

To: Mayor James E. Dyer, City of Danbury, Connecticut.

Re: Minutes of the Special Common Council Meeting held June 16, 1987

The meeting was called to order at 7:00 P.M. by the Honorable James E. Dyer, Mayor, who led the assembly in the Pledge of Allegiance to the Flag. The Prayer was offered by Councilman Joseph DaSilva.

Roll Call was taken by City Clerk Elizabeth Crudginton, with the following members being recorded as:

PRESENT: Council Members Johnson, Sollose, Philip, Godfrey, Flanagan Zotos, Hadley, Rotello, Cassano, McManus, Esposito, Charles, Boynton, Bute, Eriquez, Farah, Smith.

ABSENT: Council Members DeMille, Gallo and Torian. Mr. DeMille had a previous engagement and Mr. Torian was working.

18 Members Present - 3 Members Absent.

NOTICE OF THE SPECIAL MEETING - To be held on the 16th day of June, 1987 at 7:00 O'Clock P.M. in the Common Council Chambers at City Hall, for the purpose of acting upon the following:

01 - Downtown Special Services Tax District.

02 - Report and Resolution for the Hayestown Avenue Bridge Reconstruction.

03 - Portable Classrooms - Roberts Avenue School.

RETURN OF SERVICE - Notices were delivered by Police Officers of the Danbury Police Department.

A motion was made by Councilman DaSilva and seconded by Councilman Boynton for the Call and the Return of Service to be accepted. Motion carried unanimously.

01 - REPORT and ORDINANCE - Downtown Special Services Tax District.

Mr. Godfrey absented himself so that there could be no question of a conflict of interest. Mr. Boynton asked if a conflict was present due to the fact that his employer had a store in the proposed district. It was ascertained that there was no conflict.

Mrs. McManus made a motion to remove this item from the table. Seconded by Mr. Boynton. Motion carried unanimously.

Mr. Boynton made a motion to suspend the rules so as to allow members of the audience to respond to any questions the Council Members might have. Motion carried unanimously.

Mr. Boynton then directed a question to Assistant Corporation Counsel Eric Gottschalk concerning how voting will occur. Mr. Gottschalk responded and explained that it is a two tier system and must pass two tests, that of property owner and assessed value.

Mr. Boynton asked if it would be possible to cast a no vote under 1 tier and a yes vote under the 2nd tier. Mr. Gottschalk said that it was possible and unless both tests passed the ordinance would fail.

Mr. Boynton asked a question concerning Section 19.b5 Section 3C regarding the supervisors and that their decision will be final. Mr. Gottschalk responded that it is likely that a Court would determine who has the final judgment.

Mr. Flanagan stated that he is not sure this is the best vehicle and that he had a problem with the Board of Commissioners whereas they do not have to be residents of the City of Danbury. He asked if minority representation was required on the Board. The Mayor stated that he did not believe minority representation would be necessary. Mr. Gottschalk stated that this issue would need research.

Mr. Flanagan went on to state problems he anticipated with this Ordinance such as the sections on the downtown parking garage. He felt that this is needless repetition since the Parking Authority is already working on a proposed parking garage. It was his understanding that this ordinance was copied from another one and therefore could see no reason to leave this section in. Another problem is that the Council will have no control over funding. Mr. Flanagan feels that the Special Services District could be handled on a voluntary basis. He does not feel that the Common Council should allow this Ordinance to go to referendum as this would give the Downtown Council coercive powers. Also, Mr. Flanagan feels that the City does not need an independent political body and this would create problems for downtown. He also pointed out that there is no provision for an appeal if a property owner felt that they were not getting their moneys worth.

Mr. Eriquez asked Mr. Gottschalk that in Section 19b 6F does the plurality vote refer to numbers and not value. Mr. Gottschalk stated that this was correct.

Mr. Eriquez moved to delete Section 19B - 3k and l from the Ordinance. Seconded by Mr. Flanagan. The members voted as follows:

AFFIRMATIVE - Council Members - Flanagan, Rotello, Cassano, Charles, Boynton, DaSilva, Eriquez, Farah, Smith.

NEGATIVE - Council Members Johnson, Hadley, McManus, Esposito, Butera.

The amendment was adopted.

Mr. DaSilva asked a question pertaining to Section 19B-9 as to the vote for dissolution. Mr. Gottschalk read the statute and stated that it could be done one of two ways: either a majority of property owners or a majority holding the majority of taxable interest.

Mr. DaSilva asked if all the residential areas had been left out. It was answered that all residents that are commercially zoned will be included.

Mr. Boynton asked if a dollar evaluation of the district had been worked up. Mr. Wayne Amber of the Downtown Council responded with a summary of their findings.

Mr. Boynton asked questions pertaining to the timetable of the referendum and who would be exempt from the tax other than religious organizations. Mr. Boynton also asked if this tax district would have an adverse effect on residents who may be considering the purchase of a condominium at the Redevelopment Site. Mr. Amber did not think so.

Mr. Boynton asked Mr. Amber what the tax district would do to better the lifestyle of Downtown Danbury. Mr. Amber gave this opinion on what the tax district would do to better the quality of life downtown.

Mr. Boynton and Mr. Amber discussed personal tax bills.

Mrs. McManus reminded the Council that all they would be voting on was whether or not to give the downtown property owners the right to vote on this referendum.

Mr. Flanagan stated that it was not quite that simple since everyone is already being taxed and that this ordinance is very flawed.

Mr. Charles asked members of the Downtown Council if they were pleased with the services provided by the City. Mrs. Frede stated that they are pleased. Attorney Damia explained how the additional taxes mandated by this ordinance would be used.

Mr. Boynton spoke about the quality of life downtown and that he does not see how the tax district will improve methods of competing with the mall.

At this point in the discussion, Mayor Dyer moved the question.

June 16, 1987

Members of the Common Council voted as follows:

AFFIRMATIVE - Council Members - Johnson, Sollose, Philip, Hadley, Rotello, Cassano, McManus, Esposito, DaSilva, Eriquez, Farah, Smith.

NEGATIVE - Council Members Flanagan, Charles, Boynton.

Mrs. Butera abstained. Mr. Godfrey and Mr. Zotos absented themselves from the room.

12 Members in favor , 3 Members opposed, 1 abstention. Motion carries.

02 - REPORT and RESOLUTION - Hayestown Avenue Bridge Reconstruction.

Mrs. McManus submitted the following report and resolution:

REPORT - The Common Council held a public hearing regarding the resolution for the Hayestown Avenue Bridge Reconstruction on June 10, 1987 at 7:30 P.M. in the Common Council Chambers in City Hall. The Common Council met as a committee of the whole, immediately following the public hearing and voted unanimously to recommend that the Common Council adopt the resolution as submitted.

RESOLUTION - RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Hayestown Avenue Bridge is in need of reconstruction; and

WHEREAS, the total cost of such reconstruction is \$353,677.50; and

WHEREAS, the eligible grant percentage is 29.8% equating to a State Project Grant of \$105,395.90; and

WHEREAS, the local match in the amount of \$248,282.00 is available through bond authorization adopted by the Common Council on August 25, 1983 approved by Mayor James E. Dyer on August 26, 1983 and approved at referendum on November 8, 1983;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor James E. Dyer be and hereby is authorized to make application and contract for said funds and to take any additional steps necessary to accomplish the purposes hereof.

Mr. Eriquez made a motion to accept the report and adopt the resolution. Seconded by Mr. Charles. Motion carried unanimously.

03 - COMMUNICATION - Portable Classrooms - Roberts Avenue School. WITHDRAWN.

There were no members of the public wishing to speak.

There being no further business to come before the Common Council a motion was made by Mr. Godfrey for the meeting to be adjourned at 7:55 P.M.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
ELIZABETH CRUDGINTON
City Clerk