

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

Re: Minutes of the Common Council Meeting held October 2, 1990

Meeting was called to order at 8:00 P.M. by Mayor Eriquez. Mr. Valeri led the assembly in the Pledge of Allegiance. The Prayer was offered by Mr. Smith. Roll Call was taken with the members being recorded:

PRESENT - Falzone, Gallo, Coladarci, Mack, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Smith, Charles, Boughton, Boynton, Butera, Regan, Scozzafava, Valeri

ABSENT - Fazio, Farah, Cassano

17 present, 3 absent, 1 vacancy

NOTICES BY THE MAYOR

October 2 - Birthday of Councilman Joseph Scozzafava
October 1-7 - Physical Therapy Week
October 5 - Golf Tournament to benefit Cancer Society
October 7 - Swampfield Festival
October 8 - Columbus Day (City Hall Closed)
October 11 - Dedication of Vertery Library at Wooster School
October 11 - NAACP Freedom Fund Dinner
October 13 - DHS Homecoming
 Vespucci Columbus Day Dinner
October 13 - Down on the Farm
October 13 - Richter Park Art Show
October 18 - Heartland Auction
October 20 - Danbury City Services Day
October 21 - Peace Rally
October 24 - United Nations Day
October 27 - Good Scout Dinner
November 3 - Annual Household Hazardous Waste Collection Day

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

- 5 - Approve a grant for the Women's, Infants and Childrens Program for an interim budget of \$149,850 and a final budget of \$167,491.
- 6 - Approve a DHR grant of \$45,000
- 7 - Approve a Social Services Block Grant of \$25,781.
- 8 - Approve a resolution on the Edgewood Street Sewers
- 10 - Approve the appointment of Sandy Moy to the Library Board of Directors
- 11 - Approval of appointment of Donald Miloscia to the Zoning Commission
- 12 - Approval of reappointments of Roland Sorenson, Walter Wayman and Seth Sanford to the Commission on Aging
- 16 - Approval of appropriation of \$11,265 to the Registrar of Voters
- 26 - Approval of report from Zoning Enforcement Officer regarding compliance of Largo Corporation
- 30 - Approval of report on sewer extension at 43 Pembroke Road
- 31 - Approval of report to deny without prejudice a request concerning a service line break at 51 Southern Boulevard
- 32 - Approval of a report recommending commencement of negotiations for land acquisition adjacent to Westlake Treatment Facility
- 33 - Approval of report concerning relocation of Airport Soccer Field
- 35 - Approval of communication regarding Special Services Account - Fire Department

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

MINUTES - Minutes of the Common Council Meeting held September 5, 1990. Mr. DaSilva made a motion that the minutes be adopted as presented and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boughton. Motion carried unanimously.

1 - COMMUNICATION - Letter from Richard Kilcullen resigning as Council Member from the First Ward due to having taken a new position with the law firm of Dice, Maloney and Lenz. Mr. Boynton made a motion to regretfully accept Mr. Kilcullen's resignation. Seconded by Mr. Charles.

Mayor Eriquez thanked Mr. Kilcullen for his time as a public servant and stated that the public benefitted greatly. Mr. DaSilva and Mr. Charles also thanked Mr. Kilcullen. Motion carried unanimously.

2 - COMMUNICATION - Letter from Lawrence M. Riefberg forwarding the recommendations of the Democratic Town Committee as follows: for the Common Council vacancy in the First Ward - Harry W. Scalzo and for the Zoning Commission Alternate vacancy - Joseph Romano.

Mr. DaSilva made a motion to appoint Harry W. Scalzo to fill the Common Council vacancy in the first ward. Seconded by Mrs. Gogliettino. Mr. Charles made a motion to close the nominations. Seconded by Mr. Boughton. Motion carried unanimously. Mr. Gallo asked why all candidates were not interviewed. The Mayor stated that he did not know and should ask the Democratic Town Committee. Motion carried unanimously.

Mr. DaSilva made a motion to appoint Joseph Romano to fill the Zoning Commission Alternate vacancy. Seconded by Mr. Boynton. Motion carried unanimously.

Acting Corporation Counsel Eric Gottschalk sworn in Mr. Scalzo who took his position on the dais.

3 - ORDINANCE - Firefighters Pension Fund. Mrs. Butera asked that this be deferred to public hearing. Mayor Eriquez so ordered.

4 - ORDINANCE - Danbury Aquifer Protection Agency. Mr. Falzone asked that this be deferred to public hearing. Mayor Eriquez so ordered.

5 - RESOLUTION - Women's, Infants and Children Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1990 through September 30, 1991 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

WHEREAS, the City of Danbury through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

WHEREAS, a grant proposal of up to \$167,491.00 has been prepared by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has notified the Danbury Health Department of its eligibility for funding renewal;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Danbury Health Department in applying for said grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT to accomplish said program the Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services.

The Resolution was adopted on the Consent Calendar.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury Department of Welfare make application to the State in such amounts as may be made available for undertaking the management and operation of the Day Center for the Homeless; and

WHEREAS, the State Department of Human Resources has previously provided The Salvation Army in the City of Danbury with \$45,000.00 annually towards the costs of operating the Day Center for the Homeless; and

WHEREAS, the City of Danbury Department of Welfare wishes to obtain a grant to cover the costs of continuing said program in said amount;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Danbury:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Danbury Department of Welfare covering the period of October 1, 1990 through September 30, 1991 for a grant in the amount of \$45,000.00 or such other amount as is offered is hereby approved and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was approved on the Consent Calendar.

7 - RESOLUTION - Social Services Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, the State of Connecticut Department of Human Resources has made Social Service Block Grant funds available from October 1, 1990 through October 31, 1990; and

WHEREAS, these funds are utilized by the City of Danbury Department of Welfare for Counseling Services; and

WHEREAS, these funds offset a percentage of the cost of salaries for the four caseworkers in the City of Danbury Department of Welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Danbury:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Danbury Department of Welfare covering the period of October 1, 1990 through September 30, 1991 for a grant in the amount of \$25,781.00 or such other amount as is offered is hereby approved and that Gene F. Eriquez, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, and to execute any amendments, recisions and revisions thereto, as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

8 - RESOLUTION - Edgewood Street Sewers

RESOLVED by the Common Council of the City of Danbury:

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before December 5, 1990 provided, however, that said assessments may be paid in installments in accordance herewith; and

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

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

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

2. The minimum annual installment payment shall be ONE HUNDRED AND EIGHTY (\$180.00) DOLLARS.
3. The interest on any deferred payments hereunder shall be due at 6.75% per annum, a rate of interest established pursuant to bonds most recently issued by the City of Danbury for the purposes of funding such similar improvements. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector in a form substantially as follows:

**CERTIFICATE OF NOTICE OF INSTALLMENT
PAYMENT OF ASSESSMENT OF BENEFITS**

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

Vol.	Page	Vol.	Page
------	------	------	------

The notice of such assessment of sewerage benefits herein certified is to _____, (owner of property) the principal of which is \$ _____ due to said City of Danbury, together with legal interest, fees and charges thereon, assessed on October 2, 1990 in the name of _____ (owner of property) and the same became due on December 5, 1990 and may be paid in annual installment payments of \$ _____ each plus interest at the rate of _____ percent on the unpaid balance and continuing to _____ (date of last installment).

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

The property assessed is:
 Lot _____
 Item No. _____

Street _____

Tax Collector

Received _____, 1990 At _____ .M.

Record in the Danbury Land Records
 Vol. _____ Page _____

Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessments of Benefits by virtue of the construction of the Edgewood Street Sewer Project are hereby fixed as follows:

The Resolution was adopted on the Consent Calendar.

9 - COMMUNICATION - Appointments to Equal Rights and Opportunities Commission - WITHDRAWN

10 - COMMUNICATION - Letter from Mayor Eriquez asking for the confirmation of Sandy Moy, 10 Ridge Road to the Library Board of Directors for a term to expire January 1, 1993. The appointment was confirmed on the Consent Calendar.

11 - COMMUNICATION - Letter from Mayor Eriquez asking confirmation of the appointment of Donald Miloscia of 19 Richter Drive as a regular member of the Zoning Commission. His term will expire in November, 1991. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointments of Roland Sorenson, Walter Wayman and Seth Sanford to the Commission on Aging for terms to expire October 1, 1993. The reappointments were confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Eriquez asking that the sum of \$4,351.76 be accepted as the proceeds from the Celebrity Tag Sale and Auction. The money will be distributed among local agencies. Mr. Boynton made a motion to accept the funds, authorize distribution of same and send a letter of thanks. Seconded by Mr. Charles. Motion carried unanimously.

14 - COMMUNICATION - Letter from Betsy McDonough asking that a donation to the library in the amount of \$25 be credited to the Books line-item 02-07-101-061201. Mrs. Gogliettino made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mrs. Coladarci. Motion carried unanimously.

15 - COMMUNICATION - Letter from William Campbell of the Health Department asking for permission to accept a \$100 contribution from Pitney Bowes. Mrs. Mack made a motion that the donation be accepted and a letter of thanks sent. Seconded by Dean Esposito. Motion carried unanimously.

16 - COMMUNICATION - Request from Registrars of Voters requesting the sum of \$11,265 to cover unforeseen expenses in certifying the voting machines. Certification of Funds attached. The request was granted on the Consent Calendar.

17 - COMMUNICATION - Paramedic Contract between the City of Danbury and Business Systems, Inc. - Mrs. Butera asked that this be referred to an ad hoc committee, Fire Chief, Ambulance Supervisor, Corporation Counsel and the Comptroller. Mayor Eriquez so ordered and appointed Council Member DaSilva, Coladarci and Scozzafava to the committee.

18 - COMMUNICATION - Petition from Sixth Ward residents regarding noise at Park Avenue School Playground. Mr. Falzone asked that this be referred to an ad hoc committee, the Director of Parks and Recreation and the Police Chief. Mayor Eriquez so ordered and appointed Council Members Smith, Gogliettino and Regan to the committee.

19 - COMMUNICATION - Cost savings proposal by Northeast Utilities and Ventana Corporation. Mrs. Mack asked that this be referred to an ad hoc committee, the Corporation Counsel, the City Engineer and the Comptroller. Mayor Eriquez so ordered and appointed Council Members Valeri, Falzone and Fazio to the committee.

20 - COMMUNICATION - Kenmere/Blueberry Lane Water Supply System. Mrs. Butera asked that this be referred to an ad hoc committee, Superintendent of Public Utilities and the Corporation Counsel, and the Director of Health. Mayor Eriquez so ordered and appointed Council Members John Esposito, Smith and Regan to the committee.

21 - COMMUNICATION - Danbury/Bethel and Danbury/Brookfield Intermunicipal Agreements. Mrs. Butera asked that this be deferred to Public Hearing. Mayor Eriquez so ordered.

22 - COMMUNICATION - Gas Distribution Easement, Rogers Park Junior High School. Mrs. Mack asked that this be referred to an ad hoc committee, the Superintendent of Public Buildings and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Boynton, Charles and Boughton to the committee.

23 - COMMUNICATION - Request from Stanley Bernstein to donate land on Mountainville Avenue to the City of Danbury. Mr. DaSilva asked that this be referred to an ad hoc committee, to the Planning Commission and to the Planning Director. Mayor Eriquez so ordered and appointed Council Member Zotos, Farah and Scozzafava to the committee.

24 - COMMUNICATION - Request from residents of Holley Street to change the name of Holley Street to Mid Rock Road. Mrs. Butera asked that this be referred to the Tax Assessor and the Director of Planning. Mayor Eriquez ordered.

25 - COMMUNICATION - Reports from the City Engineer, the Planning Commission and the Director of Planning regarding the request to purchase City owned land at 31 Pleasant Drive. Mrs. Coladarci asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Eriquez so ordered.

26 - COMMUNICATION - Report from Zoning Enforcement Officer regarding compliance of Largo Associations stating that there is presently no violation with regard to the approved site plan. The report was approved on the consent calendar.

27 - DEPARTMENT REPORTS - Health, Fire Chief, Fire Marshall, Parks and Recreation, Public Works. Mr. DaSilva made a motion that the Department Reports be approved 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. Dean Esposito. Motion carried unanimously.

28 - REPORT & ORDINANCE - Citizenship Requirement and Age Restriction

Mr. DaSilva submitted the following report and ordinance:

The committee to review a proposed ordinance concerning citizenship requirement and age restriction for appointments to the Danbury Police and Fire Departments met at 7:30 P.M. on September 17, 1990 in City Hall. In attendance were committee members DaSilva, John Esposito and Scozzafava. Also in attendance were Lt. Arthur Sullo representing the Police Department, Les Pinter, Assistant Corporation Counsel, Nick Nero, Civil Service Examiner and Antonio Lagarto, Fire Chief.

Mr. Pinter stated that the Office of the Corporation Counsel researched these proposals because of a request from the Civil Service Examiner. There is no pending challenge to the restrictions. A challenge to either restriction in the Fire Department, however, would stand a good chance of prevailing.

Mr. Nero stated that he contacted seven communities in Connecticut concerning these items in question. None of them have age restrictions and they all felt that changes will be forthcoming in the area of restrictions to citizenship.

Mr. Sullo reported that the Police Chief believes that citizenship is needed in order to obtain a permit to carry a gun. He further stated that he would like to keep the citizenship requirement because of the nature and sensitivity of police work.

Mr. Lagarto stated that he has no problem with the elimination of age restriction and citizenship requirements. He is concerned, however, about a challenge which would hold up the appointment of needed fire-fighters.

Mr. Scozzafava moved to recommend the age restriction for appointment to the Danbury Fire Department be eliminated and adding additional modifying language to the citizenship requirement for the Fire Department stating "No person shall be appointed as a permanent member of the regular Fire Department unless he or she shall be a United States citizen"

and adding the following sentence: "or has manifested an intention to become a United States citizen". The motion was seconded by Mr. Esposito. Motion carried unanimously.

THAT subsection 8-18(1) of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended to read as follows:

- (1) No person shall be appointed as a permanent member of the regular fire department unless he or she shall be a United States citizen or has manifested an intention to become a United States citizen.

THAT subsection 8-18(3) of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended to read as follows:

- (3) No person shall be appointed as a permanent member of the regular fire department unless he or she shall have reached his or her eighteenth birthday.

Mr. Falzone made a motion to accept the report. Seconded by John Esposito. Mr. Boughton stated that the age restriction should not be removed. Mr. Regan stated that he also feels that there should be some sort of restriction. Mr. DaSilva made a motion to amend the motion adding that the ordinance be adopted. Seconded by Mr. Falzone. Motion, as amended, carried with Council Members Boughton, Boynton and Regan voting in the negative.

29 - REPORT - Request for Funds for Richter Park.

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request for funds in the amount of \$30,000 by the Richter Park Authority to complete the park maintenance facility building met on Wednesday, September 12, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Charles and Boughton. Also in attendance were Richter Park Authority Manager Dino J. Storoni, Chairperson Lianne Thayne and Authority Members Louis Burns, Francis Kieras and Edward Fusek.

The consensus of the committee was that this request did not bear any sense of urgency that would warrant appropriation from the contingency fund especially since we cannot predict the severity of the winter yet to come and the extent to which it may impact the existing balance of that fund.

A reasonable alternative was offered for consideration by the Chair via a memo to the committee from Acting Director of Finance/Comptroller Dominic Setaro who was unable to attend but whose input was requested by the Chair prior to the meeting. The memo indicated that an anticipated surplus from the Local Capital Improvement Program totalling in excess of \$30,000 could become available once the final close-out reports are filed with the State of Connecticut and that once available reapplication may be made with the State for the use of the funds. Mr. Setaro also indicated that the close-out process will take from 60 to 120 days and that once confirmed, the Common Council would have to adopt a resolution and reappropriate the funds.

Mr. Charles supplied the committee with copies of this and last year's income and expense totals from Richter Park and questioned the Authority's need based on the anticipated end-of-year aggregate income in excess of \$1.1 million. Mr. Storoni cited significant expenses recently incurred as a result of a dramatic rise in liability insurance premiums (up from \$12,000 to \$36,000 in one year), the loss of services once provided by the City Forestry Department and the expense of now having to contract out for those services and recently mandated reserves of \$25,000 to cover insurance deductibles and \$30,000 to secure a favorable credit rating for future projects, leaving an anticipated

shortfall of approximately \$56,000 at year's end.

Mr. Boughton made a motion to approve Richter Park Authority's pursuit of requested funds via the anticipated surplus in the Local Capital Improvement Program and that Mr. Setaro notify the Authority to initiate the appropriate procedure once the close-out process is completed. Seconded by Mr. Valeri. Motion carried with Mr. Charles voting in the negative.

Mr. DaSilva made a motion that the report be accepted. Seconded by Mr. Boughton. Mr. Regan asked what the intent of the recommendation in the report is. Mayor Eriquez stated that the Richter Park Authority would have to make another request to the Common Council. Motion carried with the members voting as follows:

Yes - Scalzo, Falzone, Mack, Dean Esposito, Zotos, DaSilva, John Esposito, Smith, Boughton, Boynton, Regan, Scozzafava, Valeri.

No - Gallo, Coladarci, Gogliettino, Charles, Butera

13 Yes - 5 No

30 - REPORT - Request for Sewer Extension - 43 Pembroke Road

Mr. Zotos submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 43 Pembroke Road met on September 13, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Zotos and Scozzafava. Also attending were Jack Schweitzer and William Buckley.

A discussion was held with Mr. Buckley and Mr. Schweitzer who stated that they had no problem with granting this extension as it is consistent with the City plan for that district. Planning issued a positive report.

Mr. Scozzafava made a motion that the sewer extension be approved with the standard eight steps. Seconded by Mr. Zotos. 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 sewer 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 sewer 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 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 sewer lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

31 - REPORT - Service Line Break at 51 Southern Boulevard.

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the complaint from the owner of 51 Southern Boulevard met at 7:30 P.M. on September 19, 1990 in Room 432 in City Hall. In attendance were committee members Dean Esposito and Fazio. Mr. Boynton was absent due to illness. Also in attendance were William Buckley, Superintendent of Public Utilities and the homeowner, Al Werchovsky.

Mr. Werchovsky explained why he felt that the City the liable for the cost of repairs to the water line. Mr. Buckley explained that the break was found early in the month by a City employee, Jack Green the water inspector, and that he did not feel the City was responsible for damages.

After further discussion, Mr. Fazio made a motion to deny without prejudice and recommend that the homeowner talk with the City Clerk about submitting a claim. Seconded by Mr. Esposito. Motion carried unanimously.

The report was accepted on the Consent Calendar.

32 - REPORT - Land Acquisition

Mr. Valeri submitted the following report:

The Common Council Committee appointed to review a request for land acquisition met at 7:30 P.M. on September 20, 1990 in Room 432 in City Hall. In attendance were committee members Valeri and Fazio. Also in attendance were Superintendent of Public Utilities William Buckley and Fred Comstock from the Public Works Department.

Mr. Buckley explained that the land in question, approximately 2.69 acres adjacent to the West Lake Treatment Facility is being offered for sale to the City by its present owner, Mrs. Ann Benso of 151 Westville Avenue. Although there is no immediate need for this parcel, future expansion possibilities would make acquisition of this land most desirable for the City. Also due to its elevation, consideration for underground water storage is highly feasible. Acquiring this land would also provide an advantageous buffer to surrounding properties. The asking price for the land is \$125,000 which the owner has indicated in negotiable. Mr. Buckley further indicated that the purchase of this property would be wholly supported by the water fund within the Public Works budget. Mr. Comstock expressed the owner's preference to sell to the City opposed to a private developer and also explained the owner's offer of first right of refusal to the City on the remainder of adjacent property if and when it becomes available.

Mr. Fazio made a motion to approve commencement of negotiations through the Office of the Corporation Counsel for the acquisition of the land in question.

The report was accepted on the Consent Calendar.

33 - REPORT - Relocation of Airport Soccer Field

Mr. Valeri submitted the following report:

The Common Council Committee appointed to further review the request for relocation of the Airport Soccer Field met on Thursday, September 20, 1990 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Valeri, Farah and Fazio. Also in attendance was Director of Parks and Recreation Robert Ryerson.

The committee had originally recommended development of a temporary alternative site at the corners of Backus and Kenosia Avenues, primarily based on an initial cost estimate of \$20,000. The escalation of that estimate to its present \$120,000 and a negative recommendation from the Planning Commission have forced the committee to seek other alternatives.

Mr. Ryerson explained that the Airport field is not presently in use and that no immediate alternative sites are being developed. This does not pose as much of a scheduling problem in the fall as it will in the spring when baseball activity will further limit the number of sites available. This will make it especially difficult for practice sessions, although not as much of a problem for league games. There is, therefore, a more immediate need for practice sites which by nature would require less to develop, although the serious need for complete regulation fields also exists. The consensus of the committee, however, was that due to the inherent risk at the Airport field and the near tragedy that occurred there this past spring, that field should no longer be considered.

Mr. Farah made a motion to recommend that the City terminate use of that site for recreational purposes and that the City aggressively explore the development of alternate sites and conduct appropriate feasibility studies. Seconded by Mr. Faio. Passed unanimously.

The report was accepted on the Consent Calendar.

34 - REPORT - Site for Action Daycare Center.

Mr. Boughton moved to waive the procedure to allow the public to speak for one hour before action is taken on this report as the people deserve to be heard. Mr. Regan seconded the motion. Mr. Boynton agreed that this action should be allowed. Mr. Scozzafava stated that this would be proper and in order. Everyone should be heard. Mr. Smith asked that Council Members should refrain from debating with the public.

Mrs. Mack then read the following report into the record:

The ad hoc committee appointed to review site location for the C.A.C.D. Action Day Care Center met at 8:00 p.m., September 24, 1990, in Rm. 432 at Danbury City Hall. In attendance were committee members, Mack, Scozzafava, and Zotos. Also present were council members Gogliettino, Fazio, and Charles, ex-officio, and approximately 25 East Gate Road residents.

Mrs. Mack opened the meeting with an explanation regarding the rules of the evening, explaining to the East Gate Road residents that upon completion of the committee's review of all information pertinent to the Danbury High School site, the rules would be waived to allow each East Gate Road resident the opportunity to express their views on the issue, ask questions, and participate in further discussion.

Mrs. Mack reviewed the Board of Education motion to approve the use of the Danbury High School site for construction of the Action Day Care facility. After discussion and review of the original Mountainville Avenue site which the committee evaluated in detail at a previous meeting, the committee discussed and considered the following information:

- **Location of the Site.** (Site B on the map drawn by the planning department.) Area is a one acre parcel located adjacent to the entrance of the Danbury High School, from East Gate Road. The site is approximately one and a half miles from the downtown area, where Action Day Care is presently located.
- **Parking.** Future expanded parking for Danbury High School was addressed by Antinozzi Associates who are the architects in charge of the Danbury Schools Reorganization and Facility Study. Numbers of parking spaces for employees and clients of the Action Day Care Center will be addressed through the Planning Commission, taking into consideration City of Danbury requirements.
- **Safety Issues.** With regard to fencing the day care facility, the planning commission will address this issue.
- **Sewer and Water.** The site is located within the water supply watershed and does not contain wetlands soils. Referring to the preliminary information from Mr.

Schweitzer, City Engineer, with regard to the high school site -- once the needs of the day care center are known, an analysis will have to be made to determine if additional storage is required for this use until such time as a storage tank serving the entire area is constructed. Sewer service could be provided by connection to the existing sanitary sewer system at the high school. Care would have to be exercised in the design of the building to ensure that adequate grade on the proposed sanitary sewer can be attained.

Zoning. The zoning according to Planning Director, Dennis Elpern is RA-40 which permits child care as a special exception use and the site will meet the requirements of zoning regulations.

Planning Commission. The need for comment on the property from a planning perspective is necessary before approval of the lease by the Common Council.

Funding. Present funding that is available for the construction of a new site for Action Day Care is \$788,000.00. The funding summary is broken down as follows: \$350,000, State of CT. Department of Human Resource bond money, \$300,000 State of CT. bond money from the 1988 Legislation Act, \$88,000 Community Development Program (City of Danbury), and \$50,000 Town Improvement Fund grant from the State of CT.

Transportation. The Danbury High School site is on the Hart bus line although no morning stops are made during the summer. C.A.C.D. can provide supplemental transportation.

Arrival and Departure Conflicts. From a traffic flow sheet provided to the committee from C.A.C.D. it was determined that the bulk of the children are dropped off at the day care facility between 8:00 - 9:00 a.m., seemingly it would appear not to conflict with any bus arrivals. The majority of children are picked up between 4:30 - 6:00 p.m., again it would appear not to conflict with the afternoon bus departure from the high school. Also, in the flow chart it is stated that no more than three cars are in the daycare parking lot at the same time.

Areas of Collaboration and Cooperation. C.A.C.D. and the Danbury High School have discussed cooperative program enhancement that would be of benefit to both Danbury High School and Action Day Care. Preliminary discussions between the City of Danbury, Action Day Care and Danbury High School suggest a coordination of services beneficial to all involved. Specific suggested areas of collaboration are: training for the Early Childhood Class to access hands-on learning experience, provision of training for parents and other adults in the day care field, establishment of working relationships with the Teen Parenting programs operated by community agencies, the opportunity for community members who participate in Adult Education programs to access the Action Day Care facility.

Mrs. Mack discussed the Mountainville Avenue site as very attractive, although she had no concrete information from the Scott-Fanton as to whether they would still be willing to work a cooperative arrangement for the relocation of the Ives House. Mr. Zotos stated his feeling that the high school site looked more favorable because of the unique collaborative effort of the Danbury High School and C.A.C.D. and pointed to the wetness and the deteriorated condition of the Ives House as reasons he preferred the high school site.

Mrs. Mack agreed that although both sites were very favorable, due to the cooperative arrangements between C.A.C.D. and Danbury High School, the high school site emerged as the more favored of the two sites.

The meeting was moved into the Council Chambers to allow for the residents to be more comfortable. Mr. Zotos moved to waive the rules and allow the audience to speak. Mr. Scozzafava seconded, and the motion passed unanimously. The discussion focused on funding for the daycare center, referral of the issue to a public hearing, traffic congestion on East Gate Road, environmental impact on the parcel of property, opposition to the use of high school property for things not related to the high school, water pressure problems at the site, need to look at a downtown site, property values with regard to the day care building, status of the Mountainville Ave. site, liabilities for accidents occurring on East Gate Road, need to research other city owned buildings for renovation purposes, and the safety of the children. The discussion with residents began at 8:30 and ended at 10:30p.m. Mr. Zotos spoke about the issues now brought to the council committee and asked the audience why they did not voice these concerns at the Board of Education meeting held during the previous week.

Mr. Scozzafava noted to the audience that he would recommend at his caucus that the issue go to public hearing and that there be a ruling from corporation counsel on this.

Mr. Zotos moved to recommend to the entire common council the approval to transfer the lease of the Danbury High School property to C.A.C.D., pending all land use agency approval by C.A.C.D. that will be necessary for the completion of the project. Mr. Scozzafava seconded the motion and the motion passed unanimously with Zotos, Mack, and Scozzafava voting in the affirmative.

PUBLIC SPEAKING ON DAY CARE SITE

1. Glenda Armstrong, 3 South Cove Road - Spoke in favor of the Clapboard Ridge site. The proposal is a strong one. There are no flaws in it. She stated that she does not understand the opposition.
2. Eugene Gilreaux, 3 East Gate Road - Spoke in opposition to the site, because of traffic congestion, safety and other reasons.
3. Betsy McIlvaine, 218 Southern Boulevard - Chairman of the Commission on the Status of Women - spoke in favor of the site on behalf of the Commission and urges Council Members to approve it.
4. William David, 4 East Gate Road - Spoke in opposition to the site. He is against developing the property for day care. Is not in opposition to daycare, just this site.
5. Lola Akins, 14 Oakland Avenue - Mayor Ducibella gave CACD the first \$25,000. Sees no reason to condemn the Daycare Center.
6. Ken Ford, 45 East Gate Road - Spoke in opposition of the site because of traffic congestion and safety factors, poor planning, poor access from downtown. Appreciated the opportunity for a public forum.
7. Bernard Fitzpatrick, 3 Old Mill Plain Road - Vice President of Community Action. Thanked the Common Council, both the present and past, for their hard work. Community Action just needs the land and not looking for short cuts.
8. Mari Ann Danise, 3 Tree Terrace End - Former Council Member In favor of daycare, but Danbury High School is not the right place. Daycare should be put in one room in each school. Traffic on Clapboard Ridge is horrendous. Who will pay the taxes on this Taj Mahal when it is built?
9. Dorothy Outlaw, 4 Merrimac Street - Have looked at 2 sites now. Neither has been any good and the next one will be no good either. All they are asking for is a piece of land to build a day care center for children. Let your conscience be your guide. Take a stand yes or no.

10. Joanne Shaughessy, 28 East Gate Road - This is the wrong site. The 9th grade will be added to the high school shortly. This will add to congestion.

11. Rev. Dewey Fagerburg, 1 Aspen Way - Danbury has the opportunity to become a model metropolitan area. Still has hope even after the Mountainville site. Money will go by the board if action is not taken tonight.

12. Eugene Gilreaux - (2nd time) - surprised that more people were not present to speak in opposition. Spoke about the inadequacy of parking.

Mr. Boynton made a motion to reinstate the rules of order. Seconded by Mr. Boughton. Motion carried unanimously.

Mayor Enriquez stating that the Common Council is acting on the lease of the land. Taxpayers dollars are coming back to Danbury. The Common Council will only be allowing the process to go forward by choosing to make available City-owned land to CACD for this proposal.

Mr. DaSilva moved that the Corporation Counsel's Office be authorized to prepare, and the Mayor be authorized to sign, a lease between the City of Danbury and CACD for a day care center at Danbury High School for a term of 20 years at a rental of \$1 a year containing standard terms relating to maintenance, repair, insurance and operation at the expense of CACD and these authorizations be contingent upon all approvals of the various land use agencies of the City of Danbury. Seconded by Mr. Smith.

Mrs. Gogliettino read a prepared text in favor of the proposal. The full copy is on file in the Office of the City Clerk for public inspection.

Mr. Boughton stated that if the Mayor is going to be the driving force then let the Common Council Committee off the hook. The Common Council did not pose the question to the Planning Commission, the Mayor did.

Mr. Boynton stated that the Common Council has now heard the pros and cons. He feels that the concerns of the opponents will not come to bear and that once it is built no one will know it is there.

Mrs. Mack stated that the committee has investigated other sites as stated in her June Progress Report. She feels that some people feel that CACD deserves something less than the best. The time now is to vote to support the issue.

Mr. Scozzafava stated that the committee walked many Sunday afternoons visiting many sites and he will vote in favor of this site.

Mr. Regan stated that CACD deserves the best and that Mountainville Avenue is the best site. Feels that the Clapboard Ridge site is a compromise and it is not a central location and would not be in the best interest of the City. Therefore he will vote against.

Mr. DaSilva stated that he served on one of the several committees for site selection. Mountainville Avenue was a fine site but is not the one in front of the Council at this time. Danbury has had two extensions on this money. There may not be another extension and the Council can't afford to take the chance. This is not a political decision. This daycare center would allow parents of small children to work.

Mr. Charles stated that he voted in favor of the Mountainville Avenue site and still thinks it is the best site. Therefore he will vote no.

Mr. Zotos stated that the Mountainville Avenue site is 99% swamp. No land use board would approve that site for building.

Mrs. Gogliettino stated that it was her believe that the Scott Fantom was no longer interested in the lease. Mrs. Gogliettino moved the question. Motion carried.

Motion carried with the members voting as follows:

Yes - Falzone, Gallo, Coladarci, Mack, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Smith, Boynton, Scozzafava, Valeri

No - Scalzo, Charles, Boughton, Butera, Regan

13 yes - 5 no

Mr. Boughton questioned the two-thirds vote. Should it not be two-thirds of the entire membership or 14 votes. Mr. Gottschalk explained that the language in the Charter on leasing was different than other sections of the Charter.

35 - COMMUNICATION - Letter from Fire Chief Lagarto asking for \$30,000 for the Special Services Account. The request was granted on the Consent Calendar.

36 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointments of Russell Benjamin, 2 Cherokee Drive, Robert Guerrero, 10 Elmcrest Drive, Daniel Mulvey, 8 East Broad Street and Alan Mattei, 11 Ninth Avenue to the rank of Sergeant in the Police Department. Mr. Boynton made a motion that the communication be accepted and the promotions confirmed. Seconded by Mrs. Butera. Motion carried unanimously.

Mayor Eriquez extended all committees. He announced that the annual Firefighters Memorial Mass will be held Sunday, October 21, 1990 at 9:00 a.

Mayor Eriquez replaced Council Member Kilcullen on the following committees:

3 Middle River Road - Gallo
Maple Avenue Property - Butera
Sewer Extension - Southern Boulevard - Dean Esposito

37 - COMMUNICATION & RESOLUTION - Grant Application - DHR Fiscal Year 1990/91.

Mrs. Butera made a motion to add this item to the agenda. Seconded by Mrs. Gogliettino. Motion carried unanimously.

Letter from Dr. Singe requesting that the Mayor be authorized to sign a grant application for \$11,000 and to pass the funds through the City to the Board of Education. Mr. Zotos made a motion to accept the communication and approve the resolution. Seconded by Mr. Smith. Motion carried unanimously.

38 - COMMUNICATION - Disposal of Surplus Fire Apparatus.

Mr. Boynton made a motion to add this item to the agenda. Seconded by Mr. Smith. Motion carried with Mrs. Butera voting in the negative.

Letter from Purchasing Agent Warren Platz asking for permission to dispose of two pieces of fire apparatus that the City no longer has use for.

Mr. Boughton asked that this be referred to an ad hoc committee. Mayor Eriquez so ordered and appointed Council Members John Esposito, Coladarci and Boughton to the committee.

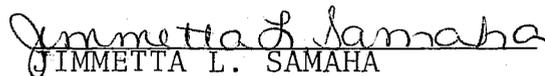
PUBLIC SPEAKING

William J. Knight, 6 Jandee Drive - President of Danbury NAACP Thanked the Council Members for their hard work and for using good judgement in the daycare center vote.

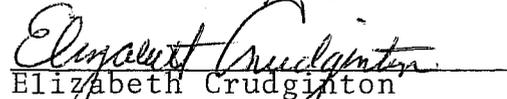
Ronald Blonski, 18 Griffing Avenue, spoke on item 21. Wanted to know if it had to do with sewage. Mayor Eriquez said that it did and explained the proposal.

There being no further business to come before the Common Council a motion to adjourn was made at 10:11 P.M. by Councilman Scalzo.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk