

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

SUBJECT: Minutes of the Common Council Meeting held on October 5, 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 the City Clerk, Elizabeth Crudginton, with the following members being recorded as:

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

ABSENT: Councilman R. White.

20 Members Present - 1 Member Absent.

NOTICES FROM MAYOR DYER

Mayor Dyer thanked all those who have expressed their kindness to his father, former Councilman Thomas Dyer who is recovering from surgery and doing very well.

Mayor Dyer distributed to the members of the Common Council a Drink/Drive Calculator, a guide provided by the Conn. Department of Transportation. The Mayor announced that these calculators will be distributed to the schools and all teenagers.

Mayor Dyer reminded everyone to support the Road Bond Issue stating that the public safety depends on it.

The Mayor also offered Best Wishes to the Italian Community as we approach the Holiday of the birthday of Christopher Columbus.

Mayor Dyer offered Birthday Greetings to Councilman Anthony Cassano for October 15th and to Councilwoman Carole Torcaso for October 25th.

Mayor Dyer stated that Mr. Lou Badaracco Sr. will receive a special commendation from the Mayor's office for his attempt to save a life during the fire of the building near the Old Quarry.

Mayor Dyer announced and offered congratulations to Senator and Mrs. Wayne Baker and to Councilman and Mrs. Russell Foti who will be celebrating their anniversaries this month.

The Mayor also congratulated Councilman John Esposito who became a new grandfather on this date, now having seven grandchildren. The new baby (Laura) being born to Daniel & Lillian Esposito.

Mayor Dyer thanked Councilwoman C. McManus and Councilman J. DaSilva who substituted for him while he was away on vacation.

CONSENT CALENDAR

Councilman Joseph DaSilva made a motion, seconded by Councilman Edward T. Torian submitting the following items listed on the Agenda, to be placed on the Consent Calendar:

- 02 - Resolution - Settlement of Claims
- 03 - Resolution - Gamefield Fitness Trails Grants Application.
- 013 - Communication - Agreement between City of Danbury & Police Union re: Special Police Officers.
- 019 - Communication & Certification - Request for funds for Registrars.
- 020 - Communication & Certification - Request for funds for Ordinance Books.
- 022 - Communication - Appointments to the Youth Commission.
- 027 - Report & Resolution - Acceptance of Parcels X & Y - Wicks Manor.
- 028 - Report - Septage Agreement with the Town of Brookfield.
- 030 - Report & Resolution - Refund for cancellation of commercial permits at the Landfill.
- 031 - Report & Resolution - User fees at the Landfill for all vehicles other than passenger cars.
- 036 - Report - Drainage Problem on Boulevard Dr. (denied).
- 037 - Report - Easement on Mountainville Ave. (denied).
- 038 - Report - Request granted for Sewer for Greek Church - Clapboard Ridge Rd
- 039 - Report - Request granted for sewer ext. for Thornton Realty-Mill Pln.Rd.
- 040 - Report - Request granted for sewer ext. for R. Sporck - Mill Pln. Rd.
- 041 - Report - Request granted for sewer & water ext. for Deer Hill Arms II.
- 042 - Report - Request granted for sewer & water ext. for BRT Condos - Beaver
- 043 - Report - Request granted for sewer & water ext. for The Loren Group- Plumtrees Road.

The Consent Calendar as submitted, was adopted with Councilwoman Eppoliti abstaining from voting on Items #41 and 42.

MINUTES of the Common Council Meeting held on September 7, 1982.

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

01 Claims - Deborah H. Hale - Lucy Boland - Robert Tilford - Nakia Dube.

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

02 - Resolution - 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 claim:

James Savage - \$1,100.00 - in settlement of the claim dated Jan. 24, 1978.

by the Common Council

The Resolution was adopted/and Claim authorized to be paid, on the Consent Calendar.

03 - Resolution - Gamefield Fitness Trails.

WHEREAS, the Wells Fargo Bank has made available funds to municipalities to construct Fitness Trails in cooperation with The National Recreation and Park Association and The President's Council on Physical Fitness and Sports; and

WHEREAS, the Danbury Planning Department has devised plans to design and construct Fitness Trails at Bear Mountain and Rogers Park; and

WHEREAS, a grant application of \$5,000 with a local match of \$8,700 (CDBG) funds will be processed.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, James E. Dyer, be authorized to make application for said grant and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

The Resolution was adopted unanimously on the Consent Calendar.

04 - Communication - Request from the Danbury Commission on Aging for the Common Council to appropriate \$2,000 to be applied towards Danbury's local match of a grant from the NorthWestern Area Agency on the Aging to provide an elderly day care center with a cost in the amount of \$35,000.

Councilwoman C. McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee members: Merullo, Eppoliti, Repole.

05 - Communication - Request from Thomas A. Settle, Inc. to obtain the right to pass over the property of the City from Library Place to the rear of its property at 248 Main Street for the purpose of parking behind the building.

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

06 - Communication - Request of Ann Marie Sanchez and Frank J. Scalzo for acceptance of RAQUEL DRIVE.

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

07 - Communication - Request of Ann Marie Sanchez and Frank J. Scalzo for acceptance of SIERRA WAY.

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

08 - Communication - Request of Ann Marie Sanchez and Frank J. Scalzo for acceptance of DEAL DRIVE.

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

09 - Communication - Redevelopment Agency - Sale of Land at the South-East Corner of Main Street and Liberty Street intersection.

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

010 - Communication - Offer by Ervie S. Hawley, Jr. as a gift, approximately 50,000 yards of fill and approximately 120,000 yards of rock fill, up to 12 inches in size, to be delivered to the land fill site off Plumtrees Road in Danbury, to be accomplished within the next 90 days.

A motion was made by Councilwoman C. McManus and seconded by Councilwoman C. Torcaso that the communication and said gift be accepted. Motion carried unanimously.

011- Communication - The Board of Education to turn over \$28,825 from the School Lunch Fund (#665) to the City with the stipulation and clear understanding that those dollars would be returned to the Board of Education for use in FY 1982-1983.

There is an identified need for additional staff, and this money would serve the best interest of the students of the City of Danbury.

Councilman Evans requested referral to the Education Liaison Committee who will be meeting tomorrow evening (10/6/82).

Mayor Dyer so ordered noting that a Special Meeting of the Common Council will be held on the 7th day of October at 7:00 P.M.

012 - Communication - Request by the Purchasing Agent to sell, by public bid surplus vehicles owned by the City of Danbury:

- | | |
|-----------------------------|-----------------------|
| | <u>Former Dept.</u> |
| 1. 1972 International Van | Board of Education. |
| 2. 1972 Dodge Station Wagon | Building Maintenance. |
| 3. 1973 Chev. Belair | Public Utilities. |
| 4. 1974 Chev. Nova | Public Utilities. |
| 5. 1974 Chev. 350 | Public Utilities. |

Due to the extent of required repairs, no other departments is interested in these vehicles. The Fire Department has requested a vehicle, but would prefer a Police Department trade-in when available.

A motion was made by Councilwoman McManus and seconded by Councilman Evans for the Communication to be accepted and vehicles declared surplus. Motion carried unanimously.

013 - Communication - Agreement between the City of Danbury and the Danbury Police Union (Special Police Officers)

Request from Catherine Thompson, Director of Personnel for certification of funds re: collective bargaining agreement between City of Danbury and the Special Police Officers. Wage Increase \$.50 to \$5.50 per hour effective July 1, 1982 to June 30, 1983.

Special Police Officers covered by the agreement are those "who work an average 20 hours per week over the 26 week period immediately prior to each Sept. 1, January 1, April 1, and July 1 of each year.

Premium in lieu of benefits:	July 1, 1982	- \$.25 per hour
	July 1, 1983	- \$.40 per hour
	July 1, 1984	- \$.50 per hour

Duration: Agreement - July 1, 1982 to Dec. 31, 1984.
Wages - July 1, 1982 to June 30, 1983.

Mr. John P. Edwards submitted a communication stating that No certification of funds will be required at this time in as much as the hiring of special policemen is an indefinite situation that will require the police Chief's active monitoring.

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

014 - PETITION - Request from property owners and taxpayers of Ann Drive for snow removal and sanding.

Councilman Torian requested referral to the Public Works Committee. Mayor Dyer so ordered stating that the Mayor's office will also work on this request.

015 - PETITION - Petition from residents in favor of the Sewer Project coming through Woodside Area.

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

016 - Communication - Request of Equity Investment Associates for Sewer and Water Extensions to rear of 148 Old Brookfield Road.

017 - Communication - Request of East Pembroke Associates for Water & Sewer Extension on East Pembroke Road.

018 - Communication - Request of Edward Sutt Assoc, Inc. for Water & Sewer for South St. (South Gate Condominiums).

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

019 - Communication & Certification - Request by the Registrars for an appropriation of \$5060.00 to cover the expenses incurred in the Primary of Sept. 7, 1982.

CERTIFICATION - A Certification of funds in the amount of \$5,060 available in the Contingency Fund to be transferred to the Registrars account, was submitted by the Director of Finance, Acting, Mr. J. P. Edwards.

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

020 - COMMUNICATION & CERTIFICATION - Request for funds in the amount of \$3,608.90 for the purchase of 50 Ordinance Books and 25 Binders.

A Certification was submitted by Mr. John P. Edwards in the amount of \$3,609.00, funds available in the Contingency Account to be transferred to the Ordinance Account #02-01-112-022000.

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

021 - Communication - Request from the Women's Center of Greater Danbury for an advance of \$6,000, to be returned upon receipt of long awaited funds from the Department of Human Resources.

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

022 - Communication - Appointment of the following to the Youth Commission:

Kimberly George - Chambers Road
 Peter W. Philip - 20 Country Ridge Rd.
 Emory Roos, III - 29 Robin Hood Rd.

Alternate: Delores Levy - 10 West Pine Drive.

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

023 - Withdrawn.

024 - Communication - Request by Councilman Evans for a new line item to be added to the financial statement entitled "Salary-Merit Increases"

Councilman Eriquez requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following: DaSilva, Torian, McManus.

025 - DEPARTMENT REPORTS

Fire Chief	Building Inspector
Fire Marshal	Sealer of Weights
Police Dept.	Airport Administrator
Housing Inspector	Aviation Commission
High Blood Pressure Program	
Environmental & Occupational Health Services	
Sanitarian Public Health Inspector	
Equal Rights & Opportunities.	

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

AD HOC COMMITTEE REPORTS

026 - Withdrawn

027 - Report & Resolution - Acceptance of Parcels X & Y at Wicks Manor.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to accept parcels X & Y at Wicks Manor. These parcels would be used for road-widening purposes. These parcels were reported to be acceptable by the Assistant Corporation Counsel and the City Engineer.

Pursuant to these reports, the Public Works Committee recommends acceptance of parcels X & Y at Wicks Manor.

RESOLUTION - That Parcel X & Parcel Y on Wicks Manor Drive be accepted by the City of Danbury for future road widening.

That a Deed and Certificate of Title, in a form satisfactory to the Office of the Corporation Counsel, be delivered to the City of Danbury.

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

-- Septage Agreement with the Town of Brookfield.

028 - REPORT -/Councilwoman McManus submitted a report stating that the Common Council held a public hearing regarding the Septage Agreement between the City of Danbury and the Town of Brookfield, on Sept. 21, 1982 at 7:45 P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on September 27, 1982 at 7:30 P.M. and voted to recommend that the Septage Agreement be accepted.

This Agreement is made pursuant to the authority contained in Section 7-339 of Chapter 105 of the General Statutes of Connecticut, Revision of 1958, as amended.

Danbury hereby agrees to accept for treatment at its sewage treatment plant throughout the term of this Agreement and any extension or extensions of same any and all septic tank wastes which said Brookfield may deliver to said treatment facility.

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

029 - REPORT & ORDINANCE - Sidewalk Liability Claims.

Councilwoman C. McManus submitted a report stating that the Common Council held a public hearing regarding the Sidewalk Ordinance, on Sept. 21, 1982 at 7:30 P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on Sept. 27, 1982 at 7:30 P.M. and voted to recommend that the Sidewalk Ordinance be adopted.

ORDINANCE - The City of Danbury shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Danbury is the owner or person in possession and control of land abutting such sidewalk. The provisions hereof shall not relieve the City of Danbury from any liability imposed by law resulting from its affirmative acts with respect to such sidewalk.

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the City of Danbury had prior to the effective date hereof and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of such injury.

No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against the person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

A motion was made by Councilman DaSilva and seconded by Councilman Torian for the Report to be accepted and the Ordinance adopted. Motion carried with Councilman Eriquez voting Nay. The Ordinance was adopted.

REPORT & RESOLUTION - Rebate on Commercial Permits at the City Landfill.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a requested resolution giving the authority to grant rebates on commercial permits at the City Landfill. This would allow someone who has purchased a \$100 permit, and who sells his vehicle or is no longer in need of such a permit, to get a rebate for time remaining on it.

This rebate would only be for those who apply for a rebate within the first six months of its issuance, and would be for \$8.00 per month for the remaining time.

The Public Works Committee recommends approval of this Resolution, as it is a more fair and equitable method of dealing with this situation which has arisen since the inception of the paid permit system on July 1, 1982.

RESOLUTION - Whereas the City of Danbury established an annual commercial haulers' permit fee for the use of the Danbury Sanitary Landfill site on May 12, 1982; and

Whereas, the subsequent operation of the Danbury Sanitary Landfill site has revealed that a rebate of a portion of said fee is appropriate when the commercial permittee requests cancellation of his permit;

NOW, THEREFORE, BE IT RESOLVED THAT within the first six months following issuance of any such permit and upon request by any holder of a commercial permit his permit may be cancelled and a refund made in an amount equal to Eight Dollars per month for each full month remaining under the permit.

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

031- REPORT & RESOLUTION - User fees at the Landfill for all vehicles other than passenger cars.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a Resolution for the establishment of a minimum trip fee of \$1.50 at the City Landfill. Mr. Garamella explained that a number of small trucks with a \$10.00 permit have dumped loads so light that they do not register on the scales.

The billing procedure then brings on a cost to the City for the sending of a bill with no charge. He recommended a minimum fee per trip of \$1.50 which would be more in line with the trip fee of \$1.00 for automobiles. The Public Works Committee concurs with the Director of Public Works and recommends the adoption of the Resolution.

RESOLUTION - WHEREAS, the City of Danbury established user fees for the use of the Danbury Sanitary Landfill Site on May 12, 1982; and

WHEREAS, the subsequent operation of the Danbury Landfill has indicated that the imposition of a minimum per trip use fee for all vehicles other than passenger cars is in the best interest of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT a minimum per trip user fee for all vehicles other than passenger cars be and hereby is fixed and established at ONE DOLLAR AND FIFTY CENTS (\$1.50) per trip.

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

032 - REPORT & ORDINANCE - Annual Commercial Hauler's Permit - Sec. 16A-32(d).

Councilman DaSilva submitted a report stating that the Public Works Committee studied a requested Ordinance which would differentiate between those who haul refuse as a business and those who dump only their personal refuse, when both have commercial plates.

Public Works Director D. Garamella explained that all pick-up trucks have some sort of commercial license plates, but some are used for business purposes, and some for personal use.

This Ordinance would have the applicant for a permit swear as to the use of the permit, allowing the Public Works Department to issue a \$100.00 permit for business use and a \$10.00 permit for personal use.

E. Fusek, Supt. of Highways assured the committee that supervision of the proper use of permits would create no problem as the records of trips and the weight of refuse would be checked.

The Public Works Committee agrees with the proposed differentiation and therefore recommends that the Ordinance be deferred for a public hearing.

A motion was made by Councilman DaSilva and seconded by Councilman Torian that the report be accepted and the Ordinance deferred for public hearing. Motion carried.

033 - REPORT & ORDINANCE - Temporary Permits at the City Landfill.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the request for an ordinance which would allow the issuance of temporary permits at the City Landfill. Public Works Director D. Garamella explained that there have been a number of instances where residents have rented or borrowed a vehicle which would require a \$100.00 permit for the dumping of a large load.

The proposed Ordinance would allow the purchase of a temporary permit, as many as four times per year, for \$5.00 per permit. This would allow the dumping of up to 825 pounds. Any weight over this amount would pay at the regular \$12.00 per ton fee.

The Public Works Committee feels that this would be a fair and equitable method for dealing with situations that occur occasionally, such as Spring and Fall home and yard cleaning, but would not necessitate the purchase of a \$100 permit. The Committee recommends that this Ordinance be deferred for a Public Hearing.

A motion was made by Councilman DaSilva and Seconded by Councilman Torian that the Report be accepted and the Ordinance deferred for public hearing. Motion carried.

034 - REPORT & ORDINANCE - Hazardous Substance and Chemicals Ordinance.

Councilman Torian submitted a report stating that the Health Committee met on Feb. 16, August 17, and Sept. 21, 1982 to review the Hazardous Substance and Chemicals Ordinance.

In the opinion of the Danbury Health Department officials, the existing Ordinance as it is presently written, has been found to be generally unworkable. They, along with other City Agencies, notably the Civil Defense and the Fire Department, feel that the proposed new ordinance will be more effective in providing essential information to emergency response officials and it has been written with substantial input and subsequent concurrence from the industrial community and cognizant members of City Government.

Users of significant quantities of hazardous substances and chemicals will be required to submit a continuing source of current information relating to hazardous substances and chemicals being used with the City of Danbury.

The Committee recommended repeal of the present Hazardous Substance and Chemicals Ordinance, Section 9-66 through and including Section 9-70 and substitute it with the proposed new Ordinance = Section 9-66 through and including 9-75.

A motion was made by Councilman DaSilva and seconded by Councilman Torian that the Report be accepted and the Ordinance be deferred for public hearing. Motion carried.

035 - REPORT & ORDINANCE) - Disposal of Metal Hydroxides.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to allow the disposal of a substantial amount of metal hydroxides from the Risdon Corporation at the City Landfill. Risdon's was prohibited from disposing of their metal hydroxide before the July 1, 1982 change in price structure at the Landfill because of a holdup of permission by the State D.E.P.

The Ordinance would allow Risdons a one time opportunity to dispose of their accumulated metal hydroxides, at their cost and under the strict supervision of the Public Works and Health Departments. It would allow them to avoid an approximate charge of \$250,000 for disposal at the new rates.

The Public Works Committee believes that since Risdons had made every attempt to comply with City and State guidelines for the disposal of their metal hydroxide, and since the disposal of these was not able to take place before July 1, 1982 because of a beaurocratic delay, that the Ordinance should be deferred to public hearing for possible acceptance by the Common Council in the near future.

A motion was made by Councilman Torian and seconded by Councilman DaSilva for the Report to be accepted and the Ordinance deferred for public hearing. Motion carried.

036 - REPORT - Drainage problem on Boulevard Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request concerning a drainage problem from Mr. Edward Gertner on Boulevard Drive. An on-site inspection revealed that the drainage problem on the property of Mr. Gertner is not of the City's making.

It appears to manifest itself on an abutting property, therefore making it a civil matter. We ascertained that there is no runoff of rain water from the City street, and that storm drains in the area run down the road, away from the property in question.

Because the matter appears to be a civil problem, not a city one, the committee recommends that no action be taken at this time/

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

037 - REPORT - Easement on Mountainville Ave.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Mr. Stanly Bernstein for an easement to his property on Mountainville Avenue. An on-site inspection was conducted. Mr. Bernstein has a twelve foot opening into his property and asked to buy an easement to enlarge his access in order to develop this piece of land.

In checking with Counsel it was determined that the sale of an easement was not a viable option because the City would maintain liability for this property. The alternative would be the sale of a small parcel of land which would provide additional access.

This option however, does not seem feasible because the cost of the survey work is more than the value of the land. The committee further feels that there may be other available options that the petitioner may seek to alleviate his problem.

It is therefore the recommendation of the Public Works Committee that no action on this petition be taken at this time.

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

038 - REPORT - Request of Assumption Greek Orthodox Church for Sewer - Clapboard Ridge Road.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions.

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

039 - REPORT - Request of Thornton Realty for Sewer Ext. - Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions.

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

040 - REPORT - Request of R. Sporck for Sewer Extension - Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions.

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

041 - REPORT - Request for Sewer and Water for Deer Hill Arms II.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions.

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

042 - REPORT - Request of BRT Condominiums for Sewer & Water Extension - Beaver Brook Road.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions, adding another step as follows: 8. 7300 Gallons of sewage limited per day.

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

043 - REPORT - Request of The Loren Group for Sewer & Water Ext. Plumtrees Road.

Councilman Gallo submitted a report stating that the Sewer and Water Extension Committee has met and reviewed the above Petition with the City Engineer and has also reviewed a recommendation for approval, from the Planning Commission.

It is the recommendation of this committee that the petition be granted with the usual 7 steps of conditions and restrictions.

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

044 - REPORT - Land Acquisition Committee:

Councilman Evans submitted a report stating that the Land Acquisition Committee met on Sept. 15th at 7:00 P.M. In attendance were Councilmen Evans, Charles, Repole and Merullo - also Bernadette DeMunde and Alfred Zega.

The committee took action on two pieces of property that had previously been checked out with on-site inspections.

Item #1 - was the property on Overlook Drive adjacent to the Old Quarry Nature Center. Motion was made, seconded and passed that the offer to the City be rejected.

A motion was made by Councilman Gallo and seconded by Councilwoman Butera that the Report be accepted as read. Motion carried unanimously.

Item #2 - Property on Lake Candlewood amounting to 128 acres, offered by American Farm Realty, bordering Bear Mountain Reservation. Motion was made, seconded and passed unanimously to reject this offer to purchase.

A motion was made by Councilman Boynton and seconded by Councilman DaSilva that the Report be accepted as read. Motion carried unanimously.

045 - REPORT - Request of N.O.W. to repeal credits for Volunteer Firefighters.

Councilman Eriquez submitted a report stating that:

The Common Council committee appointed to consider the subject request to repeal the Ordinance pertaining to the allowance of credits for Volunteer Firefighters when testing for the Civil Service examination for appointment to the City's Paid Fire Department, met on Aug. 12, 1982 and September 1, 1982.

The following people were in attendance at the meetings: Council Members Eriquez, Chairman; J. Butera, and J. Esposito; Geri Fredericks, Local Coordinator for NOW, Arthur LaRoche, Director of the Equal Rights and Opportunities Office; Art Leach, President of the Danbury Volunteer Fire Council; Gary Bennet, Captain of the Miry Brook Volunteer Fire Company; Pat DeLong from the Women's Center, Lynn Taborsak, Donald Crudginton and Robert Esposito, representatives from the Volunteer Council; Reverend Samuels and Attorney William McNamara, representing the Volunteer Fire Council.

Ms. Fredericks indicated that NOW does not suggest that skills acquired by volunteer firefighters in service shouldn't be considered by the Mayor or the Civil Service Commission during the appointment process to the Paid Department.

However, she stated that since volunteer companies have been subsidized by the City and have "operated without formal policies of non-discrimination and without the full scrutiny of the City government; the result has been an "unfair disadvantage to women and minorities". NOW's position was to place the burden of proof of the opposite on the committee.

The committee received an explanation of Affirmative Action Policies from Arthur LaRoche. A lengthy discussion ensued with all present participating.

The final meeting dedicated to this issue began by addressing those questions that arose as a result of the first session. Many of those questions were resolved by the committee utilizing the report of Psychologist Bruce Müller, dated March 25, 1982. Dr. Muller conducted the Firefighter pre-examination training program for the City.

The Chairman then indicated that the Corporation Counsel chose not to attend these meetings "in as much as the matter under consideration is the subject of a pending law-suit in the Federal District Court for the State of Connecticut".

For the same reason, he indicated that he had advised the Civil Service Commission, all of whom are defendants in this law suit, not to participate as well.

The Committee received an explanation of the activities and operations of the Volunteer Companies along with a detailed explanation of their membership process. This was presented by the Volunteer representatives and their Attorney, William McNamara.

The extensive fact-finding and study by close examination and systematic inquiry enabled the committee to reach the following conclusions:

It is the opinion of the committee that this Ordinance, in and of itself, has not resulted in an unfair disadvantage to women and/or minorities.

The committee feels that maintaining this ordinance will continue to benefit all qualified individuals, including women and/or minorities.

The committee feels that N.O.W. has not sufficiently substantiated their claim that the implementation of this Ordinance resulted in the exclusion or otherwise discrimination against female or minority applicants. There were not any specific examples or cases brought forward to support this claim,

The committee also finds that this particular Ordinance is analogous to that Connecticut State Statute which mandates that veterans are to be allowed preference credits when successfully completing the Firefighter's Civil Service Examination.

The intent of this Ordinance is in the City's best interest, for it provides the City's Paid Fire Department with skilled, experienced and well-informed personnel through their experience in the volunteer service.

Based upon the findings outlined above, Mrs. Butera made a motion at the committee meeting not to repeal this Ordinance. A second was made by Mr. Esposito and passed unanimously.

The committee further recommends that standards be adopted and included in each Company's Charter and/or by-laws indicating that they do not discriminate based on sex, race, religion, or national origin.

The committee strongly recommends that the Volunteer Companies through the Volunteer Fire Council, centralize the membership application process to heighten awareness and provide for the proper processing of applications submitted by Women and minorities.

A motion was made by Councilman Gallo and seconded by Councilman Evans for the Report to be accepted as read. Motion carried unanimously.

Mayor Dyer thanked the committee for their report and recommendations.

046 - A motion was made by Councilwoman C. McManus and seconded by Councilman Torian to place a Communication from O & G Industries, Inc. on the Agenda. Motion carried.

046 - COMMUNICATION - Request from O & G Industries to truck a large amount of clean fill to the Landfill. This material will be free of any large stones or rock, tires and tree stumps.

A motion was made by Councilman DaSilva and seconded by Councilman Charles to accept the Communication. The request will be up to the discretion of the Public Works Department. Motion carried.

Mayor Dyer announced that all Ad Hoc committees are re-appointed with the following changes:

Adding Councilman Merullo to the Health Committee: Torian, Cassano, Butera, Repole, Gallo, Esposito, Merullo.

Vendors Ordinance committee: Farah, Charles, Boynton.

As there were no public speakers and there being no further business to come before the Common Council, a motion was made by Councilman Evans and seconded by Councilman DaSilva for the meeting to be adjourned at 8:30 P.M.

Respectfully submitted

Mary Richard
Assistant City Clerk

Elyse M. Cradock

Attest:

10/5/82