

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

SUBJECT; Minutes of the Common Council Meeting held on June 7, 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 Torian.

Roll Call was taken by 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, Cassano, Charles, Boynton, Evans, Farah. Councilwoman J. Butera arrived after roll call.

ABSENT: Council Members - Eppoliti, White, Leopold.

18 members present -- 3 members absent. It was reported that Councilman Leopold is out of the Country on business.

#### NOTICES FROM MAYOR DYER

Mayor Dyer reported that the sewer rates on this evening's agenda reflects no increase from the previous year.

Mayor Dyer announced and extended Birthday Greetings to the following:

June 2nd - Mary Ann Doran  
 June 11th- Joan Soderstrom  
 June 13th- John McGarry  
 June 14th- Janet Butera

Anniversary greetings were extended to Attorney & Mrs. Goldstein, for June 12th.

June 14th - Flag Day Observance.  
 June 12th - Soap Box Derby to be held.  
 June 12th - Portuguese Day in Danbury.  
 June 27th - Bail Day sponsored by the P.A.L.

Congratulations were extended by the Mayor to all Fathers for Father's Day.

Mayor Dyer wished all the graduates from the following schools well, and lauded their accomplishments:

Congratulations to graduates of Western Connecticut College  
 " " " " Immaculate High School  
 " " " " Henry Abbott Technical School  
 " " " " Danbury High School.

#### CONSENT CALENDAR

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

- 02 - Resolution - Community Development Block Grant Program.
- 03 - Resolution - Grant for Danbury Youth Services.
- 04 - Resolution - Sewer & Water line - area of White Turkey Expressway re: Petition of Novella & Dalessio.
- 05 - Resolution - Grant application for Parks & Recreation program.
- 016 - Communication - Capital Line Item (Improvements at Sokol Property)
- 019 - Communication - Bus Shelters.
- 20-A- Contract between the City of Danbury & Canine Officers of the Danbury Police Union (Funds approved previously).
- 021 - Communication & Certification - D.M.E.A. Memorandum of Agreement.
- 022 - Communication & Certification - Funds for Welfare Department.
- 023 - Communication & Certification - Funds for Zoning Commission.
- 024 - Communication & Certification - Transfer of funds to Dog License Acct.
- 24-A- Building Maintenance Contract.
- 027 - Request of the Aviation Commission for transfer to the Capital Program: Snowblower & Master Plan Update.
- 036 - Report - Denial of request for waiver of Lien Fees for back taxes re: Peter Burkard - Lindencrest Drive.
- 037 - Report - Replacement of Glass Hangar at Danbury Airport.
- 038 - Report - Easement at Tamarack & Hayestown Avenues.
- 039 - Report - Denial of request to abandon Old Segar St.

## CONSENT CALENDAR (continued)

- 040 - Report - Denial of Sewer & Water for Caye Road.
- 041 - Report - Sewer Connection fee - Belmont Circle.
- 042 - Report - Petition granted for sewer & water - Lois St.
- 044 - Report - Sidewalk & slope on Crow's Nest Lane.
- 045 - Report - Lakeview & Third Avenues.
- 046 - Report - Easement for Ives St. & National Place.
- 047 - Report & Resolution - Annual Commercial & Non-Commercial Permits - Sanitary Landfill Site.
- 049 - Report & Resolution - Permits issued for portions of any year re: Commercial & Non-Commercial permits - Sanitary Landfill.

A motion was made by Councilman Boynton and seconded by Councilman Repole to place #034 - Appointment of a Captain in the Fire Department, on the Consent Calendar. Motion passed.

Councilman Foti then requested removal of #034, Appointment of a Captain in the Fire Department, from the Consent Calendar. Mayor Dyer so ordered.

MINUTES - Common Council Meeting held on May 3, 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 - Barbara Yanak - Sylvia Underhill - Vincent Wrobel - William Healy - Eralia DeMoura - Allied Biological Inc.

A motion was made by Councilwoman McManus and seconded by Councilman Charles for the Claims to be referred to the Claims Committee and Assistant Corporation Counsel for Claims. Mayor Dyer so ordered.

02 - RESOLUTION - Application to the U.S. Department of Housing and Urban Development for funds allocated under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, which authorizes the Community Development Block Grant Program. Such application is for the Ninth Year Funding, and will be in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds developed and approved by the Mayor's Policy Committee for the Community Development Program of the City of Danbury.

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

03 - RESOLUTION - Whereas, the Connecticut Department of Children and Youth Services through the Cost Sharing Grant Program has made funds available to municipal youth agencies in accordance with Section 17-443 of the General Statutes; and,

Whereas, the City of Danbury through the Danbury Youth Services, Inc. has devised intervention and prevention programs for Danbury youth at risk to delinquency; and,

Whereas, a continuation grant of up to \$35,000 with an equal local match by the City of Danbury has been processed;

Now Therefore, Be It Resolved that the past actions of the Danbury Youth Services, Inc. and James E. Dyer, Mayor of the City of Danbury, in applying for said grant be and hereby are ratified and that any and all additional acts necessary to accomplish said program be and hereby are authorized.

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

04 - RESOLUTION - Whereas, on February 1, 1983 the Common Council adopted two Resolutions in reference to the installation and maintenance of a sewer line, and

Whereas, due to a scrivener's error the resolutions should have provided for the fact that the City of Danbury is desirous of installing and maintaining both sewer and water lines in the area of White Turkey Expressway, so called, on the property owned by Consolidated Rail Corporation

Now, Be It Resolved, that the resolutions dated February 1, 1983 be and hereby are amended to provide for installation and maintenance of both sewer and water lines in the area of White Turkey Expressway on property owned by Consolidated Rail Corporation and that prior acts of the Mayor of the City of Danbury in conformity with the intentions herein expressed be and hereby are ratified and that the Mayor of the City of Danbury be and hereby is authorized to take any and all steps necessary to carry out the purposes of the resolutions of February 1, 1983 as herein amended.

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

05 - RESOLUTION - Whereas, the U.S. Small Business Administration through the Connecticut Department of Environmental Protection has made funds available to municipalities in accordance with the federal Jobs Bill, Public Law 98-8 and Sections 7-131 and 22a-22 of the Connecticut General Statutes as amended; and

Whereas, the City of Danbury through the Danbury Planning Department and the Danbury Parks and Recreation Department have developed a program to revitalize several City Parks with personnel which fall under the program's guidelines; and,

Whereas, a grant application in the amount of \$20,000 with no local match requirement has been processed.

Now, Therefore Be It Resolved that the past actions of the Danbury Planning Department in making application for said grant be and hereby are ratified and that any and all additional acts by Mayor James E. Dyer to effectuate said program be and hereby are authorized.

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

06 - RESOLUTION - Resolved by the Common Council of the City of Danbury, That the sewer use charge for the fiscal year commencing July 1, 1983 and ending June 30, 1984 shall be \$40.50 per unit, payable in two equal installments of \$20.25 each and due on September 1, 1983 and March 1, 1984. Each installment shall be payable without penalty if paid on or before October 3, 1983 and April 2, 1984.

Councilwoman C. McManus requested deferral for a public hearing to be held. Mayor Dyer so ordered.

07 - RESOLUTION - Whereas, a sewer use charge for the fiscal year commencing July 1, 1983 and ending June 30, 1984 in the amount of \$40.50 per unit has been proposed;

Now Therefore be it resolved by the Common Council that the City Clerk be and hereby is authorized, pursuant to Danbury Code of Ordinances § 16-28, to set a public hearing at which time, owners of property against which charges are to be levied shall have an opportunity to be heard concerning the proposed charges, all according to law.

Be it further resolved that the estimated Sewer Fund cash surplus in the amount of \$573,984 be appropriated from said Fund Balance to the Sewer Operating Budget.

A motion was made by Councilwoman C. McManus and seconded by Councilman E. Boynton that the Resolution be adopted. Motion carried unanimously.

08 - COMMUNICATION - Request of Sam Roberts - Ervie S. Hawley for acceptance of West Hayestown Road.

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

09 - COMMUNICATION - Petition of Equinox Association for Sewer & Water - Driftway Road.

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

010- COMMUNICATION - Petition of Gary & Dennis Michaels for Sewer and Water - Corner of Lake & Well Avenue.

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

011- COMMUNICATION - Petition of Richard d'Evegne for Sewer & Water - Tarrywile Lake Drive.

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

012- COMMUNICATION - Petition of Dr. Morley Goldberg for extension of sewer - intersection of Crane St and Elton Place.

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

013- COMMUNICATION - Petition of G & K Associates for Sewer & Water for premises located on Newtown Road & Cross Street.

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

014- COMMUNICATION - Request by June Construction Co. (Apache Garden Corporation) for sewer & water extension for 12 unit project - Eden Dr.

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

015- COMMUNICATION - Erosion Problems on property of Abe Boms - Five Woodbury Drive.

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

016- COMMUNICATION - Capital Line Item (Improvements at Sokol Property)

Due to the rental of Hatters Community Park's facilities, there will be \$16,000 collected this fiscal year (1982-1983).

Robert Ryerson, Director of Parks & Recreation is requesting that \$16,000 be appropriated to the capital line item "Improvements at the Sokol Property."

The Comptroller's office has stated that this action will not require any transfer from the contingency fund. The revenue account and the appropriation account will be increased in a like amount. This action will allow the purchase of equipment and make continued improvements at Hatters Community Park.

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

017 - COMMUNICATION - Offer by Union Carbide Corporation to donate a portable atmospheric monitor to the City of Danbury for making Union Carbide feel so welcome. The need for this piece of equipment came to attention in discussion with fire and civil preparedness officials about several recent incidents involving dangerous gases.

This type of equipment is in use at Union Carbide's various installations around the Country and will be helpful in the protection of the public, and city employees as well.

A motion was made by Councilwoman McManus and seconded by Councilman Evans to accept this gift from Union Carbide with sincere thanks. Motion carried unanimously.

Mayor Dyer also offered thanks and sincere appreciation, recognizing officials from Union Carbide, present in the Council Chambers.

018 - COMMUNICATION - Road widening strip - property of Messrs. Warner and Edelstein - Chambers Road.

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

019 - COMMUNICATION - Progress of HART in securing bus stop shelters. HART and Bustop Shelter's Inc. representatives will be setting up meetings with the various City Departments with which they will work in identifying the best places for the shelters and in getting the necessary approvals for the placement and construction.

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

020 - COMMUNICATION - Lease for Bowling Lanes - Hatters Park

Charles J. Trocolla is lessee of the bowling lanes at Hatter's Park pursuant to a rental agreement dated August 28, 1981. The lease is for a five year term commencing Sept. 1, 1981.

Mr. Trocolla desires to sell the business to Michael Pane of New Milford, Connecticut. Request is made for a modification of the terms of the lease to allow an option to renew the lease for an additional five year term commencing Sept. 1, 1986; and to request written consent for an assignment of the lease, as modified, pursuant to paragraph 15 of said lease.

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

020-A - CONTRACT - Contract between the City of Danbury and Canine Officers of the Danbury Police Union Local 891 and Council 15 of AFSCME January 1, 1983 - December 31, 1984.

Certification #143 was submitted by the Comptroller, Mr. John P. Edwards in the amount of \$5,000 available in the General Fund Balance for this agreement.

The Contract was ratified by the Common Council on the Consent Calendar.

021 - COMMUNICATION & CERTIFICATION - D.M.E.A. Memorandum of Agreement.

A Certification in the amount of \$123,022.00 was submitted by the Comptroller, Mr. John P. Edwards as being available in the General Fund, Fund Balance account for implementing the DMEA working agreement.

The Agreement was ratified and funds authorized by the Common Council on the Consent Calendar.

022 - COMMUNICATION & CERTIFICATION - Request for \$25,000 additional funds for the Welfare Department. This sum is needed to meet GA expenses for the remainder of the fiscal year.

Certification #149 was submitted by the Comptroller, Mr. John P. Edwards certifying the amount of \$25,000 available in the General Fund, Fund Balance Account to be transferred to the Public Welfare Account #02-05-100-026000-02. City's Revenue and Appropriation for the remaining \$22,500 which represents the State's share of reimbursement on the \$25,000 request, will be amended.

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

023 - COMMUNICATION & CERTIFICATION - Request for \$2,200 additional funds for the Zoning Commission.

Certification #148 was submitted by the Comptroller, Mr. John P. Edwards certifying the amount of \$2,200 available in the General Fund, Fund Balance Account to be transferred to the Zoning Commission following accounts:

01-181-022500	Legal & Public Notices	\$1,050.00
01-181-020501	Postage	150.00
01-181-022000	Printing & Binding	650.00
01-181-020100	Professional Service Fees	350.00
		<u>\$2,200.00</u>

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

024 - COMMUNICATION & CERTIFICATION - Request for \$3,400 additional funds for the operation of the dog pound for the remaining eight weeks of the year.

Certification #147 was submitted by the Comptroller, Mr. John P. Edwards certifying the amount of \$3,400 available in the General Fund, Fund Balance Account to be transferred to account 02-102-072800 - Dog Warden Contributions - Grants.

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

024-A - COMMUNICATION & CERTIFICATION - Memorandum of Agreement - Building Maintenance Contract.

Certification #145 was submitted by the Comptroller, Mr. John P. Edwards certifying the amount of \$14,241.00 as being available in the General Fund, Fund Balance account for implementing the Building Maintenance Contract, to be transferred to the following accounts in Public Buildings:

Regular Salaries	\$12,792.00
P/Time Salaries	827.00
Overtime	622.00
	<u>\$14,241.00</u>

& Contract ratified

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

025 - COMMUNICATION & CERTIFICATION - Request from Mayor Dyer for \$75,000 to make renovations to the Locust Avenue School to permit the continued use of the building as the Alternative Education Center. The City is entitled to 56.7% reimbursement from the State for this code compliance project.

Certification #146 was submitted by the Comptroller, Mr. John P. Edwards certifying the amount of \$75,500 as being available in the Capital Account #830009 Fire Pumper Fire Department that may be transferred to a new account entitled Compliance Renovation Locust Avenue Alternative Education School.

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

026 - COMMUNICATION - Request from Irene M. Lober, Superintendent of Schools for \$7,000 matching grant for Fitness-Jogging courses to be placed at the Morris Street School, and the South St. Schools.

Councilman Eriquez requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Gallo, Esposito, Zotos.

027 - COMMUNICATION - Request from Paul Estefan, Chairman of the Aviation Commission that the following funds be transferred to a Capital Program Account:

\$2,125 for the acquisition of a snow blower	Acct. 069500
\$1,500 for the Master Plan Update	Acct. 029500

Both of these items have Federal monies already appropriated for them and the request is for the monies to be transferred out of the Aviation Budget to the Capital Program, thus assuring they will be in place when the contracts are signed by the Federal, City and State Agencies.

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

028 - COMMUNICATION - Request for abatement of taxes and or interest on taxes in the interest of Miss Rita Griffin of Chappelle Street in Danbury. Total taxes due - \$1,862.03 until May 27th.

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

029 - COMMUNICATION - Request from William K. Hanna, Tax Collector, for transfer of the following to the Municipal Suspense List:

Motor Vehicle	\$ 87,899.76
Personal Property	29,010.64
Aircraft	961.59
Boats	1,181.06
	<u>\$119,053.05</u>

Each tax contained herein has not been paid and is uncollectible.

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

030 - Withdrawn

031 - COMMUNICATION - Request to reconsider the removal of a Deed restriction on the property owned by Mr. & Mrs. Dickinson on Old Mill Plain Road.

The land in question opens to major areas of residential development, and commercial development in this area will seriously infringe upon the character of the neighborhood. This parcel should continue as a neighborhood park.

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

032 - COMMUNICATION - Request from the Parking Authority for approval to pursue the issuing of Revenue Bonds for a parking garage. Present plans are for a facility that would park 241 vehicles in a 3 level garage behind the old Library.

Latest cost estimate, Dec. 1982 from Ramp Associates was an estimated 1.5 Million Dollars.

Councilman Boynton requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Farah, Leopold, Evans.

033- COMMUNICATION - Request from Corporation Counsel Theodore H. Goldstein for a committee to be appointed to establish procedure for actively disposing of surplus property. The City of Danbury has recently acquired several tracts of land as a result of tax foreclosure actions in which defendants failed to redeem title to their property on the law days assigned by the Court.

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

034 - COMMUNICATION - Appointment of William David as a Captain in the Danbury Fire Department.

Lt. David placed first on the Civil Service list. He has been a member of the Fire Department for ten years, is an EMT, and is State certified as a firefighter three. The appointment will be effective upon the date of the swearing-in ceremony.

Councilman McGarry requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Torian, Zotos, Gallo.

#### 035 - DEPARTMENT REPORTS

Aviation Commission	Sealer of Weights
Fire Chief	Building Dept.
Fire Marshal	Housing Inspector
Police Department	Sanitary Inspector
Equal Rights & Opportunities	Health Dept. Coordinator

A motion was made by Councilman Elder and seconded by Councilman Boynton 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.

#### AD HOC COMMITTEE REPORTS

036 - REPORT - Lien fees for back taxes.

Councilman J. Esposito submitted a report stating that the Common Council committee appointed to review a matter of lien fees due on back taxes for property of Peter Burkard, 37 Lindencrest Drive, met on May 25, 1983 at City Hall. In attendance were committee members Esposito, Torcaso; Attorney West, Attorney Richard Hanna and William Hanna, Tax Collector.

Attorney Hanna stated that Mr. Burkard did not realize taxes were due. In 1978 the problem surfaced.

Wlm. Hanna, Tax Collector stated his involvement has been recent. Mr. Burkard has been denied by the Council before, twice. Because he didn't receive a tax bill does not mean he doesn't have the responsibility to pay. Notices were published to alert people of due taxes. He has no authority to waive taxes.

A motion was made at the committee meeting by C. Torcaso and seconded by J. Esposito to recommend denial of the waiving of liens and fees. Motion carried.

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

037 - REPORT - Replacement of Glass Hangar at Danbury Airport.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request from the Conn. Air Service Co. They ask permission to replace a glass wall in a building they lease from the City, with a type of siding that will conform with surrounding buildings.

Mr. Philip Harvell and Mr. Leo Moore attended the committee meeting of 5/10/1983 and explained that this replacement was necessary because of the vandalism to the windows. This caused a security problem with equipment stored in the building.

The Public Works Committee recommends the approval of the request. All costs of this project is to be borne by the Conn. Air Service Co.

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

038 - REPORT - Easement at Tamarack and Hayestown Avenues.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a proposed easement for the placement of traffic light poles at Hayestown and Tamarack Avenues, as part of the equipment stands on private property. Assistant Corporation Counsel E. Gottschalk submitted the proposed agreement which allowed the City to locate their equipment on private property in exchange for some minor paving.

The Public Works Committee recommends that the work stipulated be done by the Public Works Department and the Mayor be authorized to sign the agreement.

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

039 - REPORT - Denial of request for the City to abandon Old Segar St.

Councilman DaSilva submitted a report stating that the Public Works Committee has reviewed a request for the City to abandon Old Segar Street which has not been in use since the construction of I-84 in the early 1960s..

After an on-site inspection of the location and a discussion with members of the Public Works Department, it was decided to recommend denial of this petition as this site may be of some future use to the City, such as the storage of sand during winter months.

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

040 - REPORT - Denial of request of Eleftherior Stavrakis for sewer and water - Caye Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee met at 7:30 P.M. on May 16, 1983 in City Hall 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 denied without prejudice. All members of the committee voted in the affirmative with the exception of N. Zotos who abstained.

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

041 - REPORT - Sewer Connection Fee - Belmont Circle.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee met on May 16, 1983 in City Hall and reviewed the above petition with the City Engineer and the Corporation Counsel.

It is the recommendation of this committee that the petition be denied without prejudice. All members voted in the affirmative.

The Report was accepted and petition denied without prejudice by the Common Council on the Consent Calendar.

042 - REPORT - Request of Richard DeMunde for Sewer & Water 19-21 Lois St.

Councilman Gallo submitted a report stating that the Sewer & 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 seven steps of conditions and restrictions.

The Report was accepted and sewer and water extension granted by the Common Council on the Consent Calendar.

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee of the Common Council has met to review 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 seven usual steps with the addition of an eighth step which is as follows:

8. Public Works Department work with the developer to develop a method of measuring progress toward and compliance with an 85,000 gallons per day allocation.

A motion was made by Councilman Elder and seconded by Councilman McGarry for the Report to be accepted and petition granted.

Mayor Dyer reminded the Council that members may only speak once until all of the members have an opportunity to speak. Then they may speak twice. They may not speak more than twice on the same day, on the same issue, in accordance with Roberts Rules of Order.

Mayor Dyer then recognized Councilwoman Torcaso who spoke in opposition to the petition stating her concern with the decision to permit 85,000 gallon allocation for sewer and water for the development whose principals have stated that before they seek a site plan approval from the Planning Commission, they want sewer & water approval.

This is setting a dangerous precedent, allocating sewer & water to a parcel that has absolutely no plans for approval. Although this is not illegal, it is dangerous. I do not believe this development can stay within the 85,000 gallon per day allocation. Mrs. Torcaso urged a no vote on the report.

Councilman Foti spoke in opposition to the petition stating that the sewer and water was tabled pending decision of the Zoning Commission. Zoning Commission has decided and that decision has been challenged in Court.

In addition, the City Engineer and Superintendent of Public Utilities indicated they had information they wished to put before the committee and we couldn't even table the issue to get that information.

That information is from other cities and towns. The City Engineer and Supt. of Public Utilities recognizes this ultimate challenge of gallons per capita - daily gallons per capita. Fairfield, Conn. has 100 per capita, Stamford - 100; Bridgeport - 100; Metropolitan District of Hartford - 100; Waterbury - 100; New Britain - 90; Torrington - 120; Baltimore - 100; Boston - 140; Cleveland - 100 etc.

Why are we so willing to accept the guideline offered by the developer - that furthers his own need and ignore the guidelines adopted by the experts. How can we challenge the guidelines of the City Engineer and Supt. of Public Utilities that they operate their offices by. The Petitioners do indeed intend to challenge that guide. They have estimated 15% of water saving devices where the Supt. of Public Utilities uses 10%.

Why can't the land stay with trees and grass - what is wrong with that. Mrs. Torcaso and I request that the Zoning Commission review Article 3Q of the Zoning Ordinance.

The Planning Director has threatened to sue, forcing us to enforce Article 3Q and I would like to ask him why now. That Ordinance has been on the books for years, why is he threatening to enforce it now. He should have come to us and said something is going to cause us trouble.

We have 8 more petitions before us tonight. Only one has indicated proposed units. This would be the 4th largest development in the entire State and the second largest in Fairfield County. Mr. Foti also referred to the Plan of Development. We will be giving sewer and water to a vacant lot if we approve this tonight.

We have asked the Engineer to monitor the site and have asked the Supt. of Public Utilities. Both have serious doubts as to how they will be monitored. We are indiscriminatively giving away municipal service. Let them develop at our standards.

Councilman Evans spoke in favor of the petition stating that we are not the Planning or Zoning Commission. It is not our job to decide on the site plans.. They are elected officials just as we are. The Mayor appointed a committee to decide whether sewer and water can be extended to this area. We are charged with just that.

Councilman Elder - As a member of the Sewer & Water Extension committee I think we have done our job. The Charter of the City of Danbury did have wisdom in dividing the powers of the Zoning and Planning Commissions and the Common Council in its roll as watching over water resources of the City.

The primary issue is there are resources available to service this and other petitions for extension of services. A development this size would be controversial but I think we have to remember that for every resident of Danbury who wants it to stay the way it was the day they got here, there is another resident and taxpayer who has been attracted here by the growth of industry and looking for a place to live - who can't afford to buy the home that they probably had where they moved from and that there is a service provided to the community like these types of development.

The limited role of the Sewer & Water Extension committee is to see if resources are available and I think we have acted properly and I urge the members of the Council to support the majority report.

Councilman Farah - Spoke against the petition and urged rejection of the report stating that it is our responsibility to provide to every area in town, certain municipal facilities. Zoning may grant permission for 500 or 600 - who is going to take care of the roads, the schools, fire protection. I am not against growth but this growth has to be balanced.

Councilman Boynton - Spoke in favor of the petition stating that the 85,000 per day is 100 gallon per day guideline. We have instituted water meter system - This is first step toward development of this land. They must have sewer & water first before Planning site approval. City has adequate control over development. Condominiums will require less services than individual houses. Mr. Boynton urged acceptance of the report.

Councilman Gallo stated that he had recommendations from the Planning Commission, recommending 85,000 per day. The committee went along with the Manganaro Report. Petitioners have agreed to extend the sewer to the Stadley Rough School.

Councilman DaSilva - I believe the usage of sewer and water is based upon studies, Local, State, National studies. How many kids can you fit in a one bedroom apartment etc. You don't need to be an engineer to figure it out - to put a meter on a pipe. They have had this for many years now with little numbers coming up.

I don't know about Section 30 of the Code of Ordinances. I would certainly doubt that an appointed official of the City could bring the City to suit. I would certainly hope not. I would certainly think not and I would certainly imagine that the present administration would look with great disfavor on such a silly action.

If the Planning Director had some problem I would certainly hope he would go through proper channels and bring it to the Common Council.

I am not a lover of Condominium development - some are ugly. However, the arguments I have heard against granting the approval as recommended by the sewer and water extension committee, as well as from the public have been based upon the Zoning Commission and the Planning Commission.

They deal with matters under the purview of two separate bodies of the City of Danbury.

I think it behooves the Common Council not only to make the laws but to follow the laws.

You are empowered to act within certain parameters. I believe the Council, upon recommendation of committee can act on Sewer & Water allocation within those parameters. They cannot go into the realm of Zoning and Planning. No matter what type of speeches you make and no matter how wonderful it sounds you are restricted by allocation , by capacities etc. and I think that is what we have to go by.

Concerning the service capacity, the Public Works Committee of which I am chairman, has spoken to Mr. Buckley and Mr. Garamella about the sewers, many, many, many times and at no time did that committee to Mr. Buckley ever bring such an item up about capacity, but I will check with him tomorrow morning.

I think the Council has to act within its scope and within its powers and I think by doing that they will have to support the Sewer and Water Committee on this issue.

Councilman Eriquez spoke in favor of the petition although he had previously been against the development when he was serving as a member of other Boards. At that time, in 1981 the allocation was 81,000 gallons. The Planning and Zoning Commission are responsible for Land Uses.

Councilman Cassano - What are the real objections? The main point is 85,000 gallons per day. If the City has ability to provide 85,000 then we are obligated to accept the report.

A motion was made by Councilwoman Butera and Councilman McGarry to move the question.

The Report was accepted and petition granted to the N.E. Development Corporation for sewer and water to Nabby Road, by a roll call vote of 15 Ayes and 3 Nays. Council Members Foti, Torcaso and Farah voted Nay. 3 members were absent.

044 - REPORT - Request for sidewalk and slope on Crows Nest Lane.

Councilman DaSilva submitted a report stating that the Public Works Committee met to review the above request to install a sidewalk and slope a bank on the property of Shelter Rock School at Crows Nest Lane. These projects would be accomplished as a part of the development of housing on Crows Nest Lane. This request has the approval of the Planning Commission and the Board of Education.

The Public Works Committee believes these projects would be of benefit to the City, allowing the children a sidewalk on school property and enhancing the sight line of traffic. The committee therefore recommends approval of this request.

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

045 - REPORT - Lakeview & Third Avenue.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the situation for the acceptance of Lakeview and Third Avenues as City Highways. These two roads had been accepted with several conditions in 1979. Since then most of the stipulated conditions have been met but communication problems seemed to have existed between the residents and the new administration.

The committee met with resident representatives and conducted an on-site inspection of the roads. It was evident that recent work had been accomplished to meet the specifications of the prescribed stipulations.

Upon review of conditions stipulated in the 1979 Resolution, the Public Works Committee recommends permanent acceptance and validation of Lakeview and Third Avenues as City Highways.

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

046 - REPORT - Easement for right of way between Ives St. & National Pl.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a proposed easement, allowing the City the right of way in an alley between Ives St. and National Place. Information from Planning Director L. Sedney was presented, stating that the right to pass through this alley-way is important to any future redevelopment of the area. It was also noted that Community Block Grant funds will be used to improve the present condition of this alley.

Because of the probable importance of the access way provided by the alley between Ives St. and National Place in the future, the Public Works Committee recommends acceptance of the proposed easement to the City of Danbury for a right of way.

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

047 - Report & Resolution - Authorization of sale of landfill permits after May 15th.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request of D. Garamella, Director of Public Works, for the authorization of sale of landfill permits after May 15th of the fiscal year. This would allow a six week period for purchase of permits before the start of the fiscal year, and avoid the congestion of applicants on July 1st.

The committee recommends approval of the Resolution as it is of benefit to both the Public Works Department and the residents of the City of Danbury.

RESOLUTION - Resolved by the Common Council that any annual commercial or non-commercial permit authorizing the disposal of permitted wastes at the Danbury Sanitary Landfill site and issued on or after May 15 of any year shall be effective upon issuance and shall remain in effect until June 30 of the following year.

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

048 - Report & Ordinance - Councilman DaSilva submitted a report on the clarification of various sub-sections of the landfill Ordinance, stating that the Public Works Committee studied a recommendation from Ass't Corporation Counsel E. Gottschalk that the word "annual" in various sub-sections of the Landfill Ordinance be deleted. This was recommended to comply with changes allowing partial year fee payments.

The deletions occur in §§ 16A-31, 16A-32(d), 16A-32(e) and 16A-33(a). The committee recommends approval of the proposed Ordinance.

ORDINANCE - That §§ 16A-31, 16A-32(d), 16A-32(e) and 16A-33(a) of the Code of Ordinances of Danbury be and hereby are amended by the deletion of the word "annual" whenever said word appears in said sections or subsections.

Councilman DaSilva requested deferral of the Ordinance for a public hearing. Mayor Dyer so ordered.

049 - REPORT & RESOLUTION - Landfill permit fees for a portion of a year.

Councilman DaSilva submitted a report stating that the Public Works Committee after discussion with Public Works Director, D. Garamella, agreed that a revision of the fee structure for the City Landfill was necessary for permits issued for a small portion of the year.

The committee is recommending the approval of the following Resolution which will allow the charging of one half the regular fee for permits purchased after January 1st of the fiscal year. All those bought before this time are to be sold at full price.

RESOLUTION - That in addition to the issuance of annual commercial and non-commercial permits authorizing the disposal of permitted wastes at the Danbury Sanitary Landfill site, commercial and non-commercial permits may be issued for portions of any year in accordance with the further provisions hereof. On or after January 1 of any year commercial and non-commercial permits may be obtained which shall become effective upon issuance and remain in effect until June 30 of any such year. No such commercial permits shall be issued until a fee of \$50.00 per vehicle has been obtained from the applicant. No such non-commercial permits shall be issued until a fee of \$5.00 per vehicle has been obtained from the applicant for each non-commercial trailer, for each truck bearing passenger registration plates, and for each truck bearing combination registration plates and otherwise qualifying pursuant to Danbury Code of Ordinances §16A-32(e).

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

050 - REPORT - Land Acquisition Committee.

Councilman Evans submitted a report stating that the Land Acquisition Committee met on May 26th at City Hall. Present were committee members Evans, Gallo, Charles, Repole and Leopold. Also present were Attorney Goldstein and Emil Morey, Agent for the Parks Company.

At this time another offer was made to the Parks Company for the purchase of said property; the current asking price of the Parks Company is \$5,000,000 (Five Million Dollars).

Also at this time a motion was made and seconded that the offer to the City to lease space at Van Houten Motors for Police vehicles, be rejected due to the distance from Police Headquarters and also the lack of security. Motion passed and the meeting was adjourned.

A motion was made by Councilman Charles and seconded by Councilman Gallo for the Report and recommendations to be accepted, for rejection of Van Houten Motors offer. Motion carried unanimously.

051 - REPORT - Safety conditions near Johnson Propane Gas Co.

Councilman Farah submitted a report stating that the Common Council committee appointed to review safety conditions near the Johnson Propane Gas Co. met on May 25, 1983. In attendance were Council Members Farah, Eriquez, Esposito, Foti and Torcaso. Also present were Mr. Peter Winter, Chief Macedo, Chief Bertalovitz, Mr. Robert Wohlken and Mrs. Kathy Ehli.

The committee reviewed the progress of the City official's work with State authorities and in cooperation with Mr. Johnson. It was reported by Mr. Winter that the final plan will include the following:

1. State to commence within two weeks to install metal beam rails in the area North of the A.T. Johnson office with flow rails extending into the driveway.
2. A..T. Johnson Company to install "Jersey Dikes" weighing 800 pounds a piece across the front of the two storage tanks located on the South portion of the property.
3. The State will then install a metal beam rail extending from the high side (East side) of road and curve on the South side of the property and tie in with the Jersey Dikes.

The committee discussed the plan with representatives of the neighborhood and questioned the City officials about certain details. It was deemed that the plan would be acceptable at this time. The committee will report to the Council upon the completion of the work.

Traffic flow was discussed with Chief Macedo. He promised the representatives of the neighborhood to take appropriate action to alleviate their trouble.

A motion was made by Councilman Elder and seconded by Councilman Eriquez that the Report be accepted as submitted. Motion carried.

052 - COMMUNICATION - Appointment to the Zoning Commission.

As this item was not listed on the agenda, a motion was made by Councilman Gene Eriquez and seconded by Councilman Mounir Farah to add the communication to the agenda for action by the Common Council. Motion carried.

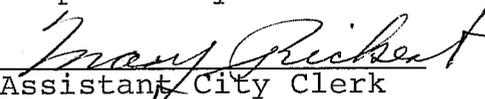
COMMUNICATION - The Democratic Town Committee at a meeting held on June 6, 1983, voted to recommend Mitchell Murad, 22 Lindencrest Drive, Danbury to fill the vacancy on the Zoning Commission.

Mr. Murad is currently serving as an alternate member of the Zoning Commission. He is a teacher in the Danbury School System.

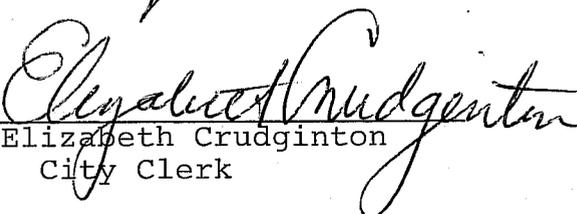
A motion was made by Councilwoman Constance McManus and seconded by Councilwoman Janet Butera that the Communication be accepted and appointment confirmed. Motion carried unanimously.

As there were no public speakers and there being no further business to come before the Common Council, a motion was made by Councilman Thomas Evans and seconded by Councilman Ernest Boynton for the meeting to be adjourned at 9:13 O'Clock P.M.

Respectfully submitted

  
Assistant City Clerk

Attest:

  
Elizabeth Crudginton  
City Clerk