

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

Re: Minutes of the Common Council Meeting held April 4, 1989.

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

The following members were recorded as:

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

21 Members Present - 0 Absent.

CONSENT CALENDAR - Mr. Fazio submitted the following items for the Consent Calendar:

- 3 - Resolution - Establishment of the Board of Education as the Building Committee
- 5 - Communication - Reappointment to the Candlewood Lake Authority
- 6 - Communication - Appointment to the Conservation Commission
- 14 - Communication - Intermunicipal Negotiation Committee
- 16 - Communication - Report from City Engineer on Joe's Hill Road Discontinuance
- 22 - Communication - Request for Waiver of Bidding Procedure - Lake Kenosia Commission Grant
- 27 - Communication - Confirmation of Legal Counsel for Downtown Tax District
- 32 - Communication - Reports regarding request to purchase City owned land on Hakim Street Ext.
- 41 - Report - Candlewood Park Concession
- 42 - Report - Government Entity Review
- 43 - Report - Request for Sewer Extension - 6 Hayestown Heights
- 44 - Report - Request for Sewer Extension - Fairlawn and Shannon Ridge
- 45 - Report - Request for Sewer and Water Extension on Cross Street
- 46 - Report - Request for Sewer Extension, Ledgemere Drive

Mr. Charles moved that the Consent Calendar be adopted as presented. Seconded by Mr. Cresci. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held March 7, 1989 and the Special Common Council Meetings held March 28, 1989. Mr. DaSilva made a motion that the minutes be accepted as presented and that the reading be waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Cresci. Motion carried unanimously.

Mr. Gallo made a motion that item 47 become item 8 which was withdrawn. Seconded by Mr. Cresci. Motion carried unanimously.

1 - ORDINANCE - An Ordinance amending the Ordinance appropriating \$44,600,000 for improvements to the wastewater treatment system and Authorizing the issuance of not exceeding \$44,600,000 bonds to the City to meet said appropriation and pending the issue thereof the making of temporary borrowings for such purpose.

Mr. Connell asked that the Ordinance be deferred to Public Hearing. Mayor Sauer so ordered.

2 - ORDINANCE - Building Demolitions.

Mrs. Butera asked that this be referred to an ad hoc committee, Mr. Buckley and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Moran, Charles and Danise to the committee.

3 - RESOLUTION - Establishment of the Board of Education as the Building Committee.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to undertake school building projects for oil tank replacements at Broadview Junior High School, Danbury High School, Osborne Street Educational Services Center, Shelter Rock School, Great Plain School, Park Avenue School, Pembroke School and Roberts Avenue School; and

WHEREAS, the State has determined that said projects are eligible for State financial assistance;

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Board of Education be established as the Building Committee for the completion of the oil tank replacement projects at Broadview Junior High School, Danbury High School, Osborne Street Educational Services Center, Shelter Rock School, Great Plain School, Park Avenue School, Pembroke School and Roberts Avenue School; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the preparation of drawings and specifications for said oil tank replacement projects; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Danbury Board of Education to file applications for school building projects involving oil tank replacements at said schools and school facility.

The Resolution was adopted on the Consent Calendar.

**4 - COMMUNICATION & RESOLUTION** - Proposed Regional Waste-to-Energy Incinerator Project.

Letter from Solid Waste Michael Cech requesting that the City commit monies for a proposed waste-to-energy incinerator project. Mr. Connell asked that this be referred to an ad hoc committee and the Manager of Solid Waste. Mayor Sauer so ordered and appointed Council Members Renz, Moran and DaSilva to the committee.

**5- COMMUNICATION** - Letter from Mayor Sauer reappointing Norma Tomey, 41 Chambers Road to the Candlewood Lake Authority for a term to expire April 1, 1992. The reappointment was confirmed on the Consent Calendar.

**6 - COMMUNICATION** - Letter from Mayor Sauer appointing Dennis W. Stubelt, 8 Sturdevant Drive to the Conservation Commission for a term to expire July 1, 1991. The appointment was confirmed on the Consent Calendar.

**7 - COMMUNICATION** - Letter from Library Director Betsy Lyke asking for permission to accept donations in the amount of \$305 in memory of May E. Hartigan. Mr. Cresci made a motion to accept the donations and send a letter of thanks. Seconded by Mr. Connell. Motion carried un-animously.

**8 - REPORT** - Alternative Site for CACD Daycare Center.

Mrs. Bourne asked for a point of order. Mrs. Bourne questioned the legitimacy of having this item on the agenda as the committee ignored the charge. Mrs. Bourne stated that a reconsideration of the previous vote would be necessary to vote on this same site and someone who had voted in the majority would have to bring it up for reconsideration. Mrs. Bourne asked for a ruling.

Mr. Regan stated that the committee did not ignore the charge of the committee and explained the deliberations of the committee.

Mr. Resha stated that the committee had the responsibility to interpret the charge and come back with a report that speaks to that charge.

Mrs. Bourne asked for a ruling on the reconsideration of the vote.

Mr. Resha stated that a mover for reconsideration must have been with the prevailing side. He explained Robert's Rules on Reconsideration

and stated that there was nothing to prevent a vote at this meeting.

Mrs. Bourne appealed the ruling of the Chair.

Mr. Moran spoke about the charge to the committee, as did Mr. Eriquez. Mrs. Danise spoke about the transfer of the lease and stated that the first committee studied the area and was never given any help by Mrs. Burgos and was given erroneous information by Mrs. Burgos.

Mayor Sauer stated that he did not know of anyone who had worked as hard on this project as Mrs. Burgos.

Mr. Moran made a motion to move the question. Seconded by Mr. Fazio. At this point Mayor Sauer overruled the motion to appeal the chair. Mr. Cresci asked for a five minute recess. Mayor Sauer so ordered.

After the recess Mr. Regan presented the following report:

The ad hoc committee appointed to review an alternate site for the Community Action Daycare Center met on March 30, 1989 at 3:30 P.M. in City Hall. In attendance were committee members Regan, Bundy and DaSilva. Also in attendance was City Engineer Jack Schweitzer, Traffic Engineer Abdul Mohammed, Diana Burgos, Glenda Armstrong and Glen Wicklund.

Mr. Regan spoke first and stated that for the past day and a half he had researched the process used by the Mayor's Task Force charged with finding an alternate site for the Action Daycare Center located in the basement of St. Joseph's School. The report of the Tas Force is a very indepth 2 to 3 inch thick summary of the work and reasoning that went into the selection of the Rogers Park location. Based on research of the Mayor's Task Force Report it was determined that the best alternate site for the Daycare Center is the Rogers Park location.

Mr. Bundy made a motion to recommend to the full Common Council that approval be granted to transfer the appropriate lease from the Scott Fanton Museum to locate the Community Action Daycare Center contingent upon:

1. Approvals from all appropriate City or land use and environmental commissions and/or agencies;
2. Approval from Corporation Counsel vis a vis attaining pertinent data as is customary and usual.

Mr. Charles made a motion to accept the report. Seconded by Mr. Eriquez.

Mr. Renz asked Mr. Regan to explain item 2. Mr. Regan did and stated that Mr. Bundy had made the motion. Mr. Renz asked Mr. Bundy to explain item 2 which he did.

Mr. Gallo spoke about another parcel in Rogers Park which he felt might be better and made a motion to recommit to explore this site in Rogers Park. Seconded by Mr. Moran.

Mr. Fazio asked for a point of order and stated that committees should be made up of both sides of an issue, not one side.

Mr. Eriquez asked for clarification of the motion, was it to look at the other site, compare it, discard the original site?

Mr. Gallo stated that it was to compare the second site with the first site. Mayor Sauer explained where the alternative site is.

Mr. Farah spoke about the Task Force Report and stated that everyone should be working for the best interests of the children.

Mr. Flanagan offered his views on the original site.

Mr. Cresci made a motion to move the question. Seconded by Mr. Shaw. Motion carried with Mr. DaSilva and Mrs. Butera voting in the negative.

Motion to recommit carries with the members voting as follows:

Yes - Bourne, Connell, Gallo, Moran, Renz, Esposito, Farah, Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Danise

No - Flanagan, Bundy, Butera, DaSilva, Eriquez, Regan.

15 Yes - 6 No

Mayor Sauer appointed Council Members Regan, DaSilva, Bundy, Renz, Gallo to the committee.

**9 - COMMUNICATION** - Letter from Councilman Bundy asking that an ad hoc committee be appointed to study the security issue and the new phase agreement regarding the Downtown Redevelopment Project. Mrs. Butera asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Sauer so ordered and appointed Council members Bundy, Cresci, Connell, Flanagan and DaSilva to the committee.

**10 - COMMUNICATION** - Request for funds for salary and holiday accounts. Mr. Connell made a motion that this item be moved to the end of the agenda for executive session. Seconded by Mr. Moran. Motion carried unanimously.

**11 - COMMUNICATION** - Letter from Fire Chief Antonio Lagarto asking for \$6,500 to cover the cost of emergency repairs of Engine 24. In addition, the letter requested an additional \$8,000 to be placed in the Maintain Automotive Account. Mr. Charles made a motion to accept the communication and authorize appropriation of \$6,500 pending certification. Seconded by Mr. Flanagan. Motion carried unanimously.

**12 - COMMUNICATION** - Letter from Comptroller Dominic Setaro requesting that a special account be set up for the Fire Department Ambulance Service for user donations. Mrs. Butera asked that this be referred to an ad hoc committee, the Comptroller, the Fire Chief and the Ambulance Supervisor. Mayor Sauer so ordered and appointed Council Members Bundy, Shaw and Butera to the committee.

**13 - COMMUNICATION** - Petition submitted by Councilman Charles on behalf of constituents requesting a golf course at Tarrywile Park. Mr. Connell asked that this be referred to the Tarrywile Park Authority. Mayor Sauer so ordered.

**14 - COMMUNICATION** - Letter from Mayor Sauer appointing Councilmen Regan and Charles, Attorney Gottschalk, Jack Schweitzer and Paul Galvin to the Intermunicipal Negotiation Committee. The communication was accepted on the Consent Calendar.

**15 - COMMUNICATION** - Letter from Mayor Sauer regarding a request from the Downtown Tax District that it be permitted to lease the scale house located at the intersection of Main and Rose Streets to be used as an information booth. Mrs. Butera asked that this be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel and the Downtown Tax District. Mayor Sauer so ordered and appointed Council Members Shaw, Cresci and Zotos to the committee.

**16 - COMMUNICATION** - Report from City Engineer giving a description of the portion of the roadway on Joe's Hill Road to be discontinued. The report was accepted on the Consent Calendar.

**17 - COMMUNICATION & RESOLUTION** - Letter and Resolution from Mayor Sauer stating that the Danbury Public School System has been invited to apply for a grant in the amount of \$5,116.00 enabling them to provide before and after school child care for ten children in a pilot program in our elementary schools.

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;

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State of Connecticut in such amounts as may be made available for undertaking a Danbury Elementary School Before and After School Child Care Program; and

WHEREAS, the Commissioner of Human Resources is authorized to make grant funds available for said purpose and it is in the best interest of the City of Danbury that said funds be authorized for use by and provided to the Danbury School System effectuating this program;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT:

1. It is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.

2. 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. The City of Danbury acting by its Mayor, Joseph H. Sauer, Jr., is hereby authorized to execute and file an application with the Commissioner of Human Resources for State grant funds in an amount not to exceed \$5,116.00 to cover costs of said program and to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any necessary contract and amendments, recisions, and revisions to these documents, to provide such additional information as the Commissioner may request and to take any additional actions necessary to accomplish the purposes hereof.

Mr. Eriquez made a motion that the communication be accepted and the Resolution adopted. Seconded by Mr. Cresci. Motion carried un-animously.

**18 - COMMUNICATION** - Letter from Councilman Bundy requesting that an ad hoc committee be formed to examine the feasibility of raising the tipping fee at the Danbury Landfill. Mr. Bundy asked that this be referred to an ad hoc committee, the Corporation Counsel and Michael Cech. Mayor Sauer so ordered and appointed Council Members Bundy, Danise and Cassano to the committee.

**19 - COMMUNICATION** - Letter from Councilman Farah asking for reconsideration of the vote regarding the donation to the Marian Anderson Annual Award in the amount of \$10,000. Certification of funds was attached.

Mr. Moran made a motion that the communication be accepted and the donation approved. Seconded by Mrs. Butera.

Mr. Shaw stated that Marian Anderson is a worthy individual but due to the fiscal crisis the timing for such a donation is wrong.

Motion carried with the members voting as follows:

Yes - Gallo, Moran, Esposito, Farah, Flanagan, Zotos, Nimmons, Charles, Butera, DaSilva, Eriquez.

No - Bourne, Connell, Renz, Cresci, Fazio, Shaw, Cassano, Bundy, Danise, Regan.

11 Yes - 10 No.

20 - COMMUNICATION - Letter from Councilman Gallo requesting that an ad hoc committee be appointed to consider benefits for the volunteer fire fighters. Mr. Connell asked that this be referred to the committee previously study this issue, the Fire Chief, the Comptroller, and Robert Esposito. Mayor Sauer so ordered and appointed Council Members Shaw, Connell and Gallo to the committee.

21 - COMMUNICATION - West Side Sewer Interceptor Design Report. Mrs. Butera asked that this be referred to an ad hoc committee, Jack Schweitzer, William Buckley, the Corporation Counsel and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bourne and Cassano to the committee.

22 - COMMUNICATION - Letter requesting a waiver of the bidding procedure regarding the Lake Kenosia Commission grant due to time limitations. The request was granted on the Consent Calendar.

23 - COMMUNICATION - Letter from Eric Gottschalk regarding a drainage problem on Apple Blossom Lane caused by Barclay Commons. Mr. Connell asked that this be referred to the previous committee handling the original complaint, Daniel Minahan, Jack Schweitzer and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Connell, Gallo and Zotos to the committee.

24 - COMMUNICATION - Petition from residents of the Hayestown area regarding noise at Hatters Park. Mrs. Bourne asked that this be referred to an ad hoc committee, the Police Chief and Robert Ryerson. Mayor Sauer so ordered and appointed Council Members Connell, Moran and Gallo to the committee.

25 - COMMUNICATION - Letter from Mayor Sauer asking that a committee be formed to address the concerns outlined by the Mayor's Task Force on Recycling. Mrs. Butera asked that this be referred to an ad hoc committee, Michael Cech and Daniel Minahan. Mayor Sauer so ordered and appointed Council Members Renz, Connell, Moran, Eriquez and Farah to the committee.

26 - COMMUNICATION - Request from Solid Waste Manager Michael Cech requesting the formation of a committee regarding the recycling center. Mrs. Butera asked that this be referred to an ad hoc committee Michael Cech and Daniel Minahan. Mayor Sauer so ordered and appointed Council Members Danise, Shaw and Esposito to the committee.

27 - COMMUNICATION - Letter from the Executive Director of the Downtown Tax District asking that attorney A. Peter Damia be confirmed as legal Counsel for the tax district. The appointment was confirmed on the Consent Calendar.

28 - COMMUNICATION & CERTIFICATION - Request for funds to hire a consultant to do management classification. Mr. Bundy made a motion to accept the communication and authorize the transfer of funds. Seconded by Mrs. Butera.

Mr. Farah stated that he would vote against this because the Personnel Director and his staff should handle this. Mr. Bundy stated that Mr. Merullo cannot be expected to do this job as well as his regular duties. Mr. Cresci asked Mr. Bundy if he felt the salaries could decrease due to this classification study. Mr. Bundy said that he did. Mr. Flanagan stated that Mr. Merullo gives what is far beyond what should be expected. Motion failed with the members voting as follows:

Yes - Esposito, Flanagan, Zotos, Charles, Bundy, Butera, DaSilva Eriquez.

No - Bourne, Connell, Gallo, Moran, Renz, Farah, Cresci, Nimmons, Fazio, Shaw, Cassano, Danise, Regan.

8 Yes - 13 No.

29 - COMMUNICATION - Request from Blaine Harrison for sewer extension at 2 Virginia Avenue. Mr. DaSilva asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Cresci, Regan and Gallo to the committee.

30 - COMMUNICATION - Request from Ralto Developers for sewer extension on Southern Boulevard and Terre Haute Road. Mr. Charles asked that this be referred to an ad hoc committee, the City Engineer, the Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Cresci, Regan and Zotos to the committee.

31 - COMMUNICATION - Request from Alfred Cahill for permission to purchase City owned land at Osborne Street and Locust Avenue. Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Connell, Cresci, Renz, Esposito and Gallo to the committee.

32 - COMMUNICATION - Reports from the Engineering Department, the Planning Commission and the Corporation Council regarding the request to purchase City land on Hakim Street Ext. suggesting that the land not be sold. The reports were accepted on the Consent Calendar.

33 - COMMUNICATION - Letter from Tax Collector Catherine Skurat asking approval of a list of names and amounts of City taxes which she considers uncollectible and recommending transfer to the Suspense List. Mrs. Bourne made a motion to accept the communication and authorize transfer to the Suspense List. Seconded by Mr. Moran. Motion carried unanimously.

34 - DEPARTMENT REPORTS - Parks and Recreation, Public Works, Health Department, Fire Chief, Fire Marshall, Police Chief, Airport. Mr. DaSilva made a motion to accept the department reports and defer the reading as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

35 - REPORT & ORDINANCE - Committee Appointments.

Mr. Nimmons submitted the following report and Ordinance:

The Common Council met as a committee of the whole immediately following a public hearing on February 28, 1989 at 7:00 P.M. in the Common Council Chambers. Mrs. Butera was absent.

The committee report was read by Mr. Fazio, copies of which had been distributed to all members of the Council. A discussion evolved around two basic points of view. One, the possibility of weakening the administration's power with the adoption of the ordinance. Two, the need to separate the responsibility of the legislative from the administrative branch of the City government.

Mr. Eriquez in his minority report defended the power of the Office of Mayor and felt the office should retain the authority to appoint committees. Mr. DaSilva again opposed the change because it would be unworkable. Mr. Farah spoke on the basic philosophy of the legislative branch of City government which, in his opinion, should appoint its own committees to review proposed legislation. Other members expressed similar views prior to voting.

Mr. Farah made a motion to amend the ordinance in accordance with Corporation Counsel's advice. Seconded by Mrs. Danise. The amendment would replace the last sentence of the ordinance with the words "in the absence of an agreement to the contrary, all committees shall be composed of three council members; the majority leader shall appoint two of said members." Amendment carried with 13 yes, 7 no. Voting no were Council Members Esposito, Zotos, Cassano, Charles, Bundy, DaSilva, Eriquez. Mr. Fazio's motion to adopt the ordinance, as amended, seconded by Mr. Connell carried with 11 yes, 9 no.

Be it Ordained by the Common Council of the City of Danbury;

THAT Section 2-95 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-95. Committees.

All committees of the common council shall be appointed by the majority and minority leaders of the council. The majority leader shall appoint those committee members to be drawn from the majority party and the minority leader shall appoint those committee members to be drawn from the minority party or parties. Said appointments shall be made during a session of the common council. In the absence of an agreement to the contrary, all committees shall be composed of three council members; the majority leader shall appoint two of said members.

Mr. Nimmons made a motion that the report and ordinance be adopted. Seconded by Mr. Shaw.

Mr. Flanagan stated that the Common Council has the authority to make the change but would be unwise to do so. Mr. Eriquez stated that passage would diminish the responsibilities and duties of the Mayor. Mr. Farah spoke about the intent and tradition in the belief of the separation of powers and that understanding of these concept should have been learned in basic civics. Mr. DaSilva stated that a separation of powers would require a Charter change and that the Council President should preside over the Council Meetings.

Mr. Bundy stated that power should not be the issue in good government. Mr. Moran made a motion to move the question. Motion carried with Mr. Farah and Mr. Shaw voting in the negative.

Motion to adopt carried with the members voting as follows:

YES - Bourne, Connell, Gallo, Moran, Renz, Farah, Cresci, Nimmons, Fazio, Shaw, Danise.

NO - Esposito, Flanagan, Zotos, Cassano, Charles, Bundy, Butera, DaSilva, Eriquez, Regan.

11 Yes - 10 No

36 - REPORT - Water Rate Increases.

Mr. Shaw submitted the following report:

The committee appointed to review water rate increases met on March 16, 1989 at 7:00 P.M. in City Hall. In attendance were committee members Shaw and Connell. Mr. Charles was absent. Also in attendance were William Buckley, Dominic Setaro and Jack Schweitzer.

Mr. Connell questioned why the original request of 7% is now increased to 20%. Mr. Buckley said that the original budget did not include the improvements to Tarrywile and Southern Boulevard. He further stated that these improvements are needed in this area of the City. Mr. Setaro said he reviewed this request and that the increase is justified.

Mr. Connell made a motion to approve the proposed increase and refer this item to the Common Council for referral to a public hearing. Seconded by Mr. Shaw. Motion carried unanimously.

Mr. Connell made a motion to accept the report and defer it to public hearing. Seconded by Mr. Moran. Motion carried unanimously.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review proposed changes in ordinances governing the landfill and recycling center met on March 21, 1989 and March 28, 1989 in Room 432 in City Hall. In attendance at both meetings were committee members Bundy and Regan and Solid Waste Manager Michael Cech. Also in attendance at the March 21st meeting were Daniel Minahan, Eric Gottschalk, Esq., and Council Members Charles, Danise and Eriquez, ex-officio. Committee Member Flanagan was present at the March 28th meeting.

Mr. Cech reviewed the proposed changes in the ordinances regarding the landfill and recycling center. The list of proposed changes is attached to this report. The committee and Mr. Cech are in agreement that the changes are appropriate and warranted and should be approved with the following corrections:

1. 16A-31(b) - \$25.00
2. 16A-32(d) - Subsections 2 A,B,C are deleted
3. 16A-32(g) - owner occupied 2 and 3 family houses are exempt.
4. 16A-34(c) - incorporate due process (hearing before any action is taken)
5. 16A-67(a) - take control of recyclables instead of using an independent hauler
6. 16A-77 - eliminate Mayor.

Mr. Regan made a motion that this committee recommend to the full Common Council that the attached changes in Ordinances governing the landfill and recycling center be adopted upon Corporation Counsel drawing up the final presentation (proper legal procedures to be followed) Seconded by Mr. Flanagan. Motion carried unanimously.

Mr. Bundy made a motion to suspend the rules to allow Mr. Cech to address these changes. Seconded by Mr. Connell. Motion carried with the members voting as follows:

Yes - Connell, Gallo, Flanagan, Zotos, Cresci, Charles, Bundy, Danise, DaSilva, Eriquez, Regan.

No - Bourne, Moran, Renz, Esposito, Farah, Nimmons, Fazio, Shaw, Cassano, Butera.

11 Yes - 10 No.

Mr. Cech addressed the addendum.

Mrs. Danise asked that this be deferred to Public Hearing. Mayor Sauer so ordered.

38 - REPORT - School Building Improvements.

Mr. Renz offered the following report:

The Common Council Committee appointed to review school building improvements met on February 21, 1989 and on March 23, 1989 in Room 432 in City Hall. In attendance at both meetings were committee members Renz, Shaw, Bundy, Eriquez and DaSilva. Also in attendance were Dr. Singe, Dom Setaro, Architech Paul Antinozzi, as well as various Board of Education members and ex-officio Council Members.

Discussion at the February 21st meeting was confined to the timetable for the proposal and time did not permit a presentation by Mr. Antinozzi as a special Common Council Meeting was called for the same date. This presentation subsequently at a Board of Education meeting convened on March 16, convened in the outer lobby of the Mayor's Office.

At the March 23rd meeting, more substantive issues were discussed, specifically the student population projections, school building capacity ratings and the costs associated with this proposal. Mr. Setaro presented these costs as equivalent to mills. The proposal to improve the school buildings to facilitate the moving of grades six and nine, i.e. implementing the middle school concept is equivalent to .60 mills based on the current grand list. The addition of a field house and pool would raise the cost to the equivalent of .93 mills.

Proposal I - The entire project, excluding community facilities \$33,865,000

Proposal II- The entire project, including community facilities \$46,547,000

and further, advise Corporation Counsel to follow proper procedure in preparing an ordinance to accomplish the objectives. Seconded by Mr. DaSilva. Motion carried with Mr. Bundy, Mr. Eriquez and Mr. DaSilva voting in the affirmative and Mr. Renz and Mr. Shaw voting in the negative.

Several cautions were issued along with these projections, one dealing with the cost having estimates coming after the bonding is in place, i.e. no factor for overruns, and others to do with the City's bonded indebtedness through the fiscal year ending June 30, 2007. Current indebtedness is approximately 37.4 million (including water and sewer). Projects such as the sewage treatment plant (approximately 80 million), as well as proposed capital projects recommended by the Planning Commission (approximately 34 million was highlighted).

A motion was made by Mr. Bundy to recommend to the Common Council that the school bond issue be accepted and authorize that the proposal be sent to referendum offering two options:

Mr. DaSilva made a motion to have the Corporation Counsel draft the appropriate Ordinance and defer to public hearing. Seconded by Mr. Bundy. Motion carried with the members voting as follows:

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

No - Bourne, Connell, Renz, Shaw, Cassano, Danise.

15 Yes - 6 No.

**39 - REPORT** - Interconnections between State Approved Public Water Supply Systems.

Mrs. Bourne submitted the following report:

The Committee charged to review the above met for the final time on March 27, 1989, at 8 P.M. in Room 432. Attending were committee members L. Bourne (Chair), H. Moran and J. Esposito. Also attending were: Superintendent of Public Utilities, William Buckley; Ron Black, Indian Springs Water Systems; Bob Kaufmann (Topstone Hydraulic); Steve Pollizzo, Rural Water Company; Mr. Sobel accompanied by his daughter; and Fred Bourne.

The Chair began the meeting by reiterating what had transpired at its March 1 meeting for the benefit of Mr. Moran who was ill. As background, Mr. Buckley is requesting that the Council establish an Ordinance that would exempt the current existing approved public water supply systems in the City of Danbury from paying a connection fee when they interconnect with the City of Danbury. At current there are 32 approved water systems (including the City's) in the City. Ordinance section 21-48 requires that those individuals connecting to the City's water system pay a connection charge based on the size of the meter. These fees are returned to the Water Fund and are used in its operating budget. Based on what Mr. Buckley wishes to achieve, the meter sizes would be approximately 1", or 1-1/2". The cost of connecting for a 1" meter is \$3,000, and a 1-1/2" \$6,000. The concerns addressed were: (1) would this proposal violate the Charter, and (2) would the City be perceived as subsidizing private industry.

Atty. Gottschalk initially pointed out that "no legal impediment exists which would prevent the proposed ordinance change (copy attached)." However, when the Committee's concerns were presented to him, he did concede that someone may challenge the City on the above two stated concerns.

Mr. Buckley sent notices of our meetings to all 31 water suppliers in the City. At each meeting only the same three companies were represented. Of those companies, one wishes to hook up on a permanent basis (which this proposal would not allow waving of the fees); one had problems with his water system and hooked up to the City's system, paying the connection fee; and the other did not say that he would hook up under the new proposal. Mr. Buckley stated that he has not been contacted by the other companies.

As discussion ensued, Mr. Moran pointed out that ensuring that the water suppliers provide quality service to their customers is a cost of doing business. On an emergency basis, i.e., a power outage, the companies could install generators to ensure their customers continued water supply.

And Mrs. Bourne felt that this proposal would violate the Charter provision, section 7-8; and would also would unfairly treat all others who had a need to hook up to the City's system.

Mr. Moran moved to recommend to the Council to deny the request to exempt public water systems from paying a connection fee. Seconded by Mrs. Bourne. Motion passed with Mr. Esposito voting in the negative.

Mr. Moran made a motion that the report be accepted. Seconded by Mr. Connell.

Mr. Regan asked Mr. Esposito to explain his negative vote in committee. Mr. Esposito gave his reasons. A discussion followed regarding legal impediments and the Charter. Mr. Gottschalk stated that the recommendation is not in violation of the Charter.

Motion carried with the members voting as follows:

Yes - Bourne, Connell, Moran, Renz, Cresci, Nimmmons, Fazio, Shaw, Cassano, Bundy, Danise.

No - Gallo, Esposito, Farah, Flanagan, Zotos, Charles, Butera, DaSilva, Enriquez, Regan.

11 Yes - 10 No.

**40 - REPORT - Lease, Lift-Equipped Van for the Elderly and Handicapped.**

Mrs. Bourne submitted the following report:

The Committee charged to review the above met at City Hill on March 27th at 7:45 P.M. in Room 432.

Attending were committee members Bourne (Chair), Regan, Esposito, and ex-officio member Moran. Also attending was F. Bourne.

The Chair explained that this item had inadvertently been submitted to the Council and that the Resolution attached to item #3 is the same as the one attached to Item #2 of the February 1989 Council's agenda. The committee can take no action until the State approves the grant and the lease documentation prepared.

L. Bourne moved to recommend dissolution of the Committee until such time as notification is received from the State that the grant has been approved and the lease documentation prepared. Seconded by Mr. Regan. Motion passed unanimously.

Mr. Moran made a motion that the report be accepted. Seconded by Mr. Connell. Motion carried unanimously.

**41 - REPORT -Candlewood Park Concession Rental.**

Mrs. Bourne submitted the following report:

The committee charged to review the above met on March 23, 1989, at 7:35 P.M. in the Employee's Lounge of City Hall. Attending were committee members L. Bourne (Chair), J. Nimmmons and N. Zotos; also L. Charles ex-officio, Acting Director of Finance, D. Setaro, and tenant, Mr. Michael Poodiack.

The Chair began by reiterating Mr. Ryerson's comments that due to construction difficulties the City of Danbury was unable to honor its agreement with Mr. Poodiack. Instead of Mr. Poodiack beginning his business operation on Memorial Day weekend, he opened in late July of 1988.

After discussion, Mr. Nimmmons moved to recommend to the Council to abate the lease payments of June and July 1988, thus requiring Mr. Poodiack to pay August 1988 (\$858.00). Mr. Zotos seconded. Motion passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the termination of the following commissions as of June 30, 1989 met on March 22, 1989 in the Fourth Floor Lobby in City Hall: 1. Cultural Commission; 2. Youth Commission; 3. The Commission on the Status of Women; 4. Commission on Aging and 5. The Commission on Equal Rights and Opportunities. In attendance were committee members Regan, Flanagan, Rosenberg and Jacobsen.

The need of the different commissions being reviewed as per section 2-182 of the Code of Ordinances were discussed. The only recommendation was for the Mayor to request a quarterly report from the Equal Rights and Opportunities Commission. There is a definite need for this commission. However, it does not appear to be especially active.

Mr. Flanagan made a motion to re-establish the following commissions for a period of five (5) years: Cultural Commission, Youth Commission, Commission on the Status of Women, Commission on Aging and Commission on Equal Rights and Opportunities. Seconded by Mr. Rosenberg. Motion carried unanimously.

The report was accepted on the Consent Calendar.

43 - REPORT - Request for Sewer Extension, 6 Hayestown Heights.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension at 6 Hayestown Heights met on March 15, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan, Nimmons and Gallo. Also attending were William Buckley and Jack Schweitzer, as well as Mr. Pap-Nemes the petitioner. Council Members Moran and Charles attended ex-officio.

Mr. Buckley stated that a sewer extension to this location would have to be done according to the City proposed master plan, not through a neighbor's yard as the petitioner had proposed. Mr. Pap-Nemes stated that he does not know what his intentions are at this time, but would get back to Mr. Buckley or Mr. Schweitzer at a later date.

Mr. Gallo made a motion to take no action at this time. Seconded by Mr. Nimmons. Motion carried unanimously.

The report was accepted on the Consent Calendar.

44 - REPORT - Request for Sewer Extension - Fairlawn and Shannon Ridge.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewers on Fairlawn Drive and Shannon Ridge met on March 15, 1989 in Room 432 at 8:00 P.M. in City Hall. In attendance were committee members Regan, Danise and Charles. Also attending were Jack Schweitzer and William Buckley as well as residents of Fairlawn and Shannon Ridge.

Mr. Regan stated that as after two surveys there still was not a majority of people in favor of the sewer extension, 45.9% in favor, 45.9% against and 8.1% no response.

Mrs. Danise made a motion to approve the sewer extension. Motion failed for lack of a second. Mr. Regan made a motion to deny the request without prejudice. Seconded by Mr. Charles and passed with 2 affirmative votes and Mrs. Danise voting in the negative.

The report was accepted on the Consent Calendar.

45 - REPORT - Request for Sewer and Water Extension on Cross Street.

Mr. Nimmons submitted the following report:

The committee appointed to review the above request for sewer and water extension on Cross Street met on March 16, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Nimmons, Regan and Gallo. Also present were William Buckley, Jack Schweitzer and John G. Plecity, the petitioner.

After discussions between Mr. Plecity, Mr. Buckley and Mr. Schweitzer and questions from committee members regarding the request, Mr. Gallo made a motion to recommend approval of the sanitary sewer easement with the agreement subject to Corporation Counsel's approval. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

46 - REPORT - Request for Sewer Extension, Ledgemere Drive.

The Report was submitted by Mr. Regan:

The ad hoc committee appointed to review the request for sewer extension on Ledgemere Drive met on March 15, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan, DaSilva and Nimmons. Also attending were William Buckley and Jack Schweitzer, Council Member Charles, ex-officio and petitioners Ken and Frances Ruppell, Gerald Palanzo and Reginald DePalma.

Mr. Schweitzer explained the procedure for sewer line and said he saw no problem with the request. Mr. Regan stated that the Planning Commission voted a positive recommendation for this sewer extension. All residents of Ledgemere Drive present requested a cost estimate.

Mr. DaSilva made a motion to have Mr. Schweitzer send a cost estimate to owners on Ledgemere Drive. Seconded by Mr. Nimmons. Motion carried unanimously.

The report was accepted on the Consent Calendar.

47 - See Item 8.

48 - PROGRESS REPORT - Long Term Options for Recycling.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review long term options for recycling met on March 21, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, and Renz. Also in attendance were Solid Waste Manager Michael Cech, Public Works Director Dan Minahan and Council Members Regan, Charles, Moran and Danise, ex-officio.

Discussion began with Mr. Cech outlining the long term recycling goals of the State of Connecticut, specifically, Connecticut Resource Recovery Authority (CRRA) and Housatonic Resource Recovery Authority (HRRA). Mr. Cech focused on a consulting report prepared for CRRA and HRRA that represented a fact finding feasibility study concerning the establishment of a regional recycling program. In essence Danbury is a member of a forty-three (43) town region comprising a population of approximately 400,000. This feasibility study identified the need for two transfer stations for recyclables located in Danbury and Torrington. It also identified Waterbury as being the location of the final collection station where recyclables from the Danbury and Torrington transfer stations will be taken.

Mr. Cech identified Phase II of the State plan which calls for the allocation of \$200,000 to obtain a preliminary program design. Consultants are to be hired to accomplish this objective. HRRA's share of these funds to be appropriated is \$50,000 with the rest of the funding to come from the three other regional authorities from the 43 town base. To accomplish the objective it is necessary that the Mayor be given the authority to enter into an agreement vis a vis HRRA, allowing the acceptance of State funds and spending of same.

Mr. Renz made the following motion:

The committee recommend to the full Common Council that the Mayor be given the authority to enter into an agreement as regards the attached resolutions on behalf of the City of Danbury and its relationship with the Housatonic Resource Recovery Authority (HRRA). Seconded by Mr. Bundy and passed unanimously.

Mr. Nimmons made a motion to accept the report. Seconded by Mrs. Danise.

Mrs. Bourne asked Mr. Bundy why there was discussion on a Progress Report. Mr. Bundy stated that this is to be an on-going project and the committee may have to reconvene.

Motion carried with Mrs. Bourne voting in the negative.

Mrs. Butera stated for the report that she is opposed to adding any additional items to the agenda. The deadline for submitting items is the Wednesday before the Tuesday meeting and should be complied with.

**49 - Clapboard Ridge Heights Water Association**

Mr. Connell made a motion that this item be added to the agenda. Seconded by Mr. Nimmons. Motion Carried unanimously.

Letter from Superintendent of Public Utilities William Buckley asking that the Common Council authorize the City Water Department in conjunction with the Corporation Counsel to secure an easement needed to implement an engineering plan for this report. Mrs. Bourne asked that this be referred to an ad hoc committee, Mr. Buckley, Mr. Schweitzer, the Planning Commission and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bourne, Nimmons, Butera to the committee.

**50 - COMMUNICATION - Mill Plain Package Store**

Mr. Eriquez made a motion to add this item to the agenda. Seconded by Mr. Renz. Motion carried unanimously.

Report from City Engineer Jack Schweitzer stating that he is not aware of any benefits that would be derived by waiving the connection fee. Mr. Cresci made a motion that the report be accepted and the request for waiver denied. Seconded by Mr. Flanagan. Motion carried unanimously.

**51 - COMMUNICATION - Berol Property.**

Mr. Eriquez made a motion to add this item to the agenda. Seconded by Mr. Eriquez. Motion carried unanimously.

Letter from Mayor Sauer asking that the committee on the Berol property easement be reestablished. Mr. Charles asked that this be referred to committee, to Jack Schweitzer, the Planning Commission and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Regan, Bourne and Farah to the committee.

**51A - REPORT - Korean War Monument.**

Mr. Flanagan made a motion that this item be added to the agenda. Seconded by Mr. Moran. Motion carried unanimously.

Mr. Flanagan submitted the following report:

The committee to review the initiation of a Korean Veterans Memorial Committee met on Nov. 14, 1988; Jan. 17, 1989; and March 27, 1989 in City Hall. Present were committee members Shaw and Flanagan; Pat Waldron, the city's Veteran's Affairs Adviser, Hank Moran ex-officio, and various members of the public.

At the first meeting the committee met with members of the successful Vietnam Veterans Memorial Committee who outlined the problems involved with such a venture. Those members generously offered to serve as advisers to the Korean veterans for the duration of the project.

After the first meeting Mr. Waldron publicized the project in the local media and got a good response from area Korean war vets. The second committee meeting discussed the organization, goals, and structure of the project at length. The veterans in attendance agreed to meet again and organize themselves: this was done in Feb. and March under the supervision of Mr. Waldron.

The committee met again on March 27. After discussion Mr. Shaw moved to recommend to the Common Council the establishment of a Korean War Veterans Memorial Committee whose purpose is to determine the proper way in which to honor their service in the City of Danbury. Seconded by Mr. Flanagan and passed unanimously.

The officers of the veterans committee are as follows: President, Ken Post; v-pres., Dr. Guido Gianfranceschi; Sect., Jerry Davis; and Treasurer, Al Denis. Walter Hrozenchik will handle monument design and Bernie Rotunda, publicity. Pat Waldron is in charge of liason between the committee and the City of Danbury. Ex-officio members are Mayor Sauer and councilmen Hank Moran and Steve Flanagan.

The memorial committee has established bank accounts, obtained a post office box, and started the process for obtaining tax-free status. It has contacted the mayor's and comptrollers office to arrange for the transfer of the \$12,000 returned to the city by the Vietnam vets committee. Meeting will be held on the 2nd and 4th Wednesdays of the month at 7 p.m. at the SNETCO office on West St. All Common Council members are welcome to attend. Meeting adjourned at 7pm.

Mr. Moran made a motion to accept the report. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Shaw moved to remove an item from the table, the item being appointments to the Aviation Commission. Mr. Moran made a motion to add this to the agenda. Seconded by Mrs. Danise. Motion carried unanimously.

The appointments are Lawrence Landemann and A. J. Bernard for terms to expire July 1, 1991. Mrs. Bourne made a motion to approve the appointments. Seconded by Mr. Connell.

Mr. Enriquez asked if there was any change in the Corporation Counsel's opinion regarding the litigation. Mr. Pinter explained that although the litigation is still pending it is the Mayor's prerogative to make appointments. The tactical position is still important as a disgruntled former member may tend not to give testimony most advantageous to the City.

Mr. Enriquez stated that he is not in opposition to the appointments but is concerned with removing incumbents who are willing to serve. Mr. DaSilva asked that these appointments be referred to a committee. Mayor Sauer so ordered and appointed Council Members Shaw, Moran and DaSilva to the committee.

Mr. Shaw asked that a letter be sent to the new appointees as a courtesy since it has been in the newspapers twice that they had been appointed. Mr. Enriquez asked that the incumbents be notified also.

52 - COMMUNICATION - Barry Connell v. City of Danbury

53 - COMMUNICATION - Xerox V. Board of Tax Review

Mr. Fazio made a motion to add these items to the agenda. Seconded by Mrs. Danise. Motion carried unanimously.

Mr. Flanagan made a motion to go into Executive Session on items 52, 53 and 10. Seconded by Mr. Moran. Motion carried unanimously.

The Common Council returned from Executive Session at 11:10 P.M.

Regarding item 52, Mr. Bundy made a motion to accept recommendation of outside counsel, pending certification. Seconded by Mr. Moran. Motion carried unanimously.

Regarding item 53, Mrs. Bourne moved to take no action. Seconded by Mr. Moran. Motion carried unanimously.

It was determined that item 10 was not appropriate for Executive Session. Mrs. Butera asked that this be referred to an ad hoc committee, the Comptroller and the Fire Chief. Mayor Sauer so ordered and appointed Council Members Bundy, Shaw and Gallo to the committee.

PUBLIC SPEAKING

Ernest Goldstein - representing the Handicapped Commission. Would like the courtesy of a response to their letter regarding their change of name request. Mr. Farah made a motion to allow Mr. Goldstein to speak as this item was not on the agenda. Seconded by Mr. Connell. Motion carried with Council Members Butera, Bourne and Renz voting in the negative.

David Coelho, Jefferson Avenue - spoke regarding the Downtown Redevelopment Project.

Dr. Paulette Pepin - spoke regarding the Redevelopment Project and read a letter from the members of the Danbury Preservation Trust.

Harry Kessler, 112 Carol Street - stated that public speaking session should be held before the meeting. Spoke regarding the Marian Anderson Award, the School Budget, the Sewer Bond Referendum, the Daycare Center.

Glenda Armstrong - Spoke about the need for the Community Action Daycare Center.

Dorothy Outlaw - Spoke about her outrage that site was turned down for the daycare center.

There being no further business to come before the Common Council, a motion was made by Mr. Nimmons for the meeting to be adjourned at 11:40 P.M.

Respectfully submitted,

  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

  
Elizabeth Crudginton  
City Clerk