

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

SUBJECT: Minutes of the Common Council Meeting held on August 4, 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 the City Clerk, Elizabeth Crudginton, with the following members being recorded as:

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

ABSENT: Councilmembers - White, Butera, Farah.

18 members present - 3 members absent.

It was noted that Councilman White and Councilwoman Butera were away on vacation.

NOTICES FROM MAYOR DYER

Mayor Dyer offered congratulations and best wishes to Councilman Gallo for his marriage to be held on August 16th.

The Mayor also announced that Lake Avenue is going to be repaved, as well as West Street, W. Wooster St. and Segar Street. Clapboard Ridge is also scheduled to be repaved.

Mayor Dyer offered Best Wishes for a Happy Birthday to Councilwoman Eppoliti and Councilmen DaSilva, White, Boynton and Murray.

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Mayor Dyer asked for prayers for/speedy recovery for former Councilman Albert Addessi and former Councilwoman Lillian Cyr who are hospitalized, as well as for R. Ryerson, Director of Parks & Recreation who has been ill.

The Mayor thanked everyone who has inquired about his mother who was in an auto accident, stating that she is doing well.

CONSENT CALENDAR

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

- 02 - Resolution - Settlement of Claims.
- 020 - Communication - Waiver of Bids - Police Dept. Base Station.
- 021 - Communication & Certification - Funds for Teamsters Contract.
- 022 - Communication & Certification - Funds for Fire Dept. Labor Agreement.
- 023 - Communication & Certification - Transfer of Funds to Zoning Commission.
- 024 - Communication & Certification - Funds for Interest Bond Account.
- 025 - Communication - Report of Budgetary Accounts.
- 026 - Communication - State Highway Account - State Aid Account.
- 029 - Report & Resolution - Sewer User Charges for 1981-1982 Fiscal Year.
- 030 - Report & Certification - Funds for legal challenge to Blue Cross & Blue Shield Increases.
- 031 - Report & Certification - Funds for Caregivers Organization.
- 033 - Report & Certification - Funds for Fire Department Radio Equipment.
- 034 - Report & Certification - Funds for Beckerle Hose Co.
- 035 - Report - Demolition of building on West St. (withdrawn).
- 036 - Report & Ordinance - Establishing a Parks & Recreation Commission (deferred for public hearing).

CONSENT CALENDAR CONTINUED

- 037 - Report - Sanitary Sewers for Beaver Brook Heights.
- 038 - Report - Drainage problem on Oil Mill Road.
- 044 - Report - Charter Revision.
- 045 - Resolution - Establishment of Charter Revision Commission.
- 046 - Resolution - Appointments to Charter Revision Commission.
- 047 - Certification - Funds for Charter Revision Commission.

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

Minutes of Common Council Meetings held on July 7, 1981 and July 23, 1981.

A motion was made by Councilman Ryan and seconded by Councilman Murray for the minutes to be accepted as submitted. Motion carried.

CLAIMS - Joseph J. LoStocco - Penny Brennan

Councilman Murray requested referral to the Claims Committee of the Common Council and the Assistant Corporation Counsel for Claims - Attorney Thomas G. West. Mayor Dyer so ordered.

RESOLUTION - Settlement of Claims:

The Hartford Insurance Group - In settlement of the claim of Louis Coury et al v. City of Danbury - Date of Loss 2/6/1978. \$1,100.00

The Hartford Insurance Group - In settlement of the claim of Grace Wright v. City of Danbury - Date of Loss 1/29/1981 \$2,500.00

The Hartford Insurance Group - In settlement of the claim of Eleanor Potter v. City of Danbury - Date of Loss - 4/12/1979 \$2,500.00

The Hartford Insurance Group - In settlement of the claim of Julie Korcsmaros v. City of Danbury - Date of Loss - 1/24/1980 - \$2,500.00

A Certification was submitted by Mr. John P. Edwards Acting Director of Finance stating the availability of \$5,000 in the Contingency Account to be transferred to the Claims account to restore a nominal balance.

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

RESOLUTION - Construction of Urban Systems Realignment of Liberty Street.

State Project Number: 34-163

Federal Aid Project Number: M-3478(2)

Description: Realignment of Liberty Street.

Resolved, that James E. Dyer, Mayor of the City of Danbury, be and hereby is authorized to execute an agreement with the State of Connecticut entitled "Construction of Urban Systems Realignment of Liberty Street" identified by Agreement Number 6.17-03(81), and State Project Number 34-163.

A motion was made by Councilman Ryan and seconded by Councilman DaSilva for the Resolution to be adopted.

The Resolution was adopted by roll call vote of 18 Ayes - 3 members absent.

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COMMUNICATION - Petition of John Morganti & Sons for Sewer & Water on Larson Drive.

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

COMMUNICATION - Stony Hill Sewer Association and Application for sewer hook-up by Mendik Realty.

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

COMMUNICATION - Petition of TransCon Builders Inc. to extend Sewer and Water to property on the Easterly side of Main Street.

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

COMMUNICATION - Request from Mayor Dyer for an ad hoc committee to review what steps can be taken to work with the private sector to bring about an adequate water supply for fire protection purposes on the West Side of Danbury.

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

COMMUNICATION - Request from Councilman Turk for a committee of the Common Council to be appointed to review the state of Danbury's Water System.

Mayor Dyer suggested that this matter be referred to the Public Works Committee, confident that it will receive the consideration it deserves.

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

COMMUNICATION - Request of the Housatonic Area Regional Transit (HART) for Long Term Lease of Danbury Owned Property on Backus Avenue for the purpose of constructing a bus maintenance and storage facility.

Councilman Murray requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following members to this committee: McManus, Walsh, Evans.

The request was also referred to the Planning Commission.

COMMUNICATION - Request of Housing Authority of the City of Danbury for the City to review the taxes on 30 new units of Section "8" Moderate Rental Housing currently under construction.

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

COMMUNICATION - Offer by Simone Agency, Inc. of buildings for sale at 46 North Street for the sales price of \$185,000.00.

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

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COMMUNICATION - Offer by Jennie C. Ehrhard of land for sale to the City located at 60-62 South Street, consisting of a 9 room home, for the sales price of \$147,000.00.

Councilman Murray requested referral to the Land Acquisition committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Offer by Mrs. Filomina Esposito c/o Mrs. Ethel M. Russo, of land for sale bordering Rogers Park for the price of \$6,000.

Councilman Murray requested referral to the Land Acquisition committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request by Councilman Scialabba for committee to set up bus stops.

Councilman Murray requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following members to this committee: Boynton, Scialabba, Burke.

COMMUNICATION - Request from the Housing Authority of the City of Danbury, for the Mayor to be authorized to enter into negotiations to obtain approximately 150 units of Elderly Housing, through Section "8" H.U.D. funding, to be constructed on City owned land.

Mayor Dyer requested prompt consideration of this request noting that the Council has authorized negotiations for a Senior Citizen Housing Project. If all goes well ground could be broken for the 150 units of elderly housing in October.

A motion was made by Councilman DaSilva and seconded by Councilman Ryan that the Communication be accepted and negotiations authorized. Motion carried unanimously.

COMMUNICATION - Request by Mayor Dyer for an Ad Hoc committee to be appointed to review the City's relationship with private road owners. The Mayor feels that the time has come to establish a policy of shared responsibility with those taxpayers who reside on privately owned roads.

The Mayor is not suggesting that we accept roads that do not meet our engineering standards, however, many taxpayers are denied routine maintenance, paving and plowing, even though they subsidize these projects through their tax payments.

The Mayor also suggested a series of public forums to be held on this issue so that the homeowners on these streets can present their cases.

Councilman Ryan requested referral to the Road Study Committee. Mayor Dyer so ordered.

COMMUNICATION - Request by Mayor Dyer for consideration of funds to erect traffic signals at Osborne Street and Balmforth Avenue. Also to consider funding a traffic signal at Tamarack Avenue and Hayestown Ave.

Councilman Murray requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered and asked the committee to keep in touch with the residents of this area so they can attend the committee meetings.

COMMUNICATION - Request from D. Garamella, Director of Public Works, for a new position in the Forestry Department.

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

COMMUNICATION - Waiver of Bids - Police Department Base Station.

Request by S. Hamilton, Purchasing Agent, for waiver of bid procedure to purchase Police Department Base Station, to upgrade Police Dept.'s radio communications system. Purchase of this equipment is to be from General Electric.

The Communication was accepted and request granted by the Common Council, on the Consent Calendar.

COMMUNICATION & CERTIFICATION - Teamster Labor Agreement for Public Works, Parks, Airport, Tree Dept. and Solid Waste Plant.

Mr. John P. Edwards, Acting Director of Finance, submitted a certification of funds available in the Contingency account in the amount of \$102,525 to fund the Teamster Labor Agreement.

The Communication was accepted and funds authorized by the Common Council on the Consent Calendar.

COMMUNICATION & CERTIFICATION - Fire Department Labor Agreement.

Mr. John P. Edwards, Acting Director of Finance, submitted a certification of funds available in the Contingency Account in the amount of \$174,000 to fund the new Fire Department Labor Agreement.

The Communication was accepted and funds authorized by the Common Council on the Consent Calendar.

COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$2,000 to be transferred to the Zoning Commission to comply with their statutory obligation to furnish certain transcripts to the public. Most if not all of this money will be recovered by the City in the form of charges to the persons requesting transcripts of Zoning Commission proceedings.

A Certification was submitted by Mr. Edwards, Director of Finance, Acting, in the amount of \$2,000 available in the Contingency Account to be transferred to the Zoning Commission.

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

COMMUNICATION & CERTIFICATION - Request from the Director of Finance, Acting, Mr. John P. Edwards for an additional amount of \$13,400 for the Interest Bond Account #02-10-100-080500. Mr. Edwards submitted a certification for this amount available in the Contingency Account.

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

COMMUNICATION - Report of Budgetary Accounts.

Mr. John P. Edwards, Acting Director of Finance submitted a notification of the following deficits: (1980-1981 fiscal year).

City Clerk's Office (Xerox copies)	\$215.69
Zoning Commission	\$107.47
Welfare Dept. (Funerals, Medicines) etc.	\$3,827.89
Parks & Recreation (Roofing repairs)	\$2,129.87

Mr. Edwards is requesting that the Common Council, in accordance with the City Charter, pass on this matter, and authorize payment of the bills.

The Communication was accepted and bills authorized to be paid, by the Common Council, on the Consent Calendar.

COMMUNICATION - State Highway Funds - State Aid Account.

Request from Mr. John P. Edwards for the revenue account #02-65-000-521000 to be increased by \$111,854 and the expenditure account #02-03-111-029500 likewise adjusted upward by \$111,854.

The State of Connecticut will provide the City of Danbury with the additional \$111,854 for Highway Maintenance and Oiling. These funds will not affect the City Contingency Account or Fund Balance.

The Communication was accepted and request granted by the Common Council, on the Consent Calendar.

COMMUNICATION - Re-appointment of the following to the Board of Tax Review: for a term to expire June 30, 1987:

- Edward J. Klecha - 32 Oak Ridge Gate - Danbury
- Joseph H. Belin - 1 Dogwood Drive - Danbury
- Thomas A. Wixted - 177 Southern Blvd. - Danbury.

A motion was made by Councilman Evans and seconded by Councilman Torian that the Communication be accepted and re-appointments confirmed. Motion carried unanimously.

DEPARTMENT REPORTS

Fire Chief	High Blood Pressure Program
Fire Marshal	Airport Administrator
Police Dept.	Sealer of Weights
Health Inspector	
Housing Inspector	

A motion was made by Councilman Ryan and seconded by Councilman Delsin to dispense with reading 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. Motion carried unanimously.

REPORT & RESOLUTION - Sewer User Charges for 1981-1982 Fiscal Year.

Councilman Richard Murray, President of the Common Council, submitted a report stating that the Common Council held a public hearing on the Sewer User charges, on July 27, 1981 at 7:45 P.M.

The Common Council then met as a committee of the whole on July 27, 1981 at 7:55 P.M. to discuss the above captioned Resolution for the sewer user charge.

A motion was made and passed unanimously to recommend adoption of the Resolution establishing a sewer user charge for the fiscal year of 1981-1982.

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RESOLUTION - That the sewer user charge for the fiscal year commencing July 1, 1981 and ending June 30, 1982 shall be \$40.56 per unit, payable in two equal installments of \$20.28 due September 1, 1981 and March 1, 1982 respectively. Each installment shall be payable without penalty if paid on or before October 1, 1981 and April 1, 1982.

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

REPORT & CERTIFICATION - Funds to join in a legal challenge to the proposed Blue Cross-Blue Shield premium increase.

The Common Council committee appointed to review the above captioned request, met on July 20, 1981. In attendance were committee members Richard Murray, James E. Ryan and City Risk Manager, Thomas Fabiano.

After a discussion with the Risk Manager and a review of the request the committee recommends authorization for the transfer of funds in the amount of \$475.00 as Danbury's share of the cost of municipal intervention challenging the application of Blue Cross - Blue Shield Inc. for an increase in premiums for Century Contract and other insurance plans.

A Certification in the amount of \$475 available in the Contingency Account to be transferred to City Memberships Account #02-01-191-072812, Conn. Conference of Municipalities, was submitted by Mr. John P. Edwards Director of Finance, Acting.

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

REPORT & CERTIFICATION - Councilwoman C. McManus submitted a report stating that the Common Council committee appointed to review the request for funding for the Caregivers Organization, met on July 19, 1981. Present, in addition to Councilmembers Butera and McManus, were Rosemary Stark and Judy Levine from Caregivers.

It was explained to the committee that Caregivers is a volunteer counselling service which is available upon request before a crisis occurs.

The service is free and the volunteers are given an eight week training course with a therapist who then supervises the field work.

The representatives from Caregivers were advised that any future requests should be made at budget time through the regular channels. The committee recommends that the Council allocate \$3,000 for the Caregiver program.

A Certification of funds in the amount of \$3,000 available in the Contingency Account to be transferred to Common Council Contributions & Grants Account #02-01-100-072800 (Caregivers Organization), was submitted by Mr. John P. Edwards, Acting Director of Finance.

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

REPORT & CERTIFICATION - Funds for Fire Department Radio Equipment.

Councilman DaSilva submitted a report stating that the committee appointed to study a request to appropriate \$16,000 to replace obsolete radio equipment in the Danbury Fire Department, met at 8:30 P.M. on July 30, 1981.

In attendance at the first meeting were Councilmen DaSilva, Delsin and Murray, Fire Chief Bertalovitz, Lt. Melody and Councilman Gallo. In attendance at the second meeting were Councilmen DaSilva and Murray and Assistant Chief Joseph Gowel.

Mr. Bertalovitz and Mr. Gowel explained the need for the new equipment. They stated that the present equipment is in very poor condition, causing a hazard to firefighting and ambulance service when a breakdown occurs.

The quality of communication is poor they stated, even when the equipment is in operation. They reported that a substantial amount of money has been spent for repairs in recent years. A letter from Chief Bertalovitz shows that \$1,951.95 was spent in the 1980-1981 fiscal year.

Mr. Gowel explained that he was still working with radio repair firms at the time of budget preparations, to attempt to get the system into proper working condition. Since that time it has been ascertained that the present system is in need of replacement.

Question was also raised concerning any cost to volunteer companies for conversion of 10-10 receivers when the communication system is changed from channel 1 to channel 2. Mr. Gowel explained that this conversion is not necessary at this time as Channel 1 will be used to notify the volunteers at their fire houses and homes, and Channel 2 will be used for communication between the base and the fire apparatus.

The cost for converting the apparatus equipment for all paid and volunteer companies is included in this request. The reason for the switch in channels, as explained, is that the State Radio Co-ordinator has informed the Chief that this will be mandated because of excessive interference on Channel 1.

The cost of converting the volunteer's 10-10 receivers shall it become necessary, is \$25-\$50 per set.

If the main fire channel is changed the committee recommends that the Common Council appropriate the funds necessary to perform this conversion for the volunteer fire companies.

Because of the present state of disrepair of the communication system in the Danbury Fire Department, in light of the information presented us, the committee voted unanimously to recommend that the Common Council appropriate \$16,000 for the purchase of a new system that will enhance the fire safety of our City.

A Certification in the amount of \$16,000 available in the Contingency Account, to be transferred to Fire Department Communications Equipment Account #02-02-110-062000, was submitted by the Director of Finance, Acting - Mr. John P. Edwards.

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

REPORT & CERTIFICATION - Funds for Beckerle Hose Co.

Councilman DaSilva submitted a report stating that the committee appointed to review a request for \$5,929,40 from the Beckerle Hose Company, for repairs to their fire truck, met on July 20, 1981.

In attendance were Councilmen DaSilva, Murray and Delsin; and David Coelho, Captain of the Fire Company and Councilman Ryan.

Mr. Coelho explained that the money requested is for major repairs to their pumper which were necessary to keep it in working condition. This type of major repair work goes beyond the normal repair and maintenance which is regularly taken care of by the fire company.

The money used to pay for these repairs was slated to be used to help pay the regular operating expenses for this year. Without this appropriation the fire company would suffer a hardship, being hard pressed to meet this year's monetary commitments.

The committee therefore, moved unanimously to recommend approval of the appropriation of \$5,929.40 to the Beckerly Hose Co. for repairs to their fire truck.

A Certification in the amount of \$5,929,40 in the Contingency Account to be transferred to the Fire Department Contributions other Town Funds Account #02-02-110-071500, was submitted by the Director of Finance Acting, Mr. John P. Edwards.

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

REPORT - Request for funds to demolish building on West St.

Councilman DaSilva submitted a report stating that the request from the Building & Zoning Inspector, Paul Garofalo for funds in the amount of \$1700 for the demolition of a condemned building at 72½ West Street has been withdrawn because the building has been sold and the new owner has contracted to have it torn down. No action required by the Council.

The Report was accepted on the Consent Calendar.

REPORT & ORDINANCE - Parks & Recreation Commission.

Councilman Murray submitted a report stating that the committee appointed to review an ordinance establishing a Parks & Recreation Commission, met on June 8, 1981. In attendance were committee members Richard Murray, Edward Torian and Parks & Recreation Director Robert Ryerson.

The committee reviewed Section 197 of the Old Charter as amended by Section VII-30 of the Consolidation Ordinance. Mr. Murray and Mr. Ryerson were asked to meet with Assistant Corporation Counsel E. Gottschalk to draft an ordinance.

The proposed ordinance was submitted to the committee on July 20, 1981. After review of the ordinance, the committee unanimously recommends adoption of the ordinance establishing a Parks & Recreation Commission, following a public hearing as required by the Charter of the City of Danbury.

The Report was accepted and Ordinance deferred by public hearing, on the Consent Calendar.

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REPORT - Sewers for Beaver Brook Heights.

The Public Works Committee Chairman, Joseph DaSilva submitted a report stating that the committee has been studying a request for a sewer line in the Beaver Brook Heights area.

After a determination by the Bond Counsel that it was proper to use unspent money from prior bond issues to sewer new areas, the committee held an informal meeting with area residents of Beaver Brook, to explain the general procedures for sewer installation and give an approximate total cost.

Following the meeting with residents the engineering department sent out a survey to all affected property owners with an approximate cost by parcel. A supplemental survey was also sent to those not responding. The result of both mailings showed about 50% in favor and 37% against.

Because of the results of the survey and the knowledge that this area is in need of a sewer, the committee voted unanimously to recommend that the Common Council add this project to the seven million dollar sewer bond issue and follow the procedure as called for in the City Charter in regards to new sewer projects.

The Report was accepted by the Common Council, on the Consent Calendar.

REPORT - Drainage on Oil Mill Road.

Councilman DaSilva, chairman of the Public Works committee, submitted a report stating that the committee studied the drainage problem on Oil Mill Road. It was determined by the City Engineer and Superintendent of Highways that the basis of the problem comes from drains which run from homes into the street.

Because of the information presented, the committee voted unanimously to recommend that the Common Council request the Zoning Enforcement Officer of the City of Danbury, order all residents on Oil Mill Road with drains running into the street either tie them into the City Drains there or plug them so that no water will continue to flow into the street.

The Report was accepted on the Consent Calendar.

REPORT - Helicopter Traffic.

Councilman Torian submitted a progress report on the Helicopter Traffic Ordinance, stating that the committee met on July 22, 1981 and a list of specific areas to be noteworthy for possible inclusion in the Ordinance was sent to Attorney Gottschalk who has been asked to formulate a proposed draft for further review by the committee at the next scheduled meeting.

REPORT - Charter Revision

Councilman Ryan submitted a report stating that the committee charged with studying the feasibility of establishing a Charter Revision Commission, met on June 11, 1981 and July 14, 1981.

The committee reviewed the current charter and noted several areas that have presented problems of interpretation or application.

These include such areas as (1) Length of terms of elected officials; (2) Purchasing; (3) Expenditures. The committee concluded that effective Charter Revision would require a comprehensive review.

It is therefore, the recommendation of the Council committee that a Charter Revision Commission be established pursuant to the following Resolution, consisting of nine members. The commission should give its final report within one year of appointment.

The Report was accepted on the Consent Calendar.

RESOLUTION - Charter Revision.

Whereas, the City of Danbury has a Charter which is its organic law; and  
Whereas, The City of Danbury's Common Council is the Ordinance making authority for the City of Danbury; and  
Whereas, The Common Council is desirous of appointing a Charter Revision Commission;

NOW THEREFORE BE IT RESOLVED that the City of Danbury acting by its Common Council pursuant to Title 7 Section 188 of the Connecticut General Statutes hereby initiates and declares that it is the best interests of the City that a Charter Revision Commission be established.

BE IT FURTHER RESOLVED, that the Charter Revision Commission is established and that the same shall consist of nine (9) members. Said commission shall have authority to make recommendations concerning the entire Charter, and shall report such recommendations and findings within one year from the date of passage of this Resolution.

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

RESOLUTION - Appointments to Charter Revision Commission.

Whereas, the Common Council has appointed a Charter Revision Commission pursuant to Title 7 Section 188 of the Connecticut General Statutes; and

Whereas, pursuant to Title 7 Section 190 the appointing authority must fill the positions within the commission,

Now Therefore Be It Resolved, that the following nine (9) members are appointed to the Charter Revision Commission:

- |                   |     |                          |
|-------------------|-----|--------------------------|
| Paul Shea         | D   | Park Ave. Village Square |
| Clarice Osiecki   | R   | 9 Terra Glen Road        |
| Thomas G. West    | D   | 21 Second Avenue         |
| Nancy Deibler     | D   | 17 Ivy Lane              |
| William Walsh     | R   | 44 Mabel Avenue          |
| Sarah Rothkopf    | TPA | 171 Triangle St.         |
| Carl Susnitzky    | R   | 8 Field Road             |
| Elizabeth McGran  | D   | 29 Kohanza Street        |
| Dr. Alvin Goldman | D   | 3 Lake Crest Drive       |

Be it further resolved that the sum of \$2,500 is hereby transferred to the Charter Revision Commission Account for expenses to be incurred.

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

CERTIFICATION - Mr. John P. Edwards, Acting Director of Finance, submitted a certification in the amount of \$2,500 available in the Contingency account to be transferred to the new Charter Revision Commission Budget.

The Certification was accepted and transfer of funds authorized by the Common Council, on the Consent Calendar.

REPORT - Minority Representation in the Election of at-large Common Council members.

Councilman Ryan submitted a report stating that the committee assigned to the above captioned subject, met on July 14, 1981 in room 414 at City Hall.

Corporation Counsel Theodore H. Goldstein advised the committee that the election of at-large members of the Common Council did not fall under Connecticut's minority representation statute, C.G.S. 9-167A.

Attorney Goldstein's opinion was based on a Connecticut Supreme Court case which expressly held that the minority representation statute has no application to local legislative bodies.

It is therefore the report of the committee that the minority representation statute has no application to the Common Council at-large members.

A motion was made by Councilman Boynton and seconded by Councilman Evans that the report be accepted.

Councilman Turk remarked that there are minority members on the Board of Education and Zoning Commission and should also be on the Legislative body.

Corporation Counsel Goldstein replied that this change must be made by the General Assembly.

Councilman Turk asked if the School Board and Zoning Commission require minority representation.

Corporation Counsel Goldstein replied yes they do.

Councilman Turk asked if the Charter could have this rule apply to the Common Council. Attorney Goldstein is to provide an answer to Mr. Turk.

The motion for acceptance of the report was carried.

REPORT - Airport Lease.

Councilwoman Lilija Rinder submitted a report stating that the committee appointed to study the proposed airport lease to Business Aircraft Center, met on July 27, 1981. Committee members Rinder, Farah and Delsin were present. Also present were, Robert Zohn, principal for BAC, his attorneys Bruce Cohen and Paul Pacifico, Neil O'Connor and Roy Perkins from the Conn. Dept. of Transportation; Jack Thompson, Airport Administrator and Douglas Godfrey, Chairman of the Airport Commission.

Approvals for the projected operation and lease have been obtained from the Planning Commission and the City Planning Department. The representative of DOT expressed their approval and indicated that they would substantiate this approval in writing to the committee. Letters were offered from FAA, which indicated that there was no objection to the enterprise.

The committee felt that since the lease for Business Aircraft Center has been negotiated with the Danbury Airport Commission, and has followed the guidelines of the Minimum Lease Standards used by Danbury Airport, and has obtained the approval of the pertinent agencies, the committee has no option but to recommend the approval of this lease.

The committee therefore recommends that the Common Council of the City of Danbury authorize the Mayor to execute the subject lease, subject to Attorney Gottschalk's acceptance of the approvals from all concerned municipal, state and federal agencies.

The committee recommendation includes the following:

1. Recommend permission to build, subject to approvals from all concerned Municipal, State and Federal Agencies.
2. Recommend permission to seek and obtain a mortgage for the projected building.
3. Recommend granting right of first refusal on small parcel of land (1/3 acre +) abutting the leased land, legal description of which is attached to lease.
4. Subject to correction in Exhibit A-1, Paragraph 2, where reference is made to "owner" and "owners" of Parcels A and B: this should read "lessee" and "Lessees".

The committee members present voted unanimously.

There will be a minority report from committeewoman Constance McManus.

REPORT - Minority Report for Airport Lease.

Councilwoman C. McManus submitted a report stating that she was unable to support acceptance of the lease presently under consideration. Neither the minimum standards nor the lease under question serve the best interests of Danbury.

Mrs. McManus called attention to the following: The minimum standards are outdated. The rental fee as stated in the standards is an annual fee of six percent of the fair market value. Six percent may have been appropriate in 1970, when the minimum standards were written, but it is not appropriate in 1981. In 1970 the prime rate was 8%, mortgages were 6% and the consumer price index was 116; today the prime rate is 20%, mortgages are 16%, and the CPI is 263. Any of us would love to buy land, a house, or a loaf of bread at 1970 prices -- we are not able to do so!

The fair market value is defined by the standards as that value determined in the last city wide valuation. The last valuation was in 1977. What is the property worth today? If we were offering our own property for lease, most of us would seek a current fair market valuation -- we should do nothing less in dealing with that property which belongs to Danbury!

The minimum standards are ambiguous - The standards are titled "minimum" which would indicate a lower limit. The interpretation of these standards appears to view this "minimum" as a specific fee to be applied. I find this interpretation not to be in the best interests of the taxpayers of Danbury.

The 1979 amendment to the standards is unclear - The amendment states that "the rental shall be increased annually in proportion to the increase related to the consumer price index". The base year is then described as the year in which the lease is signed. Does this mean that the fair market value is the value per the year of the lease, the 1977 valuation increased by the CPI, or the 1977 valuation? If based on the 1977 valuation the fee for a lease signed in 1977 would be greater than for a lease signed in 1981 -- this would not appear to be the intent of the amendment.

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The lease does not meet the current minimum standards - The rental fee as listed in the lease is \$2100 per year per acre. This is six percent of the 1977 valuation --- not the 1977 valuation increased in relation to the increase in the CPI. The introduction contained in the lease specifically states that all amendments will be considered.

Paragraph five of the lease then expressly excludes any modification to the monetary standards. The monetary standards don't serve the best interests of Danbury and this lease doesn't even adhere to these standards. So what have we in total:

Standards which are outdated -- Standards which are ambiguous -  
An amendment to these standards which is unclear relative to intent.  
A lease which does not even appear to meet these standards.  
A rental fee of \$175 per month for an acres of prime land. This may have represented a fair business deal in years past --- today it is not a fair deal -- it is not a prudent deal!

Continuing on with her report, Mrs. McManus stated that we have become confused in our assessment of the role of the Minimum Lease Standards. Danbury is not to serve these standards -- these standards are to serve Danbury! When standards or regulations of any type no longer serve the citizens of Danbury -- they must be changed! Mrs. McManus stated that she would vote in the negative on the acceptance of this lease, and would further vote in the negative on every airport lease until such time as the minimum standards serve the interests of the citizens of Danbury, and urged her colleagues to also vote to reject this lease, and further urged them to join in insisting that the minimum standards be revised prior to any further consideration of any airport lease.

A motion was made by Councilman Evans and seconded by Councilman Gallo that the minority report be accepted.

A motion was made by Councilman Turk and seconded by Councilman Delsin that the Majority report be accepted.

The motion was not carried - by a vote of 14 Nays and 4 Ayes. Councilman Delsin, Councilwomen Rinder and Eppoliti and Councilman Turk, voted Aye. All other members present, voted Nay (14).

Following further discussions on this matter, the minority report was accepted by a vote of 14 Ayes and 4 Nays. Councilmembers - Delsin, Rinder, Eppoliti and Turk, voted Nay. All other members present voted Aye (14).

During discussions it was requested that the Minimum Standards be amended and Councilman Boynton urged members not to vote for any leases until the Minimum Standards have been amended. Upon request by Councilman Walsh, Mayor Dyer appointed the following members for this committee: McManus, Walsh, Cassano, Rinder, Delsin to amend the Minimum Standards.

PUBLIC SPEAKERS

Mrs. Sarah Rothkopf thanked Mayor Dyer for her appointment to the newly established Charter Revision Commission, and the Common Council for their confirmation of the appointment.

Mrs. Rothkopf also announced that she will not be a candidate for Mayor in this year's election.

Mr. Harry Kessler spoke in refernece to overtime and fringe benefits for the Danbury Fire Department.

Mr. Kessler spoke against funds for the Cultural Council of Western Connecticut stating that we cannot handle every request for funds.

Mr. Kessler spoke of a Mayor for inner City but not for outer limits. Mr. Kessler also mentioned that the new Charter revision does not have representation from the fourth line - the ETA and asked that representative from the ETA be allowed to submit proposals.

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Mr. Kessler stated that we do not need Cable, in reference to Channel 6. and that a long term lease is not fluctuating.

Mary Keltschnee - Southern Blvd, spoke in reference to the Ives Festival of the Arts and asked to be notified of the committee meeting to be held on the request for funds from the Cultural Council of Western Connecticut.

Mr. Edmund Tomey spoke in opposition to funds for the Cultural Council of Western Connecticut stating that no funds were requested for the Shakespearean production at Richter Park - not necessary to lay out money to pay for cultural activities. Many should volunteer as they did for the production at Richter Park.

Mr. Joseph DeMateo asked if the Charter Revision Commission would be for specific sections.

Councilman Ryan replied that the charge is unlimited and is for the entire Charter.

Mayor Dyer stated that it would be broad enough to encompass any deficiencies and will solicit from all interested groups.

RoseMary Stark thanked the Council for funds, on behalf of the Caregivers Organization.

There being no further business to come before the Common Council, a motion was made by Councilman Gallo and seconded by Councilman Evans to adjourn the meeting at 9:25 O'Clock P.M. Motion carried.

Respectfully submitted



Mary Rickert  
Assistant City Clerk

Attest:



Elizabeth Crudginton  
City Clerk