

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

Re: Minutes of the Common Council Meeting held January 7, 1992.

The meeting was called to order at 7:30 P.M. by Mayor Eriquez. Miss Dennehy led the assembly in the Pledge of Allegiance. Dean Esposito offered the Prayer. The members were recorded as:

PRESENT - Scalzo, Falzone, Arconti, Coladarci, Boynton, Dennehy, Setaro, Gogliettino, DaSilva, John Esposito, Dean Esposito, Outlaw, Cassar Charles, Boughton, Cipriani, Scozzafava, Trocolla

ABSENT - Fazio, Gallo, Butera

18 present - 3 absent

PUBLIC SPEAKING -

Ronald Blonski, 18 Griffing Avenue - spoke on item 31. He handed out a six page prepared text which he read into the record. A copy is on file in the Office of the City Clerk for public inspection.

(At 7:40 Mr. Gallo arrived and was marked present and at 7:41 Mrs. Butera arrived and was marked present.)

Gil Brouillet, 217 Great Plain Road - spoke on item 52. Offered suggestions on the hunting ordinance, including City should have power to regulate hunting. DEP is not able to supervise. Land owners who allow hunting should have a \$1,000,000 insurance policy. Map should be submitted showing enough open space.

Joseph Rosato, Long Ridge Road - spoke on the Scenic Road Ordinance. Would like to see this go back to committee for further study. Pointed out several areas of the Ordinance that should be addressed.

Barbara Monsky, 14 Shepard Road - spoke regarding item 52 - someone should contact Westport police as they faced this same problem previously.

John Cherry, 47 Lincoln Avenue - spoke regarding item 46, funds for CACD. Asked that this be removed from the Consent Calendar and table it so it can be reconsidered.

Deborah Legg, 215 Great Plain Road - spoke on item 52 - hunters should post signs saying that it is a safe area.

ANNOUNCEMENTS

Birthdays:

January 2 - Council Member Louis Charles  
January 26 - Council Member Bernard Gallo

Anniversaries:

January 26 - Linda and Joe DaSilva  
February 4 - Harry and Sandy Scalzo

A former Danbury High School graduate, Andrew Mandell was the drum major at the Rose Bowl

January 5th - Opening event of the Columbus Quincentenary Celebration  
January 12-18 - National Council of Jewish Women week  
January 20th - Martin Luther King Day - City Hall Closed  
January 24th - Dorothy Day Hospitality House 10th Anniversary  
January 29th - United Way Awards Dinner  
February 2nd - Columbus Ethnic Music Festival  
February Council Meeting - State of the City address

January 20th - Gabrielle Eriquez will celebrate her 1st birthday

MINUTES - Minutes of the Special Common Council Meeting held December 2, 1991 and the Common Council Meeting held December 3, 1991. Mr. DaSilva made a motion that the minutes 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. Boughton. Motion carried unanimously.

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

- 3 - Approve Arrow Grant of \$37,902
- 5 - Approve Sewer Assessment for Abbott Street
- 6 - Approve sewer treatment plant upgrade and renovation easement acquisition
- 7 - Approve Boggs Pond easement/property of Dorothy Pane
- 8 - Approve Ledgemere Drive Sewer easement
- 10 - Approve appointment of Thomas J. Saadi to EIC
- 11 - Approve appointments of John Hoffer, Eugenia Vecchiarino and Edward Moore, Sr., to the Library Board of Directors
- 12 - Approve appointment of Robert Peat to the Redevelopment Agency
- 15 - Approve appointment of Harvey Moore and reappointment of Clarice Osiecki, Hans DeMuth, Mildred Siegel, Susannah Burak, Timothy Ward and William Doyon to the Housatonic Valley Tourism Commission
- 16 - Approve appointment of Ernst and Young as Independent Auditors
- 24 - Approve disposal of surplus firearms from Police Department
- 27 - Approve Paramedic Agreement for six months
- 31 - Approve receipt of communication from Corporation Counsel concerning Blonski inquiry on Wastewater Treatment Plant
- 33 - Approve receipt of report and deny purchase of Elks Building
- 34 - Approve receipt of reports from Planning Commission and Engineering Department regarding Jireh Lane
- 35 - Approve receipt of report from Tax Collector and Corporation Counsel regarding Waupotic Utility Bill delinquency and take no action on the petition
- 36 - Approve receipt of communication concerning Mill Plain Road sanitary sewer
- 38 - Approve memorandum of agreement with Yankee Gas for Sewer Treatment Plant
- 39 - Approve payment of \$15,185.85 to Business Aircraft Center
- 41 - Approve amendment to ordinance for Downtown Special Services District
- 42 - Approve Scenic Roads Ordinance
- 43 - Approve Recycling Ordinance Amendment
- 45 - Approve Education Budget Committee report recommending no action be taken on request from Board of Education for additional funding
- 46 - Approve report and deny request from CACD for additional funding
- 47 - Approve report and table request for sewer and water extension on Tamarack and Virginia Avenues
- 48 - Approve request for sewer extension at 35 Aunt Hack Road
- 49 - Approve report and recommendation to deny proposed sanitary sewer on Padanaram Avenue
- 50 - Approve Hatters Park Bowling Lanes Lease
- 52 - Approve report and recommendations concerning the regulation or prohibition of hunting within City limits
- 53 - Approve request for funds for Welfare Department for \$18,162

Mr. Boughton asked that items 42, 46, 52 be removed from the Consent Calendar. Mr. Charles made a motion that the Consent Calendar be approved with the above items deleted. Seconded by Mrs. Outlaw. Motion carried unanimously.

1 - ORDINANCE - Collection of Sewer Use Charges - Section 16-30. Mr. Falzone asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Citywide Alarm Ordinance. Mr. Setaro asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

3 - RESOLUTION - ARROW Grant

RESOLVED by the Common Council of the City of Danbury :

WHEREAS, the Center for Disease Control of the United States Government sponsors an AIDS Prevention Program, making funds available to local agencies and departments of health through the State of Connecticut Department of Health Services and the Connecticut Alcohol and Drug Abuse Commission; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated an Acquired Immunodeficiency Syndrome (AIDS) Risk Reduction Outreach Workers (ARROW) Program for the Danbury area; and

WHEREAS, the Connecticut Alcohol and Drug Abuse Commission, an independent agency attached to the Connecticut Department of Mental Health under its AIDS Prevention and Outreach Program, has approved a renewal of the ARROW grant in an amount not to exceed \$37,902 for the funding period of March 1, 1991 to March 31, 1992 and said grant requires no matching funds from the City of Danbury; and

WHEREAS, the grant would be used to continue to provide AIDS prevention/risk reduction education to people who are at highest risk of infection, including injection drug users and the partners; and

WHEREAS, the ARROW Program serves the City of Danbury and the surrounding communities;

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

1. That any and all prior acts of William J. Campbell, Director of Health of the Danbury Health Department, Susan Durgy, its AIDS Program Coordinator and Gene F. Eriquez, Mayor of the City of Danbury in making application for said grant are hereby ratified and that said Mayor of the City of Danbury and said authorized personnel of the Danbury Health Department are hereby authorized to accept grant funds in the amount of \$37,902 for the funding period of March 1, 1991 through March 31, 1992 in accordance with the purposes set forth in the grant application.

2. That Gene F. Eriquez, Mayor of the City of Danbury, or William J. Campbell, Director of Health, as his designee, are hereby authorized to execute any and all documents necessary to effectuate the purposes of said grant award.

The RESOLUTION was adopted on the Consent Calendar.

4 - See Page 7

5 - RESOLUTION - Sewer Assessments on Abbott Street

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be constructed known as the Abbott Street Sanitary Sewer Project; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes § 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before March 1, 1992, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Abbott Street Sanitary Sewer Project:

1. The payment of any benefits by installments hereunder shall be in not more than fourteen (14) equal annual payments.

2. The minimum annual installment payment shall be ONE HUNDRED AND EIGHTY (\$180) DOLLARS.

3. The interest on any deferred payments hereunder shall be due at a rate of 6.75 % per annum which is the rate of interest established pursuant to bonds most recently issued by the City of Danbury for the purposes of funding similar improvements. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

4. The Town Clerk shall record in the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as follows:

CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT OF ASSESSMENT OF BENEFITS

The undersigned Tax Collector of the City of Danbury in the County of Fairfield, State of Connecticut hereby certifies from the date hereof an installment payment plan is in effect for payment of an assessment of benefits for the installation of a sewerage system, in favor of the City of Danbury, upon real property situated in said City, which real property is more fully described in the City Land Records in:

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The notice of such assessment of sewerage benefits herein certified is to \_\_\_\_\_ (owner of property), the principal of which is \$ \_\_\_\_\_ due to said City of Danbury, together with legal interest, fees and charges thereon assessed on January 7, 1992 in the name of \_\_\_\_\_ and the same becomes due on March 1, 1992 and may be paid in annual installment payments of \$ \_\_\_\_\_ each plus interest at the rate of 6.75 percent on the unpaid balance and continuing to \_\_\_\_\_.

This certificate is filed pursuant to § 7-253 of the General Statutes, as amended.

The property assessed is:

Lot \_\_\_\_\_ Street \_\_\_\_\_

Item No. \_\_\_\_\_

\_\_\_\_\_  
Tax Collector

Received \_\_\_\_\_, 1992

At \_\_\_\_\_ .M.

Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessments of Benefits by virtue of the construction of the sewer project are hereby fixed as follows:

(list attached)

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Sewage Treatment Plant Upgrade and Renovation Easement Acquisition.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is in the process of renovating the Danbury Wastewater Treatment Plant; and

WHEREAS, said renovation will require the acquisition of certain property rights from the property owners described herein; and

WHEREAS, the properties and the interests therein to be acquired are more particularly described in Exhibits A and B attached hereto and made a part hereof; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned properties and owners thereof, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrancers, if any. The affected properties and property owners are indicated in the attached Exhibits A and B.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Boggs Pond Access Easement/Property of Dorothy Pane.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is necessary and in the public interest that the City of Danbury gain access to the Boggs Pond Dam and Spillway; and

WHEREAS, in order to gain such access the City of Danbury must obtain a permanent right-of-way easement over real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owner hereinafter named upon the amount, if any, to be paid for the interests in and to said real property to be acquired from said property owner;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire permanent property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suit against the following named property owner, her successors, heirs, executors and assigns and respective mortgage holders and encumbrancers, if any:

Acquisition of Property of Dorothy G. Pane as set forth on attached Schedule A.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Ledgemere Drive Sewer Easement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council voted on May 15, 1990 to undertake the construction of the Ledgemere sanitary sewer project; and

WHEREAS, the project will oblige the City of Danbury to acquire interests in and to real property as hereinafter set forth; and

WHEREAS, the properties and the interests therein to be acquired are more particularly described in Exhibits A, B and C attached hereto and made a part hereof; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the aforementioned properties and owners thereof, their successors heirs, executors and assigns and their respective mortgage holders and encumbrancers, if any. The affected properties and property owners are indicated in the attached Exhibits A, B and C.

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Appointment to the Economic Development Commission. WITHDRAWN

10 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of Thomas J. Saadi to the Environmental Impact Commission for a term to expire December 1, 1993. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez seeking approval of the reappointments of John Hoffer, Eugenia Vecchiarino and Edward Moore, Sr. to the Library Board of Directors for terms to expire January 1, 1995. The reappointments were confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez requesting confirmation of the reappointment of Robert Peat to the Redevelopment Agency for a term to expire January 1, 1995. The appointment was confirmed on the Consent Calendar.

13 - COMMUNICATION - Reappointment to the Richter Park Authority. WITHDRAWN.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Albert Wadsworth and Helen Clark Meserve Memorial Fund Foundation has issued a request for proposals to the Department of Elderly Services for funding of any of its programs; and

WHEREAS, the Department of Elderly Services has need of such funding for the daily operation of its CARE Project (Coalition of Agencies Relating to Elderly Services);

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby approves the application of the Department of Elderly Services for funding from The Meserve Memorial Fund in the amount of \$890 for its 1991-92 CARE Project and further approves the acceptance of such funding; and

BE IT FURTHER RESOLVED that the actions of the Mayor of the City of Danbury and the Director of the Department of Elderly Services in making such application are hereby ratified; and that Gene F. Eriquez, Mayor of the City of Danbury is hereby authorized to execute any agreements or revisions thereto and to take any and all actions necessary to effectuate the purposes of such program and the funding thereof.

Ms. Coladarci moved to accept the Resolution. Mr. Charles seconded. Motion carried unanimously.

14 - COMMUNICATION - Elections to the Police Pension Boards and the Fire Pension Board.

Letter from Mayor Eriquez stating that representatives to these boards need to be elected for this new term. John Esposito made a motion that Bernard Gallo be elected as representative to the Police Pension Boards. Seconded by Mr. Charles. Mr. Charles moved to close the nominations. Seconded by Dean Esposito. Motion carried unanimously, Motion to elect Mr. Gallo as Police Pension Boards representative carried unanimously.

Dean Esposito made a motion to nominate Joseph DaSilva as representative to the Fire Pension Board. Seconded by Mrs. Coladarci. Motion carried unanimously.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Harvey Moore to the Housatonic Valley Tourism Commission for a term to expire June 30, 1994, and the reappointments of Clarice Osiecki, Hans DeMuth, Mildred Siegel, Susannah Burak, Timothy Ward and William Doyon for terms to expire June 30, 1994. The reappointments and appointment were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Director of Finance Dominic Setaro asking for the appointment of Ernst & Youth as independent auditors to perform the City audit for the fiscal year ending June 30, 1992. The appointment was made on the Consent Calendar.

17 - COMMUNICATION - Transfer of Responsibility for operation of Parking Garage. Letter from Mayor Eriquez seeking the transfer of responsibility for the operation of the parking garage to the Parking Authority. The following Resolution was attached:

WHEREAS, construction has been completed on the Patriot Parking Garage, and;

WHEREAS, arrangements must be made to insure that maintenance, security and operation of the garage are performed in an effective and efficient manner, and;

WHEREAS, for many years the Danbury Parking Authority has demonstrated its ability to oversee off-street parking for the benefit of the public, and;

WHEREAS, the transfer of responsibility for the maintenance, security and operation of the Patriot Garage to the Danbury Parking Authority is in the best interests of the City of Danbury;

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to negotiate and execute a contract between the City of Danbury and the Danbury Parking Authority providing for the transfer of responsibility for the maintenance, security and operation of the Patriot Garage upon such terms and conditions as are deemed appropriate by the Mayor and the Corporation Counsel.

Mrs. Coladarci made a motion that the communication be accepted and the Resolution adopted. Seconded by Dean Esposito. Motion carried unanimously.

18 - COMMUNICATION - Letter from Mayor Eriquez asking for permission to accept a contribution in the amount of \$15,000 from Union Carbide Corporation for the Housing Fund. Mr. Setaro 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.

19 - COMMUNICATION - Letter from Mayor Eriquez seeking permission to accept a donation in the amount of \$1,500 from the Danbury Board of Realtors to be used in connection with homeless services. Mr. Boynton 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.

20 - COMMUNICATION - Letter from Director of Elderly Services Leo McIlrath asking permission to accept donations in the amount of \$116 for the printing line item account and donations in the amount of \$200 for the Equipment not classified account. Mr. Falzone 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.

21 - COMMUNICATION - Letter from Chief Lagarto seeking permission to accept a donation of physical fitness equipment for the fire department. Mr. Gallo asked that this be referred to committee. Mayor Eriquez so ordered and appointed Council Members Coladarci, John Esposito and Fazio to the committee together with the Fire Chief, Risk Manager and the Corporation Counsel.

22 - COMMUNICATION & CERTIFICATION - Letter from Director of Welfare Deborah MacKenzie asking for the sum of \$60,000 for the General Assistance line item due to increasing requests for financial and medical assistance. Certification of Funds was attached. Mr. DaSilva made a motion that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

23 - COMMUNICATION - Letter from Harold Garafola seeking restitution for replacing a sidewalk. Dean Esposito asked that this be referred to the Risk Manager. Mayor Eriquez so ordered.

24 - COMMUNICATION - Disposal of Surplus Firearms. Letter from Purchasing Agent Warren Platz requesting permission to dispose of surplus firearms through sale or trade-in after obtaining competitive offers from licensed gun dealers through the sealed bid process. Permission was granted on the Consent Calendar.

25 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley seeking to establish the selling of wood to the public year round. Ms. Dennehy asked that this be referred to an ad hoc committee Mr. Buckley, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Boynton, Arconti and Scozzafava to the committee.

26 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley asking that an ad hoc committee be established for the purposes of investigating and establishing ordinances that would allow the City to separate the recyclable deposit containers and recover the deposit amount. Mrs. Coladarci asked that this be referred to an ad hoc committee, Mr. Buckley, the Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Boynton, Arconti and Scozzafava to the committee.

27 - COMMUNICATION - Paramedic Agreement. Proposed extension agreement between the City of Danbury and Danbury Hospital acting through Business Systems, Inc which would extend existing paramedic services for an additional six month period at the new rate described in the Contract. The agreement was adopted on the Consent Calendar.

28 - COMMUNICATION - Request from Fire Chief Antonio Lagarto for the sum of \$245,000 for the Fire Department Overtime Account. John Esposito asked that this be referred to an ad hoc committee, the Director of Personnel, Chief Lagarto, Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Gallo, Dean Esposito and Fazio to the committee.

29 - COMMUNICATION & CERTIFICATION - Teamster's Contract.

Letter from Director of Personnel Manny Merullo asking that the Teamster's Contract be accept and the transfer of funds authorized. Mr. Charles made a motion that the contracts be accepted and the transfer of funds be authorized. Seconded by Dean Esposito. Motion carried un-animously.

30 - COMMUNICATION - Dancon Acquisition. Letter from Superintendent of Public Utilities William Buckley asking that an ad hoc committee be appointed to discuss the acquisition of the Danbury portion of the Dancon water system. Dean Esposito asked that this be referred to an ad hoc committee, Mr. Buckley, the Director of Finance, the Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered.

31 - COMMUNICATION - Report from Corporation Counsel Eric Gottschalk regarding his legal opinion on the Blonski inquiry regarding the Waste-water Treatment Plant. The report was accepted on the Consent Calendar.

32 - COMMUNICATION - Joint report from the City Engineer and the Superintendent of Highways regarding water run-off problem on King Street. Mr. Trocolla asked that this be referred to the Corporation Counsel. Mayor Eriquez so ordered.

33 - COMMUNICATION - Reports from the City Engineer and Planning regarding the Elks Building for sale to the City. Both reports recommended not buying the building. The reports were accepted on the Consent Calendar.

34 - COMMUNICATION - Reports from the Planning Commission and the Engineering Department giving positive recommendations regarding Jireh Lane. The reports were accepted on the Consent Calendar.

35 - COMMUNICATION - Reports from the Tax Collector and Corporation Counsel regarding Waupotic Utility bill delinquency stating that the interest should be paid. The reports were accepted on the Consent Calendar.

36 - COMMUNICATION - Mill Plain Road Sanitary Sewer Project. Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Buckley and Mr. Schweitzer. Mayor Eriquez so ordered.

37 - COMMUNICATION - Segar Street. Letter from Attorney Peter Damia asking for clarification of status of portion of Segar Street. Mr. Setaro asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Setaro, Cipriani and Boughton to the committee.

38 - COMMUNICATION - Yankee Gas Memorandum of Understanding - Water Pollution Control Facility - Newtown Road. The memorandum was accepted on the Consent Calendar.

39 - COMMUNICATION & CERTIFICATION - Arbitration claim against the City of Danbury based upon an airport lease agreement between the City and Business Aircraft Center. The judgement was in the amount of \$15,185.85. Certification of funds was attached. The communication and certification were approved on the Consent Calendar.

40 - DEPARTMENT REPORTS - Highways, Health and Housing, Fire Chief, Fire Marshall, Police, Parks and Recreation, Department of Elderly Services. Mr. DaSilva made a motion that the department reports be accepted 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.

41 - REPORT & ORDINANCE - Amendment to Downtown Special Services District.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:15 P.M. on December 16, 1991 to review an ordinance change for the Downtown Services District. The proposal would stagger the terms of the commissioners. Mr. Boughton moved to recommend approval of the proposed ordinance. Seconded by Mr. Setaro and passed unanimously.

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

THAT Chapter 19B entitled "DOWNTOWN SPECIAL SERVICES DISTRICT" Section 19B-6 subsection (b)(4) is hereby deleted and in lieu thereof the following is substituted:

(4) The term of the five (5) commissioners and the three (3) alternates shall be staggered so that at least two (2) commissioners and one (1) alternate shall stand for election every two (2) years. At the election to be held in January, 1992 two (2) commissioners shall be elected for a one (1) year term and three (3) commissioners shall be elected for a two (2) year term. Also at said election, to be held in January, 1992, one (1) alternate shall be elected for a one (1) year term, and two (2) alternates shall be elected for a two (2) year term. Thereafter, the term of all commissioners and alternates shall be two (2) years.

The report and ordinance were accepted on the Consent Calendar.

42 - REPORT & ORDINANCE - Scenic Roads

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:15 P.M. on December 16, 1991 to review a proposed ordinance concerning scenic roads. This would be enabling legislation that would allow the Common Council to designate roads or portions of roads that met numerous criteria as scenic roads. If so designated, these roads would be restricted as to what could be done that might affect their scenic qualities. Mr. Boughton moved to recommend approval of the proposed ordinance. The motion was seconded by Mr. Cipriani. Motion carried unanimously.

Mr. Gallo moved that the report and ordinance be accepted. Seconded by Mr. Falzone. Mr. Boughton stated that he is not pleased with this Ordinance because several sections needed clarification and he moved to table until further information could be received from the State. Seconded by Mr. Charles. Motion carried with the members voting as follows:

Yes - Falzone, Gallo, Arconti, Coladarci, Boynton, John Esposito, Dean Esposito, Outlaw, Cassano, Charles, Boughton, Butera, Cipriani, Scozzafava, Trocolla

No - Scalzo, Dennehy, Setaro, Gogliettino, DaSilva

15 yes - 5 no

43 - REPORT & ORDINANCE - Recycling Ordinance

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:15 P.M. on December 16, 1991 to review an amendment to the Danbury Recycling Ordinance. This amendment would allow the recycling of plastic food and beverage containers. It also shows awareness by the Common Council of the State of Connecticut mandates for public and private participation in the recycling program.

Mr. Scalzo moved to recommend approval of the proposed ordinance. Seconded by Mr. Setaro and passed unanimously.

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

THAT Section 16A-68 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 16A-68. Definitions.**

For the purposes of this article, the following terms have the meanings herein defined:

- CARDBOARD:** Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.
- COLLECTOR:** Any person who holds himself out for hire to collect either solid waste or recyclables from residential, business, commercial or other establishments.
- DIRECTOR:** The Director of Public Works of this municipality or his authorized representative.
- GARBAGE:** All putrescible wastes except sewage and body wastes, including vegetable and animal offal.
- GLASS FOOD CONTAINER:** A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.
- IPC:** Intermediate processing center which receives, processes and markets recyclables.
- LEAVES OR LEAF WASTE MATERIAL:** The fallen foliage of trees.
- MANAGER:** Manager of Recycling/Landfill or his authorized representative.
- METAL FOOD CONTAINER:** An aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.
- MUNICIPALITY OR CITY:** The City of Danbury.
- NEWSPAPER:** Used or discarded newsprint which has a minimum of contamination by food or other material.
- OFFICE PAPER:** Any used or discarded high-grade white paper and Manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photo-copying, which is suitable for recycling and which has a

minimum of contamination. For purposes of this article, the foregoing definition of office paper shall exclude any such paper generated by households.

- PAPER LEAF BAGS:** A container described in section 16A-74 hereof and used for the sole purpose of disposing of leaves.
- PERSON:** Any individual, corporation, partnership, association or other entity or organization of any kind.
- PLASTIC FOOD CONTAINER:** A Polyethylene Terephthalate (PET) container of not more than three (3) liters in volume, or a High-Density Polyethylene (HDPE) container of not more than one (1) gallon in volume, used to package food products suitable for human or animal consumption.
- RECYCLABLE MATERIALS:** Materials identified in section 16A-69 hereof.
- RECYCLING:** The separation or diversion of an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.
- RECYCLING CENTER:** The City's recycling drop-off facility located on Plumtrees Road or such other area or areas as designated by the Common Council of the City.
- RECYCLING CONTAINER:** A container described in section 16A-74 hereof and used for the sole purpose of disposing of glass, metal and plastic food and beverage containers.
- RUBBISH:** All nonputrescible waste materials except ashes, including but not limited to wood, glass, bedding, crockery and industrial wastes. The term "rubbish" as used herein shall not mean, nor shall it include in its meaning, unacceptable waste or recyclable materials.
- RESIDENTIAL PROPERTY:** Real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.
- SCRAP METAL:** Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including, but not limited to, white goods and metal food containers.
- SOLID WASTE:** Solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including but not limited to, demolition debris, material burned or processed at a resources recovery facility, or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

**STORAGE BATTERY:** Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

**UNACCEPTABLE WASTE:**

(a) Unacceptable waste shall include all materials set forth in paragraphs (1) through (6) of subsection 16A-32(b) of the Code of Ordinances, as amended.

(b) Any item of waste either smoldering or on fire.

(c) Waste in quantities and concentrations which by law require special handling in their collection and/or processing.

(d) All other items of waste which at the time of delivery to the solid waste disposal area, landfill, recycling center or IPC would be likely to pose a threat to health or safety or would not normally be disposed of in a sanitary landfill, recycling center or IPC or would be prohibited by any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or any applicable law or regulation from being disposed of at the solid waste disposal area, landfill, recycling center or IPC.

**WASTE OIL:** Crankcase oil that has been utilized in internal combustion engines.

THAT Section 16A-69 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 16A-69. Separation of Certain Recyclable Materials.**

On and after January 1, 1991, (1) each person who generates solid waste from residential property shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, separate from other solid waste the items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes, as amended, or section 16A-70 hereof and (2) every other person who generates solid waste shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, make provision for the separation from other solid waste of the items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes, as amended, or section 16A-70 hereof.

THAT Section 16A-70 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 16A-70. Items to be Recycled.**

The following items shall be separated and recycled in accordance with the provisions of this article:

- (1) Cardboard
- (2) Glass food containers
- (3) Leaves
- (4) Metal food containers
- (5) Newspapers
- (6) Office paper
- (7) Scrap Metal
- (8) Storage batteries
- (9) Waste oil
- (10) Plastic food containers

THAT Subsections 16A-73(a) and 16A-73(b) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

**Sec. 16A-73. Preparation and Disposal of Recyclables.**

(a) The following materials that are generated from residential property and required to be recycled pursuant to the provisions of section 16A-70 hereof, if disposed of by a collector, shall be prepared for collection by the resident in accordance with the further provisions hereof.

(1) Cardboard shall be flattened and together with newspaper, shall be tied with string or twine in bundles not exceeding fifty (50) pounds in weight.

(2) Glass, metal and plastic food or beverage containers shall contain a minimum of contamination and may be mixed together in a separate recycling container of the type specified in section 16A-74 hereof. The removal of lids and labels from said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials. No other recyclable materials or solid waste shall be disposed of in said recycling container.

After being prepared in the manner described in the foregoing paragraphs of this subsection, newspaper, cardboard and each recycling container shall be placed for collection purposes within ten (10) feet of the street or curblin or in such other location as shall be agreed upon by the owner or tenant and the collector. Said newspaper, cardboard and containers shall be so placed not earlier than twelve (12) hours before the scheduled time of collection nor later than 7:00 A.M. on the scheduled collection days and shall be removed from the street, curblin or other collection point within twelve (12) hours after the materials therein have been collected. Said newspaper, cardboard and containers shall be so placed in such a manner that said containers do not constitute a travel or health hazard or nuisance of any sort. The collector shall deliver all recyclables so set out for collection to such locations as shall be designated by the City.

(b) All persons who are not served by a collector shall deliver newspapers, cardboard as well as glass, metal and plastic food and beverage containers generated from residential property to the Danbury Recycling Center or to such other locations as the City shall prescribe. Glass, metal and plastic food and beverage containers shall contain a minimum of contamination. The removal of lids and labels for said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials.

THAT Subsection 16A-74(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 16A-74. Recycling Containers.**

(a) All glass, metal and plastic food and beverage containers generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection 16A-73(a) and placed in a recycling container which shall be a plastic bag constructed of transparent blue polyethylene material. Said recycling containers shall be provided by the person generating the recyclable materials.

THAT Section 16A-79 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

**Sec. 16A-79. Designation of Sites for the Disposal of Recyclable Materials Generated From Residential Properties.**

The City of Danbury does hereby designate the following authorized sites for the disposal of certain recyclable materials generated from residential properties within the City:

(a) Each collector authorized to collect recyclable materials from residential properties within the City shall deliver all newspapers, cardboard, glass food and beverage containers, metal food and beverage containers and plastic food and beverage containers so collected to the site of the recycling facility operated by Recycling Technologies, Inc., located at 307 White Street, Danbury, Connecticut. Said recyclable materials shall be so delivered for subsequent processing or sale in accordance with the an agreement executed or to be executed by the City of Danbury and the Housatonic Resources Recovery Authority titled, "Municipal Recycling Services Agreement Between Housatonic Resources Recovery Authority and the City of Danbury", copies of which are on file in the office of the City Clerk for public inspection.

(b) Subject to the provision of subsection 16A-75(c) hereof, all persons not served by a collector shall deliver their newspapers, cardboard, glass food and beverage containers, metal food and beverage containers and plastic food and beverage containers generated from residential properties to the Danbury Recycling Center, located on Plumtrees Road, Danbury, Connecticut, for subsequent processing or sale.

(c) Subject to the provisions of subsection 16A-75(c) hereof, all persons shall deliver their storage batteries and waste oil generated from residential properties to the Danbury Recycling Center, located on Plumtrees Road, Danbury, Connecticut, for subsequent processing or sale.

The report and ordinance was accepted on the Consent Calendar.

44 - REPORT & ORDINANCE - Police Pension Plan

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:15 P.M. on December 16, 1991 to review the codification of the Police Pension Ordinance, Article III. This includes all Police Pension Plans.

A member of the Police Department spoke in opposition of the codification of this ordinance because he believes it is unfair to officers hired after 1983 who would receive a lower disability pension than those hired before this date. He stated that this was bad for morale at the Police Department.

Director of Finance Dominic Setaro stated that the Connecticut Labor Relations Board rules that the pension plans were valid and should be codified. This came from a request for ruling from the Police Union in 1987. He said that it is not uncommon for municipalities to have different pensions or other plans for various employees. The post 1983 plan has been funded to date with over \$700,000 and has a project payment of over \$25,000,000.

Director of Personnel Emanuel Merullo stated that notification of benefits such as pension has been the duty of the unions in the uniform division of the City over the years. He further stated that this has been brought to the Labor Board by the Union and was ruled against. Corporation Counsel Eric Gottschalk discussed various ramifications if this ordinance was not codified. He further stated that this is a matter for the Police Union to negotiate if it desires.

Mr. Scalzo moved to recommend the repeal of Article III of Chapter 14 of the Danbury Code of Ordinances and replace it with the proposed ordinance. Seconded by Mrs. Gogliettino. Motion passed 15 to 1 with Mr. Boughton voting in the negative.

January 7, 1992

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

THAT Article III of Chapter 14 of the Code of Ordinances of Danbury, Connecticut is hereby repealed and replaced with a new Article III which shall read as follows:

ARTICLE III POLICE OFFICERS

The full text of this ordinance is on file in the Office of City Clerk for public inspection.

Mr. Scalzo made a motion that the report be accepted and the Ordinance adopted. Seconded by Mr. Falzone. Motion carried with Mr. Boughton voting in the negative.

45 - REPORT - Education Budget Committee - Request from Board of Education for additional funding

Mrs. Gogliettino submitted the following report:

The Education Budget Liaison Committee appointed to review a funding request from the Board of Education for \$325,000 met on Tuesday, December 17, 1991 at 8:40 P.M. In attendance were committee members Gogliettino, Fazio, Scalzo and Setaro. Also in attendance were Board Members Gallagher, Marcus, Mitchell and Fenster, Superintendent of Schools Anthony Singe, Director of Finance for the City Dominic Setaro, Director of Finance for the Schools Jack Heidenreich and Council Member Kathy Dennehy, ex-officio.

Ms. Gogliettino entertained a motion to waive the rules, made by C. Setaro and seconded by Mr. Scalzo. Motion passed unanimously.

Mr. Gallagher gave the committee some background on the current request telling committee members that the request was driven by a significant increase in enrollments. Ms. Gogliettino and Mr. Fazio told Mr. Gallagher that we did not have the funds to meet this request. Dom Setaro told the members present that even if we received all proposed State funding, we would need to certify that we did not need the money to make up revenue shortfall. The City is making a significant effort to collect back taxes and that any other cuts in state funding will place a larger tax burden on the residents of Danbury. Mrs. Gogliettino asked about the priority of the request and was told that the request was submitted in priority order. Dr. Singe told the committee that when the former Council Committee recommended the FY 91-92 budget and addendum was made suggesting that education be a high priority area if state money became available. He also told the committee that he would continue to support the additional teachers on a temporary basis.

Ms. Gogliettino entertained a motion from Mr. Scalzo to take no action at this time and allow the Board to resubmit the request for additional funding at a later time as to the uncertainty of anticipated State funds which was the reason for this request. Seconded by Mr. Fazio. Dr. Fenster questioned the motion and Mr. Fazio addressed this question telling Dr. Fenster that it is appropriate to ask for a re-submit. As discussion continued, Ms. Gogliettino offered an amendment to the main motion which was to indicate that this request will be re-heard if funds are available at the time of resubmission by the Board of Education. Mr. Fazio seconded the motion. Mr. Gallagher questioned the amendment and Dom Setaro explained that a review of City revenues will need to take place even when (if) State funding is received. Mr. Fazio indicated that the education request is a high priority. Dom Setaro reminded those present that the Mayor's budget indicates other priorities also that will need review. The amendment was passed unanimously. The motion, as amended, was passed unanimously.

The report was accepted on the Consent Calendar.

Mrs. Gogliettino submitted the following report:

The ad hoc committee appointed to review a funding request from CACD met on Tuesday, December 17, 1991 at 7:35 P.M. In attendance were committee members Gogliettino and Setaro. Also in attendance were Director of Finance Dominic Setaro, Director of CACD Elsie Nickerson, Director of Finance for CACD Ronald Knapp, Chairman of the Board of Directors for CACD Christel Loubriel, William Curtis from the Harambee Youth Center and other members of the community. Also present were ex-officio Council Members Dennehy, Outlaw, Fazio and Scalzo as well as State Senator Jim Maloney.

Ms. Gogliettino entertained a motion to waive the rules made by Mr. Setaro which was seconded by Ms. Gogliettino and passed unanimously. Ms. Gogliettino opened the discussion by asking Ms. Loubriel to give a clearer picture of CACD's budget and need for additional funds. Ms. Loubriel told the committee that the additional funds would be used in the following manner:

\$31,308 - Youth Services  
 \$11,344 - Neighborhood Services  
 \$ 7,348 - Fuel Assistance and Weatherization

Ms. Gogliettino then asked for more specifics which were provided by CACD and appears as Addendum A to this report. Ms. Gogliettino discussed the original funding request for FY 91-92 from CACD that was approved by the Common Council in June. The original request asked for \$130,610 for Central Administration cost and \$83,991 for Youth Services. Ms. Gogliettino also told Ms. Loubriel that she was part of the grants budget committee and made a note on her records that indicated if CACD experienced Federal and/or State cuts Youth Services might change but would still be provided to the community. Ms. Loubriel told Ms. Gogliettino that CACD had experienced across the board cuts and used City funds to maintain staff and keep programs running. Ms. Gogliettino told Ms. Loubriel that it was her understanding (after review of the grant agreement signed by CACD and discussions with the Director of Finance) that when funds were appropriated from a grant agreement that said funds were to be used for the purposes proposed at the time of the grant request. She also stated revisions

in the use of the City funds are approved by the Mayor once the agency puts a request in writing to transfer the funds for other use (paragraph 4 grant agreement). Mr. Setaro, Director of Finance, confirmed this and stated, as in the past, that in 1990 the City informed all grant agencies that requests for revisions in the use of City funds are to be made in a correspondence to the Mayor and approved by the Mayor after review. Ms. Nickerson, Director of CACD, responded by stating that CACD had used its own discretion in spending City funds for the last eight to ten years and assumed that this was appropriate since they felt that they had not received any formal disapproval.

Ms. Gogliettino stated that the central concern is that the programs currently affected by lack of funding are programs the City supported by meeting CACD's original request. Ms. Nickerson stated that in past years funding from the City was used for general services and that the current loss of funding from other revenue services has caused a deficit in general operations. Ms. Nickerson also told the committee that CACD has looked at other options to keep programs going. Ms. Gogliettino asked about other funding sources. Ms. Nickerson told the committee that CACD received some funds from the United Way.

Discussion continued about Youth Services, specifically Harambee Youth Center. Those present told the committee that Harambee has been affected economically for several years because of the decisions made by CACD Board Members and that the Youth Center is a low priority. Mr. Scalzo asked questions about specific programs provided by CACD. Ms. Nickerson gave him a brochure telling him that FY 91-92 began with a deficit in funding. Senator Maloney spoke in favor of providing the additional \$50,000 to CACD stated that Federal and State cutbacks have trickled down to the local level and that the deficit has a direct affect on the effectiveness of the agency.

Ms. Gogliettino asked Dominic Setaro to describe the condition of the City's contingency fund. He told those present that the contingency account has \$334,000 with \$285,000 certified and committed, leaving approximately \$49,461.15 in contingency after obligations are met. There are other requests before the Common Council that will deplete contingency further. Senator Maloney stated that Danbury is slated to receive \$2.5 million from the State. Mr. Setaro responded to tell the committee that the City does not know when funds will be received, that there is a revenue gap of \$2.2 million and that a priority spending list would be reviewed prior to the entertainment of new requests for funds.

Lila Leopold, CACD Board Member told the committee that only \$26,000 is needed for Harambee which will only be open until February, 1992 with present funds. She also told the committee that Harambee can only use City funds, not funds from State or Federal sources.

Council Member Setaro motioned that due to the current economic position of the City and the fact that the City has other obligations that will deplete the contingency account, that the CACD request for \$50,000 be denied and that CACD be allowed to return with a new request if additional funding is received from the State of Connecticut. Seconded by Mrs. Gogliettino. Motion carried unanimously.

Mr. Falzone made a motion to accept the report. Seconded by Mr. Boynton. Mayor Enriquez stated that he had subsequently received a request for the Director of Community Action asking permission to reallocation funds to different line items. The Mayor will make his decision within 1 week.

Mr. Boynton thanked the committee for a fine report. He was concerned that funds had been used for purposes other than those stated in their budget request. Mr. Boughton stated that the children will be hurt by this. He would like to see this tabled until Mr. Setaro says the funds are available.

Mr. Setaro (Director of Finance) stated that if we should get the 2.5 million dollars from the State it will be needed to offset the tax collection problem.

Mr. DaSilva stated that he was distressed to hear that the Harambe Youth Center was a low priority because it was always a high priority. Money should have not been used for other programs.

Mrs. Outlaw said that she agreed with Mr. Boughton and would like to have Senator Maloney speak as he had additional information on this matter. Mayor Enriquez stated that it would be out of order for the Senator to speak.

Mrs. Gogliettino made a motion to move the question. Seconded by Mr. Falzone. Motion carried unanimously.

Main motion carried with Mr. Boughton and Mrs. Outlaw voting in the negative.

47 - REPORT - Request for Sewer and Water Extensions - Tamarack and Virginia Avenues.

The Common Council Committee appointed to review a request for sewer and water extensions at Tamarack Avenue and Virginia Avenue Extension met at 8:00 P.M. on Thursday, December 19, 1991 in Room 432 in City Hall. In attendance were committee members Setaro and Falzone. Also in attendance were Director of Public Utilities William Buckley, City Engineer Jack Schweitzer and David Williamson, engineer for the applicant, Tamarack Village Associates.

Mr. Setaro stated that the Planning Commission reported a positive recommendation for the extension because the site is within the scope of sewer service set in the Comprehensive Sewage Study. Mr. Falzone moved that the rules be waived in order to allow those in attendance to speak. Seconded by Mr. Setaro. Motion passed unanimously.

Mr. Buckley explained that sewer and water extensions for 31 units had been previously approved. The petitioner then amended their site plan to allow for 64 additional units which is the petition now before the Council Committee. Mr. Schweitzer added that the applicant had not yet turned ownership of the sewer lines over to the City. This was one among several of the eight steps with which the applicant had not yet fully complied and upon which the original sewer and water extension approvals were based.

After discussion, Mr. Falzone moved that the present request for sewer and water extensions be tabled until the Committee's notification that the applicant has fully complied with the eight steps upon which the original sewer and water extension approvals were contingent. Seconded by Mr. Setaro. Motion carried unanimously.

Report was accepted on the Consent Calendar.

48 - REPORT - Request for Sewer Extension - 35 Aunt Hack Road

The Common Council Committee appointed to review the request for sewer extension at 35 Aunt Hack Road met at 7:30 P.M. on December 19, 1991 in City Hall. In attendance were committee members Boynton and Charles. Mr. Fazio was absent. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Engineer Dave Williamson, petitioner Richard Ramey and Council Member Chris Setaro, ex-officio.

After discussion of the application, Mr. Buckley and Mr. Schweitzer stated that this request had been denied once before because there was a question as to where the property was located. It was determined that the property was located on the Kenosia watershed. However, due to the Plan of Development, the Kenosia watershed area has been approved for sewer projects. Both Mr. Schweitzer and Mr. Buckley recommended approval of this project and said there was no danger to the watershed area.

After further discussion of the request, Mr. Charles made a motion that the Common Council approve the water extension. Seconded by Mr. Boynton. Motion carried unanimously.

1. The Petitioner shall bear all costs relative to the installation of the Sewer and/or Water Connection.

2. The Petitioner shall submit as-built drawings of this extension prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the Petitioner conveying to the City of Danbury all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion, title to said sewer and/or water line within City streets and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The Petitioner shall convey ownership of and easements to all or such portions of the sewer and/or water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and/or water lines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

49 - REPORT - Proposed Sanitary Sewer on Padanaram Avenue

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:15 P.M. on December 16, 1991 to review the assessments on the proposed sanitary sewer on Padanaram Avenue. The two property owners affected by this installation spoke against the sewer as it would be considerably less expensive to repair their private line. This is not a problem according to Superintendent of Public Utilities William Buckley.

Mr. Boughton moved to recommend the denial of the installation of a sanitary sewer line on Padanaram Avenue. The motion was seconded by Mr. Setaro and passed unanimously.

The report was accepted on the Consent Calendar.

50 - REPORT - Hatters Park Bowling Lanes Leases

John Esposito submitted the following report:

The Common Council Committee appointed to review the Hatters Park Bowling Lanes Lease met at City Hall on December 9, 1991 at 7:30 P.M. in City Hall. In attendance were committee members John Esposito and Louis Charles. Mr. Boughton was unable to attend. Also in attendance were Assistant Corporation Counsel Les Pinter and Director of Parks and Recreation Robert Ryerson.

Mr. Ryerson stated that the present tenant has been a good one and recommended that he be offered a five year extended lease. Mr. Pinter explained that the lease did not need the Planning Commission recommendation and that a new lease would be drawn up and presented to the Common Council for its input as to the provisions of the agreement and whether or not they wish to waive the bidding procedures in this matter.

Mr. Charles made a motion to recommend to the Common Council that they waive the bidding procedure and approve the lease at Hatters Park in accordance with the rental agreement drawn up by the Corporation Counsel's Office. Motion was seconded by John Esposito and passed unanimously.

The report was approved on the Consent Calendar.

51 - REPORT - Request for donations from the proceeds of the Wood Sale.

Mrs. Gogliettino submitted the following report:

The ad hoc committee appointed to disburse funds from the wood sale met on Monday, January 6, 1992 at 7:15 P.M. in Room 432 in City Hall. In attendance were committee members Gogliettino, Dennehy and Scozzafava.

The landfill wood sale raised \$975. The committee recommends disbursement in the following manner:

\$500 - Children's Christmas Fund  
\$250 - Child Care Connections  
\$225 - Special Account for City Homeless Services

Mrs. Gogliettino entertained a motion from Ms. Dennehy to recommend the disbursement of funds as discussed. This motion was seconded by Ms. Gogliettino and passed unanimously.

Mr. Arconti made a motion to accept the recommendations and disperse the funds. Seconded by Mr. Charles. Motion carried unanimously.

52 - REPORT - Regulation or Prohibition of Hunting with City Limits

Mrs. Coladarci submitted the following report:

The committee to review the prohibition or regulation of hunting within City limits met at 7:00 P.M. on December 30, 1991 in the Common Council Chambers. In attendance were committee members Coladarci, Arconti and Fazio. Also in attendance were Police Chief Nelson Macedo, Officer Feccarotta of the Police Department, Assistant Corporation Counsel Les Pinter and Common Council Members DaSilva, Boughton, Cipriani, Falzone, Trocolla and Setaro, ex-officio. Also in attendance were numerous citizens of the City of Danbury.

The meeting was called to order with an explanation to the attendees that this was not a public hearing and it would be up to the committee members to waive the rules to allow others to speak. Once the rules were waived, Ms. Coladarci read into the minutes Attorney Gottschalk's letter stating that the State has full authority over hunting laws. She then asked Chief Macedo for the proper procedure for reporting an incident in the area. Chief Macedo explained that they received 20 complaints in 1991. A discussion followed regarding noise vs. safety, crimes involving firearms and target practice vs. hunting. The right to use on private lands for hunting within the letter of the law was also brought up. Mr. Fazio said we are sympathetic to both sides of this issue and it is clear that we have no authority to change the laws on hunting, but we will recommend to the Council for stricter enforcement and response to the complaints.

Mr. Fazio made a motion to recommend to the Common Council to request the Danbury Police Department to do everything in its means to enforce existing State Statutes and have the Common Council adopt a resolution directed to the State legislative delegation to review the existing laws if they deem so appropriate. The motion was seconded by Mr. Arconti and passed unanimously.

Mr. Falzone made a motion to accept the report and its recommendations. Seconded by Dean Esposito. Mayor Eriquez asked if the the resolution would be drawn up by the committee. Mrs. Coladarci said it would. Mayor Eriquez suggested that the committee work with the Corporation Counsel to have the Resolution ready for the February agenda. Motion carried with Mr. Boughton voting in the negative.

53 - REPORT & CERTIFICATION - Request for Funds for Welfare Department.

Mr. Falzone submitted the following report:

The Common Council Committee appointed to review the request for funds for the Welfare Department met on December 30, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Falzone, Trocolla and Boughton. Also in attendance were Director of Welfare Deborah MacKenzie and Director of Finance Dominic Setaro.

Ms. MacKenzie stated that there has been an increase of welfare recipients at 6% per month since January, 1991. She also stated that the money she had asked for in her letter to the Council on November 25, 1991 had been reduced from \$23,000 to \$18,162 due to the reduced costs in counseling and that rental fees have not increased. Ms. MacKenzie stated that if they do not get this money counseling services for welfare recipients will have to be cut. We are also in the process of billing area towns to supplement the costs of these shelters. The expected contribution from these towns is about \$7,000 with two towns already contributing.

Mr. Boughton made a motion to approved the revised figure of \$18,162 pending certification by the Director of Welfare to be credited to the line item for the homeless grant section. Seconded by Mr. Trocolla. Motion carried unanimously.

The report and certification were adopted on the Consent Calendar.

Mr. Boughton made a motion to add agenda item 54 entitled Appointment as Zoning Commission Alternate. Seconded by Mr. Scozzafava. Mr. Boughton said that since this communication was sent to the wrong office he requests that it be added on. Mr. Boynton stated that this is not an emergency so will vote not to add

Motion to add fails with the members voting as follows:

Yes - Gallo, Arconti, Coladarci, Setaro, DaSilva, John Esposito,  
Dean Esposito, Cassano, Charles, Boughton, Cipriani, Scozzafava, Trocolla

No - Scalzo, Falzone, Boynton, Dennehy, Gogliettino, Outlaw, Butera

13 Yes - 7 No

Mayor Enriquez extended all committees that have not finished their work.

Seahorse Aviation Committee - new member Joseph Scozzafava  
Ordinance 17-34 committee - Mr. Scozzafava, new member

There being no further business to come before the Common Council a motion was made by Mr. Scalzo for the meeting to be adjourned at 9:20 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk