

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

Re: Minutes of the Common Council Meeting held February 4, 1992.

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

PRESENT - Scalzo, Falzone, Gallo, Arconti, Coladarci, Boynton, Setaro, DaSilva, John Esposito, Dean Esposito, Outlaw, Charles, Boughton, Trocolla

ABSENT - Fazio, Dennehy, Gogliettino, Cassano, Butera, Cipriani, Scozzafava

14 Present - 7 Absent

Mrs. Gogliettino is ill

Mr. Cassano is out of town on business

PUBLIC SPEAKING

Ronald Blonski, 18 Griffing Avenue - Spoke in opposition to item 40 - Interlocal Agreement with Newtown - pointed out that Brookfield and New Farifield are not obligated to accept the increases allotted to them.

(At 7:41 P.M. Mr. Fazio and Mrs. Butera arrived and were marked present).

Joseph Rosato, Long Ridge Road - Spoke in opposition to item 40 and agreed with Mr. Blonski. Newtown should have affordable housing.

ANNOUNCEMENTS

February 4th - Harry and Sandy Scalzo's anniversary
February 28th - Dean Esposito's birthday
February is Black History Month
February 5th - State Legislature convenes
February 5th - Boy Scouts Run your City Day
February 12th - City Hall Closed - Lincoln's Birthday
February 14th - Valentine's Day
February 17th - City Hall Closed - Washington's Birthday
February 18th - Martin Luther King III will speak at WCSU
February 22nd - NAACP Scholarship Benefit
February 29th - Policemen's Ball
February 9th - Mayor Eriquez's 39th Birthday
February 15th - DAWS will sponsor rabies clinic

STATE OF THE CITY address was given by Mayor Eriquez in which he asked the Governor not to slash aid to municipalities. He pointed out road improvements, economic development, improvements in education and his plan to combat crime. The full text is on file in the Office of the City Clerk for public inspection.

(At 8:06 P.M. Mr. Cipriani arrived and was marked present).

Mayor Eriquez honored the Danbury Trojans junior midget football team as National Champions. Mayor Eriquez presented certificates to the cheerleaders and their coaches, to team mothers and presented medals to the team members and their coaches.

(At 8:17 Ms. Dennehy arrived and was marked present).

MINUTES - Minutes of the Common Council Meeting held January 7, 1992. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boughton. Motion carried unanimously.

CONSENT CALENDAR - The Consent Calendar was present by John Esposito:

- 5 - Approve acquisition of utility easement on National Place
- 6 - Accept Federal Emergency Management Assistance Program Grant of \$9,000
- 7 - Approve sewer extension at 21-25 Tamarack Avenue with standard 8 steps
- 8 - Approve sewer extension at 21-25 Tamarack Avenue with standard 8 steps
- 9 - Approve appointment of George Rivard to the Parks & Rec Commission
- 10 - Approve appointment of Clark Eno to the Housatonic Valley Tourism Commission
- 11 - Approve appointment of Felix Merante to the Fair Rent Commission
- 12 - Approve appointment to Susan Afflect-Childs to the Economic Development Commission
- 13 - Approve reappointment of Evelyn Durgy, Ada Humphreville, Helen Masterson and Mel Schwartz to the Cultural Commission
- 14 - Approve appointment of Jane Davis to the Commission on Persons with Disabilities
- 15 - Approve reappointment of Ella Roundtree to the Civil Service Commission
- 16 - Approve appointment of Lorraine Herger and reappointments of Dennis Stubelt and Mary McInerney to the Conservation Commission
- 17 - Approve receipt of report from Corporation Counsel regarding drainage problem at 40 King Street and take no action at this time
- 18 - Approve receipt of reports regarding request to rent/own City property at 33 Hayestown Road and deny sale or rent of property
- 19 - Approve receipt of report from Risk Manager and deny claim
- 20 - Approve Narcotics Task Force Grant funding of \$1,300 per month
- 21 - Approve Citywide Alarm Ordinance 3A-40 and 3A-41
- 22 - Approve Exchange of property with the State of Connecticut for Danbury Railroad Station
- 23 - Approve request for sewer and water extensions on Old Sherman Turnpike
- 24 - Approve negotiations for land at 116 Main Street
- 25 - Approve sanitary sewer project on Mill Plain Road
- 26 - Approve Seahorse Aviation Lease
- 27 - Approve request for sewer extension at Newtown Road
- 28 - Approve recommendations to authorize Mayor to appoint an interlocal agreement commission to negotiate with the Town of Newtown for sewer use
- 29 - Approve report concerning the review of Ordinance 17-34

Mr. DaSilva made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Boynton. Mr. Boughton asked that item 40 be removed. Mr. Gallo asked that items 6 and 7 be removed.

Mayor Eriquez stated that in the future, Council Members should speak to either the Majority Leader or the Minority Leader when wishing to remove items from the calendar.

Motion to approve the Consent Calendar, with items 6, 7 and 40 deleted, was approved.

1 - ORDINANCE - Alternates to the Planning and Zoning Commissions. Mr. DaSilva asked that this be deferred to a public hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Compliance with Permit Parking Regulations. Mrs. Coladarci asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Civilian Parking Violations Enforcement Officers. Mr. Setaro asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - RESOLUTION - Utility Easement - National Place

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to acquire an interest in real property sufficient to permit the placement of utilities along or through National Place from Ives Street as well as from adjacent properties; and

WHEREAS, said proposal will involve public use of private property for a utility easement 20 square feet in area on property owned by Joseph Heyman as shown on the legal description of said property attached hereto as Schedule A;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT the Corporation Counsel be and hereby is authorized to acquire said property interest either by negotiation or by eminent domain through the institution of suit against the current property owner, his respective encumbrancers and mortgage holders, if any, his heirs, executors, successors and assigns.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Federal Emergency Management Assistance Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in the amount of Nine Thousand (\$9,000) Dollars are available from the Federal Emergency Management Assistance (F.E.M.A.) program in association with the United Way of Northern Fairfield County; and

WHEREAS, the receipt of such monies for purposes of the needs of homeless persons in the City of Danbury and specifically to defray costs associated with the proposed overflow shelter for homeless persons at 113 Main Street is deemed to be in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of Gene F. Eriquez as Mayor of the City of Danbury in applying for said grant funds are hereby ratified and that he is further authorized to execute any grant agreements and any amendments, recisions and revisions thereto and all other documents necessary to effectuate the purposes of said grant award; provided, however, that any amended provisions requiring expenditure of City of Danbury funds must receive prior approval of the Common Council.

The Resolution was adopted on the Consent Calendar.

6 - RESOLUTION - Proposed Sanitary Sewer Extension - 21-25 Tamarack Avenue.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in 1978 Ervie Hawley made application to the Common Council of the City of Danbury for permission to construct the extension of a certain sewer line in Tamarack Avenue to serve property located at 21-25 Tamarack Avenue; and

WHEREAS, on April 4, 1978, the Common Council approved said petition and authorized said construction; and

WHEREAS, the petitioner now wishes to undertake said construction; and

WHEREAS, the petitioner wishes to obtain confirmation from the Common Council that said construction is presently authorized notwithstanding the passage of time;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the authorization and approval dated April 4, 1978 be and hereby is confirmed and the construction of the aforesaid sewer line extension approved, subject to the "Eight Steps" attached hereto and made a part hereof.

Mr. Boughton made a motion that the Resolution be adopted. Seconded by Mr. Charles. Mr. Gallo stated that he was informed that a Planning Commission approval is still valid after 13 years. Motion carried unanimously.

7 - COMMUNICATION - Request from Ervie S. Hawley, Jr. to extend the sewer line from its existing location at Tamarack Avenue and Hayestown Road to 21-25 Tamarack Avenue. Mr. Boughton made a motion that the extension be granted pursuant to the regular eight steps. Seconded by Mr. Charles. Motion carried unanimously.

8 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of George Rivard to the Parks and Recreation Commission for a term to expire December 1, 1994. The appointed was confirmed on the Consent Calendar.

9 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Clark Eno to the Housatonic Valley Tourism Commission for a term to expire June 30, 1994. The appointment was confirmed on the Consent Calendar.

10 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Felix Merante to the Fair Rent Commission for a term to expire July 1, 1992. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Susan E. Affleck-Childs to the Economic Development Commission for a term to expire September 1, 1992. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Evelyn Durgy, Ada Humphreville, Helen Masterson, and Mel Schwartz to the Cultural Commission for terms to expire February 1, 1995. The reappointments were confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Jane Davis to the Commission on Persons with disabilities for a term to expire March 1, 1995. The appointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Ella Rountree to the Civil Service Commission for a term to expire January 1, 1998. The reappointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Lorraine Herger to the Conservation Commission for a term to expire July 1, 1992 and the reappointments of Dennis Stubelt and Mary McInerney for terms to expire July 1, 1994 and July 1, 1993, respectively. The appointment and reappointments were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Republican Town Committee Chairman Michael Finn seeking the appointment of John Von Uffel to fill a vacancy as a Zoning Commission Alternate. Mr. DaSilva made a motion that the communication be accepted and the appointment confirmed. Seconded by Mr. Boughton. Motion carried unanimously.

17 - COMMUNICATION - Letter from Police Chief Nelson Macedo seeking permission to accept a donation in the amount of \$210 from MADD. Mr. Setaro made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Boughton. Motion carried unanimously.

Letter from Police Chief Nelson Macedo seeking permission to accept a donation from Philip Morris USA in the amount of \$250. A motion was made Mr. Boynton for the donation to be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

Letter from Police Chief Macedo seeking permission to accept a donation in the amount of \$50 from St. Nicholas Church. Mrs. Coladarci made a motion that the donation be accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Boynton. Motion carried unanimously.

18 - COMMUNICATION - Letter from Welfare Director Deborah MacKenzie asking permission to accept donations made to the City's Homeless Services Program during the month of December. Mr. Scalzo made a motion that the donations be accepted, the proper line item credited where warranted and letters of thanks sent. Seconded by Mr. Setaro. Motion carried unanimously.

19 - COMMUNICATION - Letter from Welfare Director Deborah MacKenzie asking that the Common Council donation of \$225 be redirected to either the Battered Women's Shelter or the Good Neighbor House. Mr. Boynton made a motion that the communication be accepted and the donation redirected to the Battered Women's Shelter. Seconded by Mr. Charles. Motion carried unanimously.

20 - COMMUNICATION - Letter from Council President Joseph DaSilva asking for an ad hoc committee to look into the practice of hiring Fire Marshalls for special events. Mr. Setaro asked that this be referred to an ad hoc committee, the Fire Chief, Fire Marshall, Director of Finance and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members DaSilva, Gallo and Fazio to the committee.

21 - COMMUNICATION - Letter from Corporation Counsel Eric Gottschalk expressing an interest by Attorney Hanna to know if the City is interested in extending the existing agreement between the City and the Danbury Cemetery Association concerning the maintenance of City owned graves. Mrs. Butera asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance and a members of the Cemetery Association. Mayor Eriquez so ordered and appointed Council Members John Esposito, Dennehy and Boughton.

22 - COMMUNICATION - A request from Dennis Crowley to purchase City owned land on Middle River Road. Mrs. Butera asked that this be referred to the Planning Director, the Planning Commission and the City Engineer for reports back in thirty days. The Mayor so ordered.

23 - COMMUNICATION - A request from Woodside Estates Condominium Association to change their portion of Eden Drive to the name of Woodside Estates. Mr. DaSilva asked that this be referred to the Director of Planning and the City Engineer for reports back in thirty days. Mayor Eriquez so ordered.

24 - COMMUNICATION - Letter from Tanglewood Realty asking to transfer open space to the City. Mrs. Butera asked that this be referred to the Planning Commission, the Planning Director and the Corporation Counsel for reports back in thirty days. Mayor Eriquez so ordered.

25 - COMMUNICATION - Reports from Corporation Counsel and City Engineer regarding a drainage problem at 40 King Street. The reports were accepted and no action taken on the Consent Calendar.

26 - COMMUNICATION - Reports from the Planning Commission, the City Engineer and the Planning Department regarding the request to rent/own City property at 33 Hayestown Road. The reports were accepted on the Consent Calendar and the request denied.

27 - COMMUNICATION - Report from Thomas Fabiano regarding the claim of Harold Garafola and denying same. The report was accepted on the Consent Calendar and the claim denied.

28 - CERTIFICATION - Letter from Director of Finance Dominic Setaro notifying the Common Council that the money amount for the Grant Narcotics Task Force has been changed from \$1200 to \$1300 effective January 15, 1992. An additional \$600 will be received for this fiscal year and the overtime account in the police department should be increased by that same amount. The communication was accepted on the Consent Calendar.

29 - DEPARTMENT REPORTS - Health, Police, Parks and Recreation, Public Buildings, Department of Elderly Services, Fire Chief, Fire Marshall. 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 Dean Esposito. Motion carried unanimously.

30 - REPORT & ORDINANCE - Collection of Sewer Use Charges - Section 16-30.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 7:15 P.M. on January 27, 1992 to review a proposed revision to the Code of Ordinances, Section 16-30, Collection of Use Charges. The revision is meant to codify a procedure that is now the present practice in the collection of sewer use charges.

Mr. Boughton moved to recommend approval of the proposed revision. The motion was seconded by Mr. Cipriani. Mr. Charles proposed an amendment that would lower the interest rate from 18% to 12% and the lien fee from \$24 to \$12. The amendment was seconded by Mr. Boughton. The amendment failed 11-3 with Council Members Charles, Boughton and Trocolla voting in the negative.

The main motion passed 12-2 with Council Members Charles and Boughton voting in the negative.

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

THAT Section 16-30 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

The Danbury Tax Collector is hereby authorized to collect all sewer user charges established by the Common Council together with any applicable interest and lien fees. If any charge is not paid in full on or before the same date of the next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such charge as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent charge. The delinquent portion of the charge shall be subject to interest at the rate of eighteen (18) per cent per annum from the time it became due and payable until the same is paid.

The report and ordinance were accepted on the Consent Calendar.

31 - REPORT & ORDINANCE - Citywide Alarm Ordinance

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole on January 27, 1992 to review a proposed amendment to the Citywide Alarm Ordinance.

Mr. Gallo moved to recommend approval of the proposed amendment. The motion was seconded by Mrs. Butera. After explanation by Fire Department Communications Supervisor, Fred Visconti, the motion passed unanimously.

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

THAT Section 3A-40 and Subsection 3A-41(a) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

Sec. 3A-40. Purpose and Intent.

The proliferation of fire alarm systems to which the Danbury Fire Department is required to respond has imposed an increasing burden on said department. In addition, the erroneous and mistaken use of fire alarm systems and those that are not installed, maintained or operated properly has resulted in increased service calls by the Danbury Fire Department and is creating a hazard to the members of said department and to the general public. The purpose of this article is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

Sec. 3A-41. Definitions.

(a) Alarm system: Any assembly of equipment, mechanical or electrical, that is intended to result in a response by the Danbury Fire Department to the occurrence of a fire emergency, including any system which transmits an alarm directly to the Danbury Fire Department or to any other answering or monitoring service.

The report and ordinance were accepted on the Consent Calendar.

32 - REPORT & CERTIFICATION - Overtime Needs in the Fire Department

Mr. Gallo submitted the following report, with certification attached:

The Common Council Committee appointed to review the overtime needs in the Fire Department met at 8:00 P.M. in Room 432 on January 23, 1992. In attendance were committee members Gallo, Dean Esposito and Fazio. Also in attendance were Council Members John Esposito and Al Cipriani, ex-officio, Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter, Personnel Director Emanuel Merullo, and members of the Fire Department.

Dean Esposito moved to suspend the rules. Seconded by Mr. Fazio. Motion carried unanimously. The following are statements or questions and answers by persons present. It appears that until we have some answers from our negotiating attorney, Saranne Murray, the Common Council's hands are tied as to the funding of this account.

The Fire Chief started by saying that the Table of Organization was not filled until December. The salary money for these people had been transferred to the Overtime Account. The Chief also stated that the amount of sick time was not abnormal. Mr. Setaro stated that there were three fewer positions in the Table of Organization to transfer salaries from. He also stated that there was more sick leave than usual.

Mr. Gallo asked if we could temporarily transfer Deputy Fire Marshalls to line duty to meet the required manpower clause of 24 people per group. He also asked if the drillmaster's hours could be varied to accommodate evenings and weekends training in lieu of paying overtime. These questions will be answered by Ms. Murray.

Mr. Merullo stated that sick time is unlimited, but a doctor's note is required after three consecutive sick days. Dean Esposito questioned the process by which a firefighter becomes a dispatcher. Chief Lagarto stated that they are promoted and certified after passing a Civil Service exam.

Mr. Fazio questioned the difference in the Overtime Account for 1988-89 (\$474,816) and the present year 1990-91 (\$986,709). The Chief stated that the only way to eliminate overtime is to add personnel to the Table of Organization. Mr. Gallo stated that the way to eliminate overtime is to eliminate the mandatory manpower clause in the contract as well as the unlimited sick time.

Mr. Setaro stated that at the present time tax collections are down approximately 3%. Mr. Gallo asked what would happen if the Common Council was unable to provide the necessary funds to complete the fiscal year. Would the City still be liable to fill the 24 person manpower clause or could we lay people off? These answers will be supplied by Attorney Murray. Mr. Setaro stated that the Contingency Account has a balance of \$31,299.15 prior to this meeting.

Dean Esposito made a motion to transfer \$31,299.15 to the Fire Department Overtime Account and also request that additional funding sources be brought to this committee by late February and request that the Mayor reappoint this committee so that it can have some questions answered. Seconded by Mr. Fazio. Under discussion Mr. Fazio stated that he was not comfortable with depleting contingency, but felt he had no choice. The motion carried unanimously.

Mr. Boynton made a motion that the report be accepted and the transfer of funds authorized and the committee be reappointed to meet on the remaining unanswered questions. Seconded by Mrs. Butera.

Mr. Boughton asked how many positions are in the fire department. The Mayor stated that there are 114 positions, with 96 of them fire fighters. The Mayor explained that there is a mandatory manpower clause in the Fire Department Contract stating that there must be 24 fire fighters per shift. There are four vacancies. Because of sick leave (unlimited) and injury leave the Overtime Account has grown.

Mr. Boughton asked if any employees are not counted in the 24 per shift. Mayor Eriquez stated that this excluded the Fire Chief, Fire Marshalls, Supervisor of Communications and Ambulance Supervisor.

Motion carried unanimously. Mayor Eriquez reappointed the Committee to address the issues brought up at the January 23rd subcommittee meeting

33 - REPORT - Fitness Equipment Donation to the Fire Department. Mr. DaSilva asked that this report be recommitted so that representatives of the City and of the Fire Union can work out guidelines for this program. Seconded by Mr. Boynton. Motion carried unanimously. Mayor Eriquez appointed Council Members Arconti, Gogliettino and Scozzafava to the committee.

34 - REPORT - Exchange of Property at the Railroad Station.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request to exchange property at the Danbury Railroad Station met at 4:15 P.M. on January 17, 1992 in City Hall. In attendance were committee members Dean Esposito, Chris Setaro and Mike Fazio. Also in attendance were Mayor Gene Eriquez, Director of Finance Dominic Setaro, Corporation Counsel Eric Gottschalk, Deputy Commission of the Bureau of Public Transportation James Byrnes and members of his staff, and Howard Pincus of the New England Train Museum.

Councilman Setaro made a motion to waive the rules. Seconded by Mr. Fazio. Motion carried unanimously. Mayor Eriquez offered the committee background information on the proposed land exchange with the State Department of Transportation. He explained that in the past the City made attempts to purchase the train station building and the surrounding property. He also explained the State's proposals to purchase 2½ acres of City owned property that is landlocked between the Still River and Pahquioque Avenue. This land would be used for the construction of a new railroad station and commuter parking lot with an estimated value of 2½ to 3 million dollars. The State's appraisal of the two properties showed the parcels being basically of equal value.

Deputy Commissioner Byrnes of the Bureau of Transportation explained how this project was part of a plan to enhance the Danbury branch service which has a projected increase of three times the usage over the next ten years. Councilman Setaro asked if the upgrades would increase accessibility to and from Danbury to lower Fairfield County. Mr. Byrnes stated that it would, particularly with Norwalk and Stamford. Mr. Esposito questioned the startup time for the project. Mr. Byrnes stated that withstanding no delays, the project could start as early as Spring, 1992. Mr. Fazio asked the exact worth of each parcel. Mr. Gottschalk stated that the City parcel was worth \$595,000 and the State parcel was worth \$590,000.

Mayor Eriquez explained that all costs of a new sidewalk along the railroad side of Patriot Drive and the installation of new traffic signal lights and controls at the intersection of Patriot Drive and the new station access drive would be borne by the State. Mr. Fazio questioned the cost to restore the old station and where the money would come from. Mayor Eriquez explained that his office is currently working with State and Federal Representatives to attain money available for such projects. The old train station building is currently on the National Register of Historical Sites.

After further discussion, Mr. Byrnes stated that he and the Bureau of Public Transportation would work with the City to encourage any type of development at the old train station site.

Councilman Setaro made a motion for a positive recommendation for the exchange of property at the Danbury Railroad site. The motion was seconded by Dean Esposito and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request to accept sewer and water extensions on Old Sherman Turnpike met at 7:00 P.M. on January 15, 1992 in Room 432 in City Hall. In attendance were committee members Gallo, Charles and Boughton. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Attorney Bobby Payne, Attorney William Steele.

Attorney Payne explained to the committee the request which is for the City to accept existing sewer and water lines. Both Mr. Schweitzer and Mr. Buckley were in favor of this request, as was the Planning Commission.

Mr. Boughton moved to approve the request pursuant to the regular eight steps. Seconded by Mr. Charles. Motion carried unanimously.

The report was accepted on the Consent Calendar.

36 - REPORT - Offer of land at 116 Main Street for sale to the City.

Mrs. Coladarci submitted the following report:

The subcommittee to review the offer to sell property at 116 Main Street met January 28, 1992 in room 432 of Danbury City Hall at 8:00PM. In attendance were Councilwoman Eileen Coladarci, chair, Councilwoman Janet Butera, and Councilman Joseph Scozzafava. Also in attendance were Police Chief Nelson T. Macedo, Lt. Art Sullo, Director of Finance - Dominic Setaro Jr., Assistant Planning Director - Susan DeCina, Director of Public Works - Jack A. Schweitzer, Jr., Attorney Paul DeLuca, and Attorney Elie S. Coury.

Scozzafava moved to waive the rules so those in attendance can speak, the motion was seconded by Butera and passed unanimously.

Schweitzer submitted reports from the building inspector and the Department of Public Buildings listing the conditions of the Mullins house (enclosed). He said that it would need upgrading in electrical, plumbing and handicap accessibility. The second floor of the building could have a possible modification for handicapped. The building is well kept but old. There is a dentist office in front and the fire marshall still has not inspected the building.

A discussion ensued regarding the work needed for occupancy by the fire department.

Macedo said that in 1972 the Police Department had an opportunity to buy the property behind the station for \$17,000 but the City said they did not have the money. Feinson bought the property, and now the police department leases that same piece of land from Feinson at \$8,000/year to park cars.

Setaro was then asked what the proper procedure should be. He explained that the City should be presented with a written offer, the assessor will place a value on the property, negotiations will ensue between the mayor's office or his appointees, a method of funding has to be decided upon, and then the package is presented back to the Council for approval or disapproval.

The attorneys were then asked for their offer. Coury stated he represents two heirs to the Mullins property and DeLuca represents one. Coury's clients want \$250,000 and DeLuca's will come in lower, but for now they have to agree upon \$250,000 as starting figure.

Butera made a motion to recommend to the full Council that there is some interest in the offer and a hand written bid be submitted to the Mayor's office. If the price is reasonable negotiations should proceed as cited by Setaro. The motion was seconded by Scozzafava and passed unanimously.

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review a report for the installation of a sanitary sewer on Mill Plain Road met at 7:30 P.M. on January 22, 1992. In attendance were committee members DaSilva, John Esposito and Scozzafava. Also in attendance were Director of Public Works Jack Schweitzer, Superintendent of Public Utilities William Buckley, Attorney Lawrence Riefberg representing the Foresome Investment Corporation, Louis Moffa, Carmine Moffa, Mr. and Mrs. Watson, Attorney Paul Jaber representing John Lucchesi and John Lucchesi.

Mr. DaSilva gave the background of this situation. Because connections to the force main on Mill Plain Road are no longer allowed, a petition was made last year for a sewer installation. At the public hearing last August, most property owners on the eastern end of the proposed line were opposed to the sewer. The Common Council then approved the sewer with these eastern properties eliminated from the project. Subsequent to this action, Mr. Schweitzer notified the Common Council that the assessment to the five remaining property owners on the sewer line would now be more expensive. The Common Council directed Mr. Schweitzer to have his office conduct a survey of those property owners with the new estimated assessments. This survey revealed that three of the five property owners (60%) were in favor of the sewer line. These owners represent approximately 30% of the total acreage along this line. Because of the results of this survey the Common Council referred this item to an ad hoc committee to study the proposal more closely.

Mr. Riefberg stated that his clients are in great need of a sewer because of a failed septic system that cannot be repaired. Their property, the Manorbrook Motel, has been closed because of this and the property has little or no use without a sewer. He further stated that Mill Plain Road is one of the major arteries in the City. The development on this road has expanded over the past several years because of its location, access and condition. He said that the Mill Plain Road area has been designated as an area to be sewered by the latest consultant study in 1987. This was done by City consultants, the Haestad Company.

The Moffa and Watson families spoke in favor of the proposed sewer. They are very willing to pay the assessment for the benefit a sewer will bring to their properties.

Mr. Jaber, speaking for Mr. Lucchessi, stated opposition to the sewer installation. He said his client does not need a sewer and has no desire to sell the property at this time. The assessment for this property will be difficult to pay. Mr. Lucchessi also spoke about his problems with this installation. After discussion it was explained that sewer assessment can be paid over a period of twenty years, and that the prevailing interest rates are the lowest in many years. Mr. Lucchessi said that his assessment would be much more palatable under these conditions. All property owners along the proposed sewer were invited to this meeting. There was no representation or communication from the Worldwide Realty Company.

Mr. Buckley and Mr. Schweitzer explained why a hookup into a force main is not desirable. They further explained that this area is one that is slated for sewer expansion in consultant studies and that a sewer would benefit this area of the City.

After discussion, John Esposito moved to recommend the approval of the installation of a sanitary sewer on Mill Plain Road, from the existing area pump stations to the property owned by Foresome Investment Co. (Tax Assessor Lot No. D14014). The committee further recommends that the payment of assessment be for a period of twenty years and that the sum of \$308,900 be appropriated from the sewer fund balance (surplus) upon certification. The motion was seconded by Mr. Scozzafava and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Setaro submitted the following report:

The Common Council Committee appointed to review the Seahorse Aviation lease met at 7:30 P.M. on January 28, 1992 in the Fourth Floor Lobby of City Hall. In attendance were committee members Setaro, Dennehy and Scozzafava. Also in attendance were Airport Administrator Paul Estefan, Assistant Corporation Counsel Laszlo Pinter, Director of Finance Dominic Setaro, Jr., Mr. Greg Brinkman of Seahorse Aviation, Mr. Zohn of Business Aircraft Center, and Mr. Frank Giumarra.

Councilman Setaro stated that the committee adjourned on January 14, 1992 pending negotiations between Seahorse Aviation and City officials of a rental payment structure which would satisfy the requirements of the BAC arbitration decision. Councilman Scozzafava moved that the rules be waived in order that those in attendance could engage in a dialogue with the committee. Seconded by Councilwoman Dennehy. Motion passed unanimously.

The Director of Finance explained that Exhibit C of the twenty-five year lease represents the aforementioned negotiations. He further stated that subsection (a) shows that rental payments would begin at \$13,000 upon the issuance of a certificate of occupancy to Seahorse, expected in 1993, and increase by \$928 per year until the year 2000. At that time the base rent would become \$18,568, again increasing by \$928 per year or the Consumer Price Index, whichever is less, for the remainder of the lease term. Subsection (b) would operate if the maximum rent was triggered in the BAC lease, where the base rent would be \$19,856, with an escalator clause. Mr. Pinter stated that this structure comports with that of the BAC lease based on the arbitration decision.

Mr. Estefan stated that the FAA had approved the Seahorse project in March, 1991. He added that he supported the proposed rental structure and that the City would benefit by an expansion of the Grand List since Seahorse would pay real property taxes on improvements made to the five acre parcel in addition to the rental payments specified in the lease. Upon the expiration of the lease the improvements made by Seahorse would revert to the ownership of the City. Mr. Estefan also stated that several other proposed amendments were included in the lease which were technical in nature or deletions of sections related to the former lease structure.

Councilwoman Dennehy moved that the lease be amended with the proposed rent structure and the technical language changes so that the Seahorse lease satisfies the requirements of the BAC arbitration decision, with a positive recommendation of the amended lease to the full Council. Seconded by Councilman Scozzafava. Motion passed unanimously. Mr. Scozzafava moved that the meeting adjourn at 8:00 P.M. Seconded by Councilwoman Dennehy. Motion passed unanimously.

The report was accepted on the Consent Calendar.

39 - REPORT - Request for Sewer Extension - Newtown Road

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review the request to accept existing sewer lines on Newtown Road met on January 15, 1992 at 7:30 P.M. in Room 432. In attendance were committee members Gallo, Outlaw and Boughton. Also in attendance were Council Member Al Cipriani, ex-officio, City Engineer Jack Schweitzer, Director of Public Utilities William Buckley, Mr. Williams, Attorney Bobby Payne and Attorney William Steele.

Mr. Williams explained to the committee the request which is for the City to accept existing sewer lines on Newtown Road, specifically lot numbers L11001, L11031, and L11039. Both Mr. Schweitzer and Mr. Buckley were in favor of this request, as was the Planning Commission.

Mr. Boughton made a motion to approve the request pursuant to the regular eight steps. Seconded by Mr. Gallo. Motion was carried unanimously.

Mr. Setaro read the following report into the record:

The Common Council Committee appointed to review the request for Interlocal Agreement discussions between Danbury and Newtown met on January 21, 1992 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Cassano and Setaro. Also present were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Assistant to the Mayor Basil Friscia, Assistant Corporation Counsel Les Pinter and Council Member Al Cipriani, ex-officio.

Attorney Pinter clarified the committee charge - to recommend, or not, to the Common Council that Danbury enter into interlocal negotiations with Newtown relative to availability of capacity within Danbury's Wastewater Treatment Facility. This is the first time that a request for interlocal negotiations has come to a Common Council Committee. Previously, the response has been for the Mayor to appoint an Interlocal Agreement Commission to persue the negotiations. There are two existing Commissions with common membership addressing previous requests from Brookfield and Ridgefield.

Mr. Buckley provided the committee with a historical prospective of the issue. In 1988, Danbury was directed by court order to increase its Wastewater Treatment Facility capacity to 12.5 MGD (including Bethel 75,000 GPD, Brookfield 500,000 GPD and Ridgefield 140,000 GPD) with Bethel, Brookfield and Ridgefield paying their share of the upgrade cost. Brookfield and Ridgefield requested additional capacity and the existing Interlocal Agreement Commission was formed to conduct the negotiations. Over time, further increases were mandated by the State: to 14.5 MGD to absorb a Bethel capacity of 2 MGD and to 15.5 MGD to absorb "future regional needs", which the State assigned to Brookfield (300,000 GPD) and New Fairfield (700,000 GPD). Brookfield and New Fairfield are not obligated to accept these increases or pay the associated system upgrade costs.

At the present time, Danbury has a capacity requirement of 11.8 MGD and yearly average use of about 8 MGD. While there is no present State direction to include Newtown, the uncertainty surrounding the acceptance of the last 1 MGD increase by Brookfield and New Fairfield indicates the possibility of Newtown assuming a portion of that increase. Mr. Buckley recommended that a Commission be approved to at least conduct preliminary talks with Newtown.

Following some further general discussion, Mr. Setaro moved that, based on language in the State's statutes admonishing municipalities to resolve wastewater treatment issues regionally, the committee recommend to the Common Council that the Mayor be authorized to appoint an Interlocal Agreement Committee to enter into negotiations with the Town of Newtown regarding their request for capacity in Danbury's Wastewater Treatment Facility. Mr. Cassano seconded the motion and there was unanimously approval.

Mr. Boynton made a motion to accept the report and authorize the Mayor to appoint a committee to enter into negotiations with the Town of Newtown. Seconded by Dean Esposito.

Mr. Boughton stated that he agreed with Mr. Blonski. The City of Bridgeport is now experiencing problems due to this issue. The Mayor stated that the HVCEO has started a regional housing fund for this purpose and gave some information on these agreements. Mr. Boynton said that this would affect Newtown's industrial and commercial development and therefore its grand list so perhaps the fee structure should be looked at. Mayor Eriquez stated that the City of Danbury is not committed to any agreement at this point. Mr. Arconti asked if the results of this negotiation committee will be brought before the Common Council. Mayor Eriquez stated that it would. Motion carried with Mr. Gallo voting in the negative. Members of the negotiations committee will be Council Members Charles and Scozzafava.

Mr. Cassano submitted the following report:

The Common Council Committee appointed to review Ordinance Section 17-34 (Roads) met on January 21, 1992 at 8:20 P.M. in Room 432 in City Hall. In attendance were committee members Cassano and John Esposito. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, Assistant to the Mayor Basil Friscia, Assistant Corporation Counsel Les Pinter and Council Member Al Cirpriani, ex-officio.

Mr. Cassano reviewed the petition and the history of the 17-34 Ordinance along with the efforts of the previous Common Council Road Study Commission to allow citizens to upgrade their private roads to a level acceptable to the City by a bonding procedure similar to the existing sewer project bonding. These efforts culminated in the passage of Ordinance Section 2-143.1 Assessments for Public Improvements. At that time, there were several petitions under study for acceptance of private roads, some of which involved relatively large areas (e.g. Hawthorne Cove, Aqua Vista, Marjorie Manor). All petitions were withdrawn after the project costs had been developed by the City Engineer's Office. There are presently about 170 private roads in Danbury.

Mr. Schweitzer went over 17-34 and suggested several modifications to facilitate the procedures and requirements for acceptance of private roads while maintaining acceptable engineering and safety criteria. Mr. Friscia and Mr. Buckley described some of the phone calls they have received from citizens concerned with the maintenance and status of private roads on which they live. The City has attempted to do all it can in these cases.

The consensus of the committee was that 17-34 should remain on the books, perhaps in a modified form, along with 2-143.1, which would continue to allow petitioners to pursue road upgrades at lower costs dependent upon the revisions to 17-34.

The Committee further thought that the upgrade of private roads (to meet road acceptance criteria) should not be the responsibility of the City at this time. Monies spent on private roads must necessarily come out of Public Works Budgets devoted to maintenance of the public road system.

The Committee further agreed to continue its review of 17-34 and agreed to Mr. Schweitzer's request that he update his recommendations for the modification of 17-34 in light of the committee meeting and discussions and present these updates at a future committee meeting.

The report was accepted on the Consent Calendar.

42 - COMMUNICATION - Request for a meeting with the tenant of the Old Quarry Nature Residence. Ms. Dennehy asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Setaro, Arconti and Scozzafava to the committee.

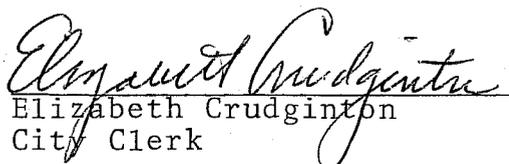
The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made by Councilman DaSilva for the meeting to be adjourned at 9:17 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk