

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

Re: Minutes of the Common Council Meeting held May 7, 1991.

The meeting was called to order at 7:30 P.M. by Mayor Eriquez. Mr. Charles led the assembly in the Pledge of Allegiance and Mr. Smith offered the Prayer. The members were recorded as:

Present - Scalzo, Falzone, Gallo, Coladarci, Mack, Dean Esposito, Setaro, DaSilva, John Esposito, Smith, Cassano, Charles, Boughton, Boynton Butera, Regan, Scozzafava, Valeri

Absent - Fazio, Farah, Gogliettino

The absent members were away on business

#### PUBLIC SPEAKING

Judith Wall, 38 Centennial Drive (5 Jarrod Drive) - asked that the Common Council reverse the decision to name Jarrod Drive Centennial Drive as the change of name creates a safety hazard and inconveniences the residents in many other ways. The long time residents on Jarrod Drive were not informed of this impending change.

Jim Baker, 15 Jarrod Drive - representing 12 residents of Jarrod Drive and they are all in favor of retaining the name Jarrod Drive.

#### ANNOUNCEMENTS

May 3rd - Corporation Council Eric Gottschalk's Birthday  
May 8th - Director of Parks and Recreation Robert Ryerson's Birthday  
May 12th - Fire Chief Antonio Lagarto's Birthday  
May 19th - Council Member Christopher Setaro's Birthday  
May 24th - Council Member Dean Esposito will marry Sharon DiBiccari  
May 31st - Tree Supervisor Rick Smith's Birthday. Mayor Eriquez thanked Mr. Smith for his superior work in helping Danbury to be named a Tree City USA.

Dom Setaro, Director of Finance, has been honored with an excellence in achievement award for financial achievement. The City has been honored for the 4th year.

May 1st - Law Day  
May 5th - Jog-a-thon  
May 6-12 - National Youth Week  
May 6-12 - Drinking Water Week  
May 12th - Mother's Day  
May 14th - 50th Anniversary of University Women  
May 27th - Memorial Day Parade  
May 31st - Hospice Art Show  
June 2 - World of Difference All Games Day

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

- 6 - Approve installation of traffic light at Route 39 and King Street
- 7 - Approve recycling grant offered through HRRA
- 8 - Approve Resolutions to acquire easements for Eagle Road Project
- 9 - Approve extensions of Resolutions for property acquisitions for Eagle Road Project
- 10 - Approve acceptance of Lakecrest Drive as a City Highway
- 11 - Approve drainage and utility improvement at Danbury Airport
- 12 - Approve property acquisition on Kenosia Avenue
- 13 - Approve appointment of Grace Scire to Commission on Persons with Disabilities
- 14 - Approve appointment to the Commission on the Status of Women
- 15 - Approve reappointments to the Lake Kenosia Commission
- 16 - Approve reappointment to the Candlewood Lake Authority
- 25 - Approve appropriation of \$10,000 for Fire Department Special Services Account
- 29 - Take no action on Executive Air Services Lease at this time
- 33 - Approve Resolution to acquire property on Ledgemere Drive
- 35 - Deny petition to accept Benham Street and send copy of Engineer's report to petitioners
- 42 - Deny offer of land at 53 South Street
- 43 - Approve development of contractual agreement with BRT Corporation for Lot #12015 on Plumtrees Road
- 44 - Approve sale of property on Lakeview Avenue to Cedar Heights Water Co.
- 46 - Approve lease for Candlewood Park Concession Stand
- 47 - Approve request for water extension at 89 Rose Hill Avenue
- 48 - Approve Suspense List
- 49 - Approve Progress Report on proposed agreement between the City of

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

MINUTES - Minutes of the Common Council Meeting held April 2, 1991 and the Special Meeting held April 18, 1991. Mr. DaSilva made a motion that the minutes be accepted as submitted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection.

1 - ORDINANCE - Site Designation for Recycling Materials. Mrs. Buter asked that this be deferred to public hearing. Mayor Eriquez so ordered.

2 - ORDINANCE - Section 16-49(b) Certain Materials Prohibited. Mrs. Coladarci has that this be sent to a public hearing. Mayor Eriquez so ordered.

3 - ORDINANCE - Section 16A-48 Recycling Center Permits. Mrs. Mack asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - ORDINANCE - Amendments of Connecticut Basic Building Code. Mrs. Butera asked that this be deferred to public hearing. Mayor Eriquez so ordered.

5 - ORDINANCE - Toxic Levels of Lead Paint. Mrs. Coladarci asked that this be sent to a public hearing. Mayor Eriquez so ordered.

6 - RESOLUTION - Installation of Traffic Signal at Route 39 and King Street.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to install a traffic control signal on Route 39 at King Street and Padanaram Road; and

WHEREAS, the State of Connecticut has determined that the installation of a traffic signal at said location is warranted; and

WHEREAS, the State of Connecticut is willing to undertake the installation of said signal if the City of Danbury is willing to assume a portion of the cost of said installation and execute an agreement with the State to that effect; and

WHEREAS, on July 6, 1989 the Common Council of the City of Danbury approved funding for said project;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Gene F. Eriquez, Mayor of the City of Danbury, be and hereby is authorized to execute Agreement No. 10.26-03(90) between the State of Connecticut and the City of Danbury for the installation of a traffic control signal at the intersection of Route 39 at King Street and Padanaram Road in the City of Danbury.

The Resolution was adopted on the Consent Calendar.

7 - RESOLUTION - Grants Offered through HRRA

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has established a local recycling program in accordance with the requirements of state law; and,

WHEREAS, the City of Danbury has executed a Municipal Recycling Services Agreement between it and the Housatonic Resources Recovery Authority (hereinafter designated as the "HRRA") which is intended to further a regional approach to the issue of recycling; and,

WHEREAS, said Agreement authorizes the HRRRA to apply for grant funds from the State of Connecticut for the benefit of the City of Danbury; and,

WHEREAS, the HRRRA has so applied and the State of Connecticut, acting by its Department of Environmental Protection, has approved the aforesaid application, subject to its further approval of the purposes for which said funds will be used by the City; and,

WHEREAS, the approval of the purposes for which said grant may be used will result in the transfer of Two Hundred and Twenty Thousand, One Hundred and Forty-One Dollars (\$220,141.00) to the City; and,

WHEREAS, the City of Danbury wishes to use said funds for the purpose of designing and implementing a plan for the improvement of municipal facilities for the handling and processing of state designated recyclable materials;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to execute any applications or agreements necessary to obtain said grant funds and to accept said funds, if offered by the State through the HRRRA and to take any additional action necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Eagle Road - Conrail

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to reconstruct and improve a roadway to be known as the Eagle Road Connector; and,

WHEREAS, as part of that project, the City of Danbury wishes to alter and improve traffic control devices and grade crossing surfaces where the Connector crosses property of the Consolidated Rail Corporation; and

WHEREAS, the portion of the aforesaid work within the area controlled by the railroad must be done by the Consolidated Rail Corporation; and

WHEREAS, the City of Danbury and the Consolidated Rail Corporation wish to enter into an agreement whereby the Consolidated Rail Corporation would perform said work and the City of Danbury would agree to pay for the cost thereof;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Gene F. Eriquez be and hereby is authorized to execute an agreement by and between the City of Danbury and the Consolidated Rail Corporation and to take any additional action necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to reconstruct and improve a roadway to be known as the Eagle Road Connector; and

WHEREAS, as part of that project, the City of Danbury is obliged to obtain the right to create a public railroad crossing near the intersection of Eagle Road and Federal Road; and

WHEREAS, in order to obtain said right, the acquisition of an interest in and to real property will be required as hereinafter set forth; and

WHEREAS, the property to be acquired is located within the right of way of the Consolidated Rail Corporation as the same intersects with the Eagle Road Connector; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the Consolidated Rail Corporation upon the amount, if any, to be paid for the interest to be taken in and to the above referenced real property;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire a permanent easement permitting the establishment of a public railroad crossing as described above either by negotiation or by eminent domain through the institution of suit with respect to the affected property of the Consolidated Rail Corporation and its successors and assigns, if any.

The Resolution was accepted on the Consent Calendar

9 - RESOLUTION - Commerce Park Access Road/Federal Road a/k/a Eagle Road Connector.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council has allocated funds for the construction of a Commerce Park Crossing; and

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

WHEREAS, a prior resolution approving the acquisition of said properties was approved on November 8, 1990; and

WHEREAS, the property to be acquired is shown and designated on a certain map entitled "Proposed 'Taking' Map Eagle Road Connector Danbury, Connecticut" dated May 4, 1989 Revised October 8, 1990, prepared by New England Land Surveying, P.C., certified substantially correct by Robert M. Bennison, L.S. #12964, and

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

WHEREAS, an extension of authority to acquire the aforesaid properties for an additional six (6) month period is required;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the following properties and owners thereof, their heirs, administrators, successors and assigns, and their respective mortgage holders and encumbrancers, if any, the affected properties being indicated on the attached Schedule A (with map designation).

The Resolution was adopted on the Consent Calendar.

10 - RESOLUTION - Acceptance of Lakecrest Drive

RESOLVED by the Common Council of the City of Danbury:

RESOLVED by the Common Council of the City of Danbury:

THAT Lakecrest Drive be and hereby is accepted as a public highway in the City of Danbury, Connecticut subject to the following conditions:

THAT a deed and certificate of title, in a form satisfactory to the Office of the Corporation Counsel, be delivered to the City of Danbury.

The Resolution was adopted on the Consent Calendar.

11 - RESOLUTION - Drainage and Utility Improvement at Airport

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 make airport drainage channel, culvert and utility improvements; and

WHEREAS, the City of Danbury will make application for a federal and state grant in an amount not to exceed \$1,950,000.00 with a local match of two and one-half (2 1/2%) percent equaling an amount not to exceed \$50,000.00;

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.

12 - RESOLUTION - Kenosia Avenue Bridge

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Kenosia Avenue Bridge will soon be reconstructed by private parties in satisfaction of a condition of the Special Exception obtained in connection with the development of the Danbury Square Mall located on Backus Avenue in the City of Danbury; and

WHEREAS, in conjunction with said project the City of Danbury intends to improve Kenosia Avenue north of the Kenosia Avenue Bridge; and

WHEREAS, the City of Danbury has agreed to acquire necessary property located on the northeasterly side of said bridge and road in order to accommodate said work; and

WHEREAS, the property to be acquired is either now or formerly owned by Theodora Casale and is shown and designated on a certain sketch prepared by the City Engineer, a copy of which is attached hereto; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owner upon the amount, if any, to be paid for the interests to be taken in and to the real property shown on said sketch;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests described in the aforesaid sketch either by negotiation or by eminent domain through the institution of suit with respect to the aforesaid property and the owner thereof, her heirs, administrators, successors and assigns, and her mortgage holders and encumbrancers, if any.

The Resolution was adopted on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Grace Scire as a alternate to the Commission on Persons with Disabilities for a term to expire March 1, 1994. The appointment was confirmed on the Consent Calendar.

14 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Kirsten Kovacs to the Commission on the Status of Women for a term to expire April 1, 1994. The appointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Janet Gershwin, David Benson and Philip Hadley to the Lake Kenosia Commission for terms to expire May 1, 1994. The reappointments were confirmed on the Consent Calendar.

16 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Sally Conroy to the Candlewood Lake Authority for a term to expire April 1, 1994. The reappointment was confirmed on the Consent Calendar.

17 - COMMUNICATION - Petition from residents of Jarrod Drive seeking reversal of the decision to rename Jarrod Drive to Centennial Drive. Mr. Boughton made a motion to reconsider the item and reverse the name change. Seconded by Mr. Boynton.

Mr. DaSilva stated that since 11 out of the 12 residents of Jarrod asked for the reversal it would behoove the Common Council to approve the reversal. Mr. Regan asked if there would be a solution to the safety issue. Mayor Eriquez stated that he would insure that the road is properly signed. Mr. Scozzafava asked if this would end the situation and could the Council be assured that this would not appear before it again. The Mayor said that this would be the end.

Motion for reversal carried unanimously.

18 - COMMUNICATION - Letter from the Department of Elderly Services seeking authorization to accept two donations totaling \$80. Mr. Scalzo made a motion that the donations be accepted, the appropriate line items credited with the money and letters of thanks sent. Seconded by Mr. Boughton.

Mr. Boughton asked if anyone was actively seeking donations. The Mayor stated no but some groups such as Friends of the Library work towards this end. Motion carried unanimously.

19 - COMMUNICATION - Donation in the amount of \$100 to the Danbury Fire Department from Sealed Air Corporation. Mr. Boynton made a motion that the donation be accepted, the monies allocated to the appropriate line item and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

20 - COMMUNICATION - Letter from Betsy McDonough seeking permission to accept a donation in the amount of \$5.00 from Alice A. Walker. Mrs. Mack made a motion that the donation be accepted, the money credited to the appropriate line item and a letter of thanks sent.

Mr. Valeri stated that it would probably cost \$50 to accept this \$5 donation and could donations be consolidated perhaps on a quarterly basis. Mr. Setaro stated that this would not work because you cannot hold checks for such a long period of time. Mr. Scalzo stated that if anyone is kind enough to send the City money, no matter how small an amount, they deserve the recognition no matter how much time it takes. Motion carried unanimously.

21 - COMMUNICATION - Letter from the Library Director seeking permission to accept donations in the amounts of \$49.95 from the Danbury Area Accountants and \$25.00 from Cheryl L. ViKaros. Mrs. Mack made a motion that the donations be accepted, the proper line item credited and letters of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

- 22 - COMMUNICATION - Letter from Library Director seeking permission to accept the donation of a health database on compact disc to the Library from Danbury Hospital. Mr. Boynton made a motion to accept the donation and send a letter of thanks. Seconded by Mrs. Coladarci. Motion carried unanimously.
- 23 - COMMUNICATION - Letter from Fire Chief Antonio Lagarto seeking permission to accept a donation in the amount of \$1,500 to the Fire Department from Energy Research Corporation. Mrs. Coladarci made a motion to accept the donation, credit the proper line item and send a letter of thanks. Seconded by Mr. Gallo. Motion carried unanimously.
- 24 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley asking the Common Council to establish May 5 through May 11 as Drinking Water Week in the City of Danbury. Mr. DaSilva made a motion for the communication to be accepted and Drinking Water Week be established for May 5 - 11. Seconded by Mr. Charles. Motion carried unanimously.
- 25 - COMMUNICATION - Letter from Fire Chief Antonio L. Lagarto asking for the sum of \$10,000 to be added to the Fire Department Special Services Account. The request was granted on the Consent Calendar.
- 26 - COMMUNICATION - Request for SNET to place equipment on City land. Mrs. Butera asked that this be referred to an ad hoc committee, Superintendent of Public Utilities, Corporation Counsel and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Coladarci, Mack and Boughton to the committee.
- 27 - COMMUNICATION - Request to review existing Peddler's Ordinance. Mr. Scozzafava asked that this be referred to an ad hoc committee, the Town Clerk, and the Police Chief. Mayor Eriquez so ordered and appointed Council Members Gallo, Butera and Scozzafava to the committee.
- 28 - COMMUNICATION - Request for waiver of connection fees for Bright Clouds Church. Mr. Boughton made a motion that the communication be accepted and the request denied as the existing ordinance prohibits the Common Council from waiving fees. Seconded by Mrs. Butera. Motion carried unanimously. The Corporation Counsel will advise the petitioner of same.
- 29 - COMMUNICATION - Reports from Aviation Commission and Planning Commission regarding the lease of Executive Air Service. The reports were accepted on the Consent Calendar.
- 30 - COMMUNICATION - Request for Sewer Extension at 73 Padanaram Road. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission, the City Engineer and the Superintendent of Public Utilities. Mayor Eriquez so ordered and appointed Council Members Falzone, Setaro and Regan to the committee.
- 31 - COMMUNICATION - Request for Sewer and Water Extension at Danbury Municipal Airport. Mr. Setaro asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Farah, Charles and Boughton to the committee.
- 32 - COMMUNICATION - Request for Sewer Extension at 32-32½ Padanaram Avenue. Mrs. Mack asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Falzone, Setaro and Regan to the committee.
- 33 - COMMUNICATION & RESOLUTION - Ledgemere Drive Sewer Easements.
- The following resolution was adopted on the Consent Calendar:
- RESOLVED by the Common Council of the City of Danbury:

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

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

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

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

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

34 - COMMUNICATION - Request for extension of sewer project on DePalma Lane. Mrs. Coladarci asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Farah, Charles and Boughton to the committee.

35 - COMMUNICATION - Benham Street. Letter from Jack Schweitzer outlining details concerning bringing Benham Street up to minimum City standards. The communication was accepted on the Consent Calendar. Copy of communication will be sent to petitioner.

36 - COMMUNICATION - Request to widen a portion of King Street. Mrs. Butera asked that this be referred to the Superintendent of Highways and the Traffic Engineer for reports back in thirty days.

37 - COMMUNICATION - Request to sell property at 1 Ann Drive to the City. Mr. DaSilva asked that this be referred to the Director of Planning and the Planning Commission for a report back in thirty days. Mayor Eriquez so ordered.

38 - COMMUNICATION - Letter from City Engineer Jack Schweitzer requesting that the Common Council appropriate \$36,000 for the completion of Fieldstone Drive with the intent of bringing the roadway to a condition that would allow it to be accepted by the City. Mr. Scalzo asked that this be referred to an ad hoc committee, the Director of Finance and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Boynton, Smith and Scozzafava to the committee.

39 - COMMUNICATION - Leases of City Property at Old Quarry Nature Center and Bear Mountain Ranger Residence. Dean Esposito asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Finance. Mayor Eriquez so ordered and appointed Council Members Gallo, John Esposito and Regan to the committee.

40 - DEPARTMENT REPORTS - Health, Fire Marshall, Fire Chief, Parks and Recreation, Highways, Equipment Maintenance, Department of Elderly Services. Mr. DaSilva made a motion that the Department Reports be accepted and the reading waived as all members have copies which are file in the Office of the City Clerk for public inspection. Seconded by Mr. Boughton. Motion carried unanimously.

41 - REPORT - Transfer from Landfill Enterprise Account.

Mr. Cassano submitted the following report:

The Common Council Committee appointed to consider the transfer of the landfill undesignated fund balance to the City General Fund met on April 15, 1991 at 8:00 P.M. in Room 432 in City Hall. Present were committee members Cassano, John Esposito and Scozzafava. Also in attendance were Director of Finance Dominic Setaro and Council President Joseph DaSilva, ex-officio.

Mr. Setaro provided the committee with some details of the proposed transfer:

1. The Danbury Landfill is scheduled to be closed in 12 to 18 months.
2. At that time, any residual equity in the Landfill Enterprise Fund would be transferred to another City fund (i.e. the General Fund).
3. It is proposed that the transfer be a two step process; \$2.6 million for FY 91-92 and the remainder at a later date, perhaps FY 92-93.
4. It is estimated that there will be a \$3,425,000 Landfill Fund balance at the end of FY 91. Included in the balance is \$825,000 to cover the City's pledge to HRRRA.
5. Approximately \$910,000 will also exist in the Landfill Capital Budget, representing a set-aside that is estimated to be more than sufficient to cover the cost of closure of the landfill (approximately \$400,000 remaining in the FY 90-91 budget and \$510,000 proposed in the FY 91-92 budget).
6. The conclusion is that there will be \$2,600,000 available as an undesignated fund balance eligible for transfer to the General Fund.
7. The proposed transfer has been discussed with the City auditors, Ernest and Young. The transfer is classified as a residual equity transfer, which is a non-recurring or non-routine transfer of equity between funds whereby part or all of residual balances of discontinued funds are transferred to the General Fund.

Following the discussion, Mr. Esposito made a motion that the committee recommend to the Common Council that the undesignated fund balance of the landfill account in the amount of \$2,600,000 be transferred to the General Fund in this fiscal year (FY 90-91) to be used in the FY 91-92 budget as a source of revenue. Seconded by Mr. Scozzafava. Motion carried unanimously.

Mrs. Mack made a motion to accept the report and authorize the transfer from the Landfill Enterprise Account to the General Fund. Seconded by Mrs. Butera.

Mr. Regan asked if there will be money available for the transfer station. The Mayor stated that Danbury will not build its own transfer station. Mr. Regan asked if this transfer station will be subsidized by HRRRA. Mayor Enriquez stated that the funds will come from grants.

Mr. Boughton stated that he is concerned because this is a one time revenue source. Mr. Boynton clarified the transfer saying that this has happened before from other funds that have been shut down. He would rather use these surplus funds than to have the taxpayers dig deeper. Mr. Scozzafava said that he is concerned about what will happen to the tipping fee next year.

Mr. Cassano echoed Mr. Boughton's feelings about the money that may come back from the State. He stated that he wants to see it go for the City's use not the School Boards as the Mayor has been generous with the Board of Education.

Mr. Boughton corrected Mr. Boynton in that other funds that have closed down have gone into the General Fund, this is still an active account.

Motion carried with Council Members Boughton and Regan voting in the negative. Vote was 16 in favor 2 in opposition.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request to sell a parcel of land at 53 South Street to the City met on April 24, 1991 at 7:40 P.M. in City Hall. In attendance were committee members Dean Esposito, Farah and Regan. Also in attendance were Mr. and Mrs. Nicholas Macelletti, the property owners and Council Member Chris Setaro, ex-officio.

Mr. Macelletti explained his reason for offering this land to the City. He felt that the City might be able to utilize it for housing project or any other project the City might be planning. Dean Esposito explained that the City Planning Commission reported a negative recommendation for this piece of land as the City has no need for the property at this time.

Mr. Regan made a motion to not pursue the purchase of the land at 53 South Street based on a negative recommendation from the Planning Commission and due to the fiscal situation in the City at this time. Seconded by Dr. Farah. Motion carried unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Plumtrees Road - Lot #L12015

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request for inclusion of lot #L12015 to the Plumtrees Sewer System Extension Study met on April 24, 1991 at 8:00 P.M. in City Hall. In attendance were committee members Dean Esposito, Farah and Regan. Also in attendance were Superintendent of Public Utilities/Works William Buckley, Assistant Corporation Counsel Les Pinter, City Engineer Jack Schweitzer and Council Member Chris Setaro, ex-officio.

Mr. Buckley began by explaining that he had received a letter from Dennis McDonald of the BRT Corporation requesting the inclusion of Lot #L12015 on Plumtrees Road into the study of sewer and water extension on Plumtrees Road. Mr. Buckley felt that before he could take any action on this matter, he would need to obtain Common Council approval. He went on to explain that if approval is given he could proceed to include the said parcel of land into his study. He also stated that any additional costs would be paid by the BRT Corporation.

Dr. Farah made a motion to approve the concept of including this lot in the study and billing BRT accordingly for the work done and that this be done by a contractual agreement authorized by the Corporation Counsel and signed by the Mayor. Seconded by Mr. Regan. Motion passed unanimously.

The report was accepted on the Consent Calendar.

44 - REPORT - Cedar Heights Water Company, Lot K04114, 101-103 Lakeview Avenue.

Mr. Scozzafava submitted the following report:

The Common Council Committee appointed to review the Cedar Heights Water Company, Lot #K04114, 101-103 Lakeview Avenue to be sold for the development of drinking water will met on April 9, 1991 at 7:30 P.M. in City Hall. In attendance were committee members Scozzafava and Scalzo. Mr. Boynton was absent. Also in attendance were Director of Public Utilities William Buckley, City Engineer Jack Schweitzer, Corporation Counsel Eric Gottschalk and Steve Polizzi from the Water Company.

A positive recommendation was received from the Planning Commission as well as from Mr. Buckley and Mr. Schweitzer to declare the land surplus.

Mr. Scalzo made a motion to declare Lot #K04114 (101-103 Lakeview Avenue) surplus and be sold to Cedar Heights Water Company for development of drinking water wells only at a price to be determined based on fair market value of the lot by the City's Tax Assessor. Seconded by Mr. Scozzafava. The motion carried unanimously.

The report was accepted on the Consent Calendar.

45 - REPORT - Tarrywile Park Carriage House Lease

Mr. Scalzo submitted the following report:

The Common Council Committee appointed to review the lease for the Tarrywile Park Carriage House lease met on April 17, 1991 in Room 432 in City Hall at 8:00 P.M. In attendance were committee members Scalzo, Gogliettino and Regan. Also in attendance were Robert Woodside, Director of Tarrywile Park Authority, Robert Lovell, member of Tarrywile Park Authority and Assistant Corporation Counsel Les Pinter.

Mr. Woodside and Mr. Lovell presented a detailed explanation of the work the Authority has accomplished thus far and future plans, which included the use of the Carriage House, the lease and the tenant selection process. Much discussion by the committee members pertaining to the lease and Tenant Review Committee followed with satisfactory answers to the questions presented and necessary changes agreed upon with the advice of Counsel.

A positive recommendation by the Planning Commission was made on February 20, 1991 for the lease of the Carriage House at Tarrywile Park since it is a valid existing municipal use. The leasing of the Carriage House will generate needed revenue for the Authority.

A motion was made by Mrs. Gogliettino, seconded by Mr. Regan, to approve the attached Tenant Selection Process as amended with one member of the Common Council appointed by the Mayor and one member of the Property Review Board appointed by the Mayor. The motion was unanimously approved.

A motion was made by Mrs. Gogliettino, seconded by Mr. Regan, to approve the lease form and its addendum, as attached, and to approve the lease of the Carriage House as described in the said lease. The motion carried with all members voting in the affirmative.

Mr. Setaro moved to accept the report and authorize the leases as amended. Seconded by Mr. Gallo.

Dean Esposito questioned why City employees would be given first priority. Mr. Scalzo stated that it would be preferable to have a City employee on the premises due to certain tasks that must be carried out.

Mr. Boynton asked if the amendment in section R was part of the package or had been received by the committee afterwards. Mr. Scalzo stated that the Tarrywile Park Authority had drawn it up at the request of the committee. Mr. Regan asked if the term was one year. It is understood to be a 1 year lease stated the Mayor. Mr. Regan then asked what the rent would be and the Mayor replied that that will be set by the selection process. Mr. Mack asked who served on the Properties Review Board. Mayor Eriquez stated that the Director of Finance, the Corporation Counsel, Director of Personnel and the Associate Director of Housing were members.

Dean Esposito asked if there would be any legal repercussions from renting to City employees first. Mr. Gottschalk said there would not be because of the City's special interest in the property. Mr. Boughton stated that there are substantial differences in lease throughout the City and should they be standardized. Mayor stated that Tarrywile Park Authority is a separate authority.

Motion carried unanimously.

46 - REPORT - Lease, Candlewood Concession Stand.

Mrs. Coladarci submitted the following report:

The committee to review the lease of the Candlewood concession stand met on April 24, 1991 at 7:00 pm in the fourth floor lobby of City Hall. In attendance were Councilwoman Coladarci, Chair, Councilman Charles and Councilman Fazio. Also in attendance were Bob Ryerson, Director of Parks and Recreation, and Laslo Pinter from Corporation Council, City of Danbury.

The lease is for a twelve week period from Memorial Day until Labor Day at the Price of \$2600.00/year for five years. The Planning Commission has given their approval.

Councilman Charles made a motion that the lease be approved and that once the Insurance policy has been submitted, Mr. Poodiak may enter the premises to make reasonable preparations two weeks prior to opening. The motion was seconded by Councilman Fazio and unanimously approved.

47 - REPORT - Request for Water Extension - 89 Rose Hill Avenue

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for Water Extension at 89 Rose Hill Avenue met on April 22, 1991 at 7:00 P.M. in City Hall. In attendance were committee members Boynton and Butera. Also attending were City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and Rick Horrigan and Gary Simone of Horrigan Builders.

According to Mr. Schweitzer the project is within the City water district and also meets the approval of the Director of Public Utilities Mr. Buckley, subject to the standard eight steps. The Planning Commission gave its approval in its letter dated April 18, 1991.

Mrs. Butera made a motion that the Common Council approve water extension to this project subject to the standard eight steps, attached, Seconded by Mr. Boynton. Motion carried unanimously.

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said WATER EXTENSION .
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said WATER EXTENSION line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the WATER lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.  
  
Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended WATER lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

Mr. Charles submitted the following report:

The ad hoc committee appointed to review the Suspense List met at 7:00 P.M. on April 25, 1991 in the Fourth Floor Lobby in City Hall. In attendance were Committee Members Charles and Scalzo. Committee Member Fazio was absent due to a previous engagement. Also in attendance were Director of Finance Dominic Setaro, Tax Collector Catherine Skurat and Corporation Counsel Eric Gottschalk.

Mrs. Skurat stated that Constables and Deputy Sheriffs services were used to collect the taxes cited in her request to transfer the taxes in question to the Suspense List.

Mr. Scalzo made a motion that the committee recommend that the list of delinquent taxes submitted by the Tax Collector in the amount of \$189,583.21 be transferred to the Suspense List. Seconded by Mr. Charles and motion passed unanimously.

The report was approved on the Consent Calendar.

49 - PROGRESS REPORT - Progress Agreement between the City of Danbury and Danbury Hospital.

Mr. DaSilva submitted the following report:

The Common Council Committee appointed to review a proposed agreement between the City of Danbury and Danbury Hospital met at 7:30 P.M. on April 10, 1991. In attendance were committee members DaSilva, Smith and Regan. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Parks and Recreation Robert Ryerson, CEO of Danbury Hospital Frank Kelly, Attorney for Danbury Hospital, J. Gregory, Vice President for Engineering Services for Danbury Hospital, A. Iacovella, Chairman of the Board of Directors for Interfaith Daycare Center Hugh Carolan, Director of Interfaith Daycare Center J. Simpson, Administrative Assistant Basil Friscia and Council Member John Esposito, ex-officio.

Mr. DaSilva outlined the proposal to the City of Danbury. In exchange for five (5) acres on the corner of Osborne Street and Locust Avenue, Danbury Hospital will pay the City \$1,304,500 over the next two years and forego City support of \$110,000 to the Hospital for two years. In addition, they would construct a new daycare facility with larger parking and play areas and an equally equipped and larger playground on abutting City property on Osborne Street. A basketball facility would also be constructed at the Osborne Street football and soccer field. No work would start on this project for five years unless mutually agreed upon by all parties.

Mrs. Simpson stated that although she and Mr. Carolan have had some contact with the Mayor's Office and the Hospital, the officials at the Daycare Center would like to have input into specific plans for a new facility. The Daycare center now has a lease with the City of Danbury.

Mr. Friscia and Mr. Kelly assured the committee that the Mayor's Office and the Hospital will shortly be in contact with the Daycare officials. They will present all details of the proposal and solicit any and all input.

Mr. Ryerson reported that he is in favor of the proposal. He stated that it is beneficial to separate the older youths at the basketball facility from the younger children at the playground. He further stated that the proposed playground would provide a larger field area for playing ball.

The committee decided to meet again when further details are available from the talks between the City, Danbury Hospital and the Interfaith Daycare Center. We also recommend sending this proposal to the Planning Commission.

The Progress Report was accepted on the Consent Calendar.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Boughton for the meeting to be adjourned at 8:37 P.M.

Respectfully submitted,

*Jimmetta L. Samaha*  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

*Elizabeth Crudginton*  
Elizabeth Crudginton  
City Clerk