

To: Honorable Mayor Joseph H. Sauer, Jr., City of Danbury, Connecticut.

Re: Minutes of the Common Council Meeting held January 5, 1988.

The meeting was called to order by Mayor Sauer at 8:00 P.M.

Roll Call was taken by Assistant City Clerk Jimmetta Samaha with the following members being recorded as:

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

Absent - Flanagan.

20 Members Present - 1 Member Absent.

Mayor Sauer expressed condolences to the family of Council Member Stephen Flanagan on the death of his five year old daughter, Kerry.

The Mayor also wished a happy 77th birthday to Council Member Louis Charles.

Representatives from Danbury's delegation to the State House presented the Mayor with a proclamation from State officials.

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

- 2 - Resolution - Facilities Plan Update Project
- 3 - Resolution - Defensive Driving Training Course - Connecticut Safety Council
- 4 - Resolution - Feasibility Recycling Study
- 5 - Resolution - Lease of 109 Main Street
- 7 - Resolution - Grant for Interweave
- 9 - Resolution - The Issue and Sale of \$8,250,000 City of Danbury General Obligation Bonds
- 10 - Resolution - Connecticut Interlocal Risk Management Agency
- 14 - Communication - Appointment of Independent Auditors
- 29 - Communication - State and Federal Projects Budget Increase
- 34 - Communication - Estate of Ella V. Hull
- 41 - Communication - Traffic Signalization - Garamella Boulevard
- 50 - Communication - Request to accept Grant for the Department of Elderly Services (Item 8)
- 51 - Communication - Request to accept Title III Grant for the Department of Elderly Services (Item 7)
- 54 - Communication - Uses for Tarrywile Park
- 59 - Communication - Candlewood Park Licenses
- 66 - Report - Request for Waiver of Fees
- 68 - Report - Completion of Flintlock Drive
- 70 - Report - Safety Precautions at Grolier Headquarters
- 71 - Report - Septage Ordinance and Rates
- 72 - Report - Request for Water Extension - 6 South Street
- 74 - Report & Certification - Roof Replacement at Osborne Street Education Service Center
- 75 - Progress Report - Request for Sewer and Water Extensions on Duck Street
- 76 - Progress Report - Conditions on Morgan Road
- 77 - Progress Report - Report from Director of Public Works on Sidewalk Repairs on Myrtle Avenue
- 78 - Progress Report - Landfill Areas for Scrap Metal
- 79 - Progress Report - Purchase of Property at 128 East Liberty Street
- 80 - Progress Report - Intermunicipal Agreement with the Town of Bethel
- 81 - Progress Report - Revisions on Boulevard Drive
- 82 - Progress Report - Request for Sewer and Water Extensions - South Cove
- 83 - Communication - Tax Levy - Downtown Tax District

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

MINUTES - Mr. DaSilva made a motion to accept the minutes of the Common Council Meeting held December 1, 1988 as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Cresci. Motion carried unanimously.

1 - CLAIMS - Karen Weis, Larry Ritter, John Meyerly, Michael T. Politoski, Theres O'Connor, Kim W. Trinklein.

Mr. Connell asked that the claims be referred to the Corporation Counsel for a report back in thirty days. Mayor Sauer so ordered.

2 - RESOLUTION - Facilities Plan Update Project.

RESOLVED by the Common Council of the City of Danbury:

THAT Joseph H. Sauer, Jr., Mayor of the City of Danbury is hereby authorized to execute and file applications and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for project grants and loans pursuant to the provisions of Public Act 86-420 and the provisions of the General Statutes of Connecticut, as amended, and to execute on behalf of the City of Danbury all the applications, instruments and documents and accept payments and do all other things that may be necessary for project grants and loans for the Facilities Plan Update Project.

The Resolution was adopted by the Common Council on the Consent Calendar.

3 - RESOLUTION - Defensive Driving Training Court - Connecticut Safety Council.

WHEREAS, the National Safety Council has developed program materials and techniques to be used in conjunction with the National Safety Council defensive driving course; and

WHEREAS, the Connecticut Safety Council is authorized to contract with subagencies participating in the program in order to ensure the standardization of teaching methods and techniques; and

WHEREAS, the City of Danbury has made application for State grant assistance to enable it to conduct such a defensive driver training course for employees and officials of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Joseph H. Sauer, Jr. be and hereby is authorized to execute an agreement between the City of Danbury and the Connecticut Safety Council in a form substantially similar to that attached hereto; and

BE IT FURTHER RESOLVED THAT the Mayor be and hereby is authorized to take any additional action necessary to accomplish the purposes hereof.

The Resolution was adopted by the Common Council on the Consent Calendar.

WHEREAS, recycling is an environmentally sound method of reducing the amount of municipal solid waste to be disposed of; and

WHEREAS, the State Department of Environmental Protection will provide a grant of up to \$25,000 to develop information which will help in the formation of a regional grouping of sufficient size to support an intermediate processing center (IPC) for recycling; and

WHEREAS, the Housatonic Resources Recovery Authority has stated its intent to apply for a DEP grant to begin the study of the recycling needs of the municipalities in the HVCEO region;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury authorizes the HRRA to represent the City of Danbury in making an application to the Commissioner of Environmental Protection for a grant to undertake a feasibility study for a regional recycling facility, agrees to cooperate in the study by providing data to the Authority on the existing local municipal solid waste collection and disposal system, and agrees to evaluate proposals made for municipal participation in recycling activities.

The Resolution was adopted by the Common Council on the Consent Calendar.

5 - RESOLUTION - Lease of 109 Main Street.

WHEREAS, the City of Danbury is desirous of operating a shelter for the homeless at 109 Main Street; and

WHEREAS, a lease for the use of 109 Main Street for said purpose was authorized by this Council on December 1, 1987; and

WHEREAS, the City of Danbury must make arrangements with the Salvation Army for the provision of emergency space and services to the homeless and for the operation and conduct of said shelter for the homeless;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Joseph H. Sauer, Jr. be and hereby is authorized to enter into an agreement between the City of Danbury and the Salvation Army for the operation of a shelter for the homeless at 109 Main Street; and

BE IT FURTHER RESOLVED THAT Mayor Joseph H. Sauer, Jr. be and hereby is authorized to take any additional action which may be necessary to accomplish the purpose thereof.

WHEREAS, the State of Connecticut, acting through its Department of Human Resources, and pursuant to Connecticut General Statutes Section 8-210a has made grants-in-aid available to municipalities; and

WHEREAS, said grants-in-aid are available for capital development of emergency shelters for the homeless; and

WHEREAS, the provisions of said grant-in-aid program further provide that the municipality agree to a lien on the completed facility equal to the total amount of the grant; and

WHEREAS, said grant-in-aid funding is necessary and desirable for the purpose of effectuating certain renovations to the leased premises located at 109 Main Street for the maintenance of a shelter for the homeless;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Joseph H. Sauer Jr. be and hereby is authorized to apply for said grants-in-aid and to take any additional action necessary to accomplish the purposes thereof.

The Resolutions were adopted on the Consent Calendar by the Common Council

6 - RESOLUTION - Federal Aviation Administration Construction Grant.

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport and Airway Safety and Capacity Expansion Act of 1987; and

WHEREAS, the City of Danbury through the Danbury Municipal Airport intends to construct and mark taxiway Echo ("E"), General Aviation Apron, Inner Taxiway Alpha ("A"), and survey runway "8"; and

WHEREAS, the City of Danbury will make application for a federal and state grant in the amount not to exceed \$685,000 with a local match of two and one-half percent equaling an amount not to exceed \$17,125.;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Joseph H. Sauer, Jr., is hereby authorized to make application for said grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

Mrs. Bourne asked that this be referred to a committee. Mayor Sauer stated that the committee would consist of Council Members Shaw, Bourne and DaSilva.

Mr. Eriquez asked if there were any deadlines that have to be met. The Corporation Counsel knew of none.

Mrs. Butera stated that it was silly to risk losing \$685,000 when the City only had to contribute \$17,000. She said the Council Member who had referred this to committee should think twice about it.

Mr. Nimmons stated that this money would be for the Airport, not the City. Mrs. Butera replied that the Airport is part of the City.

WHEREAS, The Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act through the Connecticut Department on Aging in accordance with Sections 17-137 (c) and (d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made funds available to public agencies; and

WHEREAS, The Danbury Department of Elderly Services has processed a grant application for Interweave, the Danbury Adult Center located at 198 Main Street, Danbury, Connecticut for the period from 1/4/88 to 12/31/88 in order that essential programs for the elderly may be continued; and

WHEREAS, funds have been approved by the Western Connecticut Area Agency on Aging, Inc., in an amount not to exceed \$28,000. with a local cash match of \$22,735. and an in kind services match of \$5,265., which matching funds have already been appropriated by the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT the past actions of the Danbury Department of Elderly Services in applying for said grant be and hereby are ratified, and that any and all additional acts by the Danbury Department of Elderly Services and Mayor Joseph A. Sauer, Jr., necessary to effectuate the purposes hereof by and hereby are authorized.

Mr. Godfrey made a motion to approve the Resolution. Seconded by Mr. Eriquez. Motion carried unanimously.

Mr. Leo McIlrath of the Department of Elderly Services spoke on the tragedies of this disease.

9 - RESOLUTION - The Issue and Sale of \$8,250,000 City of Danbury General Obligation Bonds.

A Resolution establishing the principal amount and maturity schedule of the bonds proposed to be sold and, in addition, approves the form of and authorizes the Mayor and Treasurer to execute the Letter of Representations which is required for book-entry bonds and the form of Tax Regulatory Agreement which is required under the terms of the Tax Reform Act of 1986.

The Resolution was adopted by the Common Council on the Consent Calendar.

WHEREAS, the City of Danbury is now required to provide workers' compensation to its employees who sustain personal injuries arising out of and in the course of employment pursuant to Chapter 568 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury wishes to provide coverage for claims arising out of personal injury and property damage exposures; and

WHEREAS, the City of Danbury may in the future wish to purchase additional coverages for other liability exposures as may from time to time be offered by CIRMA and accepted by the Danbury Insurance Board of Review pursuant to Subsection 2-148(b) of the Code of Ordinances of Danbury, Connecticut; and

WHEREAS, the Connecticut Interlocal Risk Management Agency (CIRMA), an agency established by Connecticut municipalities and local public agencies pursuant to Section 7-479(a) et seq. of the Connecticut General Statutes, has been organized to establish a program of risk management, including one or more risk management pools, safety engineering, administration of claims and other services for workers' compensation and public liability, automobile and property claims by or against Connecticut municipalities and local public agencies, and to provide management therefor; and

WHEREAS, it is desirable for, and in the best interests of the City of Danbury to pool certain of its risks with other members of CIRMA in a risk management pool or pools maintained by CIRMA; and

WHEREAS, CIRMA has agreed to provide such services and protection;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury join CIRMA as a member organization, and hereby subscribes to the bylaws, rules and regulations of CIRMA; and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized and empowered to execute original and renewal contracts with CIRMA to provide for statutory workers' compensation, general liability, automobile liability and property damage coverages and such other liability coverages as may from time to time be offered by CIRMA and accepted by the Danbury Insurance Board of Review pursuant to Subsection 2-148(b) of the Code of Ordinances of Danbury, Connecticut, together with related risk management services for the City of Danbury for such coverages and services; and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to represent the City of Danbury as a member of CIRMA and to designate an alternate representative from time to time.

The Resolution was adopted by the Common Council on the Consent Calendar.

11 - ORDINANCE - Chain of Command - Police Department.

Request from Police Chief Macedo asking that Sec. 15-10 of the Code of Ordinances be changed to coincide with the Rules and Regulations, Danbury Police Department.

Mrs. Danise asked that this be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Renz, Nimmons and Charles.

12 - ORDINANCE - Amendment to Paragraph 5 of Subsection 16A-32(b) of the Code of Ordinances, together with Subsection 16A-33(a) and (b). 171

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

13 - COMMUNICATION - Appointments to the Police Department.

Letter from Mayor Sauer appointing Timothy J. Strano, 8 Henso Drive, Danbury; Robert M. Conrad, 7 Terry Drive, Danbury; Brian G. Gantert 7 MacAlpine Way, Danbury to the Police Department effective upon swearing in.

Mr. DaSilva made a motion to accept the communication and confirm the appointments. Seconded by Mr. Godfrey.

Mr. Gallo stated that in the past he had not been happy with out of town appointments and asked if local residents could be appointed in the future. Mayor Sauer stated that the residency requirements had recently been lifted, but that he too was in favor of appointing local residents. He had been informed by Mr. Nero that the next group to take the Police Examine totals 200. The Mayor stated that he was pleased by this as this is the way you get the best people.

Motion carried unanimously.

14 - COMMUNICATION - Appointment of Independent Auditors.

Letter from Comptroller Dominic Setaro asking that the firm of Ernst and Whinney be appointed as City auditors.

The appointment was confirmed on the Consent Calendar.

15 - COMMUNICATION - Downtown Parking Garage.

Letter to Mayor Sauer from Comptroller Dominic Setaro asking that the proposed downtown parking garage be resubmitted to the Common Council for consideration.

Mr. Charles offered an amendment outlining seven items to be considered.

Mr. Godfrey asked that the amended communication be referred to committee. The Mayor ordered that the committee shall consist of Council Members Renz, Danise, Nimmons, Flanagan and Cassano.

16 - COMMUNICATION - Request for an ad hoc committee to review the Downtown Redevelopment Project.

Mr. Eriquez asked that this be referred to a committee of the whole. Mayor Sauer so ordered.

17 - COMMUNICATION - Charter Revision Commission.

Letters from Mayor Sauer, Majority Leader Michael Fazio and Minority Leader Gene Eriquez, the Democratic Members of the Common Council and Council Member Lovie D. Bourne asking that a committee be appointed for the purpose of appointing a Charter Revision Commission.

Mrs. Butera asked that these letters be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Nimmons, Fazio, Bourne, Eriquez, DaSilva.

18 - COMMUNICATION - Request for Water Extension - 92 Merrimac Street

Application from Cesar M. Lopes requesting water extension for lot no. 107, 92 Merrimac Street.

Mrs. Danise asked that this be referred to a committee and the Planning Commission. Mayor Sauer ordered it referred to the Planning Commission and to a committee consisting of Council Members Regan, Weiss and Zotos.

19 - COMMUNICATION - Request for sewer and water extensions - Tamarack Avenue.

Letter from Attorney Neil R. Marcus on behalf of L. C. Castleman, Inc., asking for sewer and water extensions on Tamarack Avenue.

Mr. Fazio asked that this be referred to committee and to the Planning Commission. Mayor Sauer ordered it referred to the Planning Commission and to a committee consisting of Council Members Regan, Weiss and Zotos.

20 - COMMUNICATION - Request for Sewer and Water Extensions - 15 Mannion Lane.

Letter from Attorney Paul Jaber on behalf of Scope Realty Associates, Inc. asking for sewer and water extensions at 15 Mannion Lane.

Mrs. Butera asked that this be referred to the Planning Commission and an ad hoc committee. Mayor Sauer ordered that this be referred to the Planning Commission and an ad hoc committee consisting of Council Members Regan, Weiss and Esposito.

21 - COMMUNICATION - Petition for Sewer Lines on Oak Lane.

Petition from homeowners on Oak Lane, Hayestown District asking for extension of sewer lines down Oak Lane.

Mr. Fazio asked that this be referred to an ad hoc committee and to the Planning Commission. Mayor Sauer ordered it referred to the Planning Commission and an ad hoc committee consisting of Council Members Moran, Regan and Gallo.

22 - COMMUNICATION - City of Danbury v. J. & J. Trucking.

Letter from Attorney Lawrence M. Riefberg regarding settlement of the above captioned matter. The settlement would be in the amount of \$2,087.20.

Mr. Eriquez moved that the communication be accepted and settlement authorized pending certification. Seconded by Mr. Godfrey. Motion carried unanimously.

23 - COMMUNICATION - Proposed agreement with the Town of New Milford for temporary hauling of septage waste to Danbury Waste Water Treatment Facility.

Mr. Eriquez requested that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Regan, Weiss, Renz, DaSilva and Esposito and to the Corporation Counsel, City Engineer and Superintendent of Public Utilities.

24 - COMMUNICATION - Request to lease property from the City on Maple Avenue and Garamella Boulevard.

Letter from Attorney Francis Collins on behalf of John Holbrook asking to lease land from the City for parking.

Mrs. Bourne asked that this be referred to an ad hoc committee and to the Planning Commission. Mayor Sauer ordered it referred to the Planning Commission and an ad hoc committee consisting of Council Members Moran, Cresci and Flanagan.

25 - COMMUNICATION - Water Problems on Farm Street.

Petition from residents of Farm Street requesting that a storm drain be installed to alleviate water problems.

Mr. Fazio asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Sauer ordered it referred to the Director of Public Works and a committee consisting of Council Members Bourne, Fazio and Butera.

26 - COMMUNICATION - Offer to present the Fire Department with a Radio Antenna and Tower. 173

Letter from Fire Chief Monzillo asking that the City accept a radio antenna and tower from Mr. Arthur Bennett. Mr. Godfrey moved to accept the donation with thanks. Seconded by Mr. Eriquez. Motion carried unanimously.

27 - COMMUNICATION - Alarm Ordinance.

Letter from Fire Chief Monzillo asking that a review committee be established to deal with complaints generated by the Alarm Ordinance.

Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Moran, Connell and Esposito.

28 - COMMUNICATION - Danbury Boxing Club - Request for Grant.

Letter from Robert Ryerson asking for a \$1,000 grant for the Danbury Boxing Club.

Mr. Fazio asked that this be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Cresci, Moran and Charles.

29 - COMMUNICATION - State and Federal Projects Budget Increase.

Letter from Comptroller Dominic Setaro stating that the State and Federal Projects budget should be amended to \$2,522,175.

The Communication was accepted on the Consent Calendar.

30 - COMMUNICATION - Request for Funds for Library Restoration Project

Letter from Library Director Betsy Lyke asking for transfer of \$61,275 for renovations at the library.

Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Renz, Weiss and Flanagan.

31 - COMMUNICATION & CERTIFICATION - Tarrywile Park Restoration.

Letter from Robert Ryerson asking for funds for renovations at Tarrywile Park. Certification attached. Mr. DaSilva moved that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Godfrey. Motion carried unanimously.

32 - COMMUNICATION - Water Problems at 5-7 Apple Blossom Lane.

Letter from Council Members Barry Connell asking that a committee be appointed to review a water problem at 5-7 Apple Blossom Lane.

Mrs. Butera asked that this be referred to a committee and to the Director of Public Works. Mayor Sauer ordered it referred to an ad hoc committee consisting of Council Members Connell, Gallo and Zotos and also to the Director of Public Works.

33 - COMMUNICATION - Berol Easement.

Letter from Mayor Sauer asking for an ad hoc committee to review plans for opening a rear entrance to Commerce Park.

Mr. Fazio asked that this be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Danise, Shaw and Godfrey.

34 - COMMUNICATION - Estate of Ella V. Hull.

Letter from Corporation Counsel Robert T. Resha asking that this item be referred to the Board of Education.

The communication was accepted on the Consent Calendar.

35 - COMMUNICATION - PAC v. Danbury - Referendum.

Letter from Assistant Corporation Counsel Eric Gottschalk correcting a typographical error in the original communication from September 15, 1988 to April 15, 1988.

Mrs. Butera asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Nimmons, Regan and DaSilva.

36 - COMMUNICATION - Request for an ad hoc committee concerning legislation on volunteer fire personnel.

Mr. Eriquez asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Shaw, Connell and Gallo.

37 - COMMUNICATION - Donations to the Library.

Letter from Library Director Betsy Lyke asking that the Library be authorized to accept two donations totaling \$60.

Mr. Godfrey moved to accept the donations with thanks. Seconded by Mr. Eriquez. Motion carried unanimously.

38 - COMMUNICATION - Request for a committee to study conflict between FBO's and the Airport Commission.

Letter from Council Member Lovie Bourne asking that a five-member committee be established to review the situation between the FBO's and the Airport Commission. Mayor Sauer ordered that the committee shall consist of Council Members Shaw, Connell, Bourne, Godfrey and Eriquez.

Mayor Sauer stated that due to ongoing litigation regarding this situation, it might not be prudent to investigate this area that is already under investigation.

Mr. Godfrey stated that in areas where there is pending litigation he prefers to see the Common Council step back.

Mr. Gottschalk stated that this request does not relate to the pending litigation.

Mrs. Bourne stated that the charge to the committee should be exactly as Mr. Gottschalk explained it, but if the Mayor felt that the committee would not be appropriate at this time, she would withdraw the request. Mayor Sauer stated that he had no objections to a committee asking questions.

Much discussion followed on the intent of the request and on the investigatory powers of such a committee.

Mayor Sauer ruled that a five member committee does have investigatory powers. Council Member DaSilva appealed the ruling of the Chair.

Mrs. Bourne stated that she would amend her request to state review rather than investigate.

39 - COMMUNICATION - Proposed Leases.

Leases for Hatters Park, Montessori School and the Carriage House at Tarrywile Park.

Mr. Fazio asked that these leases be referred to an ad hoc committee, the Planning Commission and the Properties Review Board. Mayor Sauer ordered that the ad hoc committee shall consist of Council Members Cresci, Nimmons and Eriquez and shall also be referred to the Planning Commission and the Properties Review Board.

40 - COMMUNICATION - Veterans Tax Exemption.

Letter from Peter U. Green regarding Veterans Tax Exemption.

Mr. Godfrey asked that this be referred to the State House Delegation as it would come under their jurisdiction. Mayor Sauer so ordered.

41 - COMMUNICATION - Traffic Signalization - Garamella Boulevard.

Letter from Director of Public Works Basil Friscia asking for funds (\$19,000) to address traffic signalization at the intersection of Garamella Boulevard and Main Street. Certification attached.

The communication was accepted and the transfer of funds authorized on the Consent Calendar.

42 - COMMUNICATION - Report from Director of Public Works on road conditions in Candlewood Vista Area - Brighton Street.

Report from Basil Friscia stating that these roads would be on the list of roads to be paved in 1988.

Mr. Eriquez moved that the report be accepted. Seconded by Mr. Godfrey. Motion carried unanimously.

43 - COMMUNICATION - Reimbursement of Water Hook-Up.

Letter from Mayor Sauer asking that Mr. and Mrs. A'Hearn be reimbursed in the amount of \$4,700 since they were the only residents in the East Pembroke area who bore the cost of hooking up to City water.

Mr. Gallo made a motion to approve the reimbursement pending certification. Seconded by Mr. Godfrey. Motion carried unanimously.

44 - COMMUNICATION - Report from Director of Public Works on Acceptance of Mazur Drive.

Report from Basil Friscia asking that a committee be established to study this request.

Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Sauer ordered that the ad hoc committee shall consist of Council Members Esposito, Butera and Weiss and also to the Planning Commission.

45 - COMMUNICATION - Grant Monies.

Letter from Dominic Setaro asking that a committee be established to meet with William Quinn in reference to problems that have been occurring with grants which the Health Department is currently administering.

Mr. Fazio asked that this be referred to committee. Mayor Sauer ordered that the committee shall consist of Council Members Moran, Connell and Charles.

46 - COMMUNICATION - City of Danbury v. Frank H. Fitzsimmons, Jr., Trustee.

Letter from Assistant Corporation Counsel Eric Gottschalk

asking for a committee to evaluate settlements regarding this matter.

Mrs. Bourne asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Danise, Connell and Cassano.

47 - COMMUNICATION - Offer of the Viking Wire Building on Shelter Rock Road for sale to the City.

Proposal from C. D. Peterson Associates, Inc. for the City to purchase the Viking Wire Building on Shelter Rock Road.

Mr. Fazio made a motion to accept the communication. Seconded by Mr. Shaw. Mr. Godfrey made a motion to amend the motion and deny the offer. Motion carried unanimously.

48 - COMMUNICATION - Estate of Marjorie Aileen Shepard.

Letter from Corporation Counsel Robert T. Resha stating that the City has received three lots at Ta'Agan Point in Danbury for use as open space.

Mr. Godfrey asked that this be referred to the City Engineer and the Director of Planning to report back in thirty days. Mayor Sauer so ordered.

49 - COMMUNICATION - Report from the Corporation Counsel on Bear Mountain Road - R. T. Johnson Subdivision.

Mr. Eriquez made a motion to table this until report from the Planning Commission is received. Mayor Sauer so ordered.

50 - COMMUNICATION - Request to accept Grant for the Department of Elderly Services.

See Item 8. Accepted on the Consent Calendar.

51 - COMMUNICATION - Request to accept Title III Grant for the Department of Elderly Services.

See Item 7. Accepted on the Consent Calendar.

52 - COMMUNICATION - Offer of land at 129-141 Kohanza Street and 16-20 Clapboard Ridge for sale to the City.

Offer from Lavelle and Herron Real Estate offer land for sale to the City.

Mrs. Bourne made a motion to accept the communication and deny the offer. Seconded by Mr. Godfrey. Motion carried unanimously.

53 - COMMUNICATION - Donation of Lot 103 Lakeview Avenue to the City.

Letter from Attorney Samuel T. Rost on behalf of Stelco Industries, Inc. offering lot 103 Lakeview Avenue to the City to use as it sees fit.

Mrs. Butera asked that this be referred to the City Engineer and the Planning Director for a report back in thirty days. Mayor Sauer so ordered.

54 - COMMUNICATION - Uses for Tarrywile Park.

Letter from Sally Lindberg outlining uses for Tarrywile Park.

The Communication was accepted on the Consent Calendar.

55 - COMMUNICATION - Surplus Land on Backus Avenue.

Letter from Attorney Neil R. Marcus on behalf of Patrick J. and Eleanor F. Tisano asking to purchase surplus land on Backus Avenue from the City.

Mrs. Danise asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Sauer ordered it referred to a committee consisting of Council Members Shaw, Danise and Charles and also to the Planning Commission.

56 - COMMUNICATION & CERTIFICATION - Request for Funds for overtime services for the Forestry Division and Equipment Maintenance Division.

Request from Basil Friscia requesting \$10,326 for overtime for Equipment Maintenance and \$6,970 for the Tree Warden/City Forester for overtime services. Certification attached.

Mr. Gallo made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Eriquez. Motion carried unanimously.

57 - COMMUNICATION - Federal Correctional Institution Sewer Line.

Letter from Superintendent of Public Utilities William Buckley stating that the City wishes to acquire a portion of a sewer line presently owned by the FCI.

Mrs. Bourne asked that this be referred to the Corporation Counsel and the City Engineer. Mayor Sauer so ordered.

58 - COMMUNICATION & CERTIFICATION - Underground Fuel Storage Tanks.

Letter from Director of Public Works Basil Friscia asking for transfer of funds in the amount of \$100,000 to repair underground fuel storage tanks for the Board of Education. Certification attached.

Mr. Gallo moved to accept the communication and approve the transfer of funds. Seconded by Mr. Connell. Motion carried unanimously.

59 - COMMUNICATION - Candlewood Park Licenses.

Letter from Director of Parks and Recreation Robert Ryerson establishing a license with CLP to allow the demolishing of buildings at Candlewood Park and to erect a modern Park Center.

The communication was accepted on the Consent Calendar.

60 - COMMUNICATION - Request from Rural Water Company for permission to drill a well.

Mrs. Butera asked that this be referred to the Director of Public Works, the City Engineer and the Corporation Counsel for a report back in thirty days. Mayor Sauer so ordered.

61 - COMMUNICATION - Request for funds for repairs to Case Backhoe/ Front End Loader.

Request from Basil Friscia for funds in the amount of \$5,000 to make repairs to case backhoe/front end loader.

Mr. Fazio asked that this be referred to an ad hoc committee. Mayor Sauer ordered that the committee shall consist of Council Members Cresci, Nimmons and Butera.

62 - COMMUNICATION - Lease between the City of Danbury and Reliant Aircraft Service.

Letter from Airport Administrator Paul Estefan asking for approval of the lease with Reliant Aircraft Service.

Mrs. Danise asked that this be referred to an ad hoc committee, the Corporation Counsel and the Planning Commission. Mayor Sauer ordered it referred to the Planning Commission, the Corporation Counsel and an ad hoc committee consisting of Council Members Bourne, Shaw and Godfrey. Mayor Sauer stated that the Comptroller wished to be included and so ordered.

63 - COMMUNICATION - Lease between the City and New England Aircraft Sales.

Letter from Airport Administrator Paul Estefan asking that the Common Council approve the lease between the City and New England Aircraft Sales.

Mrs. Bourne asked that the be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel and the Comptroller. Mayor ordered as above and stated that the ad hoc committee shall consist of Council Members Bourne, Shaw and Godfrey.

64 - COMMUNICATION - Fencing Problems - 70 Main Street.

Letter from Erhardt Chevrolet asking for solutions to fencing at 70 Main Street.

Mrs. Butera asked that this be referred to the Director of Public Works. Mayor Sauer so ordered.

65 - DEPARTMENT REPORTS - Parks and Recreation, Fire Marshall, Fire Chief, City Forester, Airport Administrator, Police Department, Coordinator of Environmental and Occupational Health Services, Housing Code Enforcement, Sanitation/Public Health Inspector, High Blood Pressure Screening Program, Building Department.

Mr. DaSilva made a motion to waive the reading of the departmental reports as all members have copies and said copies are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Connell. Motion carried unanimously.

66 - REPORT - Request for Waiver of Fees.

Mr. Esposito submitted the following report:

The Common Council Committee appointed to review the request from BRT Corporation for waiver of sewer connection fees met on December 15, 1987 at 7:30 P.M. in City Hall. In attendance were committee members Esposito and Fazio. Mr. Cassano was unable to attend. Also present were E. Nahom of BRT, Superintendent of Public Utilities William Buckley and Director of Public Works Basil Friscia.

Mr. Esposito read the charge of the committee and entertained a motion by Mr. Fazio to suspend the rules so that the committee members could hear the input of BRT and the Department Heads. Mr. Nahom stated that a sewer connection fee of \$19,000 was paid to the City under protest since the owners had received comments from the City Engineer commencing in January, 1987 and had completed the review process by July 10, 1987 in response to the Engineering Department's letter dated May 29, 1987. Thus, the permits could have been obtained before the ordinance adopting the additional sewer charge came into effect on August 26, 1987.

Mr. Buckley stated that although BRT had been negotiating with the City since January, 1987, the application for use of sewers was dated October 5, 1987, long after the ordinance establishing the connection fee increase took place.

Mr. Esposito read a letter from Assistant Corporation Counsel Eric Gottschalk stating that since the new fees were in effect for several weeks prior to the filing of BRT sewer connection application, the new rates must be paid.

Mr. Fazio stated that since the application for use of sewer was dated October 5, 1987 and a copy of the application was given to committee members showed that the application was made after the rate increase took place. In the absence of other documentary facts the applicant should abide by the new ordinance.

A motion made by Mr. Fazio and seconded by Mr. Esposito that the committee recommend to the Common Council that the BRT fee waiver petition be denied passed unanimously.

The report was accepted on the Consent Calendar.

Mr. Godfrey submitted the following report:

The committee charged with recommending action on the appointment of assistant corporation counsel met on Tuesday, December 8, 1987 in city hall. In attendance were committee members Godfrey, Bourne, and Shaw; ex officio members Fazio, Eriguez, Connell, Danise, Esposito, Regan, and Weiss; invited witnesses Corporation Counsel Robert Resha, Assistant Corporation Counsel Eric Gottschalk, Assistant Corporation Counsel Lazlo Pinter, Attorney John Jowdy, and Attorney J. Timothy Deakin; and Republican Town Committee Chairman Gary Karpwesi.

The chair invited each of the appointees to make presentations to the committee, followed by questions from the committee members, both active and ex officio:

**Eric Gottschalk** was appointed to the position of assistant corporation counsel in 1978. A charter change made by the electors of the city the previous year had created this first, full-time position. First appointed by Mayor Boughton, he has continued in the position for almost ten years under administrations of both major political parties. Before accepting the appointment, he had graduated from Boston University and Boston University School of Law; and practiced privately for about one-and-a-half years.

Attorney Gottschalk was strongly recommended by Corporation Counsel Resha, and highly praised by several veteran and freshman council members. The committee unanimously recommends that the Common Council confirm Mayor Sauer's appointment of Attorney Gottschalk.

**Lazlo Pinter** is a more recent appointment to a position of full-time assistant corporation counsel. He is a graduate of Fordham University and the University of Bridgeport School of Law. He had practiced privately for a short time before coming to the city. While in law school, he had taken a number of courses in municipal law, and interned with the Danbury Corporation Counsel. He considers municipal law to be his career specialty.

Attorney Pinter was strongly recommended by Corporation Counsel Resha, and highly praised by several council members. The committee unanimously recommends that the Common Council confirm Mayor Sauer's appointment of Attorney Pinter.

**John Jowdy** is a partner in the Danbury law firm of Jowdy and Jowdy. He is a graduate of Boston College and the New England School of Law (with Honors). He has the distinction of having been appointed a small claims hearing commissioner, and an attorney fact-finder by the state judicial department. Both are positions of high responsibility and trust, requiring not only a knowledge of the law, but also a keen sense of fairness and justice.

Attorney Jowdy was strongly recommended by Corporation Counsel Resha, who disclosed to the committee that he had approached Mr. Jowdy and asked him to serve because of his ability and merit. The chair joined in praise of Mr. Jowdy, especially noting his activity as small claims hearing commissioner. The committee unanimously recommends that the Common Council confirm Mayor Sauer's appointment of Attorney Jowdy.

**J. Timothy Deakin** is an associate with the Danbury firm of Joseph A. Saffi, P.C., where he engages in a general practice with an emphasis in real estate. Under extensive committee questioning, he disclosed that he has conducted litigation, a trial, administrative law cases such as land use, and been appointed by the Superior Court as counsel in family realtions cases. He has practiced privately for two years.

In law school, he was extensively involved in both appellate and trial moot court competitions, and won an award for "Best Appellate Brief" in 1983. he was chosen to be a teaching assistant to a legal research and writing class while in his final year of law school.

Attorney Deakin was strongly recommended by Corporation Counsel Resha, who disclosed to the committee that he had approached Mr. Deakin and asked him to serve because of his ability and merit. Councilman Regan praised Mr. Deakin's credentials, and his response to the committee's "grilling." The chair joined in praising Mr. Deakin's experience, and ability to handle himself in an adversarial situation.

The chair moved to recommend that the Common Council confirm Mayor Sauer's appointment of Attorney Deakin. The motion failed for lack of a second. The chair moved that no action be taken. The motion failed for lack of a second. The chair entertained any other motion regarding Mayor Sauer's appointment of Mr. Deakin. None were forthcoming.

The chair announced that he individually recommends that the Common Council confirm Mayor Sauer's appointment of Mr. Deakin.

The chair further announced that, in order to timely provide the city with full legal representation, he would request of Mayor Sauer a special meeting to be held on the committee's report.

Mayor Sauer announced that Mr. Deakin had withdrawn. Mr. Godfrey made a motion to reject the committee report, but to confirm the three remaining appointments. Seconded by Mrs. Bourne.

Mr. Eriquez stated the unfavorable political atmosphere prompting Mr. Deakin's withdrawal was not created by the Democrats.

Mr. Renz responded that he was unaware that the negative response to this appointment was political, but based on ability and merit.

Mr. Nimmons pointed out that the candidate withdrawing was a Republican.

Mr. DaSilva clarified that the candidate was not rejected. He had withdrawn. This appointment never came before the Common Council for a vote.

Mr. Eriquez stated that the comment about an unfavorable political atmosphere was Mr. Deakin's, not his.

Motion carried unanimously.

68 - REPORT - Completion of Flintlock Drive.

Mrs. Bourne submitted the following report:

The Common Council Committee appointed to review the completion of Flintlock Drive complaint met on December 16th at 7:35 P.M. In attendance were committee members Lovie Bourne, Chairman, Stephen Flanagan and Michael Fazio. Also present were: Basil Friscia, Jack Schweitzer and Lisa Buzaid.

The gist of the problem is that a portion of the road has not been approved by the City and therefore the City has not maintained it especially during the winter months for snow plowing.

This problem stems from the fact that this is a resubdivision area originally approved in July 1978. On recommendation from City Engineering, the Planning Commission put into place a \$21M road bond with further stipulations that the road be completed in two years. In December 1978, the Planning Commission voted to reduce the bond to \$10.5M. Extensions to complete the road were continually granted, the bond was never called, and to date the road is still not completed.

Mr. Friscia assured Mrs. Buzaid that the road would be plowed in that the plower must plow a large portion of the road and turnaround in the cul-de-sac area that is unapproved.

Stephen Flanagan moved that this matter of the bond for Flintlock Drive be referred to Corporation Council for his investigation and to see what is the status of it. Seconded, Mike Fazio. Passed unanimously.

The report was accepted on the Consent Calendar.

Mrs. Bourne submitted the following report:

The Common Council Committee appointed to review the complaint of Howard Ludlow met on December 16th at 8:35 P.M. In attendance were Committee members, Lovie Bourne, Chairman, Nicholas Zotos, and Gene Erizquez. Also present were, Basil Friscia, Mr. Ludlow and his daughter, Holly (please note that Ms. Ludlow's married name is unknown at the present and will be submitted later.)

The basis of the complaint is that the City did without permission install 2-18" diameter steel drainage pipes from Grandview Drive allowing runoff and/or diverting the flow of water onto raw acreage owned by Mr. Ludlow therefore creating two tremendous drainage swales. Ms. Ludlow stated that at no time did her father give permission to the City to do this work. She also explained that her father had complained to many people, naming Connie McManus, Bernie Gallo, Beverly Johnson, Mr. Fusiach, Mr. Tartaligia all to no avail. Mrs. Bourne stated that she had checked with the Tax Collector's and Town Clerk's office and that no easements were found.

Both Mr. Friscia and Mrs. Bourne had toured the Ludlow's property, and pictures depicting the problem were shown to other members.

Ms. Ludlow began by saying that the water is washing away all the land, and that the land is going through tremendous erosion. Ms. Ludlow explained that they would like to have the piping extended past their land and covered. They do not object to the piping going through, they simply want the erosion stopped.

Mr. Friscia stated that he felt that the City should at this time request drainage rights to drain through the Ludlow's property to alleviate future problems. Ms. Ludlow did not have a problem with Mr. Friscia's request as long as the pipes go through to the end of their property.

In view of the fact that Mr. Friscia was not prepared to answer the Ludlow's request to resolve the issue, Mr. Friscia will prepare a proposal to report back to the Committee at which time another meeting will be scheduled that will include the Corporation Council's office.

Mr. Gallo gave a history of the problem. He stated that he took offense to the implication that he had not responded to this problem when it had initially arisen.

Mrs. Bourne stated that it was not her intention to embarrass anyone, but simply to show that time had elapsed.

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

70 - REPORT - Safety Precautions at Grolier Headquarters.

Mr. DaSilva submitted the following report:

The committee appointed to study a request for a crosswalk and solution of a drainage problem at the Grolier Headquarters in Danbury met at 8:40 P.M. on December 14, 1987. In attendance were committee members DaSilva, Connell and Eriquez. Also in attendance were Director of Public Works Basil Friscia and Councilman Art Regan, attending ex-officio.

A letter from Grolier was read explaining the problems that exist in crossing Sherman Turnpike because of a lack of a crosswalk and puddles which occur during rainstorms.

After discussion, the committee decided to have the Chairman contact the Police Department to request the painting of a sidewalk and the installation of a caution sign at the site. The Public Works Director will survey the area for a solution to the puddling problem. The meeting adjourned at 8:55 P.M.

The report was accepted on the Consent Calendar.

Mr. DaSilva submitted the following report:

The committee appointed to review a proposed ordinance on septage rates met at 7:00 P.M. on December 14, 1987. In attendance were committee members DaSilva, Regen, Eriquez and Renz. Also in attendance was Superintendent of Public Utilities William Buckley.

Mr. DaSilva explained the past history of the inter-local agreements between, at first, Danbury and Brookfield, and then Danbury, Brookfield, Newtown, Redding, New Fairfield and Bridgewater. Mr. Buckley explained the reasons for the drafting of the proposed ordinance. There is a need for the codification of the various rules and regulations regarding the dumping of septage waste. It also sets forth the rates for dumping this waste. He felt that the placing of these regulations and fee schedule in ordinance form is necessary for the proper administration of the waste treatment plant for local and out of city dumping of septage.

Mr. Eriquez moved to recommend approval of the proposed ordinance and the fee schedule. Motion seconded by Mr. Regan. Motion carried unanimously. Meeting adjourned at 7:25 P.M.

The report was accepted on the Consent Calendar.

72 - REPORT - Request for Water Extension - 6 South Street.

Mr. Zotos submitted the following report:

Committee appointed to review <sup>REPORT</sup> the request for water extension at 6 South Street met on December 17, 1987 at 7:30 P.M. in City Hall. Attending were Committee Members Zotos, Weiss and Moran. Also Council Members Connell and Regan attended ex-officio. Also present were City Engineer Jack Schweitzer, William Buckley and the Petitioner Jeffrey Bigelow.

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 water line.
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 of Danbury, 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. Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
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.

Mr. Moran made a motion to accept the petition. The City is to accept \$15,000 for future extension of water line to his property. Seconded by Mrs. Weiss.

The report was accepted on the Consent Calendar.

73 - REPORT - Petition of Redevelopment Agency to Condemn Land.

Mr. Godfrey submitted the following report:

The committee appointed to recommend action on the petition of the Redevelopment Agency to condemn certain land met in City Hall on December 15, 1987. Present were members Godfrey, Danise, and Bourne; the petitioner represented by its Chairman Jack Sullivan, a member Boyd Losee, its Executive Director Jerry Juretus, and its attorney Richard Kilcullen; Assistant Corporation Counsel Lazlo Pinter; and invited witness Joseph Heyman.

The petitioner presented its case:

A railroad siding has once extended from the railroad yards to the southern side of the former Omaha Beef building, across what is now the northern part of the downtown redevelopment area. Attorney Kilcullen disclosed that his title search back to about 1846 showed that the owner at that time later granted a right of way to a railroad. A succession of railroad companies held title to this right of way. The fee simple ownership was later held by the owner's estate and/or the Union Savings Bank either as an owner or as a fiduciary. In short, there are outstanding legal questions as to the holder of the title of record.

The last railroad to hold the right of way was the Penn Central. Several years ago, it decided to dispose of its property interest. Following applicable law, it offered its interest in turn to the federal, state, and city governments. None of these governments exercised its right to acquire the interest within the time allowed by law. Subsequently, the railroad offered and quit-claimed its interest to Joseph Heyman for a money consideration.

Petitioner claimed that the City of Danbury, operating through its Parking Authority, has been the physical possessor of the land in question actually, openly, exclusively, continuously, and adversely to the interest of the true owner for a period of time sufficient under statutes to become the legal titleholder. However, the question of record title remains open, and subject to adjudication or other legal proceedings.

Both the petitioner and the committee agreed that it was in the best interest of the city that the question of title be resolved, and that title should somehow be held by the city for the public purposes associated with downtown redevelopment.

Mr. Heyman claims that he is the titleholder in fee of the land in question. He reported that he had at one time entered into discussions with the Agency over a year and a half ago regarding a possible sale of his interest. The discussions were ended without resolution, however. He stated his willingness to negotiate several points with the Agency, and was very upset that the Agency had approached the Common Council for permission to condemn before it re-opened discussions with him. The committee concurred with Mr. Heyman that the Agency should have taken this course, indeed should not have let the early discussions end without resolution.

Mr. Heyman specifically disclosed his willingness to negotiate sale of his interest in the strip of land from his new building to Patriot Drive, and his desire to retain his interest in the strip from his building to Ives Street. The Agency specifically expressed that it required all of the strip for redevelopment purposes, noting that its plan called for a pedestrian area "extending" the post-office walk-way from Ives Street to the proposed parking garage near Patriot Drive.

The committee recommends that the Common Council grant petitioner's request to allow it to acquire the interest by condemnation. The Agency will use its own funds. This recommendation was approved by committee members Godfrey and Danise, and opposed by committee member Bourne.

Mr. Godfrey made a motion to accept the report. Seconded by Mr. Connell. Motion carried with Mrs. Bourne and Mr. Shaw voting in the negative.

74 - REPORT & CERTIFICATION - Roof Replacement at Osborne Street Education Service Center.

Mr. Regan submitted the following report:

The Common Council Committee appointed to review the need for a roof replacement at Osborne Street Education Service Center met on December 21, 1987 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and Danise. Mr. Cassano was absent. Also in attendance were Director of Public Works Basil Friscia, and Superintendent of Public Buildings Richard Palanzo.

Mr. Palanzo explained the on-going problem of a 38 year old flat roof at the Osborne Street Education Service Center on Osborne Street. Mr. Palanzo stated the roof has been patched many times in the past and continues to leak. At this time he feels the wood decking beneath the roofing is rotten and will also need some repair work. The roof section is approximately 30 feet by 70 feet. Mr. Palanzo showed the committee an estimate from Barrett Roofing Company to rip off the old roof covering which is a built up asphalt-felt paper type of construction and replace it with a single membrane rubber roof which will be guaranteed for 20 years and be maintenance free. The cost of this was estimated at \$11,226. This did not include any repairs to the decking below. Mr. Palanzo estimated the cost at roughly \$3,000 for that repair. The job has to our out to bid and would be done in the spring.

Mrs. Danise made a motion to approve the funds needed for roof repairs. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

75 - PROGRESS REPORT - Request for Sewer and Water Extensions on Duck Street.

Mr. Charles submitted the following report:

The committee appointed to review the request for sewer and water extensions on Duck Street met on December 16, 1987 at 7:30 P.M. in City Hall. In attendance were committee members Louis Charles, and Joseph DaSilva. Also attending were Superintendent of Public Utilities William Buckley and the Petitioners, Lorraine and Joseph Brandano.

Mr. Buckley explained the procedures in obtaining sewer and water for said property. Since the petitioners had not obtained the service of an engineer, they were instructed to have an engineer draw up plans for said project and then request another meeting with the committee. At that time the committee will issue a recommendation for said project.

The Report was accepted on the Consent Calendar.

Mr. Connell submitted the following report:

Minutes of the meeting held on 12/15/87, held at City Hall at approximately 8:15 P.M.

The meeting was called to order by Chairman Barry Connell. In attendance at the meeting were the following members of the Committee assigned to study the complaints regarding Morgan Road:

Barry Connell  
John Esposito  
Janet Butera  
Hank Moran (non-officio in attendance; member Common Council)

Also present was Basil Friscia, Director of Public Works and Daniel Minahan, Director of Highway Dept.

Meeting called to order - 8:20 P.M.

A letter from a concerned resident (Linda Storhoff) was reviewed by all those present. This letter dealt with complaints about the conditions of Morgan Road. This letter is dated February 19, 1987 and describes hazardous conditions which existed at that time.

A discussion was had and according to Dan Minahan the potholes were filled in a few days ago. Basil Friscia advised that a survey is currently being done to determine what further action if any is to be taken. The reason this survey took so long to initiate according to Basil, was because the city did not have a qualified surveyor in its' employ. There are now two surveyors on the city's payroll. There is currently \$200,000 budgeted for improvements to both Morgan Road and East Lake Road. Only \$73,000 of the \$200,000 is allocated for Morgan Road, which would only be enough to repair 700 feet of the more than 2900 feet that the road measures. The balance of the funds are allocated for improvements to East Lake Road.

It was concluded that if indeed the completed survey report shows that extensive repair work is warranted the amount of \$73,000 is inadequate. However, this money can be used to begin work on the most hazardous areas. The survey is to be completed by the Spring of 1988. The Director of Public Works will be tasked by the Chairman to come up with a game plan to begin the improvements. This road (Morgan Road) is heavily traveled and if the completed survey substantiates the claims that the road needs extensive work then, a request will be made by the Chairman to the Common Council for the additional funds.

It was agreed that a copy of these minutes will be forwarded to Mrs. Linda Storhoff.

The report was accepted on the Consent Calendar.

77 - PROGRESS REPORT - Report from Director of Public Works on Sidewalk Repairs on Myrtle Avenue.

Mr. Nimmons submitted the following report:

The committee appointed to review the report from the Director of Public Works regarding sidewalk repairs on Myrtle Avenue met on December 17, 1987 at 7:00 P.M. in City Hall. In attendance were committee members Nimmons, Charles and Zotos. Also attending were Myrtle Avenue residents.

The committee agreed that the residents of Myrtle Avenue should receive assistance with their problem relating to sidewalk repairs.

The committee requests an extension of time so that it may further investigate the problem and come to a satisfactory solution.

The report was accepted on the Consent Calendar.

78 - PROGRESS REPORT - Landfill Areas for Scrap Metal.

Mr. Nimmons submitted the following report:

The committee appointed to review the need for land for scrap metal met on December 17, 1987 at 8:00 P.M. in City Hall. In attendance were committee members Nimmons, Connell and Butera.

The committee agreed that the basic problem of scrap metal disposal needs extensive investigation. It appears to be not only a local problem but a state problem.

The committee requests an extension of time in order to properly present its findings to the Common Council.

The report was accepted on the Consent Calendar.

79 - PROGRESS REPORT - Purchase of Property at 128 East Liberty Street

Mr. Charles submitted the following report:

The ad hoc committee appointed to review the request of Edward Blasco to purchase property at 128 East Liberty Street met at 8:00 P.M. in the Fourth Floor Lobby in City Hall on December 16, 1987. In attendance were committee members Charles, Moran and Butera. Also present was the petitioner, Edward J. Blasco.

Mr. Blasco presented additional information needed by the committee as well as for the Planning Commission which requested said information. Mr. Blasco was informed that he should give the additional information to the City Clerk's Office for forwarding to the Planning Commission for their approval. Mr. Charles informed Mr. Blasco by telephone on December 21, 1987 that the Planning Commission would not meet until January, 1988.

The report was accepted on the Consent Calendar.

80 - PROGRESS REPORT - Intermunicipal Agreement with the Town of Bethel.

Mr. Regan submitted the following report:

The Common Council Committee appointed to review the Intermunicipal Agreement with the Town of Bethel met on December 15, 1987 in the Common Council Chambers in City Hall at 7:30 P.M. In attendance were Committee Members Regan, Renz and DaSilva. Also attending were Director of Public Works Basil Friscia and Superintendent of Public Utilities Bill Buckley.

Mr. Buckley explained that Danbury and Bethel are under DEP orders to build a sewer treatment plant that will meet current State specifications. The cost of the plant should be approximately 40 million dollars. Danbury is to build, own and operate the plant. Bethel is to pay 12% of the cost which represents a share proportionate to the amount of flow into the plant from Bethel. The plant is eligible for a 20% grant and 80% low interest loan from the State. Rep. Lynn Taborsak is working with the City to try and obtain a 75% grant from the State which was available a number of years ago when we first submitted our plan for the plant. The debt service on any borrowing for the construction of the plant will be paid by the sewer users. The cost should be 3 to 4 times the current rate if we cannot get the 75% grant from the State.

The City is under a court order to comply with a time schedule that the State has set up. The signing of this agreement must be done by April 6, 1988. The fine for not doing so is \$1,000 per day. At this time the committee is waiting for a final draft of the agreement and a Planning Commission report. When this information is received the committee will meet again.

The report was accepted on the Consent Calendar.

81 - PROGRESS REPORT - Revisions on Boulevard Drive.

Mr. Cresci submitted the following report:

The Common Council Committee appointed to review revisions on Boulevard Drive met on December 10, 1987 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Arthur Cresci, Gary Renz and Robert Godfrey. Also in attendance were Director of Public Works Basil Friscia, City Engineer Jack Schweitzer, D. Conceno, Mitchell Weston, Judy White and Janet Gershwin.

The main concern of the committee and also of the petitioners was safety on Boulevard Drive. The following recommendations were made:

1. Investigate implementing additional lights near the intersections. Director of Public Works Basil Friscia will submit a report to the committee within thirty days.
2. Additional traffic signs and painting of the curb. Police Chief Macedo will report back to the committee in thirty days.
3. To contact the Planning Commission to determine how previous road alterations were approved.

When all this information has been received, the ad hoc committee will hold another meeting to make final recommendations to the Common Council.

The report was accepted on the Consent Calendar.

82 - PROGRESS REPORT - Request for Sewer and Water Extensions - South Cove.

Mr. DaSilva submitted the following report:

The committee appointed to study the request for the installation of water and sewer at South Cove met at 7:30 P.M. on December 14, 1987. In attendance were committee members DaSilva, Eriquez and Connell. Also in attendance were Director of Public Works Basil Friscia, Superintendent of Public Utilities William Buckley and City Engineer Jack Schweitzer. Councilman Regen attended ex-officio. Several residents of South Cove also attended.

The Chairman explained that because of the distance from South Cove of the nearest sewer hook-up area and the need for a pump station, the cost of a sewer installation would be very expensive. With this, the residents requested a withdrawal of their request.

After discussion of the various options concerning a water installation with the committee, the Superintendent of Public Utilities, the City Engineer and the Director of Public Works, the residents will go to their group to explain these options. The committee will meet again with the residents to review their options.

The report was accepted on the Consent Calendar.

83 - COMMUNICATION & RESOLUTION - Interim Property Tax For the Danbury Downtown Special Services District.

RESOLVED BY THE COMMON COUNCIL of the City of Danbury:

A RESOLUTION LEVYING THE INTERIM PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING JULY 1, 1987 AND ENDING JUNE 30, 1988

SECTION 1. The sum of Forty-eight Thousand Dollars (\$48,000.00) representing the gross appropriation for the City of Danbury Downtown Special Services District of Forty Thousand Dollars (\$40,000.00) for the remainder of the fiscal year of July 1, 1987 and ending June 30, 1988 plus uncollectible taxes reserve in the amount of Eight Thousand Dollars (\$8,000.00) is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District, as set forth on the corrected annual grand list as of October 1, 1986.

SECTION 2. Accordingly, the General Fund Tax Rate for the remainder of the fiscal year beginning July 1, 1987 and ending June 30, 1988 with respect to said property interests shall be as follows:

TAX RATE: .002332 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in two equal installments on January 5, 1988 and April 1, 1988 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on January 5, 1988, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

The Resolution was adopted on the Consent Calendar.

84 - COMMUNICATION - Request for Capitola Road to be accepted as a City Road.

Mr. Gallo made a motion to add this item to the agenda. Motion carried.

Mr. Gallo asked that this be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Connell, Gallo, Zotos.

85 - COMMUNICATION - Re-evaluation.

Mr. Charles made a motion to add this to the agenda. Motion carried.

Mr. Charles asked that this be referred to a committee. Mayor Sauer ordered that the committee shall consist of Council Members Charles, Cresci, and Cassano.

86 - COMMUNICATION - Drainage Problem on Pembroke Road (Sanchez).

Mrs. Bourne made a motion that this be accepted as agenda item 86. Motion carried.

Mrs. Bourne asked that a committee be appointed to study this problem. Mayor Sauer ordered that the committee shall consist of Council Members Danise, Renz and Butera.

87 - COMMUNICATION - Donation to P.A.L.

Mr. Eriquez made a motion to add this to the agenda. Mr. Godfrey seconded. Motion carried unanimously.

Request from PAL to be allowed to accept a 1980 suburban from an anonymous donor.

Mr. Eriquez made a motion to accept the donation with thanks. Seconded by Mr. Godfrey. Motion carried unanimously.

There were no members of the public wishing to address the Common Council.

There being no further business to come before the Common Council a motion was made by Mr. Moran for the meeting to be adjourned at 10:15 P.M.

Respectfully submitted,

*Jimmetta L. Samaha*  
JIMMETTA L. SAMAHA  
Assistant City Clerk

ATTEST:

*Elizabeth Crudginton*  
Elizabeth Crudginton  
City Clerk