, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Commission on Equal Rights and Opportunities
- (2) The Redevelopment Agency of the City of Danbury
- (3) The Housing Site Development Agency
- (4) The Flood and Erosion Control Board of the City of Danbury
- (5) The Tarrywile Park Authority

(c) The following governmental entities are terminated, effective June 30, 1996, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Danbury Community Development Plan Agency
- (2) The Economic Development Commission
- (3) The Danbury Parks and Recreation Commission
- (4) The Danbury Housing Partnership
- (5) The Aviation Commission

(d) The following governmental entities are terminated, effective June 30, 1997, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Commission for Persons with Disabilities
- (2) The Danbury Aquifer Protection Agency
- (3) The Lake Kenosia Commission
- (4) The Fair Rent Commission
- (5) The Board of Ethics

(e) The following governmental entities are terminated, effective June 30, 1998, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Stanley Lasker Richter Memorial Park Authority
- (2) The Conservation Commission
- (3) The Environmental Impact Commission
- (4) The Tree Advisory Commission

34 - REPORT - Appointment to Tarrywile Park Authority

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review the appointment of Marita Repole to the Tarrywile Park Authority met at 7:35 P.M. on August 24, 1993. In attendance were committee members DaSilva, John Esposito and Scozzafava. Also in attendance was Mayor Gene Eriquez and Council Member Kathy Dennehy, ex-officio.

Mayor Eriquez discussed his reasons for the appointment of Miss Repole. She asked to serve on the Authority after participating in numerous activities there. He further stated that for the sake of continuity of a fairly new body he re-appointed, and the Council confirmed five of the original appointments. Of the nine members, a majority live in areas outside the Tarrywile Park neighborhood.

Mr. Scozzafava moved to recommend approval of the appointment of Marita Repole to the Tarrywile Park Authority. Seconded by John Esposito and passed unanimously.

The report was adopted on the Consent Calendar.

35 - REPORT - Neighborhood Assistance Act

The Common Council met as a committee of the whole at 7:20 P.M. on August 23, 1993 to review the Neighborhood Assistance Act. The program offers tax credits for local businesses who donate to these organizations.

Mr. Boynton moved to recommend approval of the proposed application for the Neighborhood Assistance Act Program. The motion was seconded by Mr. Falzone and passed unanimously.

The report was adopted on the Consent Calendar.

36 - REPORT - Request for Water Extension Lots 2 and 4 Green Avenue

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the request for a water line extension for lots 2 and 4 on Green Avenue met on August 18, 1993 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Scalzo, Roth and Yamin. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and David Eldredge representing the petitioners.

Mr. Scalzo reported a positive recommendation from the Planning Commission at its August 4, 1993 meeting. David Eldredge, speaking for the petitioners, has immediate plans for sale of the property and needs approval for water extension before doing so. He has already conferred with his engineer. Mr. Buckley and Mr. Schweitzer both explained that the entire area will be upgraded in the Spring and City Departments are now developing engineering plans for the project. Mr. Eldredge was made aware of the options available and the eight steps required for water extension.

Mr. Yamin made a motion to recommend approval of the water extension on Lots 2 and 4 on Green Avenue following the eight steps for water connections. The motion was seconded by Mr. Roth and passed unanimously.

The report was accepted on the Consent Calendar.

37 - REPORT - Drainage Problems on Birch Road

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the drainage problems on Birch Road met on August 18, 1993 at 7:35 P.M. in Room 432 in City Hall. In attendance were committee members Scalzo, and Fazio.

A Progress Report was submitted at the February 5, 1991 Common Council Meeting. At that time it was recommended that the committee be informed when a final agreement was reached between the property owners and the City. Since that time Committee Chairman Scalzo has had conversations with the attorney for the property owners and Frank Cavagna, Superintendent of Highways. Because of the unreasonable requests of the property owner and the excessive costs associated with them, agreement could not be reached concerning the drainage through the land of the owner. Therefore, Mr. Cavagna and his department have made temporary but a long term solution to the drainage problem by diverting the water under the road to the other side of Birch Road. Silt is still collecting in the pond of the property owner and the pond should be dredged at some future time when sufficient funds are available and agreement can be reached with the new property owners.

Mr. Fazio made a motion to accept the measures taken to alleviate the drainage problem and take no further action at this time. The motion was seconded by Mr. Scalzo and passed unanimously.

The report was adopted on the Consent Calendar.

38 - REPORT - City of Danbury v. Salame Realty, Inc.

Mr. Setaro submitted the following report:

The committee appointed to review City of Danbury v. Salame Realty Inc. met on August 24, 1993 at 7:00 P.M. in the Fourth Floor Lobby of City Hall. Present were committee members Setaro and Scozzafava. Also in attendance were Superintendent of Public Utilities Bill Buckley, Assistant Superintendent of Public Utilities Mario Ricoszi, Assistant Corporation Counsel Peter Buzaid, Director of Finance Dominic Setaro, Jr., Attorney Paul Jaber, Mr. Albert Salame and Common Council President Joseph DaSilva, ex-officio.

Mr. Buzaid submitted a review of Mr. Salame's offer of settlement which was read by Councilman Setaro. The analysis stated that the Council did not have the authority to accept the offer as proposed by Mr. Salame.

Mr. Jaber then offered alternate terms upon which he felt that the litigation might be settled.

As it was the sense of the committee that the Office of the Corporation Counsel be given the opportunity to meaningfully review all terms of settlement where the City is a party to litigation, Councilman Scozzafava moved that the committee take no action and that the Office of the Corporation Counsel review the various terms of settlement for possible recommendation to the full Common Council. Seconded by Mr. Setaro. Motion passed unanimously.

The report was adopted on the Consent Calendar.

39 - COMMUNICATION - Peter Fusco d/b/a P & G Sanitation v. City of Danbury and William Buckley

Mr. Setaro made a motion to add this item to the agenda. Seconded by Dean Esposito. Motion carried unanimously.

Letter from Corporation Counsel Eric Gottschalk asking approval of the appointment of the law firm of Tyler, Cooper and Alcorn as Special Counsel so that it may represent the City of Danbury in the above matter. The Housatonic Resource Recovery Authority will bear the cost of all legal expenses.

Dean Esposito made a motion that the law firm of Tyler, Cooper and Alcorn be approved as Special Counsel to represent the City of Danbury in the lawsuit of Peter Fusco d/b/a P & G Sanitation v. City of Danbury and William Buckley. Seconded by Mr. Charles. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council, a motion was made by Mr. DaSilva for the meeting to be adjourned at 8:30 P.M.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clekr

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk