

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

SUBJECT: Minutes of the Common Council Special Meeting held on
June 7, 1982.

The meeting was called to order at 8:30 O'Clock P.M. by the Honorable Mayor James E. Dyer who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Edward T. Torian.

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

PRESENT: Council Members - Elder, Gallo, McGarry, Foti, Torcaso, Eriquez, Esposito, Repole, Zotos, McManus, DaSilva, Torian, Charles, Boynton, Evans. Councilwoman J. Butera arrived after Roll Call.

ABSENT: Council Members - Eppoliti, White, Cassano, Farah.

16 Members Present - 4 Members Absent - 1 Member vacancy.

NOTICE OF SPECIAL MEETING to be held on the 7th day of June, 1982 at 8:30 O'Clock P.M. for the purpose of acting upon the following:

01 - COMMUNICATION & CERTIFICATION - Transfer of funds to Danbury Fire Department.

02 - COMMUNICATION & CERTIFICATION - Transfer of funds to Ordinance Account

RETURN OF SERVICE: - Notices delivered by Police Officers of the Danbury Police Department.

A motion was made by Councilman Joseph DaSilva and seconded by Councilman Thomas Evans for the Call and Return of Service to be accepted. Motion carried unanimously.

01 - COMMUNICATION & CERTIFICATION - Request from the Fire Chief Joseph Bertalovitz for the sum of \$2500 to be appropriated to the Communication Services account and the sum of \$8,000 to be transferred to the Utility Service account. These amounts should cover the expenses for the months of May and June. The Utility service covers fire headquarters - substations - and the old City Volunteer Companies.

A Certification was submitted by Mr. John P. Edwards, Director of Finance, Acting, for funds to be transferred as follows:

\$10,500 from Capital Program Acct. #02-11-000-820011 Sawmill Road Completion, to:

Fire Dept. Acct. #02-02-110-020300 Communication Services - \$2,500.
Fire Dept. Acct. #02-02-110-023000 Utility Services - \$8,000.

COMMUNICATION & CERTIFICATION - Request from Fire Chief Joseph Bertalovitz for an appropriation of \$41,500 for the Account #010500 (Overtime Services). This figure represents the amount needed to cover the overtime payroll until the beginning of the new fiscal year (1-week @ \$7,500; 4-weeks @ \$8,500. This covers vacancies, vacations and sick/injury leaves, which requires hiring overtime.

A Certification was submitted by Mr. John P. Edwards, Director of Finance, Acting for the following funds to be transferred to the indicated specified accounts:

\$41,500 from Capital Program Acct. #02-11-000-820011 Sawmill Road Completion, to Fire Dept. Account #02-02-110-010500 Overtime Services - \$41,500.

A motion was made by Councilwoman C. McManus and seconded by Councilman E. Torian that the Communication be accepted and transfer of funds authorized.

Councilman Elder asked what effect this transfer of funds would have on the Sawmill Project.

Mayor Dyer replied that we are deferring this project as it is not a priority project. In answer to Councilman Charles the Mayor stated that \$65,000 had been originally appropriated.

Councilman Evans asked if it is possible for the Mayor to go before the Supreme Court to stop Bonnie Gavagan from preventing the appointment of personnel in the Fire Department, possibly endangering the health and safety of our City.

In reply Mayor Dyer stated that he has asked that question and that he has yet to be served with any lawsuits although he hears there is one, but as the Chief Administrator he has not been served. The advice of Counsel and the Personnel Director is that we can ask but the odds of this occurring - it probably wouldn't matter - opinion is that generally a ten person deficit out of 100 person Fire Department is not jeopardizing the safety and welfare of the community so long as we have the resources to continue operation. That is being asked and pursued, but it does not help our immediate situation.

The Mayor asked Attorney Gottschalk, Assistant Corporation Counsel if he had anything to add on this subject.

Attorney Gottschalk stated that "Technically right now I don't believe that a restraining order has been signed by any judge of the Federal Court system but that would be the first step. It would be a temporary measure imposed by the Court at the request of B. Gavagan which would restrain anyone from doing anything. The Court would then determine whether or not to grant that on a temporary basis before going on to hear the merits of the case and make a final conclusion as to exactly what the Court was going to do on it.

There would be some interim determination that may be made by the Court and at that point obviously the City would argue that issue that the potential damage to the plaintiff doesn't out-weigh the potential detriment to the City that this restraint would impose.

Mayor Dyer then stated that he has ordered that we proceed with the testing because he has not been told that we cannot.

Councilman Evans then asked if there is any reason why there is nobody here from the Fire Department to substantiate the request from the Fire Chief for additional funds.

Mayor Dyer replied "I cannot tell you why he is not here. I can only tell you that I have his request. He knows I would be here. Maybe he thought that was enough. You can call him tomorrow and ask him if you want to - maybe you ought to.

The motion to accept the Communications and authorize the transfer of funds was then passed unanimously.

Mayor Dyer thanked the members of the Common Council for their cooperation stating that "we are reviewing all of the overtime policies in both the Police and Fire Departments through Catherine Thompson our Personnel Director, to see if we can't get some of this under control.

02- COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$1,000 for the following account:

Ordinance Account #02-01-112-022500 - Legal Notices re: Publication of Ordinances and Notices of Public Hearings.

A Certification of funds was submitted by Mr. John P. Edwards, Director of Finance Acting, in the amount of \$1,000 from Capital Program Acct. #02-11-000-820011 Sawmill Road Completion to:

Ordinance Account #02-01-112-022500 - Legal Notices - \$1,000.00.

A motion was made by Councilman Thomas Evans and seconded by Councilman Joseph DaSilva for the communication to be accepted and transfer of funds authorized. Motion carried unanimously.

PUBLIC SPEAKERS

Firefighter L. DaMici thanked the Mayor and members of the Common Council for authorizing the transfer of funds requested by the Fire Chief.

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 8:50 O'Clock P.M.

Respectfully submitted

Mary Richert
Assistant City Clerk

Attest:

Elyse G. Gudgett
City Clerk