

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

Re: Minutes of the Common Council Meeting held October 4, 1988.

The meeting was called to order at 8:00 P.M. by the Honorable Joseph H. Sauer, Jr., Mayor, who led the assembly in the Pledge of Allegiance. Mr. Esposito offered the prayer. Roll Call was taken with the members being recorded as follows:

PRESENT - Bourne, Connell, Gallo, Moran, Renz, Esposito, Godfrey Zotos, Fazio, Shaw, Cassano, Charles, Bundy, Butera, Danise, Eriquez, Regan.

ABSENT - Flanagan, Cresci, Nimmons, DaSilva.

Mayor Sauer stated that Mr. Flanagan was absent due to the death of his wife's grandmother and Mr. DaSilva was absent due to a prior commitment.

Mr. Nimmons arrived at this point.

Mayor Sauer offer birthday congratulations to the following:

October 4th - Fire Chief Monzillo who will celebrate his 62nd;
October 15th - Council Member Anthony Cassano.

The Mayor then asked the assembly to offer a moment of silence for City Forester Bryon Johnson who recently passed away. The Mayor said the Mr. Johnson was a good friend to the City and will be sorely missed.

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

- 3 - Resolution - Interweave Grant
- 4 - Resolution - Premium Point Subdivision between City of Danbury and Town of Brookfield
- 19- Report - Conditions on Post Office Street
- 20- Report - Request for Restoration of Funds for Richter Park
- 21- Report - Amendment to Ordinance 16A-32
- 23- Report - Effective Date for Garbage Haulers Increase
- 24- Report - Request for Water Extension - Old Mill Plain Road
- 25- Progress Report - Downtown Redevelopment and the Mill Rate
- 26- Progress Report - Update Report on the City's Garbage Disposal Position

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

MINUTES of the Common Council Meeting held September 7, 1988. Mr. Bundy made a motion to dispense with the reading of the minutes as all members have copies which are also on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez.

Mr. Fazio moved to amend the minutes to reflect that under item 16, it should be noted that the committee was to be an ad hoc committee to investigate the issue under Section 3-14 of the Charter and also that item 54 was a progress report, not a final report. Motion carried unanimously.

1 - **ORDINANCE** - Danbury Housing Partnership. Mr. Fazio asked that this be deferred to Public Hearing. Mayor Sauer so ordered.

2 - **ORDINANCES** - Amendments to Sections 18-15 (b) and (c) and Section 18-16(a). Mrs. Butera asked that this be deferred to a public hearing. Mayor Sauer so ordered.

3 - **RESOLUTION** - Interweave Grant.

Resolved by the Common Council of the City of Danbury:

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)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made available funds to public agencies; and

WHEREAS, the Department of Elderly services has processed a grant application, (approved by resolution of the Common Council on January 5, 1988) for funds in an amount not to exceed \$28,000 for Interweave, the Danbury Adult Day Care Center, for the period 1/4/88 to 12/31/88; and

WHEREAS, the amount of the award actually received was \$26,516; and

WHEREAS, the Department of Elderly Services has been notified that an additional amount of \$5,771 has been awarded to its Interweave program; and

WHEREAS, said additional money will be used for the purchase of equipment, i.e., two typewriters and a copier machine;

NOW, THEREFORE, BE IT RESOLVED that the resolution passed on 1/5/88 is hereby amended to include said \$5,771 bringing the total grant approved by the Common Council to \$32,287; and

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

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Premium Point Subdivision between the City of Danbury and the Town of Brookfield.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Premium Point Subdivision, a private development, is proposed for construction off Old Sherman Turnpike on the border of Danbury and Brookfield; and

WHEREAS, it is desirable that road maintenance of said subdivision be jointly undertaken by both municipalities; and

WHEREAS, in order to obtain Planning and Zoning Commission approvals of said project, such joint maintenance is required in written form; and

WHEREAS, a Memorandum of Understanding dated September 1, 1988 requires ratification by the Common Council of the City of Danbury; and

NOW THAT BE IT RESOLVED that the Memorandum of Understanding is hereby ratified and approved and Daniel J. Minahan is hereby authorized to execute the same on behalf of said City of Danbury and undertake the obligations therein.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Contributions to the D.A.R.E. Program

A communication from Police Chief Nelson Macedo asking permission to accept a contribution to the D.A.R.E. Program in the amount of \$100 from Immaculate High School and asking adoption of the following resolution:

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Police Department has implemented the Drug Abuse Resistance Education (D.A.R.E) Program in the Danbury School System; and

WHEREAS, this nationally recognized program has been well received locally; and

WHEREAS, the Danbury Police Department has already received two donations for the D.A.R.E. Program and anticipates that additional donations will be offered;

NOW, THEREFORE, BE IT RESOLVED THAT the following rules and procedures be and hereby are established governing the receipt and disbursement of said donations:

1. All funds received shall be deposited in a special reserve account in the General Fund.

2. All funds so received shall be used solely for the D.A.R.E. Program.

3. All proposed expenditures shall be submitted to the Director of Finance for initial review and thereafter to the Mayor for final approval.

4. All legal provisions pertaining to purchasing shall be complied with in the expenditure of funds so received.

Mrs. Butera made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Charles. Mr. Godfrey offered a friendly amendment asking that the Resolution also be adopted. Seconded by Mr. Enriquez. Motion carried unanimously.

6 - COMMUNICATION - Contingency Account and Pending Claims. **WITHDRAWN.**

7 - COMMUNICATION - Letter from Mayor Joseph Sauer asking that the appointment of Michael Cech to the position of Manager of Solid Waste be confirmed. Mr. Enriquez asked that this be referred to a committee. Mayor Sauer appointed Council Members Bundy, Regan and Flanagan.

8 - COMMUNICATION - Letter from Mayor Joseph Sauer asking approval of the formation of a three-member interlocal negotiation committee to negotiate an agreement with the Town of Brookfield for possible increase amounts of sewage being sent to Danbury's Sewage Treatment Facility. The members will be Daniel Minahan, Jack Schweitzer and Paul Galvin. Mr. Enriquez made a motion to accept the communication and authorize the appointments. Seconded by Mrs. Butera. Motion carried unanimously. Mayor added the Council Members Renz and Cassano are being added to this committee.

9 - COMMUNICATION - Letter from Daniel Minahan asking that an ad hoc committee be formed to look into leased equipment for the Public Works Department. Mr. Gallo asked that this be referred to the Director of Public Works and to an ad hoc committee. Mayor Sauer appointed Council Members Renz, Esposito and Regan as well as Daniel Minahan, Dominic Setaro Warren Platz.

10 - COMMUNICATION - Letter from Airport Administrator Paul D. Estefan asking that the Airport be allowed to purchase a Doppler Weather Radar System for operational use. Mr. Shaw asked that this be referred to an ad hoc committee, the Airport Administrator and the Comptroller. Mayor Sauer so ordered and appointed Council Members Shaw, Bourne and DaSilva to the committee.

11 - COMMUNICATION - Standard request for the acceptance of a parcel of land for road widening and is required pursuant to City subdivision regulations. It is from Compratt Enterprises and is Parcel X on Map 6863. Mr. Enriquez asked that this be referred to an ad hoc committee and the City Engineer. The Mayor so ordered and appointed Council Members Moran, Danise and Charles.

12 - **COMMUNICATION** - Letter from H & B Associates offering land on Scuppo Road for sale to the City for lower income housing. Mrs. Bourne asked that this be referred to the Housing Authority and the City Engineer. Mayor Sauer so ordered.

13 - **COMMUNICATION** - Report from City Engineer on the Change of Name for Old Forty Acre Mountain Road. Mrs. Butera asked that this be referred to the Corporation Counsel, the Planning Commission and the Tax Assessor. Mayor Sauer so ordered.

14 - **COMMUNICATION** - Request from Attorney Paul Jaber on behalf of A & K Associates requesting an extension of time for water extension on Lake Avenue Extension. Mr. Fazio asked that this be referred to an ad hoc committee and the City Engineer. Mayor Sauer so ordered and appointed Council Members Cresci, Danise and Zotos to the committee.

15 - **COMMITTEE** - Request from Howard P. Rubinow, III for Sewer Extension at 25 Olive Street. Mr. Eriquez asked that this be referred to an ad hoc committee, City Engineer, Planning Commission and Superintendent of Public Utilities. Mayor Sauer so ordered and appointed Council Members Nimmons, Danise and Gallo.

16 - **DEPARTMENT REPORTS** - Public Works, Health Department, Parks and Recreation, Airport Administrator, Building Department. Mr. Moran made a motion that the department reports be accepted and the reading of same waived as all members have copies which are also on file in the Office of the City Clerk for public inspection. Seconded by Mr. Fazio. Motion carried unanimously.

NOTE: Mr. Cresci entered the meeting at approximately 8:10 P.M. and Mr. DaSilva entered the meeting at approximately 8:25 P.M.

17 - **REPORT** - Reinstatement of George Garcia as a Firefighter.

Mr. Moran submitted the following report:

The Common Council Committee appointed to review the petition submitted concerning the reinstatement of George Garcia to the Fire Department met on Monday, September 19, 1988 at 7:30 P.M. in the Common Council Chambers in City Hall. In attendance were committee members Hank Moran (Chairman), Roger Bundy, and Bob Godfrey. Also in attendance were Council members Mike Fazio, John Esposito, Bill Shaw, Barry Connell, Louis Charles, Art Regan and Lovie Bourne (all ex-officio). In addition, at the invitation of the Chairman, Fire Department Chief Charles Monzillo and Fire Department Lieutenant Joseph Fasone were also present. Others invited by the Chairman to attend the meeting but were not in attendance include George Garcia, Louis Demici (Fire Department Union President), Robert Keenan (Lieutenant in the Fire Department) and Robert Resha Esquire (Corporation Counsel). Also attending the meeting were twenty-seven (27) members of the Danbury Fire Department.

Mr. Moran called the meeting to order and began by reading the petition submitted to Mayor Sauer and the Common Council (exhibit #1), regarding the reinstatement of George Garcia. This petition was originally presented by Danbury Firefighters and signed by sixty-one (61) members of the Department. Mr. Moran asked if Mr. Garcia was present at the meeting and, upon receiving no response, asked Chief Monzillo if he had anything to say. Chief Monzillo stated that his position is governed by case law and legal decisions and, he as Chief would abide by decisions made by the Mayor and Corporation Counsel. Mr. Moran recognized Mr. Connell who had a comment directed toward the Chief. Mr. Connell produced some documentation concerning the validity of Mr. Garcia's re-certification as an Emergency Medical Technician (EMT) and asked whether or not proper procedures were followed. The Chief expressed the opinion that Corporation Counsel would have to make the determination as to the validity of any re-certification.

Mr. Moran asked if Mr. Louis Damici (Fire Department Union President) was present and, there was no response.

Mr. Moran asked if Lieutenant Joseph Fasone was present and, upon receiving an affirmative response asked him if he wished to speak. Lieutenant Fasone responded in the affirmative and read a prepared statement written by Lieutenant Robert Keenan (exhibit #2) who, according to Lieutenant Fasone was unable to attend the meeting in person because he was out of town. Lieutenant Fasone then read his own prepared statement (exhibit #3). Lieutenant Fasone then asked the committee what an ad hoc committee is empowered to do as regards the Garcia matter. Mr. Moran responded by reading the August 2, 1988 letter from Corporation Counsel Robert T. Resha Esquire to the committee members (exhibit #4).

Mr. Moran asked if anyone present wished to speak. Phillip Curran (ph) responded affirmatively and stated to the committee that he has been a member of the Danbury Fire Department for ten years and feels that all firefighters have taken an oath to protect the people and property in this city. He went on to state that Mr. Garcia does not have the public trust and he reflects negatively on the entire department. Mr. Curran further stated that it is his feeling that a severe morale problem will occur if Garcia is reinstated. He advised

that in his opinion, the city should let the case go to court.

Mr. Moran asked if anyone else wished to speak. Mr. Michael Pascuzzi (ph) responded by stating that he has been a Danbury Firefighter for fourteen years, has worked with George Garcia, and knows him personally. He went on to state that he is fearful of Garcia both on and off the job.

Mr. Moran asked if anyone else wished to speak. Captain Thomas Morris (ph) advised that he has been a Danbury Firefighter for fifteen years and it is his feeling that the case should be taken to court. Captain Morris went on to state that the Garcia situation if not taken to court, could create a dangerous precedent.

Mr. Bundy asked all the firefighters present if it was their feeling that the case of Mr. Garcia's reinstatement should be sent to a court of law for a decision. All firefighters present responded affirmatively to the question indicating their desire that the case should be decided by the court and not the city. Mr. Godfrey stated that there are times when the city should defer decisions to the courts as opposed to abiding by our Corporation Counsel's opinion, especially when dealing with a criminal case.

Mr. Moran asked if anyone else wished to speak. David Sable (ph) responded affirmatively and stated that he is a firefighter and a taxpayer in the city and, is opposed to Garcia's reinstatement without proper court procedures.

Lieutenant Fasone requested permission to speak again and Mr. Moran recognized him. Lieutenant Fasone acknowledged several police officers that were in attendance at the meeting and discussed their role in this matter being that they as Danbury Police Officers were responsible for Garcia's arrest. He went on to state that in his opinion it would be a travesty to allow Garcia back on the city's payroll working in tandem on occasion with the same police department that arrested him.

Mr. Moran asked if anyone else wished to speak. Mr. Bundy asked Chief Monzillo if it was within his power to ask for a complete physical including a psychological examination of any firefighter to determine that persons' fitness for reinstatement. Chief Monzillo advised he was not sure and would check back with the Mayor after finding the answer.

Mr. Moran recognized firefighter Brian Sullivan (ph) who wished to speak. Mr. Sullivan read a prepared statement (exhibit #5) and commented on the ramifications that could ensue between Garcia and the Danbury Police Department. Mr. Moran then called upon Detective Captain George Johnson, Danbury Police Department, who submitted a written statement for the record (exhibit #6). Captain Johnson stated that he has a brother that is a firefighter and at no time has he discussed the Garcia matter with him. He went on to state that his involvement in the case would be strictly a professional one.

Mr. Moran recognized Mr. Patrick Sniffen (ph) who advised that he was appointed to the Danbury Fire Department in 1983, in the same time frame as Garcia. He voiced concern over Garcia's ability to protect the citizens of Danbury.

Mr. Moran asked if anyone else wished to speak. There were no more requests to speak.

Mr. Bundy made a motion as follows:

The committee recommends to the Common Council that the City of Danbury not enter into an agreement with George Garcia at this time but instead, examine any additional criteria that may affect reinstatement of a firefighter, re-affirm the accuracy of the Emergency Medical Technician (EMT) qualifications regarding re-certification and, pursue action in a court of law so as to arrive at a decision regarding the legality of the reinstatement as a Danbury firefighter of Mr. George Garcia. The motion was seconded by Mr. Godfrey and passed unanimously.

Mr. Godfrey made a motion to adjourn which was seconded by Mr. Bundy. The meeting was adjourned.

Mr. Moran added that he had spoken to a least 100 people and none of them wanted to have Mr. Garcia back. Mr. Moran made a motion that the report be accepted. Seconded by Mr. Connell. Motion carried unanimously.

Mayor Sauer thanked the Common Council for their work and the firefighters who voiced their concerns. He stated that the decision is ultimately the Mayor's and that he had spent much time on this issue. He announced that he would return the agreement, unsigned, to Mr. Garcia's attorney.

18 - REPORT - Donation of Gravel to the City.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review the donation of gravel to the City met on Wednesday, September 28, 1988 at 6:30 P.M. in the Fourth Floor Lobby in City Hall. Present were committee members Bundy and Connell. Also attending were Dominic Setaro, Daniel Minahan and Paul Estefan.

The committee held a thorough discussion regarding a proposed donation of approximately 25,000 yards of gravel offered by the Wilmorite Corporation to the City of Danbury. As a point of fact, Mr. Bundy examined the material in question on September 23, 1988. On that date at approximately 1:45 P.M., Mr. Bundy accompanied by Mr. Estefan went to the site where the material in question was being excavated. It was determined by physical inspection and discussion with a tractor operator that the material being offered as a donation was not gravel per se but was in fact clean fill used currently as road bed foundation for an on-ramp from Route 7 onto Interstate 84. Close inspection revealed this fill to be of good quality containing no foreign substance on large rocks. Through questioning the tractor operator told Mr. Bundy that the "fill" could be used for any number of purposes and was suitable for many uses including road construction, replacement fill for major building projects, etc.

Mr. Minahan advised the committee that this type of "fill" is suitable for many of Danbury's major projects such as the proposed hockey rink, King Street salt and sand contamination problem and the landfill.

Discussion was also focused on the transportation and storage problem associated with this proposed donation. Mr. Estefan advised that the donor, Wilmorite, was prepared to truck the fill to a site at the airport which is suitable for storage of the material until it was to be used.

Mr. Minahan advised that the cost to the City to purchase similar fill as that being discussed in this report is between \$5.00 and \$8.00 per yard or an average cost of \$6.50 per yard. As an example Mr. Minahan stated that the King Street salt and sand storage area project requires 4,000 yards of fill and will cost the City approximately \$26,000.

Mr. Bundy discussed the fact that the details regarding the donation were contained in the original proposal to the Common Council at its September meeting and there was no reason to assume that the material in question was of any value. Mr. Bundy stated that in the future it should be understood that as many details as possible should be included in any communication to the Common Council concerning a proposed donation so as to avoid the unfortunate circumstances that prevailed in this case. Due to the fact that the donation was to have been accepted by September 13, 1988 or it would be withdrawn was unknown to Council Members. As a result the City cannot avail itself to this offer and it becomes moot.

Mr. Bundy made a motion to recommend to the Common Council that if within the next six months a similar or like donation is offered to the City of Danbury by Wilmorite Corporation and the material referred to in this similar or like donation equals or exceeds in quality the material offered to the City as outlined in this report, then the City vis a vis the Mayor accept such donation. Seconded by Mr. Connell and carried unanimously.

Mr. Bundy corrected the report to add the word "not" in the first to last paragraph of the report. Mr. Connell made a motion to accept the report as corrected. Seconded by Mr. Moran. Motion carried with Mrs. Bourne voting in the negative.

Mayor Sauer stated that the Common Council had all the details the day before the meeting and that he was unaware of the September 13th deadline and had not contemplated that the Common Council would send this item to a committee.

19 - REPORT - Conditions on Post Office Street.

Mr. Regan submitted the following report:

The Common Council Committee appointed to review conditions and recommend solutions to the conditions on Post Office Street and the surrounding area including adjoining alleyways met in Room 432 on September 28, 1988 at 8:00 P.M.. In attendance were committee members Regan, Bundy and Zotos. Also in attendance were Daniel Minahan, Richard Jowdy, owner of Tuxedo Junction Cafe and Council Member Gene Enriquez, ex-officio.

Mr. Regan stated the problems he had discussed through an on-site inspection and that were reported to him from area landlords and tenants. The problems consisted of incidents of indecent exposure, vagrants roaming the area soliciting for money, homeless people in the alleyways, broken bottles and trash in the alleyways, building debris in alleyways, spills on the ground in back of Feinsons where garbage trucks transferred trash from dumpster to truck, the smell of garbage in alleys, grease stains on bricks at rear door to Benedicts leading around to the alley where garbage dumpsters are stored, grease stains on bricks at side of Tuxedo Junction left over from the "Taste of Danbury" Festival", dead bushes and generally poor conditions of the planted areas along Post Office Street, loose trash in planted area and under grates, around trees on Ives Street and broken banner poles on Main Street at loading zone entrance to Post Office Street.

Mr. Jowdy stated his position on the garbage behind his building. Since the closing of Post Office Street all the trash dumpsters that were formerly spread out along the alley have been consolidated behind his building on his property and although most of the garbage is not his, he has been issued warnings or complaints from the Health Department. If he receives another warning he will eliminate his dumpster and force all the other landlords to remove their dumpsters from his property thereby creating a bigger problem for the City. He stated that he does not like to make threats, but that he is getting tired of a run-around from the City. His solution for the problem is to have the City put a trash compactor over at National Place where the Parking Authority is located and then have City employees make three

garbage pick ups per day and bringing them over to the compactor. Mr. Jowdy stated that the City caused the problem by closing Post Office Street and should be responsible for the garbage problem in this area. He further stated that this was the plan of the past administration and should be followed.

Mr. Eriquez stated that this was one possible solution discussed approximately one year ago. Mr. Jowdy said that the dumpsters are located against his building and are causing damage to the block and windows in his building from being slammed into the wall. There are seven dumpster located there.

Mr. Minahan stated his possible solutions, one being the locating of a compactor at National Place, the other locating two large garbage containers in Feinsons Parking Lot with sliding doors to contain the smell and reducing the number of garbage containers needed to serve the area. Mr. Minahan further stated that the City is now cleaning the alley and Post Office Street 5 days a week alternating between Public Works personnel and Parks and Recreation personnel. He stated that he has a proposal from an independent contractor to take care of cleaning this area for \$2,400 per month which would include Post Office Street and the alleyways. He said he does not have the staff to do this job and it should be done by either Parks and Recreation or an independent contractor. Mr. Minahan stated that he and Susan Steiner, the Assistant Planning Director and Basil Friscia, the former Director of Public Works visited Faneuil Hall in Boston in investigate how they handled the garbage problem there. He said that they have strict regulations that are enforced regarding the garbage situation and every tenant is required to transport their own garbage. Similar to a situation if a trash compactor were to be located at National Place.

Mr. Zotos stated that he is in the Post Office Street area daily and that conditions there are going downhill. However, he does not believe that it is the City's responsibility to clean the alleys.

Mr. Minahan said that perhaps the tenants of other businesses and buildings in the area could or would like to participate in a remote compactor location and thus reduce the cost to all.

Mr. Reagan stated that the land by the Parking Authority building was Redevelopment land and would be only a temporary solution. Mr. Eriquez said that we should pursue this possible solution and when and if the land is developed then worry about it. Mr. Regan said that one of the problems now is trash is tossed out of windows into the alley and if the garbage was located remotely, that apartment dwellers would be less likely to walk a long distance to get rid of their garbage and thereby increase the problem.

Mr. Regan stated that there is an agreement between the City from the former administration and Mr. Feinson for an easement through his parking lot to pickup garbage in the alley behind Tuxedo Junction. According to this agreement the City is to construct a decorative wall at the entrance to Feinsons parking lot at a rough estimate of \$25,000 to the City. The other possibility is to go down another alley which runs parallel to Post Office Street on the other side of Tuxedo Junction out to Ives Street. Mr. Regan further stated that the problem of garbage in the alley existed before the closing of Post Office Street and is not a City problem but a tenant and landlord problem and that the only problem the City caused was a lack of access from the alley to Post Office Street for garbage pickup and therefore it is the City's responsibility to provide access to the alley for garbage pickup. Regarding solutions for the first three problems listed, these can be solved by increase police patrols, items 4 and 5 should be handled by the Health Department enforcement, Items 6 and 7 could be solved by eliminating the transfer of trash by installing 2 large containers with sliding doors to keep the smell down which would be removed and replaced with fresh containers as needed. Items 8 and 9, pressure wash bricks require Benedicts to contain grease in drip proof containers and stop them from washing their greasy floor mats on the bricks. Items 10 and 11 assign the task to the Parks and Recreation Department solely to eliminate the possible confusion as to who is responsible. Item 12, eliminate the loading zone on Main Street. When trucks try to park here the banners are too close to the curb and the boxes of the truck hits them and snaps the poles. The City of Danbury has invested a major amount of money here and it should not be allowed to deteriorate.

Mr. Bundy made a motion to list the complaints or problems and the solutions as discussed and recommend to the Mayor to try to negotiate an easement with Mr. Feinson instead of the revocable agreement now in place. ~~Seconded by Mr. Bundy.~~ Motion carried unanimously.

REGAN

The report was accepted on the Consent Calendar.

20 - REPORT - Request for Restoration of Funds for Richter Park.

Mr. Connell submitted the following report:

The Committee appointed to study the "Restoration of Funds for the Richter Park Authority" met on August 29, 1988 at 7:30 P.M. in Room 432 of City Hall. Present at the meeting were committee members Barry Connell, Chairman, Louis Charles, Hank Moran, Nick Zotos and Jim Nimmons. Also in attendance were Councilmen Roger M. Bundy and Bill Shaw (ex-officio) in addition, others in attendance included several members of the Richter Park Authority and the Director of said authority, Richard Branigan.

After a thorough review of information provided to the committee by the Authority and, a lengthy discussion involving the Authority and its' financial situation the committee chairman asked Mr. Branigan what the \$30,000 is to be used for if appropriated. After discussion it was determined that the monies are supposedly needed to keep the Authority operating at its' current level. The committee was not satisfied that the need was one of a critical nature and questioned as to whether or not fiscal belt tightening was in order.

Mr. Moran made the following motion:

The request for \$30,000 by the Richter Park Authority be denied due to a lack of information supporting the need.

Mr. Nimmons seconded the motion and after discussion the motion was voted upon and passed unanimously.

The report was accepted on the Consent Calendar.

21 - REPORT - Amendment to Ordinance 16A-32

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review Ordinance 16A-32 regarding items excluded from the City Landfill met on September 20, 1988 at 9:15 P.M. in City Hall. In attendance were Committee Members Bundy, and Esposito. Also in attendance were Council Members Moran and Regan, ex-officio, Director of Public Works Daniel Minahan, Mayoral Assistant Michael Cech and Assistant Corporation Counsel Les Pinter.

The purpose of this committee was to study a recommendation presented by the Technical Advisory Team dealing with a list of proposed items to be excluded from the Danbury Landfill. Section 16A-32(b) of the Danbury Code of Ordinances is entitled "Certain Materials Prohibited" and is the appropriate area of concern regarding this matter.

During discussion it was determined by the committee, after consultation and advice from Mr. Pinter, that it was within the purview of Mr. Minahan to determine what items may or may not be permitted in the landfill. According to Mr. Pinter there is no need to amend the Ordinance. If Mr. Minahan (who is also a member of the Technical Advisory Team) deems it necessary to exclude certain items from the landfill or redirect such items to a designated area it is within his described authority to do so.

Therefore, this committee is taking no action other than to endorse the advice of the Assistant Corporation Counsel and no change in the Danbury Code of Ordinances is recommended regarding this issue.

The Report was accepted on the Consent Calendar.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review a change in Ordinance 16A-34 met on September 20, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Renz and Butera. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works Daniel Minahan, Mayoral Assistant Michael Cech and Council Members Regan, Moran and Esposito, ex-officio.

The purpose of this committee was to ascertain the need to amend Section 16A-34(b) and 16A-34(c) to reflect a more substantial penalty for noncompliance with the provisions of Article II (Landfill Operations), Section 16A-31 (Waste Deposits) specifically Section (c) "Deposits of Wastes from Outside Corporate Limits of City Prohibited".

The Code of Ordinances Section 16A-34(b) and 16A-34(c) reads as follows:

16A-34(b) - Violation; penalty - Any person who violates any provisions of this article shall be fined the sum of one hundred dollars (\$100) for each offense.

16A-34(c) - Suspension or revocation of permits. In addition to other remedies provided by law in case of non-payment or noncompliance with the provisions of this article, the director of the department of public works is authorized to suspend or revoke any permits issued hereunder.

During a thorough discussion the committee discerned the following facts:

1. The average tipping fee at municipal landfills across the Country is between thirty dollars and fifty dollars (\$30 - 50) per ton.
2. The tipping fee schedule of neighboring towns are Bethel \$90 per ton; Ridgefield - \$90 per ton; and New Milford - \$65 per ton.
3. Danbury charges \$18 per ton increased from \$12 per ton effective July 1, 1988.
4. The amount of trash being deposited at the Bethel and Ridgefield landfills has decreased since both of these towns began charging \$90 per ton and conversely the amount of trash being taken in by Danbury's landfill has increased.
5. It is quite profitable to a hauler if that hauler tips an out of town load of trash in Danbury's landfill. If for example a hauler had 25 yards of Bethel trash (equaling approximately 12 tons) and instead of paying \$90 per ton or \$1,080 to dump in Bethel, the hauler pays \$18 per ton or \$216 by dumping in Danbury. That equals a \$864 difference. It is clear that a \$100 fine is not enough to deter a hauler when he or she can make such a profit.
6. Our landfill is reaching capacity faster than expected due in part to the aforementioned violations. The best estimates is that the City of Danbury has no more than 12 to 18 months left at the landfill.
7. The City's proposal to the State for horizontal expansion is not progressing as well as we would like and contingency measures must be implemented.
8. The Director of Public Works has the means and where-with-al to implement an intensive program to enforce adherence to the law. The Director will take the proper steps to insure adequate inspections by designating this program as a top priority at the landfill.

Mrs. Butera made the following motion: "To advise the Common Council to direct the Corporation Counsel to follow appropriate procedures to amend Section 16A-34(b) (violation; penalty) of the Danbury Code of Ordinances to include a fine of \$5,000 for any violation of the provisions of this article. Seconded by Mr. Renz. Motion carried un-animously.

Mr. Renz made the following motion: To advise the Common Council to amend Section 16A-34(c) (Suspension and Revocation of Permits) of the Danbury Code of Ordinances to state that a hauler's license to dump in the landfill may be revoked if any one of his permits is found to be in noncompliance with the provision of the article. Seconded by Mrs. Butera. Motion carried unanimously.

Mr. Connell asked that the report be referred to the Corporation Counsel for the drafting of the Ordinance.

23 - REPORT - Effective Date for Garbage Haulers Increase.

The Common Council Committee appointed to review the effective date for garbage haulers increase met on September 20, 1988 at 7:00 P.M. in City Hall. In attendance were committee members Shaw, Regan and DaSilva. Also attending were Council Members Bundy, Renz and Esposito, ex-officio, Director of Public Works Dan Minahan, Comptroller Dominic Setaro, Assistant Corporation Counsel Les Pinter and Irv Morey from Town and Country Hauling.

During the course of discussion, it was determined that since a public hearing and a committee of the whole meeting were held on June 20, 1988 and a Special Common Council Meeting was held on June 27, 1988 to approve an increase in the landfill fees effective July 1, 1988, that sufficient notice was released relevant to the increase. Mr. Morey questioned the publication date. Attorney Pinter said that with a public hearing and a resolution passed by the Common Council, no publication is required. Mr. Morey said that he would explain that fact to his customers that he was not aware of a July 1, 1988 effective date and attempt to recover his losses.

Mr. Regan made a motion to let the July 1, 1988 effective date remain in effect. Seconded by Mr. DaSilva. Motion carried unanimously.

The report was accepted on the Consent Calendar.

24 - REPORT - Request for Water Extension - Old Mill Plain Road.

Mr. Regan submitted the following report:

The committee regarding the above captioned matter met on September 27, 1988 In attendance were Committee Members Regan and Bundy. Also attending were Jack Schweitzer, William Buckley, Ralph Gallagher and Edward Kilian, Jr.

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 extension.

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.

25 - PROGRESS REPORT - Downtown Redevelopment and the Mill Rate.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review downtown redevelopment and the mill rate met on September 26, 1988 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Bundy, and Charles. Also present were Dr. Robert Fand, Dick Verdi, Terrie Kopli, Evald Mukk, Joanne Chelednick and Kenneth Wilson.

A thorough discussion was held regarding the recent re-evaluation and subsequent tax increase affecting the taxpayers in what many feel is an adverse and unfair manner. Mr. Wilson, a resident of Danbury for the past 36 years, advised that he had done a study regarding the tax increase and had determined that the average increase was 40% per homeowner. He also determined that several commercial taxpayers incurred a tax decrease, specifically, Sears a -27% (-\$52,600); Perkin Elmer a -16% (-\$64,000); G. Fox a -32% (unknown); Danbury Mall Associates a -17% (unknown); Union Carbide unknown (-\$351,000). Mr. Wilson further advised that after a complete study of the re-evaluation book, the lowest increase on any street was +20%.

Mr. Dick Verdi a local landlord and licensed builder advised that an apartment building he owns and rents out located at 76 South Street incurred a 93% increase. He cited several other similar such buildings with accompanying increases of 71%, 58% and 76%.

Joanne Chelednik advised that her home located at 157 Westville Avenue incurred a 90% increase in taxes.

Mr. Charles discussed with those present the three avenues open to pursue the issue of re-evaluation. These areas were committee meetings, Board of Tax Review (which meets in February) and a lawsuit by parties involved.

Discussion regarded United Appraisal Associations and the formulas used by them for re-evaluation was put off until all parties possessing essential facts could attend a committee meeting.

A discussion regarding downtown redevelopment was held with Dr. Robert Fand offering a plan which involves options that could be undertaken by the City of Danbury if and when it is determined that Errichetti Associates will no longer pursue the original plans. Dr. Fand elucidated on the hazards of chemical traces found at the redevelopment site, specifically risks to certain classes of people if the wastes are not cleaned up thoroughly. Dr. Fand questioned the role of the Redevelopment Agency and its past approval process regarding the Errichetti project, specifically, their (RDA) allowing building to begin without title to the land passing to the builder. Dr. Fand requested that the committee obtain a legal opinion as to whether or not RDA is a separate agency of the City and, as such, can they take property and responsibilities of said project from the City vis a vis "eminent domain".

The committee agreed that at a future meeting Corporation Counsel will be present to render an opinion.

The report was accepted on the Consent Calendar.

Mr. Bundy submitted the following report:

The Common Council Committee appointed to review an update report on the City's garbage disposal position met on Wednesday, September 28, 1988 at approximately 7:15 P.M. in the Common Council Chambers in City Hall. In attendance were committee members Bundy, Regan and Flanagan. Also present were Mayor Joseph Sauer, Michael Cech, Daniel Minahan, Jack Schweitzer, Jack Kozohowski and William Buckley. Also, Walter Nissen, project manager for Camp Dresser and McKee, Inc and Raymond Porter, meteorologist for Camp Dresser. Camp Dresser and McKee is the consulting firm retained by the City to do a resource recovery evaluation.

Mr. Bundy opened the meeting by expressing to those present that the purpose of the Camp Dresser and McKee report was to advise the City of their findings regarding a study conducted to determine the accuracy of the R. W. Beck study conducted for the Housatonic Resource Recovery Authority (HRRRA). The R. W. Beck report concluded that after a thorough study the White Turkey Road site was more preferable for the placement of an incinerator than a site located in Brookfield. Mr. Bundy went on to advise that the City of Danbury, in order to affirm the accuracy of such a conclusion retained a highly reputable consultant to conduct a separate study of the situation. This was done to assure that the City was in possession of all the facts and, the citizens of Danbury would be assured as to the accuracy of any conclusion drawn therefrom.

Mr. Cech described to those present that the consultants report dealt solely with a parallel study of the R. W. Beck report using similar parameters and assumptions. Mr. Nissen presented the methods used and procedures followed which focused on three sites, Brookfield, Old Sherman Turnpike and White Turkey Road. Using basically the same set of circumstances enhancing testing procedures, Camp Dresser and McKee concluded that there was no appreciable difference between the two sites as regards placement of an incinerator. Using air dispersion models and ground level situations several errors were found in the R. W. Beck report, specifically:

1. According to R. W. Beck stated that there is an eight (8) mile difference between the Old Sherman Turnpike site, White Turkey Road site and the Brookfield site. Using this as their base, R. W. Beck in their Transportation Cost Analysis stated that the two Danbury sites are two (2) miles from the center of Danbury and the Brookfield site is ten (10) miles from the center of Danbury. In actuality the Brookfield site is less than one (1) mile from the other sites and therefore should be considered as being three (3) miles from the center of Danbury. When the error is corrected, Danbury is no longer more economically advantageous than the Brookfield site. They are essentially equal.

2. In the Summary of Capital Cost, specifically, the allowance for contingency of the White Turkey Road site is incorrect. The contingency used was 11% as opposed to 20% used for the Brookfield site. When a correction was made to 20% for both sites the economics between these two sites are virtually equivalent.

Mr. Nissen concluded his presentation by stating that basically the R. W. Beck report was thorough and represented a good picture of the situation. However, it is his opinion that there are no appreciable differences between the White Turkey Road site in Danbury and the Brookfield site. They are, in his opinion, equal with one having no advantage over the other as regards parameters used in both studies.

The following people who were in attendance commented regarding the findings of the Camp Dresser and McKee report: Gene Huddy, Brookfield; Harry Wade - HRRRA; Ken Parsons, Bethel; Bonnie Smith, First Selectman of Brookfield; Fergus O'Donnell - HRRRA; Lucille Bathe, Danbury and Louise Strohmeier, Danbury.

Mr. Cech advised the committee that the Technical Advisory Team will prepare a detailed report for the Common Council which will hopefully be completed within two weeks. He also advised that Camp Dresser and McKee may continue to service the City in a consulting capacity to advise the City regarding the feasibility of employing alternate technology to dispose of our waste.

The Progress Report was accepted on the Consent Calendar.

27 - **COMMUNICATION** - Request for an ad hoc committee to study the West Side Fire Station. Mr. Fazio moved to add this to the agenda. Seconded by Mr. Godfrey. Motion carried unanimously.

Letter from Council Member William Shaw asking that a committee be appointed to study the long planned West Side Fire Station. Mrs. Bourne asked that this be referred to committee. Mayor Sauer appointed Council Members Shaw, Connell and Esposito and also the Fire Chief, Director of Planning and the Chief of Police.

28 - **RESOLUTION** - Women, Infants and Children's Supplemental Nutrition Program Grant. Mr. Godfrey made a motion that this be added to the agenda. Seconded by Mr. Moran. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1988 through September 30, 1989 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

WHEREAS, the City of Danbury through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

WHEREAS, a grant award of up to \$134,782.00 has been processed by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT to accomplish said program Joseph H. Sauer, Jr., Mayor of the City of Danbury, is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services.

Mr. Bundy made a motion that the Resolution be adopted. Seconded by Mr. Godfrey. Motion carried unanimously.

29 - **COMMUNICATION** - Special Police Officers - Housing Authority Projects. Mr. Godfrey made a motion that this item be added to the agenda. Seconded by Mr. Eriquez. Motion carried unanimously.

Letter from Police Chief Nelson Macedo requesting that the line item for the Housing Authority be increased by an additional \$30,000. The money will be returned to the City by the Housing Authority. The money will be used for Special Police Officers who will be working at the Housing Authority Projects.

Mr. Zotos made a motion to accept the communication and authorize the transfer. Seconded by Mr. Godfrey. Motion carried unanimously.

PUBLIC SPEAKING SESSION

Frank Thomas - Spoke on item 23 and stated that in the future garbage haulers should be notified of any increase before it is put into effect.

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 8:49 P.M.

Respectfully submitted,

Jimmie L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST: _____