

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

Re: Minutes of the Common Council Meeting held December 4, 1990

The meeting was called to order at 8:00 P.M. by Mayor Eriquez. Mr. Scalzo led the assembly in the Pledge of Allegiance. Mr. Smith offered the Prayer. The members were recorded as:

Present - Scalzo, Falzone, Gallo, Coladarci, Farah, Dean Esposito, Zotos, DaSilva, John Esposito, Smith, Charles, Butera, Regan

Absent - Fazio, Mack, Gogliettino, Cassano, Boynton, Boughton, Scozzafava, Valeri

13 Present - 8 Absent

Mrs. Gogliettino and Mr. Scozzafava were working. Mr. Scozzafava will be on full time scheduled for Common Council duties beginning next week. Mr. Boynton and Mr. Boughton were ill. Mr. Cassano is still recovering from a back ailment. Mr. Valeri had a class

Announcements by the Mayor:

Birthday Greetings to:

December 12 - Leo Null, Building Inspector
December 13 - Councilman Harry Scalzo
December 17 - Rick Palanzo, Building Maintenance Superintendent
December 24 - Irene Simonelli, Assistant Tax Assessor
December 26 - Kim Redenz, Assistant Comptroller
December 27 - Sue DeCina, Assistant Planning Director

December 5th - First Annual Peter Winters Memorial Breakfast sponsored by the Lions Club

December 9th - Amnesty International Candlelight Vigil at West Conn

December 11 - Hannuka

December 15th and 16th - Nutcracker Ballet at the Danbury High School

December 16th - Dinner honoring DHS Football Team

December 19th - WLAD and Salvation Army Holiday Event

December 25th - Christmas Day

December 31st - First Night

The Mayor congratulated all Danbury athletic teams

The Mayor wished everyone a happy and healthy Holiday season

The Mayor announced that the Common Council's annual wood sale raised \$1,200

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

- 2 - Approval of Resolution enabling Interweave to accept Title III B Grant for \$27,000
- 4 - Approval of appointments of Raymond Antous and Dennis Keeler to the Richter Park Authority
- 5 - Approval of appointments of Dr. Lawrence Cohen and Catherine DiBuono to the Commission on Persons with Disabilities
- 11 - Approval of adjustment to Capital Budget and Revenue for Danbury Library for up to \$60,000
- 15 - Approval of report from Corporation Counsel regarding property of James Bodner to take no action at this time
- 19 - Approval of settlement of claim with Miller-Stephenson Chemical Co. for \$3,305
- 23 - Approval of report to table a request to donate a World War II Naval Cannon
- 25 - Approval of a report to approve a gas distribution easement at Rogers Park Jr. High School
- 26 - Approval of a report to deny without prejudice a request to accept Wilkes Road
- 27 - Approval of a report to take no action at this time on a request to change name of Shepard Road
- 29 - Approval of a progress report on DHR Grant Application

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

MINUTES - Minutes of the Common Council Meeting held November 8, 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 Dean Esposito. Motion carried unanimously.

1 - ORDINANCES - Recycling and Solid Waste. Mr. DaSilva asked that this item be deferred for action until item 21. Mayor Eriquez so ordered.

2 - RESOLUTION - Title III-B Grant Award for Interweave

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the Department of Elderly Services has processed a grant application for funds for Interweave, the adult day care center, through the Western Connecticut Area Agency on Aging, Inc. and has received notification from said agency of a grant award in the amount of \$27,000.00 under Title III-B (social services) of the Older Americans Act, for the purpose of continuing the operation of Interweave for the project budget period of January 1, 1991 through December 31, 1991, said grant award subject to possible further adjustment; and

WHEREAS, this 8th year grant award has an approved project income match from the City of Danbury of \$28,079.00 together with an anticipated \$36,000.00 project income through expected donations and third party payments for participants;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Department of Elderly Services and the Mayor of the City of Danbury in applying for said grant are hereby ratified and approval is hereby given for the acceptance of said grant award and any adjustments thereto.

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

The Resolution was adopted on the Consent Calendar.

3 - COMMUNICATION & RESOLUTION - Letter from Mayor Eriquez stating that the City has negotiated to acquire a 999 square foot parcel of land adjacent to the redevelopment site to facilitate the development of the planned second parking garage. The Mayor requested that the Planning Department act upon the resolution adopting this land acquisition. Mrs. Butera asked that this be referred to the Planning Commission. Mayor Eriquez so ordered.

4 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the appointment of Raymond Antous and the reappointment of Dennis Keeler to the Richter Park Authority for terms to expire September 1, 1993. The request was confirmed on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of Dr. Lawrence Cohen to the Commission on Persons with Disabilities for a term to expire March 1, 1992 and Catherine DiBuono for a term to expire March 1, 1993. The request was confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Library Director Betsy McDonough asking permission to accept a donation to the Library in the amount of \$29.95 in the memory of William Waters. Mr. Falzone made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

7 - COMMUNICATION - Letter from Mayor Eriquez stating that the Parking Authority is offering the sum of \$20,000 to facilitate the acquisition of a small parcel of land adjacent to the redevelopment site. This parcel is necessary for the construction of the second parking garage. Mr. DaSilva made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Charles. Motion carried unanimously.

8 - COMMUNICATION - Request of 2001 Real Estate to purchase City owned land. Mrs. Butera asked that this be referred to an ad hoc committee the City Engineer, the Planning Commission, the Planning Director, the Airport Administrator and the Fire Chief. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Scozzafava to the committee.

9 - COMMUNICATION - Request of B. Tuckey Devlin to purchase City owned land. Mrs. Coladarci asked that this be referred to an ad hoc committee, the Planning Commission and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Scozzafava to the committee.

10 - COMMUNICATION - Request of J. J. Gumberg Co. to purchase City owned land. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission and the City Engineer. Mayor Eriquez so ordered and appointed Council Members Valeri, Smith and Scozzafava to the committee.

11 - COMMUNICATION - Request from Library Director Betsy McDonou asking for adjustments to the City's capital budget and revenue for renovation to the library's bookmobile garage. The request was granted on the Consent Calendar.

12 - COMMUNICATION - Request from Fire Chief Lagarto for a new recorder for the 911 calls. Mrs. Butera asked that this be referred to an ad hoc committee, the Fire Chief, the Comptroller and the Supervisor of Communications. Mayor Eriquez so ordered and appointed Council Members Gallo, Coladarci and Fazio to the committee.

13 - COMMUNICATION - Report from Police Chief Nelson Macedo regarding traffic on Chambers Road and stating that a stop sign should never be installed for the purpose of slowing down traffic. Mrs. Butera asked that this be referred to an ad hoc committee, the Police Chief and the Traffic Engineer. Mayor Eriquez so ordered and appointed Council Members Dean Esposito, Boynton and Fazio to the committee.

14 - COMMUNICATION - Reports from the Tax Assessor and the Planning Director on change of name of Holley Street Extension. Mr. DaSilva made a motion that the reports be accepted and that the Engineer and the Planning Director send a survey to the residents of Holley Street Extension for their opinion on the name change. Seconded by Dean Esposito Motion carried unanimously.

15 - COMMUNICATION - Report from Corporation Counsel to take no action at this time regarding James Bodner - Assessor's Lot Number C11041 - Lakecrest Drive. The report was accepted on the Consent Calendar

16 - COMMUNICATION - Report from City Engineer regarding Hollandale Estates Sanitary Sewer Project. Mr. DaSilva made a motion that because of the results of the survey the communication be accepted and a sewer project not be instituted at this time. Seconded by Mr. Charles. Motion carried unanimously.

17 - COMMUNICATION - Request for sewer extension on Elwell Place Mrs. Coladarci 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 Zotos and Regan to the committee.

18 - COMMUNICATION - First Properties, Inc. v. City of Danbury Planning and Zoning Commissions. WITHDRAWN

19 - COMMUNICATION - Letter from Peter N. Buzaid requesting that settlement with Miller-Stephenson Chemical Company in the amount of \$3,305 be approved. The approval was given on the consent calendar.

20 - DEPARTMENT REPORTS - Health, Public Works, Parks and Recreation, Fire Chief, Fire Marshall, Police Chief. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Charles. Motion carried unanimously.

Mr. DaSilva submitted the following report:

The committee to review solid waste and recycling ordinances and the Municipal Recycling Services Agreement between HRRRA and the City of Danbury met at 7:10 P.M. on November 28, 1990. In attendance were committee members DaSilva, Smith, Scozzafava and Fazio. Also in attendance were Acting Corporation Counsel Eric Gottschalk, Superintendent of Public Utilities William Buckley and Administrative Assistant to the Mayor Basil Friscia.

Mr. Gottschalk explained that the recycling program that the City of Danbury is about to begin has been mandated by the State of Connecticut. State Statutes designate that a plan must be in place by January 1, 1991, and specifies items to be recycled. He outlined the recycling ordinance and the Recycling Services Agreement between HRRRA and the City of Danbury. The agreement would establish a procedure for processing certain kinds of recyclable materials, including cardboard, newspaper, and metal and glass food and beverage containers. He further discussed the designation of sites where recyclable materials are to be delivered for processing or sale.

After discussion, Mr. Scozzafava moved to set the price of a permit fee for haulers of recyclables at \$25.00 per year. The motion was seconded by Mr. Smith and passed unanimously.

Mr. Smith moved to authorize the Mayor to give notice to all collectors of the intention of the Common Council to designate areas where recyclable materials, generated from residential properties, shall be taken for processing or sale. The motion was seconded by Mr. Scozzafava and passed unanimously.

A motion was then made by Mr. Smith that the attached ordinances, with the exception of 16A-79, be deferred to public hearing. The motion was seconded by Mr. Scozzafava and passed unanimously.

Mr. Smith then moved to recommend the Mayor be authorized to execute a Municipal Recycling Services Agreement Between HRRRA and the City of Danbury. Mr. Scozzafava seconded the motion which passed unanimously.

Mr. DaSilva made a motion that the report be accepted and that the Council act on the following 4 parts of the report:

1. That the price of the permit fee for haulers be set at \$25 per year;
2. That the ordinances with the exception of 16A-79 be deferred to public hearing;
3. That the Mayor be authorized to to execute a Municipal Recycling Services Agreement between HRRRA and the City of Danbury; and
4. That the Mayor be authorized to give notice to all collectors of the intention of the Common Council to designate areas where recyclable materials shall be taken for processing or sale.

Seconded by Mr. Smith. Mr. Regan asked if the recycling agreement could go to public hearing before the Mayor signs it. The Mayor stated that it is not necessary as each municipality is required to sign it. The Mayor stated that Council Members could address ordinance changes at a public hearing to be held later this motion. Mr. Smith made a motion to move the question. Seconded by Mrs. Butera. Motion carried unanimously. Motion carried with the members voting as follows:

Yes - Scalzo, Falzone, Gallo, Coladarci, Farah, Zotos, DaSilva, John Esposito, Smith, Charles, Butera. No - Regan - Abstain - Dean Esposito.

Mr. Gallo submitted the following report:

The committee appointed to review the request for a Special Communications Account met at 8:22 P.M. in Room 432 in City Hall on November 20, 1990. In attendance were committee members Gallo, Coladarci and Fazio. Also in attendance were Comptroller Dominic Setaro, Chief Lagarto and Fred Visconti, Jr.

Mr. Visconti explained his request and the need for this money to be turned over to the Communications Department of the Fire Department. Chief Lagarto and Mr. Setaro had no problem with the request.

Mr. Fazio made a motion to recommend to the Common Council approval of a fund similar to the existing one for Hatters Park, to be effective July 1, 1991. Seconded by Mrs. Coladarci. Motion carried unanimously.

Mr. John Esposito made a motion that the report be approved. Seconded by Dean Esposito. Mr. Regan stated that Mr. Fazio stated that the motion in the report was not as he made it in committee. Mr. Gallo stated that the motion in the report was exactly as it was contained in the minutes of the committee meeting. Motion carried unanimously.

23 - REPORT - Donation of a World War II Naval Cannon from the Military Museum of Southern New England.

John Esposito submitted the following report:

The Common Council Committee appointed to review the request to accept the donation of a World War II Naval Cannon from the Military Museum of Southern New England met on November 20, 1990 at 7:30 P.M. in City Hall. In attendance were committee members John Esposito, Scalzo and Boughton. Also in attendance were Veteran's Affairs Advisors Patrick Waldron, Parks and Recreation Director Robert Ryerson, John Valluzzo representing the Military Museum, and representing the Veterans Organizations were Cleo Joseph, Ed Bernholz, John Hill, Ken Post, Jerry Davis and John Manino.

Mr. Waldron stated that Mr. Valluzzo of the Military Museum would like to donate a World War II Naval Cannon to the City to be placed adjacent to the Viet Nam Memorial in the front of the War Memorial Building. Mr. Manino, President of the Veterans Council, spoke against the proposal stating that the cannon really does not represent a memorial to veterans and is not in keeping with the future of Memorial Drive area. Several speakers representing the various veterans organizations spoke in opposition to the proposal stating that the cannon is not fitting as a memorial to World War II and would detract from the memorials planned for the area. The proposal, if accepted, might be better situated in a different place.

Mr. Boughton made a motion to table the acceptance of the donation so that the Veterans Council can discuss the proposal at their future meetings as to an alternate site if the cannon is to be accepted. Seconded by Mr. Scalzo. Motion carried unanimously.

The report was accepted on the Consent Calendar.

24 - REPORT - Offer to Donate land to the City on Mountainville Road

Mr. Zotos submitted the following report:

The Common Council Committee appointed to review the offer to donate land on Mountainville Road to the City met on November 26, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Zotos and Farah.

The committee reviewed and discussed the offer from Mr. Bernstein to donate two parcel which would be ideal for open space. Dr. Farah's concern was that the City might have a liability by accepting this offer. Both the Planning Department and the Planning Commission approved the donation by Mr. Bernstein.

Dr. Farah moved that the two parcels of land donated by Mr. Bernstein be accepted. Seconded by Mr. Zotos. Motion carried unanimously.

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Mr. Charles made a motion that the report be accepted and the donation accepted. Seconded by Mr. Smith. Mr. Regan asked if this land is really needed by the City. The Mayor stated that it is the recommendation of the committee and the Planning Commission that it is. Mr. Zotos stated that this property abuts the Jr. High School and the Ives House. Motion carried unanimously.

25 - REPORT - Gas Distribution Easement at Rogers Park Junior High School.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the request for a gas distribution easement at Rogers Park Junior High School met on November 26, 1990 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Boynton, Charles and Boughton. Also present were Superintendent of Public Buildings Richard Palanzo and the Assistant Superintendent of Public Buildings Joseph Molinaro as well as Council Member Harry Scalzo, ex-officio.

Mr. Palanzo explained that the easement was required by the Yankee Gas Service Company to allow them to run a 4-6" high pressure gas line to the Rogers Park Junior High School at no cost to the City or its schools. The only requirement is that they use gas as its primary fuel for one year. The advantage is to allow this building to use either gas or oil for heating fuel. This has been done at other buildings throughout the City. The Planning Commission reviewed this request and has given it a positive recommendation.

Mr. Boughton made a motion to recommend approval of the easement request and have the Corporation Counsel draw up the appropriate easement papers and proceed with the project. Seconded by Mr. Charles. Motion carried unanimously.

The report was approved on the Consent Calendar.

26 - REPORT - Request to accept Wilkes Road.

Mr. Gallo submitted the following report:

The committee appointed to review the request to accept Wilkes Road met on November 20, 1990 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Gallo, Falzone and Fazio. Also in attendance were City Engineer Jack Schweitzer, Frank Cavagna, the petitioners John and Carol Scozzafava and several other Wilkes Road residents.

After some discussion with the petitioners and hearing from Mr. Schweitzer and Mr. Cavagna on the condition of Wilkes Road and how it relates to Section 17-34, Mr. Falzone moved to deny with prejudice. Seconded by Mr. Fazio. Motion carried unanimously.

The report was approved on the Consent Calendar.

27 - REPORT - Request to Change Name of Shepard Road.

Mr. Gallo submitted the following report:

The Common Council Committee appointed to review a request to change the name of Shepard Road met on November 20, 1990 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Gallo, Falzone and Boughton. Also in attendance were City Engineer Jack Schweitzer and Heidi Tolo from the Planning Department. The petitioner, Sharon Somers was out of town and could not attend.

Mr. Gallo opened the meeting by stating Attorney Eric Gottschalk's ruling that unless it is jeopardizing public safety the Common Council cannot change the name of a private road. He recommends that the petitioner acquire the consent of all property owners on Shepard Road to request a name change of Shepard Street.

Mr. Boughton moved to advise Mrs. Somers that the Common Council cannot change the name of a private road, but recommends that she petition her neighbors to request Shepard Road be change to Shepard Street. Seconded by Mr. Falzone. Motion carried unanimously.

The report was approved on the Consent Calendar.

28 - REPORT - Request for Funds - Building Maintenance Department - 1990-91 Fiscal Year.

Mr. Scalzo read the following report into the record:

The Common Council Committee appointed to review the request for funds for the Building Maintenance Department was held at 7:30 P.M. in the Fourth Floor Lobby in City Hall on November 26, 1990. In attendance were committee members Boynton and Scalzo. Mr. Scozzafava was absent. Also present were Director of Finance Dominic Setaro, Superintendent of Public Buildings Richard Palanzo and the Assistant Superintendent of Public Buildings Joseph Molinaro.

Mr. Palanzo explained that the Mayor had ordered an inspection of all public buildings for safety defects and structural problems by the Building Inspector Leo Null. This inspection program and subsequent list of safety and structural problems were completed by late May or early June, 1990. As per Mr. Palanzo's letter to the Common Council states as of October 30, 1990 \$94,963.82 has been spent out of this year's budget and an additional \$92,000 will be needed to correct the problems by the end of this budget year. These expenses were not anticipated by either the Mayor or Mr. Palanzo or the Common Council during this year's budget process as the findings of the Building Inspector were not known and the costs had not been tabulated.

Mr. Setaro has certified the availability of funds from the Contingency Account as follows:

02-03-116-031000	Repairs and Maintenance	\$ 50,000
02-08-116-031000	Masonry Restoration	8,000
02-03-116-031000	Build-up Roof Maintenance	2,000
02-03-116-031000	Sewer Connection - Head Start Building	20,000
02-01-222-010500	Overtime reimbursement for funds spent	12,000
		<u>\$ 92,000</u>

The committee was advised that this amount is for all known repairs remaining and would not be used for anything that should come up such as the rising cost of heating fuel.

Mr. Scalzo made a motion to recommend approval of the request and that the transfer of funds be authorized. Seconded by Mr. Boynton. Motion carried unanimously.

Mr. DaSilva made a motion that the report be accepted and that authorization be given to transfer \$92,000 from the contingency account to the Building Maintenance account. Seconded by Mr. Smith.

Mayor Eriquez explained the need for the additional money. Mr. Regan asked if this was an emergency. Mayor said it was as the repairs needed to be done to insure a safe schools opening. Dr. Farah asked if a rise in fuel cost is expected. The Mayor stated that the cost of fuel is being monitored due to the Persian Gulf crises. Mr. Gallo asked if about the \$12,000 in overtime account. Mr. Setaro stated that there is approximately \$500 left in the overtime account and the \$12,000 is for the remainder of the year. Motion carried unanimously.

29 - PROGRESS REPORT - DHR Grant Application

Mrs. Gogliettino submitted the following report:

The Common Council Committee appointed to review the DHR Grant Application for a homeless shelter in the City met on Monday, November 19, 1990 at 7:30 P.M. in Room 432. Present were committee members Gogliettino, Smith and Regan. Also attending was Director of Welfare Deborah MacKenzie.

The committee discussed the charge of the committee and reviewed the past and present work on the Homeless Shelter project. As required by the grant, the project was placed out to bid. The bid deadline was November 22, 1990. Since bids were not officially received for review no action was taken by the Council Committee.

Mr. Regan recommended that this committee be reconvened after bids have been received and properly reviewed by the appropriate City agencies.

The Progress Report was accepted on the Consent Calendar.

30 - RESOLUTION - Common Council Starting Times.

Mr. DaSilva made a motion that this item be added to the agenda. Seconded by Mrs. Butera. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

That the starting time for all regular meetings of the Common Council commencing with the February, 1991 regular meeting, shall be 7:30 P.M.

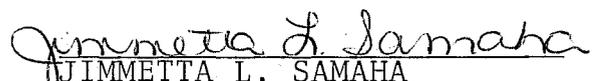
BE IT ALSO RESOLVED that the City Clerk is authorized to file a copy of this Resolution in the Office of the Town Clerk of the City of Danbury on or before January 1, 1991.

Mr. DaSilva made a motion that the Resolution be adopted. Seconded by Mrs. Butera. Motion carried unanimously.

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

There being no further business to come before the Common Council, a motion was made at 9:03 P.M. for the meeting to be adjourned by Mr. DaSilva.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk