

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

Re: Minutes of the Special Common Council Meeting held November 21, 1991

The meeting was called to order at 7:00 P.M. by Mayor Gene Eriquez. The assembly recited the Pledge of Allegiance and Mr. Smith offered the Prayer. The members were recorded as:

Present - Fazio, Falzone, Gallo, Coladarci, Farah, Dennehy, Setaro DaSilva, Esposito, Smith, Boynton, Butera, Valeri

Absent - Scalzo, Mack, Gogliettino, Cassano, Charles, Boughton, Regan, Scozzafava

13 Present - 8 Absent

Mr. Scozzafava had an open house at his children's school

Mr. Scalzo was working

Mr. Boughton had a previous commitment

CALL OF THE SPECIAL MEETING - A special meeting of the Common Council of the City of Danbury will be held on the 21st day of November, 1991 at 7:00 P.M. at City Hall in said Danbury for the purpose of acting upon:

1. REPORT - Municipal Waste Disposal Agreement between HRRA and the City of Danbury
2. REPORT - Request for Sewer and Water Extension - Federal Road (former Jordan Marsh Building)
3. RESOLUTION - AIDS Project Grant
4. COMMUNICATION - Sale of Elks Building to the City

Mr. DaSilva made a motion that the Call and Return of Service be accepted. Seconded by Mr. Fazio. Motion carried unanimously.

PUBLIC SPEAKING - There were no members of the Public wishing to address the Common Council.

November 22 - A swearing in ceremony for the police department will be held at 10:00 a.m. in the Common Council Chambers

November 28 and 29 - City Hall will be closed for the Thanksgiving Holiday

December 1st - Inauguration for elected officials at 2:00 P.M. at Danbury High

December 2 - Special Meeting at 8:00 P.M. to set agenda for two year term and election of Common Council President

December 3 - Regular Common Council Meeting

1. - REPORT - Municipal Waste Disposal Agreement between HRRA and the City of Danbury

Mr. DaSilva submitted the following report:

The Committee of the Whole met at 7:15 P.M. to review a proposed agreement between Danbury and the HRRA for Municipal Waste Disposal. There were a number of people attending to give input on this issue. Mayor Gene Eriquez, Attorney for HRRA Robert Metzler, HRRA negotiator Harry Wagen, Director of Public Works Jack Schweitzer, Superintendent of Public Utilities William Buckley, Administrative Assistant to the Mayor Basil Friscia, Assistant Corporation Counsel Daniel Casagrande, Director of Finance Dominic Setaro and Director of Recycling Deborah Russo.

Mayor Eriquez gave an explanation of the Municipal Waste Disposal Agreement. He gave the background of the HRRRA endeavors in seeking a regional solution to solid waste. He then reviewed the HRRRA, municipal and Wheelabrator responsibilities as stated in the agreement. He said that this agreement provides a long term solution to the solid waste problem in the area. It provides a price of approximately Seventy-Nine (\$79.00) Dollars per ton. This is considerably better than all other plans discussed over the past several years which quoted prices between \$100 and \$150 per ton. It provides a waste to energy procedure which has proved to be the most economical way to process solid waste as well as meeting or exceeding all state and federal guidelines for air pollution. The agreement calls for the vendor to dispose of the ash residue thereby eliminating that potential problem for the participating municipalities. A prompt solution to the solid waste problem is important to Danbury because of the limited life of our landfill.

Dr. Farah quoted sources, questioning the safety of incineration. He also voiced opposition to the length of the contract stating that other options may become available. There was considerable discussion and questions asked of the various representatives of HRRRA and City officials.

Mr. Gallo moved to recommend approval of the proposed Municipal Waste Disposal Agreement between the City of Danbury and the Housatonic Resources Recovery Authority. Mrs. Butera seconded the motion. The motion passed 11-2. Voting in the affirmative were Council Members Scalzo, Falzone, Gallo, Coladarci, Dennehy, Setaro, Gogliettino, DaSilva, Esposito, Charles, and Butera. Voting in the negative were Council Members Farah and Regan.

Mr. Esposito made a motion that the report be accepted and the agreement approved. Seconded by Mr. Boynton.

Mr. Boynton asked if this agreement locks the City in to where the transfer station will be. The Mayor answered that it will not.

Dr. Farah stated that he objects to the agreement for several reasons. He stated that it took the HRRRA several years to enter into the agreement and now the Common Council is asked to approve it within two weeks. Dr. Farah gave his reasons for his opposition. He asked if the contract could be for five years with an option to renew or renegotiate.

(At 7:20 P.M. Mr. Fazio left the meeting)

Mr. Gottschalk stated that there is a legal answer and a practical answer. The legal answer is that the HRRRA and Wheelabrator entered into an agreement contingent upon the approval of the municipalities. The practical answer is that there are other communities that have ratified the agreement, but certainly, two parties may enter into any agreement and it is for the Common Council to negotiate. The judgement should be to approve or reject the agreement present to you.

Mr. Valeri asked if the agreement is contingent upon the 26 year term. Mayor Eriquez stated that this is what has been negotiated. Mr. Valeri stated that he has ongoing concerns about incineration, especially policing what is allowed to be incinerated. Mayor Eriquez stated that it is everyone's responsibility to recycle.

Mr. Boynton moved the question. Seconded by Mrs. Butera. Motion carried unanimously.

The main motion carried with Dr. Farah voting in the negative.

2 - REPORT - Request for Sewer and Water Extension - Federal Road (former Jordan Marsh building)

Mr. Boynton presented the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Federal Road met on November 13, 1991 at 7:45 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Boynton, Dennehy and Regan. Also in attendance were Superintendent of Public Utilities William Buckley, City Engineer Jack Schweitzer, Attorney William S. Steele, attorney for Danbury Place Associates and Richard Howard, site engineer for Carroccio-Covill & Associates, Inc.

Mr. Buckley and Mr. Schweitzer were asked if they had reviewed this project for its requirement of sewer and water extensions. They stated that they had preliminary meetings with the parties for Danbury Place Associates and that upon reviewing plans presented to the committee by Attorney Steele and Mr. Howard they saw no reason to oppose the application so long as the normal eight steps are part of the approval. Plans reviewed were "Master Plan" Site Utility Plan - Home Depot. Melville Project - Preliminary 11-11-91 for both sewer and water engineering.

Mr. Boynton asked Attorney Steele and Mr. Howard for their explanation of the sewer and water plans. They detailed when they proposed to lay and install the sewer and water.

After listening to the presentation, Mr. Regan made a motion to recommend to the Common Council that the proposed sewer and water be approved subject to the normal eight steps. Seconded by Mr. Boynton. Motion carried unanimously.

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

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

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

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

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

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

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

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

Mrs. Butera made a motion to accept the report, as read, including the normal eight steps. Seconded by Mr. Smith. Motion carried unanimously.

3 - RESOLUTION - AIDS Project Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Human Resources has offered to the AIDS Project Greater Danbury an amended Phase I grant in the amount of \$219,900.00 for the purpose of the purchase of a building (including architectural and legal fees), and a Phase II grant in an amount not to exceed \$168,106 for a total of \$388,006 for the accomplishment of renovations; and

WHEREAS, said funds have been approved by the State of Connecticut Bonding Commission; and

WHEREAS, the Department of Human Resources has advised the recipient agency that since it is not permitted to make this allocation directly to said agency, the City of Danbury has been requested to act as the "facilitator" for purposes of passing these funds through from the State of Connecticut Department of Human Resources to the AIDS Project Greater Danbury; and

WHEREAS, said funds are to provide and fund such programs and projects as will further the efforts of the AIDS Project Greater Danbury; and

WHEREAS, the City of Danbury further finds that its role as "facilitator" for these funds would be in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED THAT to accomplish the purposes hereof, the Mayor of the City of Danbury, Gene F. Eriquez, be and hereby is authorized to execute and approve on behalf of the City of Danbury any and all documents necessary to permit the passage of these funds from the State of Connecticut Department of Human Resources to the recipient agency, the AIDS Project Greater Danbury.

Mr. Gallo made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Falzone. Motion carried unanimously.

4 - COMMUNICATION - Letter from the Morey Agency offering the Elks Building at 346 Main for sale to the City. Mr. DaSilva asked that this be referred to the Director of Planning and the City Engineer for a report back in thirty days. Mayor Eriquez so ordered.

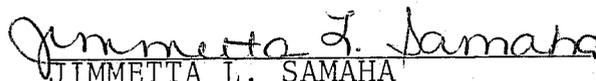
Mr. DaSilva wished Dr. Farah good luck in his future endeavors and stated that Dr. Farah's intelligent input into Common Council deliberations was always appreciated. Mr. DaSilva stated that no finer gentleman ever served on the Common Council than Mr. Smith and wished Mr. Smith good luck.

Mayor Eriquez thanked Dr. Farah and Mr. Smith for serving the City always with the best intentions.

Mr. Smith stated that it had been a pleasure to serve on the Common Council and was happy to make a contribution to the City. Dr. Farah stated that it had been a privilege to work with everyone and thanked the public for giving him the privilege to serve.

There being no further business to come before the Common Council a motion was made at 7:40 by Council Member DaSilva for the meeting to be adjourned.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

November 21, 1991