

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

SUBJECT: Minutes of the Common Council Meeting held on July 7, 1981.

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 Joseph DaSilva.

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

PRESENT: Councilmembers - Delsin, McManus, Gallo, Rinder, Scialabba, Repole, White, Cassano, Murray, Ryan, Zotos, DaSilva, Turk, Boynton, Burke, Butera, Farah, Evans, Torian.

ABSENT: Councilmembers - Eppoliti, Walsh.

19 members present - 2 members absent.

It was noted that Councilman Walsh was out of town on business. Councilman Walsh's request to vote absentee at this meeting was denied as the Corporation Counsel stated that there is no provisions for absentee voting on the Council.

NOTICES FROM MAYOR DYER

Mayor Dyer offered congratulations and best wishes to Attorney Eric Gottschalk and his wife, whose anniversary is today.

Also, to Mary Rickert whose birthday is July 31st.

Mayor Dyer also extended best wishes to Dr. Steven Feldman, new President of WesConn College.

Mayor Dyer spoke of the water conservation program and asked for the cooperation of all during this water shortage.

Mayor Dyer also noted that the Sewer user charge is being reduced and appears on this evening's agenda.

Mayor Dyer extended Birthday wishes to his father, former Councilman Thomas Dyer, who celebrated his birthday on July 2nd.

CONSENT CALENDAR

Councilman Ryan submitted the Consent Calendar which included the following items listed on the Agenda:

- 02 - Resolution - Settlement of Claims
- 03 - Resolution - Application for funds for renovation of Old Jail.
- 04 - Resolution - Public Hearing for Sewer User Charges.
- 06-- Resolution - Application for funds to operate City's Disease Clinic.
- 07 - Resolution - Authorization to apply for funds for a part-time Arts Coordinator/Consultant for the Cultural Commission.
- 09 - Resolution - Assessment of benefits for Field, Crest and Greenview Drive Sewer Project.
- 010 - Communication - Governing Board Authorized - Donee Representatives.
- 024 - Communication - Report from Connecticut Conference of Municipalities.
- 026 - Communication - Bowling Lane Lease.
- 033 - Communication & Certification - Funds for repairs to well & septic system at Old Quarry Nature Center.
- 034 - Communication - Adjustment to 1981-1982 Budget.

- 036 - Communication - Appointment to Commission on Aging.
- 037 - Communication - Re-appointment to Conservation Commission.
- 038 - Communication - Appointments & Re-appointments to the Equal Rights & Opportunities Commission.
- 039 - Communication - Re-appointment and appointment to the Parking Authority.
- 040 - Communication - Appointments and Re-appointment to Fair Rent Commission.
- 041 - Communication - Appointments & re-appointments to the Youth Commission.
- 042 - Communication - Appointment as an Alternate member of the E.I.C. representing the Planning Commission.
- 043 - Communication - Support for Dr. Groff.
- 046 - Report - Request to purchase property on Morris St.
- 047 - Report - Property on Lombardi St.
- 048 - Report & Certification - Fence for Pembroke School.
- 049 - Report & Certification - Footbridge on Stadley Rough Road.
- 050 - Report - Request for funds to repair Water Line on Hoyt St.
- 051 - Report - Sewers for Fourth St.
- 052 - Report & Ordinance - Revenue from Danbury Airport.
- 053 - Report & Ordinance - Amendment to Sec. 2-148 - Insurance Contracts.- Board of Review.
- 055-- Report - Ventilation Hoods for D.H.S.
- 056 - Report - Request of Alrich Precision Mfg. Co.
- 058 - Report - A.B.C. Taxi Request.
- 059 - Report - Discrimination Claim of Ann Hicks.
- 061 - Report - Part-time Arts Coordinator/consultant for Cultural Commission.
- 062 - Report - Sewer Assessments for Field Road, Crest Road, Greenview Road.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the Consent Calendar be accepted as submitted. Motion carried unanimously.

A motion was made by Councilman Ryan and seconded by Councilman Murray for another item to be added to the agenda #63 -Request from Mr. John P. Edwards, Acting Director of Finance, for authorization to pay all bills of the Board of Education with revenues available re: State & Federal Projects. Motion carried and the item was added to the agenda as #63.

A motion was made by Councilman Ryan and seconded by Councilman Murray for the minutes of Common Council Meetings held on June 2, 1981 and June 18, 1981 to be accepted. Motion carried unanimously.

CLAIMS - Petronella Efthimiatos - Patricia Cline - Cynthia Rose Wyka
Mary Rose Dillon - Sharon L. Albert - Salvatore Chieffalo

Councilman Murray requested referral of the Claims to the Claims committee and Assistant Corporation Counsel Thomas G. West. Mayor Dyer so ordered.

RESOLUTIONS - Settlement of Claims.

That the City Clerk be and is hereby authorized and empowered on behalf of the City of Danbury, to draw an order upon the City Treasurer in payment of the following settlement of Claims:

- Benjamin Nienstadt - for damages sustained on or about 10/5/78 -- \$385.00
- Charles Thompson - Loss of personal property on or about May, 1979 -- \$70.00

The Resolution was adopted and Claims authorized to be paid, by the Common Council on the Consent Calendar.

RESOLUTION - Application for funds for Old Jail.

The following Resolution is submitted as an amendment to the Resolution adopted by the Common Council on June 2, 1981:

Whereas, pursuant to Chapter 133 of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistant to municipalities and human resource development agencies, and;

Whereas, it is desirable and in the public interest that the City of Danbury make application to the State not to exceed \$600,000 in order to undertake a program of renovation of the Old Jail for a Senior Citizen Center and, to execute an Assistance Agreement and/or a Grant Action Request therefore. It is understood that the City of Danbury will provide a local grant-in-aid in accordance with the requirements of Chapter 133 of the Connecticut General Statutes, as appropriate.

That the filing of an application by the City of Danbury in an amount not to exceed \$600,000 is hereby approved, and that the Mayor of the City of Danbury, James E. Dyer is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources; to provide such additional information; to execute an Assistance Agreement and/or Grant Action Request with the State of Connecticut for financial assistance if such a document is offered, to execute any amendments, recisions, and/or revisions thereto and to act as the authorized representative of the City of Danbury.

The Resolution was adopted on the Consent Calendar.

RESOLUTION - Public Hearing for Sewer User Charges.

Whereas, a sewer user charge for the fiscal year commencing July 1, 1981 and ending Jun 30, 1982 in the amount of \$40.56 per unit has been proposed which shall be payable in two equal installments of \$20.28, the first of which shall be due Sept. 1, 1981 and the second such installment due March 1, 1982, and each installment shall be payable without penalty if paid on or before Oct. 1, 1981 and April 1, 1982;

Now, therefore, be it resolved by the Common Council that the City Clerk be and hereby is authorized to set a public hearing at which time owners of property against which charges are to be levied shall have an opportunity to be heard concerning the proposed charges, all according to law.

Be it further resolved that the estimated Sewer Fund cash surplus in the amount of \$300,000 be appropriated from said fund balance to the Sewer Operating Budget.

The Resolution was adopted on the Consent Calendar.

RESOLUTION - That James E. Dyer, as Mayor of the City of Danbury is hereby authorized and directed to contract with the State of Connecticut Department of Children and Youth Services for a state cost sharing grant, not to exceed \$28,006.00 for a Youth Service Bureau for the fiscal period commencing July 1, 1981.

A motion was made by Councilman Murray and seconded by Councilman Ryan that the Resolution be adopted. Motion carried.

The Resolution was adopted unanimously.

RESOLUTION - That the City of Danbury through its Mayor, James E. Dyer, be authorized to enter into agreement for the fiscal year 1981-1982 with the Connecticut Department of Health Services, Preventable Disease Division in the amount of \$13,440 to continue operation of the City's disease clinics in order that said diseases can be identified, treated, and contained for the preservation of the public health.

The Resolution was adopted on the Consent Calendar.

RESOLUTION - WHEREAS, the Danbury Cultural Commission requires the continued services of a part-time Arts Coordinator/Consultant to coordinate, assist sponsoring organizations and initiate cultural activities, calendars and directories as well as advise new and established organizations interested in the arts, and

Whereas, a \$3,000 locally matched grant may be available for this purpose through the Connecticut Commission on the Arts, and

Whereas, the continued employment of a part-time Arts Coordinator/Consultant is in the best interests of the residents and taxpayers of the City of Danbury,

Now therefore, be it resolved that Mayor James E. Dyer be and hereby is authorized to execute any agreements or amendments thereto necessary to accomplish the purpose hereof.

The Resolution was adopted on the Consent Calendar.

RESOLUTION - Sewers on Field, Crest & Greenview Roads.

Whereas, the City of Danbury caused a sewer line to be constructed known as the Field, Crest and Greenview Roads Sewer Project; and

Whereas, the General Statutes of the State of Connecticut requires that assessments be made against property owners who benefit from said line; and

Whereas the Common Council has determined the amount of said assessments, after public hearing, all according to law;

Now, therefore be it resolved that the Assessment of Benefits fixed shall be due and payable on or before September 1, 1981, provided, however, that said assessments may be paid in installments in accordance with a resolution adopted by the Common Council on Sept. 2, 1980.

Be it further resolved that in accordance with the resolution of Sept. 2, 1980 the Tax Collector is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

Be it further resolved that the Assessment of benefits by virtue of the construction of the Field, Crest and Greenview Roads Sewer Project are hereby fixed (list attached).

The Resolution was adopted on the Consent Calendar.

COMMUNICATION & RESOLUTION - Authorized Representatives to Purchase Donable Federal Surplus Property.

As required by the Connecticut State Agency for Federal Surplus Property, the persons named will be authorized to inspect and sign to purchase Federal Surplus Property for the City Departments.

The Communication was accepted and Resolution adopted by the Common Council, on the Consent Calendar.

COMMUNICATION - Request of Alan R. Schacht, Fire Marshal for authority for the Fire Marshal, Deputy Fire Marshals, Chief and Four Assistant Chiefs and the Fire Inspectors, to issue misdemeanor summonses for Fire Lane violations and Fire Code Violations in occupancies.

Councilman Ryan requested referral to committee. Mayor Dyer so ordered and appointed the following members to this committee: Gallo, Torian, Delsin

COMMUNICATION - Request from Gertrude Braun, Acting President of Western Connecticut State College, for new arrangements to be made by the City for housing Channel 6. Recent budget cuts have made it impossible for the college to reproduce television studio facilities for academic use on campus.

Councilman White requested referral to an Ad Hoc committee. Mayor Dyer so ordered and appointed the following members: Evans, Walsh, Repole.

COMMUNICATION - Request from Councilman Turk for a committee to be appointed to investigate the feasibility and legality of creating a Housing Court in Danbury.

Mayor Dyer submitted a communication stating that he has supported the creation of a Housing Court while a member of the Connecticut General Assembly, and remains committed to the goal of establishing a Housing Court, however it is a matter for the General Assembly and not the Common Council. The Mayor asked the Council members to join in any efforts, along with those of Representative Paul Garavel, to persuade the Judiciary Committee of the General Assembly to favorably report out a Housing Court bill for the Danbury Judicial District.

Councilman Murray requested referral to committee. Mayor Dyer so ordered and appointed the following members: Cassano, Eppoliti, Turk.

COMMUNICATION - Request from Mayor Dyer for permission to enter into negotiations with the Connecticut Housing Finance Agency and the State Department of Housing, to acquire approximately 150 units of elderly housing, to be constructed on City-owned land. The City's commitment would be the use of about four acres of already owned land.

A motion was made by Councilman Ryan and seconded by Councilman Murray to accept the Communication. Motion carried.

COMMUNICATION - Request for appointment of a liaison committee to the Redevelopment Agency.

Councilman White requested referral to an Ad Hoc Committee.
Mayor Dyer so ordered and appointed Councilmembers - Torian, Walsh, McManus.

COMMUNICATION - Request from Mayor Dyer for an ad hoc committee to review the establishment of a policy to register bicycles. Possibly a sticker identification system would help to reduce the potential for theft.

Councilman Murray requested referral to committee.
Mayor Dyer so ordered and appointed the following members:
Gallo, Scialabba, Burke.

COMMUNICATION - Request from Mayor Dyer for an ad hoc committee to review the necessity for an ordinance establishing a significant fine for motorists who block intersections.

Councilman Murray requested referral to committee.
Mayor Dyer so ordered and appointed the following members:
Councilmen Gallo, Scialabba, Burke.

COMMUNICATION - Request from Mayor Dyer for an ad hoc committee to review a request from Kim Barata in reference to the feasibility of a "pooper scooper" ordinance.

Councilman Murray requested referral to committee.
Mayor Dyer so ordered and appointed the following members:
Councilmen Evans, Walsh, and Repole.

COMMUNICATION - Request from Beckerle Hose Company for financial assistance to pay for repairs to fire truck.

Councilman White requested referral to an ad hoc committee.
Mayor Dyer so ordered and appointed the following members:
Councilmen DaSilva, Delsin, Murray.

COMMUNICATION - Request from Still River Coop Food Store for financial assistance in the amount of \$2,000-\$3,000.

Councilman Murray requested referral to committee.
Mayor Dyer so ordered and appointed the following members:
Councilmembers - Rinder, Scialabba, Butera.

COMMUNICATION - Request from R. Winkelstern, Superintendent of Public Buildings for funds for part-time help & vacation time help - Custodial and Switchboard services - City Hall.

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

COMMUNICATION - Request from J. Thompson, Airport Administrator, for funds for part-time help at the Danbury Airport.

Councilman Murray requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following members: Councilmen Boynton, Walsh and Farah.

COMMUNICATION - Request from Mayor Dyer for review of City Ordinances as they relate to road cuts and sidewalk specifications.

Mayor Dyer stated that he has also found that coordination is needed between Planning, Public Works and Engineering concerning road repaving, planned construction and sewer and water improvements.

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

COMMUNICATION - Report summarizing the benefits to Connecticut Cities and towns resulting from Connecticut Conference of Municipalities interventions in recent court cases.

The Communication was accepted on the Consent Calendar.

COMMUNICATION - Request from Councilman Turk for a committee to be appointed to study, in conjunction with the Corporation Counsel's office, the legality of the lack of minority representation in the election of Common Council members at large.

Councilman Ryan requested referral to committee. Mayor Dyer so ordered and appointed the following members: Ryan, Turk, McManus, DaSilva.

COMMUNICATION - Lease of Bowling Lanes - Hatter's Community Park.

Request from S.B. Hamilton, Purchasing Agent for bid procedures to be waived to allow the City through a committee composed of the Purchasing Agent, Director of Parks & Recreation, Corporation Counsel and Council President, to negotiate the lease with the current tenant.

It has been determined that the equipment necessary to provide this recreational activity belongs to the present tenant. It appears that bidding at this time would, therefore, be counterproductive.

The Communication was accepted on the Consent Calendar.

COMMUNICATION - Request from the Cultural Council of Western Connecticut, for \$25,000 from the City of Danbury to help fund an \$88,000 six-month arts development plan for a ten-town region in Western Connecticut.

Councilman Ryan requested referral to committee. Mayor Dyer so ordered and appointed the following committee: Rinder, Scialabba, Butera.

COMMUNICATION - Request from Norman R. Cusack, Manager of Conn. Earth Action Group, Inc. Recycle Collection Center, for \$7,800.

Councilman White requested referral to committee. Mayor Dyer so ordered and appointed the following committee: Cassano, Turk, Eppoliti.

COMMUNICATION - Request from T. Fabiano, Risk Manager, for \$475.00 to join in a legal challenge to the ^{proposed} Blue Cross - Blue Shield premium increase.

Councilman Murray requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Murray, Ryan, Delsin.

COMMUNICATION - Request for \$1,700 from P. Garofalo, Building & Zoning Inspector to cover the cost of the demolition of the condemned building owned by Ronald George and William Sullivan, located at 72½ West St. This money will be returned to the City through a lien that will be placed on the property.

Councilman Murray requested referral to an ad hoc committee.
Mayor Dyer so ordered and appointed the following members:
Councilmen DaSilva, Delsin, Murray.

COMMUNICATION - Request to allocate funds in the amount of \$2,000 to cover the cost of demolition of the unsafe, burned out building owned by the City, located on Kenosia Avenue.

Mayor Dyer submitted a communication stating that we have finally settled with the insurance company on the property damage incurred at the site.

The Mayor requested allocation of the \$18,701.00 settlement toward improvements of Kenosia Park. It will be necessary to remove the debris, level the land, and landscape the entrance.

The remaining funds could be used for floats or the concession stand removed from the 1981-1982 Capital Budget.

A motion was made by Councilman Murray and seconded by Councilman Ryan that the Communication be accepted and transfer of funds authorized. Motion carried unanimously.

COMMUNICATION & CERTIFICATION - Request from Chief Bertalovitz of the Danbury Fire Department for \$16,000 to replace obsolete radio equipment.

Mayor Dyer submitted a communication asking for approval of the request, stating that he had asked for new police radios as he had discovered that years of neglect in replacing equipment was posing a serious threat to public safety, and now has found a similar problem in the Fire Department.

A Certification of funds in the amount of \$16,000 available in the Contingency Account to be transferred to Fire Department Communications Equipment Account, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

Councilman White requested referral to committee.
Mayor Dyer so ordered and appointed the following members:
Councilmen DaSilva, Delsin, Murray.

COMMUNICATION & CERTIFICATION - Request for an appropriation of \$15,000 for well and septic improvements to the Old Quarry Nature Center. The cost estimate has been provided by the Engineering Department.

Originally an appropriation was authorized in the 1978 Capital Budget, but has since expired. The request is from the Conservation Commission.

A Certification in the amount of \$15,000 available in the Contingency Account to be transferred to a New Capital Account for the repairs, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

The Communication was accepted and transfer of funds authorized, on the Consent Calendar.

COMMUNICATION - State Aid Account.

Request from Mr. John P. Edwards, Director of Finance, Acting, for the 1981-1982 budget to be adjusted as follows:

Increase Revenue Estimate "Highway State Aid" Account #521000 from \$7,000 to \$157,000.

Increase "State Aid Highway Project" Account 02-03-111-029500 from \$7,000 to \$157,000.

In as much as these are self balancing accounts no other funds need to be certified.

This action will make funds available for Road Maintenance. The funds are available, what is required is Common Council permission to use these funds.

The Communication was accepted and adjustments approved, on the Consent Calendar.

COMMUNICATION - Request from Francis J. Clarke, First Selectman of the Town of Bethel for sewerage for the Stony Hill Section of Bethel.

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

COMMUNICATION - Appointment of Joseph Garavel, 87 Glen Apartments, to the Commission on Aging for a term to expire on Oct. 1, 1983.

The Communication was accepted and appointment confirmed, on the Consent Calendar.

COMMUNICATION - Re-appointment of Ruth Rogoß, 12B Pinewood Circle, to the Conservation Commission for a term to expire on July 1, 1984.

The Communication was accepted and appointment confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Request for confirmation of the following appointment and re-appointments to the Equal Rights & Opportunities Commission:

Mr. David Payton, 13 Forty Acre Mtn. Rd. for a term to expire Aug. 1, 1984

Re-appointment of Mr. Robert Lubus, 3 Ironwood Drive for a term to expire August 1, 1982.

Re-appointment of Mr. Hans B. Collischonn, 4 Tuctaway Lane for a term to expire on August 1, 1984.

Re-appointment of Sam Deibler, 17 Ivy Lane, for a term to expire on August 1, 1984.

Re-appointment of Dr. Ruth Haas, 199 Southern Blvd, for a term to expire on August 1, 1984.

The Communication was accepted and appointments confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Re-appointment of Charles A. Bardo, 7 Ball Pond Road, to the Parking Authority for a term to expire on June 30, 1986.

A correction was also submitted for Mr. Kim Nolan who was appointed to the Parking Authority on June 2, 1981. The term should expire on June 30, 1985.

The Communication was accepted and appointments confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Appointment and re-appointments of the following to the Fair Rent Commission:

Appointment of Reverend Ruben L. Bush, 21 East Pearl St. for a term to expire on July 1, 1984. Reverend Bush is a member of the New Hope Baptist Church.

Re-appointments: Robert Godfrey, 13 Stillman Ave. for a term to expire on July 1, 1984.

Muriel Epstein, 8 Locust Ave. for a term to expire on July 1, 1984.

The Communication was accepted and appointments confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Appointment and re-appointments to the Youth Commission:

Appointment of Mrs. Susan Carter, Heritage Drive, for a term to expire on April 1, 1984.

Re-appointments: V. Paul Bernier, 58 Liberty Ave. for a term to expire on April 1, 1984.

Sharon Fusco, Hammersmith Apartments, for a term to expire on April 1, 1984.

The Communication was accepted and appointments confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Appointment of Mr. William McLachlan, 47 Wooster Heights, as an alternate member of the Environmental Impact Commission representing the Planning Commission for a term to expire on January 1, 1982. This position is required by Ordinance.

The Communication was accepted and appointment confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Support of Seymour Powers and Melvyn Powers for the reappointment of Dr. Donald Groff to the Environmental Impact Commission.

The Communication was accepted on the Consent Calendar.

DEPARTMENT REPORTS

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| Housing Inspector | Sanitary Inspector |
| Health Inspector | Building Inspector |
| Sealer of Weights | High Blood Pressure Program |
| | WIC program |
| Coordinator of Environmental & Occupational Health Services. | |

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

AD HOC COMMITTEE REPORTSREPORT - Land Acquisition Committee.

Councilman Evans, chairman of the Land Acquisition Committee submitted a report stating that the Land Acquisition Committee met on June 15th. In attendance were Councilmembers - Evans, Gallo, Butera, Burke, Turk and Repole.

In action taken it was voted to recommend that:

1. The property offered for rent at 156 Deer Hill Ave., be refused.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the Report ^{& recommendation} be accepted as read. Motion carried.

2. The offer to purchase the Mill Plain Fire House, be refused.

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

3. That a transfer of funds from the Contingency Fund to the Land Acquisition Capital Account be made in the amount of \$2,000, to cover costs of any appraisals that may be needed in the forthcoming fiscal year.

A motion was made by Councilman Ryan and seconded by Councilman Delsin to accept the Report and Recommendation. Motion carried unanimously.

A Certification in the amount of \$2,000 available in the Contingency Account to establish a Capital Account entitled Land Acquisition, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

REPORT - Request to purchase property on Morris St.

Councilman DaSilva, chairman of the Public Works Committee, submitted a report stating that the committee has studied this request. A report from Attorney Gottschalk stated that after a search of the records he could find no history of the City of Danbury owning the property in question. He said that it would be best if the petitioners pursue this matter on their own to find the actual owner.

The committee recommended that the Common Council take no action at this time as the City is not the owner of the property.

The Report was accepted on the Consent Calendar.

REPORT - Request to purchase property on Lombardi St.

Councilman DaSilva, chairman of the Public Works Committee, submitted a report stating that the committee reviewed this request. Assistant Corporation Counsel E. Gottschalk reported that this property does not belong to the City of Danbury. He said that the best course of action would be for the petitioner to conduct a title search to find the owner and conduct negotiations for the property on their own.

The committee recommended that the Common Council take no action at this time as the property does not belong to the City.

The Report was accepted on the Consent Calendar.

REPORT & CERTIFICATION - Fence for Pembroke School.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a report stating that the Public Works Committee has studied a request for a fence around the play area at Pembroke School. This fence is necessary for the protection of the children while playing ball and other games in the play area.

Mr. Fusek, Director of Highways, reported that he attempted to follow up on Public Works Director Garamella's recommendation that the fence be paid for out of this year's funds in the Public Works Department. He stated that he requested the needed fencing material be put out to bid sometime in May, but was informed by the Purchasing Agent that it was too late for this year. The completion of this project would therefore have to be funded out of the next fiscal year's budget. These developments caused some consternation among committee members.

The committee feels that this is a worthy and necessary project. It unanimously voted to recommend that the Common Council approve the appropriation of \$6,500 for the installation of a fence at Pembroke School.

A Certification in the amount of \$6,500 available in the Contingency Account to set up Capital Budget Items, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

The Report was accepted and transfer of funds authorized on the Consent Calendar.

REPORT & CERTIFICATION - Footbridge at Great Plain School - Stadley Rough Rd.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a report stating that the committee studied a request for a footbridge on Stadley Rough Road near Great Plain School. This would eliminate the necessity of school children crossing a narrow bridge which car traffic make dangerous. An on-site inspection was held in June.

In order to promote pedestrian safety in this area, the committee voted unanimously to recommend that the Common Council approve the appropriation of \$15,000 for the construction of a footbridge on Stadley Rough Road, near the Great Plain School.

A Certification in the amount of \$15,000 available in the Contingency Account to set up Capital Budget Items, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

The Report was accepted and transfer of funds authorized, on the Consent Calendar.

REPORT - Repair of Water line on Hoyt Street.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a committee report stating that the committee studied a request to find the responsibility for the repair of water line on Hoyt Street. City Engineer J. Schweitzer reported that City Ordinance 21-5(a) states that the cost of installing and maintaining connections to the City water main shall be at the expense of the property owner.

After review of this ordinance and the fact that the petitioner's problem deals with a connection to a city water main, the committee moved unanimously to recommend that the Common Council take no action at this time.

The Report was accepted on the Consent Calendar.

REPORT - Sewers for Fourth Street

Councilman DaSilva, chairman of the Public Works Committee, submitted a report stating that the committee has been studying a petition for the installation of a sanitary sewer line from the residents of Fourth Street.

City Engineer J. Schweitzer has done some preliminary cost estimates for this project. He reported that this line would cost approximately \$100,000 to complete. The highest charge would be around \$6,800, the lowest about \$2,600 and the average about \$3,500.

The committee voted unanimously to recommend that the Common Council authorize the Engineering Department to send out the approximate costs with a survey form to the residents of Fourth Street to ascertain their opinions as to proceeding with plans for the proposed sewer line.

The Report was accepted on the Consent Calendar.

REPORT & ORDINANCE - Revenue from Danbury Airport.

Councilman Murray, President of the Common Council, submitted a report stating that a public hearing was held on the above captioned ordinance, on June 22, 1981. The committee of the whole voted unanimously to recommend adoption of the proposed Ordinance, changing the word "June" replacing it with "September".

ORDINANCE - All fixed-base operators, as defined in the Danbury Aviation Commission "Minimum Standards for Lease and/or Use of the Danbury Municipal Airport", shall provide to the Office of the Tax Assessor a list of all aircraft located on property owned or leased by said fixed-base operator and operating from the Danbury Municipal Airport for a period of time in excess of forty-five days.

Said lists shall be filed with the office of the Tax Assessor commencing on or before the first day of September, 1981 and monthly thereafter on or before the first day of each month.

All lists required pursuant to this section shall be prepared on forms available from the office of the Danbury Tax Assessor. Such lists shall provide:

1. Name of legal owner (s).
2. Make or model of aircraft.
3. Year of manufacture.
4. Serial number
5. Federal registration number.
6. Correct mailing address of legal owner(s).
7. Such other information as may be required by the Assessor.

Failure to provide any lists required hereunder shall be punishable by a fine not to exceed one-hundred dollars, and any such failure may result in termination of any lease or permit in accordance with the procedures provided in the "Minimum Standards for Lease and/or Use of Danbury Airport" as promulgated and amended from time to time by the Danbury Aviation Commission.

The Report was accepted and Ordinance adopted unanimously, on the Consent Calendar.

REPORT & ORDINANCE - Amendment to Sec. 2-148 - Insurance Contracts - Board of review.

Councilman Murray, President of the Common Council submitted a report stating that a public hearing was held on the above captioned Ordinance, on June 22, 1981. The Common Council met as a committee of the whole, on June 29, 1981 and voted unanimously to recommend adoption of the proposed amendment.

ORDINANCE - That Section 2-148 of the Danbury Code or Ordinances is hereby redesignated as Section 2-148(a).

BE IT FURTHER ORDAINED THAT Section 2-148 is hereby amended by the addition of Subsection (b) which said subsection reads as follows:

"Insurance contracts shall be purchased after consideration of informal proposals from at least three prospective insurers, provided that prospective insurers are given an opportunity to submit their qualifications and estimates of cost to render the desired service. A Board of Review comprised of the Danbury Risk Manager, the Director of Finance, Corporation Counsel and the Mayor or their respective designees shall, by majority vote, make all decisions regarding the proposals.

Said Board of Review may waive the requirement of obtaining at least three informal proposals where necessary due to unavailability or impracticality."

The Report was accepted and the Ordinance was adopted unanimously, on the Consent Calendar.

REPORT & ORDINANCE - Code of Ethics.

Councilwoman Constance McManus submitted a report stating that the committee formed to review the Charter & Ordinances as they relate to influence peddling, ethical conduct, conflict of interest, and financial disclosure, met on Feb. 17, March 11, March 17, May 18, June 16 and June 29th. Attorney Gottschalk was present at the meetings of 2/17 & 6/16.

The committee studied the code of ethics ordinances from 10 Connecticut towns and unanimously voted to recommend approval of the Ordinance as submitted, rejecting a clause for inclusion of a financial disclosure stipulation for elected officials.

The committee also discussed financial disclosure for lobbyists but felt that this was beyond the scope of the charge to the committee and thus recommends that a committee be formed to investigate this possibility.

A motion was made by Councilman Ryan and seconded by Councilman Evans to accept the report and that the Ordinance be deferred for public hearing. Motion carried unanimously.

Mayor Dyer appointed Councilmembers, McManus, Rinder and Walsh for the committee to review financial disclosure for lobbyists.

REPORT & CERTIFICATION - Councilwoman McManus submitted a report stating that the Health Committee of the Common Council met on May 19th to discuss the financing for the ventilation hoods being installed in the Danbury School system.

Also present at the meeting were City Engineer J. Schweitzer, R. Winkelstern Superintendent of Public Buildings, Mr. Nappi, Mr. Wolfkeil and Barbara Baker, from the School System.

It is the committee's opinion that the new exhaust fans to be installed on the roof of the High School are the responsibility of the City since they are, in actuality part of the building.

Therefore, the committee recommends that the amount of \$3,200 be allocated for the exhaust fans and the electrical work to install them.

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The balance of the expense \$40,782 would be borne by the Board of Education. The committee further recommends that any reimbursement obtained from the State for the portion paid by the Board of Education, be returned to the Board. Any reimbursement of the monies paid by the City would be retained by the City.

Mr. John Edwards, Director of Finance, Acting submitted a certification of funds available in the Contingency Account in the amount of \$3,200. However, Mr. Edwards stated that he does not see where it is necessary as we are now in a new budget year and funds are in this account at this time.

The Report was accepted on the Consent Calendar.

REPORT - Request of Alrich Precision Manufacturing Company Ref property tax liens.

Councilman Boynton submitted a report in reference to the above, stating that the committee met on June 11, 1981. In attendance were Councilmembers E. Boynton and J. Burke; Corporation Counsel T. Goldstein and Acting Finance Director, John Edwards. Petitioners F. Kremer and Deborah Vich of Alrich Precision were also present. Councilman Walsh was absent due to illness.

Councilman Boynton read a legal opinion from Attorney Goldstein quoting from the last paragraph "It is the opinion of the undersigned (Corporation Counsel Theodore H. Goldstein) that placing of the collection of the tax liens of the City of Danbury in jeopardy by forfeiting their priority status through subordination to any other entity, is not permitted under the law of the State of Connecticut and the City of Danbury and would otherwise constitute a breach of the Public Trust placed in the Officers of the City."

Corporation Counsel Goldstein advised the committee that while it is understandable that they would consider every possible avenue to assist the petitioner, the legal aspects of this situation precludes any possible assistance by the Common Council, such as conditional subordination of the City Tax Liens.

Acting Finance Director, John P. Edwards and City Tax Collector William Hanna both stated that they have and will continue to work with Alrich Precision, within the limits of the law, to work out an equitable payment schedule of all back-taxes plus interest.

With that assurance, and upon the legal advice of Corporation Counsel T. Goldstein, Councilman Burke made the motion, seconded by Councilman Boynton that the committee recommend denial of the petition. The vote was 2 to 0 to deny.

The Report was accepted on the Consent Calendar.

REPORT - B.A.C. Lease for Airport Land.

This matter was referred to the Planning Commission in accordance with State Statutes.

REPORT - Request of Vincent Scialabba - A.B.C. Taxi Company.

Councilman Boynton submitted a report stating that the committee met on June 11, 1981. In attendance were Councilmembers Boynton, Evans & Zotos, Corporation Counsel Theodore H. Goldstein, Acting Finance Director John P. Edwards and Vincent Scialabba.

Other members of the Committee, Councilmen Delsin and Walsh were absent due to illness and other committee meetings.

Councilman Boyton presided at the meeting and read a legal opinion dated June 11, 1981 from Corporation Counsel T. Goldstein, quoting the last paragraph " It is the opinion of the undersigned (Attorney Goldstein), based upon cases in other jurisdictions and the requirement that public funds be used for public purposes, that the application of the above captioned (V.Scialabba ABC Taxi Co) for a subsidy to permit it to continue its business venture, be denied".

Councilman T. Evans targeted several paragraphs of the decision to explain his position, including one that points out the subsidy funding would come from taxpayers money and that it could cause a law-suit to be brought against the members of the Common Council. To quote from the Goldstein opinion "A municipal taxpayer is an equitable owner of municipal funds, while the officers of the municipal Corporation are the trustees in the management and application of them."

Mr. Scialabba, in response to a question from E. Boynton said that he (ABC Taxi Co.) needed the \$15,000 to pay for insurance for the cars so as to allow the firm to continue operating until "I can find a buyer".

A motion was made at the committee meeting, by Councilman Zotos and seconded by Councilman Evans to recommend to the Common Council that the petition be denied. The vote was 3 to 0 to deny the application.

The Report was accepted on the Consent Calendar.

REPORT - Discrimination Claim of Ann Hicks.

Councilman Gallo submitted a report stating that the committee met on March 17th, March 24th and June 16, 1981. All committee members were in attendance at all meetings, as was Miss Hicks.

The committee heard testimony from John Edwards, Arthur LaRoche, Nelson Macedo, Donald Boughton and Miss Hicks. The committee also had to read several documents from the Treasury Department regarding discrimination by Revenue Sharing recipients.

Evidence bearing on the question of discrimination was conflicting and inconclusive. It was the conclusion of the committee members that no intentional discrimination occurred. The committee does however, conclude that the practical effect of the timing of this allotment resulted in a hardship to Miss Hicks. By actually being hired in January of 1978 instead of December, 1977 Miss Hicks had to work the following year without any holiday pay or uniform allowance and her step increases were delayed by almost a year.

On a motion by Roger Delsin and seconded by Mounir Farah, the committee recommends that the City of Danbury award \$1,200 to Miss Hicks in full and final settlement of all claims which she may have against the City of Danbury.

Mr. John P. Edwards, Director of Finance, Acting submitted a letter stating that there seems to be no need for a certification of funds in the Contingency Account at this time as this charge can be paid from the Police Department where there are sufficient funds at this moment.

The Report and recommendation was accepted unanimously on the Consent Calendar.

REPORT - Part-time Arts Coordinator/consultant for Cultural Commission.

Councilman DaSilva submitted a report in conjunction with the Resolution which was adopted earlier during this meeting.

The members of the committee met on June 4, 1981 at which time a motion was made by Councilwoman Butera and seconded by Councilman Scialabba to allow the Danbury Cultural Commission to apply for an application for a grant of \$3,000 in order to employ an arts coordinator. All committee members voted in favor of the motion.

The Report was accepted on the Consent Calendar.

REPORT - Sewer Assessments for Field Road, Crest Road, Greenview Road.

Councilman R. Murray, President of the Common Council, submitted a report stating that the Common Council met as a committee of the whole on June 29, 1981 in relation to the above captioned sewer assessments.

A public hearing was held on the sewer assessments on June 10, 1981. The Council as a whole voted unanimously to recommend approval of the sewer assessments and requested the Corporation Counsel to draft the proper Resolution concerning the required method of payment.

Resolution was adopted earlier during this meeting.

The Report was accepted on the Consent Calendar.

COMMUNICATION - Request from John A. Wolfkeil for authorization to spend Federal and State Project Funds at the increased levels. Common Council approval is needed to raise the approved expenditure levels to conform with the increased level of approved entitlements or grants to our school system. This oversight has caused a problem for the Comptroller's Office.

The new level for the 1980-81 Project budget is \$2,210,125.

A communication from Mr. John P. Edwards, Director of Finance, Acting, advised the Council that because he was not notified by the School office, the 1980-81 budget for State & Federal Projects will exceed the amount budgeted by several thousand dollars which will completely offset pending grants. Mr. Edwards requested authorization to pay all bills with the revenues available as they develop. Mr. Edwards said he is at the moment holding \$7,800 in checks and there will be some additional amounts.

Councilman Evans requested referral to the Common Council liaison committee to the Board of Education. Mayor Dyer so ordered.

REPORT - Re: Appointment of Dr. Donald Groff to the Environmental Impact Commission.

Councilman Ryan submitted a detailed report stating that the ad-hoc committee assigned to consider the re-appointment of Dr. Donald Groff to the Environmental Impact Commission, met on April 1 and June 4, 1981.

The committee interviewed the nominee on both occasions. The committee also considered testimony from some thirty other persons concerning the nomination. The committee remarked at the outset that Dr. Groff was very candid and cooperative during all phases of the proceedings.

Dr. Groff serves on the commission as its soil analyst and appears often as an expert witness in court proceedings where the City of Danbury is a party. Dr. Groff receives no compensation for his service.

The committee does not recommend favorable action on the proposed re-appointment of Dr. Groff to the Environmental Impact Commission.

This result was achieved after twelve hours of discussion. It was noted in the report that Dr. Groff acting as a committee of one, redrew the Danbury Wetlands map. The map was never adopted.

The commission also provides for alternate members. When Dr. Groff is absent or declines to act, alternates do not fill in for him. In the opinion of the committee this presents difficulty in assuring the proper number of votes per petition.

On one occasion, Dr. Groff left a duly constituted meeting of the E.I.C. and later complained of a lack of quorum.

On other occasions, Dr. Groff, because of personal or professional reasons, disqualified himself from commission votes but continued to debate proposals, offer analysis and make motions.

Dr. Groff was part of the original commission that mapped a local developer's land as wetlands. Dr. Groff met with the developer at the site, and after examination, agreed that there had been a mistake.

Councilmembers should keep in mind that the reappointment has brought forward a great number of citizens. Environmentalists, developers and all Danburians share in the importance of the Council's decision in this matter.

A motion was made by Councilman Delsin and seconded by Councilman Evans to accept the report.

Councilman Evans spoke in favor of the appointment of Dr. Groff stating that the commission needs his expertise and that he does not have to be a resident and strongly recommended the re-appointment.

Councilman Boynton also spoke in favor of the appointment of Dr. Groff stating that Dr. Groff drew up the map as requested by the Chairman of the E.I.C. and that he was only doing his duty. Councilman Boynton urged that the recommendation of the report be denied.

Councilman Delsin spoke in opposition to the re-appointment stating that he has never disputed Dr. Groff's honesty or qualifications, but asked why Dr. Groff would leave a meeting with no quorum to vote on issues, and brought out other irregularities by Dr. Groff being on the E.I.C. Commission.

Councilman White wished to go on record in agreement with Councilman Evans and Councilman Boynton stating that Dr. Groff is not guilty of anything to disqualify him from this commission.

Councilwoman McManus stated that she had called members and developers who all said that Dr. Groff was honest even though they did not always agree with him.

Mayor Dyer, in passing the gavel to Councilman Murray, Council President, spoke in favor of his appointment of Dr. Groff, stating that he has watched this debate with much interest for some time. The Mayor said he has a solemn obligation to appoint responsible people and that Dr. Groff was exceedingly honest. Remarking that the Council has never shirked their responsibilities, Mayor Dyer urged the members to reject the report and to confirm his re-appointment of Dr. Groff.

Councilman Turk spoke in favor of the re-appointment of Dr. Groff stating that he believed it was the responsibility and right of the Mayor to make appointments and that it should not have been referred to committee.

On a roll call vote of 5 Ayes and 14 Nays, the Report was not accepted by the Common Council, and Dr. Groff was re-appointed to the Environmental Impact Commission.

Councilmembers Delsin, Rinder, Cassano, Zotos, Ryan, voted Aye, to accept the Report. (5 votes).

Councilmembers McManus, Gallo, Scialabba, Repole, White, Murray, DaSilva, Turk, Boynton, Burke, Butera, Evans, Farah, Torian, voted Nay to reject the Report. (14 votes)

PUBLIC SPEAKING SESSION

Mrs. Sara Rothkopf spoke in favor of Channel Six & minority representation of Councilmembers - at large.

Mrs. Rothkopf opposed the request for sewers in Stony Hill District, and thanked the Common Council and the Mayor for the re-appointment of Dr. Groff.

Mr. Paul Bernier, Chairman of the Youth Commission, thanked the Mayor and Common Council for the appointments to the Youth Commission.

Mr. Edmund Tomey spoke congratulating the Council for confirming the Mayor's re-appointment of Dr. Groff to the E.I.C.

Mr. Tomey also spoke in favor of Channel Six.

Mr. Harry Kessler spoke of minority representation on the Council stating that the E.T.A. should be entitled to two seats on the Council.

Mayor Dyer replied that we have 4 members on the Council endorsed by the E.T.A., two more than he is asking for.

Mr. Kessler also spoke against increases in Police & Fire Departments and against the Superintendent of Schools salary.

There being no further business to come before the Common Council, a motion was made by Councilman Delsin and seconded by Councilman Evans for the meeting to be adjourned at 9:00 O'Clock P.M.

Respectfully submitted

Mary Richert
Assistant City Clerk

Attest:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk

7/7/81