

To: Mayor Eriquez and Members of the Common Council

Re: Minutes of the Common Council Meeting held April 2, 1991

The Meeting was called to order at 7:30 P.M. by Mayor Eriquez. Mr. Regan led the assembly in the Pledge of Allegiance. Mr. Smith offered the Prayer. Roll Call was taken with the members being recorded as:

PRESENT - Fazio, Scalzo, Falzone, Gallo, Coladarci, Mack, Farah, Dean Esposito, DaSilva, John Esposito, Smith, Cassano, Boughton, Boynton, Butera, Regan, Scozzafava, Valeri

ABSENT - Gogliettino

19 Present - 1 Absent - 1 Vacancy

#### PUBLIC SPEAKING SESSION

1. Laura Hughes, Coalpit Hill Road - Volunteer Bureau of Greater Danbury Invited Council Members to a ceremony honoring volunteers on April 23, 1991 at the Danbury Library.
2. Harry Kessler, 112 Carol Street - Pension system is out of line; When grants are gone services those grants provided should be eliminated. Real estate tax is unrealistic.

#### ANNOUNCEMENTS BY THE MAYOR

April 4th - Janet and Louis Butera's Anniversary  
April 11th - Stanford Smith's Birthday  
April 14th - Eileen and Butch Coladarci's Anniversary  
April 15th - Don Boughton's Birthday  
April 7th - Eastern Orthodox Easter  
April 21-27 - Victims Rights Week  
April 26th - Arbor Day  
April 3rd - Literacy Volunteers Read-a-thon  
April 4th - Garden Club will plant Freedom Tree  
April 14th - Easter Seals Skate-a-thon  
April 27th - Portugese American Club 50th Anniversary

Mayor Eriquez introduced Police Officer Edward Lopes who made 66 DUI arrests and congratulation the Police Department for making 110 DUI arrests this year.

The Mayor noted that Tarrywile Park Authority had given each Council Member a package regarding its activities.

The Mayor then gave the 1991-92 Budget Address and stated that there was no tax increase.

#### CONSENT CALENDAR - The consent calendar was presented by John Esposito

- 4 - Approval of Public Improvement Bond Issue transfer of \$112,490.91
- 6 - Approval of designation of April 21-27 as Mathematics Awareness Week
- 7 - Approval of transfer of \$16,000 from Escrow Account for automatic gates, fire truck and reconstruction of Taxiways A & B at Danbury Airport
- 8 - Approval of application for DCYS Grant of \$85,000
- 13 - Approval of appointments of Janet Ross, Doris Bishop, Monika Swanson, and Ernie Goldstein to the Commission on Persons with Disabilities
- 14 - Approval of appointment of Paul Hart to Economic Development Commission
- 15 - Approval of appointment of Michael Halas to the Conservation Commission
- 16 - Approval of appointment of Carmen Goldman to Cultural Commission
- 17 - Approval of appointments of Gerald Daly, Edward Prybylski and Robert Lovell to the Tarrywile Park Authority
- 18 - Approval of appointment of Mary Elizabeth McIlvaine to the Commission on the Status of Women
- 19 - Approval of the appointments of Amy Salvador, Marilyn Kautto and Sharon Fusco to the Youth Commission
- 20 - Approval of the appointment of William Sullivan to the Board of Ethics
- 21 - Approval of the appointment of Warren Null as an Alternate to the Planning Commission

- 22 - Approval of the transfer of \$45,000 from escrow account for updating of radio equipment at Danbury Airport
- 27 - Approval of report from Planning Commission on New England Aircraft Sales Lease
- 35 - Approval of Ordinance repealing Chapter 23 of the Code of Ordinances
- 36 - Approval of Ordinance adding alternate members to the Commission on Aging
- 37 - Approval of Cross Street Bridge Project
- 41 - Approval of report denying a request to acquire City property on Backus Avenue
- 42 - Approval of report denying request to acquire City property at Bear Mountain Park
- 43 - Approval of report recommending no action be taken on boilers at Morris Street School
- 45 - Approval of progress report recommending parcel of property at Balmforth Avenue and Maple Avenue be declared surplus
- 46 - Approval of progress report on review of welfare regulations
- 47 - Approval of progress report from the Education Budget Liasion Committee
- 48 - Approval of report recommending the allocation of \$10,000 to the Affordable Housing Fund

MINUTES - Minutes of the Common Council Meeting held March 5, 1991. Mr. DaSilva made a motion that the minutes 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 Mr. Falzone. Motion carried unanimously.

1 - COMMUNICATION - Resignation of Council Member Nicholas Zotos from the Fifth Ward effective March 20, 1991. Mr. Boynton made a motion to accept the resignation with regret and send Mr. Zotos a letter of thanks for his service. Seconded by Mr. Gallo.

Mrs. Butera stated that it had been a pleasure to serve with Nick. He is very honest and fair and will be missed.

Mr. DaSilva stated, on behalf of the Council, that there was no finer gentleman in memory and will be missed by his colleagues and constituents and wished Mr. Zotos godspeed and good luck.

Dr. Farah stated that it had been a privilege to serve with Mr. Zotos and could best be described in three words: compassion, courtesy and courage. He will be missed on the Common Council.

Mrs. Crudginton stated that the City Clerk's Office knows first hand what an excellent job he did for the City.

Mayor Eriquez stated that Mr. Zotos took great pride in doing the little things that benefited the community and will Nick and his family all the best.

Motion carried unanimously.

2 - ORDINANCE & RESOLUTION - An Ordinance Making Appropriations for the fiscal year beginning July 1, 1991 and ending June 30, 1992 and a Resolution levying the property tax for the fiscal year beginning July 1, 1991 and ending June 30, 1992. Mr. DaSilva asked that the Ordinance be deferred to public hearing and referred to the ad hoc budget committees. Mayor Eriquez so ordered.

3 - COMMUNICATION - Landfill Enterprise Account. Mrs. Butera asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Cassano, John Esposito and Scozzafava to the committee.

4 - RESOLUTION - Public Improvement Bond Issue Transfer

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

WHEREAS, on August 25, 1983 the Common Council adopted an Ordinance entitled, "AN ORDINANCE MAKING APPROPRIATIONS FOR VARIOUS PUBLIC IMPROVEMENTS AGGREGATING \$7,725,000 AND AUTHORIZING THE ISSUANCE OF \$7,725,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE", a copy of which is attached hereto; and

WHEREAS, on November 8, 1983 said Ordinance was approved by a majority of the persons voting on the question at a Special City Meeting called by the Mayor; and

WHEREAS, Section 7 of said ordinance provides that the balance of any appropriation not needed to meet the costs of any improvements described in Section 1 thereof after reduction for any Federal or State grant-in-aid paid or estimated to be paid with respect thereto, or the proceeds of any bonds issued to meet any such appropriation not needed to meet the costs of any such improvements, may be transferred by resolution of the Common Council to meet the additional cost of any other improvements described in Section 1 thereof; and

WHEREAS, the balance of certain of the aforesaid appropriations, as described herein, is no longer needed to meet the costs of various improvements described herein and in Section 1 of said Ordinance; and

WHEREAS, the transfer of One Hundred and Twelve Thousand, Four Hundred and Seventy Dollars and Ninety One Cents (\$112,470.91) to meet additional costs of certain other improvements described herein and in Section 1 of said Ordinance is deemed to be in the best interest of the City of Danbury;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE THE CITY OF DANBURY THAT the transfer of appropriation balances originally designated for the purposes described below be and hereby are approved and shall be made to meet the additional costs associated with drainage improvements to eliminate flooding, including construction and reconstruction of City storm drains and completion of a Drainage Study, as described in Subsection 1(d) of said Ordinance :

Subsection 1(a) <u>Schools:</u>	
Sidewalks and Curbing	\$1,863.80
All-Weather Track	3,904.60
Subsection 1(b) <u>Schools:</u>	
School Roofs	6,278.28
Broadview JHS Ventilation System	2,661.18
Handicap Ramp at Park Avenue School	1,052.46
Subsection 1(c):	
Short Term Interest	67,391.99
Contingency	16,156.00
Subsection 1(f) <u>Fire Department:</u>	
Fire Alarm System Update	5,528.51
Firehouse Addition - Osborne Street	500.00
Subsection 1(g) <u>Parks and Recreation:</u>	
Richter Authority - Maintenance Facility	3,236.59
Tennis Courts - Broadview JHS / Danbury High	3,897.50
	TOTAL 112,470.91

The Resolution was adopted on the Consent Calendar.

5 - COMMUNICATION - Danbury Hospital Proposal. Mr. Boynton asked that this be referred to an ad hoc committee, the Director of Finance, the Corporation Council, Interfaith, and Danbury Hospital Officers. Mayor Eriquez so ordered and appointed Council Members DaSilva, Smith and Regan.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Mathematics is the foundation discipline for Science and Technology, Mathematical reasoning, analysis, and problem-solving are increasingly vital in preparing our youth to lead productive and responsible lives; and

WHEREAS, the results of today's research demonstrates that mathematics is a living and growing discipline, continually being created and discovered; and

WHEREAS, the power of Mathematics is revealed in the richness of its intellectual structure and the enormous diversity of its applications -- fundamental to high speed computers, Chemistry, Physics, Molecular Biology, Medicine, Economics and many fields of Ecology, Engineering; and

WHEREAS, important issues that confront contemporary society such as the utilization and conservation of our precious natural resources, economic growth, well-planned development, and the generation and distribution of tax revenue can best be addressed by an analysis that is based on mathematical modeling; and

WHEREAS, American mathematicians provide world leadership in the creation and application of Mathematics, following in the tradition of Pythagoras, Archimedes, Euler, Newton, Gauss, Riemann, E. Noether, Wiener, Von Neumann, and Stone; and

WHEREAS, the beauty, challenge, and excitement of Mathematics have led to the "minds on" world which confronts us today, with its potential to enrich individual lives and the imperative that through Mathematics education we make its opportunities available to all our citizens; and

WHEREAS, the City of Danbury is committed to providing the very best in Mathematics education in its public schools;

NOW, THEREFORE, BE IT RESOLVED THAT Danbury endorses and supports the Proclamation to declare the week of April 21-27, 1991, as MATHEMATICS AWARENESS WEEK with the theme of Mathematics, IT'S Fundamental.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Grants for the Airport

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

WHEREAS, The Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury intends to reconstruct taxiway "A" and "B" Intersection, acquire a new ARFF vehicle and install automatic gates, all three of these projects will improve the safety and efficiency of airport operations; and

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$624,000.00 with a local match of two and one-half (2 1/2%) percent equaling an amount not to exceed \$16,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Gene F. Eriquez, is hereby authorized to make application for said grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

The Resolution was adopted on the Consent Calendar.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed Eighty-Five Thousand (\$85,000.00) Dollars are available from the State of Connecticut Department of Children and Youth Services for 1991-1992 Youth Services Bureau operations; and

WHEREAS, the continuation of the Youth Services Bureau for a fourteenth year 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 funds be and hereby are ratified and that Mayor Gene F. Eriquez be and hereby is authorized and directed to contract with the State of Connecticut Department of Children and Youth Services for a State cost sharing grant not to exceed \$85,000.00 for a Youth Services Bureau for the fiscal period commencing July 1, 1991.

BE IT FURTHER RESOLVED THAT the Mayor is hereby authorized to execute any and all related documents, applications or other pertinent instruments pursuant to this program.

The Resolution was adopted on the Consent Calendar.

9 - RESOLUTION - Grant for Alzheimer's Aide

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act, through the Connecticut Department on Aging, in accordance with Sections 17-137(c)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made available funds to public agencies; and

WHEREAS, application for a grant in the amount of \$8,000, with an in-kind (non-cash) match of \$8,000 from the City of Danbury, has been made by the Department of Elderly Services to the Western Connecticut Area Agency on Aging and the State of Connecticut Department on Aging; and

WHEREAS, said application has been approved and the Department of Elderly Services will use the grant provided for Interweave, the Danbury Adult Day Care Center, a division of the Department of Elderly Services, to fund an Alzheimer Aide position, said funding to cover the period of April 1, 1991 through December 31, 1991; and

WHEREAS, it is necessary to revise the Adult Day Care budget for its grant year January 1, 1991 through December 31, 1991 to reflect this additional \$8,000 award for a total budget for this period of \$35,000;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the revised budget of \$35,000 for the Adult Day Care Center for 1/01/91 - 12/31/91 is hereby approved and that the actions of the Danbury Department of Elderly Services and the Mayor of the City of Danbury are hereby ratified concerning the award of \$8,000 in grant funds from the Western Connecticut Area Agency on Aging under Title III-B of the Older Americans Act for Interweave for the purpose herein contained; and

BE IT FURTHER RESOLVED THAT the Department of Elderly Services and the Mayor of the City of Danbury be and hereby are authorized to perform all necessary acts to effectuate the purposes hereof.

John Esposito made a motion that the grant be accepted. Seconded by Mr. Charles. Motion carried unanimously.

10 - COMMUNICATION - Letter from Police Chief Nelson Macedo asking permission to accept a video recorder to be used in DWI arrests from the Immaculate High School Chapter of SADD. Dr. Farah made a motion that the donation be accepted and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

11 - COMMUNICATION - Letter from William Buckley asking permission to accept hitching posts from Fred Comstock for the Department of Public Utilities. Mrs. Mack made a motion to accept the donation and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

12 - COMMUNICATION - Letter from Tree Supervisor, Richard Smith asking permission to accept a donation in the amount of \$500 from the Lions Club for the planting of trees on Arbor Day in the memory of Daniel Minahan, Peter Winters, Richard Engstrom and John Lounds. Mrs. Coladarci made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Mack. Motion carried unanimously.

13 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointments of Janet Ross and Doris Bishop to the Commission on Persons with Disabilities for terms to expire March 1, 1992. The appointments were confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Paul Hart to the Economic Development Commission. The appointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Michael Halas to the Conservation Commission for a term to expire July 1, 1993. The appointment was confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Carmen Goldman to the Cultural Commission for a term to expire February 1, 1994. The appointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Letter from Mayor Eriquez seeking the confirmation of the reappointments of Gerald Daly, Prybylski and Robert Lovell to the Tarrywile Park Authority for terms to expire May 1, 1994. The reappointments were confirmed on the Consent Calendar.

18 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the reappointment of Mary Elizabeth McIlvaine to the Commission on the Status of Women for a term to expire April 1, 1994. The reappointment was confirmed on the Consent Calendar.

19 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Amy Salvador, Marilym Kautto and Sharon Fusco to the Youth Commission for terms to expire April 1, 1994. The reappointments were confirmed on the Consent Calendar.

20 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of William Sullivan to the Board of Ethics for a term to expire August 1, 1992. The appointment was confirmed on the Consent Calendar.

21 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Warren Null as an alternate to the Planning Commission for a term to expire January 1, 1993. The appointment was confirmed on the Consent Calendar.

22 - COMMUNICATION & CERTIFICATION - Request from Airport Administrator Paul Estefan requesting that the sum of \$45,000 be transferred from the escrow account of the Airport Account for updating radio equipment at the Airport. Certification of funds was attached. The transfer was approved on the Consent Calendar.

23 - COMMUNICATION - Lease for the Concession Stand at Lake Candlewood. Dr. Farah asked that this be referred to an ad hoc committee, the Corporation Counsel, Director of Parks and Recreation and the Planning Commission. Mayor Eriquez so ordered and appointment Council Members Coladarci, Charles and Fazio to the committee.

24 - COMMUNICATION - Request from Stanley Bernstein seeking to trade land on Mountainville Avenue for enough land to build two to three houses. Mrs. Butera asked that this be referred to an ad hoc committee, the Corporation Counsel, the Planning Commission and the Director of Planning. Mayor Eriquez so ordered and appointed Council Members Farah, Smith and Regan to the committee.

25 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter asking that Lakecrest Drive to act on accepting Lakecrest Drive as a City road. Mrs. Mack asked that this be referred to the Planning Commission and the Engineering Department for a report back in thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter regarding the proposed acquisition of property off Spruce Mountain Trail near the Airport (rotating hazard beacon). Mr. Falzone asked that this be referred to an ad hoc committee, the Airport Administrator, the Planning Commission and the Corporation Counsel. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Mack and Fazio to the committee.

27 - COMMUNICATION - Report from the Planning Commission giving a positive recommendation for the New England Aircraft Sales Lease. The report was accepted on the Consent Calendar.

28 - COMMUNICATION - Cross Street Bridge, Slope Rights Easement - Blackburn Storm Drainage - WITHDRAWN

29 - COMMUNICATION - Request from Jana Barry for sewer extension at 32 Clapboard Ridge. Mr. Smith asked that this be referred to an ad hoc committee, Mr. Schweitzer, Mr. Buckley and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gallo, Falzone and Boughton to the committee.

30 - COMMUNICATION - Request from Mrs. T. Casale for sewer extension at 46 Kenosia Avenue. Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Buckley, Mr. Schweitzer and the Planning Commission. Mayor Eriquez so ordered and appointment Council Members Gallo, Falzone and Boughton to the committee.

31 - COMMUNICATION - Tax Collector's Suspense List. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Director of Finance, the Tax Collector and the Corporation Counsel. Mayor Eriquez so ordered and appointment Council Members Charles, Scalzo and Fazio to the committee.

32 - COMMUNICATION - Reports from the Corporation Counsel and the Planning Commission regarding the Tarrywile Park Carriage House Lease. Mr. Smith asked that this be referred to an ad hoc committee, the Tarrywile Park Authority and the Corporation Counsel. Mayor Eriquez so ordered and appointment Council Members Scalzo, Gogliettino and Regan to the committee.

33 - COMMUNICATION - Request from Hat City Commons for water extension at 89 Rose Hill. Mrs. Mack asked that this be referred to an ad hoc committee, Mr. Buckley, Mr. Schweitzer and the Planning Commission. Mayor Eriquez so ordered and appointment Council Members Boynton, Butera and Fazio to the committee.

34 - DEPARTMENT REPORTS - Parks and Recreation, Health, Department of Elderly Services, Fire Chief, Fire Marshall, Highway Department. 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. Mayor Eriquez stated that the Police report was not submitted due to a computer malfunction.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a Committee of the Whole at 7:32 P.M. on March 18, 1991 to review the repeal of Chapter 23 - Wetlands and Water Courses of the Code of Ordinances. Mr. Gottshalk explained that State Statutes empower a local agency (i.e. Environmental Impace Commission) to enact ordinances concerning wetlands and water courses. Chapter 23 of the Code of Ordinances predates this empowerment and should be repealed in order to avoid overlapping authority.

Mr. Boynton moved to recommend approval of the proposed repeal of Chapter 23. Seconded by Dr. Farah and passed unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the repeal of Chapter 23, titled "Wetlands and Watercourses". The adoption of this ordinance is specifically intended to repeal Code Sections 23-1 through 23-13, inclusive.

The report and ordinance were adopted on the Consent Calendar.

36 - REPORT & ORDINANCE - Addition of Alternate Members to the Commission on Aging.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:32 P.M. on March 18, 1991 to review a proposed ordinance adding alternate members to the Commission on Aging. This would make it easier for the Commission to obtain a quorum.

Mr. Boynton moved to recommend approval of the proposed ordinance. Seconded by Mr. Charles. Motion carried unanimously.

Be it Ordained by the Common Council:

THAT Section 2-56.1 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the redesignation of Subsections 2-56.1(e), 2-56.1(f) and 2-56.1(g) as Subsections 2-56.1(f), 2-56.1(g) and 2-56.1(h), respectively, and

THAT Section 2-56.1 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of a new Subsection to be designated Subsection 2-56.1(e), which said Subsection reads as follows:

(e) Alternate Members. There shall be three (3) alternate members to the Commission on Aging who shall be appointed by the Mayor of the City of Danbury and confirmed by the Danbury Common Council.

The term of office of one (1) of the three (3) persons originally appointed as alternates shall expire on January first in each of the years 1992 to 1994, inclusive, and the term of each successor to such persons originally appointed shall be three (3) years ending on January 1.

Any vacancy in the office of an alternate which does not arise from the expiration of a term of office shall be filled by the Mayor of the City of Danbury for the unexpired portion of the term and confirmed by the Danbury Common Council.

When duly acting in place of an absent member, such alternate members shall have all the powers and duties set forth in this Section 2-56.1.

The report and ordinance were adopted on the Consent Calendar.

37 - REPORT - Cross Street Bridge Project

Mr. DaSilva submitted the following report and resolution:

The Common Council met as a Committee of the Whole at 7:32 P.M. on March 18, 1991 to review the Cross Street Bridge Project. This followed a public hearing on the project as called for by the State of Connecticut. No one spoke on the project at this hearing.

After a discussion of the approximate cost (\$1.2 million) and configuration of the proposed bridge, Mr. Falzone moved to proceed with the Cross Street Bridge Project and authorize the Mayor to take any further action necessary. The motion was seconded by Mr. Boynton and passed unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the CROSS STREET BRIDGE is in need of reconstruction; and

WHEREAS, the Common Council of the City of Danbury on September 1, 1987 authorized the City of Danbury Department of Engineering to retain the services of a structural engineering firm to evaluate the bridge and its needs; and

WHEREAS, the State of Connecticut Department of Transportation through its Local Bridge Program has made funds available to municipalities; and

WHEREAS, the State of Connecticut Department of Transportation has provided an extension of time whereby the City of Danbury may submit its supplemental application for additional funds through the Department of Transportation Local Bridge Program; and

WHEREAS, the City of Danbury has also made application to the State of Connecticut Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for funds in the amount of \$234,245.00 for the purposes of this reconstruction project; and

WHEREAS, funds from both sources are to be utilized for the purposes of said project in order to bring the Cross Street Bridge up to proper condition and structural integrity;

NOW, THEREFORE, BE IT RESOLVED that Gene F. Eriquez, Mayor of the City of Danbury be and hereby is authorized to make application for, contract for said funds, execute any documents necessary for said purposes and take any additional actions necessary to accomplish the purposes hereof.

The report and resolution were approved on the Consent Calendar.

At 8:24 P.M. Mrs. Gogliettino arrived and was marked present.

38 - REPORT - Appeal Procedure for Water Bills

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to reconsider a request to establish an appeal procedure for water bills met at 7:30 P.M. on March 19, 1991 in City Hall. In attendance were Committee Members DaSilva, John Esposito and Boughton. Also in attendance were Superintendent of Public Utilities William Buckley, John Ashkar and Hans and Shirley DeMuth.

Mr. Boughton stated his support for the establishment of an appeals process and that a Danbury water customer should not have to go to the Department of Public Utilities Control for an appeal. That would be a long and complicated process and possibly too costly to pursue. He said that he believes too much power is invested in the Danbury Public Utilities Department for the procedure of settling appeals.

Mr. Ashkar said that his wife contacted the State and was told that an appeal to the Executive Director of Public Utilities can be made only after local avenues of appeal have been exhausted. Mr. Buckley responded that Mr. Ashkar's problem would have been eligible for appeal to the DPUC. He further stated that approximately two hundred appeals of water bills come to his office every year. Of these, only one has gone beyond to the Common Council. If, in fact, an appeals process were instituted he would refer all eligible claims to the designated board.

Mr. Esposito stated that an appeals process is available from the State of Connecticut and that the City of Danbury employes competent personnel to deal with problems of this nature. He therefore feels that a local appeals process would be redundant and lead to unnecessary confusion. Mr. DaSilva said that he believes there would be many problems involved with the proposed appeals process. There is no relief offered for exceptional usage of other utilities such as electricity that arise on the premises of the customer. He further stated that if a positive recommendation does not come from this committee, the disposition of the proposal will need to be determined by the total Common Council. He will also seek a written opinion from the Department of Public Utilities as to the appeal process for water bills.

Mr. Esposito moved to take no action on Section 21-9 of the Code of Ordinances at this time. Seconded by Mr. DaSilva. Motion carried 2-1 with Mr. Boughton voting in the negative.

Mr. Gallo made a motion to accept the report and take no action. Seconded by Mr. Smith.

Mrs. Gogliettino stated that she had taken time to consider the process now in place and is convinced that it has been researched thoroughly by the Council leadership and the process does work. Mr. Boughton stated that he still believes an appeal procedure is necessary and the Common Council should at least take this issue to a public hearing. Mr. Regan stated that he also feels an appeal procedure is necessary and it would not be a major undertaking for the Common Council to look at a few appeals. Mr. Boynton stated that if it is not broken do not fix it.

Motion carried with Council Members Fazio, Mack, Boughton, Regan and Scozzafava voting in the negative.

39 - REPORT - Request to transfer funds to the Danbury Public Schools Health and Welfare Account.

Mr. Smith submitted the following report:

The Common Council Committee appointed to review the request for the transfer of funds to the Danbury Public School Health and Welfare Account for private and Parochial Schools met on March 14, 1991 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were Committee Members Smith, Scozzafava, Mack and Fazio. Dr. Farah was absent. Also in attendance were Assistant Superintendent of Schools Robert Dylewski, Schools Finance Director Jack Heidenreich, Director of Finance for the City Dominic Setaro and School Board Member Mark Chory.

Mr. Setaro and Mr. Heidenreich both explained to the Committee Members the request to review the above matter. According to some statutes, each town or regional school district is responsible for providing health and welfare services. The State of Connecticut would reimburse 80% of the cost and the City would be responsible for the 20% difference. Under the Governor's proposed budget cuts, the State of Connecticut will no longer reimburse 80% of the cost of services. Therefore, each municipality is now responsible for 100% funding. Furthermore, the total expenditure of \$356,300.00, of that total \$58,979.00 was appropriated in the 1990 budget. The amount needed to make available 100% financing would be \$297,321.00. Mr. Setaro will certify the availability of \$297,321.00 to be transferred from the Contingency Account to the line item entitled Education Health and Welfare Services Account #02-06-001-072000. If budget cuts do not have an impact, Health and Welfare Services monies will be put back.

Mr. Scozzafava made a motion to recommend that the Director of Finance be authorized to transfer, pending certification, the sum of \$297,321.00 to the line item entitled Health and Welfare Services Account #02-06-001-072000. The motion was seconded by Mr. Fazio and carried unanimously.

Mr. Falzone made a motion to accept the report and authorize the transfer of funds. Seconded by Mr. Charles.

Mr. Scozzafava stated that he is in favor of these programs but it is another example of the State mandating programs and then not funding them.

Dr. Farah stated that he shares Mr. Scozzafava's feelings but the finger should be pointed at a derelict General Assembly who appropriates beyond its means.

Mr. Boynton stated that he would support the item but strongly urged that State mandated programs should be funded.

Mr. Boughton stated that he will vote against the item because it sends the wrong message to Hartford.

Motion carried with Council Members Boughton, Regan, Scozzafava and Valeri voting in the negative.

40 - REPORT - Report from Mr. Boynton regarding the Governmental Review and Evaluation Committee. Mr. Boynton asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

41 - REPORT - Request to lease or purchase City land on Backus Avenue

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request by Tisano Realty, Inc. to lease or purchase City owned land on Backus Avenue met on Tuesday, March 19, 1991 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Valeri, Smith and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Associate Planner Heidi Tolo and Airport Administrator Paul Estefan.

Mr. Estefan explained that the requested parcel west of existing Tisano property on Backus Avenue is under consideration by the Airport Administration for lease to General Mills Restaurant and therefore presently unavailable. The requested parcel east of the Tisano property was the former PAL soccer field banned from use by the Common Council under the present administration. The Planning Commission's report was also cited indicating a negative recommendation for this request. Mr. Valeri additionally cited Tisano Realty's absence and their failure to extend consideration to the committee and those in attendance.

Mr. Scozzafava motioned to deny Tisano's request for the east parcel on Backus Avenue and to deny without prejudice the request for the west parcel on Backus Avenue. Motion was seconded by Mr. Smith and passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review the request by B. Tuckey Devlin to acquire City owned land at Bear Mountain met on Tuesday, March 19, 1991 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Valeri, Smith and Scozzafava. Also in attendance were City Engineer Jack Schweitzer, Associate Planner Heidi Tolo and Council Member Michael Falzone, ex-officio.

Mr. Valeri cited reports requested from and submitted by the Department of Parks and Recreation and the Conservation Commission indicating their unanimous opposition to the proposal citing the need to preserve what little open space we have for passive recreational use. A further expression of concern was indicated for the apparent lack of consideration by the authors of the proposal who were conspicuous in their absence.

Mr. Scozzafava motion to deny the request by B. Tuckey Devlin to acquire City owned land at Bear Mountain. Seconded by Mr. Smith and passed unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Request for Emergency Replacement of Boilers at Morris Street School.

Mr. Cassano submitted the following report:

The Common Council Committee appointed to review the request for emergency replacement of boilers at Morris Street School met on February 26, 1991 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. Present were committee members Cassano, Butera and Fazio. Also present were City Engineer Jack Schweitzer, Superintendent of Public Buildings Richard Palanzo and Director of Sites and Facilities for the Board of Education Anthony Paivo.

The Chairman reviewed the committee charge to develop any information that might indicate why a relatively new school building needs replacement boilers. Mr. Palanzo provided the following information. The boilers in question are Cleaver Brooks Water tube boilers. They are nine years old and were specified by the mechanical engineers working on the Morris Street and South Street projects at that time. The two boilers in South Street have had no problems. The two in Morris Street are the ones that have required repairs and, in one instance, replacement. Cleaver Brooks enjoys an excellent reputation in the area of Scotch Marine boilers. These water tube boilers were part of Cleaver Brooks initial efforts to produce boilers of this design. Cleaver Brooks has since discontinued the manufacture of water tube boilers.

While assuming no responsibility, Cleaver Brooks has reviewed our operations and maintenance records and found no faults in either. The general conclusion is that the problems in the two Morris Street boilers appear to be the result of casting failures allowing water leakage into the firebox. No one has been able to reconcile the fact that similar operational problems have not occurred with the South Street boilers.

Boiler 1 at Morris Street has been repaired but the repair is considered temporary and Mr. Palanzo indicated that a replacement for this boiler may be considered in next year's budget. Boiler 2 has been replaced by an H. B. Smith cast iron sectional boiler and a one year old gas burner removed from boiler 4 at Danbury High School. This replacement has been completed at an approximate cost of \$13,500.

After hearing all the information, the committee concluded that no apparent specific reason or blame can be established for the boiler failures. It appears that the boiler choice was ill-advised from the beginning, in that the manufacturer was not expert in the production of the specific type boiler and has since discontinued the manufacture of that model.

The report was accepted on the Consent Calendar.

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review a request from the Corporation Counsel for additional funds in the amount of \$54,113.80 met at 7:30 P.M. on March 13, 1991. In attendance were committee members DaSilva and John Esposito. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Assistant Corporation Counsel Dan Casagrande and Director of Finance Dominic Setaro.

Mr. Gottschalk explained that the present budget was set last year based on an estimate. The litigation special line was funded for \$55,000, approximately one-half of the amount requested. These funds were used for various cases before the City as explained in several communications to the Common Council from the Corporation Counsel. An estimate was calculated for the rest of the fiscal year. This is an average of \$13,000 per month which is less than what was experienced for the first part of the year (\$15,751.21 per month). He said that this year has seen a heavier than usual caseload for his office.

Mr. Setaro stated that the amount budgeted and requested total is an amount that is in line with the budget over the past several years. Mr. Casagrande said that adding to the increased cases are more frequent land use cases with higher risks relating to recent court interpretations of inverse condemnation (i.e. taking).

Mr. Esposito moved to recommend the appropriation of \$54,113.80 as indicated in certification #13. Motion was seconded by Mr. DaSilva and passed unanimously.

Mr. Gallo made a motion that the report be accepted and the transfer of funds authorized. Seconded by Mr. Smith. Motion carried unanimously.

45 - PROGRESS REPORT - Request of Ashkar and Carvalho to purchase property on Maple Avenue and Balmforth Avenue

Mr. Cassano submitted the following report:

The Common Council Committee appointed to review the requests of John Ashkar and Norman Carvalho to purchase property on Maple Avenue and Balmforth Avenue met on February 26, 1991 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. Present were committee members Cassano, Butera and Fazio. Also present were Acting Corporation Counsel Eric Gottschalk, City Engineer Jack Schweitzer, petitioner Norman Carvalho and his attorney, Nicholas LoRusso. Through an oversight, the petitioners names were omitted from the meeting notice and Mr. Ashkar was not at the meeting.

The Planning Commission judgement letter of June 27, 1990 was reviewed. The Commission recommended that the two petitions be considered jointly, that the property in question be declared surplus if no City agency had a use for the parcel and it should be sold to the adjacent property owner with the highest bid. A further recommendation was that the Common Council consider all legal requirements of any previous executed agreements.

The property being petitioned is approximately one-tenth of an acre and was previously owned by Rose and Mary Spano. Both Mr. Carvalho and Mr. Ashkar have expressed interest in buying the land since 1985-86. It is probable that Mr. Carvalho was the first to request to purchase the land. Exhibits were presented to show the history of Mr. Carvalho's request. Discussions were held on whether any previously executed agreements exist. Attorney LoRusso stated that Mr. Carvalho had an agreement to purchase the land. Attorney Gottschalk stated that the agreement referred to involved another piece of adjoining property, the "Cheney" piece, and that has been sold to Mr. Carvalho. Mr. Fazio reminded everyone that the disposition of City property is the Common Council's prerogative - no other City official can make that kind of commitment. The sale of the Cheney piece was the result of Common Council action.

To start the ball rolling in this matter, Mrs. Butera moved that the committee recommend to the Common Council that the approximately 4400 square foot property formerly owned by Rose and Mary Spano and shown on a sketch dated March, 1990 and prepared by the Danbury Engineering Department be declared surplus. Mr. Fazio seconded the motion and there was unanimous agreement.

The committee hesitated to take further action on the petitions since there appears to be no clear cut priority associated with either petition. The committee concluded deliberations by suggesting to Mr. Carvalho that he undertake some form of negotiation with Mr. Ashkar to arrive at a mutual agreement with respect to any transfer of property. Following this, Mr. Carvalho and Mr. Ashkar will contact the committee to set up further meetings so that the committee may finalize its recommendations. Mr. LoRusso estimated that the negotiations could be completed in 60 days.

The report was accepted on the Consent Calendar.

46 - PROGRESS REPORT - Review of Welfare Regulations

Mrs. Coladarci submitted the following Progress Report:

The Common Council Committee appointed to review Welfare regulations in the City of Danbury met on Monday, March 25, 1991 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Coladarci and Gogliettino. Also in attendance were Director of Welfare Deborah MacKenzie and Patricia Krafick and Claudette Fogarty of the Welfare Department. A motion was made by Mrs. Gogliettino to waive the rules so that those in attendance could explain the difficulties experienced by the Department. Seconded by Mrs. Coladarci and carried.

Ms. MacKenzie explained that the regulations as implemented by the State of Connecticut must be followed, but a Municipality can make the choice to assist its people above and beyond the regulations at their own cost. The committee decided that the goal of this group is to propose changes in the policies to the HVCEO and to the State to alleviate some of the problems in dealing with chronic long-term welfare clients. Certain sections of the policy manual will be reviewed.

The workfare program faces the problem of ineligibility of the homeless people due to changes in legislation to consider the homeless unemployable. This policy change and State law came about because of "Town of origin" difficulties. Another recurring problem is the high cost of medical care. One possible solution may be a central medical location for client screening. Many clients tend to use various doctors simultaneously.

Cities are considered to be the court of last resort for alien residents. They are not eligible for either State or Federal funds, but their children are often on State assistance. The aliens come in on student visas, interstate visas, and visitor visas and use medical assistance as well as general assistance.

The areas the committee will study are (1) Section 17-3a-12 emergency assistance; (2) Section 17-3a-14 eligibility, especially the section regarding aliens; (3) Section 17-3a-18 resources; (4) Section 17-3a-23 mandatory work education and training programs (workfare); (5) Section 17-3a-28 Medical Aid; and (6) Section 17-3a-29 workfare administration.

The committee will meet again next month for further review and discussion regarding the changes that should be proposed.

The Progress Report was accepted on the Consent Calendar.

47 - PROGRESS REPORT - Education Budget Liaison Committee

Mr. Smith submitted the following report:

The Common Council Committee Education Budget Liasion Committee met on March 6, 1991 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Smith, Scozzafava, Fazio, Mack and Farah. Also in attendance were Superintendent of Schools Anthony Singe, Schools Director of Finance John Heidenreich, Personnel Director Jay Eriquez and School Board Members Philip Fenster, Mark Chory and Carlos Merano.

Mr. Smith addressed the meeting with an introduction of how the economic condition would have an impact on the 1991-92 school budget. Also, Mr. Scozzafava expressed to the members of the School Board and to the Superintendent and his staff that whatever the Mayor's proposed budget will be, it will express the sentiments of the Common Council. There was some in depth discussion on some of the budget key points:

- \* binding arbitration settled with a 5% increase
- \* pension savings is currently out to bid for a cost savings
- \* bus contract is currently being evaluated for cost savings on bus services by Laidlaw Company
- \* early retirement package proposal is being offered to employees as a cost savings
- \* health insurance is out to bid for cost savings

These are some items and issues of concern that Common Council Member Joan Mack had raised. Members of the Board and the Superintendent along with his staff gave positive responses to issues that are being addressed for cost savings. There are some concerns as to the impact the Governor's proposed budget will have on the Danbury school system.

The Board of Education has adopted the Superintendent's 1991-92 budget of \$58,744,225 which is an increase of \$4,129,727 over the 1990-91 budget. The Common Council Committee is continuing dialogue with the School Board and the Superintendent on budgetary negotiations. Members of the Common Council requested to meet with the Board of Education Budget Committee and the Superintendent to hear some of the concerns they have for the school budget. The Common Council Education Budget Liasion

Committee recommends to the Common Council that it meet as a committee of the whole to hear some of the concerns and request that the School Board and the Superintendent attend.

The Progress Report was accepted on the Consent Calendar.

48 - REPORT - Affordable Housing Fund

Mrs. Mack submitted the following report:

The Common Council Committee appointed to review the allocation of \$10,000.00 from the Union Carbide donation for affordable housing initiatives to the Housatonic Valley Council of Elected Officials "Housing Resource Fund" met on Monday, March 25, 1991 at 7:30 p.m. in the lobby of the fourth floor in City Hall.

In attendance were committee members Mack and Farah. Councilman Scozzafava was absent. Also present were Lew Wallace and Patricia Krafick ex-officio.

Ms. Mack explained the "Affordable Housing Resource Fund" and provided information with regard to the Regional Housing Partnership Forum. She explained that the Housatonic Council of Elected officials had established this fund to encourage municipalities to plan affordable housing projects. Councilman Farah expressed concern that Danbury not carry the burden of the development of affordable housing. Lew Wallace stated that the fund is designed to pay for technical assistance and planning and that the money will not be used for private development.

Councilman Farah made a motion to recommend to the council the approval of the allocation of \$10,000 from the Union Carbide donation for use by the HVCEO "Affordable Housing Resource Fund". Councilwoman Mack seconded. The motion passed unanimously. The meeting adjourned at 8:20 p.m.

The report was accepted on the Consent Calendar.

49 - COMMUNICATION - Agreement between the City of Danbury and Local #891 and Council #15, AFSCME and AFL-CIO.

Mr. Gallo made a motion that the communication be accepted and the agreement ratified. Seconded by Mr. DaSilva. Mrs. Mack noted that she would abstain from voting due to a conflict of interest. Motion carried unanimously.

50 - COMMUNICATION - Host Community Recycling Benefits

Mr. Gottschalk asked that this item be added to the agenda and it is the product of negotiations between the City and RTI. Mr. DaSilva made a motion to add this item to the agenda. Seconded by Mr. Gallo. Motion carried with Council Members Boughton, Butera and Scalzo voting in the negative.

Mr. Boughton asked that this item be referred to an ad hoc committee due to the lack of time given to study it. Mayor Eriquez so ordered and appointed Council Members DaSilva, John Esposito and Scozzafava to the committee.

There being no further business to come before the Common Council a motion was made by Mr. DaSilva for the meeting to be adjourned at 8:54 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk