

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

Re: Minutes of the Special Common Council Meeting held December 17, 1990.

The meeting was called to order at 9:30 P.M. by Mayor Gene F. Eriquez. Mrs. Coladarci led the assembly in the Pledge of Allegiance. John Esposito offer the Prayer. The members were recorded as:

Present - Scalzo, Falzone, Coladarci, Mack, Farah, Dean Esposito, Zotos, Gogliettino, DaSilva, John Esposito, Charles, Boughton, Boynton, Regan, Scozzafava, Valeri

Absent - Fazio, Gallo, Smith, Cassano, Butera

16 Present - 5 Absent

NOTICE OF THE SPECIAL MEETING - To be held on the 17th day of December 1990 at 8:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the following:

1. Report & Ordinance - Recycling and Solid Waste
2. Communication - Reports on Contemporary Drive
3. Communication - Reports on Ervie Drive and Laura Drive
4. Communication - Reports on Maplewood Drive
5. Communication - Reports on Bear Mountain Road
6. Communication - Disbursement of Funds from Wood Sale
7. Communication - Donation from MADD to the Police Department
8. Report - 911 Call Recording
9. Report - Sanitary Sewer Project - Morgan Avenue and Beaver Brook
10. Communication - Appointment of Independent Auditor
11. Communication - Reappointment to EIC
12. Communication - White Street Bridge
13. Communication - Ventana Corporation
14. Communication - Donation from Union Carbide

Mr. DaSilva made a motion to accept the call and the return of service. Seconded by Mr. Charles. Motion carried unanimously.

1. REPORT & ORDINANCES - Recycling and Solid Waste

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole on December 17, 1990 to take action on Recycling and Solid Waste Ordinances following a public hearing on same.

Mr. Boughton moved that the ordinances on recycling be accepted as read with the following exceptions:

- ° page 2 - recycling containers - strike "newspapers, cardboard, as well as"
- ° p.6 16-A73 (1) - insert period after weight - strike the rest
- ° p.6 16-A73 (2) - 2nd paragraph, 6th line - strike "the" and insert said newspapers, cardboard and"
- ° p.6 16-A73 (2) - 2nd paragraph, 11th line - insert "newspapers, cardboard, and" after word "said"
- ° p.6 16-A73 (2) - 2nd paragraph, 2nd line - after word "subsection" insert, "newspapers, cardboard, and"
- ° p.8 16-A74 (b) - place period after word "hereof" in 3rd line.

The motion was seconded by Mr. Falzone.

Mr. Boughton question several provisions in the ordinances. Mayor Eriquez responded to those questions. Mrs. Gogliettino asked about out of town collectors. Mr. Boynton asked about the availability of blue bags. Mayor Eriquez answered both inquiries. Mr. Boughton asked why the plastic is not needed on paper. Mr. Palmer stated that it is not needed as the papers do not get wet. Mr. Regan asked about the sale of recyclables to a private source other than a collector. Mr. Gottschalk stated that a person can do with the specified items as he wishes if he does not put them at curbside. Mr. Boughton said that there was not enough time to review the ordinances. Mr. Falzone moved the question. Mr. Boynton seconded. Motion carried unanimously. Motion passed with Mr. Boughton and Mr. Regan voting in the negative.

The following amended ordinances were approved:

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of Article IV to Chapter 16A, said Article to read as follows:

ARTICLE IV.

SOLID WASTE RECYCLING

Sec. 16A-67. Purpose.

There is hereby established a program for the mandatory separation of recyclables from garbage or rubbish within the City of Danbury, Connecticut to comply with Public Act 90-220 and subsequently adopted regulations mandating recycling, thereby providing for the health and welfare of the citizens of the City of Danbury, Connecticut.

Sec. 16A-68. Definitions.

For the purposes of this article, the following terms have the meanings herein defined:

CARDBOARD: Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

COLLECTOR: Any person who holds himself out for hire to collect either solid waste or recyclables from residential, business, commercial or other establishments.

DIRECTOR: The Director of Public Works of this municipality or his authorized representative.

GARBAGE: All putrescible wastes except sewage and body wastes, including vegetable and animal offal.

GLASS FOOD CONTAINER: A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

IPC: Intermediate processing center which receives, processes and markets recyclables.

LEAVES OR LEAF WASTE MATERIAL: The fallen foliage of trees.

MANAGER: Manager of Recycling/Landfill or his authorized representative.

METAL FOOD CONTAINER: An aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

MUNICIPALITY OR CITY: The City of Danbury.

NEWSPAPER: Used or discarded newsprint which has a minimum of contamination by food or other material.

OFFICE PAPER: Any used or discarded high-grade white paper and Manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photo-copying, which is suitable for recycling and which has a minimum of contamination. For purposes of this article, the foregoing definition of office paper shall exclude any such paper generated by households.

PAPER LEAF BAGS: A container described in section 16A-74 hereof and used for the sole purpose of disposing of leaves.

PERSON: Any individual, corporation, partnership, association or other entity or organization of any kind.

RECYCLABLE MATERIALS: Materials identified in section 16A-69 hereof.

RECYCLING: The separation or diversion of an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

RECYCLING CENTER: The City's recycling drop-off facility located on Plumtrees Road or such other area or areas as designated by the Common Council of the City.

RECYCLING CONTAINER: A container described in section 16A-74 hereof and used for the sole purpose of disposing of glass and metal food and beverage containers.

RUBBISH: All nonputrescible waste materials except ashes, including but not limited to wood, glass, bedding, crockery and industrial wastes. The term "rubbish" as used herein shall not mean, nor shall it include in its meaning, unacceptable waste or recyclable materials.

RESIDENTIAL PROPERTY: Real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

SCRAP METAL: Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including, but not limited to, white goods and metal food containers.

SOLID WASTE: Solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including but not limited to, demolition debris, material burned or processed at a resources recovery facility, or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

STORAGE BATTERY: Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

UNACCEPTABLE WASTE:

(a) Unacceptable waste shall include all materials set forth in paragraphs (1) through (6) of subsection 16A-32(b) of the Code of Ordinances, as amended.

(b) Any item of waste either smoldering or on fire.

(c) Waste in quantities and concentrations which by law require special handling in their collection and/or processing.

(d) All other items of waste which at the time of delivery to the solid waste disposal area, landfill, recycling center or IPC would be likely to pose a threat to health or safety or would not normally be disposed of in a sanitary landfill, recycling center or IPC or would be prohibited by any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or any applicable law or regulation from being disposed of at the solid waste disposal area, landfill, recycling center or IPC.

WASTE OIL: Crankcase oil that has been utilized in internal combustion engines.

Sec. 16A-69. Separation of Certain Recyclable Materials.

On and after January 1, 1991, (1) each person who generates solid waste from residential property shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, separate from other solid waste the items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes, as amended, or section 16A-70 hereof and (2) every other person who generates solid waste shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, make provision for the separation from other solid waste of the items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes.

Sec. 16A-70. Items to be Recycled.

The following items shall be separated and recycled in accordance with the provisions of this article:

- (1) Cardboard
- (2) Glass food containers
- (3) Leaves
- (4) Metal food containers
- (5) Newspapers
- (6) Office paper
- (7) Scrap Metal
- (8) Storage batteries
- (9) Waste oil

Sec. 16A-71. Registration of Solid Waste Collectors; Duties and Qualifications.

(a) In accordance with the provisions of subsection 22a-220a(d) of the Connecticut General Statutes, any collector hauling solid waste generated by residential, business, commercial or other establishments in the City of Danbury shall register with the City on forms prescribed by the Manager. Upon registration and payment of an annual permit fee of twenty-five dollars (\$25.00), each such collector shall be issued a permit to collect or continue the collection of solid waste within the city. Permits issued hereunder shall not be transferred by the holder thereof. Each such collector shall disclose the name of any other municipality in which such collector hauls such solid waste. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the collector. Each collector

shall further be required to sign an affidavit of origin, under penalty of false statement, that all recyclables disposed of in the name of the City of Danbury or its residents shall originate from residential properties located within the corporate limits of the City or from such other locations as the City may permit.

(b) Each collector permitted to collect solid waste within the city pursuant to the provisions of subsection 16A-71(a) hereof shall, subject to the further provisions hereof, collect or cause to be collected all recyclables generated by their Danbury customers and required to be recycled pursuant to the requirements of this article.

(c) No collector shall be required to provide collection services to any customer who is more than thirty (30) days delinquent in the payment of the collector's fee. If the delinquent customer shall discharge his delinquency, the collector shall immediately resume collection services to the customer.

(d) As conditions of the permits issued pursuant to this section, all collectors shall comply with the following requirements.

- (1) Collectors shall conform with all provisions of federal, state and local law.
- (2) Collectors shall keep accurate records of and report to the City or to any other entity designated by it, the amounts, both in the aggregate and by category designated in section 16A-70 hereof, of all recyclable materials collected by such collector within the City.
- (3) Collectors shall pay to the Housatonic Resources Recovery Authority or to the IPC operator or to any other entity designated by them, the applicable Tipping Fees and charges with respect to those categories of recyclable materials accepted by and delivered to the IPC by such collector.
- (4) When delivering recyclable materials to an IPC, collectors shall use only equipment compatible with the efficient operation of the IPC, which equipment shall be subject to the reasonable approval of the operator thereof.
- (5) Collectors shall be responsible for all costs or damages relating to the delivery by it to the IPC of materials other than those recyclable materials which have been designated and approved by the City for delivery to the IPC.
- (6) Collectors shall provide to the Housatonic Resources Recovery Authority and to the IPC operator or owner, a suitable performance bond or letter of credit to insure the performance of the collector's obligations hereunder. Said security shall be in such forms and amounts as determined by the City.
- (7) Collectors shall provide insurance covering their recycling operation, which coverage shall include the City, the Housatonic Resources Recovery Authority and if recyclable materials are delivered to an IPC, the IPC owner and its operator, as additional insureds. Such coverage shall include but not be limited to general liability, automotive liability, excess liability, workers' compensation and employer's liability in amounts reasonably deemed adequate by the City.

Sec. 16A-72. Collectors to Assist in Obtaining Compliance with the Requirements of the Recycling Program.

On and after January 1, 1991, any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of the provisions of this article or of section 22a-241b of the Connecticut General Statutes, as amended, shall promptly notify the Manager of the alleged violation. Upon the request of the Manager, a collector shall provide warning notices, by the placement of tags provided by the City, to any person suspected by the collector or the City of violating the separation requirements of state law or this article. Each collector shall also be required to assist the City in the identification of any person responsible for creating loads containing significant quantities of items subject to the separation requirements of state law or this article which are delivered to a resources recovery facility, landfill or solid waste facility by the collector and detected by the owner or operator of such a facility pursuant to subsection 4(b) of Public Act 90-220.

Sec. 16A-73. Preparation and Disposal of Recyclables.

(a) The following materials that are generated from residential property and required to be recycled pursuant to the provisions of section 16A-70 hereof, if disposed of by a collector, shall be prepared for collection by the resident in accordance with the further provisions hereof.

(1) Cardboard shall be flattened and together with newspaper, shall be tied with string or twine in bundles not exceeding fifty (50) pounds in weight.

(2) Glass and metal food or beverage containers shall contain a minimum of contamination and may be mixed together in a separate recycling container of the type specified in section 16A-74 hereof. The removal of lids and labels from said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials. No other recyclable materials or solid waste shall be disposed of in said recycling container.

After being prepared in the manner described in the foregoing paragraphs of this subsection, newspaper, cardboard and each recycling container shall be placed for collection purposes within ten (10) feet of the street or curblin or in such other location as shall be agreed upon by the owner or tenant and the collector. Said newspaper, cardboard and containers shall be so placed not earlier than twelve (12) hours before the scheduled time of collection nor later than 7:00 A.M. on the scheduled collection days and shall be removed from the street, curblin or other collection point within twelve (12) hours after the materials therein have been collected. Said newspaper, cardboard and containers shall be so placed in such a manner that said containers do not constitute a travel or health hazard or nuisance of any sort. The collector shall deliver all recyclables so set out for collection to such locations as shall be designated by the City.

(b) All persons who are not served by a collector shall deliver newspapers, cardboard as well as glass and metal food and beverage containers generated from residential property to the Danbury Recycling Center or to such other locations as the City shall prescribe. Glass and metal food and beverage containers shall contain a minimum of contamination. The removal of lids and labels for said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials.

(c) On days specified by the Manager as leaf waste collection days during the month of November and during any additional periods designated by the Manager, all residents in the City shall place their leaf waste material generated from residential property into paper leaf bags. Paper leaf bags shall be placed on the curbside or at such other locations as may be approved by the City in a manner assuring access by those employees of the City collecting said paper bags. No containers except those of the type described herein may be used for the disposal of leaves. The disposal of any other materials in paper leaf bags is hereby prohibited. The City may refuse to collect leaves from any person who fails to comply with the provisions hereof.

Nothing herein shall preclude a person from using back yard or decentralized composting as a method for disposal of their leaves.

(d) All storage batteries and waste oil required to be recycled in accordance with the provisions of section 16A-70 hereof and generated from residential properties, shall be delivered to such locations as the common council shall prescribe.

(e) All persons generating solid waste from non-residential properties shall make arrangements to have all recyclable materials described in section 16A-70 hereof collected and recycled in a manner consistent with the provisions of state law and this article.

(f) Except as may be permitted by the City, the disposal of recyclable materials originating from a source outside the City at the Danbury Recycling Center shall be prohibited. Except as may be permitted by the City, the disposal of recyclable materials originating from a source outside the City at any location designated by the City, including a regionally designated IPC, in the name of the City or its residents, shall be prohibited.

Sec. 16A-74. Recycling Containers.

(a) All glass and metal food and beverage containers generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection 16A-73(a) and placed in a recycling container which shall be a

plastic bag constructed of transparent blue polyethylene material. Said recycling containers shall be provided by the person generating the recyclable materials.

(b) All newspapers and cardboard generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection 16A-73(a) hereof.

(c) All leaves generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection 16A-73(c) hereof and placed in a paper leaf bag which shall be a Sanitary Kraft Paper Sack or equal of thirty (30) gallon capacity, two (2) ply, fifty (50) pound wet strength, with decomposing glue and reinforced, self-supporting square bottom closure. Said recycling containers shall be provided by the person generating the leaves.

Sec. 16A-75. Ownership of recyclables; scavenging prohibited

(a) Upon placement of recyclables on the street or at the curblin e or at such other location as has been agreed upon by the property owner or tenant and the collector, or upon delivery of recyclables to any disposal site designated by the City pursuant to the provisions of this article, it shall be a violation of this ordinance for any person other than the depositor or the collector or the authorized agents of the City acting in the course of their employment, to collect or pick up any such recyclables, or cause the same to be collected or picked up.

(b) In addition to the fine imposed for violation of this provision, the violator may be required to make restitution to the City for the value of any materials illegally removed.

(c) Nothing in this ordinance shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person provided that such materials shall not have been set out on the street or curblin, or at any designated collection, pick-up or disposal site.

Sec. 16A-76. Enforcement.

(a) Any collector found to have violated the collection requirements of subsection 16A-71(b) hereof shall be subject to a fine in the amount of one hundred dollars (\$100.00) for each offense. In addition, the City reserves the right to suspend or revoke the permit of any such collector. During any period of any license suspension and in cases of license revocation, the issuance of new licenses shall be restricted in the manner provided in section 16A-51 hereof.

(b) Any person who violates the provisions of subsection 16A-73(a) shall be subject to the following penalties:

(1) Upon a first or second offense, the violator shall receive a written warning.

(2) Upon a third offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine in the amount of fifty dollars (\$50.00).

(3) Upon any subsequent offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine of one hundred dollars (\$100.00).

(c) In accordance with the authority provided in section 2 of Public Act No. 90-249, any commercial establishment that is found to have violated the provisions of subsection (c) of section 22a-241b of the Connecticut General Statutes shall be subject to a fine in the amount of five hundred dollars (\$500.00) for each such violation.

(d) Any person who violates any other provision of this article shall be subject to a fine of one hundred dollars (\$100.00) for each such offense.

(e) Any person whose permit is either suspended or revoked or who is otherwise penalized pursuant to the provisions of this section shall be entitled to a hearing in accordance with the provisions of subsection 16A-51(d) of the Code of Ordinances.

Sec. 16A-77. Authority to Adopt Regulations

The Director is hereby authorized to adopt such regulations as he deems necessary to implement the provisions of this article. At least one (1) public hearing, notice of which shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the City and by posting a notice of such hearing in a public place, shall be held by the Manager before any such regulation is adopted. After adoption, every regulation shall, within ten (10) days, be published in its entirety in a newspaper having a general circulation in the City and, unless it shall specify a later date, become effective on the thirtieth day after such publication.

Sec. 16A-78. Severability

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and that the balance of this ordinance shall remain valid notwithstanding such declaration.

THAT the Sections 16A-34 and 16A-51 of the Code of Ordinances of Danbury, Connecticut are hereby amended by the addition of a new subsection to each, to be designated as 16A-34(e) and 16A-51(e), respectively, which said subsections shall read as follows:

(e) During the period of any permit suspension or revocation, no permit shall be issued:

(1) To any person who is or was an owner of or partner in any unincorporated business whose permit, during the period of said ownership, was suspended or revoked or who owns or owned fifty percent (50%) or more of the stock of any corporation whose permit, during the period of said ownership, was suspended or revoked.

(2) To any partnership or unincorporated business in which any owner or partner is or was the owner of or partner in any unincorporated business whose permit, during the period of said ownership, was suspended or revoked or in which any partner or owner owns or owned fifty percent (50%) or more of the stock of any corporation whose permit, during the period of said ownership, was suspended or revoked.

(3) To any corporation in which the owner of fifty percent (50%) or more of the stock is or was the owner of fifty percent (50%) or more of the stock of any corporation whose permit, during the period of said ownership, was suspended or revoked or is or was the owner of or partner in any unincorporated business whose permit, during the period of said ownership, was suspended or revoked.

For purposes of the computation of the ownership of stock in any corporation or the interest in any partnership or unincorporated business under the provisions of this subsection, the interest of any person shall include:

(a) Any beneficial interest held for the benefit of said person or for the benefit of any person of the type set forth in section (b) or (c) hereof, whether in trust or otherwise.

(b) Any interest owned by the spouse of said person if said person and said spouse shall file a joint tax return for purposes of Federal or State tax.

(c) Any interest owned by any person whom said person shall claim as a dependent upon his or her Federal or State tax return.

The City may require of any permittee or permit applicant such information, under oath, as it deems necessary for purposes of enforcement of this section. To the extent permitted by law, such information shall not be disclosed, except to the extent necessary for the determination, by the appropriate municipal authorities, of a permittee's compliance with the provisions hereof.

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

THAT subsection 16A-32(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(b) Certain materials prohibited. No person, firm, corporation or other entity shall dispose of the following materials at the Danbury Sanitary Landfill site, nor shall any person, firm, corporation or other entity knowingly dispose of said materials in any manner which results in the ultimate disposal thereof at the Danbury Sanitary Landfill site:

(1) Vehicles or any part thereof.

(2) Tree stumps.

(3) Demolition or renovation materials or debris; provided, however, that material or debris originating from the renovation of owner-occupied residential structures maintained for three (3) families or less shall be accepted at the Danbury Sanitary Landfill site for disposal. In addition, demolition or renovation materials or debris shall be accepted at the Danbury Sanitary Landfill site if said wastes are generated by a nonprofit organization during the course of demolition or renovation of one or more structures in furtherance of a plan to provide low or moderate income housing opportunities.

(4) Hot ashes from coal, wood, charcoal or other combustible materials.

(5) Metal hydroxide sludges.

(6) Hazardous wastes. For purposes of this article, the phrase "hazardous wastes" shall have the definition established in section 9-74 of the Danbury Code of Ordinances for the phrase "hazardous substances."

(7) Recyclable materials identified in section 16A-70 hereof.

When acting with the approval of either the Director of the Department of Public Works or, in his absence, the Mayor, the City of Danbury shall not be subject to the provisions of this subsection.

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

THAT Section 16A-51(d) of the Code of Ordinances of the City of Danbury, Connecticut is hereby amended to read as follows:

(d) Hearing. Any person, firm, corporation or other entity penalized pursuant to this section or whose permit has either been suspended or revoked pursuant to this section may request and shall be granted a hearing on the matter before any three of the following four individuals: the mayor, the director of the department of public works, the corporation counsel, the manager of recycling / landfill or the duly authorized designees of said individuals; provided either that such person, firm, corporation or other entity shall file in the office of the department of public works a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within ten (10) days after the fine has been levied or the permit suspended or revoked, or, notwithstanding the foregoing, the department of public works determines that a hearing is appropriate. Upon receipt of such petition, or upon a determination by the department of public works that a hearing is appropriate, the department of public works shall set a time and place for such a hearing and shall give the petitioner written notice thereof. The filing of such a petition or the establishment of such a hearing shall operate to stay any proposed penalty until the decision of the hearing board is rendered.

At such hearing the petitioner shall be given the opportunity to be heard. Any such petitioner may be represented by counsel of his choosing, shall have the right to present evidence, cross-examine witnesses and present oral and written testimony. Within ten (10) days following any such hearing the petitioner shall be advised in writing, by certified mail, of the decision of the hearing board which decision shall include written findings of fact which support that decision.

Mr. Falzone made a motion that the report be accepted and the Ordinances be adopted as read and amended. Seconded by Mr. Charles. Mr. Boughton stated that he will vote no because not enough time had been spent reviewing the ordinances. He feels that the Council is being driven by HRRRA. The Mayor stated that State Department of Environmental Protection had more input than HRRRA. Mr. Boughton stated that that was even worse. Mr. Boynton stated that many Council Members had spent considerably more time than 1 hour in reviewing the ordinances. Mrs. Coladarci agreed.

Motion carried with Mr. Boughton voting no and Dean Esposito abstaining.

2 - COMMUNICATION - Acceptance of Contemporary Drive

Reports from Corporation Counsel Eric Gottschalk, City Engineer Jack Schweitzer and the Planning Commission recommending acceptance of Contemporary Drive as a City roadway. Mr. DaSilva made a motion that Contemporary Drive be accepted as a City roadway contingent upon the appeal period of the Waiver approval being over and all appeals being resolved. Seconded by Mr. Charles. Motion carried unanimously.

3 - COMMUNICATION - Acceptance of Ervie Drive and Laura Drive

Reports from Planning Commission and City Engineer Jack Schweitzer recommending acceptance of Ervie Drive and Laura Drive as City roadways. Mrs. Gogliettino made a motion that Ervie Drive and Laura Drive be accepted as City roadways contingent upon the submission of satisfactory legal documents to the Corporation Counsel. Seconded by Mr. Charles. Motion carried unanimously.

4 - COMMUNICATION - Acceptance of Maplewood Drive, Maplewood Grove

Reports from City Engineer Jack Schweitzer and the Planning Commission recommending acceptance of Maplewood Drive as a City roadway. Mr. Boughton made a motion that Maplewood Drive be accepted as a City roadway contingent upon the submission of satisfactory legal documents to the Corporation Counsel. Seconded by Mr. DaSilva. Motion carried unanimously.

5 - COMMUNICATION - Bear Mountain Road Subdivision

Reports from Corporation Counsel Eric Gottschalk, City Engineer Jack Schweitzer and the Planning Commission recommending acceptance of the easements for the Bear Mountain Road Subdivision. Mr. Boughton made a motion that the drainage easements be accepted contingent upon the submission of satisfactory legal documents to the Corporation Counsel. Seconded by Mrs. Gogliettino. Motion carried unanimously.

6 - REPORT - Annual Firewood Sale

Mrs. Mack submitted the following report:

The annual Common Council Firewood Sale was held on Sunday, December 2, 1990 with net proceeds totaling \$1,200. The Common Council committee comprised of Council Members Smith, Gogliettino and Mack request that the Council approve the amount of \$600 to be donated to the Greater Danbury Children's Christmas Fund. This fund provides Christmas

gifts to disadvantaged children receiving services from either the State Department of Children and Youth Services, Mental Retardation or Income Maintenance.

The committee also requests that the Council approve the remaining amount of \$600 be donated to the Hanahoe Clinic, a local medical facility which provides free medical care for disadvantaged Children in Danbury.

Mr. Boughton made a motion that the report be accepted and the funds disbursed. Seconded by Mr. Charles. Motion carried unanimously.

7 - COMMUNICATION - Letter from Mayor Eriquez asking acceptance of a donation in the amount of \$2,500 from MADD for Police Department Traffic Division activities. Mr. Scalzo made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Boughton. Motion carried unanimously.

8 - REPORT - 911 Call Recording

Mrs. Coladarci read the following report into the record. The report was submitted by Mr. Gallo.

The committee to review the request from the Fire Department to purchase a used 30 channel dual transport veritrac 9000 Recorder Reproducer met at 7:30 P.M. on December 12, 1990 in Room 432. In attendance were committee members Gallo, Coladarci and Fazio. Also attending were Comptroller Dominic Setaro, Fire Chief Anthony Lagarto and Communications Supervisor Fred Visconti, Jr.

Mr. Visconti started off by telling the committee about the poor condition the present recorder is in. It is 8 years old, undependable and difficult to have repaired. Both Chief Lagarto and Mr. Visconti told the committee that with the present 911 system we as a City are required to have a working recording system. The system the Fire Department wants to purchase is only two months old. A new system would cost in excess of \$40,000. We can purchase the used system for \$28,153.

Mrs. Coladarci moved to waive the bid process due to the emergency nature of this request. Seconded by Mr. Fazio Motion carried unanimously. Mrs. Coladarci made a motion to appropriate \$28,153 for the purchase of said item, pending certification. Seconded by Mr. Fazio. Motion carried unanimously.

Certification of Funds was attached.

Mr. DaSilva made a motion that the report be accepted, bidding process be waived and \$28,153 be appropriated to purchase said item. Seconded by Dean Esposito. Mrs. Gogliettino asked why this was not budgeted for previously. Mr. Setaro explained that it was originally supposed to come from block grant money. Mr. Boynton asked if there was a warranty. Fred Visconti stated that there is a one year warranty. Motion carried unanimously.

9 - REPORT - Sanitary Sewer Project - Morgan Avenue and Beaver Brook.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:28 P.M. on December 17, 1990 to discuss a sanitary sewer at Morgan Avenue and Beaver Brook Road.

A motion was made by Mr. Boynton to approve the project and proceed with the usual procedure in the installation of a sanitary sewer and the sale of bonds for its finance. The motion was seconded by Mrs. Mack.

Mr. Boynton asked several questions of Mr. Schweitzer concerning the location of those in opposition and the advocacy of this type of installation as opposed to a sewer extension. Mr. Regan stated that this should be an extension rather than a petition. Mr. Valeri excused himself from voting.

Motion carried with Council Members Boynton, Farah, Regan and Gogliettino voting in the negative and Mr. Valeri abstaining.

Mr. Boynton made a motion that the report be accepted and proceed as usual. Seconded by Mr. Charles. Motion carried with Council Members Gogliettino, Boughton, Regan voting in the negative and Mr. Valeri abstaining.

10 - COMMUNICATION - Letter from Dominic Setaro seeking the appointment of Ernst & Young as City auditors for the fiscal year ending June 30, 1991. Mr. Falzone made a motion that Ernest & Young be approved as City auditors. Seconded by Mr. Charles. Motion carried unanimously.

11 - COMMUNICATION - Letter from Mayor Eriquez seeking confirmation of the reappointment of Michael Zotos to the Environmental Impact Commission for a term to expire December 1, 1993. Mrs. Mack made a motion that the reappointment be confirmed. Seconded by Mrs. Gogliettino. Motion carried with Mr. Nicholas Zotos abstaining.

12 - COMMUNICATION - Letter from William Buckley seeking authorization to apply for appropriate State funding for the White Street Bridge project. Mr. DaSilva made a motion to accept the communication and authorize reimbursement funding from the State for the White Street Bridge project. Seconded by Mr. Charles. Motion carried unanimously.

13 - COMMUNICATION - Letter from Assistant Corporation Counsel Les Pinter regarding Ventana Corporation. Mr. DaSilva asked that this be referred to an ad hoc committee, the Comptroller, Richard Palanzo, Jack Schweitzer and Les Pinter. Mayor Eriquez so ordered and appointed Council Members Valeri, Falzone and Fazio to the committee.

14 - COMMUNICATION - Letter to Mayor Eriquez from Union Carbide Corporation donating the sum of \$25,000 to help provide affordable housing. Mr. Boynton made a motion that the donation be accepted and a letter of thanks sent outlining where the money will be spent. Seconded by Mr. Charles. Motion carried unanimously.

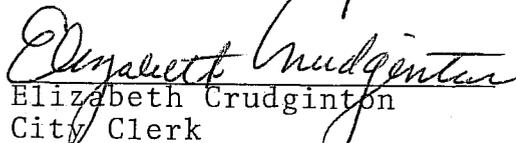
There were no members of the public wishing to address the Common Council.

There being no further business to come before the Common Council a motion was made at 10:08 P.M. by Mr. DaSilva for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk