

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

Re: Minutes of the Special Common Council Meeting held June 27, 1988.

The meeting was called to order at 7:30 P.M. by Mayor Joseph H. Sauer who led the assembly in the Pledge of Allegiance. The Prayer was offered by Councilman John Esposito. Roll Call was taken with the member being recorded as:

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

Absent - Shaw, Butera.

19 present-- 2 absent.

NOTICE OF THE SPECIAL MEETING - To be held on the 27th day of June, 1988 at 7:30 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the items listed below. Mr. Godfrey made a motion for the Notice to be accepted. Seconded by Mr. Zotos. Motion carried unanimously.

1. COMMUNICATION - Letter from Mayor Joseph H. Sauer appointing Frank Cavagna of 9 Windwood Road, Brookfield Center, Connecticut to the position of Superintendent of Highways at a salary of \$39,000 per year. Mr. Godfrey made a motion to accept the communication and approve the appointment. Seconded by Mr. Zotos. Motion carried unanimously.

2. COMMUNICATION - Request from Superintendent of Public Works Daniel Minahan requesting a waiver of bids for repairs to police station air conditioning system. Mr. Godfrey made a motion to accept the communication and grant the waiver. Seconded by Mr. Nimmons. Motion carried unanimously.

3. REPORT, ORDINANCE and RESOLUTION - Mr. Nimmons submitted the following report, ordinance and resolution:

REPORT

The Common Council met as a committee of the whole immediately following a public hearing on June 20, 1988 in the Common Council Chambers in City Hall.

Mr. Moran made a motion to recommend adjusting the ordinance to reflect a change in fees from \$12 to \$18. Seconded by Mrs. Danise. Motion carried with Mr. Esposito and Mr. Charles voting in the negative.

ORDINANCE

THAT subsection (b) of Section 16A-31 of the Code of Ordinances of Danbury, Connecticut be and hereby is amended to read as follows:

(b) Temporary permits. Notwithstanding the provisions of this or any other section of the Danbury Code of Ordinances, temporary permits authorizing the disposal of permitted wastes at the Danbury Sanitary Landfill site may be issued to Danbury taxpayers and residents upon payment of a five dollar (\$5.00) permit fee. Upon payment of said five dollar (\$5.00) permit fee, no additional user fee shall be imposed provided that the total weight of wastes disposed of pursuant to any such permit does not exceed eight hundred twenty-five (825) pounds. For any wastes so disposed of in excess of eight hundred twenty-five (825) pounds a user fee of ~~twelve dollars (\$12.00)~~ Eighteen Dollars (\$18.00) per ton be imposed. Temporary permits shall only be valid on the date on which they are issued. No taxpayer or resident may obtain more than four (4) such temporary permits during any twelve-month period. Temporary permits shall neither be assigned nor transferred by the holder thereof.

RESOLUTION

WHEREAS, the Danbury Code of Ordinances authorizes the establishment of commercial and non-commercial user fees for the use of the Danbury Sanitary Landfill site; and

WHEREAS, the following user fees represent a fair and equitable means of defraying a portion of the annual cost of operating the Danbury Sanitary Landfill site;

NOW, THEREFORE, BE IT RESOLVED THAT the user fee for deposition of permitted wastes at the Danbury Sanitary Landfill site be and hereby is fixed at EIGHTEEN (\$18.00) DOLLARS per ton as determined by the weigh scale at the Danbury Sanitary Landfill.

AND BE IT FURTHER RESOLVED THAT the user fee for all cars used to deposit permitted wastes at the Danbury Sanitary Landfill site shall remain fixed at \$1.00 per car per trip or at the option of the owner of the car EIGHTEEN (\$18.00) DOLLARS annually.

Mr. Moran made a motion that the Report, Ordinance and Resolution be adopted. Seconded by Mr. Nimmons. Mr. Flanagan offered an amendment to reflect that the change in fees shall become effective July 1, 1988. Seconded by Mr. Eriquez. Motion to amend carried unanimously. Mr. Flanagan noted that Mr. Esposito voted in the negative not Mr. Godfrey as stated in the report. Original motion, as amended, carried with Council Members Gallo, Esposito, Cassano and Charles voting in the negative.

4. REPORT - Sunset Review Committee.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on June 20, 1988 at 7:00 P.M. in the Common Council Chambers in City Hall.

Mr. Moran made a motion to accept the committee's recommendations. Seconded by Mr. Connell. Motion carried unanimously.

Mr. Moran made a motion to accept the report. Seconded by Mr. Connell. Mr. DaSilva asked the Corporation Counsel to look into the Ordinance to see if the law was followed. Motion carried unanimously.

5. REPORT - Request for Funds for hiring of consultants for Resource Recovery Facility.

Mr. Bundy submitted the following report:

The committee appointed to review the request for funds for the hiring of consultants for a regional resource recovery facility met on June 15, 1988 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Bundy, Shaw and Eriquez. Also present were Mayoral Assistant Michael Cech, Director of Public Works Daniel Minahan and Comptroller Dominic Setaro.

A thorough and detailed discussion regarding the specifics of the Mayor's request was conducted along with a detailed review of the breakdown of estimated consulting costs. Specifically, there are several crucial categories in the fields of engineering/recycling, legal and accounting/insurance for which consultants are needed. Preliminary figures compiled by Mr. Cech indicate the following:

Engineering/Recycling	\$1,000/day	40 days	\$40,000
Legal	150/hr.	160 hours	\$24,000
Accounting/Insurance	100/hr.	120 hours	\$12,000
			<u>\$76,000</u>

(\$75,000 requested)

The above figures are based on Mr. Cech's research into the project as well as the findings of our Tactical Advisory Team. Mr. Setaro certified the availability of \$75,000 to be transferred from the Landfill - Solid Waste Management Enterprise Fund to the Professional Service and Fees Account #02-03-126-020100.

Mr. Eriquez made a motion to recommend that \$75,000 be transferred from the Landfill Solid Waste Management Enterprise Fund to the Professional Service and Fees Account for the express purpose of hiring consultants to provide engineering/recycling, legal and accounting/insurance advice to the appropriate City authorities and agencies regarding a regional resource recovery facility. Seconded by Mr. Bundy. Motion carried unanimously.

The committee also recommends that the Mayor consider the feasibility of hiring a Sanitation Director for the City in the event that this project takes on major proportions and becomes a critical situation for the future. It is further recommended that the Mayor examine the advisability of establishing a standing committee of sorts to keep an open line of communication between the Common Council and the Mayor's Office.

Mr. Zotos made a motion to approve the report and authorize the transfer of funds. Seconded by Mr. Nimmons. Mr. Moran made a motion to suspend the rules to allow Michael Cech to address the Council. Seconded by Mr. Nimmons. Motion carried unanimously. Mr. Cech spoke on the trash burning facility and recycling. Motion to approve funding carried unanimously.

6. REPORT - Request for Funds for Special Litigation Account and Outside Services Account for Corporation Counsel's Office.

Mr. Bundy submitted the following report:

The committee appointed to review the request for funds for the Special Litigation Account and the Outside Services Account for the Corporation Counsel's Office met on June 14, 1988 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Bundy, Regan and Godfrey, as well as Council Members Bourne and Charles, ex-officio. Also in attendance were Comptroller Dominic Setaro. Due to a prior commitment, Corporation Counsel was unable to attend. However, a detailed explanation of the request together with background data was provided to the committee.

After a thorough discussion and review of the matter, it was determined that the request by Corporation Counsel for additional funding in the amount of \$18,100 was justified. One of the reasons cited to the committee was the fact that this request was mainly due to the change in administrations and subsequent changes in the Corporation Counsel's staff. Attorneys formerly used by the City were "catching up" on outstanding bills, wishing to collect all that is due them.

Mr. Setaro certified the availability of \$18,100 to be transferred from the General Fund to the following accounts of the Corporation Counsel:

02-01-150-029500	Outside Services	\$ 5,400
02-01-150-020108	Litigation Special	12,700
		<u>\$18,100</u>

The committee recommended that in all cases it would be advisable that work performed by outside attorneys also include the date such work was performed.

Mr. Godfrey made a motion to approve the transfer of funds to accommodate Corporation Counsel's request. The Motion was seconded by Mr. Regan and motion carried unanimously.

Mr. Godfrey made a motion that the report be accepted and the transfer of funds authorized. Seconded by Mr. Flanagan. Motion carried unanimously.

7. COMMUNICATION - Request for permission to use land at Kenosia Avenue and Backus Avenue.

Letter from the Rizzo Company asking permission to use a 40' x 40' portion of city owned land located at the southwest corner of Kenosia and Backus Avenues for the purpose of placing construction and temporary office trailers during construction of the traffic signal at this intersection.

The Mayor stated that commitments had been given for civic and volunteer groups to use the land for carnivals, etc.

Mr. Godfrey made a motion to approve the request with the provision that it will be left to the Mayor's discretion to work out details to accomodate the volunteer and civic groups. Motion seconded by Mr. Nimmons. Motion carried unanimously.

8. COMMUNICATION - Agreement with Danbury Mall Associates and the City of Danbury.

Letter from Assistant Corporation Counsel Eric Gottschalk, together with an agreement, regarding the revision of Danbury Mall Associates existing site plan and the construction of a detention pond/flood storage area which would serve the properties of Danbury Mall Associates and the City together with various improvements at Danbury Municipal Airport to be undertaken by Danbury Mall Associates.

Mrs. Bourne asked for a point of order and asked if this agreement should not be referred back to the original committee, rather than before the entire Common Council. It was the ruling of the Chair that it was properly before the entire body. Mrs. Bourne appealed the ruling. Seconded by Mr. Renz. The appeal was upheld with the members voting as follows:

Yes - Esposito, Godfrey, Flanagan, Zotos, Bundy, Eriquez, Regar

NO - Bourne, Connell, Gallo, Moran, Renz, Cresci, Nimmons, Fazio, Cassano, Charles, Danise.

7 Yes - 11 No.

PUBLIC SPEAKING

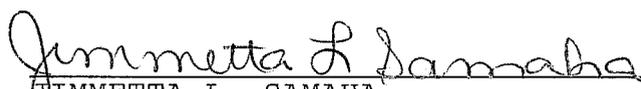
Al Friedrich, Wilmorite Corporation - Spoke in favor of item 8 and urged the Council to act expeditiously on this matter.

John Turk, -6 Timbercrest Drive - Spoke regarding the trash burning facility and the Mall proposal. Also requested that the Common Council act in the best interest of the City on this matter.

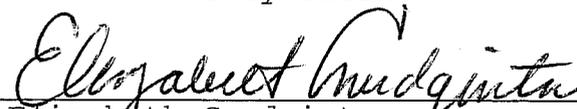
Robert Gawe, Chairman of the Aviation Commission - Spoke in favor of the Mall proposal.

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 9:00 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk