

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

Re: Minutes of the Common Council Meeting held March 1, 1988.

The Meeting was called to order by Council President James Nimmons at 8:00 P.M. Mayor Sauer was ill and did not attend the meeting.

The roll call was taken by City Clerk Elizabeth Crudginton with the members being recorded as follows:

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

Absent - Cassano.

20 Present - 1 Absent.

Mr. Nimmons announced that on March 29, 1988 Lovie and Fred Bourne will celebrate their 19th wedding anniversary.

Also, on March 6th, City Clerk Elizabeth Crudginton will celebrate her birthday.

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

- 42 - Report and Ordinance - Septage Rates
- 43 - Report and Ordinance - Chain of Command - Police Department
- 44 - Report and Ordinance - Amendment of Section 15-17
- 46 - Report and Certification - Request for Funds to repair Backhoe/Front End Loader
- 50 - Report - Claim of Professional Properties Associates
- 51 - Report - Surplus land on Backus Avenue
- 52 - Report - Request for Water Extension - 92 Merrimac Street
- 53 - Report - Re-Evaluation
- 54 - Report - Property at 9 Bank Street
- 55 - Report - Drainage Problem at 3 Valley Road
- 6 - Report - Request to purchase land off Golden Hill
- 8 - Report - Petition to connect to existing sewer line
- 60 - Report - Lease between the City and Housatonic Valley Broadcasting
- 62 - Progress Report - Review of Proposed Reasibility Study on Electric System
- 63 - Progress Report - Acceptance of Capitola Road
- 64 - Progress Report - Request to purchase land - 128 East Liberty Street
- 65 - Progress Report - Property on Miry Brook Road
- 66 - Progress Report - Water Problems on Apple Blossom Lane
- 67 - Progress Report - Code of Ethics Ordinance
- 68 - Progress Report - Revisions on Boulevard Drive
- 69 - Progress Report - Request for Sewer and Water Extensions - 100 Saw Mill Road

Mr. DaSilva moved that the Consent Calendar be adopted. Seconded by Mr. Eriquez. Mr. Connell asked that item 60 be removed from the Consent Calendar. Motion carried.

MINUTES - Minutes of the Common Council Meeting held February 2, 1988 and the Special Common Council Meeting held February 17, 1988. Mr. DaSilva made a motion to accept the minutes as presented. Seconded by Mr. Eriquez. Mrs. Bourne moved to amend the minutes of February 2, 1988 on page 237, item 58, should read Mrs. Bourne moved to recommend to the Common Council to approve, not appeal. Mr. DaSilva amended his motion to reflect same. Motion carried.

1 - CLAIMS - Robert Easton Dawson, Robert F. Nemergut, William C. Turner, Lynne L. Forman, Linda L. Keane, Gail Raimundo. Mr. Eriquez asked that the claims be referred to the Corporation Counsel for a report back in thirty days. Mr. Nimmons so ordered.

2 - RESOLUTION - Youth Services Bureau. Mrs. Bourne asked that the Resolution be referred to a committee. Mr. Nimmons ordered it referred to Council Members Nimmons, Cresci and DaSilva.

3- RESOLUTION - Adoption of Robert's Rules of Order.

Be it Resolved by the Common Council of the City of Danbury:

Whereas, The Code of Ordinances of the City of Danbury §2-98 provides that "Robert's Rules of Order" shall govern parliamentary practice of the Common Council not otherwise provided by law; and

Whereas, said "Robert's Rules of Order" itself construes such language to mean the most recent edition; and

Whereas, it is desirable to clarify the edition by which said parliamentary practice shall be governed so that members and the public alike shall be informed;

NOW THEREFORE BE IT RESOLVED that The Scott, Foresman 1981 Edition of Robert's Rules of Order Newly Revised be and is the edition by which the Common Council shall be governed.

Be It Further Resolved that the action of the City Clerk to provide each member of the Common Council with the said Edition is ratified, and that at least one copy of the said Edition shall also be kept in the office of the City Clerk for public inspection.

Mr. Godfrey moved for adoption of the Resolution. Seconded by Mr. Eriquez. Mr. Renz questioned Mr. Godfrey as to the necessity of this appearing on the agenda. Mr. Godfrey stated that it was necessary so that the precise edition was on file and available to the public. Mr. Renz stated that many members had already purchased their own copies of this particular edition. Mr. Godfrey stated that there was a big difference in buying your own personal copy and having the City purchase copies. Mr. Renz stated that he was only trying to save the City some money. Motion carried unanimously.

4 - 16 COMMUNICATIONS - APPOINTMENTS

Items 4-16 are appointments offered by Mayor Joseph Sauer as follows:

Youth Commission - Robert Sulliman for a term to expire 4-1-89;
Handicapped Commission - Irvin Coughlin for a term to expire 3-1-91
and Rosemary O'Malley for a term to expire 3-1-90;
Richter Memorial Park Authority - Roger Delsin for a term to expire 9-1-89; and Eugene Tomanio, for a term to expire 9-1-90.
Aviation Commission - Kenneth Taylor for a term to expire 7-1-90;
Candlewood Lake Authority - for a term to expire 4-1-90;
Environmental Impact Commission - Edward O'Malley for a term to expire 12-1-89; Brian O'Hare for a term to expire 12-1-90; and Donald Hensley for a term to expire 12-1-90.
Parks and Recreation Commission - David Coelho for a term to expire 12-1-88; Carol Smith for a term to expire 12-1-88; Jane Keane for a term to expire 12-1-90; and Arnold Cresci for a term to expire 12-1-88;
Commission on Aging - Julia Schneider for a term to expire 10-1-88; and Betty Moran for a term to expire 10-1-88;
Fair Rent Commission - Rev. Ruben Bush for a term to expire 7-1-90;
Equal Rights and Opportunities - Marie Consentino, Robert Dylewski, Hollis Whitman, Abner Burgos-Rodriguez all for terms to expire on 3-1-91;
Library Board of Directors - Joan Damia for a term to expire 1-1-91;
Planning Commission - Joseph Justino for a term 1-1-91;
Redevelopment Agency - John Turk for a term to expire to expire 1-1-

Mrs. Bourne individually moved that each of these item be referred to an ad hoc committee and the Corporation Counsel, except for items 5 and 1 which were referred by Mr. Connell. Mr. Nimmons ordered the items referred to Council Members Fazio, Eriquez and Nimmons and the Corporation Counsel.

17 - COMMUNICATION - Letter from Councilwoman Lovie Bourne regarding the existing situation concerning automobiles parked on City sidewalks. Mrs. Butera asked that this be referred to an ad hoc committee. Mr. Nimmons ordered it referred to Council Members Gallo, Nimmons and Connell.

18 - COMMUNICATION - Donation of \$1,000 to the Danbury Library from Danbury Youth Services to purchase and promote educational materials on substance abuse. Mr. Godfrey made a motion to accept the donation with thanks. Seconded by Mr. Esposito. Motion carried unanimously.

19 - COMMUNICATION - Letter from Josephine Tartaglia resigning from the Zoning Commission due to ill health. Mr. Renz made a motion to accept the resignation. Seconded by Mr. Eriquez. Motion carried unanimously.

20 - COMMUNICATION - Request for permission to hire an environmental inspector from William Quinn, Director of the Health Department. Mrs. Bourne asked if Mr. Quinn was in the audience as she had some questions concerning this request. He was not present. Mr. Connell made a motion to suspend the rule prohibiting non-members from speaking. Motion carried. Mrs. Bourne asked the following questions of Comptroller Dominic Setaro: What will the responsibilities be, What will the Salary be, What is the need and will the City have to commit to future funding? Mr. Setaro said he did not have the job description; the salary was approximately \$19,000 yearly and that there would probably be a need for future funding.

Mr. Eriquez made a motion to approve the request. Seconded by Mr. Fazio. Motion carried with Mrs. Bourne and Mr. Cresci voting in the negative.

21 - COMMUNICATION - Request from Mayor Sauer for the establishment of a Tarrywile Park Authority. Mrs. Danise asked that this be referred to an ad hoc committee and the Planning Commission. Mr. Nimmons ordered it referred to the Planning Commission and a committee consisting of Council Members Flanagan, Renz and Regan.

22 - COMMUNICATION - Request from Director of Public Works for an ad hoc committee to review study and make recommendations as a result of the hydrogeological report regarding Dairy Mart on Padanaram Road. Mr. Eriquez asked that this be referred back to the Director of Public Works. Mr. Nimmons so ordered.

23 - COMMUNICATION - Request from Comptroller Dominic Setaro regarding Educational Enhancement Act Funds and requesting approval so that additional funds in the amount of \$898,121 be appropriated to the School Department budget. Mr. Eriquez made a motion to accept the communication and approve the transfer. Seconded by Mr. Godfrey. Motion carried unanimously.

24 - COMMUNICATION & CERTIFICATION - Letter from Corporation Counsel Robert T. Resha asking for the sum of \$16,903.30 for payment of the most recent statement for services rendered by Goldstein and Peck in the matter of Sporck v. City of Danbury. Certification attached. Mr. Godfrey made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Charles. Mr. Shaw noted for the record that a total of \$200,000 has already been paid out in legal fees on this case. Motion carried unanimously.

25 - COMMUNICATION - Request from Director of Public Works that the sum of \$82,600 be transferred to the Public Buildings account so that normal maintenance operations may continue for the balance of the fiscal year. Mr. Eriquez asked that this be referred to a committee. Mr. Nimmons ordered that the committee shall consist of Council Members Fazio, Esposito and Zotos.

26 - COMMUNICATION & CERTIFICATION - Request from the Director of Public Works asking for the sum of \$78,345 to replenish the Snow & Ice Removal Accounts in the Highway Budget in anticipation of four additional storms. Certification attached. Mr. DaSilva moved that the communication be accepted and the transfer of funds authorized. Seconded by Mrs. Butera. Motion carried with Council Members Moran, Flanagan and Cresci voting in the negative.

27 - COMMUNICATION & CERTIFICATION - Request for funds - Zoning Board of Appeals in the amount of \$7,000 for overtime services, printing and binding and legal notices. Certification attached. Mrs. Bourne made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Shaw. Motion carried unanimously.

28 - COMMUNICATION - Letter from Assistant Corporation Counsel Laszlo Pinter recommending that the City of Danbury Department of Purchasing Manual be amended to add language providing for procurement of government surplus items. Mrs. Danise asked that the communication be accepted and deferred to public hearing. Mr. Nimmons so ordered.

29 - COMMUNICATION - Letter from Mayor Sauer asking that a committee be formed to study the offer from the Connecticut Department of Transportation to give the City the railroad station building and property on White Street in exchange for city-owned land inside the existing loop of tracks in the railyard. Mr. Eriquez asked that this be referred to committee. Mr. Nimmons ordered that the committee shall consist of Council Members Fazio, Eriquez and Godfrey. Mr. Eriquez asked that it also be referred to the Planning Commission. Mr. Nimmons so ordered.

30 - COMMUNICATION - Request from Heidi Kriegl requesting to purchase land and buildings at 80 Chambers Road from the City. Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mr. Nimmons so ordered and stated that the committee shall consist of Council Members Renz, Shaw and Cassano. Mrs. Butera also asked that it be referred to Engineering. Mr. Nimmons so ordered.

31 - COMMUNICATION - Offer to purchase land on Germantown and Sand Pit Roads. Mrs. Bourne made a motion to accept the communication and deny the offer. Seconded by Mr. Godfrey. Motion carried unanimously.

32 - COMMUNICATION - Results of the survey conducted by the Engineering Department regarding Benson Drive and Union Circle Sanitary Sewer Project. Mr. Gallo made a motion to accept the communication and deny the sewer project. Seconded by Mr. Eriquez. Motion carried unanimously.

33 - COMMUNICATION - Request from Councilman Barry Connell requesting that a committee be established to review enforcement of the ordinance pertaining to abandoned motor vehicles within City limits. Mrs. Danise asked that this be referred to an ad hoc committee and the Police Chief. Mr. Nimmons so ordered and stated that the committee shall consist of Council Members Connell, Zotos and Charles.

34 - COMMUNICATION - Letter from Dale L. Carlson asking the Common Council to grant an easement across land owned by the City on Aunt Hack Road to provide access to his property. Mr. Fazio asked that this be referred to an ad hoc committee, the Planning Commission and the City Engineer. Mr. Nimmons so ordered and stated that the ad hoc committee shall consist of Council Members DaSilva, Regan and Bourne.

35 - COMMUNICATION - Letter from Police Chief Nelson Macedo outlining steps that can be taken to alleviate problems at the intersection of Maple Avenue and Garamella Boulevard. Mrs. Danise asked that this be referred to an ad hoc committee, the Police Chief and the Traffic Division. Mr. Nimmons so ordered and stated that the ad hoc committee shall consist of Council Members Cresci, Moran and Gallo.

36 - COMMUNICATION - Letter from residents of McKay Road requesting that the status of McKay road be changed from abandoned to a City road. Mrs. Butera asked that this be referred to an ad hoc committee, Planning Commission, Engineering, and Director of Public Works. Mr. Nimmons so ordered and stated that the committee shall consist of Council Members Renz, DaSilva and Godfrey.

37 - COMMUNICATION - Letter from Director of Public Works asking that the Corporation Counsel be authorized to obtain a storm drainage easement on the property of Wadad Fakhredding, off Nabby Road. Mrs. Butera asked that this be referred to the Corporation Counsel. Mr. Nimmons so ordered.

38 - COMMUNICATION - Letter from Corporation Counsel Robert Resha stating that the Corporation Counsel's Office has a conflict in representing the City of Danbury in a lawsuit brought against it by Dana Investment Corp. He asked that he be authorized to obtain outside counsel to represent the City. Discussion followed regarding the conflict and as to how much it will cost to hire outside counsel. Mr. Eriquez made a motion to accept the communication and authorize the hiring of outside counsel.

Seconded by Mr. Flanagan. Motion carried with Mrs. Bourne, Mr. Connell, Mr. Renz and Mr. Fazio voting in the negative.

39 - COMMUNICATION - Letter from Attorney Nejame asking for approval of a lease between the City of Danbury and Rodenstock USA, Inc. Mr. DaSilva asked that this be referred to an ad hoc committee, the Planning Commission and the Corporation Counsel. Mr. Nimmons so ordered and stated that the ad hoc committee shall consist of Council Members Shaw, Bourne and Flanagan.

40 - COMMUNICATION - Letter from Assistant Corporation Counsel Eric L. Gottschalk referencing a letter from Attorney Francis Collins on behalf of Karen L. Pane who rents the Hatters Park Bowling Alley, stating that Mrs. Payne wishes to assign her interest to Gerald A. Troccola. Mrs. Butera asked that this be referred to an ad hoc committee, the Director of Parks and Recreation and the Corporation Counsel. Mr. Nimmons so ordered and stated that the committee shall consist of Council Members Danise, Renz and Charles.

41 - Department Reports - Co-Ordinator of Environmental and Occupational Health Services, High Blood Pressure Screening Program, Fire Marshall, Fire Chief, Police Department, Housing Code Enforcement, Public Works, Parks and Recreation. Mr. DaSilva moved that the reading of the department reports be waived as all members have copies and copies are on file in the Office of the City Clerk for public inspection. Seconded by Mrs. Bourne. Motion carried. Mr. Shaw noted for the record that on Page 1, Paragraph 3 of the Public Buildings report that it had cost \$2,900 for repairs to the day time shelter for the homeless. It had kept a 3 man crew busy for 4 weeks and suggested that the Council Member who had chastised him for his previous remarks go look at this building. Mr. Flanagan suggested that perhaps the Council Members go talk to the homeless people before making such remarks.

42 - REPORT AND ORDINANCE - Septage Rates. Mr. Nimmons submitted a report and ordinance stating that the Common Council met as a committee of the whole on February 22, 1988 following a public hearing to act on the ordinance. Mr. DaSilva made a motion to recommend adoption of same to the full Common Council. Seconded by Mr. Charles. Motion carried with Mr. Moran voting in the negative. The Ordinance set out all aspects of the Septage Rate Ordinance.

The Report and Ordinance were adopted on the Consent Calendar.

43 - REPORT AND ORDINANCE - Chain of Command - Police Department.

Mr. Nimmons submitted a report stating that the Common Council met as a committee of the whole immediately following a public hearing on February 22, 1988 to discuss the above ordinance change. Mr. Charles made a motion that the ordinance be adopted as amended. Seconded by Mr. Flanagan. Mr. Gallo made a motion to amend the original motion by recommitting the ordinance change to the original committee. Seconded by Mr. Moran. Motion to amend carried unanimously. Motion on amended main motion carried. Ordinance will go back to original committee for further study.

The report was accepted on the Consent Calendar.

44 - REPORT AND ORDINANCE - Amendment of Section 15-17

Mr. Nimmons submitted the following report and ordinance stating that the Common Council met as a Committee of the Whole on Monday, February 22, 1988 to act on the above ordinance. Mr. Charles made a motion that the amendment change be approved by the full Common Council. Seconded by Mr. Connell. Motion carried with Mr. Moran voting in the negative.

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

THAT Section 15-17 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the deletion of the current subsection (L).

THAT Section 15-17 of the Code of Ordinances of Danbury, Connecticut is further amended by the deletion of the phrase "(G) and (L)" in subsection 15-17(M) and the substitution of the phrase "and (G)" in its place, and by the redesignation of said subsection 15-17 (M) as subsection 15-17(L).

BE IT FURTHER ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT subsection (1) of Section 8-18 of the Code of Ordinances of Danbury, Connecticut be hereby amended to read as follows:

"No person shall be appointed as a permanent member of the regular fire department unless he or she shall be a United States citizen.

The Report and Ordinance were adopted on the Consent Calendar.

45 - REPORT & CERTIFICATION - Downtown Parking Garage. Mr. Nimmons submitted the following report (Certification attached):

The Common Council Committee of the Whole appointed to discuss the above charge met on February 17, 1988 in the Council Chambers. Robert's Rules of Order were suspended by voice vote and a general discussion ensued. After a lengthy discussion a motion was made by Mr. Gallo to recommend that the Common Council approve a \$20,000 appropriation to the Parking Authority so that it may present final costs for the garage to the Council. Seconded by Mr. Flanagan. Mr. Eriquez made a motion to amend the motion to allow the Parking Authority to proceed with financing via the use of revenue bonds with the condition that the Parking Authority return to the Common Council once the financing package is complete.

The vote on the amendment passed 12 yes, 3 no, 1 abstention. The vote on the amended motion passed 12 yes, 3 no 1 abstention.

Mr. Godfrey made a motion to accept the committee report. Seconded by Mr. Gallo. Mr. Charles asked if the City should not certify that the Parking Authority was going to put in \$15,000. Mr. Eriquez read a portion of the Parking Authority Meeting minutes of February 24th clarifying Mr. Charles's concern. Motion carried with Council Members Bourne, Esposito and Shaw voting in the negative and Mr. Zotos abstaining.

46 - REPORT & CERTIFICATION - Request for funds to repair backhoe/ front end loader.

Mr. Cresci submitted the following report (certification attached):

The ad hoc committee appointed to review the request for funds totaling \$5,000 to repair a backhoe/front end loader met on February 8, 1988 at 8:00 P.M. in City Hall. In attendance were committee members Cresci, Butera and Nimmons.

Mrs. Butera moved that Robert's Rules of Order be waived. Seconded by Mr. Cresci. Motion carried. Mr. Nimmons had spoken with Mr. Johnson who felt that investing \$5,000 now would save the City approximately \$64,000 which is the cost of the new backhoe. He expected that the repairs would add five years to the life expectancy of the backhoe.

Mrs. Butera made a motion to appropriate \$5,000 to the Forestry Division for repairs to the Case Backhoe/Front End Loader. Seconded by Mr. Nimmons. Motion carried unanimously.

The report was approved on the Consent Calendar.

47 - REPORT & CERTIFICATION - Funding for Clothing Plus Bank.

Mr. Nimmons submitted the following report (certification attached):

The ad hoc committee appointed to review the above request met on February 10, 1988 at 7:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Nimmons, Danise and Cassano. Also in attendance were Comptroller Dominic Setaro, Camilla Worden and Hans Moyer from the Clothing Bank Plus. Council Members Joseph DaSilva and William Shaw attended ex-officio.

Ms. Worden outlined her problem and reviewed an estimated budget based on a possible move to a larger location which is needed to function efficiently. The Bank's immediate problem is that the money would not be forthcoming for several months and the \$4,000 was needed to help the Bank over this period.

Mr. DaSilva expressed concern in regard to the various requests received by the Common Council for emergency money, but was sympathetic regarding the Bank's request, as was the committee.

Mrs. Danise made a motion to recommend that \$4,000 be granted. Seconded by Mr. Nimmons. Motion carried unanimously.

Mr. Gallo moved that the report be accepted and the transfer of funds authorized. Seconded by Mr. Eriquez. Mr. Shaw stated that he had spoken with representatives of the Good Will and the Salvation Army and felt that granting this request would be a duplication. Mrs. Bourne made a motion to suspend the rule prohibiting non-members from speaking. Seconded by Mr. Cresci. Motion carried. Mrs. Bourne asked Camilla Worden what other means the Clothing Plus Bank had taken to secure funds for their organization. Mrs. Worden explained their campaign. Mrs. Bourne asked if coming to the City was the last resort. Mrs. Worden said that it was. Mr. Nimmons stated that if the request was duplicated three times, it would not be enough to take care of poor people. Mr. Godfrey stated for the record that Mr. Esposito had attended the committee meeting ex-officio. Motion carried with Mr. Shaw voting in the negative.

48 - REPORT & CERTIFICATION - Hayestown Avenue Road Project.

Mr. Connell submitted the following report (certification attached):

The Ad-HOC Committee met on February 18, 1988 in Room 432 at City Hall at 7:30 P.M. The purpose of the meeting was to discuss the monetary problem concerning the funding of captioned project. Specifically there is an \$11,000 shortfall which seems to be attributable to an under estimation of actual expenses when projections were made. The contract amount of \$1,234,823.75 and the actual expenses of \$1,326,645 constitute the shortage. This amount is less than one percent.

A motion was made by Councilman DaSilva to transfer \$11,000 from the Contingency Account to cover the shortfall. This motion was seconded by Councilman Eriquez and passed.

Chairman Connell made a motion to adjourn the meeting at 7:45 P.M. The motion was seconded and passed and the meeting was adjourned.

Mrs. Bourne moved to accept the report and authorize the transfer of funds. Seconded by Mr. Gallo. Mr. Godfrey made a friendly amendment to state that the funds would come from the general fund rather than from the contingency account. Amendment accepted. Mr. Setaro spoke on the bidding and contract process in response to questions from Mr. Shaw and Mr. Renz. Motion carried unanimously.

49 - REPORT - Downtown Redevelopment Project.

Mr. Nimmons submitted a report stating that the Common Council met as a Committee of the Whole to review the above charge on Thursday, February 1988. Robert's Rules of Order were suspended by voice vote and a general discussion ensued. After a lengthy question and answer period a motion was made to adjourn. Mr. Fazio moved to accept the report. Seconded by Mr. Flanagan. Mrs. Bourne asked what the Council could do to make sure deadlines are kept. Mr. Flanagan explained that the relationship is governed by contract. Motion carried unanimously.

50 - REPORT - Claim of Profession Properties Associates.

Mr. Regan submitted the following report:

The Common Council Committee appointed to review the claim of Professional Properties Associates met on February 9, 1988 at 7:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Regan, Connell and Gallo. Also attending were Purchasing Agent Warren Platz, Superintendent of Public Utilities William Buckley, Comptroller Dominic Setaro and Assistant Corporation Counsel Laslo Pinter.

Mr. Setaro explained that there was a problem with a sewer line blockage and the City had to dig up the parking lot at the Ridgewood Country Club in order to fix the blockage. At the same time the Country Club was having part of their parking lot repaved. Matthew Isles, a city employee, spoke with Metcalf Paving who was doing the repaving job to ask how much it would cost to patch the area dug up by the City. Metcalf Paving said it would cost \$1,200. Without getting approval Metcalf Paving went ahead and did the job. When the City received the bill the Board of Awards refused to pay it because Metcalf Paving did not go through the proper bid process. Mr. Setaro further explained that it would be up to the Common Council to waive the bid process so that he can pay this bill.

Mr. Buckley stated that the repairs were made and that the City did owe someone for the job. He did not know if Metcalf Paving had been paid and if so, whether the Ridgewood Country Club or Professional Properties Associates should be reimbursed.

Mr. Platz stated that he received a bid from Danbury Sanitation Engineering Co. for repaving. Their price was \$1,750. Mr. Platz also said that Metcalf Paving had never done work for the City and were not familiar with the proper bid procedures.

Mr. Gallo made a motion to make payment after Mr. Setaro determined who should be paid. Seconded by Mr. Connell. Motion carried unanimously.

The report was accepted on the Consent Calendar.

51 - REPORT - Surplus land on Backus Avenue.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to review either leasing or selling a portion of City property located on Backus Avenue met on February 17, 1988 in Room 432 in City Hall. In attendance were committee members, Shaw and Charles.

A motion was made by Mr. Charles to deny leasing or selling any of the City property involved. Seconded by Mr. Shaw. This was based on a negative recommendation by the Planning Commission pending a decision on a Westside Fire Station.

The report was accepted on the Consent Calendar.

Mr. Regan submitted the following report:

The committee regarding the above captioned matter met on February 16, 1988. In attendance were Committee Members Regan and Zotos. Also in attendance were William Buckley and Jack Schweitzer, Cesar Lopes, Jack Narciso and Roger Custodio.

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, 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 accepted on the Consent Calendar.

53 - REPORT - Re-Evaluation

Mr. Charles submitted the following report (with attachments):

The ad hoc committee on re-evaluation met on February 8, 1988 at 7:00 P.M. in City Hall. In attendance were committee members Charles, Cassano and Cresci. Also in attendance were Tax Assessor Ann DeFlumeri and Comtroller Dominic Setaro.

Mrs. DeFlumeri spoke regarding assessing of properties such as commercial, industrial and residential. The areas involved and the factors used in the process were highlighted in the valuation of said properties. Mrs. DeFlumeri presented a 3 page outline of the re-evaluation process carried out in Danbury.

Mr. Cassano made a motion to accept the details presented at the meeting. Seconded by Mr. Charles. Motion carried unanimously.

The report was accepted on the Consent Calendar.

54 - REPORT - Property at 9 Bank Street

Mr Moran submitted the following report:

The Common Council Committee appointed to review property at 9 Bank Street met on February 8, 1988 at 7:30 P.M. in City Hall. In attendance were Committee Members Moran and Godfrey. Also present were Assistant Corporation Counsel Laslo Pinter, and Chairman of the Library Board of Directors Albert Hornig.

Attorney Pinter stated that a right of way granted to Dr. Gurski on April 7, 1987 under certain terms and conditions, none of which have been complied with and that he had delivered a letter on August 18, 1987 stating that the City of Danbury's objections to his total lack of response. The letter was delivered to Attorney Gary M. Bachyrycz who represents Dr. Gurski. Several phone calls were made to Mr. Bachyrycz with no response.

Mr. Hornig stated that on many occasions access to the Library parking lot by employees of the library either did not exist or was made almost impassable by illegal parking of Dr. Gurski's workers or tenants.

On November 3, 1987, Corporation Counsel Theodore H. Goldstein sent Mayor James Dyer a letter informing him of this matter and requesting the Common Council to reconsider its action of April 7, 1987.

Mr. Godfrey made a motion that the committee recommend to the Common Council the following:

1. Withdraw the offer of a right of way;
2. Terminate for failure of condition;
3. Authorize Corporation Counsel to negotiate a licensing agreement with the owner. If the owner defaults or fails to act by June 1, 1988, this agreement is considered terminated by the owner and the Corporation Counsel is authorized to bring suit against the owner.

The report was accepted on the Consent Calendar.

55 - REPORT - Drainage Problem at 3 Valley Road.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the drainage problem at 3 Valley Road met on February 9, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Regan and Zotos. Also attending were Director of Public Works Dan Minahan and the petitioners, Mr. and Mrs. Joseph Coelho.

Mr. Regan stated that an on-site inspection showed that the problem came from water run-off from Shady Lane, a road behind and above the Coelho's property. Mr. Minahan informed the committee that Shady Lane is a private road that receives zero maintenance so that the City has no right or obligation to correct a drainage problem there. However, Mr. Minahan said that if Mr. Coelho was to put a curtain drain around his property and extend down to Valley Road, the City could then extend the City storm drain system on Valley Road to pick up the runoff. Mr. Coelho said that he thought a storm drain on Shady Lane was a City drain. Since this was not the case according to Mr. Minahan, Mr. Coelho stated that he would investigate the problem further in the Spring and contact the City at a later date if he needs help.

Mr. Zotos made a motion to deny the request without prejudice. Seconded by Mr. Regan. Motion carried unanimously.

The report was accepted on the Consent Calendar.

56 - REPORT - Request to purchase land off Golden Hill.

Mr. Fazio submitted the following report:

The ad hoc committee appointed to review the request to purchase land off Golden Hill met on February 22, 1988 at 9:15 P.M. in Room 432 in City Hall. In attendance were committee members Fazio and Zotos. Also in attendance was Robert McCarthy.

Mr. McCarthy briefly outlined his request. Mr. Zotos commented that the Planning Commission had voted a negative recommendation for the request at its meeting held January 20, 1988. Mr. McCarthy then stated that he had not attended the Planning Commission meeting nor had he submitted details concerning his request.

A motion was made by Mr. Zotos and seconded by Mr. Fazio that the committee recommend to the Common Council that Mr. McCarthy's request be denied without prejudice. Motion carried unanimously.

The report was accepted on the Consent Calendar.

57 - REPORT - Replacing Steel Traffic Drums

Mr. Renz submitted the following report:

The Common Council Committee appointed to review the proposal of replacing steel traffic drums with plastic ones met on Tuesday, February 9, 1988 at 8:00 P.M. in City Hall. In attendance were committee members Renz, Shaw and Butera.

Mrs. Butera made a motion to amend City Ordinance 17-69 as follows "That steel drums not be permitted as traffic control barriers." Seconded by Mr. Shaw. Motion carried unanimously.

Mrs. Butera made a motion to accept the report and defer it to a public hearing. Seconded by Mr. Godfrey. Motion carried unanimously.

58 - REPORT - Petition to connect to existing sewer line.

Mr. Charles submitted the following report:

The committee regarding the above captioned matter met on February 11, 1988. In attendance were Committee Members Charles, Nimmons and Fazio. Also, City Engineer Jack Schweitzer, and the petitioners, Joseph and Hazel McIlrath.

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

1. The petitioner shall bear all costs relative to the installation of said sewer 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, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion of installation, title to said sewer line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer lines.

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

The report was accepted on the Consent Calendar.

59 - REPORT - Sporkk v. City of Danbury

Mr. Godfrey asked that this be deferred to the end of the agenda.

60 - REPORT - Lease between the City of Danbury and Housatonic Valley Broadcasting (WINE/WRKI)

Mr. Connell submitted a report stating the a meeting of the Committee to review HVB was held on February 24, 1988. After a review of a lease agreement proposed by lawyers for HVB and a question and answer period a recommendation was made to seek approval of the agreement upon a positive engineering report and a road easement needed to effect the plan.

Mr. DaSilva made a motion to accept the report. Seconded by Mr. Flanagan. Mr. Gallo made a motion to amend the motion to recommend acceptance of the lease. Seconded by Mr. Flanagan. Motion to amend carried. Mr. Flanagan made a motion to amend the motion to approve the easement subject to positive recommendation of engineering. Seconded by Mr. Eriquez. Motion to amend carried. Vote on main motion as amended carried unanimously.

61 - PROGRESS REPORT - Easement for Drainage at Airport - Wilmorite Proposal, Danbury Fair Mall Expansion.

Mrs. Bourne submitted the following report:

The Common Council Committee charged to review Wilmorite's request for a drainage easement on the City's airport property - department store expansion at the Danbury Mall, met on February 22nd, immediately following the Common Council committee meeting of the whole at 8:10 P.M. in Room 432.

In attendance were committee members - Lovie Bourne, Chairman; Barry Connell, and Joe DaSilva. Ex-officio Council members present - Gene Eriquez, Bob Godfrey, and Art Regan. Others in attendance, Paul Estefan, Airport Administrator; Alfred Friedrich, V.P. Wilmorite; Leon H. Clary and David A. Rice of Sear Brown Associates in Rochester, NY.

The meeting begin with Ms. Bourne stating the charge of the committee and introducing all present. She reiterated to Mr. Friedrich that we as a Committee could not recommend to the Common Council approval of this project without first receiving reports/recommendations from Planning and Engineering Departments and from the Environmental Impact Commission. Mr. Friedrich understood this, and stated that he is seeking from the Common Council an indication that we approve the concept of a cooperative venture in terms of drainage between the Mall and the City of Danbury as being beneficial to the City as well as the Mall developer; and that Wilmorite and the City could jointly make application to the various City agencies for approval.

Mr. Friedrich estimates that it will take 3 - 6 months to go through the approval process, engineering reports, site plan work, etc., at a cost of \$125,000 - \$250,000 to Wilmorite. However, in view of the fact that the land proposed for drainage belongs to the City, they do not feel that they should go through City agencies asking for rights on City property without first seeking approval from the legislative body.

In addition, they are seeking an endorsement effectively from the Common Council indicating that assuming that those various agencies approve the joint application that in fact the Common Council would then enter into an easement agreement or land lease as it will; drainage easement being the most logical to allow the project to

progress. Mr. Friedrich stated, "It certainly is the City's prerogative to accept or reject the idea, but we need some guidance as to whether it has any enthusiasm for it."

The proposal involves adding a fifth department store (Lord & Taylor) in an area near Macy's. According to Mr. Friedrich, in the original zoning, the City did approve the development of essentially 1,500,000 square feet with six department stores.

Wilmorite is suggesting that the existing sub-storage and drainage for the Mall be combined with the sub-storage and drainage system of the airport. This will allow the development of parking on the Mall site in an area that is now a retention pond.

Ms. Bourne asked Mr. Friedrich what their alternatives were. He replied, that their alternative was to develop deck parking on the Mall property which aesthetically is less desirable than the drainage proposal. If the Mall had to build deck parking it would need an additional 150 parking spaces to comply with code.

Ms. Bourne questioned whether Wilmorite was working under a timeframe—Mr. Friedrich replied that Lord & Taylor's has expressed a great deal of interest in the facility and would like very much to start construction of a store this summer.

Mr. DaSilva questioned Mr. Estefan for his input on the proposal; and asked whether the land in question for the proposed drainage pond is of any particular use for the airport in its present stage. Mr. Estefan replied that the land is presently on the Airport Master Plan designated as an area to remain undeveloped; which leaves an open door to the City to make recommendations as to its use at a future date however it sees fit. Also on part of that property in the proposed retention area Mr. Estefan desires an agreement for a "T" Hanger and Apron Area for the inside storage of 60 aircraft. Mr. Estefan estimated that this would generate approximately \$200,000 in annual revenue for the City. This proposal will not affect the taxiways, parking, or buildings of the airport. Mr. Estefan is not aware of any problems that the Federal Government would have with this plan. The main ingredient he stressed is that we comply with the western part of the property by making its use of an aeronautical nature, thereby staying in compliance with the airport layout plan.

Mr. Estefan stated that, "he does not have any problem with the proposed plan as long as the airport ends up with the "T" Hanger areas being developed and we get something back out of it." Mr. Estefan further stressed that we are making a commitment for a substantial amount of property for ever and ever; and once the City commits to the pond in that area that will be the end of the use of this area.

The acreage in question is approximately 33—with the pond itself covering approximately 9-10 acres and the storage area 9-10 acres. The storage area cannot have any buildings, runways or anything on it. Wilmorite's proposal breaks down into three levels for this area (1) the pond, (2) the storage area, and (3) recreational facilities.

Ms. Bourne stated that she was not certain if a playground, or athletic fields should be in this area. She stressed that she did not want to "turn over" this acreage to the Mall, stressing that she would like to see that the City realize something out of it. She suggested perhaps having an appraisal done at the City's expense to find out exactly

how much the land is worth. And, perhaps negotiate something with Wilmorite on behalf of the City, and not look at going through playgrounds, athletic fields (there is already an athletic field on the Mall property), and "T" hangers. She stressed that she did not wish to lock the City into anything, but would like to negotiate a settlement with Wilmorite which would allow the City to decide what it does with those monies—a possible cash settlement, not a sale of the land.

Mr. Eriquez suggested that perhaps the Council should authorize the Executive Branch to negotiate with Wilmorite on the City's behalf.

Mr. Regan asked about filling in the retention pond, turning it into parking and questioned if the new proposed pond could handle the runoff. The Sear Brown representative replied yes, that this plan more than offsets the loss of the pond proposed to be filled. Mr. Regan asked about the current flood control surrounding the Mall area—is it sufficient. Again, Sear Brown said "absolutely." Mr. Regan mentioned that last year during the heavy rain season that he noticed how the area was filled with water. The Sear Brown rep. said that this is the way that the pond was intended to work and that water is supposed to come across the parking lot as it does. Mr. Friedrich interjected that a Bridgeport paper wrote that the Mall has drainage problems. He stated that that is untrue, and that this system is working exactly as it was designed to.

At this time the Chairman asked if there were any other questions or comments, there being none, based on the discussion, Mr. DaSilva proposed the following motion:

- we recommend to the Council the approval of the concept of a joint venture between the City of Danbury and the Wilmorite Corporation to move water storage areas on the Danbury Fair Mall to the Danbury Municipal Airport, in exchange for the development of drainage on the airport property as well as other improvements and/or a financial settlement as negotiated by the Office of the Mayor of the City of Danbury. The City of Danbury and Wilmorite Corporation will jointly apply to any and all boards and agencies whose approval is necessary to proceed with this plan. Barry Connell seconded. Passed unanimously.

Mr. Estefan asked that he be included in all aspects of the proposal moving from agency-to-agency in order to verify conformance.

To reiterate the benefits of this "joint venture" and other salient points as stated by Mr. Friedrich:

- additional revenue (Sales Tax \$'s) for the State;
- another major department store--Lord & Taylor's;
- the plan will continue to make the Mall competitive with any current mall, or mall developed in the future;
- every thousand feet of Mall store that is added, adds approximately 2-1/2 full-time service related jobs;
- the Lord & Taylor proposal is approximately in the \$10 Million range (increase to the City's grand list);
- just the drainage development that is proposed on the airport property will cost approximately \$2-1/2 Million, not including the development on the Mall property;
- if the mall were to provide just parking to meet code via a parking deck, the cost would be approximately \$1,200,000 (150 spaces);
- this proposal will allow the Mall to have additional parking; and,
- estimated cost of entire project--minimum \$15,000,000.

In view of the fact that the Council is only giving its approval of the concept as stated in the Motion, this report is being established as a progress report as our action in no ways negates Council's final approval of the project at a later date.

P.S. The Motion as presented to the Council has been reviewed with Assistant Corporation Council, Eric Gottschalk, who does not object to this approach.

Mr. Godfrey moved that the Progress Report be accepted. Seconded by Mrs. Butera. Motion carried unanimously.

62 - PROGRESS REPORT - Review of Proposed Feasibility Study on Electric System.

Mr. Fazio submitted the following report:

The ad hoc committee appointed to review the proposed feasibility study for the operation of a City owned electric system met on February 22, 1988 at 8:15 P.M. in the Common Council Chambers in City Hall. In attendance were Committee Members Fazio, Flanagan and Danise. Also in attendance were Doug Stram of All American Energy, Ram Nathan of Tektron, Inc., Walter Dolinski of All American Energy and Superintendent of Public Utilities Bill Buckley.

Mr. Stram gave an explanation of the reasons for his proposed feasibility study. Mr. Flanagan asked where All American Energy had done previous studies. Mr. Stram replied that none had been done by him other than one for Messina, New York. Mr. Buckley expressed concern over the impact of a feasibility study relative to current negotiations with Northeast Utilities for use of Candlewood Lake water.

Mr. Flanagan moved that Mr. Buckley consider the feasibility proposal and to respond with his comments and/or recommendations regarding further committee action. Mrs. Danise seconded the motion which carried unanimously. A final report will be issued upon receipt of Mr. Buckley's comments.

The Progress Report was adopted on the Consent Calendar.

63 - PROGRESS REPORT - Acceptance of Capitola Road

Mr. Connell submitted the following report:

A meeting was held on January 21, 1988 and the following members were in attendance: Chairman Barry Connell, Councilman Zotas, and City Engineer Schweitzer. Councilman Gallo was absent. Also in attendance were Dan Minahan, Highway Superintendent, Attorney Friedland who represented the homeowners and homeowners from #14 and #20 Capitola Road. There are thirteen homeowners living in the area in question.

Arguments were heard which proposed making Capitola Road a Public Highway or City Road to insure that proper maintenance is given to it. Currently the City performs limited maintenance (plowing and grading).

It was decided that this issue be forwarded to the Corporation Council's Office for review. It was requested that the Corporation Council report back to the Committee.

The Progress Report was accepted on the Consent Calendar.

64 - PROGRESS REPORT - Request to purchase land at 128 East Liberty Street.

Mr. Charles submitted the following report:

The ad hoc committee appointed to review the request to purchase land at 128 East Liberty Street met on February 24, 1988 at 7:00 P.M. in City Hall. In attendance were committee members Charles and Moran, City Engineer Jack Schweitzer, Edward Blasco and Attorney Neil Marcus.

Mr. Schweitzer recommended changes in the requests by Mr. Blasco concerning property involved. Mr. Blasco agreed to the changes.

Mr. Moran made a motion to hold another meeting on March 23, 1988 to finalize the request. Seconded by Mr. Charles. Motion carried.

The Progress Report was accepted on the Consent Calendar.

65 - PROGRESS REPORT - Property on Miry Brook Road.

Mr. Connell submitted the following report:

Progress Report-Meeting called to order by Chairman Barry Connell. In attendance were committee members Godfrey and Cresi and Airport Administrator Paul Estafan.

Subject - Offer to purchase property on Miry Brook Rd. (35 acres)

A request was made to consider the City's possible interest in purchasing of captioned property. The recommendation by the committee was to have the Professional Realty Company make another offer to the City. The original offer of a purchase price of \$3,500,000 was deemed to be too high. This price is \$100,000 per acre, city being wetlands. Mr. Estafan expressed a favorable position to the purchase, due to the property's proximity to the airport. He further advised that the purchase could be made with 90% financing by the Federal Government and 7 1/2 % by the State. The remaining 2 1/2 % would be financed by the City. The members of the committee feel that the price is too high and are requesting a second offer from the real estate agent. When a second offer is submitted another committee meeting will be held to discuss its contents.

A motion to adjourn was made and seconded. The meeting was then concluded.

The Progress Report was accepted on the Consent Calendar.

66 - PROGRESS REPORT - Water Problems on Apple Blossom Lane

Mr. Connell submitted the following report:

Present at the meeting were Chairman Barry Connell and Nick Zotos. Absent from the meeting were committee member Bernard Gallo. Also in attendance was Assistant Superintendent of Highways, David Gervasoni and city engineer Jack Schweitzer. Residents of #3, #5, #7 and #9 Appleblossom Lane were also present.

Discussion was had concerning the Barclay Condominium Project and it's possible involvement in a water drainage problem at the aforementioned addresses. Mrs. Pope of #5 Appleblossom Lane spoke on behalf of residents stating that since the project began construction there has been an ongoing problem with water drainage which did not exist prior to inception. Flooding of basements and garages occurs during heavy rain or melting snow conditions. No resident in the subject area ever experienced this problem before according to Mrs. Pope.

A motion for a report was made by Nick Zotos to request a report be compiled by the City Engineer and by the Planning Commission concerning the possible problem. The motion was made and seconded. City Engineer, Jack Schweitzer agreed to the request for inspection and, will report back to this committee. The Planning Commission will be made aware of their responsibility through receipt of this report.

A motion to adjourn was made and seconded and the meeting was adjourned.

The Progress Report was accepted on the Consent Calendar.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the Code of Ethics Ordinance met on February 9, 1988 at 8:00 P.M. in Room 432 in City Hall. In attendance were Committee Members Regan, Godfrey and Eriquez. Also present were Chairman of the Board of Ethics Barbara Flanagan, Assistant Corporation Counsel Laslo Pinter, Robert Peat and Lynn Taborsak.

Barabara Flanagan spoke regarding her request to the Common Council to determine who has standing to request an advisory opinion and also to consider whether all aspects of advisory opinions should be made public. Mrs. Taborsak stated that the public should have the right to seek an advisory opinion.

Mr. Godfrey said that he thought the information should be confidential or people would be reluctant to seek an opinion. Also, anyone could file a complaint with the Board if they felt that there was improper conduct under provisions of the Danbury Municipal Charter.

Mr. Eriquez stated that perhaps something between an advisory opinion and a complaint that would help someone make a decision would be helpful. Mr. Pinter said that the purpose of the Ethics Code was to help offices and employees of the City and that there are other areas for people to get opinions from besides this. He stated that he is in the process of getting copies of Ethics Ordinances from other municipalities to compare with Danbury.

Mr. Eriquez made a motion to table discussion until the committee can get additional information. Seconded by Mr. Godfrey. Motion carried unanimously.

The Progress Report was accepted on the Consent Calendar.

68 - PROGRESS REPORT - Revisions on Boulevard Drive.

Mr. Cresci submitted the following report:

The ad hoc committee appointed to review revisions on Boulevard Drive met on February 18, 1988 at 8:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Cresci and Godfrey. Also in attendance were Director of Public Works Daniel Minahan, City Engineer Jack Schweitzer, Police Chief Nelson Macedo, Acting Planning Director Susan Steiner, Police Sgt. Mitchell Weston, Council Members Gene Eriquez, Barry Connell, Bill Shaw, and approximately 20 residents of Boulevard Drive. Mr. Godfrey made a motion that Robert's Rules of Order be waived. Seconded by Mr. Cresci. Motion carried.

The residents explained the serious safety hazards created by the relocation of the intersection between Boulevard Drive and Lake Kenosia. There were many concerns regarding lighting, curbing, and as to why the road was changed from its original state. The feeling of the residents of Lake Kenosia, Boulevard Drive is not designed to accomodate the heavy traffic flow it receives. Mr. Minahan stated that he would contact C. L. & P. immediately for additional lighting and work with the Police Department for reflectoried defecteri. For a long term solution he directed Mr. Schweitzer to prepare an engineering study to redesign the intersection, together with cost estimates. These will be present to the Common Council at the April meeting.

The Progress Report was accepted on the Consent Calendar.

69 - PROGRESS REPORT - Request for Sewer and Water Extensions - 100 Saw Mill Road.

Mrs. Danise submitted the following report:

The ad hoc committee appointed to review the petition for sewer and water extensions at 100 Saw Mill Road met on February 23, 1988 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. Committee members present were Danise, Gallo and Flanagan. Also present were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley, the Petitioners Rich DeBruno and Ron Pueschel of Micrognosis, Inc., Attorney Paul Jaber and Dave Williamson.

The meeting open with introductions and a run down by Dave Williamson and Attorney Jaber as to the company's plans and what was needed from the City. Micrognosis presently has four plants with a total of 300 employees. The only plant they own is at 100 Saw Mill Road which has approximately 20,000 square feet. Micrognosis would like to immediately expand by 10,000 feet and by 20,000 square feet in the future. When all expansions are complete, Micrognosis will employ 450 people. Micrognosis is requesting 9,000 GPD sewage plus water. Both Mr. Schweitzer and Mr. Buckley stated that they would have to look further at the Hastings Report before making a decision as the pump station in Mill Plain and the trunk lines past it are at capacity.

Mr. Flanagan moved to table the request until Mr. Schweitzer and Mr. Buckley finish their study of the Hastings Report. Seconded by Mr. Gallo. Motion carried unanimously.

The Progress Report was accepted on the Consent Calendar.

70 - Mr. Eriquez made a motion to add a letter of resignation from Mr. Eugene Tomanio from the Zoning Commission. Seconded by Mr. Godfrey. Motion to add carries. Mr. Godfrey moved to accept the resignation of Eugene Tomanio from the Zoning Commission. Seconded by Mrs. Butera. Motion carried unanimously.

Mr. Cresci made a motion to add to the agenda an item from the Housing Authority regarding pardon of back taxes. Seconded by Mr. Charles.

Mr. Eriquez stated that since there did not seem to be an urgency on this matter it was his opinion that it should be held until the April meeting. Mr. Cresci explained the need for federal funding. The motion to add failed by a vote of 13 yes, 7 no.

Mrs. Butera made a statement that she would be voting no on the addition of all new items to the agenda unless it was an emergency. Mrs. Butera feels that the deadline for submitting items for the monthly agenda should be adhered to.

71 - Mr. Eriquez made a motion to add a letter of resignation from Councilwoman Florence Weiss from the Common Council to the agenda. Seconded by Mrs. Butera. Motion to add carries. Mr. DaSilva made a motion to accept the resignation of Mrs. Weiss from the Common Council with regret. Seconded by Mr. Charles. Mr. Flanagan stated that the general public misunderstand the demands put on public officials. They put in a tremendous amount of time. He expressed his thanks to Mrs. Weiss for all her hard work. Motion carried unanimously.

72 - Mr. Eriquez made a motion to add the Report on Property on Maple Avenue and Garamella Boulevard to the agenda. Seconded by Mr. Godfrey. Motion carried with Mrs. Butera voting in the negative.

Mr. Moran submitted the following report:

The ad hoc committee appointed to review the request to lease city owned property on Maple Avenue and Garamella Boulevard met on February 23, 1988 at 7:30 P.M. in City Hall. In attendance were committee members Moran, Cresci and Flanagan. Also present were John Holbrook and Attorney Neil Marcus.

Mr. Holbrook and Mr. Marcus gave a presentation using a model of the proposed use of the property. It showed parking spaces, landscaping, etc. They also stated that no building would be constructed on this property.

Mr. Flanagan asked several questions regarding future use of this property for planning purposes. Mr. Cresci asked questions regarding the number of parking spaces that would be available.

Mr. Cresci made a motion that the committee recommend to the Common Council that the Corporation Counsel be authorized to proceed with a lease agreement and that such agreement have the approval of the Planning Department and be resubmitted to the Common Council for acceptance. Seconded by Mr. Flanagan. Motion carried unanimously.

Mr. Godfrey made a motion to accept the report. Seconded by Mr. Esposito. Motion carried unanimously.

73 - Mr. Eriquez made a motion to add the appointment of a Sunset Review Committee to the agenda. Seconded by Mr. Flanagan. Mr. Godfrey read a communication stating that a Sunset Review Committee needs to be established. Mr. Eriquez moved to accept the communication and appoint a Sunset Review Commission. Seconded by Mr. Godfrey. Mr. Nimmons ordered that the Sunset Review Committee shall consist of Council Members Renz, Moran and Esposito and Public Members Carole Torcaso and Steve Piccarello.

Mr. Regan made a motion that a communication outlining changes to the Probate Court be added to the agenda. Seconded by Mr. Cresci. Motion fails with 5 yes and 14 no.

Mr. Regan made the following statement for the record: "The reason there appears to be so much confusion regarding Boards and Commissions is that the proper records are missing or were never properly filed. Consequently, the Common Council minutes for the last five years had to be manually researched to verify dates of appointments and terms. Regarding the gathering of resumes, these people are volunteers and have fulltime employment, so gathering this information takes some patience and gentle prodding. Mrs. Bourne stated that this took two months.

Mr. Godfrey moved to go into Executive Session.

The Common Council returned to a public meeting and took up item 59 which was earlier delayed to the end of the agenda.

59 - REPORT - Sporck v. City of Danbury

Mrs. Bourne submitted the following report:

The Council Committee charged with reviewing the above case met on February 24th at 7 P.M. in the 4th Floor Lobby of City Hall. In attendance were Committee members Lovie Bourne, Chairman, Robert Godfrey, and William Shaw. Council ex-officio present - Barry Connell, Joe DaSilva and Art Regan. Others in attendance, Corporation Council, Robert Resha and Assistant Corporation Council, Eric Gottschalk, and Joe Veo, WLAD.

Ms. Bourne called the meeting to order and stated the charge of the committee. She begin by asking Corporation Council to give the Committee background information on this case. Mr. Resha began by asking that the Committee go into Executive Session, due to the fact that we would be talking about the discussion of possible settlement negotiations concerning pending litigation. Further he said that it is allowed under the Freedom of Information Act for a Committee to go into executive session and Corporation Council feels that it is warranted in this case.

Mr. Godfrey objected to going into executive session, stating in essence that it is duplicative for a Common Council Committee to go into executive session in it's Committee and again before the whole Common Council.

Mr. Gottschalk stated that his concern is that we will be discussing the merits of a settlement; and it is conceivable that information could be discussed at that point that would be available to Plaintiff (Sporck) and used against the City in the case that this case is not settled.

Ms. Bourne stated that in writing the Committee Report all information discussed would be included. A decision was made to review the material/information on this case that is a matter of public record.

As background there were two suits filed against the City in this case--one each in State and Federal Courts. The Federal case was dismissed after approximately 6 years, but an appeal is pending; and in State Court there has been no action on the merits, and we have not yet proceeded to the discovery stage.

To summarize the case, per Attorney Resha, Mr. Sporck, prior owner of Colonial Truck Stop, sued the City of Danbury, Zoning Board of Appeals, and the Danbury Gasoline Retailers Association for \$40,000,000. He claimed in general that the Association and the City entered into some sort of an agreement or a conspiracy to deny him the right to operate a gasoline outlet and sale gasoline at his property (he did have the right to sell diesel fuel).

Mr. Shaw asked if there was an ordinance on the books at that time stipulating the distance between service stations. Mr. Resha replied. "yes." That ordinance is no longer on the books.

Mr. Sporck claimed that in furtherance of this conspiracy to limit the number of gas stations/gasoline outlets in the area, the City adopted an ordinance that said gas stations had to be 1000 feet from each other (curb-to-curb). This distance was later expanded to 1500 feet. He (Plaintiff) applied for a variance to that regulation as there was another station within that distance and he was denied the variance. Plaintiff claims that there were members of the Gasoline Retailers Association that appeared at the variance hearing and argued against him having the right to sell gasoline. He claims that as a result of the variance denial he was prevented from purchasing/selling gasoline, purchasing repair parts, repairing motor vehicles. Plaintiff's basic thrust is not that there was an ordinance that deprived him of the right to conduct his business, but that there was a conspiracy--a restraint of trade--an unfair business practice which violated Connecticut and Federal law.

The City's attorneys in this matter, Goldstein & Peck, of Bridgeport, CT, feel that the City has the "weight of the case on our side;" but they point out that if judgment is found in favor of Plaintiff that the damages could be extremely extensive--major dollars.

Ms. Bourne asked, if by asking how much money the City had spent so far defending itself, and whether or not Corporation Council recommends that this case be settled, would the questions in open discussion jeopardize our case? Mr. Resha replied that we have invested \$180,000 in legal fees and that a bill is pending for \$16,000. Therefore, over the eight years that this case has been pending the City has spent approximately \$200,000 defending itself.

In view of the fact that Mr. Resha could not answer the second part of Ms. Bourne's question, and that we had reached the point where an executive session is deemed necessary by Corporation Council, Mr. Godfrey moved that the Committee makes no recommendation regarding the pending court suits because of its sensitive nature; and that it would be both more effective and more efficient for the full Common Council to take up this matter. Mr. Shaw seconded. A lengthy discussion ensued regarding the merits of executive session between the Common Council members present (DaSilva, Shaw, Bourne & Godfrey), and Corporation Council. The Chairman called for a vote, the motion passed unanimously.

Ms. Bourne moved that the meeting be adjourned at 7:28 P.M.; and asked Corporation Council to please be prepared to address the full Council at the March meeting.

Mr. Godfrey made a motion to accept the report and authorize settlement. Seconded by Mr. Flanagan. Motion carried.

Public Speaking Session - Mr. Ronald Blonski, 18 Griffing Avenue.
Mr. Blonski spoke in favor of item 17 and gave the background on his
concern. It was his suggestion to have the Corporation Counsel sit in on
the committee meeting to expedite matters.

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 11:15 P.M.

Respectfully submitted,

Jimmie L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk