

To: Mayor Joseph H. Sauer and Members of the Common Council

Re: Minutes of the Special Meeting held March 28, 1989.

The meeting was called to order at 8:00 P.M. by Mayor Joseph Sauer who led the assembly in the Pledge of Allegiance. The Prayer was offered by Councilman Esposito. The following members were recorded as

Present - Bourne, Connell, Moran, Renz, Esposito, Farah, Flanagan, Zotos, Cresci, Nimmons, Fazio, Shaw, Charles, Bundy, Danise, DaSilva, Eriquez, Regan.

Absent - Gallo, Cassano, Butera.

18 present - 3 absent.

NOTICE OF THE SPECIAL MEETING - To be held on the 28th day of March, 1989 at 7:00 P.M. in the Common Council Chambers in City Hall, for the purpose of acting upon the following:

1. COMMUNICATION - Connecticut Air Service vs. City of Danbury
City of Danbury vs. Connecticut Air Service
Executive Air Service
2. REPORT - Transfer of Lease from Scott-Fanton to
Community Action for Daycare
3. ORDINANCE - An Ordinance Making Appropriations for the
fiscal year beginning July 1, 1989 and ending
June 30, 1990.

Mr. Connell made a motion to accept the call. Seconded by Mr. Eriquez. Motion carried unanimously.

1 - COMMUNICATION - Letter from Assistant Corporation Counsel Laszlo Pinter regarding on-going litigation and issues related to Connecticut Air Service vs. City of Danbury, City of Danbury vs. Connecticut Air Service and Executive Air Service. Mr. Bundy made a motion to go into Executive Session to discuss this matter. Seconded by Mr. Flanagan. Mr. Renz amended the motion to go into Executive Session at the end of the meeting. Seconded by Mr. Eriquez. Motion carried unanimously.

2 - REPORT - Transfer of Lease from Scott-Fanton to Community Action for Daycare.

Mrs. Danise submitted the following report:

The Common Council Committee appointed to consider the transfer of a lease from the Scott Fanton Museum to the CACD met on Thursday, March 16, 1989 at City Hall at 7:40 P.M. In attendance were committee members Danise, Connell and Flanagan. Also in attendance were Council Members Nimmons, Moran, Renz, Gallo, Charles, Bundy, Shaw and Eriquez, ex-officio.

After extensive research and discussion it was discovered that the land in question on Mountainville Avenue has been granted to the City of Danbury by the United States government according to Title VII of the Housing Act of 1961 with stipulation that the City of Danbury "agrees to retain said land for permanent open-space purposes and the open-space use or uses of said land shall be for park and recreational purposes, conservation of land and other natural resources, or historic or scenic purposes."

The CACD intends to build a daycare center on the said premises. This is not permitted according to the conditions of the grant.

Mr. Flanagan made a motion to recommend termination of the lease and authorize a new lease with stipulations. Motion failed for lack of a second. Consequently, Mrs. Danise move to recommend to the Common Council a denial of the transfer of the lease from the Scott-Fanton Museum to the CACD. Seconded by Mr. Connell. Motion carried with Mr. Flanagan voting in the negative.

Mrs. Danise also attempted to offer an amendment. Mr. DaSilva objected. Mr. Resha ruled that a report cannot be amended on the floor.

Mr. Eriquez made a motion to deny the report. Seconded by Mr. DaSilva.

Mr. Eriquez spoke in favor of the daycare center.
Mr. Shaw spoke in opposition to site due to the expense.
Mr. Bundy asked for an outline of the expenses.
Mr. Eriquez spoke about the funding summary.
Mr. Renz spoke about the costs.

Mrs. Danise offered her amendment, a copy of which is on file.
Mr. Resha responded to the document quoted in Mrs. Danise's amendment and explained the legal aspect of same.

Mr. Flanagan offered comments as a member of the committee in favor of the proposed site.

Mr. Moran stated that he is firmly in favor of daycare and made a motion to move the question. Seconded by Mr. Renz. Motion failed with the members voting as follows:

Yes - Bourne, Connell, Moran, Renz, Zotos, Nimmons, Fazio, Shaw, Danise.

No - Esposito, Farah, Flanagan, Cresci, Charles, Bundy, DaSilva, Eriquez, Regan.

9 yes - 9 no.

Mr. Farah spoke regarding the legal ramifications and suggested that a committee be appointed to look into another location.

Mr. Eriquez stated that the Task Force intentionally presented only one site.

Mr. Zotos stated the Common Council owes the proposal a vote of good faith. Mr. Renz stated that the Council would be putting the cart before the horse by approving this proposal. The Mayor stated that the Common Council must approve the concept before the approvals are granted.

Mr. Nimmons addressed the audience and explained how a committee works.

Mrs. Danise read an article from the News Times from 100 years ago regarding the same piece of property.

Mr. Bundy defended the committee's work and stated that it had taken a lot of heat and had uncovered many facts.

Mr. Moran moved the question. Seconded by Mr. Renz. Motion carried unanimously. The Mayor explained that a yes vote would reject the report and a no vote would accept the report. Motion carried with the members voting as follows:

Yes - Esposito, Farah, Flanagan, Zotos, Charles, Bundy, DaSilva, Eriquez, Regan.

No - Connell, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Danise.

Abstain - Bourne.

9 yes, 8 no, 1 abstention.

Mr. Eriquez made the following motion:

"I move that we authorize the Mayor to execute the appropriate lease contingent upon the satisfaction of Corporation Counsel*that the subject land is clear to be utilized for this purpose (for the relocation of the Action Daycare Center); that the necessary review and approval of the Environment Impact Commission be garnered; that the necessary review and approval of the Planning Commission be garnered; and that all other necessary approvals of the City Boards and Agencies be obtained. *In writing." Seconded by Mr. Charles.

Mr. Flanagan moved to amend the motion by adding that the lease shall be for 25 years with an option for 25 more at \$1.00 per year. Mr. Eriquez seconded the motion. Motion to amend carried with the members voting as follows:

Yes - Connell, Moran, Esposito, Farah, Flanagan, Zotos, Cresci, Nimmons, Fazio, Charles, Bundy, DaSilva, Eriquez, Regan.

No - Renz, Shaw, Danise.

Abstain - Bourne.

14 yes - 3 no - 1 abstention.

Mr. Bundy offered an amendment stating that the lease shall not be executed unless the total necessary State of Connecticut funds are in place and no additional funds shall be sought or granted by the City of Danbury to fulfill this cooperative agreement. Seconded by Mr. Fazio. Motion carried unanimously.

Mr. Eriquez made a motion to suspend the rules to allow Senator Maloney to address the funding issue. Seconded by Mr. Flanagan. Motion carried with the members voting as follows:

Yes - Connell, Esposito, Farah, Flanagan, Zotos, Charles, Bundy, DaSilva, Eriquez, Regan.

No - Bourne, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Danise.

10 Yes - 8 No.

Senator Maloney explained the funding process.

Main motion, as amended, failed with the members voting as follows:

Yes - Moran, Esposito, Farah, Flanagan, Zotos, Nimmons, Charles, Bundy, DaSilva, Eriquez, Regan.

No - Connell, Renz, Cresci, Fazio, Shaw, Danise.

Abstain - Bourne

11 yes - 6 no - 1 abstention.

Mr. Farah made a motion that a committee be appointed to look into an alternative site immediately. Seconded by Mr. Moran. Motion carried unanimously. Mayor Sauer appointed Council Members Regan, Bundy, DaSilva to the committee.

3 - ORDINANCE - An ordinance making appropriations for the fiscal year beginning July 1, 1989 and ending June 30, 1990.

Mr. DaSilva moved that the ordinance be deferred to public hearing and to the appropriate sub-committees. Seconded by Mr. Eriquez. Motion carried unanimously.

Mr. Flanagan made a motion that the Council enter into Executive Session. Seconded by Mr. Cresci. Motion carried unanimously.

Council returned from Executive Session and went to the public speaking portion of the agenda.

Gladys McFarland, 15 Somers Street - stated that she was very disappointed in the Council's vote on daycare.

Eva David, 38 Kingswood Road - spoke regarding the excellent care given at Community Action.

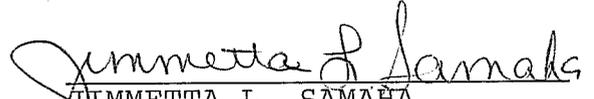
Denise Martello, 20 Bergh Street - spoke about the excellent care given her son at Community Action.

Emmaline Carter, 14JA Scuppo Road - stated that she is outraged by the Council's decision.

Glenda Armstrong, 3 South Cove Road - Chairman of Community Action Spoke regarding low-income families and the need for daycare.

There being no further business to come before the Common Council a motion was made by Mr. Moran for the meeting to be adjourned at 9:36 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

Attest:


ELIZABETH CRUDGINTON
City Clerk