

TO: Honorable Mayor James E. Dyer - Mayor of the City of Danbury.

SUBJECT: Minutes of the Common Council meeting held on May 6, 1980.

The Meeting was called to order at 8:00 O'Clock P.M. by his honor Mayor James E. Dyer, who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Frederick Visconti.

Roll Call was taken by City Clerk Elizabeth Crudginton, with the following members being recorded as:

PRESENT: Councilmembers - Delsin, McManus, Gallo, Walsh, Rinder, Scialabba, Repole, Kennedy, White, Cassano, Murray, Visconti, DaSilva, Turk, Boynton, Burke, Butera, Evans, Fabiano, Torian.

ABSENT: Councilman Ryan.

20 Members Present - 1 Member Absent.

Minutes of the minutes of the Common Council meetings held on April 1 and April 7, 1980.

A motion was made by Councilman Murray and seconded by Councilman Visconti that the reading of the minutes be waived and said minutes approved and accepted as they are duly signed and authorized by Mayor Dyer. Motion carried.

Mayor Dyer offered congratulations to the City Clerk Elizabeth Crudginton and her husband Donald on the occasion of their wedding anniversary, and wished them well.

Mayor Dyer also announced that a budget forum would be held at the Alternative High School for the young people who are not voters and tax-payers, to participate in a dialogue on Monday May 12, 1980 at 12 noon.

Mayor Dyer requested the Common Council have a full attendance at the Memorial Day parade and services at Rogers Park following the parade. Mr. Thomas Dyer is the parade marshal and may be contacted for further information.

CLAIMS - Winifred Droney - Linda E. Hancock - Joanne Levesque - Donald Lipsi - Mary K. Clark - Lawrence G. Hayes - Paula Dlubac, Micheline Montanaro.

Councilman Murray requested referral of the Claims to the Claims committee and Assistant Corporation Counsel Thomas G. West. Councilman DaSilva as Chairman of the Claims committee.

RESOLUTION - Tax Abatements for Beaver St. Apartments Inc.

Whereas, the City has approved abatement of up to 100% of the real property taxes on the subject property by Resolution of the Common Council of the City of Danbury, adopted on October 1, 1978, and has executed a Tax Abatement Contract with Beaver Street Apartments (9/25/73) and a Tax Abatement Assistance Agreement with the State of Connecticut on Sept. 30, 1973; and

Whereas, it has been determined that the amount of taxes to be abated on the subject property are \$31,500 for the Grand List of Oct. 1, 1978;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON OF THE CITY OF DANBURY:

1. That the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1978.

2. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax, so abated, was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in his Annual Report, in accordance with the provisions of Section 12-167 of the Connecticut General Statutes, as amended.

3. That the Tax Collector is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Community Affairs.

4. That the Tax Collector is also directed to refund all tax payments received from Beaver Street Apartments, Inc., or its representatives, in connection herewith, to the extent that said funds are reimbursable by the State of Connecticut through its Department of Community Affairs.

A motion was made by Councilman Boynton and seconded by Councilman Delsin that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes. No Nays - 1 member (Councilman Ryan) was absent.

RESOLUTION - That Roger Brooks, as Chairman of the Danbury Youth Commission, be authorized to enter into an agreement for a concert sponsored by both the Danbury Cultural Commission and the Danbury Youth Commission. Funds are not to exceed \$1,000.

The Agreement will be subject to review and approval of the Office of the Corporation Counsel of the City of Danbury.

A motion was made by Councilman Walsh and seconded by Councilman Murray that the last sentence be changed from "Assistant Corporation Counsel", to read "Office of Corporation Counsel", as requested by Attorney Theodore H. Goldstein, Corporation Counsel for the City. Motion carried.

A motion was made by Councilman Gallo and seconded by Councilman Walsh that the Resolution be adopted as amended.

The Resolution was adopted by a roll call vote of 20 Ayes. No Nays - 1 member (Councilman Ryan) was absent.

In reply to questions from the floor, Mayor Dyer explained that the funds exist now in the Youth Commission Budget. This Resolution is just for agreement approval.

COMMUNICATION - Request of Homer Werkheiser to purchase<sup>a</sup>/City owned house on West Kenosia Avenue.

Councilman Murray requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request of June Construction Co. to purchase City land on Newtown Road.

Councilman Evans requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Offer by Robert Goodfellow of land for sale to the City located on New Street.

Councilman Delsin requested referral to the Land Acquisition Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request of Louis DeFabritis for acceptance of Fir Drive - Aunt Hack Ridge Estates.

Councilwoman Janet Butera requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

PETITION Re: Traffic Hazards and problems on Golden Hill Road.

Councilman Murray requested referral to an appropriate committee. Mayor Dyer referred the Petition to the following committee: Councilmembers McManus, Delsin, Cassano.

COMMUNICATION - Request of Sugar Hollow Park, Inc. to remove a Dam located on City or State land behind their property.

Councilman Delsin requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Drainage problems on Pembroke Terrace & Johnson Drive.

Councilman Murray requested referral to the Public Works Committee. Mayor Dyer so ordered.

COMMUNICATION - Request of Charles M. Plank, Jr. for a water run-off problem to the rear of Highland Avenue Park, be referred to the Public Works Committee.

Councilman Gallo requested referral to the Public Works Committee. Mayor Dyer so ordered.

COMMUNICATION - Request from Mayor Dyer in the best interest of the City, to adopt an appropriate Ordinance providing for alternate members of the Planning Commission.

State Statutes provide that "Any municipality ... shall have the power to provide by Ordinance for the appointment or election of three Alternate members of its Planning Commission." The City may not have properly established Alternate members of the Planning Commission.

Councilman Murray requested referral to an appropriate committee. Mayor Dyer appointed the following members to this committee: Councilmen DaSilva, Turk, Torian.

COMMUNICATION - Request of Samuel M. Showah for sewers for South Cove area and Danbury Town Park.

Councilman Murray requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request of Alan Resnick for extension of sewer from Finance Drive to Sandpit Road.

Councilman Murray requested referral to an appropriate committee, & Planning. Mayor Dyer appointed a Sewer & Water Extension committee: Councilmen Gallo, Delsin, Torian, Ryan and Burke.

COMMUNICATION - Request of Abel and Norman Carvalho for city water and sewer on Short Street.

Councilman Murray requested referral to the Sewer & Water Extension Committee and the Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request of Gerald Davis for sewers for Woodside Avenue Area.

Councilman Murray requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request for consideration of a proposal by the Town of Newtown that they be permitted to use the City's Septic Lagoon on a temporary basis. It would be necessary to establish a schedule of fees should this matter be approved.

Councilman Murray requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request from Attorney John Jowdy, representing the Danbury Rifle and Pistol Club to secure the use of a target range in the City of Danbury - the Miry Brook Range - one night a week.

Councilwoman Janet Butera requested referral to an appropriate committee. Mayor Dyer appointed the following members to this committee: Councilmen Burke and Scialabba and Councilwoman Lilija Rinder.

COMMUNICATION - Request from Mayor Dyer for the Council to give consideration to an Ordinance that will permit the City to establish an attendance requirement for those who serve on Boards and Commissions.

Councilman Torian requested referral to an appropriate committee. Mayor Dyer appointed the following members to this committee: Councilmen Ryan, Walsh, Gallo.

COMMUNICATION - Danbury Aviation Commission Lease - Centerfield Wind Instrument at Danbury Airport.

Councilman Gallo requested referral to committee. Mayor Dyer appointed the following members to this committee: Councilmen Gallo, Turk, Kennedy.

COMMUNICATION - Request from Mr. William K. Hanna Tax Collector, for Common Council approval to transfer accounts to the Municipal Suspense List. These accounts totaling \$7,039.77 represents balances of less than \$5.00 which qualify for a waiver under Section 12-144C of the Connecticut General Statutes.

A motion was made by Councilman Boynton and seconded by Councilman DaSilva that the Communication be accepted and transfers authorized. Motion carried by a roll call vote of 20 Ayes No Nays 1 member absent. (Councilman Ryan).

COMMUNICATION - Request from the Tax Collector for abatement of water service charges.

Corporation Counsel Theodore H. Goldstein advised the Common Council that no action is required on this request as it does not come within the domain of the Mayor or Common Council.

Section 21-38 of the Code of Ordinances states that the abatements may be allowed by the Superintendent of Public Utilities.

COMMUNICATION - To amend appropriations for the Commission on Aging in the amount of \$459.50 for the following:

\$300 for Contractual Services (029500) for the Outreach Workers Supervision.  
\$159.50 for the purchase of a file cabinet for the Senior Citizen Center.  
Acct. (060500).

Mr. John P. Edwards, Director of Financing, Acting, submitted a communication stating that no transfer from the Contingency is needed. These monies have been deposited in the General Fund

A motion was made by Councilman Repole and seconded by Councilman Delsin that the Communication be accepted and request granted.

Motion carried by a roll call vote of 20 Ayes No Nays 1 member absent.

COMMUNICATION & CERTIFICATION - Request for a transfer of funds to the Planning Commission in the amount of \$585.00. Mr. Edmund C. DeVeaux, Chairman of the Planning Commission stated that the funds are required due to costs incurred by the Planning Commission because of the demands placed on it and its inadequate budget. The following funds were requested:

Overtime Services --	\$100.00
Conferences --	170.00
Printing & Binding -	150.00
Legal & Pub. Notices	115.00
Office Supplies	50.00
Total	\$585.00

Mr. John P. Edwards Director of Finance, Acting, submitted a certification of funds in the amount of \$585.00 available in the Contingency Account to be transferred to the above accounts.

A motion was made by Councilman Delsin and seconded by Councilman Gallo that the Communication be accepted and transfer of funds authorized.

Councilman Scialabba objected and took offense to the word "inadequate" in the request from the Planning Commission.

The motion was carried by a roll call vote of 20 Ayes No Nays. Councilman Ryan was absent.

COMMUNICATION & CERTIFICATION - Request for a transfer of funds from the Contingency Account to the following Accounts:

Common Council - Outside Services --	\$875.00	(for Xerox copies & \$375 for Budget Narratives)
Common Council - Office Supplies --	\$150.00	
01-111-024501 - Leased Equipment --	\$1000.00	Rental of Xerox Machine.
Total	\$2025.00	

A Certification of funds in the amount of \$2,025 was submitted by Mr. John Edwards Director of Finance, Acting available in the Contingency Account to be transferred to the following:

Common Council ---	\$1,025.00
City Clerk ---	\$1,000.00

A motion was made by Councilman Gallo and seconded by Councilman White that the Communication be accepted and transfer of funds authorized.

Councilman Visconti amended the motion to increase the amount for the Common Council, by \$500. The motion was rescinded due to lack of certification of funds.

The original motion was carried by a roll call vote of 20 Ayes No Nays Councilman Ryan was absent.

Councilman Delsin asked why funds had to be appropriated for the Budget narratives prepared for the Councilmembers. Mayor Dyer explained that they were requested by the Council and there are no funds appropriated in any other accounts for this purpose.

COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$900.00 to the School Maintenance Account for the rental of 1500 chairs to compensate for the loss of seating in the unsafe section of the High School Bleachers. Commencement is June 11, 1980.

A Certification of funds was submitted by Mr. John P. Edwards, Director of Finance, Acting, in the amount of \$900 to be transferred from the Contingency Account to the School Maintenance Account 03-116-024501 Leased Equipment for rental of chairs.

A motion was made by Councilman Evans and seconded by Councilman Delsin that the Communication be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 Ayes - No Nays 1 member absent.

COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$700 to be transferred to the Commission on Aging. This transfer is necessary due to the fact that the current budget did not provide for a full year's salary for the municipal agent, Jeanne Anderson.

A Certification of funds was submitted by Mr. John P. Edwards, Director of Finance Acting, in the amount of \$700 to be transferred from the Contingency Account to the Commission on Aging P/T Services Account 02-05-167-011001.

A motion was made by Councilman Gallo and seconded by Councilman White that the Communication be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 Ayes No Nays 1 member absent.

COMMUNICATION - Appointment of Octavio Rebelo, 15 Seneca Road as an Alternate to the Fair Rent Commission for a term to commence this date May 6, 1980 and expire July 1, 1981.

A motion was made by Councilwoman L. Rinder and seconded by Councilman White that the Communication be accepted and appointment confirmed. Motion carried unanimously.

COMMUNICATION - Appointment of Jean Fuda, Side Hill Court, to the Conservation Commission for a term to commence this date, May 6, 1980 and expire July 1, 1983.

A motion was made by Councilman White and seconded by Councilman Delsin that the Communication be accepted and appointment confirmed. Motion carried unanimously.

COMMUNICATION - Appointment of Shirley Ponton of 19 Jefferson Avenue to the Commission on Aging for a term to commence this date and expire October 1, 1980.

A motion was made by Councilwoman J. Butera and seconded by Councilman DaSilva that the Communication be accepted and appointment confirmed. Motion carried unanimously.

DEPARTMENT REPORTS

Fire Chief  
Fire Marshal  
Police Chief  
Aviation Commission  
Building Inspector  
Housing Inspector  
Health Inspector

Health Dept. WIC program.  
Health Education Coordinator  
Health Coordinator of  
Environmental & Occupational  
Services.

A motion was made by Councilman DaSilva and seconded by Councilman Delsin to dispense with reading Department Reports as all members have copies which are also on file in the office of the City Clerk, for public inspection. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

REPORT - Request of Alicia F. Tomanio to purchase Drska property.

Councilman Fabiano submitted a Report stating that in accordance with the recommendation of the Planning Commission for denial of this request and a letter received from the Assistant Corporation Counsel, the Public Works Committee recommends denial of this petition also.

This land was conveyed to the City subject to the reservation of a life use by Mrs. Drska. Also noted in the Deed is that the City agrees the premises "shall hereafter in perpetuity be known as the 'John and Elizabeth Drska Park'.". As a result of this restriction it is the opinion of the Office of the Corporation Counsel, the Planning Commission and the Public Works Committee, that this parcel may not be sold.

A motion was made by Councilman Gallo and seconded by Councilman Scialabba that the Report be accepted and Petition denied. Motion carried unanimously.

REPORT - Sale of Ives St. Firehouse.

Councilman Fabiano submitted a Public Works Committee report stating that the committee voted to recommend the Ives St. Firehouse be declared surplus property and sold in accordance with law. Be it noted that this is not in accordance with the Planning Commission recommendation to deny the request.

The Committee also feels this falls in the scope of redevelopment and also the preservation of historic buildings.

A motion was made by Councilman Evans and seconded by Councilwoman J. Butera that the Report be accepted and recommendation of the committee adopted.

Motion carried by a roll call vote of 16 Ayes 4 Nays (Councilmen Scialabba, Visconti, Turk, Burke, voted Nay) Councilman Ryan was absent.

REPORT - Petition of John A. Viniello - water problem on Aunt Hack Road.

Councilman Fabiano, Chairman of the Public Works Committee, submitted a report recommending that no action be taken. A letter from the Superintendent of Highways E. Fusek, stipulates that if the correction suggested to Mr. Viniello isn't sufficient, the highway department will take steps necessary to correct the problem.

A motion was made by Councilman DaSilva and seconded by Councilman Murray to accept the Report. Motion carried.

REPORT - Petition of Waldin Freitas to purchase City property on Fern St.

Councilman Fabiano submitted a report of the Public Works Committee recommending that this property be declared surplus and sold in accordance to law, subject to the stipulations of the City Engineer.

If this parcel is sold by the City, it is imperative that an adequate storm drainage easement be retained by the City for the future maintenance of the existing twin box culvert and end wall.

A motion was made by Councilman Gallo and seconded by Councilman Delsin that the Report be accepted and property be declared surplus, and offered for sale. Motion carried unanimously.

REPORT - Petition of Marie Dumas - Septic problems - 22 Charcoal Ridge So.

Councilman Fabiano submitted a report stating that the Public Works Committee, after reviewing the petition and consulting with the City's Corporation Counsel, voted to recommend that the City take no action on this petition.

The Communication submitted by the Office of the Corporation Counsel, refers to Connecticut General Statutes, Sections 52-577 and 52-584 which indicate that no action to recover damages caused by negligence may be maintained except within two years from the date when the injury or damage was first sustained or discovered. Section 52-577 indicates that the limitation period for actions founded upon a tort in general is three years. Thus, where no action is brought against the City alleging tortious misconduct or negligence the City would have a good defense unless the action was commenced prior to the running of the statute.

A motion was made by Councilman Torian and seconded by Councilman Repole to accept the Report. Motion carried unanimously.

REPORT - Request of Thomas Scott for sewer & water - Franklin St. and Farview Avenue.

Councilman Fabiano submitted a report stating that the Public Works Committee has met and reviewed the above petition, with the City Engineer and has also reviewed the recommendation for approval, received 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, and shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

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.

If required, a Warranty Deed in a form satisfactory to the Corporation Council 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.

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.

5/6/80

The Petitioner shall convey ownership of and easements to 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.

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 line.

A motion was made by Councilman Gallo and seconded by Councilman White that the Report be accepted and petition granted. Motion carried by a roll call vote of 1 Nay (Councilman Delsin voted Nay) Councilwoman J. Butera abstained from voting due to a conflict of interest. Councilman Ryan was absent. All other members voted Aye (18) votes.

REPORT - Land Acquisition Committee.

Councilman Thomas Evans submitted a report of the Land Acquisition committee recommending that the offer by Barbara Barry Realtor, for the purchase of property on Coalpit Hill Road, owned by Mr. Carl Will and offered at \$130,000, be refused. Motion was duly made, seconded and passed that the Report be accepted and the offer of land be refused.

That the offer by Brockett Realty for the property on Eden Drive, be tabled until a staff report from the Planning Commission as to why they did not approve purchase of the property, is received.

That the offer to purchase the First Assembly of God Church property on Deer Hill Avenue, be tabled until further information is received.

That no action be taken on the Burns-Sutton property and the D'Evinge and Steinberg properties, until the appraisal on the C. D. Parks property is received.

The committee has requested figures from the Comptroller as to how the purchase of these properties would effect the mill rate if the purchase question is put to the voters.

The committee also discussed preliminary appraisal figures on the offering to the City of the Lakeview Property, during an executive session.

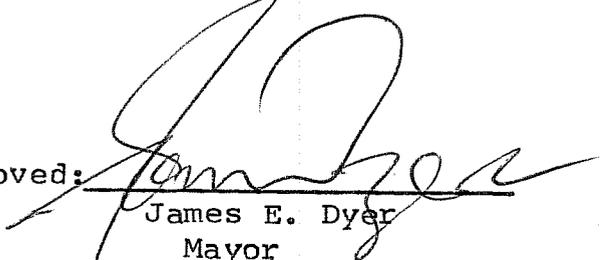
The committee requested and was granted an extension of time for other pending matters.

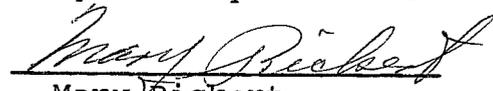
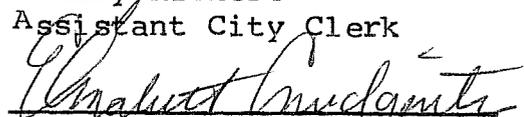
A motion was made by Councilman Fabiano and seconded by Councilwoman Butera that the Report be accepted and extension of time granted. Motion carried.

Mayor Dyer granted extensions to all other committees who have pending matters.

Mr. Harry Kessler, a member of the audience, was allowed to speak at this time stating that the matter of the Alternates for the Planning Commission was an error of omission in the past. The matter of attendance requirements for Boards and Commissions is an error of the Commissions. Mr. Kessler also spoke on large taxpayers taking advantage - paying taxes under duress, etc.

There being no further business to come before the Council, the meeting was adjourned at 9:10 O'Clock P.M.

Approved:   
James E. Dyer  
Mayor

Respectfully submitted  
  
Mary Rickert  
Assistant City Clerk  
Attest:   
Elizabeth Grudinski