

COMMON COUNCIL MEETING AGENDA

JANUARY 4, 1983

Meeting is called to order at 8:00 O'Clock P.M. by the honorable Mayor, James E. Dyer.

PLEDGE OF ALLEGIANCE TO THE FLAG
PRAYER

ROLL CALL

Council Members - Elder, Gallo, McGarry, Foti, Torcaso, Eriquez, Esposito, Repole, Zotos, Eppoliti, McManus, DaSilva, Torian, White, Cassano, Charles, Boynton, Merullo, Butera, Evans, Farah.

19 Present 2 Absent

NOTICES FROM MAYOR DYER

CONSENT CALENDAR

The Consent Calendar was

✓ MINUTES - Common Council Meeting held on December 7, 1982

The Minutes were

01
CLAIMS ✓

✓ Edith L. Polley ✓ Judith E. Rollinson - Brian Pickett -
Richard Parmalee - Patrick W. Archiere, Jr.

The Claims to be referred to the Claims Committee and Assistant Corporation Counsel for Claims.

02
COMMUNICATION ✓

- Appointment of a Corporation Counsel for Planning & Zoning.

The Communication was accepted and appointment confirmed.

03
COMMUNICATION ✓

- Appointment of a Corporation Counsel for Claims

The Communication was accepted and appointment confirmed.

04
05
COMMUNICATION ✓

- Appointments to the Youth Commission

The Communication was accepted and appointments confirmed.

06
COMMUNICATION ✓

- Appointments & re-appointments to the Conservation Commission.

The Communication was accepted and appointments & re-appointments confirmed.

07
COMMUNICATION ✓

- Appointment to the Cultural Commission.

The Communication was accepted and appointment confirmed.

COMMON COUNCIL MEETING AGENDA

January 4, 1983

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08 ✓
COMMUNICATION - Appointment to the Equal Rights & Opportunities Commission.
The Communication was accepted and appointment confirmed.

09 ✓
COMMUNICATION - Appointments & re-appointments to the Park & Recreation Commission.
The Communication was accepted and appointments & re-appointments confirmed.

010 ✓
COMMUNICATION - Appointments to the Danbury Police Department
The Communication was accepted and appointments confirmed.

011 ✓
COMMUNICATION - Request for approval for an appeal re: Previdi vs. E.I.C.
The Communication was

012 ✓
COMMUNICATION - ~~Agreement for~~ Authorization for relocation of Public Utility Facilities -Rt.37
The Communication was

013 ✓
COMMUNICATION - Request from the Fire Marshal to repeal Ordinance re: Installation of oil burning appliances.
The Communication was

014 ✓
COMMUNICATION - Request for waiver of sewer connection fees - Belmont Circle
The communication was

015 ✓
COMMUNICATION - Offer of property on Main Street for Lease to the City.
The communication was

016 ✓
COMMUNICATION - Request for abandonment of property between Hawley Ave. & I-84
The Communication was

017 ✓
COMMUNICATION - Petition for acceptance of Westminster Woods Subdivision - Cannonball Dr. & Marc Rd.
The Petition was referred to

COMMON COUNCIL MEETING AGENDA

January 4, 1983

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018 ✓
COMMUNICATION - Request for committee to review local hiring ordinance.

The Communication was

019 ✓
COMMUNICATION - Request for committee to review rates charged for water service to premises for fire protection.

The Communication was

020 ✓
COMMUNICATION & ORDINANCE - Phased Increased Assessment for Historic Properties.

The Communication was

021 ✓
COMMUNICATION & RESOLUTIONS - License Agreement between City of Danbury & Conrail Corp.

The Communication was

022 ✓
COMMUNICATION - Request for a Grant for the D.H.S. Booster Club.

The Communication was

023 ✓
COMMUNICATION - Request for funds to purchase T-shirts for Clean-up Danbury Project.

The Communication was

024 ✓
COMMUNICATION - Request for transfer of funds for overtime wages in Fire Dept.

The Communication was

025 ✓
COMMUNICATION - Request for funds to purchase a car for the Planning Director

The Communication was

026 ✓
COMMUNICATION - Request for transfer of funds to Corporation Counsel's Budget.

The Communication was

027 ✓
COMMUNICATION & CERTIFICATION - Request for transfer of funds to Workmen's Compensation Acct.

The Communication was

COMMON COUNCIL MEETING AGENDA

January 4, 1983

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028 - DEPARTMENT REPORTS

✓ Fire Chief
Fire Marshal
Police Dept.
Housing Inspector
Health Inspector
Commission on Equal Rights & Opportunities
Coordinator of Environmental & Occupational Health Services
Aviation Commission
Sealer of Weights
High Blood Pressure Program.
Planning Commission

Motion made to dispense with the reading of Department Reports as all members have copies which are on file in the Office of the City Clerk for public inspection. Reports to be accepted as submitted.

AD HOC COMMITTEE REPORTS

029 ✓
REPORT

Sale of Firewood
The Report was

030 ✓
REPORT

- Approval of water & sewer for Old Brookfield Road
The Report was

031 ✓
REPORT

- Approval of lateral sewer line for Gas Realty Co. & Colonial Ford - Federal Road
The Report was

032 ✓
REPORT

- Woodside Ave. Sewers
The Report was

033 ✓
REPORT
&
RESOLUTION

- Acceptance of Deer Run Trail
The Report was

034 ✓
REPORT

- Elizabeth Road
The Report was

035 ✓
REPORT
&
ORDINANCE

- Appointment of a member from the Richter Association to the Richter Park Authority
The Report was

036 ✓
REPORT
&
Ordinance

- Itinerant Vendors and Peddlers
The Report was

COMMON COUNCIL MEETING AGENDA

January 4, 1983

Page 5

037
REPORT & ✓ - Abandonment of Shopping Carts
ORDINANCE
The Report was

038
REPORT ✓ - Benefits for Non-Union employees
The Report was

039
REPORT ✓ - Request from P. Tallman to establish a work program
The Report was

040
REPORT ✓ - Education Liaison Committee
The Report was

041 ?
COMMUNICATION - Lease - City of Danbury to Business Aircraft Center, Inc.
The Lease was

PUBLIC SPEAKING SESSION

There being no further business to come before the Common Council
a motion was made by _____ and seconded by _____ for
the meeting to be adjourned at _____ O'Clock P.M.

1 - CLAIMS

- 2 - Communication - Appointment of Corp. Counsel for Planning & Zoning
- 3 - Communication - Appointment of a Corporation Counsel for Claims
- 4 - ~~Communication - Appointment of Budget Chairmen~~
- 5 - Communication - Appointment to the Youth Commission
- 6 - Communication - Appointments & re-appointments to Conservation Commission
- 7 - Communication - Appointment to the Cultural Commission
- 8 - Communication - Appointment to Equal Rights & Opportunities
- 9 - Communication - Appointments & re-appointments to the Park & Recreation Com
- 10 - Communication - Appointments to the Danbury Police
- 11 - Communication - Request for approval of an appeal re: Previdi vs. EIC
- 12 - Communication - Agreement for relocation of Public Utility Facilities Rt. 37
- 13 - Communication - Request of Fire Marshal to repeal Ord. re: Installation of oil burning appliances.
- 14 - Communication - Request for waiver of sewer connection fee - Belmont Cir
- 15 - Communication - Offer of property on Main St. for Lease to the City
- 16 - Communication - Request for abandonment of property between Hawley Ave.
- 17 - Communication - Petition for acceptance of Westminster Woods Subdivision, Cannonball Dr. & Marc Rd.
- 18 - Communication - Request for committee to review local hiring ordinance.
- 19 - Communication - Request for committee re: water charges.
- 20 - Communication & Ordinance - Phased Increased Assessment for Historic Proper
- 21 - Communication & Resolutions - License Agreement - City of Danbury & Conrail
- 22 - Communication - Request for a Grant for the DHS Booster Club
- 23 - Communication - Request for funds to purchase T-shirts for Clean-up Danbury Project.
- 24 - Communication - Request for transfer of funds for overtime wages - Fire Dep
- 25 - Communication - Request for funds to purchase a car for Planning Director
- 26 - Communication - Request for transfer of funds to Corporation Counsel's Budo
- 27 - Communication - Transfer of funds to Workmen's Compensation Acct.
- 28 - DEPARTMENT REPORTS
- 29 - Report - Sale of Firewood
- 30 - Report - Sewer & Water for Old Brookfield Rd.
- 31 - Report - Sewer for Gas Realty Co. & Colonial Ford - Federal Rd/
- 32 - Report - Woodside Ave. Sewers
- 33 - Report & resolution - Acceptance of Deer Run Trail
- 34 - Report - Elizabeth Road
- 35 - Report & Ordinance - Appointment of a member from the Richter Assoc. to the Richter Park Authority.
- 36 - Report & Ordinance - Itinerant Vendors and Peddlers
- 37 - Report & Ordinance - Abandonment of Shopping Carts.
- 38 - Report - Benefits for non-union employees
- 39 - Report - Request from P. Tallman to establish a work program.
- 40 - " - Ed Liaison
- 41 - Report Lease

LEPOFSKY, LEPOFSKY AND LANG

MAX R. LEPOFSKY, 1938-1972
GEORGE J. LEPOFSKY
JULES LANG
MELVIN LEE BLOOMENTHAL
SIMON SUMBERG

ATTORNEYS-AT-LAW
LEPOFSKY BUILDING
7-9 ISAAC STREET
NORWALK, CONNECTICUT 06852-0511

TELEPHONE 853-3030
AREA CODE 203
MAIL ADDRESS
P. O. Box 511

RECEIVED
JAN 17 1983
OFFICE OF CITY CLERK

January 14, 1983

City Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Polley vs. City of Danbury

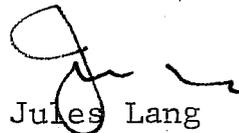
Dear Sir:

Supplementing my earlier notice of December 9, 1982 regarding the fall sustained by Mrs. Edith R. Polley on November 29, 1982 on Henry Street in Danbury, I am enclosing a sketch which more accurately depicts the location of the fall. As you can see, it is approximately 238" East of the Southeasterly corner of Henry Street Market, 29" West of the curb line on Henry Street, and approximately 112" Southwesterly of Pole No. 532.

Please attach a copy of this letter to the original notice of December 9, 1982, which notice is hereby incorporated by reference into this notice and made a part thereof. Would you please return to me a receipted copy of this letter for my file? Thank you for your cooperation.

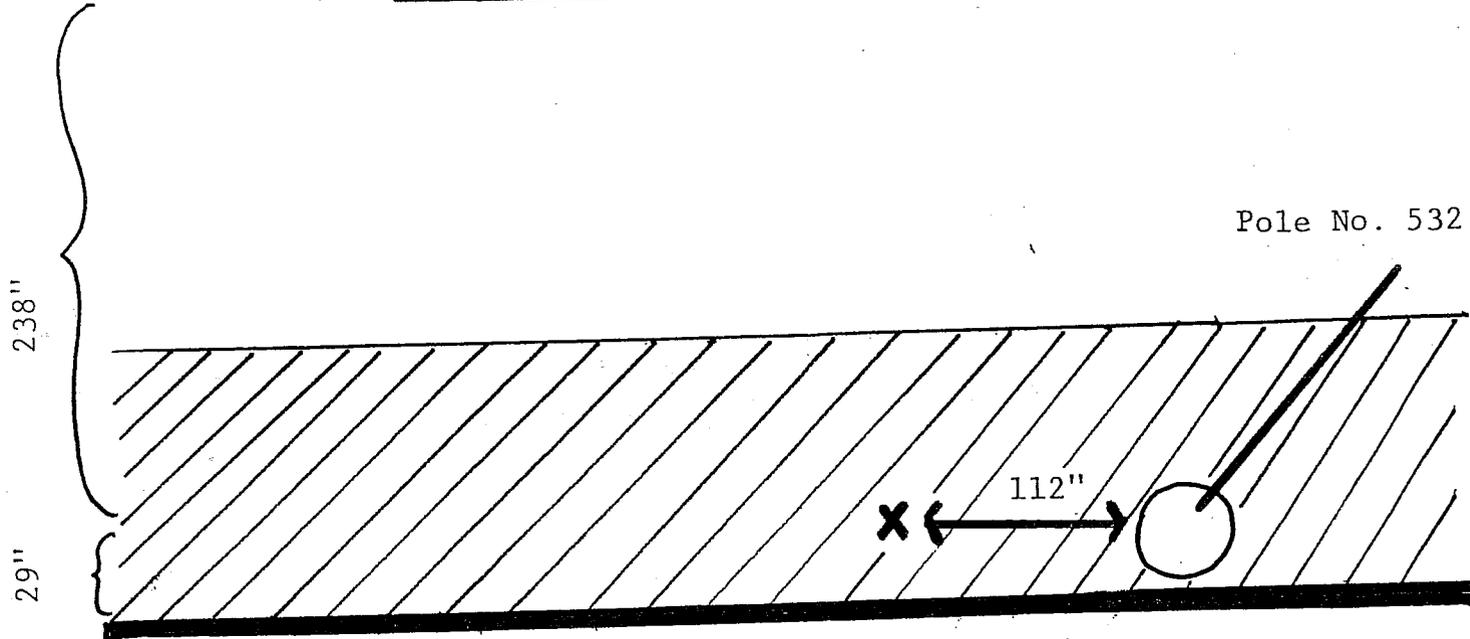
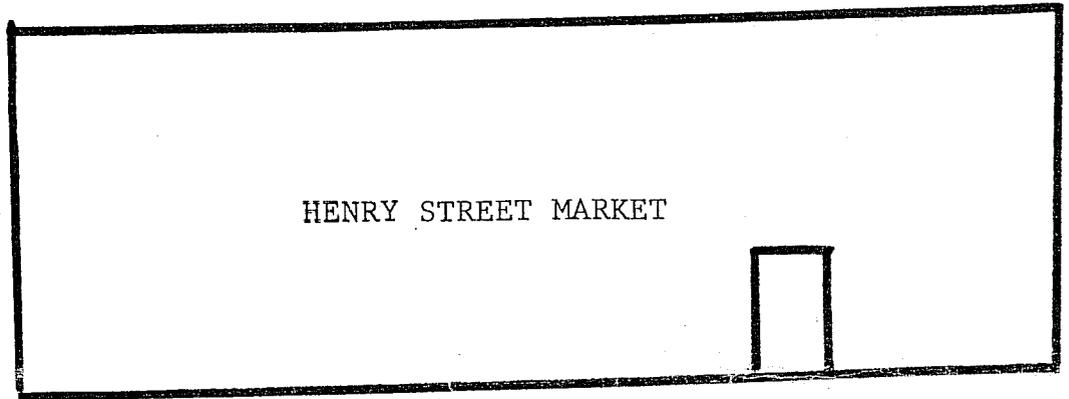
Very truly yours,

LEPOFSKY LEPOFSKY & LANG


Jules Lang

JLple
Enclosure

POLLEY vs. CITY OF DANBURY



HENRY STREET

** Shaded Area indicates an incline.

*** "X" indicates point of fall.



LEPOFSKY, LEPOFSKY AND LANG

MAX R. LEPOFSKY, 1938-1972
GEORGE J. LEPOFSKY
JULES LANG
MELVIN LEE BLOOMENTHAL
SIMON SUMBERG

ATTORNEYS-AT-LAW
LEPOFSKY BUILDING
7-9 ISAAC STREET
NORWALK, CONNECTICUT 06852-0511

TELEPHONE 853-3030
AREA CODE 203
MAIL ADDRESS
P. O. Box 511

December 9, 1982

City Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

RECEIVED
DEC 15 1982
OFFICE OF CITY CLERK

Re: Polley vs. City of Danbury

Dear Sir:

Please be advised that this office represents Edith L. Polley with regard to injuries she sustained when she fell near 18 Henry Street in Danbury on November 29, 1982 at approximately 6:05 p.m.

This is to put you on notice pursuant to Section 13a-149 of the General Statutes that it is Mrs. Polley's intention to seek recovery of her damages as a result of the injuries sustained by her at the aforesaid time and place.

Mrs. Polley had been shopping at the Henry Street Market located at 18 Henry Street. After completing her shopping, she exited from the Market and was walking in an easterly direction to her car which was parked on Henry Street. As you know, the topography of the area is somewhat unique in that Henry Street itself is quite a bit lower than the sidewalk area. Apparently the City has built an asphalt hill leading from the sidewalk down to Henry Street, which is quite dangerous and slippery. As Mrs. Polley was proceeding from the sidewalk down this asphalt hill to her car, she was caused to slip and fall, thereby sustaining injuries

The occurrence took place between the sidewalk and the street on the westerly side of Henry Street, slightly to the south of the Market at 18 Henry Street, and slightly to the south of the Southern New England Telephone pole that is located at the street line.

City Clerk
City of Danbury
December 9, 1982
Page Two

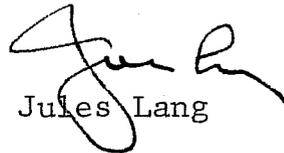
The fall occurred due to the steep hill made of asphalt, which is slippery and particularly dangerous when the temperature changes, causing moisture to accumulate on the surface. As a result of her feet going out from under her, she fell to the asphalt, striking her head and back, sustaining a possible concussion and at this time injuries which are not particularly ascertained to her back and legs.

It is her intention to look to the City for reimbursement of her damages, pain and suffering, and expenses. We would appreciate your returning to us a copy of this letter for our files after endorsing the same, acknowledging receipt hereof and the date of receipt.

Thank you for your cooperation.

Very truly yours,

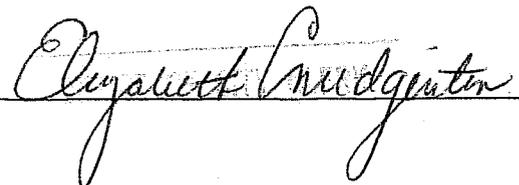
LEPOFSKY, LEPOFSKY & LANG


Jules Lang

JL:ple

cc: Mrs. Edith L. Polley

RECEIVED

Received: 

Date: Dec. 15, 1982

VENTURA, SULLIVAN & VENTURA, P.C.

ATTORNEYS AT LAW

FIVE HARMONY STREET

DANBURY, CONNECTICUT 06810

(203) 744-2260

AMERICO S. VENTURA
WILLIAM W. SULLIVAN
DIANNE M. VENTURA
JEAN S. FERLAZZO
RICHARD J. KILCULLEN

PLEASE REPLY TO:
P. O. BOX 616
DANBURY, CT 06810

December 16, 1982

Mrs. Elizabeth Crudginton
City Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Madam:

Please be advised that this office represents Judith E. Rollinson, who was seriously injured in an automobile accident at Old Ridgebury Road in the City of Danbury on November 13, 1982, at approximately 2:41 a.m.

As a result of this accident, Judith E. Rollinson was taken to the Danbury Hospital in a battered and bruised condition suffering from multiple injuries including numerous bruises, neck, shoulder and rib injuries, the full extent of which is not known at this time.

PLEASE BE ON NOTICE that Judith E. Rollinson intends to sue the City of Danbury for the injuries that she sustained as a result of the defective condition of the roadway upon which she was traveling. The defective condition of the roadway included, but is not limited to: failure to warn as to termination of the roadway; improper notice of construction site; lack of positive directions. It is further claimed that the City of Danbury failed to properly warn travelers of the hazard; direct travelers to the actual roadway; and maintain said roadway in a manner free of hazards to the public in general and Judith E. Rollinson in particular which was one of the proximate causes of the injuries sustained by Judith E. Rollinson.

RECEIVED

DEC 20 1982

OFFICE OF CITY CLERK

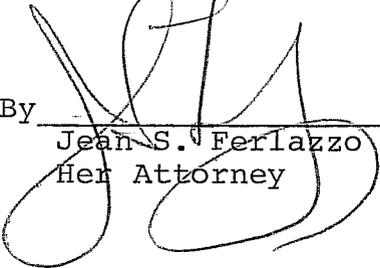
Mrs. Elizabeth Crudginton
City Clerk
December 16, 1982
Page 2

This notice shall serve to notify the City of Danbury,
all of its servants and employees of Judith E. Rollinson's
intention to seek damages against said City of Danbury under
the applicable statutes and laws of the State of Connecticut.

Sincerely

Judith E. Rollinson

By



Jean S. Ferlazzo
Her Attorney

JSF:bms

RECEIPT OF DUPLICATE ACKNOWLEDGED
DECEMBER , 1982.

RECEIVED
DEC 20 1982
OFFICE OF CITY CLERK

Law Offices

CERTIFIED MAIL

87 West Street
Danbury, CT 06810
(203) 792-7100

December 17, 1982

The City Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Brian Pickett
53 Westville Avenue
Danbury, Connecticut

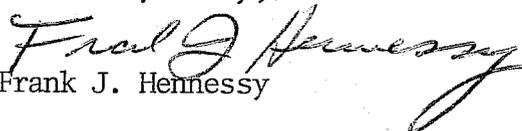
Lucy V. Katz
Richard A. Fuchs
Beverly J. Hodgson
Elizabeth Koskoff
Brenda C. Morrissey
Jill E. Clayton
Alex A. Knopp

Dear Sir:

Notice is hereby given pursuant to Connecticut General Statutes 31-294 of an injury suffered by the above named municipal employee on December 2, 1982. Said injury occurred at approximately 2:00 A.M., while Mr. Pickett was working at the municipal water plant on Peck Road, Danbury. He lifted a very large bag of fluoride, and injured his low back. He has been unable to work since 12/2/82, and is presently under the care of Dr. Ronald Manoni, 38 Federal Road, Danbury, Connecticut.

No payments have been made to Mr. Pickett or to Dr. Manoni, and no voluntary agreement has been submitted to him for his signature. I would like to request that these be done immediately.

Yours very truly,


Frank J. Hennessy

CC: Mr. Brian Pickett

FJH:kaj

RECEIVED

DEC 23 1982

OFFICE OF CITY CLERK/

20 December 1982

Mayor Dyer:

I am writing this letter to you, because I feel that I should get the time, I lost from work and also the cost to have my heating system fixed.

On December 13, 1982 at 2:30 A.M., I woke up to find that I had no heat, on which I called L. & P. to check my furnace figuring it was a clog gas line. But only to find that when the water meter was installed the valve which controls the flow of water. Was only turned on 1/4 turn which didn't give me much water in the system. which caused the furnace to breakdown from lack of water. Which was cold that day.

I had to call a plumber to fix the furnace, plus lost of time from work and what it cost to fix the over

heating systems I feel this problem is no fault of mine, but the water meter company. I have two children and it was lucky that we had a portable electric heating that kept the bedrooms warm for sleeping.

I also lost the day pay, plus 10 hours of Focus time for losing the day, the bill from the Plumber, also the C.I. & P. I work at Viking Wire Co ~~Inc.~~ Inc. I am giving you an estimate of what it costed me for the damage.

Yours truly
Richard Parmelee
412 Forest ave

Danbury, Conn

I lived at this address for 10 [sixteen] years. Telephone Home 792-4294 Business 744-4600

lost of Monday, December 13, 1982
eight hours at \$6.83 an hour
total amount \$54.64

Lost of bonus time: 7 on [10] hours
at \$6.83 total amount \$68.30

Plumber: \$24.00 an hour, total
time 2 1/2 hours: total \$60.00

Parts to fixed the furnace: \$71.79

C. Lot P. - Figuring around \$50.00,
being it was an emergency call

not putting in for the
inconvenience to me and my family.

| | |
|-------------------|---------------------|
| Monday - | \$ 54.64 |
| Bonus Time - | \$ 68.30 |
| Plumber & Parts - | \$ 131.79 |
| C. Lot P. | \$ 50.00 rough idea |

Total amount 304.64

C. Lot P. could be more I didn't
get the bill yet
over

I had already call
the Water Dept, also
the Water meter co. last
Tuesday December 14, 1982.

Which I have not
heard from either one
yet. I feel I waited long
enough before writing to
you.

4/18/83



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER

MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

I am pleased to submit the nomination of Thomas G. West as the City of Danbury's Corporation Counsel for Planning and Zoning matters.

Tom has served diligently in his capacity as our Claims Attorney and I believe that he will serve in outstanding fashion in his new role.

Sincerely yours,

James E. Dyer
Mayor



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER

MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

I respectfully request your confirmation of Attorney Terry L Sachs as our Corporation Counsel for Claims, to replace Tom West.

Terry has been practicing law for six years in Danbury, has had numerous litigation experiences before the Superior Court and Supreme Court of Connecticut.

A resume is attached for your review.

Sincerely yours,

James E. Dyer
Mayor

3

TERRY L. SACHS, ATTORNEY-AT-LAW
240 Main Street
P. O. Box 665
Danbury, CT 06810

PERSONAL INFORMATION:

Residence: 21 Delno Drive, Danbury, Connecticut 06810
Telephone: (203)-744-7544 (Res.) (203)-792-8223 (Bus.)
Born: Danbury, Connecticut, April 10, 1951
Marital Status: Married

EDUCATION

Juris Doctor, May 1976 University of Connecticut, School of Law, West Hartford, Connecticut. Student Judicial Clerkship with Hon. Howard J. Moraghan, Court of Common Pleas, Danbury, Connecticut
Bachelor of Arts, May 1973 George Washington University, School of Public and International Affairs, Washington, D.C.
June 1969 Danbury High School
Danbury Public Schools

PROFESSIONAL EXPERIENCE

1977 - Present Attorney-at-Law, engaged in general practice with emphasis in the following fields: real estate, estate planning, probate and domestic relations. Litigation in the Superior Court and Supreme Court of the State of Connecticut and representation in Bankruptcy Court, Probate Courts and before administrative state and municipal agencies.
1976 - 1977 Attorney-at-Law, Cutsumpas, Collins and Hannafin, 148 Deer Hill Avenue, Danbury, Connecticut
1975 Law Clerk, Greene and Bloom, 60 Washington Street, Hartford, Connecticut
1971 - 1972 Clerk and Press Assistant to U. S. Rep. John S. Monagan, 5th District, Connecticut, Washington, D.C.

3

BAR AND PROFESSIONAL MEMBERSHIPS

Admitted to practice in the State of Connecticut and in the Federal District Court for the District of Connecticut. Member of The American Bar Association, Connecticut Bar Association and Danbury Bar Association. Participant in Continuing Legal Education Programs sponsored and/or approved by the Connecticut Bar Association

COMMUNITY SERVICE

Danbury Lions Club, Danbury Downtown Council and Board of Directors Danbury Music Center. Speaker at Danbury High School, Exchange Club of Danbury, Alternative High School, New Milford High School, Women's Center of Greater Danbury, American Association of Retired Persons and Danbury Insurance Women. Instructor, "Law for Everyday Living", Department of Adult Education, Danbury, Connecticut



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

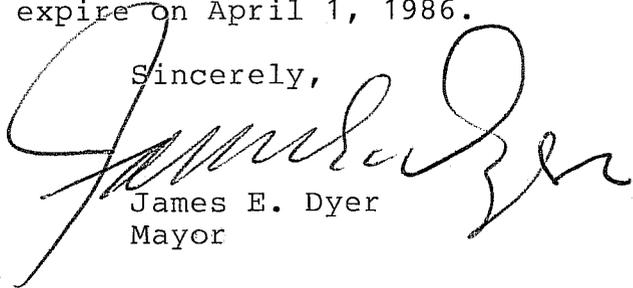
January 4, 1982

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of Patricia Bryant, 3 Delta Avenue, Danbury to the Youth Commission for a term to expire on April 1, 1986.

Sincerely,



James E. Dyer
Mayor

JED:mad

referred



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the following re-appointments and appointment to the Conservation Commission:

RE-APPOINTMENTS:

referred
Bernadette DeMunde, 91 Coalpit Hill, Danbury
Donald Sollose, 5 Pembroke Terrace, Danbury

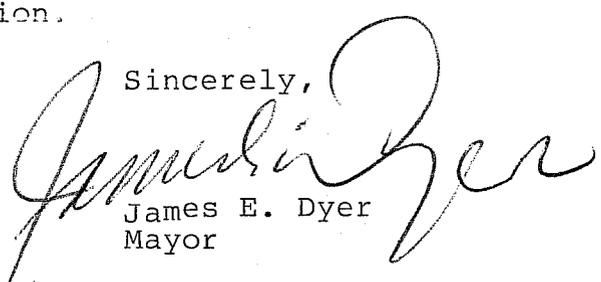
for terms to expire on July 1, 85

APPOINTMENT:

OK
George Goehl, 9 Bittersweet Drive, Danbury for a term to expire on July 1, 1984.

Mr. Goehl is employed as plant manager for Cowan Engineering Company. He has expressed a willingness to serve on the Conservation Commission.

Sincerely,


James E. Dyer
Mayor

JED:mad



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of John Cherry, 47 Lincoln Avenue, Danbury as a member of the Cultural Commission for a term to expire on February 1, 1984.

Mr. Cherry is a teacher at Pembroke School.

Sincerely,

James E. Dyer
Mayor

JED:mad

OK



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 3, 1983

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the appointment of Carol P. Lubus, Ironwood Drive, Danbury to the Equal Rights and Opportunities Commission for a term to expire on August 1, 1984.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Dyer", is written over the typed name and title.

James E. Dyer
Mayor

JED:mad

referred



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 3, 1984

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I respectfully request your confirmation of the following re-appointments and appointment to the Parks and Recreation Commission:

RE-APPOINTMENTS:

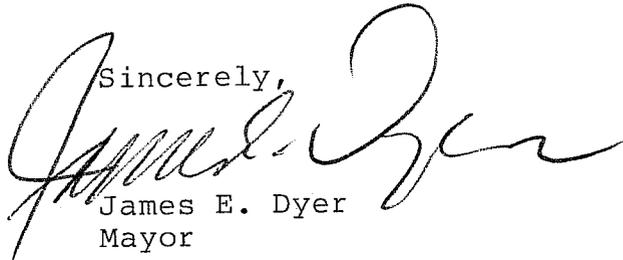
referred
OK Peter J. Krajc, 15 Karen Road, Danbury and Fred Visconti, Sr., 29 Mountainville Avenue, Danbury for terms to expire on December 1, 1985.

APPOINTMENT:

OK Karlene Anderson, 1 Mendes Road, Danbury for a term to expire on December 1, 1985.

Mrs. Anderson is a registered nurse employed at Danbury Hospital.

Sincerely,



James E. Dyer
Mayor

JED:mad



CITY OF DANBURY
OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

RECEIVED
JAN 4 1983

OFFICE OF CITY CLERK

11:25 AM

TO: COUNCIL MEMBERS
FROM: MARY ANN DORAN
RE: COMMISSION ATTENDANCE
DATE: January 3, 1983

PARKS AND RECREATION:

The Parks and Recreation Commission held 10 meetings in 1982. Mr. Krajc attended all 10 meetings of the Commission. Mr. Visconti who was not appointed to the Commission until later in the year attended 2 out of 4 meetings.

CONSERVATION COMMISSION:

The Conservation Commission held over 27 meetings and special meetings during 1982.

Bernadette DeMunde attended all meetings and workshops. Mr. Sollose missed only one workshop meeting due to a death in the family.



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER

MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

I respectfully request your confirmation of the following
probationary police appointments:

- 1) Bonnie Henry
Danbury, Connecticut
- 2) Raniero Domenic Ferrante
Danbury, Connecticut
- 3) Herbert Hawkins, Jr.
Danbury, Connecticut
- 4) Charles Victor Eimicke
Danbury, Connecticut
- 5) Michael Patrick Zenobia
Danbury, Connecticut
- 6) Robert Francis Arconti
Danbury, Connecticut
- 7) David Torielli
Danbury, Connecticut

All appointments are conditioned on successful completion
of programs at the Police Academy, and successful evaluation
during the probationary period.

Biographical briefs are attached for your information. The
effective dates of employment are all in January as per arrangement
with the Police Department.

Sincerely yours,

James E. Dyer
Mayor

cc: Payroll Dept.
Civil Service
Chief Macedo

BONNIE HENRY

DANBURY, CONN.

AGE 34

Married: Yes

Children: 4 Girls and 1 boy

Employment: Special Police Officer, City of Danbury
Parking Authority, City of Danbury

Education: Graduate of Mahopac High School, Mahopac, New York
Attended I.C.P. Computer School

Hobbys: Pistol Shooting

RANIERO DOMENIC FERRANTE

3 POND RIDGE ROAD

DANBURY, CONN.

AGE 22

Married: NO

Children: NO

Employment: Just Discharged from U.S. Air Force
Part Time with Fort Walton Beach Police Dept., Florida

Education: Graduate of Danbury High School, Danbury, Conn.
Okaloosa - Walton Jr. College (39 Semester Hours)
in Criminal Justice program

Florida Police Recruit School, Niceville, Fla.
Certification of Compliance in Law Enforcement

U.A. Air Force Security Police Academy

Hobbys: Skiing, Water & Snow, Boating, Softball, Pistol
Shooting and Running

HERBERT HAWKINS JR.

2 BLUEBERRY LANE

DANBURY, CONN.

AGE 30

MARRIED: Divorced

CHILDREN: 1 Boy & 1 Girl

EMPLOYMENT: Norbert Mitchell Co., Danbury, Conn.
Special Police Officer, City of Danbury, Conn.
Former Danbury Constable

EDUCATION: Graduate of Danbury High School, Danbury, Conn.
Emergency Medical Technication (01/07/82)

HOBBYS: None

CHARLES VICTOR EIMICKE

1 FRANDON DRIVE

DANBURY, CONN.

AGE 28

MARRIED: YES

CHILDREN: NO

EMPLOYMENT: PRESRAY MANUFACTURING CO., PAWLING, NEW YORK
(Draftsman & Jr. Designer)

EDUCATION: Graduate of Brewster High School, Brewster, New York
Attending Bridgeport Engineering Inst. (12½ Credits)
Attending Western Connecticut State College (24 Credits)

HOBBYS: Wood Carving, Skiing, Basketball, Old Car Restoring
Old Gun Collecting

MICHAEL PATRICK ZENOBIA

38 LOCUST AVENUE

DANBURY, CONN.

AGE 23

MARRIED: NO

CHILDREN: NO

EMPLOYMENT: Grossmans Lumber Co. , Orange, Conn.

EDUCATION: Graduate of Danbury High School, Danbury, Conn.
Graduate of Western Connecticut State College
(B B A in Marketing)

HOBBYS: Golf, Tennis, Hunting

ROBERT FRANCIS ARCONTI

18 VALLEY STREAM DRIVE

DANBURY, CONN.

AGE 21

MARRIED: NO

CHILDREN: NO

EMPLOYMENT: Self employed Electrician
Lieutenant Germantown Hose Co. # 10

EDUCATION:+ HONOR GRADUATE of Henry Abbott Tech.
Emergency Medical Technication

HOBBYS: Bowling, Base Ball,

DAVID PAUL TORIELLI
92 GREAT PLAIN ROAD
DANBURY, CONN.
AGE 22

MARRIED: NO

CHILDREN: NO

EMPLOYMENT: Holman Inc. Shelter Rock Road, Danbury, Conn.
Formally Security Guard with Gleason Plant Security

EDUCATION: Graduate of Danbury High School, Danbury, Conn.
Attending Western Connecticut State College for
a Criminal Justice Degree, (Completed 62 Credits)

HOBBYS: Power Lifting, Fishing and Skiing



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
THOMAS G. WEST
SANDRA V. LEHENY
ASSISTANT CORPORATION
COUNSEL

December 28, 1982

PLEASE REPLY TO:
P. O. Box 1261
DANBURY, CT 06810

Hon. James E. Dyer, Mayor
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Previdi et al vs. Environmental Impact Commission
of the City of Danbury

Dear Mayor:

In the course of the construction of a driveway laid over wetlands plaintiff made a preliminary application to do said work which was denied. Plaintiff took an appeal which the court sustained in its Memorandum of Decision entered December 16, 1982.

Charter Section 6-4 provides me and my office with the power, with approval of the Council, to appeal from any such decision. The next meeting of the E.I.C., on January 7, 1983, at which time it will consider the advisability of the impact upon its rules and regulations of this decision, will then determine whether an appeal is in order. There is but a limited time during which an appeal from the decision of the Superior Court may be taken.

It is, therefore, requested that the Council approve the taking of an appeal in this matter should the E.I.C. at its next meeting determine that it wishes to undertake the same.

Very cordially yours,

Theodore H. Goldstein
Corporation Counsel

THG:cr

c: Constance A. McManus, President,
Common Council

Janet Schaefer, Chairperson,
Environmental Impact Commission

Atty. Sandra V. Leheny
Assistant Corporation Counsel



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER

MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

The attached request for authorization from the City of Danbury to sign agreements in reference to the Relocation of Public Utility Facilities, Route 37 (repaving of North Street), is hereby submitted for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James E. Dyer", is written over the typed name and title.

James E. Dyer
Mayor



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JOHN A. SCHWEITZER, JR.
City Engineer

ENGINEERING DIVISION
797-4641

DATE: December 15, 1982
TO: James E. Dyer, Mayor
FROM: John A. Schweitzer, Jr., City Engineer
SUBJECT: Relocation of Public Utility Facilities, Route 37

Attached please find copies of memos between the Corporation Counsel's office and this office dated December 3, 1982 and December 13, 1982. A copy of the proposed agreement is enclosed for your use.

As explained in Attorney Gottschalk's letter the Common Council may authorize either the Mayor, Director of Public Works, or City Engineer to sign these agreements.

These agreements are the result of work the City has done on State Highways. Most often the work involved is raising manholes and water gate boxes for State paving projects. The agreement referenced above is for the City's involvement on the repaving of North Street.

It should also be noted that this agreement is the first of several that will be sent to the City by the State for Public Utility relocation. Therefore, the Common Council can either authorize the signature of all agreements of this nature or require that each agreement be brought to them for their authorization.

If you have any questions regarding this matter please contact this office.

Very truly yours,



John A. Schweitzer, Jr.
City Engineer

JAS/evm

enclosure



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
SANDRA VILARDI LEHENY
THOMAS G. WEST

ASSISTANT CORPORATION
COUNSEL

December 13, 1982

PLEASE REPLY TO:

DANBURY, CT 06810

DEC 15 1982
Engineering Dept.

MEMO TO: John A. Schweitzer, Jr., City Engineer
FROM: Eric L. Gottschalk, Assistant Corporation Counsel
RE: Relocation of Public Utility Facilities, Route 37 -
Yours of December 3, 1982

The Common Council must authorize someone from the City to be our representative. That individual may be either the Mayor, the Director of the Department of Public Works or the City Engineer. That individual would then be authorized to sign the agreement and do any and all things necessary to accomplish its purposes. May I suggest that you contact the Common Council.

ELG

ELG:cr

12

DATE: December 3, 1982
TO: Eric L. Gottschalk, Assistant Corporation Counsel
FROM: John A. Schweitzer, Jr., City Engineer
SUBJECT: Relocation of Public Utility Facilities
Route 37
State Project No. 174-78

Enclosed are copies of correspondence received from the State of Connecticut.

The transmittal letter dated November 30, 1982 states that a duly authorized representative is to indicate his approval and concurrence to the Letter Agreement by signing.

The question is, who is a duly authorized representative of the City that can sign this document?

JAS/evm

John A. Schweitzer, Jr.
City Engineer



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

November 30, 1982

City of Danbury
155 Deer Hill Road
City Hall
Danbury, Connecticut 06810

Attention: Mr. John A. Schweitzer, Jr.
City Manager

Gentlemen:

Subject: Relocation of Public Utility Facilities

Route: 37

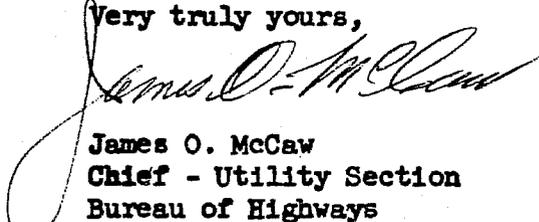
Town(s): Danbury

State Project No. 174-78

Enclosed is a Letter Agreement, together with a carbon copy, where-in approval is given by the State for the minor adjustments to your facilities on the above noted project.

Will you please have a duly authorized representative indicate his approval and concurrence to this Letter Agreement by signing and returning the enclosed carbon copy to me in the envelope provided herewith.

Very truly yours,



James O. McCaw
Chief - Utility Section
Bureau of Highways

Enclosure

Phone 529-7741 - Ext. 26

24 WOLCOTT HILL ROAD, P.O. DRAWER A WETHERSFIELD, CONNECTICUT 06109-0801

An Equal Opportunity Employer



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



24 WOLCOTT HILL ROAD, P.O. DRAWER A
WETHERSFIELD, CONNECTICUT 06109

Phone _____

An Equal Opportunity Employer

November 30, 1982

City of Danbury
155 Deer Hill Road
City Hall
Danbury, Connecticut 06810

Attention: Mr. John A. Schweitzer, Jr., City Engineer

Gentlemen:

Subject: Municipal Utility Adjustments

Town of Danbury
State Project No. 174-78, Route 37

On June 18, 1982 you were advised that your facilities might be in conflict with the proposed construction of the subject project by the State. You were also requested to prepare an estimate of cost for any required adjustment to your facilities.

Your letter estimate of the cost of these adjustments, dated July 20, 1982 in the amount of four thousand seven hundred dollars (\$4,700.00) of which the State's share is four thousand seven hundred dollars (\$4,700.00) is accepted by the State and made part of this letter agreement.

The actual adjustment to these facilities shall be governed by the rules established by the State and entitled: "Public Service Facility Policy and Procedures for State Highways in Connecticut," dated June 1, 1965, "A Policy on the Accommodation of Utilities on the Highway Rights of Way," dated April 1, 1977, "Policy and Procedure Memorandum 30-4," dated June 29, 1973, "Policy and Procedure Memorandum 30-4.1", dated November 29, 1972 and subsequent revisions or supplements, issued by the U.S. Department of Transportation, Federal Highway Administration, hereinafter referred to as the Federal Highway Administration.

The State's equitable share of the cost of the adjustment of affected utilities, as designated in the attached estimate, shall be in conformance with Section 13a-98f of the General Statutes of Connecticut, as revised. Whereas this work is required due to construction along a highway

12

that is part of the Federal Aid Urban System, the equitable share of the cost to be borne by the State shall be 100 percent of the cost of readjustment, relocation or removal after deductions provided under Section 13a-98f of the General Statutes of Connecticut, as revised.

The State will request reimbursement for a portion on all of its share of the cost of utility installations and adjustments as provided for in this letter agreement, in accordance with the provisions of "Policy and Procedure Memorandum 30-4" and subsequent revisions or supplements. The records and accounts of the City of Danbury shall be made available in the City of Danbury office for audit, upon request, by authorized representatives of the State and/or the Federal Highway Administration.

The City of Danbury shall prepare certain report forms required for the State's review of the City of Danbury billing of costs. State Form CON 40 shall be used for the daily reporting of labor, inspection, supervision or any other related onsite work, as well as equipment and materials used in the work, and will be prepared by the City of Danbury and certified by a representative of the State and the City of Danbury. Material used and recovered on temporary work, as well as permanent plant items removed, shall be reported on State Form CON 41 in the same manner, as required.

Upon demand of the City of Danbury partial payment will be made by the State for incurred cost, based on 90 percent of the State's share billed, not to exceed 90 percent of the State's equitable share, as indicated on the attached estimate.

The City of Danbury agrees and warrants that in the performance of this agreement, it will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability including but not limited to blindness, unless it is shown by the City of Danbury that such disability prevents performance of the work involved in a manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of the City of Danbury as related to the provisions of Section 4-114a of the General Statutes of Connecticut, as revised.

This Agreement is executed subject to the Governor's Executive Order No. 17, a copy of which is attached hereto and is hereby made a part of this Agreement. Governor's Executive Order No. 17 requires, inter alia, that all contractors and subcontractors shall list all employment service openings with

the Office of the Connecticut State Employment Service in the area the work is to be performed or where the services are to be rendered. Failure of the contractor to conform with the requirements of the Governor's Executive Order No. 17 and any orders, rules or regulations issued pursuant thereto, shall be a basis for termination of this Agreement by the State.

"Policy.--It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal or State funds under this Agreement. Consequently, the M.B.E. requirements of 49 CFR Part 23 apply to this Agreement."

"M.B.E. OBLIGATION--The State or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard, the State and its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of Department of Transportation assisted contracts."

All requests for payment shall be submitted on State Form CLA 3, together with pertinent vouchers and cost records. The final bill, covering the State's equitable share of all costs incurred, shall be submitted to the State within a period of one year from the time that the utility work will have been completed.

The Second Party hereby acknowledges and agrees to comply with the policies enumerated in Administrative Memorandum No. 4 dated November 18, 1981 Re: State Employee Code of Ethics, a copy of which is attached hereto and made a part hereof.

The Utility agrees that it shall preserve all of its records and accounts concerning the implementation of this Agreement for a period of three (3) years after final payment under this Agreement. If any litigation, claim or audit is started before the expiration of the three (3) year period, the records shall be retained until all litigations, claims or audit findings involving the records have been resolved.

Final payment will be made for actual cost incurred, after final audit and after all exceptions have been resolved.

City of Danbury

No formal agreement for the minor adjustments herein provided for will be required.

Authorization for the Utility to proceed to adjust its facilities by its own forces or by approved continuing contractor will be given by Mr. John Preston, District Maintenance Manager, 94 Railroad Street, New Milford, CT, who will be in charge of construction.

Very truly yours,



Thomas E. Cressey
Director of Engineering
Bureau of Highways

Above stipulation agreed to and concurred with by the duly authorized representative of the City of Danbury

Name:
Title:
Attachment



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

FIRE DEPARTMENT
19 NEW STREET
OFFICE: 748-5260
HOME: 748-2487

JOSEPH J. BERTALOVITZ, JR., CHIEF

December 21, 1982

Mayor James E. Dyer
and Honorable Councilmen

There is an ordinance in effect on oil burning appliances. This ordinance states that no person or corporation shall install any light fuel oil burner in the city of Danbury without a permit from the Fire Marshal or his deputies of said city. This ordinance creates double work and inspections which are not necessary. Permits for the installation of oil burning appliances are issued by the Building Department, not the Fire Marshal. When they are installed the Heating Inspector then inspects the furnace, piping, burner and safety controls of these units. It is a waste to have a fire inspector go to these installations and inspect the oil burner units when the Heating Inspector has already inspected them.

Therefore I am requesting that you take action at the next council meeting by repealing this ordinance.

Sincerely yours,



Alan R. Schacht, Fire Marshal



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

✓13

FIRE DEPARTMENT
19 NEW STREET
OFFICE: 748-5260
HOME: 748-2487

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December 21, 1982

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Therefore I am requesting that you take action at the next council meeting by repealing this ordinance.

Sincerely yours,



Alan R. Schacht, Fire Marshal

CORPORATION NOTICE ✓

Ordinance de Oil Burning Appliances

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

Sec. 1. This ordinance shall apply to all installations of Light Fuel Oil Burners.

Sec. 2. Light Fuel Oil Burners shall mean any device designed and arranged for the purpose of burning light fuel oil and having a tank or container with a capacity for more than twenty gallons connected directly thereto.

Sec. 3. No person, persons or corporation shall install any light fuel oil burner in the City of Danbury without a permit from the Fire Marshal or his deputies of said city.

Before the installation of any light fuel oil burner as provided in this section and at the time of making application for a permit as required herein, such person, persons or corporation shall submit to the Fire Marshal a blue print or plan of said light fuel oil burner showing all valves, shut-offs and piping from said burner to the storage tank or tanks, also the capacity of said tank or tanks.

Sec. 4. Tanks containing oil for use in connection with light fuel oil burners having a storage capacity of more than 275 gallons shall not be installed in any building in the City of Danbury unless completely covered with cement concrete of a thickness and in a manner to be approved by said Fire Marshal. No light fuel oil burner shall be installed in any heater unless said heater is connected with a chimney having sufficient draft at all times to insure the safe operation of the oil burner.

Sec. 5. All installations of said oil burners shall be in accordance with the rules of the National Board of Fire Underwriters.

Sec. 6. Any violation of the above ordinance shall be punishable by a fine of not more than One Hundred (\$100) dollars.

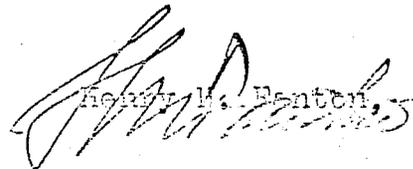
Adopted by the Board of Councilmen March 1st, 1927.

Adopted by the Board of Aldermen March 3rd 1927.

Approved by the Mayor March 3rd 1927.

Dated at Danbury, Conn. this 5th day of March 1927.

Attest:


Henry W. Benton

City Clerk.

ORDINANCE

de Amendment to Ordinance de Oil Burning Appliances.

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

That Section 4 of the Ordinance relating to Oil Burning Appliances, adopted by the Board of Councilmen March 1, 1927, and by the Board of Aldermen March 3, 1927 and approved by the Mayor of the City of Danbury on March 3, 1927, is hereby repealed and the following is hereby substituted in lieu thereof:

Section 4: Tanks containing oil for use in connection with light fuel oil burners shall not exceed 275 gallons individual capacity or 550 gallons aggregate capacity (in one building) unless installed in an enclosure constructed as follows:

(a) The enclosure shall be at least 6 inches larger on all sides than the tank. The walls of the enclosure shall be constructed of reinforced concrete at least 6 inches thick, or of masonry at least 8 inches thick, and shall be bonded to the floor and carried to a height not less than one foot above the tank. The space between the tank and the enclosure shall be completely filled with sand or well-tamped earth up to the top of the enclosure. The top of the enclosure shall be of reinforced concrete at least 5 inches thick, or of equivalent construction except where the floor or other construction immediately above the tank is of fire-resistive construction and capable of safely withstanding a load of 150 pounds per square foot.

(b) Instead of an enclosure as above described, the tank may be encased in reinforced concrete not less than 6 inches in thickness applied directly to the tank so as to completely eliminate any air space.

Adopted by the Board of Councilmen Feb. 6th, 1951.

Adopted by the Board of Aldermen Feb. 8th, 1951.

Approved by the Mayor, Feb. 9th, 1951.

Attest:

John Q. Brennan

3
CORPORATION NOTICE ✓

Ordinance de Oil Burning Appliances

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

Sec. 1. This ordinance shall apply to all installations of Light Fuel Oil Burners.

Sec. 2. Light Fuel Oil Burners shall mean any device designed and arranged for the purpose of burning light fuel oil and having a tank or container with a capacity for more than twenty gallons connected directly thereto.

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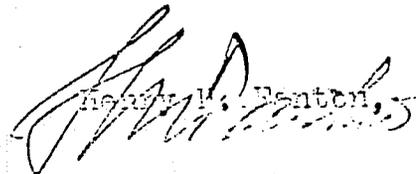
Adopted by the Board of Councilmen March 1st, 1927.

Adopted by the Board of Aldermen March 3rd 1927.

Approved by the Mayor March 3rd 1927.

Dated at Danbury, Conn. this 5th day of March 1927.

Attest:


Henry W. Benton,

City Clerk.

13

1

ORDINANCE ✓

de Amendment to Ordinance de Oil Burning Appliances.

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

That Section 4 of the Ordinance relating to Oil Burning Appliances, adopted by the Board of Councilmen March 1, 1927, and by the Board of Aldermen March 3, 1927 and approved by the Mayor of the City of Danbury on March 3, 1927, is hereby repealed and the following is hereby substituted in lieu thereof:

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Adopted by the Board of Councilmen Feb. 6th, 1951.

Adopted by the Board of Aldermen Feb. 8th, 1951.

Approved by the Mayor, Feb. 9th, 1951.

Attest:

John A. Brennan

14

Joseph Lawlor
Moody Lane
Danbury, Connecticut 06810

December 28, 1982

Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

RE: Sewer Connector Fee
Lot 136 and 137
Belmont Circle, Danbury, Conn.

Gentlemen:

Pursuant to Section 16-4(b)(2) of the City of Danbury Ordinances, I am requesting that the sewer connection fee for 6 units, 3 of which are located on Lot 136 and 3 of which are located on Lot 137 on Belmont Circle, in the sum of \$1,200.00 be waived by this council.

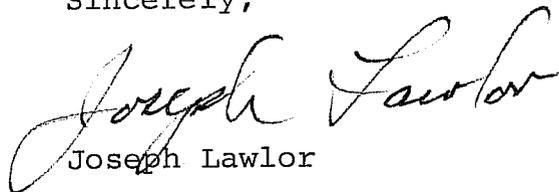
It is my feeling that the City of Danbury has benefited from the extension of 128 feet of 8" sanitary sewer that has been installed at my own expense on Belmont Circle.

Although this extension of Belmont Circle is a city owned and maintained road, no sanitary sewer system was constructed on the same.

This extension of sanitary sewer has been approved by the City Engineering Department and deeds to the City of Danbury for the sanitary sewer extension have been presented to and accepted by the Assistant Corporation Counsel.

Thank you for your anticipated cooperation.

Sincerely,


Joseph Lawlor

JL/klm

A M D REALTY CORPORATION

136 MAIN STREET

DANBURY, CONN. 06810

December 27th,
1 9 8 2

Honorable James Dyer
Office of the Mayor
155 Deer Hill Avenue
Danbury, Conn. 06810

Dear Mr. Dyer:

The A M D Realty Corporation is offering its properties located at 132-134 Main Street and 13 Boughton Street, Danbury, Conn., for lease. This property adjoins on two sides the City of Danbury property presently occupied by the Danbury Police Department. Before we list the properties with a broker, we wish to make it available for lease to the City of Danbury.

The property consists of a one story building of approximately 12,600 sq. ft. and additional unimproved land of approximately 23,800 sq. ft. for parking or other uses. The property has 75 ft. frontage on Main Street and 60 ft. frontage on Boughton Street.

We are offering a Ten (10) Year Lease with rent of \$5,000.00 per month for the first five (5) years and \$6,000.00 per month for the last five (5) years. The property will be available for occupancy on or about April 1, 1983.

In addition to the monthly rent as Tenant, the City of Danbury will pay all Real Estate Taxes, sewer and water charges, Taxes and assessments and fire and hazard insurance premiums. The City will provide for the payment of all utilities, including heat, snow and garbage removal. The City, as Tenant, will provide full and comprehensive liability insurance and maintain the building both interior and exterior, and all equipment and fixtures both structural and non-structural including, but not limited to, roof, plate glass windows, overhead door, heating, electrical and plumbing systems.

The subject land and buildings offer many advantages to the City of Danbury. The location adjacent to the Police Department would provide much needed additional outdoor parking for the Police Department and convenient and practical maintenance facilities in the approximately 8,200 sq. ft. garage which is presently used for automotive servicing. The approximately 4,300 Main Street frontage building may provide office space in convenient down town location.

The proposed rental fees are based upon a professional appraisal reflecting fair and equitable value.

Very truly yours,
A M D Realty Corporation



Joel M. Feinson, President

JMF:S

CC: Council President Constance McManus
City Hall
Danbury, Conn. 06810

AMD REALTY CORPORATION

136 MAIN STREET
DANBURY, CONN. 06810

December 27th,
1 9 8 2

Honorable James Dyer
Office of the Mayor
155 Deer Hill Avenue
Danbury, Conn. 06810

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The property consists of a one story building of approximately 12,600 sq. ft. and additional unimproved land of approximately 23,800 sq. ft. for parking or other uses. The property has 75 ft. frontage on Main Street and 60 ft. frontage on Boughton Street.

We are offering a Ten (10) Year Lease with rent of \$5,000.00 per month for the first five (5) years and \$6,000.00 per month for the last five (5) years. The property will be available for occupancy on or about April 1, 1983.

In addition to the monthly rent as Tenant, the City of Danbury will pay all Real Estate Taxes, sewer and water charges, Taxes and assessments and fire and hazard insurance premiums. The City will provide for the payment of all utilities, including heat, snow and garbage removal. The City, as Tenant, will provide full and comprehensive liability insurance and maintain the building both interior and exterior, and all equipment and fixtures both structural and non-structural including, but not limited to, roof, plate glass windows, overhead door, heating, electrical and plumbing systems.

The subject land and buildings offer many advantages to the City of Danbury. The location adjacent to the Police Department would provide much needed additional outdoor parking for the Police Department and convenient and practical maintenance facilities in the approximately 8,200 sq. ft. garage which is presently used for automotive servicing. The approximately 4,300 Main Street frontage building may provide office space in convenient down town location.

The proposed rental fees are based upon a professional appraisal reflecting fair and equitable value.

Very truly yours,
A M D Realty Corporation

Joel M. Feinson, President

JMF:S

CC: Council President Constance McManus
City Hall
Danbury, Conn. 06810

✓
16

JONES, DAMIA, WELLMAN, KAUFMAN & BOROFSKY

LAW PARTNERS

WILLIAM R. JONES
A. PETER DAMIA
ERIC N. WELLMAN
SANFORD DEAN KAUFMAN *
MARVIN BOROFSKY
DEBORAH L. NEMETH

December 14, 1982

2 MAIN STREET
P. O. BOX 1090
DANBURY, CONN. 06810-1090
AREA CODE 203
PHONE 744-1313

* MEMBER OF CONNECTICUT
AND NEW YORK BARS

Common Council of the City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Members of the Common Council:

This office represents Thomas F. Moffitt, Jonathan J. Seaman and Rita B. Weller, who have recently purchased some property on Great Plains Road from St. James Episcopal Church. St. James Episcopal Church acquired said property from Carolyn R. Hawley.

During the time that Carolyn R. Hawley owned the property, Great Plains Road was relocated at its juncture with Hawley Avenue as you can see from a copy of the State of Connecticut map enclosed herein. Carolyn R. Hawley and the subsequent holder of title, St. James Episcopal Church, owned the property on both sides of the old Great Plains Road.

On behalf of my client, I would like to request that the City of Danbury abandon so much of the former Great Plains Road as lies between Hawley Avenue and I-84 right of way. The portion of the road to be abandoned would be described as follows:

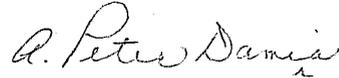
- Northerly: By the State of Connecticut right of way for I-84.
- Easterly: By Parcel #2 as shown on a certain map entitled "Town of Danbury Map Showing Land to be Released to Carolyn R. Hawley by the State of Connecticut Yankee Expressway Scale 1" = 40', November, 1962 Howard S. Ives, Highway Commissioner." Being land of Thomas F. Moffitt, Jonathan J. Seaman and Rita B. Weller;
- Southerly: By the former Great Plains Road now being the extension of the right of way for Hawley Avenue;
- Westerly: By land of Thomas F. Moffitt, Johathan J. Seaman and Rita B. Weller shown on said map by the State

December 14, 1982

of Connecticut as land of Carolyn R. Hawley
and Parcel #1.

Since the only party affected by said abandonment is the
petitioner, I can perceive of no objections to this abandonment.

Very truly yours,

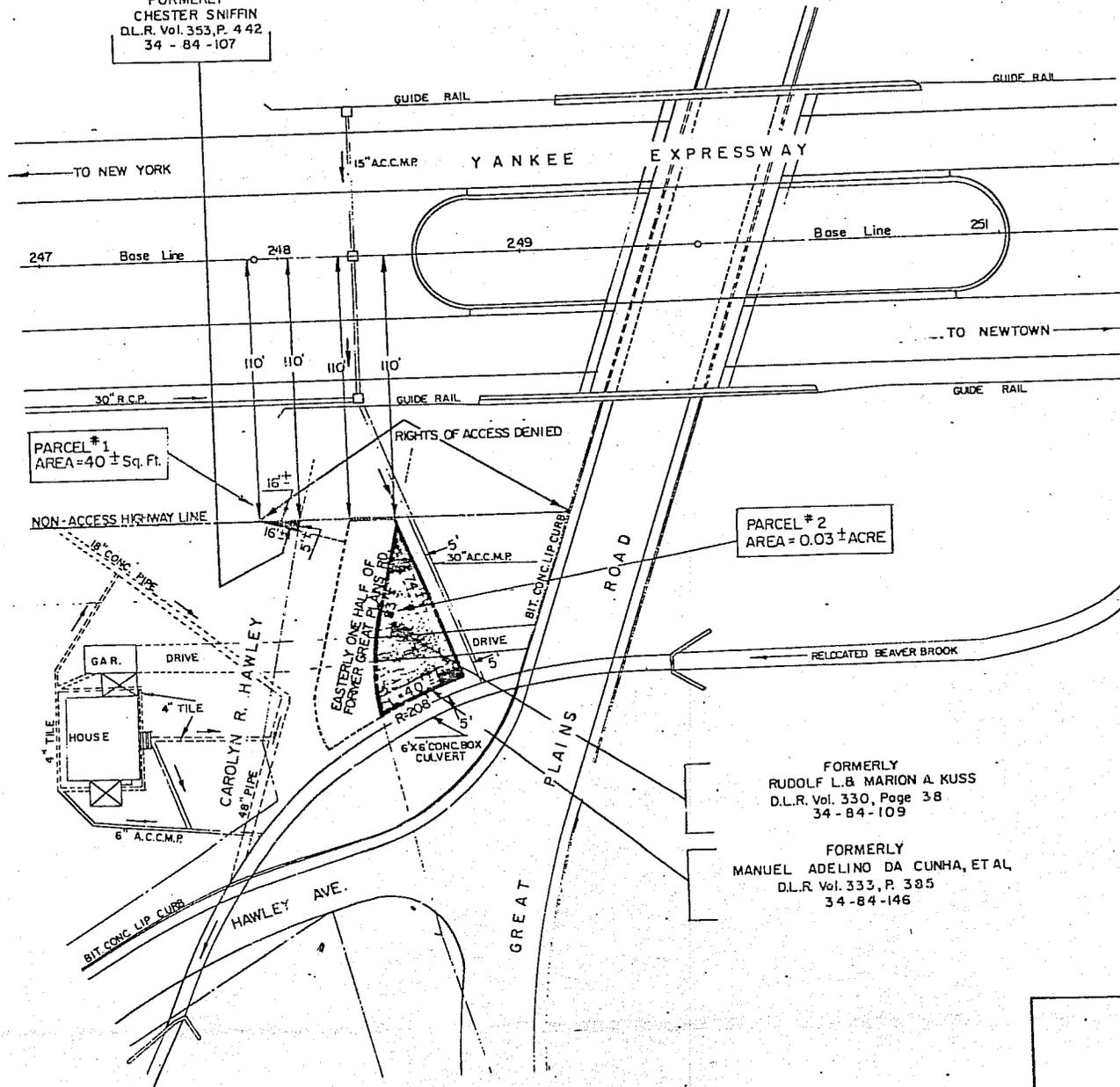


A. Peter Damia

APD:jmr

Enc.

FORMERLY
CHESTER SNIFFIN
D.L.R. Vol. 353, P. 442
34 - 84 - 107



PARCEL #1
AREA = 40 ± Sq. Ft.

PARCEL #2
AREA = 0.03 ± ACRE

FORMERLY
RUDOLF L. & MARION A. KUSS
D.L.R. Vol. 330, Page 38
34 - 84 - 109

FORMERLY
MANUEL ADELINO DA CUNHA, ET AL
D.L.R. Vol. 333, P. 385
34 - 84 - 146

SCHEDULE A

THIS MAP CONFORMS TO CLASS D
OF CODE OF CONNECTICUT
TECHNICAL COUNCIL, INC.

TOWN NO. 34
PROJECT NO. 84
SERIAL NO. 109A
SHEET 1 OF 1

I HEREBY CERTIFY THAT THIS MAP
IS SUBSTANTIALLY CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF
William D. Reynolds
TITLE ENGINEER BOUNDARY SURVEYS
DATE NOVEMBER 15, 1962

TOWN OF DANBURY
MAP SHOWING LAND TO BE RELEASED TO
CAROLYN R. HAWLEY
BY
THE STATE OF CONNECTICUT
YANKEE EXPRESSWAY
SCALE 1" = 40'
NOVEMBER 1962
HOWARD S. IVES
HIGHWAY COMMISSIONER

17

CHAN & MITCHELL
ATTORNEYS AT LAW
107 SOUTH STREET
POST OFFICE BOX 119
DANBURY, CONNECTICUT 06810

JACKIE CHAN

(203) 748-2299

DONALD A. MITCHELL

December 17, 1982

Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Petition for Acceptance of Roads
Westminster Woods Subdivision
Cannonball Drive and Marc Road

To the Common Council for the City of Danbury:

Please be advised that this law firm represents Mr. Eugene Grenier with regard to the development of his Danbury subdivision, Westminster Woods, at Cannonball Drive and Marc Road. Please consider this letter as a formal petition by Mr. Grenier to the City of Danbury for the acceptance of the subject roads in the subdivision by the City of Danbury for ownership, care and maintenance. It is our understanding that, with the exception of driveway aprons, the roads are satisfactory to the City Engineer's office. The petitioner proposes that a reasonable bond be posted by him to ensure the installation of driveway aprons as each building lot is marketed and sold.

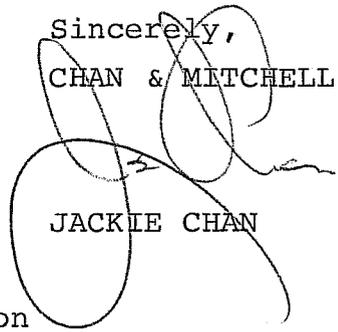
We further understand that the requisite "as-built" plans have been delivered to the City Engineer and approval has been given by the Danbury Tree Warden for the planting of trees pursuant to the subdivision regulations.

We would appreciate it if the proper action is taken with regard to this petition by reference to the appropriate Common Council Committee, etc.

Page 2
December 17, 1982

Thank you for your most valuable time and cooperation.

Sincerely,
CHAN & MITCHELL

A handwritten signature in black ink, appearing to be 'Jackie Chan', is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

JACKIE CHAN

JC/pd
cc: Danbury Planning Commission

18



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

I respectfully request an ad hoc committee to review a local hiring ordinance.

I believe that it is important for us to ensure that qualified local people will be used in construction when possible, rather than let local funds be siphoned off to another town or out of State.

The City of Stamford adopted such an ordinance in 1977 and it has worked smoothly since then. I've attached a copy of that ordinance for you. Our Charter, Section 8-7, speaks of local preference in hiring, but an ordinance would more clearly establish enforcement.

With our City's unemployment rising, due to poor National economic policy, I believe that it is important for all of us to do everything possible to insure jobs for our local citizens.

I look forward to your favorable action.

Sincerely yours

James E. Dyer
Mayor

within the following zones as listed in the zoning regulations of the city:

- CC-S—Central city district south
- C-D—Designed commercial district
- B-D—Designed business district
- C-S—Shorefront commercial district
- C-I—Intermediate commercial district
- CC-N—Central city district north
- C-G—General commercial district
- C-L—Limited business district
- C-N—Neighborhood business district
- R-D—Designed residence district
- R-MF—Multiple family residence district

Outside fire limits: All other zones not included in fire districts numbered 1 and 2. (Ord. No. 220, Eff. 8-15-71)

Sec. 4-2. Penalty for violating state building code.

Any person who shall violate a provision of the State of Connecticut Basic Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or a permit or certificate issued under the provisions of the Basic Code, shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 239, Eff. 5-15-72)

Editor's note—Ord. No. 239, not being expressly amendatory of the Code, has been codified as above at the editor's discretion.

Sec. 4-3. Building board of appeals.

(a) *Created.* A building board of appeals is hereby created pursuant to the terms of Section 19-395 of the General Statutes, as amended, and Section 127.21 of the State Building Code.

(b) *Composition; terms.* The building board of appeals shall consist of five (5) members appointed by the mayor of the
Supp. No. 11

City of Stamford, who each shall serve a five (5) year term, or until his successor has been appointed, except that respecting the initial appointees, one member shall be appointed for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one year.

(c) *Appointment.* All appointments to the building board of appeals shall be subject to approval by the board of representatives.

(d) *Qualifications; organization.* Qualifications of board members and organization of the board shall be as provided in the state building code. (Ord. No. 255, Eff. 12-18-72)

Editor's note—Ord. No. 255, not expressly amendatory of the Code, has been included as § 4-3 by the editors.

Secs. 4-4—4-18. Reserved.

ARTICLE II. LABOR STANDARDS AND CONTRACTORS' RESPONSIBILITIES FOR PUBLIC OR PUBLICLY-AIDED CONSTRUCTION*

Sec. 4-19. Employment preference to residents; required contract clause.

(a) In the employment of labor to perform the work specified in section 4-21(a) herein, preference shall be given to legal residents of the United States, who are, and continuously for at least three (3) months prior to their date of hire, have been residents of the labor market area for the City of Stamford as established by the state labor commission under 31-52(b) of the Connecticut General Statutes, and if no such qualified person is available, then to legal residents who have continuously resided in the county in which the work is to be performed for at least three (3) months prior to their date of hire, and then to legal residents of the state who have continuously resided in the state at least three (3) months prior to their date of hire. Any

**Editor's note*—Ord. No. 358, §§ 1—4, effective Aug. 29, 1977, did not specifically amend the Code. Codification herein as Art. II, §§ 4-19—4-22 was, therefore, at the discretion of the editor.

Supp. No. 11

contractor who knowingly and wilfully employs any person in violation of any provision of this subsection shall be fined one hundred dollars (\$100.00) for each week or fraction of a week each such person is employed.

(b) Each contract specified in section 4-21(a) herein, shall contain the following provisions:

"In the employment of labor to perform the work specified herein, preference shall be given to legal residents of the United States, who are, and continuously for at least three (3) months prior to their date of hire have been, residents of the labor market area for the City of Stamford as established by state labor commission under 31-52(b) of the Connecticut General Statutes and if no such qualified person is available, then to legal residents who have continuously resided in the county in which the work is to be performed for at least three (3) months prior to their date of hire, and then to citizens of the state who have continuously resided in the state at least three (3) months prior to their date of hire." (Ord. No. 358, § 1, Eff. 8-29-77)

Sec. 4-20. Acceptance by contractor of article provisions; specific requirements; acceptance by organized labor; right of commission to inspect records, etc.; noncompliance; right to hearing; rules.

(a) Every person or employer, with three (3) or more persons in his employ, contracting with the City of Stamford for public or publicly-aided construction as defined in section 4-21(a) shall be deemed to have accepted the provisions of this section, and these provisions shall thereupon become part of the contract documents and shall be incorporated therein. In particular, during the performance of this contract, the contractor shall be deemed to agree as follows:

(1) The contractor, by itself or its agent, will not discriminate against any employee or applicant for employment because of race, color, religious creed,

age, sex, marital status, national origin, ancestry or physical disability, except in the case of a bona fide occupational qualification or need.

(2) The contractor will take affirmative action to make known that company's policy in this regard and to recruit and encourage all qualified persons to seek employment based on individual merit and to ensure that all qualified applicants are given employment, and that employees are treated equally during employment, without regard to their race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability. Such affirmative action and nondiscrimination shall be in respect to, but not limited to the following: Employment; terms and conditions of employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and, selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in form to be approved by the commission on human rights of the City of Stamford setting forth the provisions of this nondiscrimination clause.

(3) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability.

(b) Each labor organization supplying labor to, or having a labor contract with, a person covered by subsection (a) of this section shall be deemed to have accepted the provisions of this section. In particular, such union shall be deemed to agree as follows:

(1) The union will not discriminate against any union member or employee or applicant for union membership or employment because of race, color, religious

creed, age, sex, marital status, national origin, ancestry or physical disability, unless such action is based on a bona fide occupational qualification.

- (2) The union will take affirmative action to make known its policy in this regard and to encourage and recruit all qualified persons to seek union membership and employment based on individual merit and to ensure that all qualified applicants are given union membership and employment, and that members and employees are treated equally during union membership and employment, without regard to their race, color, religious creed, age, sex, marital status, national origin, ancestry, or physical disability. Such affirmative action and nondiscrimination shall be in respect to, but not be limited to the following: Union membership; employment, terms and conditions of employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship; and, the benefits of collective bargaining rights. The union agrees to post in conspicuous places, available to employees, its members and applicants for employment or union membership, notices in form approved by the commission on human rights of the City of Stamford setting forth the provisions of this nondiscrimination clause.

(c) The commission on human rights and/or the public works commissioner shall have the right to inspect and obtain copies of personnel, employment and other relevant records of contractors and membership, and other relevant records of unions subject to this article for the purpose of investigation to determine compliance.

(d) Upon due notice to a contractor or a union concerning which there is reasonable cause to believe noncompliance has occurred or is occurring, the commission on human rights is empowered to hold a public hearing to determine whether or not any of the provisions of this section have been violated. In the event it is found that a contractor has

not complied with this section or with the nondiscrimination and affirmative action clauses of his contract, the commission on human rights may cancel, terminate or suspend such contract in whole or in part and the contractor may be declared ineligible for further city contracts until such time as the commission shall certify that the contractor is in compliance and such other sanctions may be imposed and remedies invoked as provided by law or rule or regulation promulgated thereunder. In the event it is found that a union has not complied with this section, the commission may direct it to take steps to achieve compliance or be disqualified from furnishing labor to contractors subject to this section, or such other sanctions may be imposed and remedies invoked as provided by law or by rule or regulation promulgated thereunder.

(e) The commission on human rights is hereby authorized to adopt, publish, amend and rescind rules and regulations consistent with and in furtherance of the provisions of this section, and to subpoena witnesses and require the production of documents to the same extent as is authorized by Section 31-125 of the Connecticut General Statutes as same may be, from time to time, amended. (Ord. No. 358, § 2, Eff. 8-29-77)

Sec. 4-21. Required contract provision regarding wages; hiring at substandard pay rates; complaint; determination of wage rate; wage and hour records; nonapplicability; "employee welfare fund" defined.

(a) Each contract for the construction, alteration or repair of any public works project by the City of Stamford or for any construction, alteration or repair project financed or subsidized in any way by the City of Stamford (including any such construction contract toward which the City of Stamford makes any cash payment, payment of in-kind services, or provision of land for construction thereon, and all contracts involved in any part of the official redevelopment plan of the City of Stamford where the plan required the City of Stamford to furnish cash, noncash equivalents

or credits, in-kind services, or any other expenditure of city staff, money or material) shall contain the following provision:

"The wages paid on an hourly basis to any mechanic, laborer or workman employed upon the work herein contracted to be done and the amount of payment of contribution paid or payable on behalf of each such employee to any employee welfare fund, as defined in subsection (h) of this section, shall be at a rate equal to the rate customary or prevailing for the same work in the same trade or occupation in the City of Stamford. Any contractor who is not obligated by agreement to make payment or contribution on behalf of such employees to any such employee welfare fund shall pay to each employee as part of his wages the amount of payment or contribution for his classification on each pay day."

(b) Any person who knowingly or wilfully employs any mechanic, laborer or workman in the construction, alteration or repair of any public works project for or on behalf of the City of Stamford, or in any building or construction project financed or subsidized in any way by the City of Stamford as defined in subsection (a) at a rate of wage on an hourly basis which is less than the customary or prevailing for the same work in the same trade or occupation in said City of Stamford, or who fails to pay the amount of payment or contributions paid or payable on behalf of each such employee to any employee welfare fund, or in lieu thereof to the employee, as provided by subsection (a), shall be fined not more than one hundred dollars (\$100.00) for each offense. In addition, if it is found by the public works commissioner than any mechanic, laborer or workman employed by the contractor or any subcontractor directly on the site for the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as required by this section, the public works commissioner may, by written notice to the contractor, terminate such contractor's right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to

prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the City of Stamford for any excess costs occasioned the City of Stamford thereby. The public works commissioner shall, within two (2) days after taking such action, notify the state labor commissioner in writing of the name of the contractor or subcontractor, the project involved, the location of the work, the violations involved, the date the contract was terminated, and steps taken to collect the required wages.

(c) The public works commissioner may make complaint to the proper prosecuting authorities for violation of any provision of subsection (b).

(d) For the purpose of predetermining the prevailing rate of wage on an hourly basis and the amount of payment or contribution paid or payable on behalf of each employee to any employee welfare fund, as defined in subsection (h) and for establishing classifications of skilled, semi-skilled and ordinary labor, the commissioner of public works shall be guided by determinations made by the labor commissioner of the State of Connecticut under G.S. Section 31-53(e). If such determinations are not available, the commissioner of public works shall hold a hearing at any required time in order to make his own determination.

(e) In accordance with subsection (d), the commissioner of public works shall determine the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of such employee to any employee welfare fund, as defined in subsection (h), and the agent empowered to let such contract shall include such rate of wage and such amount of payment or contributions paid to any employee welfare fund, or in lieu thereof the amount to be paid directly to each employee therefor as provided in subsection (a) for all classifications of labor in the proposal for the contract. The rate of wage on an hourly basis and the amount of payment or contributions to any welfare fund, as defined in subsection (h), or cash in lieu thereof, as provided in subsection (a), shall, at all times, be considered as the minimum rate for the classification for which it was established.

(f) Each employer subject to the provisions of this section shall keep, maintain and preserve such records relating to the wages and hours worked by each employee and a schedule of the occupation or work classification at which each mechanic, laborer or workman on the project is employed during each workday and week, in such manner and form as the public works commissioner establishes to assure the proper payments due to such employees or welfare funds under this section.

(g) The provisions of this section shall not apply where the total cost of all work to be performed by contractors and subcontractors in connection with any project covered by this section is less than five thousand dollars (\$5,000.00).

(h) As used in this section, "employee welfare fund" means any trust fund established by one or more employers and one or more labor organizations to provide from moneys, whether through the purchase of insurance or annuity contracts, or otherwise, benefits under an employee welfare plan; provided, such term shall not include any such fund where the trustee, or all the trustees, are subject to supervision by the bank commissioner of this state or any other state, or the Comptroller of the Currency of the United States, or the Board of Governors of the Federal Reserve System; and, "benefits under an employee welfare plan" means one or more benefits or services under any plan established or maintained for employees or their families or dependents, or for both, including but not limited to medical, surgical or hospital care benefits; benefits in the event of sickness, accident, disability or death; benefits in the event of unemployment, or retirement benefits. (Ord. No. 358, § 3, Eff. 8-29-77)

Sec. 4-22. Contractors required to guarantee direct performance of certain percentage of work.

Any general contractor who bids on a job covered by section 4-21(a) above shall guarantee that he will directly perform at least thirty (30) per cent of the work with his own employees, and the apparent low bidder shall submit a letter

so certifying and stating the portion of the work and the estimated value thereof that he proposes to do with his own employees. (Ord. No. 358, § 4, Eff. 8-29-77)



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

December 17, 1982

Hon. Mayor James E. Dyer
Hon. Members of the Common Council,

Some of my colleagues and myself have been besieged by numerous complaints from property owners regarding the recent quarterly assessment levied on them in accordance with Chapter 21, Section 21-47(b) of the Code of Ordinances, "Rates charged for water service to premises for fire protection."

The intent of this section is ambiguous and its application seemingly illogical.

I request a committee to discuss this matter with the Superintendent of Public Utilities, and to clarify the situation.

Respectfully,

Russell M. Foti
Councilman, Third Ward

cc: City Clerk
Council President



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

December 17, 1982

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Hon. Members of the Common Council,

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Respectfully,

Russell M. Foti
Councilman, Third Ward

cc: City Clerk
Council President



✓ 20

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

LEONARD G. SEDNEY
Planning Director

PLANNING DEPARTMENT
797-4525

TO: Mayor James E. Dyer and
Members of Common Council

FROM: Len Sedney, Planning Director

RE: Tax Incentives for Historic and
Architecturally Significant Properties

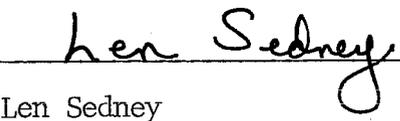
DATE: December 22, 1982

Connecticut has enacted several tax laws designed to encourage historic preservation by providing relief from property taxes. Any municipality may provide for complete or partial abatement of property taxes on structures of historic or architectural merit (CT General Statutes Sec 12-127a). To qualify for an abatement the owner of a historic property must show that the current level of taxation threatens the structure's economic viability.

Another Connecticut Statute (Section 12-65c) allows a municipality to designate rehabilitation areas in which increased property tax assessments of buildings undergoing renovation may be deferred. On completion of the work any increase in taxes attributable to the rehabilitation may be phased in over an eleven(11) year period. Often property owners fear tax increases if they improve older buildings and so let them deteriorate.

Several Connecticut Cities have adopted ordinances authorizing phased assessment. These include Hartford, New Haven, Norwalk, New Britain and Norwich. A summary of these programs is attached.

It is requested that the Common Council consider an appropriate ordinance for Danbury to preserve the City's stock of historic structures. A suggested ordinance titled "Phased Increased Assessment For Historic Properties" is included for the Council's consideration.



Len Sedney

cc: Eric Gottschalk, Assistant Corporation Counsel

18-14 Phased Increased Assessment for Historic Properties

(a) Applicability

This ordinance shall apply to all properties within the City of Danbury listed on the National Register of Historic Places or fall within the boundaries of a National Register, Historic District or any property that has been designated as historic by the Danbury Preservation Trust or any other properties or area which the Common Council shall from time to time designate by resolution as having historic or significant architectural merit in accordance with Section 12-65c through 12-65f of the General Statutes of the State of Connecticut.

(b) Eligibility for Benefits

- (1) To be eligible for the benefits provided by this ordinance an owner of property designated in Section 18-14(a) must enter into a written agreement with the City of Danbury whereby the owner of such property agrees to rehabilitate the property in accordance with such provisions of the State Building and Health Codes, the local housing code, and the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and such other guidelines as shall be established for the review and approval of the proposed rehabilitation.
- (2) In determining the eligibility for benefits provided by this ordinance and in addition to the criteria set forth above the Planning Department shall consider:
 - (a) The initial condition of the property which is the subject of the application. In considering the initial condition of the property the Planning Department shall consider the following factors:
 1. Whether the principal and/or accessory structures on the property are in need of substantial repair;
 2. Whether site features are in need of substantial repair including but not limited to driveways, sidewalks, parking areas, and site lighting;
 - (b) The extent and nature of improvements and whether they are compatible with the Danbury Plan of Development, the Subdivision and Zoning Regulations, the State Building and Health Codes and the local housing code;
 - (c) Acceptable uses for the property which is the subject of the application. The property may be used for any use permitted in the Danbury Zoning Regulations and found to be appropriate to the location of the property and the uses in the immediate vicinity;
 - (d) Whether in the case of non-residential properties the use of such property is not the highest and best use or the most economic use and the dedication of such property to a higher and better or more economic use requires repair, renovation, modernization or improvement to such property.
- (3) The determination of such criteria shall be arrived at with the advice of the Building Inspector and the Health Director.

(c) Application Procedure

- (1) Any owner of property who meets the eligibility requirements as stated in this ordinance and seeks to take advantage of the benefits available under this ordinance shall submit his/her application to the Planning Department of the City of Danbury on forms to be supplied by such Department. Such application shall include plans and outline specifications sufficient to describe the proposed rehabilitation relative to the guidelines outlined above.
- (2) The Planning Department shall review the application to make the following determinations:
 - (a) The property to be rehabilitated is in need of rehabilitation;
 - (b) The plans for rehabilitation, as submitted, meet the eligibility criteria;
 - (c) The plans for rehabilitation have been approved by a Design Review Board established for the express purpose of reviewing plans submitted in accordance with this section;
- (3) If the Planning Department determines that the application complies with the above three requirements, then the Department shall notify the Common Council of the City of Danbury that such application qualifies for the benefits available through this ordinance. If the application fails to comply with any or all of the requirements set forth above, the Department shall forward the application to the Common Council setting forth the reasons for such denial.
- (4) Upon receipt of an application from the Planning Department, the Common Council may approve the application, reject the application or return the application to the Planning Department for further consideration.
- (5) In the event of approval the Common Council shall pass a resolution authorizing the Mayor of the City of Danbury to enter into the rehabilitation agreement with the owner of the property to be rehabilitated.
- (6) Any person aggrieved by the action of the Common Council may appeal said action in accordance with Section 12-65f of the General Statutes of the State of Connecticut.

(d) Rehabilitation Agreement

- (1) The rehabilitation agreement to be signed by the property owner and the Mayor on behalf of the city shall refer to and incorporate plans and specifications depicting the rehabilitation work to be performed, shall fix the assessment of the property during the rehabilitation period as of the date of the agreement and shall specify the rehabilitation period which shall begin with the issuance of a building permit and end with the issuance of a certificate of occupancy, which in no event shall exceed the period of three(3) years.
- (2) The rehabilitation agreement shall provide that, upon completion of the rehabilitation in accordance with the terms of the agreement and upon certification by the Planning Director as hereinafter set forth, the increase in the assessment of the property due to such rehabilitation shall be deferred in accordance with the following schedule:
 - (a) During the first tax year following completion of said rehabilitation, the entire increase shall be deferred.

- (b) During each tax year thereafter, ten percent (10%) of of the increase shall be added to the assessment until one hundred percent (100%) of the increase shall be assessed.
- (3) The rehabilitation agreement shall further provide that in the event that a general revaluation of property is made by the City of Danbury in the year in which the rehabilitation is completed which results in any increase in the assessment of the rehabilitation property, only that portion of the increase attributable to such rehabilitation as determined by the Tax Assessor shall be deferred; and in the event that such a general revaluation of property is made in any year after the year in which the rehabilitation is completed, the deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.
- (4) The rehabilitation agreement shall provide that such rehabilitation shall be completed by a date fixed in such rehabilitation agreement and in the event that on the date so fixed for completion the Planning Director has denied certification that the rehabilitation has been performed in accordance with the criteria as set forth in Section 18-14 and in accordance with the terms of the Rehabilitation agreement the agreement shall terminate and further the owner of the property shall be liable for any increase in taxes since the date of the agreement for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner may apply to the Planning Department for an extension of time in which to complete the rehabilitation which for good cause shown the Planning Department may approve but in no event shall such extension of time exceed the period of one (1) year.
- (5) The rehabilitation agreement shall further provide that the agreement is contingent upon the following conditions:
- (a) That in addition to the certification requirements of subsection (d)2 the property shall be subject to inspection and certification by the Building Inspector and Health Director as being in conformance with such provisions of the State Building and Health Codes and local Housing Code as may apply.
- (b) That the deferral of assessment shall continue only as long as the property remains in the state of rehabilitation as set forth in the agreement.
- (c) That the deferral of assessment shall continue only as long as the property continues to be used for the uses specified in the agreement.
- (6) That if, after taxes on such structure have been deferred under the terms of this section, such structure is demolished or remodeled in a way which destroys its architectural or historical value, the then owner shall pay to the City of Danbury an amount equal to the total amount of taxes which had been deferred under the provisions of this section.

(e) Miscellaneous provisions

- (1) A copy of any agreement entered into under the provisions of this ordinance shall be forwarded to the Tax Collector of the City of Danbury, who shall adjust his records accordingly.
- (2) The Planning Director shall forward a copy of his certification that the rehabilitation has been performed in accordance with the rehabilitation agreement to the Assessor. In the event that the Planning Director denies such certification, he shall send a copy of his denial to the Assessor, who, shall readjust his tax records in accordance with the provisions of this section.
- (3) Any agreement entered into under the provisions of this section shall be filed with the Town Clerk for recording in the Land Records of the City of Danbury.
- (4) The Planning Department is authorized to establish procedures and technical specifications for the administration of this ordinance.
- (5) Properties that have commenced construction prior to adoption of this ordinance but have not yet received a certificate of occupancy are eligible for the benefits set forth in Section 18-14.

The Use of CGS 12-65c-f (Concerning Deferral of Increased Assessments
Due to Rehabilitation) by Several Connecticut Municipalities

1. Hartford - Mr. William Schmidt, Tax Assessor's Office. Mr. Peter Spitzner, City Plan Department.

The entire City of Hartford is designated as a rehabilitation district. The program is strictly for rehabilitation rather than new construction. The rehabilitation program is divided into three parts: residential, industrial, and commercial. Each one has its own deferral schedule.

Residential - 10 year deferral plan.* First year, entire increase is deferred. Thereafter 10% of increase is assessed against the property each year until 100% of the increase has been assessed.

Industrial - 7 year deferral plan. First year, entire increase is deferred. The second year 50% of increase is assessed, followed by 10% increments each year until 100% of the increase has been assessed.

Commercial - 5 year deferral plan. First year, entire increase is deferred. The second year, 50% of the increase is assessed. The third and fourth years, the assessment increases by 20% increments. In the fifth year, the assessment increases by the final 10%.

2. New Haven - Mr. Slattery, Real Estate Department, and Mr. Harris, Housing Department.

The entire City of New Haven is designated as a rehabilitation district. The program is strictly for rehabilitation rather than new construction. According to the eligibility criteria, rehabilitation must increase the assessment of the property by 35% or more.

Previously, the City had a 10 year program which followed the assessment formula in CGS 12-65e. In January of this year, a new 5 year deferral program was started. In the first year, the entire increase is deferred. Thereafter 20% of the increase is assessed against the property each year until 100% of the increase has been assessed.

3. Norwalk - Mr. Roderick C. Johnson, Redevelopment Director.

Only one small district is currently designated as a rehabilitation district. The program is strictly for rehabilitation rather than new construction. Norwalk's legislative body has added the stipulation that the rehabilitation be consistent with the historic and architectural character of the area.

The Norwalk deferral program is based on the formula described in CGS 12-65e.

* The 10 year plan actually takes 11 years but it is called the "10 year plan". Several other examples also count the years differently.

4. New Britain - James Mahoney, Economic Development Department.

The entire City of New Britain is designated as a rehabilitation district. The program is strictly for residential rehabilitation rather than new construction.

The New Britain deferral program is based on the formula described in CGS 12-65e.

5. Norwich - William T. Lobacz, Tax Assessor.

The entire City of Norwich is designated as a rehabilitation district. The program is strictly for rehabilitation rather than new construction.

The Norwich deferral program is based on a 7 year deferral program. In the first year, the entire increase is deferred. The increased assessment due to rehabilitation is divided by 7, and each year the assessment is increased by 1/7 until 100% of the increase has been assessed.

LAW OFFICES

ALAN M. BARRY

64 NORTH STREET
DANBURY, CONNECTICUT 06810

ALAN M. BARRY

CYNTHIA FOX HENGGELER

(203) 797-9600

December 8, 1982

COMMON COUNCIL
CITY OF DANBURY
155 Deer Hill Avenue
Danbury, Connecticut 06810

Gentlemen:

Please be advised that this office represents Messrs. Russell Dalessio and Joseph Novella, owners of property abutting White Turkey Expressway, so-called, in the city of Danbury.

The Council on July 21, 1982, after review of Common Council Sewer and Water Extension Committee Report, granted my clients' Petition for extension of sewer and water services to their parcel. In order to effectuate said service, it is necessary for the sewer and water lines to cross property of Conrail in servicing my clients' parcel.

Conrail has submitted to the Office of Corporation Counsel a License Agreement to be entered into between Conrail and the City of Danbury. Conrail will not enter directly into a license agreement with an individual and requires such contracts to be executed by the municipality where the license agreement will have effect.

On behalf of my clients, I do hereby petition the Council to take whatever steps are necessary so that said contract may be executed by the City of Danbury either by the Council, the Mayor on behalf of the City, or some other appropriate official.

In addition to enclosing a copy of the proposed License Agreement, I have taken the liberty of submitting a proposed Resolution wherein the Mayor is authorized to execute the License Agreement. I have further prepared for your consideration an agreement to be executed by and between the City of Danbury and Russell Dalessio and Joseph Novella, whereby my clients agree to indemnify and hold harmless the City of Danbury from any liability under said License Agreement when executed. I have also submitted a proposed Resolution whereby the Mayor is authorized to execute this Indemnification Agreement on behalf of the City.

COMMON COUNCIL - CITY OF DANBURY

December 8, 1982

December 8, 1982

I would appreciate the Council reviewing all of the above at its earliest possible convenience and, on behalf of my client, thank the Council for their consideration of these matters.

Very truly yours,

ALAN M. BARRY

A handwritten signature in cursive script that reads "Alan M. Barry". The signature is written in dark ink and is positioned to the right of the typed name "ALAN M. BARRY".

AMB:11

enclosures

cc: Messrs. Dalessio & Novella
Bruce Cohen, Esquire
Bobby S. Payne, Esquire

SCHEDULE A

PARCEL ONE: All that piece or parcel of land, shown on a certain map entitled, "Parcel 'B', Section One, Map prepared for Rosasco Realty Co., Inc., Danbury, Connecticut, Area = 29,782 acres", which map is certified substantially correct by Robert M. Henrici, which map is on file in the Office of the Town Clerk of the City of Danbury as Map No.5125.

PARCEL TWO: All that piece or parcel of land shown as "Parcel B 15.7167 acres" on a certain map entitled, "Map prepared for Joseph A. Novella & Russell J. Dalessio, Pocono Lane, Danbury, Connecticut, Scale 1" = 100', Dec. 12, 1972", which map is certified substantially correct by Sydney A. Rapp, Jr., which map is on file in the Office of the Town Clerk of the City of Danbury as Map No.5207.

PARCEL THREE: All the piece or parcel of land containing 1.350 acres shown on a certain map entitled, "Map prepared for Joseph A. Novella and Russell J. Dalessio, Showing property of Arthur E. Grover, et al, located off Pocono Lane, Danbury, Connecticut, Scale 1" = 100', April 30, 1973", which map is certified substantially correct by Sydney A. Rapp, Jr. and which map is on file in the Office of the Town Clerk of the City of Danbury as Map No. 6382.

EXCEPTING THEREFROM that portion of the said three parcels as shall, on or before the closing date, be determined, by survey, to be situated in any zone other than IG-80 under the Danbury Zoning Ordinance in effect as of the date of such survey, provided that Buyer shall exercise its option to so exclude such portion as hereinafter referred to.

SAID premises are to be conveyed subject to:

- 1) Any and all provisions of any ordinance, municipal regulation, public or private law, provided the same shall not be in violation.
- 2) Taxes are due the City of Danbury which shall be pro-rated as of the date of closing of title.
- 3) A pole permit to the Connecticut Light and Power Company recorded in Volume 218, Page 451 of the Danbury Land Records.
- 4) Easements to Algonquin Gas Transmission Company as of record appear; provided the same do not prevent use of the said premises for all purposes permitted by municipal regulation. For the purpose of this provision, Sellers represent that such easements do not limit the use of the said premises in any way, except that no permanent structures are premitted to be built in or over the area of such easements; such prohibition shall not be deemed to so limit the use of said premises.

SAID premises are to be conveyed together with a right-of-way for all lawful purposes, including ingress and egress, from the subject premises to White Turkey Road, a public highway, also known as Route 7 access road.

21

LICENSE AGREEMENT FOR WIRE, PIPE AND CABLE
TRANSVERSE CROSSINGS AND LONGITUDINAL
OCCUPATIONS

THIS AGREEMENT, made this 22nd day of November, 1982
between CONSOLIDATED RAIL CORPORATION, a Pennsylvania Corporation

party of the first part (hereinafter called "Railroad") and CITY OF DANBURY, a Political
Sub-Division of the State of Connecticut

, as party of the second part (hereinafter called "Licensee").

WITNESSETH, that the said Railroad (which when used herein shall include any lessor, suc-
cessor or assignee of or operator over its railroad) insofar as it has the legal right and its present
title permits, and in consideration of the covenants and conditions hereinafter stated on the part of
the Licensee to be kept and performed, hereby permits, ~~as a temporary license~~, the Licensee to con-
struct, maintain, repair, alter, renew, relocate and ultimately remove a longitudinal occupation
through the lands and under and across and along the roadway and tracks of the
Maybrook Branch of Railroad (formerly held by The New York, New Haven and Hartford
Railroad Company) as follows:

- 1) one (1) 12-inch ductile iron forced domestic water pipe encased in an 18-inch reinforced concrete pipe, entering Railroad property at Valuation Station 9388+00± and crossing under Bridge Number 90.71 to the easterly right of way, where pipeline, unencased, changes to a northerly direction and continues to Valuation Station 9386+00±, where facility leaves Railroad property; and
- 2) twin 6-inch cast iron gravity flow waste water pipes together with one (1) inlet chamber and one (1) outlet chamber, entering Railroad property at Valuation Station 9388+45±, traveling in a northerly direction to Valuation Station 9386+70±, where facility leaves Railroad property,

all located between 2875 and 3120 feet north of Mile Post 79 and at a point between 0.43 and 0.48 of a mile south of the Station of Berkshire Junction, Fairfield County, Connecticut,

in accordance with construction plans #80099 submitted by Licensee to and approved by the Chief Engineer of Railroad, incorporated herein by reference; also in accordance with current issues of Railroad Specifications Nos. CE 4 and/or CE 8; and shown on Plan No. D-761, dated November 19, 1982, marked Exhibit "A," attached hereto and made a part of this Agreement, all and any part thereof being hereafter referred to as the "FACILITIES"; said license, however, shall be under and subject to the following terms, covenants, and conditions as hereinafter recited, which are hereby accepted and agreed to, by the Licensee, to wit:

1. The Licensee shall pay to the Railroad upon the execution hereof, the sum of Five Thousand One Hundred Ten Dollars (\$ 5,110.00) as reimbursement for the rights granted in this Agreement.

2. (a) The FACILITIES shall be located, constructed and maintained in exact accordance with said construction plans and for the purpose as outlined on Page 1. No departure shall be made at any time therefrom except upon permission in writing granted by the Chief Engineer of Railroad, or his designee, provided, however, that if any commission or other regulatory body duly constituted and appointed in compliance with the laws of the State in which the crossing or occupancy herein provided is situate, and having jurisdiction in the premises, has by ruling or other general order determined and fixed the manner and means of construction, maintenance, repair, alteration, renewal, relocation or removal thereof, then said ruling or general order shall prevail for the crossing or occupancy herein mentioned.

(b) The work of constructing, maintaining, repairing, altering, renewing, relocating or removing the said FACILITIES shall be done under such general conditions as will be satisfactory to and approved by the Chief Engineer of Railroad, or his designee, and as will not interfere with the proper and safe use, operation and enjoyment of the property of the Railroad. Licensee, at its own cost and expense, shall, when performing any work in connection with the FACILITIES, furnish any necessary inspectors, flagmen or watchmen to see that men, equipment and materials are kept a safe distance away from the tracks of the Railroad.

(c) In addition to, but not in limitation of any of the foregoing provisions, if at any time the Railroad should deem inspectors, flagmen or watchmen desirable or necessary to protect its operations or property, or its employees, patrons or Licensees during the work of construction, maintenance, repair, alteration, renewal, relocation or removal of said FACILITIES of Licensee, the Railroad shall have the right to place such inspectors, flagmen or watchmen at the sole risk, cost and expense of Licensee, which covenants and agrees to bear the full cost and expense thereof and to promptly reimburse the Railroad upon demand. The furnishing or failure to furnish inspectors, flagmen or watchmen by the Railroad, however, shall not release the Licensee from any and all other liabilities assumed by the Licensee under the terms of this Agreement.

3. If the Licensee desires or is required, as herein provided, to revise, renew, add to or alter in any manner whatsoever the aforementioned FACILITIES, it shall submit plans to Railroad and obtain the written approval of the Chief Engineer of Railroad thereto before any work or alteration of the structure is performed and the terms and conditions of this Agreement with respect to the original construction shall apply thereto. In that event, Railroad reserves the right to assess additional charges.

4. (a) The Licensee shall at all times be obligated to promptly maintain, repair and renew said FACILITIES; and shall, upon notice in writing from Railroad and requiring it so to do, promptly make such repairs and renewals thereto as may be required by Railroad; or the Railroad, for the purpose of protecting and safeguarding its property, traffic, patrons or employees from damage or injury, may with or without notice to the Licensee at any time make such repairs and renewals thereto and furnish such material therefor as it deems adequate and necessary, all at the sole cost and expense of Licensee.

(b) In the event of an emergency, Licensee will take immediate steps to perform any necessary repairs, and in the event Licensee fails so to do, Railroad will perform said necessary repairs at the sole cost and expense of Licensee.

5. (a) The supervision over the location of the construction work and inspection of the FACILITIES and the approval of the material used in construction, maintenance, repair, alteration, renewal, relocation and removal of the aforesaid FACILITIES covered by this Agreement shall be within the jurisdictional rights of the Railroad.

(b) The right of supervision over the location of the construction work and inspection of the FACILITIES from time to time thereafter by the Railroad, shall extend for an appropriate distance on each side of the property of the Railroad as the method of construction and materials used may have an important bearing upon the strength and stability of the FACILITIES over, under, upon, or in the property of the Railroad.

6. Licensee shall comply with all Federal, State and local laws, and assume all cost and expense and responsibility in connection therewith, without any liability whatsoever on the part of the Railroad.

7. (a) It is understood between the parties hereto that the operations of the Railroad at or near said FACILITIES involve some risk, and the Licensee as part of the consideration for this license hereby releases and waives any right to ask for or demand damages for or account of loss of or injury to the FACILITIES (and contents thereof) of the Licensee that are over, under, upon, or in the property and facilities of the Railroad including the loss of or interference with service or use thereof and whether attributable to the fault, failure or negligence of the Railroad or otherwise.

(b) And the Licensee also covenants and agrees to and shall at all times indemnify, protect and save harmless the Railroad from and against all cost or expense resulting from any and all losses, damages, detriments, suits, claims, demands, costs and charges which the said Railroad may directly or indirectly suffer, sustain or be subjected to by reason or on account of the construction, placement, attachment, presence, use, maintenance, repair, alteration, renewal, relocation or removal of said FACILITIES in, on, about or from the premises of Railroad whether such losses and damages be suffered or sustained by the Railroad directly or by its employees, patrons, or licensees, or be suffered or sustained by other persons or corporations, including the Licensee, its employees and agents who may seek to hold the Railroad liable therefor, and whether attributable to the fault, failure or negligence of the Railroad or otherwise, except when proved by Licensee to be due directly to the sole negligence of the Railroad.

(c) If a claim or action is made or brought against either party and for which the other party may be responsible hereunder in whole or in part, such other party shall be notified and permitted to participate in the handling or defense of such matter.

8. All cost and expenses in connection with the construction, maintenance, repair, alteration, renewal, relocation and removal of said FACILITIES shall be borne by the Licensee, and in the event of work being performed or material furnished by Railroad under the stipulated right to perform such work of construction, maintenance, repair, alteration, renewal, relocation or removal under any section hereof, Licensee agrees to pay to the Railroad the actual cost of material plus the current applicable overhead percentages for storage, handling, transportation, purchasing and other related material management expenses and the actual cost of labor plus the current applicable overhead percentages as developed and published by the accounting department of Railroad for fringe benefits, payroll taxes, administration, supervision, use of tools, machinery and other equipment, supplies, employers liability insurance, public liability insurance, and other insurance, taxes and all other indirect expenses. It is to be understood that the aforementioned material and labor overhead charges are to be applied at the rates which are effective at the time of the performance of any work by employees of the Railroad on the said FACILITIES. Licensee agrees to pay such bills within thirty (30) days of the presentation thereof by Railroad.

9. The Licensee shall, at its sole cost and expense, upon request in writing of the Railroad, promptly change the location of said FACILITIES covered by this Agreement, where located over, upon or in the property and facilities of the Railroad, to another location, to permit and accommodate changes of grade or alignment and improvement in or additions to the facilities of the Railroad upon land now or hereafter owned or used by the Railroad to the intent that said construction shall at all times comply with the terms and conditions of this Agreement with respect to the

original construction; or in the event of the lease, sale or disposal of the premises or any part thereof encumbered by this license, then the said Licensee shall make such adjustments or relocations in its facilities as are over, upon or in the property and facilities of the Railroad as may be required by the said Railroad or its grantee; and if the Licensee shall fail or refuse to comply therewith, then the duly authorized agents of the Railroad may make such repairs or adjustments or changes in location and provide necessary material therefor.

10. Upon termination of this Agreement or upon the removal or abandonment of the FACILITIES covered hereby, all the rights, title and interest of the Licensee hereunder shall cease and determine, and this instrument shall thereupon become and be null and void, without any liability on the part of either party to the other party except only as to any liability accrued prior thereto, and the Licensee shall remove its said FACILITIES and appurtenances from Railroad property and right-of-way, and all property of the Railroad shall be restored in good condition and to the satisfaction of the Railroad. If the Licensee fails or refuses to remove its FACILITIES and appurtenances under the foregoing conditions, the Railroad shall be privileged to do so at the cost and expense of the Licensee, and the Railroad shall not be liable in any manner to the Licensee for said removal.

11. In the event the FACILITIES consist of an underground occupation, Licensee will be responsible for any settlement caused to the roadbed, right of way and/or tracks, facilities, and appurtenances of the Railroad arising from or as a result of the installation of the said FACILITIES for a period of one (1) year subsequent to the date of completion of the installation, and Licensee agrees to pay to Railroad on demand the full cost and expense therefor.

12. In the event the said FACILITIES consist of electrical power or communication wires and/or appurtenances, the Licensee shall at all times be obligated promptly to remedy any inductive interference growing out of or resulting from the presence of its FACILITIES; and if the Licensee should fail so to do, then Railroad may do so, and the Licensee agrees to pay to Railroad on demand the full cost and expense therefor.

13. As part of the consideration of the within Agreement, Licensee covenants and agrees that no assessments, taxes or charges of any kind shall be made against Railroad or its property by reason of the construction of said FACILITIES of Licensee, and Licensee further covenants and agrees to pay to Railroad promptly upon bills rendered therefor the full amount of any assessments, taxes or charges of any kind which may be levied, charged, assessed or imposed against the Railroad or its property by reason of the construction and maintenance of said FACILITIES of Licensee.

14. The rights conferred hereby shall be the privilege of the Licensee only, and no assignment or transfer hereof shall be made, or other use be permitted than for the purpose stated on page one without the consent and agreement in writing of the Railroad being first had and obtained.

15. This Agreement shall be terminable upon mutual consent of the parties hereto, provided that this Agreement may be terminated by the Railroad upon the violation of any of the terms, covenants and conditions of this Agreement on the part of the Licensee.

16. This Agreement shall take effect as of the First day of December A.D. 1982, subject to the provisions of Paragraph 19.

17. Anything herein contained to the contrary notwithstanding, there shall be no obligation on the part of the Railroad to continue operation of the line of railroad in the vicinity of the FACILITIES to prevent the termination of the Licensee's occupation rights at any crossing or occupation covered hereunder on account of an abandonment of line or service by the Railroad; nor shall there be any obligation upon the Railroad to perfect its title in order to continue in existence the said occupation rights after such abandonment of line or service.

18. This Agreement is authorized to be entered into by Resolution, or Ordinance No. _____ Adopted _____ 19____, By _____, a Certified copy of which is attached hereto.

19. This Agreement will not become valid until the method of installation and all related matters have been approved by the Chief Engineer - Design and Construction of Railroad or his duly designated representative.

20. Automobile mileage charges incurred by aforementioned Railroad Inspectors, Flagmen or Watchmen in connection with the installation, maintenance, etc., of said facility will be based on allowances approved by The United States Government in effect at the time the expenses are incurred.

The terms of this Agreement shall be binding and effective upon all the parties hereto, and unless and until terminated, as hereinbefore provided, this Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns, subject, however, to the provisions of Article 14 of this Agreement.

IN WITNESS WHEREOF, the said parties hereto have caused this Agreement to be duly executed and delivered as of the day and year first above written.

WITNESS:

CONSOLIDATED RAIL CORPORATION

BY _____

C. E. Wogan
General Manager-Contracts

CITY OF DANBURY

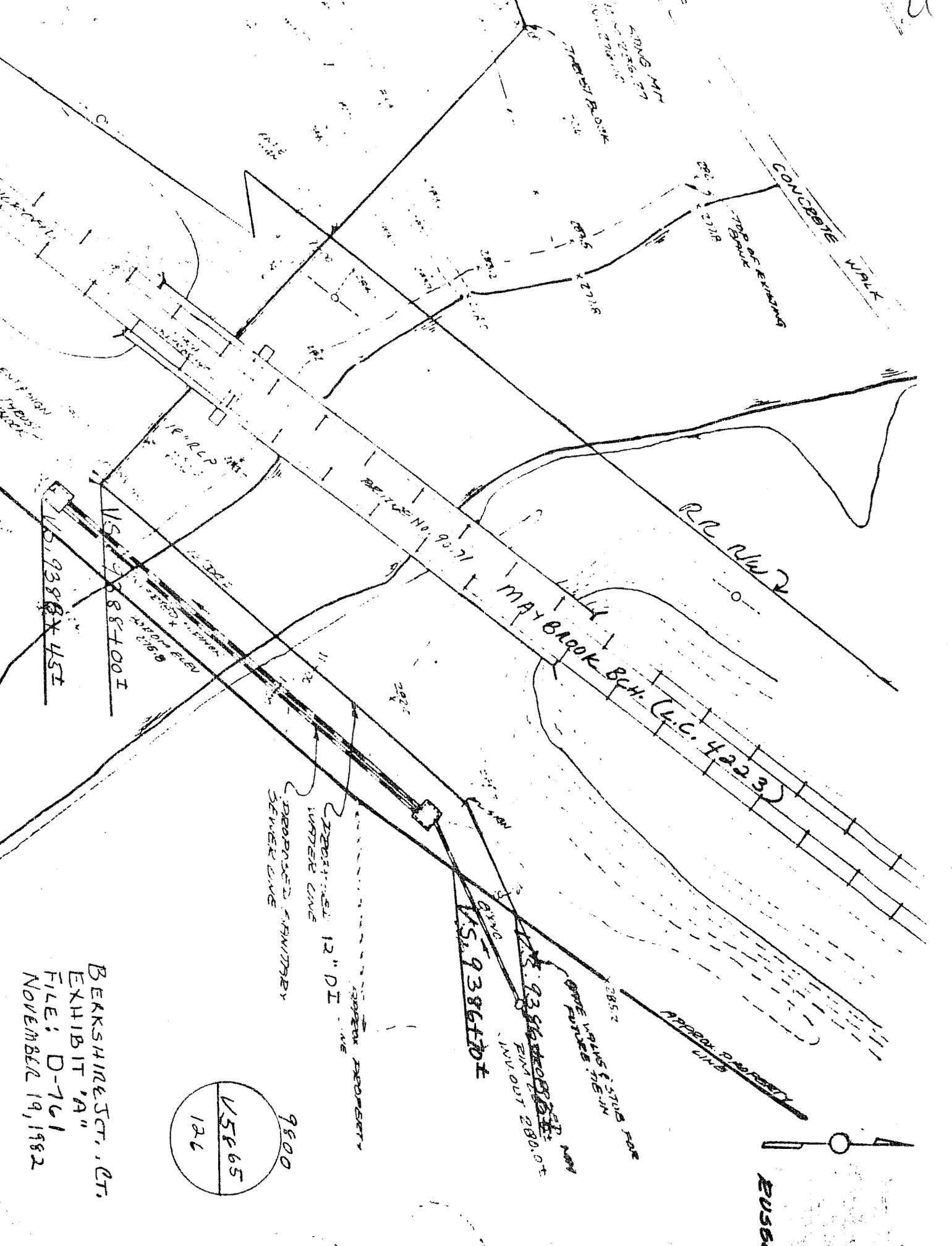
WITNESS:

BY _____

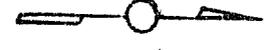
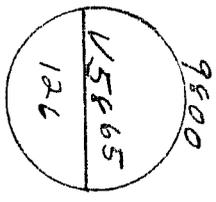
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ANY CORRESPONDENCE IN CONNECTION WITH THE CONTENTS OF THIS AGREEMENT, EXCEPT AS RELATED TO BILLING, SHOULD BE ADDRESSED TO:

CONSOLIDATED RAIL CORPORATION
1528 WALNUT STREET
PHILADELPHIA, PA. 19102
ATTN: GENERAL MANAGER - CONTRACTS



BEKSHIRE ST., CT.
 EXHIBIT 'A'
 FILE: D-761
 NOVEMBER 19, 1982



EUSS



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

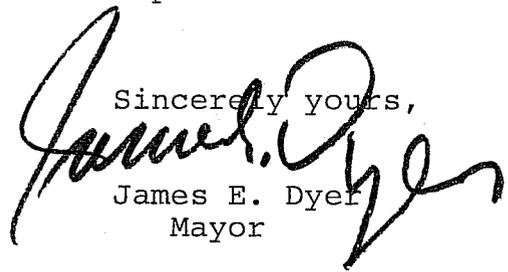
I respectfully urge your favorable consideration of a grant to the Danbury High School Booster Club for costs incurred in the installation of lighting on the D.H.S. football field.

The Booster Club has retired over half of the debt but is having difficulty sustaining many of their other worthwhile educational and sporting programs.

The original Booster Club pledge and investment was substantial and resulted in a complete revitalization of DHS football attendance.

As you may recall, we also approved funds for a complete renovation of the grandstands and the paving in front of the grandstands.

I believe that the time has come to assist the Booster Club to alleviate the balance. Outstanding citizen support of our sporting programs deserves a positive response from us. A summary of costs is attached.

Sincerely yours,

James E. Dyer
Mayor

cc: Jack Otto
Norman Winnerman
Henry Hyra

22

DANBURY HIGH SCHOOL BOOSTER CLUB PROJECT

CROTTY STADIUM LIGHTING

DATE : The Booster Club was formed in the fall of 1979

PURPOSE: To raise \$3,000 to off set a budget cut in July after purchase orders were sent out. The group was successful and raised \$3,500~~0~~ to bail the program out.

Lighting project ~~was~~ undertaken the following year because of poor attendance at day football games. The group took out a private note with the permission of the city and with a contract with the board of education. The agreement being that the lights would be sold to the city after the note had been paid off for the price of one dollar. The project was given a five year payoff date, which is pretty much on schedule as of this date.

SUMMARY OF PAYMENT:

1. The Booster Club receives half the gate receipts from each home football game. Also the High School payes a rental fee of 150 dollars for light rental.
2. The Booster Club also runs the concession stand for additional funds.
3. The Club also receives rental fees from Western Conn. State College for use of the lights.

ADDITIONAL INFORMATION: The power unit installed also provides enough electrical wiring and power for the lighting of two additional fields.

THE FOLLOWING PAGE GIVES THE PAST AND PRESENT FINANCIAL SITUATION

FINANCIAL BACKGROUND: Booster Club lighting project

ORIGINAL COST: 5 year plan

Note; 34,551.65 plus 1980 interest of 1150.57

Total: 35,702.22

| | | |
|------|-------|-----------|
| | Owed: | 35,702.22 |
| 1981 | Paid: | 5,702.22 |
| | Bal: | 30,000 |

| | | |
|------|-------|--------|
| 1982 | Owed: | 30,000 |
| | Int: | 3,600 |
| | Bal: | 33,600 |
| | Paid: | 10,000 |
| | Bal: | 23,600 |

| | | |
|------------------|-------|--------|
| 1983 | Owed: | 23,600 |
| | Int: | 2,832 |
| | Bal: | 26,432 |
| <u>Projected</u> | Paid: | 11,432 |
| | Bal: | 15,000 |

| | | |
|------|-------|--------|
| 1984 | Owed: | 15,000 |
| | Int: | 1,800 |
| | Bal: | 16,800 |

| | | |
|-------|--|--|
| 1985 | | |
| ----- | | |
| 1986 | | |

re:
JACK OTTO
Norm Wimmer
 Danbury
 Booster Club



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

The attached request for funds to purchase T-shirts for volunteers during the "Clean-Up-Danbury project", is hereby submitted for your consideration.

Very truly yours,

James E. Dyer
Mayor



23

CITY OF DANBURY
DEPARTMENT OF PARKS & RECREATION

City Hall — 155 Deer Hill Avenue

DANBURY, CONNECTICUT 06810

Robert G. Ryerson
Director

Area 203
797-4632 Ext. 330

December 20, 1982

TO: Mayor James E. Dyer and
Members of the Common Council

FROM: Robert G. Ryerson

I am requesting that \$6,500 be transferred from the Contingency Fund to the Parks & Recreation Department for the purchase of t-shirts, which will be given out to volunteers during the "Clean-Up Danbury Project."

The Parks & Recreation Commission has recommended this project to clean up the city parks early in the spring. This project was not budgeted this year. It will be a budgeted item next year.

An information packet, supplied by the commission, has been attached.

RGR:tw
Encl.

RR

TO

Have you noticed during the favorable weather after the long winter months, the amount of litter, debris, or garbage that seems to "appear" after the snow melts? It has accumulated during the cold winter months when no one feels or wants to pick it up because of weather conditions. You could hardly blame anyone in this situation.

WHAT CAN BE DONE TO ALLEVIATE THIS PREDICAMENT?

The PARKS AND RECREATION COMMISSION has proposed a program, backed by the Mayor and the Common Council, for a CLEAN-UP DANBURY DAY, to be held Sat. April 9, 1983, between the hours of 10-2. Rain date to be the following Saturday April 16.

We as a Commission would appreciate your cooperation in this Community related project. The benefits would be self-satisfaction and community pride in our Parks and Recreation areas. And needless to say, we would start cleaning up at the beginning of the recreation season and hopefully continue to remain clean until the winter months.

We as a city have lacked this kind of participation in our parks for too long a time already. We feel it is not too much to ask for your engagement and cooperation in this project. Obviously this project is geared to the voluntary participation of the individuals or groups, and age has no limitations.

We will divide the city into various sections or Neighborhood Groups so the parks or areas can be cleaned by the groups that use them. However, we know that many areas used by the general public will never be cleaned. These are the areas that organizations or groups such as yours could help.

We will provide trash bags, trucks, area supervision, and whatever else is necessary to successfully implement this project. We also expect to donate T-shirts in an allocation program to encourage participation. The T-shirts will have a clean-up slogan and symbol to complement this project.

THE SUCCESS OF CLEAN-UP DAY IN DANBURY REQUIRES A VERY POSITIVE ATTITUDE FROM EVERYONE. Further details will be forthcoming if you so desire to participate.

Sincerely,

PETER J. KRAJC/748-7064 or 744-0500
THOMAS DYER/748-1894 or 438-6531
Co-Chairmen

NOTE: Primarily this is for Parks and Recreation areas, however, this could be extended to "other" areas that need the attention that some people may desire to be included. We certainly welcome all areas of Danbury, wherever. If you are interested, please call Peter or Tom at the above phone numbers.

Tentative Pick-Up Points

North - Candlewood Town Park
(Main)

Secondary - Hatters Park
Bear Mtn.
Balmforth
D.H.S.

South - Rogers Park
(Main)

Secondary - Elmwood Park
Wooster Mtn.
Immaculate
Park Ave.

East - LIONS Playground
(Main)

Secondary - Osborne St.
Broadview
Stadley Rough
Shelter Rock

West - Lake Kenosia
(Main)

Secondary - Highland Ave.
Joe Sauer Pk.
Richter
Mill Ridge

Division of Danbury

NORTH

Candlewood Pk.
Hatters Park
Beer Mtn.
Balmforth Ave.

King St. School
D.H.S.
Pembroke
Hayestorm
H.A.T.S.

EAST

Osborne St.
Lions Plaza
Locust Ave.
Broadview
Roberts Ave.
St. Gregory
Alternate H.S.
Great Plain
Roberts Ave.
Broadview
Shelter Rock
Stadley Rough

SOUTH

Rogers Park
Wooster Mtn.
Elmwood Pk.
Old Quarry

South St.
Immaculate
Lutheran
St. Peters
Park Ave.
Rogers Pk. Jr. High

WEST

Lake Kenosia
Highland Ave.
Joe Saur Pk.
Richter Pk.

Morris St.
Mill Ridge
King St.
St. Josephs

Tentative

11/29/82

Commission Members Assigned to Areas

North

Richard Chambon
Harry Hyra

Dogwood Drive
H.S.

South

Fred Visconti
Bob Ryerson

Mountainville Avenue
Linron Drive

East

Paul Nichols
Vin Iovino

Valarie Lane
Great Plain

West

Dom Pacific
George Rivard

Virginian
Hawley Road



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER

MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

The attached request from Chief Bertalovitz of the Danbury Fire Department for additional funds for overtime wages, is hereby submitted for your consideration.

Very truly yours,

James E. Dyer
Mayor



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

FIRE DEPARTMENT
19 NEW STREET
OFFICE: 748-5260
HOME: 748-2487

JOSEPH J. BERTALOVITZ, JR., CHIEF

December 06, 1982

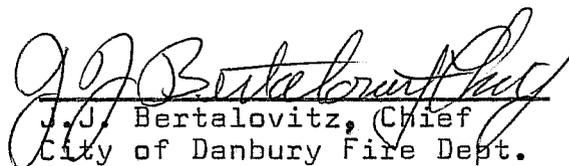
Honorable James E. Dyer
Mayor City of Danbury
155 Deer Hill Avenue
Danbury Connecticut 06810

Dear Mayor Dyer,

At present our budget will cover the next two (2) weeks overtime wages. As stated to the Courts our weekly overtime runs \$13,000. and with 29 weeks to pay out overtime a great amount of monies is being discussed.

Therefore, I respectfully request from you and the Common Council the preliminary sum of \$100,000. Hopefully this amount will be sufficient to cover our overtime wages until the Courts allow new personnel appointments to this department.

Thanking you in advance, I remain


J.J. Bertalovitz, Chief
City of Danbury Fire Dept.

JJB:i



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

JAMES E. DYER
MAYOR

January 4, 1983

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Council Members:

The attached request for funds to purchase a car for the
Planning Director, is hereby submitted for your consideration.

Very truly yours,

James E. Dyer
Mayor



25

CITY OF DANBURY

155 DEER HILL AVENUE

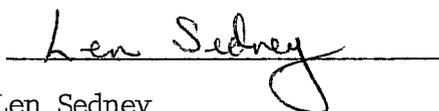
DANBURY, CONNECTICUT 06810

LEONARD G. SEDNEY
Planning Director

PLANNING DEPARTMENT
797-4525

TO: Mayor James E. Dyer
FROM: Len Sedney, Planning Director
RE: Purchase of Car
DATE: December 8, 1982

Per my conversation with Dom Setaro, I am requesting that Council give approval of the use of \$7,000 in revenue sharing funds for the purchase of a car.



Len Sedney

cc: Dom Setaro



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
THOMAS G. WEST
SANDRA V. LEHENY
ASSISTANT CORPORATION
COUNSEL

December 28, 1982

PLEASE REPLY TO:
P.O. Box 1261
DANBURY, CT 06810

Hon. James E. Dyer, Mayor
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Corporation Counsel Budget

Dear Mayor Dyer:

Information was originally provided to my office in preparation for the 82-83 budget indicating that the monthly rental lease on our copy machine would be satisfied within three or four months of the commencement of the fiscal year. I have now ascertained that said lease will continue through this fiscal year at a rental of \$109.38 per month.

In addition, we were recently obliged to obtain a service contract for said copier.

I am, therefore, requesting a transfer out of the Contingency Fund to the following accounts:

| | | |
|--------|------------------|----------|
| 024501 | Leased Equipment | \$900.00 |
| 060500 | Office Equipment | 325.00 |

Total
\$1,225.00

Very cordially yours,

Theodore H. Goldstein
Corporation Counsel

THG:cr

c: Constance A. McManus, President,
Common Council

John P. Edwards,
Director of Finance, Acting



✓
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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DEPARTMENT
OF FINANCE

December 27, 1982

TO: Common Council via Mayor James Dyer Certification #121

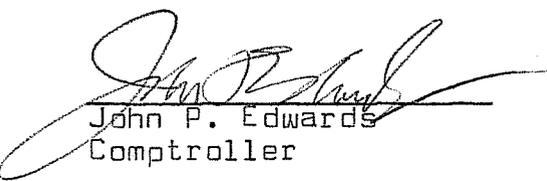
FROM: John P. Edwards

RE: Workmen's Compensation Account

Because of some "heavy" settlements involving injured police and fire fighters we are at this time requesting an additional \$35,000.00. This is lower than one year ago (\$98,300.00). However, we hesitate to ask for more than \$35,000.00 to make assurance that we will not have to again ask your indulgence. We are including a list of known charges.

We hereby certify to the availability of \$35,000.00 to be transferred from the Contingency Account to the Workmen's Compensation Account #02-09-130-073600.

| | |
|---|----------------------|
| Previous balance of Contingency Account | \$ 380,249.90 |
| Less pending requests | 19,500.00 |
| Less this request | 35,000.00 |
| Balance of Contingency Account | \$ <u>325,749.90</u> |


John P. Edwards
Comptroller

JPE/af
Enc.

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PROJECTED WORKMEN'S COMPENSATION 1982-1983

| | | |
|--------------------|---------------------------|---------------------|
| Leonard Nalley | \$ 65.00 x 27 wks. | \$ 1,755.00 |
| Evelyn Rush | 74.00 x 27 wks. | 1,998.00 |
| Joseph Biraglia | 160.00 x 27 wks. | 4,320.00 |
| Richard Balfe | 204.00 x 27 wks. | 5,508.00 |
| Katherine Straiton | 118.00 x 13 wks. | 1,534.00 |
| Elda McCormack | 247.00 x 6 mo. | 1,482.00 |
| Elsie Paquette | 662.48 x 6 mo. | 3,974.88 |
| Francis McCarthy | 126.00 x 27 wks. | 3,402.00 |
| John Lynch | 160.00 x 27 wks. | 4,320.00 |
| | | <u>28,293.88</u> |
| | Balance in account | 7,818.98 |
| | Need | <u>20,474.98</u> |
| | Based on expenses to date | 14,355.00 |
| | | <u>\$ 34,829.98</u> |

(Total Expenses 1981-82 - \$98,300.00)



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

In accordance with the resolution passed by the Common Council on December 7, 1982, a sale of firewood was held at the City Landfill. The sale was scheduled to be held on December 12th and 19th but because of the weather conditions on December 12th, it was held instead, on Dec. 19th and 21st.

A total of \$774 was raised, \$316 on Dec. 19th and \$458 on Dec. 21st. All of the firewood was sold. The Council leadership, along with Dan Garamella and Byron Johnson met on Dec. 22, 1982 at 4:00 P.M. and presented \$274 to Leo McIllrath for the Dorothy Day Hospitality House and \$500 to J. Farrer of the Hat City Detachment of the Marine Corps League.

Both organizations were very appreciative and pledged to use the money to purchase Christmas gifts for needy Danbury children.

Respectfully submitted

Constance McManus
Common Council President

COMMON COUNCIL SEWER & WATER EXTENSION COMMITTEE REPORT

Date: January 4. 1983

To: Honorable Mayor James E. Dyer
Honorable Members of the Common Council

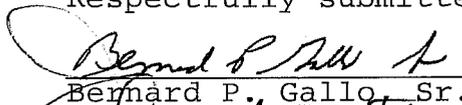
Re: Request of Equity Investment Associates for Sewer & Water - 148 Old Brookfield

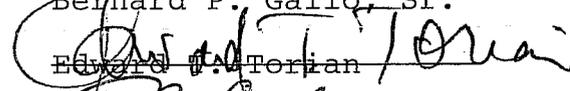
The Sewer and Water extension committee of the Common Council has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

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

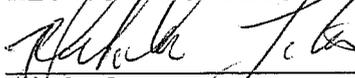
1. The petitioner shall bear all costs relative to the installation of said sewer and water lines.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer and 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 sewer and water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.
Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and water lines.

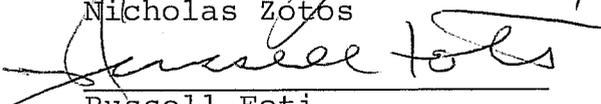
Respectfully submitted


Bernard P. Gallo, Sr. Chairman


Edward W. Torian


Richard B. Elder


Nicholas Zotos


Russell Foti

COMMON COUNCIL SEWER & WATER EXTENSION COMMITTEE REPORT

Date: January 4. 1983

To: Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Request of Equity Investment Associates for Sewer & Water - 148 Old Brookfield

The Sewer and Water extension committee of the Common Council has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

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 and water lines.
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.
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5. That upon completion of installation, title to said sewer and 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 sewer and water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.
Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and water lines.

Respectfully submitted

Bernard P. Gallo, Sr. Chairman

Edward T. Torian

Richard B. Elder

Nicholas Zotos

Russell Foti



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council
City of Danbury, Connecticut

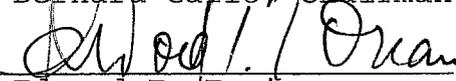
Re: Request of Gas Realty Company and Colonial Ford of Danbury Inc.
92-96-126 Federal Road.

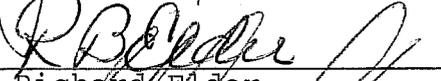
The Sewer & Water Extension committee of the Common Council met on December 13, 1982 at 7:30 O'Clock P.M. in room 432 at City Hall. After meeting with the City Engineer, J. Schweitzer and reviewing a recommendation for approval from the Planning Commission, this committee recommends approval of a lateral sewer line for Gas Realty Company and Colonial Ford of Danbury Inc. for 92-96-126 Federal Road. with the following conditions:

1. The owner shall bear all costs relative to the installation of said line.
2. The existing line as well as the proposed line shall remain privately owned, and maintained.
3. The owner shall execute and record a written agreement between the owner and the City of Danbury in a form satisfactory to the Corporation Counsel of the City of Danbury providing for all necessary maintenance and replacement of said lines at the expense of the owner.
4. No Certificate of Occupancy shall be issued for property to be served by the proposed lines until the Corporation Counsel has approved all documents relative hereto.

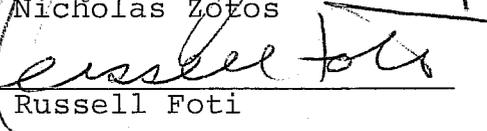
Respectfully submitted


Bernard Gallo, Chairman


Edward T. Torian


Richard Elder


Nicholas Zotos


Russell Foti



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Request of Gas Realty Company and Colonial Ford of Danbury Inc.
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Respectfully submitted

Bernard Gallo, Chairman

Edward T. Torian

Richard Elder

Nicholas Zotos

Russell Foti



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1982

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Petition for a Sanitary Sewer on Woodside Ave.

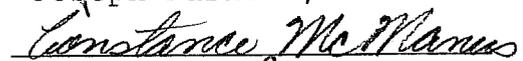
The Public Works Committee studied a request to install a sanitary sewer line on a portion of Woodside Avenue. This area had been dropped from the sewer project in this area previously because of the negative response from property owners. The committee instructed the Engineering Department to conduct another survey of the property owners on the proposed route.

The results of this survey again proved to be negative. Fifty-three percent of those responding indicated they would not be in favor of a sewer installation. Twenty-nine percent voted yes, and eighteen percent did not respond.

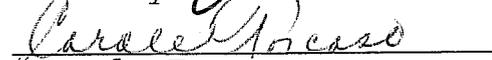
In light of the results of the latest survey, the Public Works Committee voted to recommend that a sanitary sewer not be approved for the Woodside Avenue area at this time.

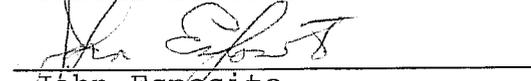
Respectfully submitted

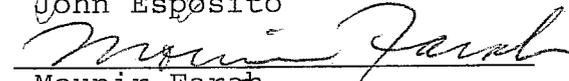

Joseph DaSilva, Chairman

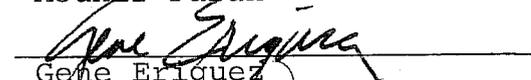

Constance MoManus


Anthony Cassano


Carole Torcaso


John Esposito


Mounir Farah


Gene Enriquez



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1982

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Petition for a Sanitary Sewer on Woodside Ave.

The Public Works Committee studied a request to install a sanitary sewer line on a portion of Woodside Avenue. This area had been dropped from the sewer project in this area previously because of the negative response from property owners. The committee instructed the Engineering Department to conduct another survey of the property owners on the proposed route.

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Respectfully submitted

Joseph DaSilva, Chairman

Constance McManus

Anthony Cassano

Carole Torcaso

John Esposito

Mounir Farah

Gene Eriquez



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

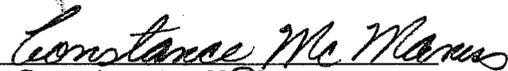
Re: Acceptance of Deer Run Trail

The Public Works Committee reviewed a request to accept Deer Run Trail as a City Highway. The committee held an on-site inspection of this street. A Planning Commission report recommended approval as well as an engineering department report which stated all specifications were met.

The Public Works committee therefore recommends the acceptance of Deer Run Trail as a City Highway.

Respectfully submitted

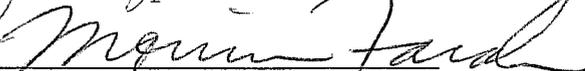

Joseph DaSilva, Chairman


Constance McManus


Anthony Cassano


Carole Trocasso


John Esposito


Mounir Farah


Gene Enriquez



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

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Respectfully submitted

Joseph DaSilva, Chairman

Constance McManus

Anthony Cassano

Carole Trocaso

John Esposito

Mounir Farah

Gene Enriquez

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

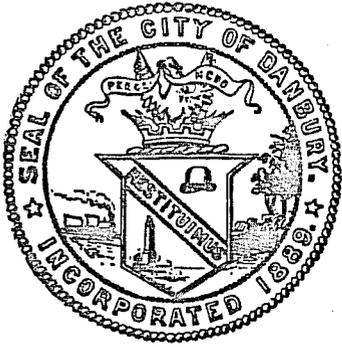
January 4, 1983 A. D., 19



RESOLVED by the Common Council of the City of Danbury:

THAT DEER RUN TRAIL be accepted as a Public Highway in the City of Danbury subject to the following conditions:

A Deed and Certificate of Title, in form satisfactory to the Office of the Corporation Counsel, to be delivered to the City of Danbury.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

January 4, 1983 A. D., 19

RESOLVED by the Common Council of the City of Danbury:

THAT DEER RUN TRAIL be accepted as a Public Highway in the City of Danbury subject to the following conditions:

A Deed and Certificate of Title, in form satisfactory to the Office of the Corporation Counsel, to be delivered to the City of Danbury.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

The Public Works Committee reviewed a communication from City Engineer, J. Schweitzer regarding the proper name of Elizabeth Road. It appears that some records indicate the name as Elizabeth Street and some as Elizabeth Road. The most common of these being the latter.

It is therefore the recommendation of the Public Works Committee that the name Elizabeth Road be the official name of the street in question so as to clarify any question that might arise on this issue.

Respectfully submitted

Joseph DaSilva
Joseph DaSilva, Chairman

Constance McManus
Constance McManus

Anthony Cassano
Anthony Cassano

Carole Torcaso
Carole Torcaso

John Esposito
John Esposito

Mounir Farah
Mounir Farah

Gene Enriquez
Gene Enriquez



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

PUBLIC WORKS COMMITTEE REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

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Respectfully submitted

Joseph DaSilva, Chairman

Constance McManus

Anthony Cassano

Carole Torcaso

John Esposito

Mounir Farah

Gene Eriguez

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CITY OF DANBURY

OFFICE OF THE CITY CLERK

ELIZABETH CRUDGINTON
CITY CLERK

DANBURY, CONN. 06810

REPORT

January 4, 1983

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

The Common Council committee appointed to review the Richter Arts Association's request for a permanent seat on the Richter Park Authority, met on December 27, 1982 in Room 432 at 8:00 P.M.

Present were Councilmen Elder and Repole. Councilperson Eppoliti was not present. Also present were Rosalie Zurlo, President of the Richter Arts Association and Dino Storoni, Chairman of the Richter Park Authority.

Ms. Zurlo explained that although both the Arts Association and the Park Authority used the park facilities (Particularly the house, grounds and parking lot). There was no written agreement which guaranteed the Arts Association access to these facilities.

Since the Arts Association had invested time and money in making improvements to the house, it feels there should be a more formal agreement. As a first step in this direction, the Arts Association is requesting a permanent seat on the Richter Park Authority.

Mr. Storoni expressed agreement with the goal of the Arts Association and saw no problem with having one member of the authority be from the Arts Association. He pointed out however, that future policy governing the use of Richter Park facilities would be determined by majority vote and that one seat guaranteed only one vote.

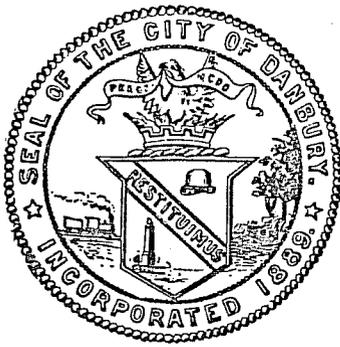
The members of the committee felt that it would be desirable to have formal representation of the Richter Arts Association on the Richter Park Authority so that the long range planning of the two groups could be coordinated. Councilman Repole moved that the committee recommend to the Council that the amended Ordinance as shown in the attachment be adopted. Councilman Elder seconded the motion which was passed unanimously.

Respectfully submitted


Richard Elder, Chairman

Diane Eppoliti


Frank Repole



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

THAT Sec. 13A-13 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

The Mayor of the City with the approval of a majority of the Common Council shall select and appoint the members of the commission of said authority which shall consist of nine (9) members. Among the members so appointed shall be One member of the executive board of the Stanley L. Richter Association for the Arts, Inc. One of the appointees selected by the Mayor shall be a person nominated by Irene Myers Richter, so long as she shall live, or upon her death, nominated by Ann Myers Williams, now or formerly of Westport, Connecticut. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members, two (2) years, and of the last three (3) initial members, three (3) years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

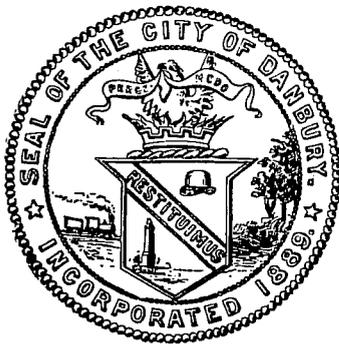
The Common Council held a public hearing on the Itinerant Vendor and Peddler Ordinance, on May 20, 1982 at 8:00 P.M. in the Council Chambers.

The Council met as a committee of the whole on May 20, 1982 after the public hearing and on December 9, 1982 at 8:00 P.M.

The committee recommends that the Ordinance on Itinerant Vendors be adopted as submitted.

Respectfully submitted

Constance McManus
Council President



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

January 4, 1983

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

THAT Sections 11-2 and 11-5 of the Code of Ordinances of Danbury, Connecticut are hereby repealed; and

That Section 11-4 of the Danbury Code of Ordinances is hereby amended to read as follows:

Section 11-4. Itinerant Vendors and Peddlers.

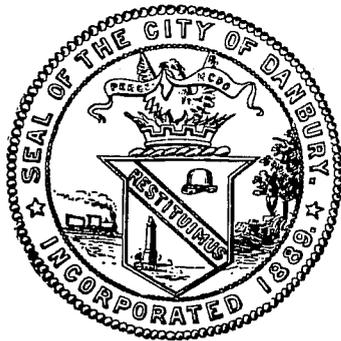
(A) Definitions.

(1) Itinerant Vendor shall mean any person, whether principal or agent, who engages in a temporary or transient business, either in one location or traveling from place to place, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies any building or structure in the city for the exhibition and sale of such goods, wares and merchandise.

(2) Peddler shall mean any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle.

(3) Temporary or transient business shall mean any exhibition and sale of goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place shall be open for business during usual business hours for a period of at least nine (9) months in each year.

(B) License Required; Issuance. No itinerant vendor or peddler as hereinabove defined, except those exempt under the General Statutes of the State of Connecticut, shall be permitted to conduct business within the City of Danbury without first obtaining a license. The Chief of Police of the City of Danbury or his designee may authorize the Town Clerk of the City of Danbury to issue a license to any itinerant vendor or peddler authorizing such itinerant vendor or peddler to barter, sell, to exhibit for the sale of, or to exhibit for the purpose of taking orders for the sale of, his goods or merchandise in the City of Danbury provided such itinerant vendor or peddler shall have fully complied with the provisions hereof and shall have made payment of the sum of Two Hundred and Fifty (\$250.00) Dollars to the Town Clerk of the City of Danbury for said license.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

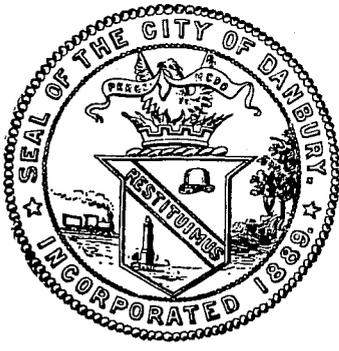
Be it ordained by the Common Council of the City of Danbury:

(3) The provisions of this section relating to peddlers shall not apply to sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sale on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

(D) Application; Documentation to be Provided. The itinerant vendor or peddler shall make application to the Chief of Police for a license at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the City of Danbury. All such applications shall be in the form of an affidavit stating:

- (1) The full name and address of the itinerant vendor or peddler;
- (2) The location of his or its principal office and place of business;
- (3) The names and addresses of all agents and employees of the itinerant vendor or peddler who will represent the itinerant vendor or peddler in Danbury as salesmen;
- (4) The kind and character of the goods or merchandise to be bartered, sold, offered for sale or exhibited;
- (5) The period during which the applicant intends to solicit orders.

Before any license, as herein provided, shall be issued to any itinerant vendor or peddler such applicant shall file with the Town Clerk an instrument nominating and appointing the Town Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice of process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

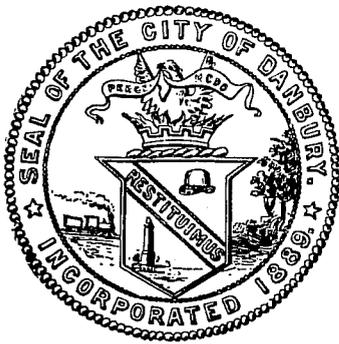
of such acknowledgment of service or manner of service. Immediately upon service of process upon the Town Clerk, as herein provided, the Town Clerk shall send to the licensee at his last known address, by registered mail, return receipt requested, a copy of said process

Applicants for an itinerant vendor's license, when applying for such license, must show conclusive proof of possession of a State of Connecticut sales and use tax permit and a State of Connecticut vendor's permit. Applicants for a peddler's license, when applying for such license, must show conclusive proof of possession of a State of Connecticut sales and use tax permit.

No license shall be issued to any person included in the provisions of this section whose business requires, or who uses in his business, any measure, weight or scale, until such person shall present to the Chief of Police a certificate from the Sealer of Weights and Measures of the City of Danbury attesting that said measures, weights or scales have been tested by said Sealer of Weights and Measures and found to be accurate.

No licenses shall be issued to any corporation pursuant to the provisions hereof until the Town Clerk of the City of Danbury has been provided with a certificate issued by the State of Connecticut attesting to the good standing of said corporation.

(E) Bonds. Before any license, as provided by this ordinance, shall be issued for engaging in peddling or any temporary or transient business as defined herein, such applicant shall file with the Town Clerk a bond running to the City of Danbury in the sum of One Thousand (\$1,000) Dollars executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Connecticut, conditioned upon full compliance by the applicant with all of the provisions of the ordinances of the City of Danbury and the Statutes of the State of Connecticut, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

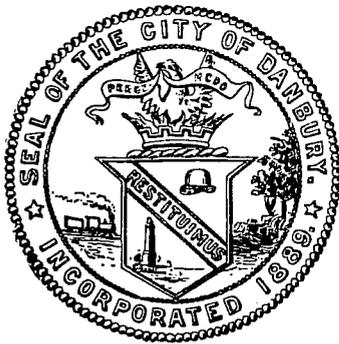
with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved person. Such bond must be approved by the Corporation Counsel both as to form, and as to the responsibilities of the sureties thereon. Said bond will be held for a period of three (3) months beyond the expiration of the license or the surrender of same to the Town Clerk of the City of Danbury.

(F) Recording. Upon payment of all fees due hereunder the Town Clerk of the City of Danbury shall record the State license of the itinerant vendor in full, shall endorse thereon the words "local license fees paid" and shall affix thereto his official signature and the date of such endorsement.

(G) Investigation; Mechanics of Issuance; Nontransferable.
No license shall be issued for a period of at least ten (10) days after the application for such has been filed nor later than three (3) months thereafter, as the requirements of a reasonable investigation may dictate. Upon approval of the applicant for a license, the Police Department shall retain the original application and return to the applicant the duplicate printed copy. The license shall not be transferable. The license must be signed by the Town Clerk of the City of Danbury. The Chief of Police, or his designee, may refuse to authorize the issuance of such license; (1) if the applicant has given false or misleading information on his application; (2) if the applicant fails to give all information required herein; (3) if the applicant has been adjudged by any court to have been involved in or been a participant in any fraudulent action of any type or description, civil or criminal.

(H) Grounds for Revocation. The Chief of Police may revoke a license:

- (1) If the licensee has given false or misleading information on his application; or
- (2) If the licensee or his agents or employees violate any of the provisions of this section.
- (3) If the licensee commits any fraud, misrepresentation or false statement in connection with the selling of goods, wares or merchandise.
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this ordinance in an unlawful manner or in such a manner as to constitute a breach



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

of the peace or to constitute a menace to the health, safety or general welfare of the public.

Upon revocation of the license of such itinerant vendor or peddler, such license and all permits of his employees or agents shall be delivered to the Police Department. The Chief of Police may not revoke any license issued hereunder unless the license holder is notified of his right to a hearing which notice shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing, if requested. Such notice shall be mailed postage prepaid, to the license holder, at his last known address, at least five (5) days prior to the date set for the hearing.

(I) Duration. Licenses as provided herein shall continue in effect only so long as such sale or exhibit is continuous, but in no event shall it continue beyond October 1st following the date of its issuance, provided, however, that no license issued to an itinerant vendor hereunder shall continue for a longer term than the unexpired period of the State license under which it is issued.

(J) Permits for Individual Agents and Employees of Itinerant Vendor and Peddlers.

(1) Required; Authority to Issue. All individuals who are agents and employees of itinerant vendors or peddlers shall be prohibited from conducting business within the City of Danbury until

(a) Said itinerant vendor or peddler has been issued a license by the Town Clerk of the City of Danbury; and

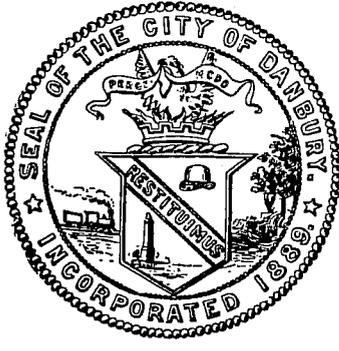
(b) Such agent and employee has obtained an individual permit from the Chief of Police or his designee. The Chief of Police or his designee shall issue any employee or agent of an itinerant vendor or peddler a permit authorizing the sale, exhibit for sale, or exhibit for the purpose of taking orders for sale, in the City of Danbury, of his goods or merchandise; but only after such employee or agent shall have fully complied with the provisions hereof and made the payment of the sum of One (\$1.00) Dollar for said permit.

(2) Notification of Chief of Police as to Additions or Deletions from List of Employees or Agents.

It is the responsibility of the itinerant vendor or peddler to notify the Chief of Police, in writing, of any additions to or deletions from the list of names of said itinerant vendors or peddlers, employees or agents.

(3) Application for Permit; Information to be Provided.

Individuals who are or will be employees or agents of



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

itinerant vendors or peddlers shall make application to the Chief of Police for a permit at least ten (10) days prior to the date of the contemplated sale or exhibit to be held in the City of Danbury, which application shall be in the form of an affidavit stating:

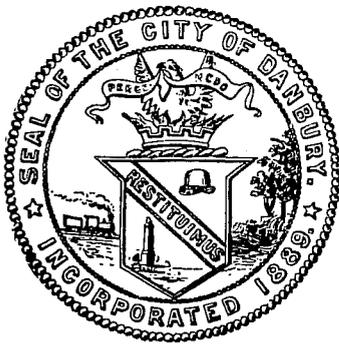
- (a) The full name and address of the itinerant vendor or peddler;
- (b) The name and address of such individual employee or agent of said itinerant vendor or peddler;
- (c) A physical description of the applicant setting forth his age, height, weight and color of hair and eyes;
- (d) Whether the applicant has been arrested or convicted of any crime and, if so, the nature of the matter and when and where it occurred;
- (e) The period during which the applicant intends to solicit; and
- (f) The full description of the motor vehicle or motor vehicles to be used, if any, while engaged in sales in the City of Danbury, including the vehicle's make, year, type and registration. In addition, when requesting an application, the applicant shall submit to the Police Department a specimen of his signature, his fingerprints, two (2) copies of a recent photograph and his Social Security number.

(4) Investigation Period; Mechanics of Issuance; Nontransferable

No permit shall be issued for a period of at least ten (10) days after the application for such has been filed nor later than three (3) months thereafter, as requirements for a reasonable investigation may dictate. The permit shall not be transferable. The permit must be signed by the Chief of Police or his designee.

(5) Grounds for Refusal. The Police Department may refuse to issue a permit:

- (a) If the applicant has given false or misleading information on his application;
- (b) If the applicant fails to give all information required in subsection (J) (3) above;
- (c) If the applicant has been convicted of a crime; or



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

(d) If the applicant's name fails to appear on his principal's application for a license.

(6) Grounds for Revocation. The Police Department may revoke a permit:

(a) If the permittee has given false or misleading information on his application;

(b) If the permittee violates any provision of this section;

(c) If the permittee's principal notifies the Chief of Police, in writing, that said permittee is no longer an agent or employee of said principal.

(d) If the permittee commits any fraud, misrepresentation or false statement in connection with the selling of goods, wares or merchandise;

(e) Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude; or

(f) Conducting the business licensed under this ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Upon revocation of a permit, the permittee shall deliver his permit to the Police Department.

(7) Duration. The permit, as provided herein, shall continue in effect only so long as the principal's license remains in effect.

(8) Display of Permit.

(a) Each permittee, while engaging in business in Danbury shall wear conspicuously on his person the badge furnished by the Chief of Police.

(b) Each permittee who uses a motor vehicle shall plainly and conspicuously display on the front windshield of such motor vehicle a sign issued by the Chief of Police indicating that such person is a licensed permittee of an itinerant vendor or peddler. Such sign shall contain the permittee's permit number, the itinerant vendor's or peddler's license number and the date of expiration of such license.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

January 4, 1983

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

(K) Exceptions to Permit Requirements.

- (1) Permits will not be required for employees or agents of:
 - (a) Wholesale merchants;
 - (b) Regularly scheduled route salesmen.
 - (c) A principal who is otherwise exempt from the provisions of this section.

~~(d) Any individual who is a business invitee.~~

(L) One-day, Twenty-four-hour Licenses for Parades. A one-day, twenty-four-hour vendor's license will be issued by the Town Clerk to itinerant vendors or peddlers or their agents engaged in the sale of various products at parades, upon written application being completed in accordance with the provisions of this ordinance and submitted [to] and approved by the Chief of Police or his designee and upon payment of a fee of Ten (\$10.00) Dollars. Badges will be issued as part of the fee and shall be displayed conspicuously by the licensee or permittee. Applicants hereunder shall be excused from compliance with subsections B, E, and F hereof.

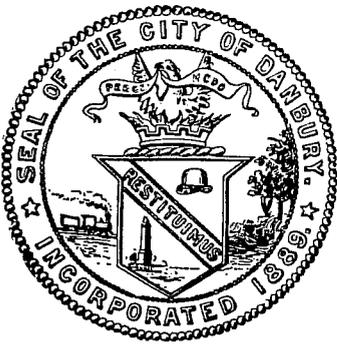
(M) Rules and Regulations.

(1) On all solicitations to sell, whether made in person, by telephone or otherwise, the permittee shall state his name, his principal's name and his permit number upon request. The permit is valid only between the hours of 9:00 a.m. and 5:00 p.m. for initial solicitations.

(2) Any sale or contract of sale which is completed without strict compliance with this section may be rescinded by the purchaser within seven (7) calendar days after execution, and all monies paid shall be promptly refunded to the purchaser, upon tender or offer of tender of the merchandise to the vendor.

(3) The vendor or peddler shall conduct himself at all times in an orderly and lawful manner.

(4) The vendor or peddler shall give a written receipt of all orders taken within the City of Danbury, which receipt shall be signed by the vendor or peddler and shall set forth a brief description of the goods, wares, merchandise or services ordered, the total purchase price thereof, and the amount of the down payment received by the vendor or peddler from the purchaser.



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

~~January 4, 1983~~

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

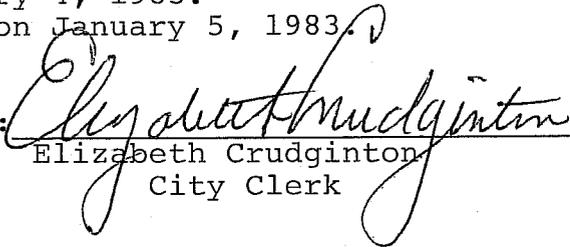
(N) Serverance Clause. If any section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, or the ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of such section, sentence clause or phrase.

(O) Penalty. Any itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares or merchandise without a license therefor as provided herein shall be fined not more than Fifty (\$50.00) Dollars or imprisoned not more than sixty (60) days or both.

Any person who engages in the business of a peddler without complying with the provisions of this ordinance shall be fined not more than Fifty (\$50.00) Dollars.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and Section 3-10 of the Charter of the City of Danbury, Connecticut

Adopted by the Common Council - January 4, 1983.
Approved by the Mayor, James E. Dyer on January 5, 1983.

Attest: 
Elizabeth Crudginton
City Clerk



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
SANDRA VILARDI LEHENY
THOMAS G. WEST

ASSISTANT CORPORATION
COUNSEL

October 27, 1982

PLEASE REPLY TO:

DANBURY, CT 06810

Councilman John A. McGarry, Jr., Chairman
Ad Hoc Committee, Common Council
City of Danbury
Danbury, Connecticut

Re: Shopping Cart Abandonment Ordinance

Dear John:

I have reviewed the ordinance prepared by your committee and offer the following suggestions:

Sec. 1. Consider either a specific fine or a maximum fine rather than a minimum.

Sec. 2. I have difficulty with an ordinance that penalizes conduct which is not under the control of the individual held accountable. In Sec. 2. of your ordinance you propose the imposition of a fine on retail establishments as the result of the conduct of its patrons. Perhaps you could achieve your aim with the addition of a notice requirement. Consider something to the effect that, "and if not retrieved within....." a certain period, say five working days that a fine will be imposed, say two dollars a day. You might also set a time limit after which the carts will be disposed of, say 30 days. You might wish to check into the retail value of one of these carts because if it's worth only \$30 there's no point in keeping it more than 15 days at \$2.00 a day.

Sec. 3. Okay.

As a final thought, I wonder whether or not you have checked with the Public Works Department to determine if they now collect these carts. If they do not, do they have the manpower to do so? If additional personnel is required, are funds available? If not, will the Council be willing to fund such activities?

Councilman John A. McGarry, Jr.
Re: Shopping Cart Abandonment Ordinance

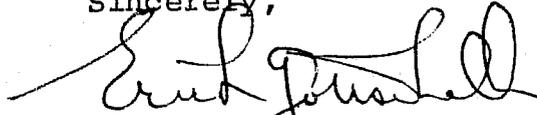
October 27, 1982

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After you have considered these items, please contact me with your conclusions and I will draft an ordinance that suits your purposes.

If you have any questions, please feel free to contact me.

Sincerely,



Eric L. Gottschalk
Assistant Corporation Counsel

ELG:cr

c: Committee Members:

Councilwoman Carole A. Torcaso
Councilman Frank Repole ✓



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
SANDRA VILARDI LEHENY
THOMAS G. WEST

ASSISTANT CORPORATION
COUNSEL

December 9, 1982

PLEASE REPLY TO:

DANBURY, CT 06810

Councilman John A. McGarry, Jr.
Common Council, City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut

Re: Shopping Cart Abandonment Ordinance

Dear John:

I have completed a draft Shopping Cart Abandonment Ordinance for your review. As I indicated to you at Tuesday night's Common Council meeting, I ran into some trouble making our ordinance fit within the requirements of State law. The most significant problem arises due to the requirement that unclaimed property be stored for six months prior to sale. The corresponding benefit is that as long as we're in the shopping cart storage business there is a chance we may be paid for it. For your information, the requirement of public auction is also a result of State law. Note that the procedure outlined in the ordinance is consistent with our present approach to unclaimed property generally.

I trust that the draft will serve your purposes. If you have any serious problems with it, however, please contact me and I will do my best.

Sincerely,

Eric L. Gottschalk
Assistant Corporation Counsel

ELG:cr

Attachment

Councilwoman Carole A. Torcaso
Councilman Frank Repole

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COMMON COUNCIL COMMITTEE REPORT

Re: Abandoned Shopping Carts.

January 4, 1983

The committee met on Sept. 22, 1982 and October 13, 1982 to discuss an Ordinance on abandonment and theft of shopping carts.

Meeting with committee members were George Sherwood, First National Store, John Deep, Deep's IGA, Dominic Licursi and John Peterson, Basics, Bob Baldwin, A&P and J. Layok, Layok's IGA.

All store owners and managers in attendance were in agreement that a lot of shopping carts are being taken from their stores and a City Ordinance is necessary. All stated carts are valued at \$100 each and some are missing as many as 18-20 a week and have problems keeping carts from leaving store property or parking lots. Each store says they have people patrolling city streets every week and pick up whatever carts belong to them. The group felt that an advertising campaign would have to be done by the city and store owners in order to effect this ordinance should it be passed. George Sherwood, First National said he would buy small portable shopping carts and discount them for Senior Citizens, etc. to take their groceries home. Corals were also discussed but ruled out because of the Conn. Fire Safety Code.

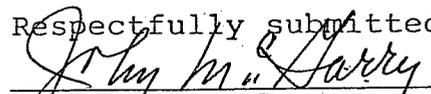
A drop off point was discussed for shopping carts picked up by the Public Works Department and it was agreed they be dropped off at the City garage and held for one week and picked up on Mondays by store owners, etc. After that time expires the public works department would take them to the landfill.

All store owners and managers agreed they would have bumper sticker size signs made up and put on each shopping cart, color of signs to be Blue and Black stating "Illegal To Remove Carts From Property" - \$15.00 fine. Also, City have police maintenance make up approximately four dozen signs, stop sign size or thereabouts with same words as cart signs and post these on the outside of their property.

After a lengthy discussion a fee of \$2.00 would be charged to the store owners for each cart picked up by the City Public Works Dept. and a \$15.00 fine to the person or persons taking the shopping carts from store property. Store owners also agreed to put spots in their weekly ads about removal of shopping carts from their property and the penalty involved.

A motion was made and seconded that a fee of \$2.00 per cart be charged to the store owners whose carts are picked up by the Public Works Dept. and a \$15.00 fine for persons or person removing carts from store property.

Respectfully submitted


John McGarry Chairman


Carole Torcaso


Frank Repole

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COMMON COUNCIL COMMITTEE REPORT

Re: Abandoned Shopping Carts.

January 4, 1983

The committee met on Sept. 22, 1982 and October 13, 1982 to discuss an Ordinance on abandonment and theft of shopping carts.

Meeting with committee members were George Sherwood, First National Store, John Deep, Deep's IGA, Dominic Licursi and John Peterson, Basics, Bob Baldwin, A&P and J. Layok, Layok's IGA.

All store owners and managers in attendance were in agreement that a lot of shopping carts are being taken from their stores and a City Ordinance is necessary. All stated carts are valued at \$100 each and some are missing as many as 18-20 a week and have problems keeping carts from leaving store property or parking lots. Each store says they have people patrolling city streets every week and pick up whatever carts belong to them. The group felt that an advertising campaign would have to be done by the city and store owners in order to effect this ordinance should it be passed. George Sherwood, First National said he would buy small portable shopping carts and discount them for Senior Citizens, etc. to take their groceries home. Corals were also discussed but ruled out because of the Conn. Fire Safety Code.

A drop off point was discussed for shopping carts picked up by the Public Works Department and it was agreed they be dropped off at the City garage and held for one week and picked up on Mondays by store owners, etc. After that time expires the public works department would take them to the landfill.

All store owners and managers agreed they would have bumper sticker size signs made up and put on each shopping cart, color of signs to be Blue and Black stating "Illegal To Remove Carts From Property" - \$15.00 fine. Also, City have police maintenance make up approximately four dozen signs, stop sign size or thereabouts with same words as cart signs and post these on the outside of their property.

After a lengthy discussion a fee of \$2.00 would be charged to the store owners for each cart picked up by the City Public Works Dept. and a \$15.00 fine to the person or persons taking the shopping carts from store property. Store owners also agreed to put spots in their weekly ads about removal of shopping carts from their property and the penalty involved.

A motion was made and seconded that a fee of \$2.00 per cart be charged to the store owners whose carts are picked up by the Public Works Dept. and a \$15.00 fine for persons or person removing carts from store property.

Respectfully submitted

John McGarry

Chairman

Carole Torcaso

Frank Repole



ORDINANCE

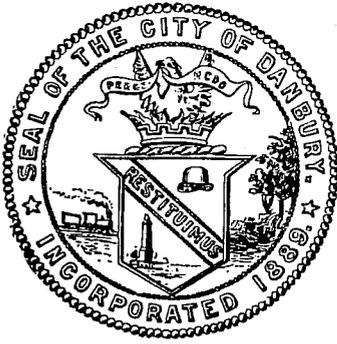
CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section to be numbered 12-33 which said section reads as follows:

- (a) It is hereby found and declared that the abandonment of shopping carts within the City of Danbury is a nuisance, unsightly, and often represents a hazard to the public through the obstruction of travel on streets, sidewalks and other public property within the City of Danbury. It is further found and declared that the imposition of penalties for the removal of shopping carts from business establishments within the City of Danbury and the imposition of storage and retrieval charges to cover the costs associated with collection of abandoned shopping carts by the City of Danbury serves the best interests of public safety, welfare and convenience.
- (b) Within sixty (60) days of the effective date hereof, all business establishments within the City of Danbury providing shopping carts for the use of their patrons shall post, in a conspicuous place, a sign or notice stating that the removal of shopping carts from the premises constitutes a violation of this section, and further stating that violators will be subject to a twenty-five (\$25.00) dollar fine.
- (c) It shall be unlawful for any person, other than the owner thereof, to remove a shopping cart from the premises of any business establishment within the City of Danbury. Any person failing to comply with the provisions hereof shall be subject to a fine of twenty-five (\$25.00) dollars. It shall be an affirmative defense to prosecution under this subsection that the business establishment involved has failed to comply with the provisions of subsection (b) hereof.
- (d) For purposes of this section, shopping carts found on any street, sidewalk or other public property and not under the direct control of any person shall be presumed abandoned. All such shopping carts shall be transported by the department of public works to a suitable place for storage. The owners thereof may retrieve said carts upon payment of all storage and retrieval charges for which they are liable. A storage charge of five (\$5.00) dollars per week but not exceeding fifty (\$50.00) dollars shall be imposed together with



179/12 3

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

a retrieval charge of five (\$5.00) dollars for the return of all such shopping carts. If the owners thereof fail to retrieve said carts for a period of six (6) months a notice of sale shall be published in a newspaper having a general circulation in the City of Danbury. If the owners do not retrieve said carts within one (1) month following said notice, all such carts may be sold at a public auction under the supervision of the sheriff or deputy sheriff of Fairfield County and the proceeds of the sale shall be deposited with the treasurer of the City of Danbury.



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

The Common Council committee appointed to review the request of the professional and administrative non-union city employees, met on February 25, 1982, 10/14/82 and 11/30/82. Eleven City employees attended the first meeting and twenty attended the second. Their names are attached to this report. Councilman Farah, Evans and Foti were present at the three meetings.

After hearing the views of the employees, the committee deliberated on the merit of dissociating non-union employees from the fringe benefits connection with city union contracts. Since non-union employees have no input in the collective bargaining process which determines their fringe benefits, it was deemed fair to provide them with the following protective statement:

Under no circumstances shall the granted benefits to the non-DMEA professional and administrative staff be lower than those that are stated in the DMEA contract with the City. Nor shall the City reduce the current accumulated benefits of the said ^{non-}DMEA employees.

Respectfully submitted

Mounir Farah Chairman
Mounir Farah

Thomas Evans
Thomas Evans

Russell Foti
Russell Foti



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

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Respectfully submitted

Mounir Farah Chairman

Thomas Evans

Russell Foti

The Common Council committee appointed to review the request of Administrative, and Professional Municipal Employees that they should not be tied, for benefits purpose, to any employees represented by a Collective Bargaining Unit, convened at 7 PM 2/25/82, room 432 City Hall.

in attendance were Chairman Farah and Councilmen Evans and Foti.

Also in attendance were the following:

- John Edwards Comptroller
- Jack Schweitzer City Engineer
- Dan Hambidge Engineering Dept.
- Paul Garafolo Building Dept
- George Massoud Equipment Maint.
- David Gervasi Gen. Forman - PWD
- William Hanna Tax Collector
- Thomas Gabiano Risk Manager
- Dom Setaro Comptroller's Office
- Ed Fusek PWD
- Sharon Hamilton Purchasing Agent

The Committee assured the employees that we agreed there should be some distinction between management and non-management personnel, but were unsure as to the best way to approach the matter.

Mr. Evans suggested that if we were to rescind the existing resolution, what regulation, resolution, or ordinance would replace it? The reply was that they had no alternative method, but at least it would be a start.

Mr Foti asked if the group had approached other municipalities, or private industry to determine how they handled this situation. The group replied that they had not.

Mr. Evans asked if anyone was unhappy with the benefits they were now receiving. The replies indicated that they were quite satisfied.

Mr. Foti asked if the group had been approached by a union representative for the purposed of organizing. The Group ~~XXXXXX~~ assured us that they were not approached.

Mr. Foti indicated that he would be reluctant to rescind the resolution because he felt the result would be to release 35 employees to independently negotiate with the city, and the group had offered no alternative to what all agreed, was a situation that was not hard to live with.

Mr. Evans moved to rescind the resolution. Mr. Farah seconded. Motion carried with 'ayes' from Evans and Farah, Foti voting 'nay'. Noting thta this item had been placed onthe March agenda, Mr. Foti requested Mr. Farah to withdraw it as he would need time to submit a minority report. Mr. Farah agreed to withdraw the item.

Meeting adjourned at 8:15 PM.



RUSSELL M. FOTI

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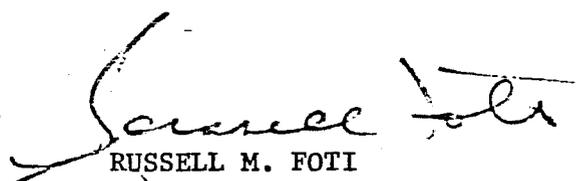
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RUSSELL M. FOTI

NAME

TITLE + DEPT

Eric L Gottschalk
WK. HANNA

Ass't Corp. Counsel
TAX COLLECTOR

John P. Edwards

Comptroller

Sharon Hamilton

Purchasing

Peter P. Winter

Civil Preparedness

Edward W. Fusch

Supt. Regum

Frank A. Mastromarino
~~None Listed~~

Data Processing Mgr. Data Proc

Thomas Fabroni

Risk Mgr.

Mary Beckett

Asst City Clerk

NICK JUISTO

SENIOR SANITARIAN HEALTH DEPT.

Carol Ferreri

for A. La Roche - Equal Rights

Marianne Wolfe

DIR, Danbury Library

Betsy Lyke

Asst. Dir " "

Patricia Ellsworth

Engineer, Engineering Dept.

+ William Buckley

Supt Public Utilities

Paul Garofolo

Bldg Dept.

+ Donald Hambidge

Eng. Dept.

+ JACK SCHWEITZER

Dominic Setaro

ASST COMPTROLLER

Paul Shea

City Treasurer

20



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Mr. Phillip Tallman's Request

The Common Council committee appointed to review Mr. Phillip Tallman's request to organize a program for the employment of young people met on October 14 at 7:30. Council members Farah, Butera, and Esposito were in attendance. Mr. Tallman had been notified of the meeting but did not attend. However, the explanations and the documents which he had sent to the Council were sufficient for consideration of the request.

After reviewing the proposal which was attached to the request, the committee arrived at the conclusion that worthy as the proposal may be, the current budget does not allow for the requested expenditure. Mr. Tallman was commended for his intentions. But his request for \$42,000 to pay for a director, an assistant director and a secretary could not be accomodated, hence the committee voted unanimously to deny his request.

Respectfully submitted

Mounir Farah Chairman

Mounir Farah

Janet Butera

Janet Butera

John Esposito

John Esposito



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

January 4, 1983

REPORT
EDUCATION LIAISON COMMITTEE

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

The Common Council School Board Liaison Committee met on Dec. 27, 1982 at 7:30 P.M. in room 432 at City Hall. The object of the meeting was to discuss the \$40,548 surplus in the School Board's 1981-1982 Budget.

In attendance were Councilmembers Evans, Torcaso, Torian and Eriquez. Also School Board Chairman Philip Fenster and School Board business Manager Walter Skoronski and Mr. Dominic Setaro, Assistant Comptroller.

During the course of discussion it was brought out that this grant money was received approximately July 2, 1982 - too late to spend in the 1981-1982 school year. It was also noted that the school board received in December 1981, \$18,443, a portion of the approximately \$60,000 total grant.

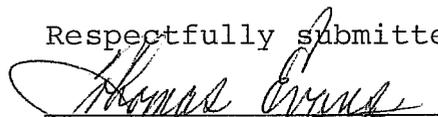
It was also brought out by Mr. Setaro that the reason that the School Board had this surplus was because the money had been applied to the School Budget when it was received, but too late for the School Board to spend. It should be pointed out that this is a reimbursement to the Board for monies already expended, in other words - City money.

Mr. Fenster when questioned as to what the money would be used for, said he did not know of any specific use for the money, and he thought that the teacher situation had been straightened out.

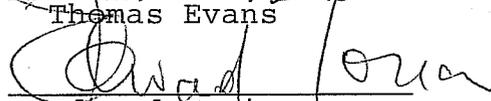
Councilman Eriquez made the motion that the Board of Education Liaison Committee recommend to the Common Council that money received from P.A. 81-432 from State Special Education Funds on July 2, 1982, totaling \$40,584, be added to the Board of Education Budget for School year 1982-1983 with the disposition of these funds to be determined by the Board of Education as mandated by State Law. It is recommended that the Board of Education Liaison Committee be informed of the line item distribution of the \$40,584 for informational purposes. Motion was

seconded by Councilman Torian and carried by a vote of 3 to 1, with Chairman T. Evans, voting in the negative.

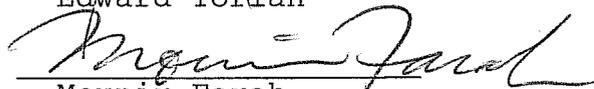
Respectfully submitted



Thomas Evans Chairman



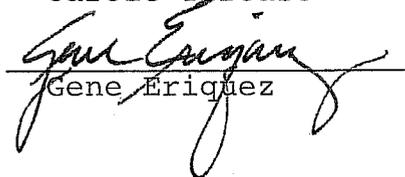
Edward Torian



Mounir Farah



Carole Torcaso



Gene Enriquez

40



CITY OF DANBURY

155 DEER HILL AVENUE

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COMMON COUNCIL

January 4, 1983

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Chairman T. Evans, voting in the negative.

Respectfully submitted

Chairman

Thomas Evans

Edward Torian

Mounir Farah

Carole Torcaso

Gene Eriquez



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DEPARTMENT
OF FINANCE

January 4, 1983

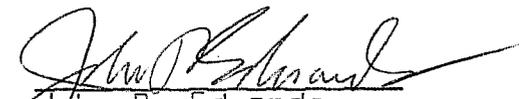
TO: Common Council via
Mayor James Dyer

Certification #122

FROM: John P. Edwards

We hereby certify to the availability of \$40,584.00 in the Contingency Account to be transferred to the Education Account #02-06-000-072000.

| | |
|---|---------------|
| Previous balance of Contingency Account | \$ 380,249.90 |
| Less pending requests | 54,500.00 |
| Less this request | 40,584.00 |
| Balance of Contingency Account | \$ 285,165.90 |


John P. Edwards
Comptroller

JPE/af