

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

SUBJECT: Minutes of the Common Council Meeting held May 4, 1982.

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

The Common Council Prayer was offered by Councilman Edward T. Torian.

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

PRESENT: Council Members - Gallo, McGarry, Foti, Torcaso, Eriquez, Esposito, Repole, Zotos, Eppoliti, McManus, DaSilva, Torian, Cassano, Charles, Boynton, Evans, Farah.
Council Members - Burke and Butera arrived after roll call.

ABSENT: Councilmen Elder and White.

19 Members Present - 2 Members Absent.

It was reported that Councilman Elder was out of town and Councilman White was engaged in business.

NOTICES FROM MAYOR DYER

Mayor Dyer reminded members of the Council of the Memorial Day parade to be held May 31st and urged members to participate by marching as a group.

The Mayor announced the following Birthdays and extended Best Wishes to:

- Attorney Gottschalk for May 3rd
- Attorney Goldstein for May 4th
- Chief Bertalovitz for May 4th
- Peter Winter - May 21st
- C. McManus - Council President - May 25th.
- Cable Ten News Reporter - May 7.

Today, Don and Betty Crudginton are celebrating their 14th wedding anniversary.

"You also have before you this evening on the Agenda, a Bond request. I think that it is important we give this serious consideration. It concerns many of our school buildings and other facilities that need to be brought up to standards and I would hope you give it close scrutiny and be able to place it on the November ballot, along with the Road and Traffic improvements."

"One other issue that I would like to fill the Council in on - As you know, I am sure, the landfill has been closed. Last night at 6 O'Clock I was called to the landfill. Flames had erupted 30 feet or more by some kind of explosion into the sky.

Our firefighters fought the blaze throughout the evening, past midnight. They did a tremendous job. I reviewed the situation early this morning and discovered there was still fire under ground and there was still smouldering debris - that there was indeed the possibility that flames could erupt through the ground again, posing a threat to human life and vehicles that would be loaded with fuel or trash that would be flammable.

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I have consulted with the Health Department, Police Department, Fire Department, Public Works Department and the State Department of Environmental Protection. The decision was made to close the landfill immediately.

The Department of Environmental Protection will be here tomorrow morning to inspect the landfill and give us guidance. As it stands right now, we will not be able to reopen the landfill until, number one, it is certified to the excavation work and borings and until the fire problems have been resolved.

Indeed we have excavated almost to the Bethel line and found smouldering debris. The other major part and the part we will need the Council on is that we may have to appropriate up to One Hundred Thousand Dollars, to reopen the landfill. We only have one bulldozer. The other one is still being repaired from the other fire. We cannot operate the landfill with one bulldozer and be in compliance with D.E.P. standards and regulations.

In the interim SCA has made available to our haulers and residents, the landfill in New Milford - immediately available. There is no waiting period for permits or any different charge than what their normal and regular customers are charged. \$15.50 per ton \$1.25 per car and \$5.60 for each pickup. Indeed many residents made use of the New Milford Landfill today and several haulers I believe also did.

I have been requested to meet with a delegation of the haulers and Thomas Refuse as well as whoever else he designates at 9:30 tomorrow morning in my office and your Council President will be joining me in that meeting along with the Public Works Director. I will

I will notify you as soon as I possibly can in regards to the possibility of a special meeting to make appropriation of the funds necessary to reopen the landfill. If we can by transfer within the department open the landfill sooner, we will do that, but until, I have a clean go from the Fire Department, other officials involved, as well as the State Department of Environmental Protection, it will remain closed.

I would just conclude this report to you with a statement that this is a very sensitive issue because it comes at a very unfortunate time when the Council is deliberating an issue they have found to be quite difficult.

Irrespective of that issue and totally separate from that issue is the clear and distinct responsibility of the office of the Mayor to maintain public safety throughout our City. In conjunction with that it is also important to note that intimidation, threats, that any other kind of coercion, will never decide policy in this administration. We will act, I am sure, as responsible elected officials - debating issues properly, reviewing them properly, but never surrendering to other than what we believe is right for the City we care so much about."

CONSENT CALENDAR

Councilman DaSilva submitted the following items listed on the Agenda to be placed on the Consent Calendar:

- 04 - COMMUNICATION - Compliment to Director of Planning.
- 08 - Communication - Easements to NorthEast Utilities as required by the realignment of Liberty Street.
- 012 - Communication - Capital Line Item (Improvements at Sokol Property).
- 013 - Communication - Request of Commission on Aging for additional funds.
- 019 - Communication - Appointment to Conservation Commission.
- 023 - Report & Certification - Funds for Civil Service Commission.
- 024 - Report - Not to accept Sierra Way and Deal Drive.
- 025 - Report - Drainage Problem - Glendal Drive.

A motion was made by Councilman DaSilva and seconded by Councilman Torian that the Consent Calendar be adopted as presented. Motion carried unanimously.

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MINUTES OF Common Council meetings held on April 6, 1982 and April 19, 1982.

A motion was made by Councilman DaSilva and seconded by Councilman Torian that the reading of the minutes be waived and accepted as submitted. Motion carried unanimously.

01 - CLAIMS - Catherine McCarthy - Mary F. Bonadio - Joan D. Barbarie - Mary Ann Capozza - Kenneth C. Dosch - Lawrence R. TerHaar - Cheryl Ann Benway by Joyce Patino (Mother)
Andrew Ipkovich by Ferenc Ipkovich (Mother).

Councilwoman C. McManus requested referral to the Claims Committee and Attorney Thomas G. West, Assistant Corporation Counsel, for Claims. Mayor Dyer so ordered.

02 - COMMUNICATION - Offer by Boehringer Ingelheim to donate funds for a Smoke Generator for the Danbury Fire Department, in the amount of \$595 to be used in the purchase of a Rosco Smoke Genetator and two liters of smoke generating fluid.

A motion was made by Councilman Gallo and seconded by Councilman McGarry for the communication and donation to be accepted. Motion carried unanimously.

Councilwoman Torcaso asked that a letter of thanks be submitted. Mayor Dyer replied that it is already being done.

03 - COMMUNICATION - Offer by Jade Fountain Restaurant (Henry Chan) to donate a painting for the Danbury Police Department.

Councilwoman McManus requested referral to an Ad Hoc committee. Mayor Dyer so ordered and appointed the following committee: Eriquez, Charles, Zotos.

04 - COMMUNICATION - Compliment from Paul J. Mangiafico to the Director of Planning, Mr. Leonard Sedney, stating that he is an asset to the City of Danbury in that he has been found to be very competent, professional and willing to extend himself to assist others in a multitude of important activities.

The Communication was accepted on the Consent Calendar.

05 - COMMUNICATION - Concerning water bills to Volunteer Fire companies.

Councilwoman McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed Council Members Torcaso, Torian and Elder to this committee.

06 - COMMUNICATION - Workmen's Compensation Commission Award.

Notice of an award has been received from the Workmen's Compensation Commission awarding one Gordon Lynch a former firefighter who incurred a coronary condition while employed with the City. The amount of the award is \$34,944.00 a lump sum settlement.

Mr. John P. Edwards submitted the following certification: \$5,849 from Contingency Fund and \$29,095 from Fund Balance Account for this expense.

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

07 - COMMUNICATION - Transfer of Accounts in the amount of \$77,853.65 to the Municipal Suspense List, requested by the Tax Collector W. Hanna.

Councilman McGarry requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee:
Elder, Farah, Repole.

08 - COMMUNICATION - Request from the Redevelopment Agency for approval of a grant easements from the City of Danbury to Northeast Utilities for the purpose of relocating electrical utilities as required by the realignment of Liberty Street.

The Communication was accepted and request granted on the Consent Calendar.

09 - COMMUNICATION - Offer by the Ordinance Revision Commission to undertake procedural guidelines for agencies having to do with land use control.

Councilwoman McManus requested referral to committee. Mayor Dyer so ordered and appointed the following committee:
McManus, Torian, DaSilva.

010 - COMMUNICATION - Ordinance Revision Commission Recommendations, with respect to Chapters 6A, 9, 10, and 13A. These recommendations have been arrived at after extensive review and after input from various commissions and departments of the City of Danbury.

Councilwoman McManus requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee:
McManus, Torian, DaSilva.

011 - COMMUNICATION - Request from Mayor Dyer for an ad hoc committee to be appointed to review the following options in reference to a serious overcrowding condition at the Police Department Parking Lot:

- a) Obtaining additional adjoining land.
- b) Enlarging the existing lot by allocation of funds for fencing, drainage, paving.
- c) Finding a suitable area to accommodate the storage of vehicles that now must be kept at the Police Station.

Councilwoman McManus requested referral to committee. Mayor Dyer so ordered and appointed the following committee:
Burke, Gallo, Evans.

012 - COMMUNICATION - Request from Mr. Robert Ryerson for \$22,000 to be appropriated to the capital line item "Improvements at the Sokol Property". Due to the rental of Hatters Community Park's facilities, there will be \$22,000 collected this fiscal year (1981-1982).

The Comptroller's Office has stated that this action will not require any transfer from the contingency fund. The revenue account and the appropriation account will be increased in a like amount.

This action will enable development of the athletic field area at Hatters Community Park during the 1982-1983 fiscal year.

The Communication was accepted and request granted on the Consent Calendar.

013 - COMMUNICATION - Funds for the Danbury Senior Center.

The Danbury Senior Center has requested the release of \$514.50 from activity money sent to the City that they did not have a specified purpose for. The Center has run short of funds for Professional Services (Instructors) for the fiscal year 1981-1982.

The Communication was accepted and request granted on the Consent Calendar.

014 - COMMUNICATION - Request from the North West Regional Mental Health Board for a contribution of \$5700.00

Councilman Eriguez requested referral to committee. Mayor Dyer so ordered and appointed the following committee: Cassano, Butera, Esposito.

015 - PETITION - Request of Mill Plain Office Park Limited Partnership to extend water line to 36 Mill Plain Road.

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

016 - COMMUNICATION - Request from the Hungarian-American Club of Danbury, Inc. for sewer and water on property located on Route 37.

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

017 - COMMUNICATION - Request to have ownership of Hawthorne Cove Road taken over by the City of Danbury.

Councilman Eriguez requested referral to the Road Study Committee and Planning Commission.

Mayor Dyer so ordered and appointed the following committee:

018 - COMMUNICATION - Request by Mayor Dyer for the Common Council to review bond proposals for our schools, parks, buildings, and other facilities. These items should be part of the November traffic improvement bond request.

Total Bond Proposal - \$6,537,325.00, for Engineering, Parks & Recreation, Public Buildings, Police Department, Fire Department.

Councilman Eriguez requested referral to the Public Works Committee and Planning Commission.

Mayor Dyer so ordered.

019 - COMMUNICATION - Appointment by the Mayor of Mr. Roger Young, 43 Dana Road as a member of the Conservation Commission for a term to expire on July 1, 1983.

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

020 was withdrawn.

021-DEPARTMENT REPORTS

Fire Chief
Fire Marshal
Airport Administrator
Blood Pressure Program
Coordinator of Environmental &
Occupational Health Services

Health Inspector
Housing Inspector
Building Dept.
Police Department
Equal Rights &
Opportunities.

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

022 was withdrawn.

023 - REPORT & CERTIFICATION - Funds for Civil Service Commission.

Councilman Foti submitted a report stating that the committee met on April 21, 1982 at which time Councilman Foti and Councilwoman Eppoliti was present together with N. Nero Chairman of the Civil Service Commission and J. Hanna, Chief Examiner of the Civil Service. Councilman Boynton also attended, ex-officio.

The committee met again on 4/28/82 with Councilmen Foti and Zotos in attendance together with N. Nero and J. Hanna.

Mr. Nero explained that cost overruns occurred because participation in the program to improve minority participation in the Police and Firefighter selection process, was much larger than expected.

Councilman Zotos stated that he was satisfied with restoring \$8,000 to the Civil Service Commission's Professional Services and Fees Account #020100 would cover the cost of physical and psychological testing.

At the committee meeting a motion was made by Councilman Zotos and seconded by Councilman Foti that the Common Council approve this request. Motion carried.

A Certification in the amount of \$8,000 was submitted by Mr. John P. Edwards as to the availability of funds in the Fund Balance Account to be transferred to the Civil Service Commission Budget. (Cert. #115) dated April 2, 1982.

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

024 - REPORT - Re: Request to accept Sierra Way and Deal Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee has studied the request to accept Sierra Way and Deal Drive. An on-site inspection of these streets was held by the committee.

A communication from the City Engineer dated 8/11/1981 was sent to this committee and the petitioners, Anne Marie Sanchez & Frank Scalzo, listing the improvements that were necessary before these streets could be accepted. These improvements have not been made at this time.

It is therefore the recommendation of the Public Works Committee that Sierra Way and Deal Drive not be accepted at this time as they do not meet subdivision specifications.

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

025 - REPORT - Drainage problem at Glendale Drive.

Councilman DaSilva submitted a report stating that the Public Works committee studied a request for the City to take over an access way on Glendale Drive. This was studied by the Engineering Department and the Assistant Corporation Counsel. The Planning Commission recommended denial as this would be of no benefit to the City at this time. This was also the opinion of the Assistant Corporation Counsel.

It is therefore the recommendation of the Public Works Committee that this petition be denied without prejudice at this time because of the recommendation of the Planning Commission and Assistant Corporation Counsel.

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

026 - REPORT & ORDINANCE - Water Rates & Charges.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a review of the water rates and charges for users of the municipal water system of Danbury.

There is a necessity for an upward revision of these charges that is primarily due to payment schedule of a \$9 Million Bond Issue for Water improvements, passed in 1979. This Bond issue provided financing for various improvements to the water system, including the metering program and the new facility for West Lake Reservoir.

After careful review of these proposed rates and charges, the Public Works Committee is satisfied that these rates and charges will generate a sufficient amount of money to meet payment obligations, and hereby recommends approval of the water rates and charges in the Ordinance as proposed.

Councilwoman McManus requested deferral for a public hearing. Mayor Dyer so ordered.

027 was withdrawn.

028 - REPORT - Re: Request for Public Works Department to take school custodians into their department.

Councilman DaSilva submitted a report stating that the Public Works Committee has studied a request for the Public Works Department to take School Custodians into their Department. The Committee received an opinion from Corporation Counsel Theodore H. Goldstein that the employment of school custodians, according to State Statutes and court decisions, should remain under the jurisdiction of the School Board.

The Public Works Committee therefore, voted to recommend that this request be denied as per the recommendation of the Corporation Counsel.

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

As there was no one from the public requesting to speak and there being no further business to come before the Common Council, a motion was made by Councilman Evans and seconded by Councilman Torian for the meeting to be adjourned at 8:20 O'Clock P.M.

Respectfully submitted

Mary Richert
Assistant City Clerk

Attest: Elizabeth Mudge
CITY CLERK