

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

RE: Minutes of the Common Council Meeting held September 6, 1989.

The Meeting was called to order at 8:02 P.M. by Mayor Sauer who led the assembly in the Pledge of Allegiance. Councilman Esposito offered the Prayer. The members were recorded as:

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

Absent - Gallo, Shaw

Mr. Eriquez stated that Mr. Gallo had a previous business committment and Mr. Fazio stated that Mr. Shaw was out of town.

Mayor Sauer announced that on September 12th Councilman John Esposito will celebrate his 65th birthday.

CONSENT CALENDAR - Mr. Fazio presented the following items for the consent calendar:

- 2 - Resolution - Commerce Park Crossing
- 3 - Resolution - Tax Abatement - Beaver Street Apartments
- 4 - Resolution - Grant from the Center for Environmental Health
- 5 - Communication - Appointments to the Cultural Commission
- 6 - Communication - Appointments to the Constables Association
- 7 - Communication - Appointment to the Lake Kenosia Commission
- 8 - Communication - Special Police Officers - Housing Authority
- 17 - Communication & Certification - Request for Funds to pay Tax Bill
- 33 - Communication - Report from Corporation Counsel on Grenier Tax Delinquency
- 36 - Communication - Report from Planning Director on Farview Avenue Change of Name
- 42 - Report - Request for additional Funding for the Board of Education
- 44 - Report - Appointment of Alternate to the Environmental Impact Commission
- 46 - Report - Proposed Ice Skating Rink
- 47 - Progress Report - Alternate Site for CACD Daycare Center
- 48 - Progress Report - Request for Sewer Extensions - Farview Avenue and Smith Street
- 49 - Progress Report - Traffic Control Signal at Lee Mac Avenue and Triangle Street
- 50 - Report - Request for Water Extension - 99 Federal Road

Mr. Eriquez made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Moran. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held August 1, 1989 and the Special Common Council Meeting held August 15, 1989. Mr. DaSilva made a motion that the minutes be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Flanagan. Motion carried unanimously.

1. - ORDINANCE - Appropriations and bonding for improvements to the Wastewater Treatment System. Mrs. Butera asked that this be deferred to public hearing. Mayor Sauer so ordered.

2. RESOLUTION - Commerce Park Crossing.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council has allocated funds for the construction of a Commerce Park Crossing; and

WHEREAS, this project will oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, a prior resolution approving the acquisition of certain properties was approved on February 7, 1989; and

WHEREAS, property in addition to that earlier referenced will be necessary to accomplish the purposes hereof; and

WHEREAS, said additional property is shown and designated on a certain map entitled "Proposed 'Taking' Map Eagle Road Connector Danbury, Connecticut" dated May 4, 1989; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the following properties and owners thereof, their successors and assigns and their respective mortgage holders, if any, the affected properties being indicated by the legal descriptions and schedule annexed hereto.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - Tax Abatement - Beaver Street Apartments.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under Section 8-215, Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Contract with Beaver Street Apartments (9-25-73) and a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Assistance Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$2,257,000.00; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is \$31,500 for the Grand List of October 1, 1988;

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

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;

2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury;

3. That the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1988;

4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax, so abated, was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in his Annual Report in accordance with the provisions of Section 12-167 of the Connecticut General Statutes, as amended;

5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Housing.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Grant from the Center for Environmental Health.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Center for Environmental Health has made funds available to municipalities, academic institutions and other interested health organizations; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to evaluate and demonstrate the functional values of wetlands as a training tool for members of the Danbury Environmental Impact Commission, Health Department staff and other conservation officials; and

WHEREAS, a grant award of \$4,000.00 with no local match requirement will be processed by the Danbury Health and Housing Department;

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 it required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury is authorized to make, execute and approve any and all contracts or amendments thereof with the Center for Environmental Health and to take any actions necessary to effectuate the purposes of said program.

The Resolution was adopted on the Consent Calendar.

5 - COMMUNICATION - Letter from Mayor Sauer reappointing Ada Humphreville to the Cultural Commission for a term to expire 2/1/92 and appointing Virginia Gustafson for a term to expire 2/1/91 and Mel Schwartz and Helen Masterson for terms to expire 2/1/92. The appointments were confirmed on the Consent Calendar.

6 - COMMUNICATION - Letter from Mayor Sauer appointing Michael H. Dobson, Christopher Hale, Craig Simone and Maria Lynn Taylor to the Constables Association. The appointments were confirmed on the Consent Calendar.

7 - COMMUNICATION - Letter from Mayor Sauer appointing G. Douglas Lawrence to the Lake Kenosia Commission for a term to expire 5/1/92. The appointment was confirmed on the Consent Calendar.

8 - COMMUNICATION - Letter from Chief Macedo requesting that the line item for the Housing Authority be increased by \$20,000. The monies will be returned by the Housing Authority. The request was granted on the Consent Calendar.

9 - COMMUNICATION - Letter from Leo McIlrath requesting permission to accept a donation in the amount of \$700 from the Perkin-Elmer Corporation's "Good Neighbor Fund" to be used for the purchase of a freezer for Interweave. Mrs. Butera made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Cresci. Motion carried unanimously.

10 - COMMUNICATION - Letter from Leo McIlrath requesting permission to accept a donation of \$1,700 from the Good Neighbor Fund of the Perkin-Elmer Corporation for the Department of Elderly Services. Mr. Cresci made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Flanagan. Motion carried unanimously.

11 - COMMUNICATION - Letter from Betsy McDonough requesting permission to accept a donation in the amount of \$20 from Agnes P. Heyde for the Library. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Cresci. Motion carried unanimously.

12 - COMMUNICATION - Letter from Frank Mastroiani requesting permission to accept a donation of computer paper from Davis and Geck. Mrs. Butera make a motion to accept the donation and send a letter of thanks. Seconded by Mr. Bundy. Motion carried unanimously.

13 - COMMUNICATION - Letter from Council Member William Shaw requesting a 6% increase in the Town Clerk's salary. Mr. Flanagan asked that this be referred to an ad hoc committee. Mayor Sauer so ordered and appointed Council Members Renz, Shaw and Flanagan to the committee.

14 - COMMUNICATION - Letter from Deborah H. Dufel, President of the Creative Recreation Foundation of Greater Danbury requesting the sum of \$2,500 to promote fund raising for the playgrounds. Mr. Bundy made a motion to accept the communication and grant the request pending certification. Seconded by Mr. Renz.

Mr. Eriquez made a motion to suspend the rules to allow Ms. Dufel to address the Council. Seconded by Mr. Connell. Motion carried unanimously. Ms. Dufel explained the concept of the playgrounds and how they will be built. She answered other questions from the Council regarding the funding. Mr. Zotos asked what the goal of the organization is. Ms. Dufel replied that it is \$67,500 of which \$31,500 has already been raised. Mr. Farah made a motion to move the question. Seconded by Mr. Nimmons. Motion carried with Mr. Cresci voting in the negative.

Main motion carried with Mr. Flanagan voting in the negative.

15 - COMMUNICATION & CERTIFICATION - Letter from Risk Manager Thomas Fabiano requesting funds for employee benefits. Mr. Bundy requested that this be referred to an ad hoc committee, the Comptroller and the Risk Manager. Mayor Sauer so ordered and appointed Council Members Bundy, Shaw and Eriquez to the committee.

16 - COMMUNICATION - Request for Supplemental 1989-90 School Board Budget Allocation. WITHDRAWN.

17 - COMMUNICATION & CERTIFICATION - Letter from Comptroller Dominic Setaro requesting the sum of \$2,292 to pay a yearly tax bill from the Town of New Fairfield for property located in New Fairfield which was left to the City by the estate of Alta Keenan. The communication was accepted and the transfer of funds authorized on the Consent Calendar.

18 - COMMUNICATION & CERTIFICATION - Request from Fire Chief Lagarto requesting additional funds for the purchase of an aerial ladder truck in the amount of \$18,394. Mr. Bundy made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Charles.

Mrs. Bourne asked why only 1 bid was received. Mr. Lagarto explained that most companies do not make this type of truck. Motion carried unanimously.

19 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric Gottschalk asking for appropriate action on the FCI Sewer Line Transfer. Mr. Bundy asked that this be referred to the Planning Commission for a report back in thirty days. Mayor Sauer so ordered.

20 - COMMUNICATION - Sublease agreement with Danbury Hospital for Office Space at 23-25 Orchard Street. Mr. Connell asked that this be referred to an ad hoc committee, the Director of Health, the Planning Commission and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Moran, Cresci and Butera to the committee.

21 - COMMUNICATION - Renovations to the Wastewater Treatment Plant Property Acquisitions. WITHDRAWN.

22 - COMMUNICATION - Letter from Mayor Sauer together with a letter from developer Paul Valeri requesting that the City consider reimbursing the NPDCD for the cost of connecting the Hatters Yard project to the City sewer and water systems. Mr. Fazio asked that this be referred to an ad hoc committee, the Comptroller and the Superintendent of Public Utilities. Mayor Sauer so ordered and appointed Council Members Renz, Danise and Farah to the committee.

23 - COMMUNICATION - Letter from Director of Public Works Daniel Minahan requesting funds to move the Boulevard Drive project ahead. Mrs. Butera asked that this be referred to an ad hoc committee, the Comptroller, the Director of Public Works and the City Engineer. Mayor Sauer so ordered and appointed Council Members Cresci, Shaw and Cassano to the committee.

24 - COMMUNICATION - Shannon Ridge and Fairlawn Avenue Sewer Extension WITHDRAWN.

25 - COMMUNICATION - Redevelopment Agency of the City of Danbury v. Hat City Marketplace, et al. Letter from Attorney Richard Kilcullen requesting permission to convey a portion of the premises on the condemned premises to Hat City. Mr. Bundy made a motion to accept the communication and approve the plan. Seconded by Mr. Eriquez.

Mr. Connell made a motion to suspend the rules to allow Attorney Kilcullen to address the Council. Seconded by Mr. Eriquez. Motion carried unanimously. Mr. Kilcullen explained the history of the project and answered questions from Council Members. Motion carried with Mrs. Bourne voting in the negative.

26 - COMMUNICATION - Request from Council Member Michael Fazio requesting reconsideration of installing of traffic light at the intersection of Route 39 and King Street. Mrs. Butera asked that this be referred to an ad hoc committee and the Comptroller. Mayor Sauer so ordered and appointed Council Members Fazio, Bourne and Esposito to the committee.

27 - COMMUNICATION - Request from Council Member Michael Fazio request a task force be appointed to make recommendations to the Board of Education. Mrs. Butera requested that this be referred to the Mayor's Office.

28 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric Gottschalk requesting Council authorization to execute the modification in PAC v. City of Danbury. Mr. Bundy asked that this be referred to an ad hoc committee, the Superintendent of Public Utilities, the Comptroller and the Corporation Counsel. Mayor Sauer so ordered and appointed Council Members Bundy, Regan, Shaw, DaSilva and Gallo to the committee.

29 - COMMUNICATION - Letter from Attorney William J. St. John asking for a clarification of the Council's position on the sale of property on Maple Avenue. Mrs. Butera asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Sauer so ordered.

30 - COMMUNICATION - Letter from Landfill Manager Michael Cech asking for two changes in Section 16A-31(b) of the Code of Ordinances, "Temporary Permits". Mrs. Butera asked that this be referred to the Corporation Counsel for drafting of the ordinance. Mayor Sauer so ordered.

31 - COMMUNICATION - Letter from Superintendent of Public Utilities William Buckley requesting that the Common Council approve the easement of Josephine Martin on Route 37. Mr. Bundy asked that this be referred to the Corporation Counsel, an ad hoc committee and Mr. Buckley. Mayor Sauer so ordered and appointed Council Members Nimmons, Connell and Zotos to the committee.

32 - COMMUNICATION - Letter from Comptroller Dominic Setaro requesting that an ad hoc committee be established to review whether or not additional appropriations by the City to the State and Federal Projects' budget will be needed. Dr. Farah asked that this be referred to an ad hoc committee, the Comptroller and Dr. Singe. Mayor Sauer so ordered and appointed Council Members Moran, Nimmons and Flanagan to the committee.

33 - COMMUNICATION - Report from the Corporation Counsel on the Grenier Tax Delinquency stating that state statutes require the payment of interest on all delinquent taxes regardless of the cause of the delinquency. The communication was accepted on the consent calendar.

34 - COMMUNICATION - Letter from Council Member Roger Bundy requesting a committee to be tasked with the responsibility of examining the current status of the Water Pollution Control Project. Mr. Bundy asked that this be referred to the same committee as item 28. Mayor Sauer so ordered.

35 - COMMUNICATION & REPORT - Agreement between the Parking Authority and the City regarding the Parking Garage Referendum.

Mr. Regan presented the following committee report:

The Common Council met as a committee of the whole on September 6, 1989 at 7:30 P.M. in Room 432. Mr. DaSilva made a motion that the ordinance entitled "An Ordinance Appropriating \$2,400,000 for the Planning, Acquisition and Construction of a public parking garage and Authorizing the issuance of \$2,400,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose" be approved. Seconded by Mr. Flanagan.

Mr. Charles offered the following amendment - "Subject to the further provisions hereof, the Danbury Parking Authority does also hereby agree to make additional annual payments to the City of Danbury until the City of Danbury has been fully reimbursed for all of its expenses in connection with this project including interest." Seconded by Mrs. Butera.

Mr. Flanagan spoke against changing the agreement at this time because there is not enough time to make the change and still get it on the ballot for the November election. However this amendment could be negotiated after the agreement is approved. Amendment failed by a vot of 6 yes, 10 no, 1 abstention. Original motion passed unanimously.

Mr. DaSilva made a motion to approve the agreement between the City of Danbury and the Parking Authority and that said ordinance be recommended. Seconded by Mr. Flanagan. Motion carried unanimously.

The Corporation Counsel advised that the ordinance should be added to the agenda at this time along with the Resolution.

Mr. Flanagan made a motion to add the report and resolution. Seconded by Mrs. Bourne. Motion carried unanimously.

The following ordinance was read into the record by Mr. Bundy and Mr. Eriquez:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$2,400,000 is appropriated for the planning, acquisition and construction of a three-level public parking garage containing approximately 78,230 square feet and approximately 236 parking spaces (the "Project"), said garage to be located on a certain parcel of real property located at Library Place in the downtown area and for administrative, printing, legal and temporary financing costs related thereto.

Section 2. To meet said appropriation \$2,400,000 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. DaSilva moved to accept the report and the recommendations. Seconded by Mrs. Bourne. Mr. Charles offered the following amendment - I propose a new first sentence in paragraph two on page two - "Subject to the further provisions hereof, the Danbury Parking Authority does also hereby agree to make additional annual payments to the City of Danbury until the City of Danbury has been fully reimbursed for all of its expenses in connection with this project, including interest." Seconded by Mr. Farah. Discussion followed. Mr. Renz made a motion to move the question. Seconded by Mrs. Danise. Motion carried with Mr. Bundy voting in the negative. Motion to amend failed with the members voting as follows:

Yes - Esposito, Farah, Cresci, Cassano, Charles, DaSilva.

No - Bourne, Connell, Renz, Moran, Flanagan, Nimmons, Fazio, Bundy, Butera, Danise, Eriquez, Regan.

Abstain - Zotos

6 Yes, 12 No, 1 Abstention.

Mr. Flangan made a motion to divide the question on the ordinance and the resolution. Seconded by Mr. Bundy. Motion carried unanimously.

Mayor Sauer read the following resolution into the record:

RESOLVED: That the ordinance entitled "An Ordinance Appropriating \$2,400,000 For The Planning, Acquisition And Construction Of A Public Parking Garage And Authorizing The Issuance Of \$2,400,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose," be submitted for approval or disapproval at a Referendum to be held pursuant to Section 7-10 (a) of the Revised City Charter and held in conjunction with the election of November 7, 1989, and that the Notice of said referendum state the question to be voted on as follows:

"Shall the ordinance entitled 'An Ordinance Appropriating \$2,400,000 For The Planning, Acquisition And Construction Of A Public Parking Garage And Authorizing The Issuance Of \$2,400,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' adopted by the Common Council on September 6, 1989, be approved?"

The form of the question on the ballot label on the voting machine will be as follows:

"Shall The Ordinance Appropriating \$2,400,000 And Authorizing Bonds Of The City For The Planning, Acquisition And Construction of A Public Parking Garage Be Approved? YES/NO"

The warning of said referendum shall state that the full text of said ordinance is on file open to public inspection in the office of the City Clerk.

Councilman Bourne moved that said resolution be adopted as introduced and read, and the motion was seconded by Councilman Connell. The resolution was adopted unanimously.

Mrs. Bourne moved that the Resolution be adopted. Seconded by Mr. Connell. Motion carried unanimously.

To clarify that record, Mr. Flanagan made a motion that the Ordinance, the Resolution, the report and the agreement all be adopted and approved. Seconded by Mr. Bundy. Motion carried with Mr. Charles voting in the negative.

36 - COMMUNICATION - Report from Planning Director on the change of name for Farview Avenue. The report was accepted on the Consent Calendar.

37 - COMMUNICATION - Petition for sewer extension on Abbott Street. Mrs. Bourne asked that this be referred to an ad hoc committee, the Planning Commission, City Engineer and the Superintendent of Public Utilities. Mayor Sauer so ordered and appointed Council Members Regan, Cresci and Charles to the committee.

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

39 - REPORT & COMMUNICATION - Acceptance of Centennial Drive.

The ad hoc committee appointed to review the request to accept Centennial Drive met on August 2, 1989 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Butera. Also attending was City Engineer Jack Schweitzer.

Mr. Schweitzer recommended that the City accept this road subject to the conditions stipulated in a letter dated June 12, 1989 from him to the Chairman of the Planning Commission. Also, the portion of Centennial Drive being considered for acceptance connects the existing Centennial Drive with an existing road called Jarrod Drive. Therefore, it is recommended that the entire road have one name.

Mrs. Butera made a motion to accept Centennial Drive subject to the conditions of the City Engineer, the Planning Commission and the Corporation Counsel and that the name be changed from Jarrod Drive to Centennial Drive. Seconded by Mr. Regan. Motion carried unanimously.

Mrs. Butera asked that this be referred to the Planning Commission and the Corporation Counsel. Mayor Sauer so ordered.

Mrs. Bourne submitted the following report:

The Committee appointed to review the above met on August 9, 1989, at 7:30 P.M., in Room 432 of City Hall. In attendance were committee members, L. Bourne (Chair), Mari Ann Danise, John Esposito, and Barry Connell ex-officio. Also attending were: Planning Director, Dennis Elpern, Assistant Planner, Heidi Tolo; Tax Assessor, Anne DeFlumeri; Fire Department representative, Jack Murphy; and Police Department representative, Art Sullo.

The Chair began by explaining that the charge was to review the renumbering of South Street, and to recommend to the Council a procedure to follow for future street renaming/renumbering.

After discussion of South Street and reviewing the proposed renumbering, Mr. Esposito moved to recommend to the Council that South Street be renumbered as proposed by the Planning Department provided that:

- The matter is deferred to a public hearing;
- The City Clerk's office notifies all property owners of record of the public hearing, and supplies them with a listing of the proposed change;
- That personnel from Police and Fire Departments be present at the hearing to detail the necessity of the change; and,
- That a representative of the Danbury Post Office be present at the meeting, or addresses the concern as to the timing for individuals to change to the new number.

Motion was seconded by Mrs. Danise, and passed unanimously.

Please note as to the renumbering of South Street, Fred Visconti, the 911 Coordinator wrote, "that in order for our upcoming 911 service to be effective, the numbers on Lower South Street beginning with zero will have to be changed."

The Committee then discussed the handling of future streets for renaming or renumbering. Our recommendations are as follows:

For new streets:

- The Planning Department will propose an amendment to the Subdivision and Zoning Regulations stipulating for new developments that proposed street names shall not be duplicative of existing streets.

For old streets:

- The Planning Department will review the list as supplied by Chief Macedo (copy attached) and make recommendations to the Council for proper action.
- The Planning Department will notify appropriate City agencies of the proposed change.
- The Council will hold a public hearing on the proposed changes.
- All affected property owners shall be notified in writing from the City Clerk's office of a public hearing for such purpose and supplied with a copy of the proposed change.
- The City Clerk's office will notify Post Office and all appropriate City departments of Council's action.

Mrs. Bourne moved on the above recommendation, seconded by Mrs. Danise, passed unanimously.

It was discussed that this project will take well in excess of a year to complete, and basically the leadership of this undertaking must come from the Planning Department.

As stated, street name duplications and incorrect numbering pose a serious health and safety problem for our community.

Attached to this report is Atty. Gottschalk's memo outlining the Council's power as granted by State law to rename and renumber City streets.

Mrs. Butera asked that this be deferred to public hearing. Mayor Sauer so ordered.

41 - REPORT - Neighborhood Assistance Act.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole on September 6, 1989 in Room 432 in City Hall. Mr. Moran made a motion to approve the specific project proposals submitted by various non-profit organizations for inclusion in the 1989 Neighborhood Assistance Act. Seconded by Mr. Eriquez. Motion carried unanimously.

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

42 - REPORT - Requisition for additional funding for the Board of Education.

Mr. Fazio submitted the following report:

The committee appointed to review the request for additional funding for the Board of Education met on August 24, 1989 at 7:30 P.M. in room 432 in City Hall. In attendance were committee members Nimmons, Eriquez and Fazio. Also in attendance were Comptroller Dom Setaro, Superintendent of Schools Dr. Anthony Singe and Board of Ed President John Pepe.

Mr. Setaro presented a summary of our current position in which he indicated a shortfall existed in the 1988-89 budget year based on changes in grant reimbursements that would have to be made up from the \$793,218 received for code compliance work. Approximately \$402,000 would be applied to that shortfall in 1988-89 due to an accounting procedure leaving a remaining shortfall of about \$240,000 for that year.

The balance would then be applied to the 1989-90 budget creating an overage for that year of \$285,000. The net would be an overage of approximately \$45,000 which would be available only after certification which could not occur until the audit has been completed in November. It was also stated that the city may face other supplemental spending requests putting additional pressures on an already tight situation and that the forecast for reimbursement from the state for next year will be lower.

Dr. Singe stated that the Mayor in an oral communication said he recognized it was a difficult budget and that he would recommend that the council provide the additional aid should the schools be eligible for reimbursement for code compliance work. However based upon the presentation of Mr. Setaro it appears that no additional aid would be forthcoming at this time.

Mr. Nimmons moved that the committee recommend that the Council deny the request of the Board of Education without prejudice based on the advice of the comptroller and that the Council entertain the request again at a future date should additional funds become available. The motion was seconded by Mr. Eriquez and carried unanimously.

The report was adopted on the Consent Calendar.

Mr. Connell submitted the following report:

The committee appointed to review the Interweave Grant met on August 8, 1989 in Room 432 in City Hall. In attendance were committee members Connell and Zotos. Also in attendance were Leo McIlrath and Dominic Setaro.

Mr. McIlrath gave a brief history of the Interweave Program and stated that it was in its 7th year of operation. The Department of Elderly Services was requesting, in this application, the amount of \$30,000, Title III, with a local cash match of \$24,928.

Mr. Zotos made a motion to approve the amended application for \$24,928. Seconded by Mr. Connell. Motion carried unanimously.

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

44 - REPORT - Appointment of Alternate to the Environmental Impact Commission.

Mr. Renz submitted the following report:

The Common Council Committee appointed to review the appointment of an alternate to the Environmental Impact Commission met on Wednesday, August 23, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Renz and Gallo as well as Council Member Roger Bundy, ex-officio.

Concerns previously raised regarding the candidate's involvement in real estate were put to rest as the candidate is not an active realtor.

Mr. Gallo made a motion to recommend the appointment. Seconded by Mr. Renz. Motion carried unanimously.

The report was accepted on the Consent Calendar.

45 - REPORT - Unexpended Per Capita Grant Funds.

The Common Council Committee appointed to review unexpended per capita grant funds met on Monday, August 28, 1989 in Room 432 in City Hall. In attendance were committee members Bundy, Butera and Moran.

The committee thoroughly reviewed the July 10, 1989 communication from William J. Campbell the Health Director for the City which discussed the details of transferring \$4,879 from the contingency account to the Health and Housing Department's Per Capita Grant account. It is worthy to note that Section 19a-202 of the General Statutes of Connecticut mandates the roll forward of these unexpended grant monies.

Mrs. Butera made a motion to recommend to the full Common Council that the sum of \$4,879 which represents unexpended per capita grant funds from the Connecticut State Department of Health Services be transferred from the contingency account to the Health and Housing Department's Per Capita Grant account pending certification from Comptroller Dominic Setaro. Motion was seconded by Mr. Moran and carried unanimously.

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

46 - REPORT - Proposed Ice Skating Rink.

Mr. Bundy submitted the following report:

The committee appointed to study the development of an ice skating rink met on June 20, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy and Connell.

The committee reviewed progress regarding prior reports submitted on November 1, 1988 and February 7, 1989 wherein the history of the project was discussed as well as the necessity for Executive action through certain City departments. The reports are attached for your review and you will note that until specific alternate plans are formulated through the executive to specific department heads there is not a great deal this committee can accomplish. Corporation Counsel and Bond Counsel have both expressed their opinions regarding a specific site in relation to a referendum which is self-explanatory.

The committee would once again task the Mayor's Office and the specific departments involved in this project to review the attached and obtain the proper legal opinion on how to proceed with the dismantling of the current plan which is definitely not feasible and the formulation of a new plan on a new site that would be workable.

The report was accepted on the Consent Calendar.

47 - PROGRESS REPORT - Alternate Site for CACD Daycare Center.

Mr. Bundy submitted the following report:

The committee appointed to review alternate sites for a CACD Daycare Center met on Monday, August 28, 1989 at 8:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Connell and Butera. Also in attendance were Diana Burgos, Dorothy Outlaw, Glenda Armstrong, Glenn Wicklund, Eileen Mitchell and Council Members Shaw, Renz, Charles and Esposito, ex-officio.

The committee engage in lengthy discussions concerning past studies, recommendations and decisions made by various organizations, i.e. the CACD, the State of Connecticut and the Common Council.

It was determined that in order to reach a useful and productive decision, an updated contemporary list of available City properties* be obtained by this committee. In order to facilitate this, the committee is requesting that Tax Assessor Ann DeFlumeri and Planning Director Dennis Elpern compile the necessary data and forward it to the committee within two weeks from the above date (September 6th) at which time the Chairman will schedule another meeting to address the subject.

*Specifically, the properties list by Ms. DeFlumeri and Mr. Elpern should possess the following characteristics: (1) 1½ - 2 acres; (2) with or without structures; (3) sewer and water; (4) public transportation nearby; (5) no parks or wetlands; and (6) no great impact on any one school district.

The report was accepted on the Consent Calendar.

48 - PROGRESS REPORT - Request for Sewer Extensions - Farview Avenue and Smith Street.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension on Farview Avenue and Smith Street met on June 7, 1989 at 8:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Charles. Also attending was City Engineer Jack Schweitzer, Director of Public Utilities William Buckley and Dave Williamson, Engineer for the petitioners.

Mr. Williamson showed the committee a proposal for sewers to 2 locations on Farview Avenue and 1 location on Smith Street through easements and sewer lines built through the backyards on Franklin Street and side yard on Smith Street.

Mr. Buckley stated that sewer lines should not run through side and back yards as this leads to a confused sewer system and any improvements to the system should follow already planned routes along roads. Mr. Buckley is to make an on-site inspection to get back to the committee.

Mr. Regan stated that the Planning Commission at its May 17, 1989 meeting voted a positive recommendation for this request.

Mr. Regan made a motion that no decision be made until a recommendation from Mr. Buckley and Mr. Schweitzer is received. Seconded by Mr. Charles. Motion carried unanimously.

The Progress report was accepted on the Consent Calendar.

49 - PROGRESS REPORT - Traffic Control Signal at Lee Mac Avenue and Triangle Street.

Mr. Nimmons submitted the following report:

The Common Council Committee appointed to review the traffic control signal at Lee Mac Avenue and Triangle Street met on August 14, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Nimmons, Moran, Esposito, Cresci. Also attending were City Engineer Jack Schweitzer and Comptroller Dominic Setaro. It was noted by committee members that no one answered the call from the Police Department.

Mr. Esposito made a motion, seconded by Mr. Nimmons, to approve the concept of a control signal subject to the availability of funds pending a final audit of the Contingency Fund. Mr. Schweitzer offered to initiate a design concept for the control signal as part of his department's responsibility. Motion carried unanimously.

Committee members expressed concern regarding the availability of funds and wish to go on record that this request receive a high priority whenever funds are available.

The Progress report was accepted on the Consent Calendar.

50 - REPORT - Request for Water Extension - 99 Federal Road

Mr. Renz submitted the following report:

The committee regarding the above captioned matter met on August 30, 1989. In attendance were committee members Gary Renz and Bernard Gallo, Also attending were Jack Schweitzer William Buckley, Attorney Frank Zullo and Robert Sonnichsen Engineer for the Petitioner.

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
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 water 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 water 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 water lines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was adopted on the Consent Calendar.

51 - COMMUNICATION - Sewer and Water Extensions at Tarrywile. Mr. Flanagan made a motion to add this item to the agenda. Seconded by Mr. Cresci. Motion failed 8 yes 11 no.

Mayor Sauer reappointed the Scattered Site Housing Committee appointing Council Members Regan, Moran and DaSilva.

Mayor Sauer replaced Mr. Eriquez with Mr. Farah on the Cross Street Bridge Committee.

PUBLIC SPEAKING

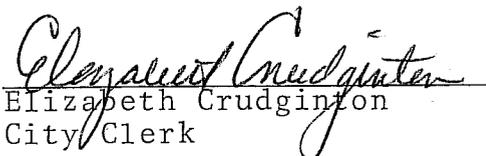
Harry Kessler, 112 Carol Street - Spoke regarding the Parking Garage, Unexpended Per Capita Funds and the Daycare Center.

There being no further business to come before the Common Council a motion was made at 9:39 P.M. for the meeting to be adjourned by Mr. Moran.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk