

TO: Honorable Mayor James E. Dyer - City of Danbury, Connecticut.  
SUBJECT: Minutes of the Common Council Meeting held on March 1, 1983.

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 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, Eppoliti, McManus, DaSilva, Torian, White, Cassano, Charles, Boynton, Leopold, Butera, Evans, Farah.

21 Members present - None absent.

NOTICES FROM MAYOR DYER

Mayor Dyer made an announcement regarding the microphones on the dais requesting that they be turned on only when the need be, for speaking. Television viewers have complained that the rustling of papers interfered with the sound effects.

The Mayor reported that the Budget requests for 1983-1984 are in, amounting to over Sixty-three Million Dollars which would result in an 11 or 12 Mill tax hike. The Mayor said he has some pruning to do to reduce this amount.

Mayor Dyer recognized and congratulated Chief Joseph Bertalovitz who will celebrate being Chief of the Fire Department for 13 years on Thursday.

The Mayor also stated that we owe a debt of appreciation to the Volunteer Firefighters - especially to King Street. The Volunteers most recently, in a shining action, voted to endorse the action to be taken this evening by the Council.

The Mayor announced that Western State College in Danbury has become a University today.

Mayor Dyer announced and offered birthday greetings to the following:

- Vivian Flynn - City Hall switchboard operator - March 4th.
- Betty Crudginton - City Clerk -- March 6th.
- Paul Shea - City Treasurer - March 29th.

The Mayor also announced that appropriate ceremonies would be held at City Hall with the annual flag raising on St. Patrick's Day March 17th.

Mayor Dyer extended Passover Greetings to be observed on March 29th.

CONSENT CALENDAR

Councilman DaSilva submitted the Consent Calendar consisting of the following items listed on the agenda:

- 03 - Communication - Cooperative Bidding.
- 021 - Communication & Certification - Funds for Zoning Commission.
- 025 - Communication - Report of less surplus.
- 026 - Communication - Appointment of Zoning Commission Alternate.
- 028 - Communication - Appointments to Cable Television Advisory Board.
- 029 - Communication - Appointments to Parking Authority.
- 032 - Report & Resolution - Sewer Assessments for Tarrywile Lake Rd.
- 033 - Report & Resolution - Thomas A. Settle Inc. Revocable License to pass over City property.
- 034 - Report & Ordinance - Richter Park Ordinance Amendments.
- 036 - Report - Land Use Procedures (Progress Report)
- 037 - Report - Request for sidewalk at Immanuel Lutheran Cemetery.
- 038 - Report - Abandonment of a portion of Old Great Plain Rd.
- 039 - Report - Dickinson Property - Old Mill Plain Rd.
- 040 - Report - Weed Problem at Candlewood Lake.
- 046 - Report - Snowblower for Danbury Airport.  
& Resolution
- 048 - Report - Revocable License to Erhardt Chevrolet re: Old Jail.
- 049 - Report - Land Acquisition Committee.

A motion was made by Councilman Boynton and seconded by Councilwoman McManus for the Consent Calendar to be accepted. Motion carried unanimously.

MINUTES - Common Council Meeting held on February 1, 1983.

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 - Gertrude E. Farrin - Richard J. Halligan - Frederick H. Hook - Richard S. Jowdy - Anthony Fanelli - Wesley P. Pollitt - James T. Buonaiuto - Arthur F. Ahearn, Sr.

Councilwoman McManus requested referral to the Claims committee and Assistant Corporation Counsel for Claims, Attorney Terry L. Sachs. Mayor Dyer so ordered.

02 - COMMUNICATION - Proposal by Mayor James E. Dyer that we name the Fire Headquarters, "The Joseph J. Bertalovitz Fire Headquarters" in recognition of Chief Bertalovitz's superior service to our City for more than forty years.

Mayor Dyer stated that he can think of no finer tribute to our Fire Chief than the designation of the headquarters in his honor. Our City has had few opportunities to honor such long term service and accomplishment, and in fact, has too often missed the opportunity to bestow proper recognition on those who are worthy of it. Mayor Dyer asked for prompt and favorable action.

A motion was made by Councilwoman McManus and seconded by Councilman Torian that the communication be accepted and naming of the Fire Department Headquarters, be approved.

Councilman Charles read a list of previous chiefs of the Fire Department and made an amendment to the motion to name the Fire Department Headquarters "The Melody-Halas Fire Department Headquarters".

As the amendment was not seconded, the original motion carried by a vote of 20 Ayes and 1 Nay. Councilman Charles voted Nay.

03 - COMMUNICATION - Cooperative Bidding.

Request from Purchasing Agent S.B. Hamilton for permission to continue to cooperate with Housatonic Purchasing Committee on any future bids which the group endeavors to pursue, including those for larger dollar purchases.

Last April the Housatonic Valley Council of Elected Officials organized the Housatonic Purchasing Committee to aid the ten member municipalities through cooperative bidding and bulk purchasing.

Until now, the City has only participated on items whose annual requirements would be too low to require a City bid (less than \$2,500). The HPC's bids on copier paper, anti-freeze and dry cell batteries resulted in significant savings for the City. We have been buying letter size copy paper for \$22.90 per case compared to \$29.00 per case which we were formerly paying.

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

04 - COMMUNICATION - Mr. Paul Shea, Chairman of the Charter Revision Commission, submitted the Proposed Revised Charter and list of recommended changes are hereby submitted for review and acceptance. The Charter Revision Commission has completed their function and wishes to inform the Council that they may make recommendations to the Commission following the Public Hearing to be conducted by the Common Council.

A motion was made by Councilwoman McManus and seconded by Councilman DaSilva for the Revised Charter to be deferred for a public hearing to be held on March 7, 1983. Motion carried.

05 - COMMUNICATION - Request of Emilio Plante for permission to connect to the existing two inch water line on Belmont Place for lot #145 Belmont Place.

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

06 - COMMUNICATION - Request of Joseph F. Buzaid, Jr. for Sewer & Water - Raymond Place.

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

07 - COMMUNICATION - Request of BRT Corporation for Sewer & Water for Condominiums - Beaver Brook Road.

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

08 - COMMUNICATION - Re: Lots #1 and #2 Subdivision of Eleftherior Stavrakis Caye Road.

Request for water and utility lines - Caye Road.

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

09 - COMMUNICATION - Request of Compratt Construction Co. for the City to accept a conveyance of property located in High Sky Gardens.

Councilman White requested referral to the Land Acquisition Committee and Planning Commission.

010 - COMMUNICATION - Condition of Catherin Street following installation of sanitary sewer lines. Roadway has become rutted and in some places impassable.

Councilwoman Torcaso requested referral to the Public Works Committee. Mayor Dyer so ordered.

011 - COMMUNICATION - Offer by Mrs. Ethel Russo of property for sale to the City, located on Overlook Avenue.

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

012 - COMMUNICATION - Request of E. Sutt Association for adjustment of sewer connection fees re: Southgate Condominiums - 163 South Street.

Councilman Elder requested referral of the request to the Sewer and Water Extension committee. Mayor Dyer so ordered.

013 - COMMUNICATION - Memorandum of Agreement between the City of Danbury and the Teamsters Union Local 677 representing employees of the City's Department of Public Utilities, Sewer Division, Water Division and Maintenance Division - becoming effective July 1, 1982 and contains all of the agreements reached between the parties which modifications, if ratified by the respective approving authorities, shall be incorporated into a new contract which shall be effective July 1, 1982 and shall expire on June 30, 1985 except as specifically provided otherwise therein. All of the terms of the contract expiring June 30, 1982 which are not deleted or changed by specific reference herein shall be included in the new contract.

A motion was made by Councilman DaSilva and seconded by Councilman Torian for the Communication to be accepted and Teamsters Contract to be ratified. Motion carried unanimously.

014 - RESOLUTION - City of Danbury through the Welfare Department will provide counseling services to Title XX eligible recipients.

The City of Danbury may be eligible to apply for Title XX reimbursement up to \$38,620 during the period from October 1, 1982 to September 30, 1983.

Councilman White requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Charles, Enriquez and McGarry.

015 - RESOLUTION - Application for a Federal and State grant in the amount of \$795,000 with a local cash match of \$19,875 to purchase 6.5 acres of land adjacent to the Danbury Airport. The purchase of this property abutting the SouthWestern portion of the Danbury Airport will enable the Airport to the following possible uses: runway expansion, terminal site relocation, noise abatement, and relocation of offices.

Councilman McGarry requested referral to the Land Acquisition committee and Planning Commission and app Mayor Dyer so ordered committee members:

016 - COMMUNICATION - Request from The Volunteer Bureau of Greater Danbury for a contribution of \$1,000.00 for the purchase of equipment.

Councilman White requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Elder, Zotos, Evans.

017 - Withdrawn.

018 - COMMUNICATION - Request from the Housatonic Area Regional Transit (HART) for an additional \$4,422.00 to be used as a local share to match State dollars presently available.

Councilman Torian requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Torcaso, Esposito, Charles.

019 - COMMUNICATION - Request from the Aviation Commission that the Runway Lighting System resolution be increased from \$100,000 to \$200,000 to take effect July 1, 1983. The reason for this is that the Commission can cover their 2½% in their budget at that time without coming back to the Council for additional monies.

Councilwoman McManus requested referral to committee. Mayor Dyer so ordered and appointed the following committee members: Gallo, Butera, Repole.

020 - COMMUNICATION - Request for funds in the amount of \$700.00 for the Environmental Impact Commission.

Councilman McGarry requested referral to committee. Mayor Dyer so ordered and appointed the following committee members: Esposito, Boynton, Leopold.

021 - COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$8,300.00 to the Zoning Commission Budget.

A Certification of funds was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$8,300.00 available in the Contingency Account to be transferred to the following Zoning Commission Accounts:

#02-01-180-020100 - Professional Service Fees	\$4,000.00
#02-01-180-020501 - Postage	100.00
#02-01-180-022500 - Legal & Public Notices	4,000.00
#02-01-180-040100 - Office Supplies	200.00
	Total
	\$8,300.00
Previous Balance of Contingency Account	= \$280,440.90
Less Pending Requests	2,000.00
Less this request	8,300.00
	\$270,140.90

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

022 - COMMUNICATION - Request from Mr. John P. Edwards, Comptroller, for additional funds for the Labor Negotiator in the amount of \$13,223.10.

Councilman DaSilva requested referral to committee.  
Mayor Dyer so ordered and appointed the following committee members:  
Cassano, Gallo, Zotos.

023 - COMMUNICATION - Request by George Massoud, Superintendent of Equipment Maintenance for an additional \$50,000 for repair materials and parts, to enable operation until June 30, 1983.

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

024 - COMMUNICATION - Request for a committee re: Vandalism at the Danbury Airport.

Councilman Eriquez requested referral to committee.  
Mayor Dyer so ordered and appointed the following committee:  
Gallo, Butera, Repole.

025 - COMMUNICATION - Report from Comptroller John P. Edwards of \$114,057 less surplus. School Revenue accounts of 1981-1982 probably will develop less money than were originally advised by the School Department and used by the auditor in computing surplus:

74,200	- Special Education
39,857	- Transportation Non Public Schools
<u>114,057</u>	

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

026 - COMMUNICATION - Appointment of Mitchell J. Murad to fill the vacancy as an Alternate on the Zoning Commission. Mr. Murad is a language Arts Specialist in the Danbury School System, active in Little League, a member of the Lebanon-American Club and Danbury Exchange Club.

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

026-1 - COMMUNICATION - Request from Daniel Garamella, Director of Public Works for \$13,000 to purchase a street sweeper. The total cost is \$73,000. \$60,000 is available towards the purchase price.

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

026-2 - COMMUNICATION - Offer by AMD Realty (Joel M. Feinson) to negotiate a lease for property located at 132-134 Main Street and 13 Boughton Street.

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

026-3 - COMMUNICATION - Offer by the Danbury Hospital of a Dodge Van Ambulance for use by the Emergency Service Team at the Danbury Police Department. The truck was originally owned by the Danbury Fire Department and served as an ambulance. It was donated to the Danbury Hospital several years ago.

A motion was made by Councilman Torian and seconded by Councilman Eriquez for the Communication and offer of the Ambulance to be accepted. Motion carried unanimously.

027 - COMMUNICATION - Appointments to the Commission for the Handicapped:

Levi Newsome, Terra Glen Road, Danbury for a term to expire on March 1, 1986.  
Peter L. Wyckoff, 5 Advocate Place, for a term to expire March 1, 1986.  
Nancy E. Durkin, Crows Nest Lane, for a term to expire on March 1, 1986.  
Carol A. Ferreri, 18 Robinson Ave. for a term to expire on March 1, 1985.  
Ernest S. Goldstein, 16H TaAgan Point Road, for a term to expire 3/1/1985.

A motion was made by Councilman Foti and seconded by Councilman Eriquez for the Communication to be accepted and appointments confirmed. Motion carried unanimously.

028 - COMMUNICATION - Appointment of the following to the Advisory Council for Cable Television:

Jack L. Moline, 120 Clapboard Ridge Road, Danbury.  
Adam D. Piskura, Forty /Acre Mountain Road, Danbury.  
Francis G. Pennarola, 11 Griffing Ave. Danbury.  
William S. Curtis, 10 Dolberry Place, Danbury. (All terms to expire 7/1/1985)

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

029 - COMMUNICATION - Appointment of Harold E. Meeker, 190 Westville Avenue Ext. as a member of the Parking Authority for a term to expire on June 30, 1986.

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

030 - DEPARTMENT REPORTS

Fire Chief  
Fire Marshal  
Housing Inspector  
Health Inspector  
Building Inspector  
Equal Rights & Opportunities  
Coordinator of Environmental & Occupational Health Services.

Blood Pressure Program  
Sealer of Weights  
Police Department  
Aviation Commission

A motion was made by Councilman White and seconded by Councilman 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. All reports to be accepted as submitted. Motion carried.

031 - REPORT & RESOLUTION - Danbury Youth Commission Grant.

Councilwoman Torcaso submitted a report stating that the committee appointed to review the above Resolution, met on Feb. 17, 1983 at 7:30 P.M. Committee members, C. Torcaso, J. Esposito, N. Zotos and Hillel Goldman, Chairman of the Youth Commission, were present.

Mr. Goldman explained that the production will involve only Danbury children, and that the children will be writing poetry and essays which will be set to music. The original music will be written and the production will be directed by professionals who will be paid stipends for their services.

The Grant application must be submitted by April 1st to be eligible although they will not need the money until August or September for a November opening. Basically, the State needs to know that matching funds are available.

Mr. Goldman assured the committee that their projected attendance is probably low rather than high and quite possibly generate more than the \$1,500 projected.

A motion was made at the committee meeting - seconded and passed unanimously to recommend the Resolution be adopted.

RESOLUTION - WHEREAS, the Connecticut Commission on the Arts makes funds available to non-profit organizations in accordance with the National Foundation on the Arts and Humanities Act of 1965, PL 89-209, as amended; and

WHEREAS, the Danbury Youth Commission will initiate and coordinate a musical performance by Danbury High Students based on writings of the students; and

WHEREAS, a \$1,500 Grant with a local match requirement of \$1.500 (to be raised entirely by contributions and ticket sales) may be available for this purpose; and

WHEREAS, the Danbury Youth Commission's budget be increased by \$3,000 and the revenue for the budget of the City of Danbury be increased by \$3,000 to reflect receipt of a \$1,500 grant and \$1,500 from ticket sales and contributions.

NOW THEREFORE, BE IT RESOLVED THAT the Chairman of the Danbury Youth Commission be and hereby be authorized to apply for said Grant, and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

A motion was made by Councilman Eriquez and seconded by Councilman Foti that the Report be accepted and Resolution adopted.

Assistant Comptroller Dominic Setaro advised the Council that the 1984 budget would be amended by \$3,000. There are no funds in the 1983-1984 budget

The Report was accepted and Resolution adopted by a vote of 20 Ayes and one Nay. Councilwoman J. Butera voted Nay.

032 - REPORT & RESOLUTION - Sewer Assessments for Tarrywile Lake Road.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing concerning the sewer assessments for the Tarrywile project, on Feb. 15, 1983 at 8:00 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole on Feb. 15, 1983 immediately following the public hearing. The committee recommends that the request for waiver of sewer assessment by Mr. D'Evegne be denied as the lot in question cannot be considered as unusable for building purposes in the future. The committee further recommends that the assessments be adopted as submitted.

RESOLUTION - WHEREAS, the City of Danbury caused a sewer line to be constructed known as the TARRYWILE LAKE ROAD SEWER PROJECT; and

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

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

WHEREAS, the Connecticut General Statutes § 7-253 authorize the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before May 1, 1983 provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Tarrywile Lake Road Sewer Project:

1. The payment of any benefits by installments hereunder shall be in not more than fourteen (14) substantially equal annual payments.

2. The minimum annual installment payment shall be One Hundred and Eighty (\$180) Dollars.

3. The interest on any deferred payments hereunder shall be due at a rate per annum which shall be the rate of interest the City is obligated to pay on its sewer bonds issued for the cost of such improvement. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City.

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

033 - REPORT & RESOLUTION - Request to pass over City Property.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from the Thomas A. Settle Insurance Company to pass over City property behind the Old Library building in order to gain access to the back of their property.

The committee recommends approval of this request by means of a revocable license. This gives access to the petitioner and maintains the City's rights to the property.

RESOLUTION - Resolved by the Common Council of the City of Danbury That Mayor James E. Dyer be and hereby is authorized to execute a revocable license on behalf of the City of Danbury and take any and all further actions necessary to carry said license into full force and effect, authorizing Thomas A. Settle, Inc. to pass over land owned by the City for access to 248 Main Street in Danbury.

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

034 - REPORT & ORDINANCE - Richter Park Ordinance.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing concerning the proposed amendment to the Richter Park Ordinance, on Feb. 15, 1983 at 7:30 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole on Feb. 15, 1983 immediately following the public hearing and recommends that the Ordinance be amended as submitted.

ORDINANCE - That Sec. 13A -13 of the Code of Ordinances is hereby amended to read as follows:

The Mayor of the City with the approval of a majority of the Common Council shall select and appoint the members of the Commission of said Authority which shall consist of nine (9) members. Among the members so appointed shall be One member of the executive board of the Stanley L. Richter Association for the Arts, Inc. One of the appointees selected by the Mayor shall be a person nominated by Irene Myers Richter, so long as she shall live, or upon her death, nominated by Ann Myers Williams, now or formerly of Westport, Conn.

The terms of three of the initial members of the Commission shall be one year, of another three initial members, two years, and of the last three initial members, three years. Upon expiration of the term of an initial member, all appointments will be made for a term of three years.

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

035 - REPORT & ORDINANCE - Shopping Carts.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing concerning the proposed shopping cart ordinance on Feb. 15, 1983 at 7:45 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole on Feb. 15, 1983 immediately following the public hearing and recommends that the Ordinance be adopted as submitted. Councilman Elder voted in the negative.

ORDINANCE - That the Code of Ordinances is hereby amended by adding a section to be numbered 12-33 -

(a) - It is declared that the imposition of penalties for the removal of shopping carts from business establishments within the City of Danbury and the imposition of storage and retrieval charges to cover the costs associated with collection of abandoned shopping carts by the City of Danbury serves the best interests of public safety, welfare and convenience.

(b) - Within sixty (60) days of the effective date hereof, all business establishments within the City of Danbury providing shopping carts for the use of their patrons shall post, in a conspicuous place, a sign or notice stating that the removal of shopping carts from the premises constitutes a violation of this section, and further stating that violators will be subject to a fifteen (\$15.00) dollar fine.

(c) - It shall be unlawful for any person, other than the owner thereof, to remove a shopping cart from the premises of any business establishment within the City of Danbury. It shall be an affirmative defense to prosecution under this subsection that the business establishment involved has failed to comply with the provisions of subsection (b) hereof.

(d) - For purposes of this section, shopping carts found on any street, sidewalk or other public property and not under the direct control of any person shall be presumed abandoned. All such shopping carts shall be transported by the Department of Public Works to a suitable place for storage. The owners thereof may retrieve said carts upon payment of all storage and retrieval charges for which they are liable. A storage charge of Two Dollars (\$2.00) per week but not exceeding Fifty (\$50.) shall be imposed together with a retrieval charge of \$2.00 for the return of all such shopping carts. If the owners thereof fail to retrieve said carts for a period of six months a notice of sale shall be published in a newspaper having a general circulation in the City of Danbury. If the owners do not retrieve said carts within one month following said notice, all such carts may be sold at a public auction under the supervision of the sheriff or deputy sheriff of Fairfield County and the proceeds of the sale shall be deposited with the treasurer of the City of Danbury.

(e) - Any person failing to comply with the provisions of subsections (b) or (c) hereof shall be subject to a fine of \$15.00.

A motion was made by Councilman Boynton and seconded by Councilman Charles for the Report to be accepted and the Ordinance adopted. Motion carried and the Ordinance was adopted by a vote of 18 Ayes 2 Nays 1 abstention.

Council Members Elder and Butera voted Nay. Councilman Leopold abstained.

036 - REPORT - Land Use Procedures.

Councilwoman Torcaso submitted a report stating that the committee appointed to review Land-Use Procedures, met on Feb. 3, 1983 at which time a motion was made and carried unanimously to ask Mayor Dyer and members of the Common Council to consider a Plan of Development update in the Fiscal Year of 1983-1984 Budget.

It is the desire of the committee, Council Members Torcaso, Foti and Eriquez, to continue to work on the original charge - that of determining the need for land-use procedures.

While in the process of determining a need for land-use procedures, much discussion has taken place concerning the Danbury Plan of Development, and the need for an update.

In the past few years many zone changes have been made, special exceptions have been granted, and zone densities have been changed through regulation. The committee feels these changes have had a definite impact on sewer and water capacities, and these changes should be noted. The committee has discovered that agencies differ as to gallons per capita used in calculations. This should also be addressed in the Plan so all persons using the document as a guideline would use the same number for calculating.

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

037 - REPORT - Request for sidewalk at Immanuel Lutheran Cemetery.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the above request. Because there are no sidewalks on Tamarack Ave. pedestrians often walk along the edge of the cemetery, causing damage to the property and gravesites. They have asked the City to take some action to alleviate this problem.

Upon examination of the situation the committee learned that the problem occurs off City property which would not allow the City to build a sidewalk and fence needed to end the problem. There is not sufficient room to install a proper sidewalk on City property now occupied by the roadway.

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

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

038 - REPORT - Abandonment of a portion of Old Great Plain Road.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the request to abandon a portion of Old Great Plain Road, off Hawley Avenue. This is a section of Old Great Plain Road that has been in disuse since the construction of Route I-84 in the early 1960s. Because of its location it is of no use to the City of Danbury.

The committee's first response was a desire to auction off this property as per the recommendation of the Planning Commission. Assistant Corporation Counsel Eric Gottschalk informed us, however, that this being an Old Road approximately 200 years, no deed of its ownership was possessed by the City. Roads of this type are used by the City, but owned by the abutting property owners. The City has the right of use until abandoned. We therefore cannot sell or auction this property.

Being that this property cannot be sold and is of no use to the City, the committee recommends that the Common Council formally discontinue the use of the section of Old Great Plain Road in question. The ownership of which will revert to the owner of the abutting property.

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

039 - REPORT - Dickinson property on Old Mill Plain Road.

Councilman DaSilva, Chairman of the Public Works Committee submitted a report stating that the committee reviewed a request to remove a Deed restriction on the property owned by Mr. & Mrs. Dickinson on Old Mill Plain Road. A study of this request revealed that a restriction from using this property for commercial purposes was made when the property was transferred to the Dickinson family in 1951. The property was sold at a very nominal fee with the above mentioned restriction, in exchange for its upkeep as a small park. Also revealed was the fact that the area around the Dickinson property has been largely turned to commercial use since 1951.

The Public Works Committee wants to commend Mr. & Mrs. Dickinson for the excellent upkeep of the property in the past number of years. They also wish to recommend that the Common Council remove the restriction of this property because the area is certainly no longer a residential one, and the intent of the exchange in 1951 has served its purpose and is no longer needed.

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

040 - REPORT - Weed Problem at Candlewood Lake.

Councilwoman C. Torcaso submitted a report stating that after many hours talking with chemical applicators, weed harvesters, members of Candlewood Lake Authority, Mr. Jack Kozuchowski, Mr. Timothy Simpkins of the Danbury Health Department, Mr. Robert Ryerson of the Parks & Recreation Department and by attending meetings in other towns; the committee recommends that the Common Council direct the Purchasing Agent to put out to bid a contract for the application of Orthodiquat - Diquat Dibromide to kill the watermilfoil weed in the 30+ acres that has been designated Danbury's responsibility, at a cost of approximately \$300 per acre.

The committee also requests that the Purchasing Agent work with people in the Health Department in writing the specifications for the contract. This must be done as soon as possible, due to the need for State and NorthEast Utilities permits.

Mr. John Edwards, Comptroller, assures the committee that the cost of the Orthodiquat application could be paid for with dollars that the State reimbursed the City for boat assessments. These dollars were not included in Revenue in the Fiscal Year 1982-1983 Budget, because Mr. Edwards did not know what the percentage return would be, as this was the first year for this reimbursement, therefore has not been allocated and has been deposited in the General Revenue Account. The cost will be approximately \$9,000 but could be lower if the entire Lake job would be done by one applicator.

The committee requests that those dollars (from the \$19,906.94) not used on this project be allocated to Lake studies that will be necessary in the future.

The committee recommends that a Sanitary Survey of the Candlewood Lake's watershed be assigned to the Health Department, and a long-range weed/algae control plan be put in place by the Parks & Recreation Department.

An in-depth monitoring system before and after the orthodiquat application, is essential and could be achieved by Dr. Peter Siver and graduate students of the Biology Department at Western Connecticut State University at a very nominal cost to the City.

A Certification from Mr. John P. Edwards, Comptroller, was submitted stating that the City has received \$19,906.94 from the State of Connecticut for reimbursements of the lost taxes the City formerly collected from taxing boats.

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

041 - Withdrawn

042 - REPORT & CERTIFICATION - Funds to refurbish Richter House.

Councilman Louis Charles submitted a report stating that the committee appointed to review the request for funds to refurbish the Richter Park House, met on Feb. 24, 1983 at 8:00 P.M. in City Hall.

Present were Councilmen Charles & Foti, Dino Storoni, Joseph Pepin, Gary Simone, Sam Hyman, all of the Richter Authority.

After much discussion, the committee voted to recommend the transfer of \$40,000 to "Entitlement #13, Richter Park House", with the stipulation that all funds be used only to upgrade and maintain the Richter Park House.

A Certification was submitted by Mr. John P. Edwards, Comptroller in the amount of \$40,000.00 to be transferred from Revenue Sharing Ambulance and Equipment Entitlement #13 to the Entitlement #13 Richter Park House Account.

A motion was made by Councilman Boynton and seconded by Councilman White for the Report to be accepted and funds transferred.

Motion carried by a vote of 17 Ayes - 4 Nays.  
Council Members - Gallo, McGarry, Butera, Evans, voted Nay.

043 - REPORT & CERTIFICATION - Funds for DHS Booster Club.

Councilman Farah submitted a report stating that the committee appointed to review the request of the DHS Booster Club met on Jan. 13, 1983. Council Members Farah and Torcaso were present. Also in attendance were Norman Winnerman and Paul Baxter.

The committee reviewed the request and listened to a presentation by Mr. Winnerman on the financial status of the Booster Club and about its contributions to the school.

The requested assistance will help the club meet its scheduled payments for the football field lighting project. The total cost of this project is \$34,551.65.

The Club, through its fund raising efforts has paid \$20,000 already toward retiring the principal amount and \$7,000 in interest. Since the majority of games for the next school year will be played away, the club will experience a drop in its revenue. This would aggravate its financial situation.

Once the project is fully paid for by 1986, the club will sell the lights to the City of Danbury for One Dollar.

The committee met again on Feb. 24, 1983. Councilwoman Torcaso made a motion seconded by Councilman Farah to pay \$1800 which will cover the interest charges for next year. Motion passed.

A Certification/<sup>#130</sup>was submitted by Mr. John P. Edwards, Comptroller in the amount of \$1,800.00 available in the Contingency Account to be transferred to the Common Council Account #02-01-100-072800 - Contributions for the Danbury High School Booster Club.

Previous balance of Contingency Account	\$280,440.90
Less Pending requests	33,650.00
Less this request	1,800.00
	<u>\$244,990.90</u>

A motion was made by Councilwoman McManus and seconded by Councilman Torian for the Report to be accepted and transfer of funds authorized. Motion carried by a vote of 18 Ayes - 3 Nays. Council Members Gallo, McGarry and Boynton, voted Nay.

Councilman Boynton explained that he would vote No because the Contingency Account is very low and thought they should hold off until the 1984 Budget.

044 - REPORT - Review of the Association for Religious Communities's request.

Councilman Farah submitted a report stating that the committee appointed to review the request from ARC for \$5,000 met at 6:45 P.M. on Feb. 24, 1983. Committee Member Farah and Gallo were present.

Supportive material and explanations were attached to the request. The need for the money was justified on the basis of State funding cut-backs and on the mounting load of cases that ARC's staff has to handle. The prime target for the fund will be the activities of the Danbury Resettlement Center which accommodates the needs of SouthEast Asian refugees. The need is most pressing in areas of language training, translation, and job development.

The committee was sympathetic to ARC's request and was impressed with its efforts. However, considering the rapid rate of depletion of the City's Contingency fund, the committee decided to recommend a smaller sum than what is requested.

Councilman Gallo moved to recommend a payment of \$1,000 to ARC for the expressed purpose and Councilman Farah seconded the motion which was passed.

#131

A Certification/in the amount of \$1,000 available in the Contingency Account to be transferred to the Common Council Account #02-01-100-072800 Contributions for A.R.C.

Previous balance of Contingency Account	\$280,440.90
Less Pending requests	35,450.00
Less this request	1,000.00
	<u>\$243,990.90</u>

A motion was made by Councilman Elder and seconded by Councilman Eriquez for the Report to be accepted and transfer of funds authorized. Motion carried by a vote of 17 Ayes and 4 Nays. Council Members McGarry, White, Boynton and Butera, voted Nay.

Councilman Boynton stated that this \$5,000 was eliminated by the General Government committee as it was a duplication of services.

045 - REPORT & CERTIFICATION #129 Funds for the Welfare Department.

Councilman McGarry submitted a report stating that the committee assigned to study the request from the Welfare Department for \$150,000 additional funds, met on 2/22/1983 at 7:30 P.M.

Those in attendance were Councilmen McGarry, Evans and Repole; Director Welfare D. MacKenzie and Patricia Krafic, Assistant.

Miss MacKenzie explained the funds were needed for additional case loads for financial and medical services. Her case load stated at the present time was approximately 220 cases.

The committee voted unanimously to approve the additional funds needed.

A Certification was submitted by the Comptroller, Mr. John P. Edwards in the amount of \$15,000.00 available in the Contingency Account to be transferred to the Welfare Department. The remaining \$135,000 will be reimbursed from the State of Connecticut, so we will therefore amend the Welfare Budget by \$135,000 and the Revenue Account for Welfare #02-65-000-523100 in a like amount, total amendment \$150,000.00.

Previous balance of Contingency Account	\$280,440.90
Less Pending requests	18,650.00
Less this request	15,000.00
	<u>\$246,790.00</u>

A motion was made by Councilman Gallo and seconded by Councilman Charles for the Report to be accepted and transfer of funds authorized. Motion carried unanimously.

046 - REPORT & RESOLUTION - Snowblower for Danbury Airport.

Councilman Gallo submitted a report stating that the committee met on Feb. 23rd with Council Members Gallo and Repole in attendance. Councilwoman Butera was away on vacation. Also in attendance was the Chairman of the Aviation Commission.

After much discussion, on a motion by Councilman Repole and seconded by Councilman Gallo, the committee voted to recommend appropriating not more than \$2,125.00 for the following reasons:

1. These funds are not presently available in the present Airport Budget.
2. The estimated cost of the snowblower is \$85,000. Federal and State Grants will pay 97.5% of this cost.
3. This local match program expires in March of 1983, therefore cannot be put into next year's budget.
4. This snowblower, the committee was informed, will reduce snow removal time at the Airport by 50%.
5. The committee felt this piece of equipment would also be of value to the Public Works Department for snow removal.

The Committee recommends adoption of the Resolution.

A Certification #128 was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$2,125.00 available in the Contingency Account to be transferred to the Airport Account #02-13-001-069500.

RESOLUTION - WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport Development Aid Program in accordance with Section 13 of the Airport and Airway Development Act of 1970; and

WHEREAS, the City of Danbury through the Danbury Aviation Commission intends to purchase a detachable type snowblower for the purpose of removing snow from the airport's runways in a more efficient manner; and

WHEREAS, the City of Danbury will make application for a Federal and State Grant in the amount not to exceed \$85,000 with a local match of two and one-half percent equalling an amount not to exceed \$2,125.

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

The Report and Resolution was accepted by the Common Council on the Consent Calendar with a transfer of funds being authorized also.

047 - Withdrawn

048 - REPORT - Old Danbury Jail - Revocable License to Erhardt Chevrolet.

Councilman Gallo submitted a report stating that the committee met on Feb. 23, 1983 to review the above request. Chairman Gallo informed the committee that Erhardt Chevrolet has already granted the City a storm drainage easement across its property.

Councilman Cassano moved that Mayor Dyer be and here is authorized to execute a revocable license granting Erhardt Chevrolet Inc. its agents and employees, permission to use an existing picnic area on the most SouthWesterly portion of the Old Jail property located adjacent to 70 Main Street, Danbury, Connecticut. Councilman Gallo seconded the motion which passed unanimously.

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

049 - REPORT - Land Acquisition Committee.

Councilman Evans submitted a report stating that the Land Acquisition Committee met on Feb. 23, 1983. In attendance were Council Members - Evans, Gallo, Repole, and Charles. Councilwoman Butera was excused.

A motion was made at the committee meeting by Councilman Repole and seconded by Councilman Charles to approve payment of a bill from the Wixted Agency in the amount of \$5,250 for the appraisal of the Parks Property. Motion passed unanimously.

Committee went into executive session at 9:30 P.M. to discuss offer to be made on the Parks property. Executive session ended at 9:45 P.M.

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

050 - Withdrawn

051 - REPORT & RESOLUTION - Use of City Property by Danbury Hospital.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from the Danbury Hospital to use a strip of property at Broadview Jr. High School. This strip is on the bank adjacent to the hospital parking lot, and would be used on a temporary basis for parking until improvement to the facilities are completed. The committee went on an on-site inspection of the area. They also sent the request to the Board of Education for their approval.

The Public Works Committee and the Board of Education agree that this strip of land should be given for use by the Danbury Hospital on a temporary basis, with the stipulation that the condition of the property be returned to its original condition upon termination of use.

RESOLUTION - WHEREAS, the petitioner, The Danbury Hospital, wishes to use property owned by the City of Danbury and located at Hospital Avenue, Danbury, Connecticut for parking purposes for a period of approximately two years; and

WHEREAS, the petitioner has requested that the City of Danbury grant it a license authorizing the petitioner to use said land for that purpose; and

WHEREAS, the Danbury Board of Education has indicated their approval of the petitioner's request;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor James E. Dyer be and hereby is authorized to execute a license on behalf of the City of Danbury and take any and all further actions necessary to carry said license into full force and effect.

A motion was made by Councilwoman McManus and seconded by Councilman Eriquez for the Report to be accepted and the Resolution to be adopted. Motion carried unanimously.

052 - REPORT - Repeal of Section 8-18(9) of the Code of Ordinances concerning points for Volunteer Firefighters.

Councilman Eriquez submitted a report stating that the ad hoc committee appointed to consider the above matter, met on Feb. 28, 1983 at 6:30 P.M. in room 432 at City Hall.

Members of the Common Council present were G. Eriquez Chairman and J. Esposito. Councilwoman Janet Butera was excused due to a previous commitment. Also in attendance were T. Goldstein, Corporation Counsel Mr. William Coffey, President of the Volunteer Fire Council; Mr. Sam Hyman; several representatives from Danbury's Volunteer Fire Companies and Councilman Bernard Gallo.

At the outset, Mr. Goldstein presented a summary explaining the ruling on the motion for a preliminary injunction made by T.F. Gilroy Daly, Chief United States District Judge.

Given the opinion the Judge had rendered through his ruling, Mr. Goldstein stated that the committee had little alternative available, and should repeal the subject section of the ordinance to be in compliance.

Mr. Coffey, representing the Volunteer Council, indicated that the Volunteers wanted the record to note that the Volunteers felt that it would be in the best interest of the City to support the outright repeal of this section even though they were not totally comfortable with losing the points.

Also, he noted that the repeal would expedite the hiring process, allowing the City to begin testing and establish a new list so appointments to the Paid Fire Department could be made that comport with the Judge's ruling.

Mr. Eriquez thanked the Volunteers for their cooperation and support during this critical period.

Subsequent to the general discussion that followed, Mr. Esposito made a motion to recommend repeal of Section 8-18(9) of the Code of Ordinances concerning points for Volunteer Firefighters, noting that the committee recognized the need to do so as a result of the recent Court ruling. The motion was seconded by Mr. Eriquez and passed.

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

Mayor Dyer then announced that all committees would be continued, adding Councilmen Leopold and Gallo to the Land Use Committee, consisting of Council Members - Torcaso, Foti and Enriquez.

The Mayor also added Councilman Leopold to the Land Acquisition Committee.

During the Public Speaking Session, Mr. Ernest Goldstein asked if the Handicapped Commission would be meeting.

Mayor Dyer said that the meetings are usually held in City Hall.

There being no further business to come before the Common Council, a motion was made by Councilman Foti and seconded by Councilman White for the meeting to be adjourned at 8:50 P.M.

Respectfully submitted

*Mary Puckett*  
Assistant City Clerk

Attest:

*Clyde A. Rudginton*  
City Clerk