

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

Re: Minutes of the Common Council Meeting held July 6, 1989.

The meeting was called to order at 8:00 P.M. by Mayor Sauer who led the assembly in the Pledge of Allegiance. Council Member John Esposito offered the prayer. The members were recorded as:

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

Absent - Bourne, Fazio, Shaw, Cassano.

17 Present - 4 Absent.

Mr. Cassano was out of town on business and Mrs. Bourne was out of the Country.

Mayor Sauer announced that the Ethnic Festival will be held July 7th - 9th; the Vespucci Field Day will be held July 28th - 30th.

The Mayor offered congratulations to Councilman and Mrs. John Esposito who will celebrate their 42nd Wedding Anniversary on July 25th.

Mr. Nimmons presented the following items for the Consent Calendar:

- 3 - Resolution - Aids Prevention Program
- 4 - Resolution - Local Capital Improvement Program
- 5 - Communication - Appointment to the Cultural Commission
- 15 - Communication - Report from Director of Public Works on Property Complaint
- 25 - Report - Dedication of Line Item for a supplementary Education Fund for 1989-90
- 27 - Report - Downtown Redevelopment Project
- 29 - Report - Landfill Tipping Fees
- 31 - Report - Scale House Lease

Mr. Charles made a motion to accept the Consent Calendar as presented. Seconded by Mr. Moran. Mr. Cresci offered an amendment to remove item 31 from the calendar. Seconded by Mr. Bundy. Motion to amend carried un-animously. Original motion as amended carried unanimously.

MINUTES - Minutes of the Common Council Meeting held June 6, 1989. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

1 - ORDINANCE - An Ordinance Appropriating \$33,865,000 for Renovations Improvements and Additions to Various City Schools and Authorizing the Issuance of \$33,865,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for such purpose.

Mr. Eriquez read the following Ordinance into the record:

Section 1. The sum of \$33,865,000 is appropriated for the planning, acquisition and construction of renovations, improvements and additions to various City schools, including the construction of additions at Danbury High School, Rogers Park Junior High School, Broadview Junior High School, and Park Avenue, Hayestown and Pembroke Elementary schools to provide additional classroom space; improvements and renovations at various schools consisting of roof repair and replacement, boiler and burner replacement, repaving and recurbing sidewalks, replacement of exterior and interior doors and lighting, ceiling and floor tiles, sprinkling systems, fixtures, and painting, the nature and extent thereof being more fully described in a report entitled "Danbury Schools Reorganization And Facilities Study Danbury, Ct Prepared For The Danbury Board of Education", prepared by Antinozzi Associates, P.C., Architects, of Stratford, Connecticut, dated February 2, 1989, said renovations, improvements and additions to be completed in substantial accordance with said Study or any modifications thereto approved by the Board of Education, and for administrative, printing, legal and temporary financing costs related thereto.

Section 2. To meet said appropriation \$33,865,000 bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the amount of bonds of each series to be issued shall be fixed by the Common Council in the amount necessary to meet the cost of the project provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Clerk and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Common Council in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor at public sale or private sale, in his discretion. If sold at public sale, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold at private sale, the purchase agreement shall be approved by the Common Council.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, City Clerk and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. This ordinance shall become effective upon its approval at a referendum to be held in conjunction with the municipal election of November 7, 1989, pursuant to the revised City Charter.

Mr. Bundy made a motion to adopt the ordinance as read. Seconded by Mr. Nimmons. Motion carried unanimously.

Mr. Regan made a motion to add the two resolutions already adopted by the Common Council onto the agenda. Seconded by Mrs. Danise. Motion carried unanimously.

Mr. DaSilva made a motion to change the date of the Resolutions to read July 6, 1989. Seconded by Mr. Bundy. Motion carried unanimously.

2 - RESOLUTION - Commerce Park Crossing - WITHDRAWN.

3 - RESOLUTION - Aids Prevention Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the AIDS Prevention Program has made grant funds available from July 1, 1989 through June 30, 1990 to full-time health departments by providing health education information, free counseling and human immuno-deficiency virus (HIV) antibody testing services in the Danbury area for both the youth and general public and for individuals concerned about possible exposure to HIV; and

WHEREAS, this program shall serve both residents and non-residents; there are no restrictions on who may be served for AIDS education, counseling or HIV testing; and

WHEREAS, the City of Danbury, through the Danbury Health and Housing Department has formulated an Acquired Immuno-deficiency Syndrome (AIDS) Out-Reach Education and Risk Reduction Counseling and Testing Program for the Danbury area; and

WHEREAS, a grant award of up to \$95,900.00 has been processed by the Danbury Health and Housing Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized; and

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

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTIONS - Local Capital Improvement Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$35,775.00 to cover the total costs of replacement/repair of the Cross Street Bridge; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 7, 1989; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for Project No. 034-88-010, City Hall Roof Replacement/Repair - \$65,311.00; and Project No. 034-88-020, Replacement of Tanks and Boilers in City Buildings - \$250,000.00, neither of which has been reimbursed nor completed to date;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$35,775.00 for the replacement/repair of the Cross Street Bridge, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$200,000.00 to cover the total costs of replacement of public building roofs; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 7, 1989; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for Project No. 034-88-010, City Hall Roof Replacement/Repair - \$65,311.00; and Project No. 034-88-020, Replacement of Tanks and Boilers in City Buildings - \$250,000.00, neither of which has been reimbursed nor completed to date;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$200,000.00 for the replacement of public building roofs, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$83,617.00 to cover the total costs of rebuilding and repaving of highways of the City of Danbury; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 7, 1989; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for Project No. 034-88-010, City Hall Roof Replacement/Repair - \$65,311.00; and Project No. 034-88-020, Replacement of Tanks and Boilers in City Buildings - \$250,000.00, neither of which has been reimbursed nor completed to date;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$83,617.00 for the rebuilding and repaving of highways of the City of Danbury, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$25,500.00 to cover the total costs of replacement/repair of a fire rated ceiling at Tarrywile Park; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 7, 1989; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for Project No. 034-88-010, City Hall Roof Replacement/Repair - \$65,311.00; and Project No. 034-88-020, Replacement of Tanks and Boilers in City Buildings - \$250,000.00, neither of which has been reimbursed nor completed to date;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$25,500.00 for the replacement/repair of a fire rated ceiling at Tarrywile Park, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$135,000.00 to cover the total costs of water service repair/work at Tarrywile Park; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission on February 7, 1989; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing; and

WHEREAS, the City of Danbury has received no prior local capital improvement grants under Connecticut General Statutes Section 7-536(4) except for Project No. 034-88-010, City Hall Roof Replacement/Repair - \$65,311.00; and Project No. 034-88-020, Replacement of Tanks and Boilers in City Buildings - \$250,000.00, neither of which has been reimbursed nor completed to date;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$135,000.00 for the water service repair/work at Tarrywile Park, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes hereof.

The resolutions were adopted on the Consent Calendar.

5-COMMUNICATION - Letter from Mayor Sauer appointing Virginia Gustafson, 15 Wedgewood Drive to the Cultural Commission for a term to expire 2/1/92. The appointment was confirmed on the Consent Calendar.

6-COMMUNICATION - Letter from Mayor Sauer appointing Salvatore DiBetta, 142 Westville Avenue Ext. to the EIC as an alternate for a term to expire 12/1/90. Mr. Cresci made a motion to confirm the appointment. Seconded by Mr. Bundy. Mr. Bundy stated that Mr. DiBetta is a person of high integrity and the fact that he holds a real estate license should not be a deterrent in his desire to serve. Mr. Renz asked that this be referred to committee. Mayor Sauer appointed Council Members Renz, Shaw and Gallo to the committee.

7 - COMMUNICATION - Letter from Department of Parks and Recreation Director Robert Ryerson requesting permission to accept a donation of a ticket booth for the entrance to Candlewood Park. Mr. Cresci made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Bundy. Motion carried unanimously.

8 - COMMUNICATION - Letter from Chairman of the Board of Education John Pepe asking that a supplemental allocation for 1989-90 be made to the Board based on the amount of additional State aid that the Comptroller certifies that Danbury will receive. Mrs. Butera asked that this be referred to an ad hoc committee, the Board of Education, Dr. Singe and the Comptroller. Mayor Sauer so ordered and appointed Council Members Fazio, Nimmons, Eriquez to the committee.

9 - COMMUNICATION - Letter from Diana Burgos submitting project proposals to be included in the 1989 Neighborhood Assistance Program. Mr. Connell asked that this be referred to public hearing. Mayor Sauer so ordered and appointed Council Members Renz, Danise and Gallo to the committee.

10 - COMMUNICATION - Seymour R. Powers v. City of Danbury. Mr. Bundy 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 Councilman Charles setting out a proposal for the maintenance of an aerial ladder truck and the serious consideration of purchasing two ambulance chassis. Mr. DaSilva asked that this be referred to an ad hoc committee, Fire Chief, Comptroller, the Superintendent of Apparatus and the Ambulance Supervisor. Mayor Sauer so ordered and appointed Council Members Connell, Shaw and Charles to the committee.

12 - COMMUNICATION - 32A Carriage House Drive, Craftsmen Construction. Letter from Craftsmen Construction, Inc. petitioning the City for a rebate and forgiveness of interest and lien fees accrued and paid on delinquent taxes paid in August, 1988. Mrs. Butera asked that this be referred to the Corporation Counsel and the Tax Assessor for a report back in thirty days. Mayor Sauer so ordered.

13 - COMMUNICATION - Petition from residents of Pleasant Drive requesting that the City maintain this road. Mr. Connell asked that this be referred to an ad hoc committee, Director of Public Works, Superintendent of Highway and Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Moran, Bourne and Gallo to the committee.

14 - COMMUNICATION - Request from Donald Atterl for water extension at 24 Mill Plain Road. Mrs. Butera asked that this be referred to an ad hoc committee, City Engineer, Superintendent of Public Utilities and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Zotos to the committee.

15 - COMMUNICATION - Report from Director of Public Works regarding property complaint on South Meadow Drive. The report was accepted on the Consent Calendar.

16 - COMMUNICATION - Request for Council Member Bourne requesting that an ad hoc committee be appointed to oversee the parking garage referendum. Mr. Eriquez asked that this be referred to an ad hoc committee the Parking Authority, the Comptroller and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bourne, Danise and DaSilva.

17 - COMMUNICATION - Letter requesting that a crosswalk light be installed at the intersection of Tamarack Avenue and Hayestown Avenue. Mr. Connell asked that this be referred to the Police Chief and the Traffic Engineer for a report back in thirty days. Mayor Sauer so ordered.

18 - COMMUNICATION - Letter from Police Chief Nelson Macedo enclosing a traffic engineering study on conditions at the intersection of Triangle Street and Lee Mac Avenue. Mrs. Butera asked that this be referred to an ad hoc committee, Police Chief, Traffic Engineer and the Comptroller. The Mayor so ordered and appointed Council Members Nimmons, Moran, Cresci, Esposito and Farah to the committee.

19 - COMMUNICATION - Request for reimbursement of towing fee. Mr. DaSilva asked that this be referred to the Corporation Counsel for claims. Mayor Sauer so ordered.

20 - COMMUNICATION - Complaint against the Welfare Department. Mr. Cresci asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Connell, Moran and Cassano to the committee.

21 - COMMUNICATION - Letter from René LeDuc setting out concerns about the Airport. Mr. Renz asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Shaw, Connell, Danise, DaSilva and Flanagan to the committee.

22 - DEPARTMENT REPORTS - Public Works, Health, Engineering, Public Buildings, Parks and Recreation. Mr. DaSilva made a motion to accept the Department Reports and waive the reading of same 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.

23 - REPORT & CERTIFICATION - Request for Funding for structural repairs at Broadview Jr. High School.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for emergency funding for Broadview Jr. High School structural repairs met on June 20, 1989 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and Connell. Also attending were Council Member Charles, ex-officio, Superintendent of Public Buildings Rick Palanzo, Dr. Anthony Singe and City Engineer Jack Schweitzer, as well as Comptroller Dominic Setaro.

Mr. Palanzo explained the structural defects in the building and stated that a structural engineering report indicated that this is an emergency situation that should be repaired as soon as possible. Mr. Regan asked if temporary repairs could be made to last for a year or two. Mr. Schweitzer stated that temporary repairs would cost 50 to 60% of the total repair and would be a waste of money.

Mr. Setaro stated that since these repairs were not budgeted for, the money would have to come from the contingency account or from the additional \$900,000 revenue anticipated from the State.

Mr. Connell made a motion to approve the funding for the \$200,000 structural repairs to Broadview Jr. High School from the additional revenue coming from the State. Seconded by Mr. Regan. Motion carried unanimously.

Mr. Charles made a motion that the report be accepted and the transfer of funds authorized. Seconded by Mr. Connell.

Mr. Flanagan asked when this problem occurred. Mr. Palanzo stated that it was after the budget was adopted in May. Mr. Cresci asked what the structural repairs were. Mr. Palanzo stated that the west wall needed to be rebuilt. Motion carried unanimously.

24 - REPORT - Request for Sewer Extension on Shannon Ridge and Fairlane Avenue.

The committee regarding the above captioned matter met on June 7, 1989. In attendance were Committee Members Regan and Charles. Also attending were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and petitioners Husain and Rubinow.

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer extension.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the sewer lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

Mr. Regan made a motion that this be deferred to public hearing. Seconded by Mr. Charles. Motion carried unanimously.

25 - REPORT - Dedication of a line item for supplementary education fund for 1989-90.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the request for the dedication of a line item for a supplementary education fund for 1989-90 met on June 20, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Roger Bundy, Chairman and Dr. Mounir Farah. Also present were Council Members Shaw, Flanagan and Charles, ex-officio, Comptroller Dominic Setaro and Dr. Anthony Singe, Superintendent of Schools.

During discussion, attention was focused on the unencumbered funds available in the Board of Education budget at the end of a fiscal year and how best these funds can be utilized to offset future budgetary constraints. Mr. Setaro explained that unencumbered funds are not available for use until a final audit is complete, usually in November or December following the end of the fiscal year. At that time whatever is determined to be excess monies (not encumbered) may be appropriated into a separate fund. Currently, such designated monies are put into the City's Surplus Account. Mr. Setaro further advised that any specific donations from individuals or corporations may also be directed to a separate fund.

Dr. Farah made the following motion:

"It is recommended to the Common Council that a Resolution be enacted that directs any excess funds produced from the Board of Education Budget after said budget has withstood a final audit certification and funds have been certified as excess by the Director of Finance to the existing Education Department Budget. Also, it is recommended that the Council continue to accept donations to the Board of Education and direct them to the education budget. Motion was seconded by Mr. Bundy and passed unanimously.

The report was accepted on the Consent Calendar.

26 - REPORT - Request for funding for revitalizing Police Department Heating and Cooling System.

Mr. Regan submitted the following report with certification attached:

The ad hoc committee appointed to review the request for funding to revitalize the Police Department heating and cooling system met on June 20, 1989 at 8:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and Connell. Also attending were Councilman Charles, ex-officio, Richard Palanzo, Dominic Setaro and Officers Roman, Hulton, Sullo and King from the Police Department.

Mr. Palanzo explained that the heating and air conditioning system in the Police Department is broken and rather than spend money on repairs to an 18 year old system which keeps breaking, it would be wiser to follow the recommendations of the report by Savage Engineering Incorporated and replace the a/c roof top unit, heat coils and ventilation controls with a complete properly designed system. Mr. Palanzo said the new rooftop a/c unit should be replaced before the roof is redone.

Mr. Connell made a motion that \$106,000 be approved for the repairs to the heating and cooling systems at the Police Department. Seconded by Mr. Regan. Motion carried unanimously.

Mr. Charles made a motion to accept the report and authorize the transfer of funds. Seconded by Mrs. Butera.

Mr. Palanzo explained that the money for this project was put into the Capital Budget but was not approved. Mr. Cresci asked how much has already been spent on repairs to the system. Mr. Palanzo stated that approximately \$20,000 has been spent. Mr. Farah stated that the Council has already spent \$300,000 from the contingency account and the Council should be concerned about authorizing so many expenditures so early into the new fiscal year.

Motion carried with Council Members Farah, Flanagan and Cresci voting in the negative.

27 - REPORT - Downtown Redevelopment Project.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the Downtown Redevelopment Project convened on Monday, June 19, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Flanagan and DaSilva. Also attending were Planning Director Dennis Elpern and Building Inspector Leo Null.

Mr. Bundy opened the meeting by discussing the fact that the Common Council has no actual decision making responsibilities regarding the Downtown Redevelopment Project (Errichetti). However, it is the duty and responsibility of this committee to ascertain the current state of affairs regarding the project and report the findings to the full Council in a report.

Mr. Elpern and Mr. Null are members of the Mayor's Advisory Committee on Inverness Towers, Danbury Green Phase I, with the former serving as Chairman. A copy of the committee's report dated June 16, 1989 is attached. This report is self-explanatory and serves as a useful update on the project. Mr. Null discussed several items that were addressed this morning at a meeting he attended with personnel involved with the project. Some facts brought out are that 204 proposed units represent a 25 unit increase over the original 1986 plan (179 units); there are approximately 60 units which have only 600 square feet of space; others with only 870 square feet of space and only 5 proposed two bedroom 1800 square foot units. The exact number of units in each category is not as yet known. At an asking price of \$100,000 to \$140,000 these specific units seem to be quite small.

It is the feeling of the committee that responsibility for the project's completion in a manner that benefits downtown is the responsibility of the Mayor and the Redevelopment Agency.

Mr. Flanagan made a motion to accept the findings of the Mayor's Advisory Committee and inform the Common Council of their actions (report attached). Seconded by Mr. Bundy and carried unanimously.

The report was accepted on the Consent Calendar.

28 - REPORT - Traffic Control Signal, Route 39 at King Street and Padanaram Road. Mrs. Bourne submitted the following report:

The committee appointed to review the above met on June 19, 1989, at 7:13 P.M., in Room 432 of City Hall. In attendance were committee members, L. Bourne, M. Fazio, and ex-officio member L. Charles. Committee member J. Butera was unable to attend. Also, attending were Nelson Macedo, Chief of Police, and Jack Schweitzer, City Engineer.

The above traffic signal request came to Chief Macedo via a petition from residents in the above area. Chief Macedo stated that it was one of the largest petitions that he has seen in a long time. As Route 39 is a State road, the State of Connecticut, Department of Transportation, conducted a survey to ascertain whether a signal was warranted. In their opinion, it is warranted.

As this is a four-way intersection, the State would pick up one-half of the installation cost. Chief Macedo in conversation with DOT ascertain that the cost will run approximately \$61,000. The State will design, install and maintain the signal. The City, as with all lights, will pay the electricity for its operation.

As the State Department of Transportation; Police Chief, Nelson Macedo; City Engineer, Jack Schweitzer; and City Traffic Engineer, Abdul Mohammed, all agree that a signal is warranted, Mr. Fazio made the following motion: to recommend to the Council funding for a traffic control signal at the intersection of Rte. 39 at King Street & Padanaram Road. Mrs. Bourne seconded. Passed unanimously.

Mrs. Bourne moved to adjourn at 7:20 P.M. Seconded by Mr. Fazio. Passed unanimously.

Mr. Charles made a motion that the report be accepted. Seconded by Mr. Bundy.

Mr. Esposito asked what the City's cost would be. The City's share would be \$30,500. Mr. DaSilva asked for some background information. Mr. Fazio stated that he could not recall but that Chief Macedo did have all the information. Mr. DaSilva asked what times the light would be working. Mr. Fazio said that it would be signalized. Mr. Flanagan stated that he was troubled by the State's estimate. Mr. Setaro stated that he had no estimates and also stated that the Council should be concerned about spending so freely from the Contingency Account.

Motion fails with the members voting as follows:

Yes - Connell, Renz, Zotos, Nimmons, Fazio, Charles, DaSilva.

No - Gallo, Moran, Esposito, Farah, Flanagan, Cresci, Bundy, Butera, Danise, Eriquez, Regan.

7 Yes - 11 No.

29 - REPORT - Landfill Tipping Fees. Mr. Bundy submitted the following

The Common Council Committee appointed to review landfill tipping fees convened on Monday, June 19, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and Danise. Mr. Cassano was unable to attend due to a business commitment out of town. Also in attendance were Michael Cech, General Manager of Solid Waste; David Gervasoni and Councilman Louis Charles, ex-officio.

Mr. Bundy opened the meeting by giving an overview of the landfill section of the Public Works budget for 1989-90 specifically regarding the proposed and approved tipping fee increase (\$18 per ton to \$25 per ton). Discussion focused on Mr. Cech's presentation during the budget meeting wherein he explained the reasoning and justification for the aforementioned increase.

Mr. Cech advised the committee that the present structure of fees and permitting is sufficient to support his department. He further advised that if indeed events occur which would affect the adequacy of the current program he will request a committee of the Common Council to address the problem at the proper time.

Mrs. Danise made a motion to recommend to the Common Council that no increase in the landfill tipping fee be imposed at this time. Seconded by Mr. Bundy and passed unanimously.

The report was accepted on the Consent Calendar.

30 - REPORT - Noise problem at Hatters Park.

Mr. Connell submitted the following report:

The committee appointed to review the complaint regarding noise at Hatters Park met on Thursday, June 15, 1989 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Connell and Gallo. Also in attendance were Council Members Charles, ex-officio; Deputy Police Chief Gantert, Chairman of the Parks and Recreation Commission and residents of Sherry Lane.

After a lengthy discussion, Mr. Gallo made a motion that the outside amplifiers were to be removed and the inside amplifiers were to be toned down. After further discussion, the fee for cleaning up and following the closing rules were raised from \$50 to \$250 for the outside pavilion but will remain the same for the inside pavilion. Motion was seconded by Mr. Connell.

Mr. Gallo moved that the report be accepted. Seconded by Mr. Cresci. Mr. Eriquez stated that the ordinance gives the Parks and Recreation Director the authority to regulate the park rules and that some affairs already booked should not be penalized and could perhaps be grandfathered in. Mr. Gallo said that that was agreeable.

Mr. Regan asked why the large jump in cleanup costs. Mr. Connell stated that Mr. Ryerson felt it was warranted due to vandalism. Motion carried with Mr. Flanagan and Dr. Farah voting in the negative.

31 - REPORT - Scale House Lease - WITHDRAWN.

32 - PROGRESS REPORT - City Vehicles.

Mr. Shaw submitted the following progress report:

The Common Council Committee appointed to review use of City vehicles met in the Fourth Floor Lobby on June 7, 1989 at 7:30 P.M. In attendance were committee members Shaw and Renz. Mr. DaSilva was absent. Also attending were Council Members Danise and Connell, ex-officio and Comptroller Dominic Setaro.

Mr. Shaw questioned Mr. Setaro on IRS rules and regulations concerning private use of City vehicles i.e. to and from home. Mr. Setaro said that the individual using the car volunteers the information to the comptroller and he in turn includes this with the individuals annual compensation. Mr. Connell asked Mr. Setaro whether we would get a reduction in our insurance premium if we were to have a motor pool type system? Mr. Setaro said that it would be a saving of money. However, a centralized secure area would be difficult for parking said vehicles.

Mr. Renz moved that the committee request from the Executive branch a copy of ongoing feedback from department heads on usage of vehicles assigned their respective departments. Seconded by Mr. Shaw and carried. Mr. Renz also moved that the City should institute mileage logs for all City vehicles with the exception of public safety, i.e. fire and police. This is presently used by the State of Connecticut to separate personal from business mileage. This would also be a good indicator of how much useage we are getting from City vehicles and assist in determining if we could reduce the current inventory. Seconded by Mr. Shaw and carried. Mr. Renz also moved that City seals should be applied to all City vehicles with the exception of public safety vehicles. Seconded by Mr. Shaw and carried.

Mr. Connell made a motion to accept the report. Seconded by Mr. Charles. Mr. Flanagan stated that some discretion should be used concerning the City seals as some autos are used for undercover work. Motion carried with Mr. Esposito voting no.

33 - COMMUNICATION - Letter from Landfill Director Michael Cech requesting correction in permit fees. Mr. Connell made a motion to add this to the agenda. Seconded by Mr. Charles. Motion carried with Mrs. Butera voting in the negative.

Mr. DaSilva asked that this be deferred to Public Hearing. Mayor Sauer so ordered.

34 - REPORT - Executive Air Service Lease.

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

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the proposed lease between the City of Danbury and Executive Air Service, Inc. met on Monday, July 3, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and DaSilva. Also attending were Airport Administrator Paul Estefan, Assistant Corporation Counsel Les Pinter, Chairman of the Aviation Commission Donald Crudginton, Vice-Chairman Ray Sherwood and Felix Charney of Executive Air Service.

Mr. Bundy prefaced the meeting by stating that he had met with Dominic Setaro earlier that day and engaged him in thorough discussion regarding the item in question. Specifically, Mr. Bundy was concerned with the term of the lease (25 years with a 15 year option) and the rent schedule. Mr. Setaro explained that the term is standard for the most part and designed to encourage the lessee to make improvements and enhancements to the property and business thus helping to ensure a viable and thriving business which benefits the City. As regards the rent schedule, Mr. Setaro explained that for the first five years the amount paid (\$7,934) would not change but thereafter an equitable formula is applied which increases the amount paid by the Lessee to insure adequate compensation to the City. Mr. Setaro assured Mr. Bundy that the figures were competitive and fair to both parties especially considering that Executive Air Service has agreed to commit \$1,000,000 to the improvements of the facility to be expended no later than October 1, 1991 (page 2, item 4, Site Improvement/Approval of Plans).

A vigorous discussion ensued concerning the lease with specific attention being given to the following:

1. Lessor Development Rights (page 13, item 25);
2. Additional Area (page 15, item #32);
3. Exhibit C (fee schedule).

Lessor Development Rights - In essence, this section states that the City cannot build T-Hangars for a period of two years (period begins from the date upon which approvals are given to Executive Air or October 1, 1989

and cannot extend beyond October 1, 1991). This T-Hangar provision will not be applicable if the Federal Aviation Administration (FAA) objects to its inclusion (decision pending). The committee, as well as Messrs. Estefan, Crudginton and Sherwood were against inclusion of this provision. However, after much discussion, they agreed to its incorporation into the agreement pending no objections by the FAA. Initially, the committee felt that inclusion of this provision constituted a precedent setting concession on the City's part in dealing with Fixed Based Operators (FBOs) and may exclude the City from engaging in an income producing venture. However, after examining the plans of Mr. Chaney and taking into account his monetary commitment of \$1,000,000, the committee reconsidered. If Executive Air Service is allowed to pursue their plan and build a viable, vigorous business, the City will benefit in a monetary way vis a vis the five cent (.05) payment on each gallon of gas delivered to the facility (which we do not receive at present). The \$1,000,000 improvement plan will generate more tax income and the City will not have to continue to pursue the litigation against Connecticut Air. It was also the committee's conclusion that the City has no current plans to construct T-Hangars and it would take at least two years to pursue the venture if indeed we wanted to. There is no restriction on other FBO's constructing T-Hangars and they may do so if not restricted by a lease agreement or the FAA.

Additional Area - Initially, the committee was concerned with the intent of this provision as it allows Executive Air to acquire additional City land at the same rate of payment. The committee was satisfied that this provision is included to protect all parties in the event that it becomes necessary for the City to encumber upon Executive Air in connection with the operation of their facility. If indeed it becomes necessary to do so, Executive Air would be allowed to rent adjacent and/or contiguous space to accommodate the imposition.

Exhibit C - The committee was concerned with the annual rent schedule being competitive and adequate. After discussion, the committee accepted the exhibit as being satisfactory.

In summary, the committee feels that Executive Air Service and the proposed lease agreed are good for Danbury. Currently, our position with Conn Air is a no win situation. Not only are we faced with continuing litigation, but there is no income being generated to the City from gasoline delivery. The current lease with Conn Air calls for \$5,200 per year and can only be increased in a re-evaluation year (per contract). With Executive Air Service, Mr. Charney has agreed to pay \$7,934 in rent for the first five years escalating to \$37,460 in the twenty-fifth year.

He has also agreed to put in \$1,000,000 worth of improvements and betterments thereby increasing the tax base. Executive Air will also abide by an agreement with the City to pay five cents per gallon on all gasoline (which we are not currently receiving). The construction of T-Hangars will generate more business, a larger tax base and more gas sales as well. The committee feels that the Council has an opportunity to create a plus out of a minus in this situation.

Mr. DaSilva made the following motion:

"The committee recommends that the full Common Council approve the lease between the City of Danbury and Executive Air Service contingent upon prior approval being given by the Planning Commission. Seconded by Mr. Bundy. Motion carried unanimously.

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

35 - COMMUNICATION - Letter from Council Member Michael Fazio asking for the Council, the Mayor and Police Union representatives to have an informational meeting. Mr. Connell made a motion to add this item to the agenda. Seconded by Mr. Moran. Motion carried with Mrs. Butera voting in the negative.

Mr. DaSilva made a motion to accept the communication. Seconded by Mr. Nimmons. The Mayor stated that Sec. 7-474(a) designates responsibility for negotiations to the Mayor, not the Common Council but that an informational session would be fine. However, questions must be asked carefully due to prohibitive labor practice laws. The Mayor stated that he and the negotiating team would be happy to meet with the Common Council at any time but would advise that the Council not meet with the City and the Union at the same time.

Mr. Nimmons made a motion that the Council Leadership meet with the Mayor and issue an information report to the full Council. Seconded by Mrs. Butera. Mr. Zotos asked for an opinion from Mr. Resha. Mr. Resha stated that there is no place for the Council to become involved in the process. Mr. Zotos asked if the motion is in order. Mr. Resha stated that it is if the meeting remains an informational one.

Mr. Nimmons stated that all Council Members have the highest respect for all police officers. The motion carried with the members voting as follows:

Yes - Connell, Gallo, Moran, Nimmons, Charles, Bundy, Butera, Danise, DaSilva, Eriquez, Regan.

No - Renz, Esposito, Farah, Flanagan, Zotos, Cresci, Fazio.

11 yes - 7 no

36 - COMMUNICATION - Request for Funding to repair roof at Fire Department Headquarters. Mr. Connell made a motion to add this to the agenda. Seconded by Mr. Charles. Motion fails with the members voting as follows:

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

No - Moran, Renz, Cresci, Nimmons, Fazio, Butera, Danise.

11 Yes - 7 No.

37 - COMMUNICATION - Report from City Engineer Jack Schweitzer regarding the acceptance of Centennial Drive. Mr. Connell made a motion to add this item to the agenda. Seconded by Mr. Fazio. Motion carried with Council Members Moran, Cresci and Butera voting in the negative. Mr. Fazio referred this to an ad hoc committee and the City Engineer. Mayor Sauer so ordered and appointed Council Members Regan, Butera and Cresci to the committee.

38 - COMMUNICATION - Paramedic Contract. Mr. Flanagan made a motion to add this item to the agenda. Seconded by Mr. Nimmons. Motion carried with Mrs. Butera voting in the negative. Mr. Eriquez referred this to committee and made a motion to appropriate \$14,003 for the continuation of the contract for another thirty days. Seconded by Mr. Bundy. Motion carried unanimously. Mayor Sauer appointed Council Members Fazio, Nimmons and Eriquez to the committee.

Regarding item 28, Mr. Nimmons stated that he knows that money is short, but this is a very dangerous intersection and asked that the Council reconsider it at some point.

Mr. Moran made a motion to go into Executive Session. Seconded by Dr. Farah. Motion carried unanimously. Upon returning from Executive Session regarding item 10, Mr. Flanagan made a motion to approve the settlement. Seconded by Mr. Bundy. Motion carried with Mr. Cresci voting in the negative.

Mayor Sauer replaced Councilman Cresci with Councilman Regan at his request as Chairman of the Sewer and Water Committee on Southern Boulevard and replaced Councilman Cresci with Councilman Connell as Chairman of the Rogers Park Curfew committee. Mr. Cresci will continue to serve on the committees.

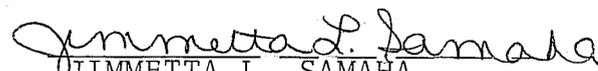
PUBLIC SPEAKING

Robert Williams, 10 Bear Mountain Road - President of the Police Union. Mr. Williams read a statement urging settlement of the Police Union Contract and urged Mayor Sauer to intervene in the negotiations.

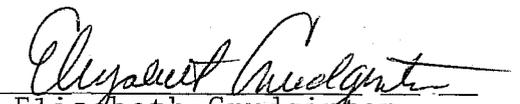
Kevin Tucker, 43 Chambers Road - Spoke on the Police contract negotiations and on long range planning of Danbury.

There being no further business to come before the Common Council a motion was made by Councilman Moran for the meeting to be adjourned at 10:06 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk