

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

SUBJECT: Minutes of the Common Council Meeting held on October 4, 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 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, Leopold, Butera, Evans, Farah.

ABSENT: Council Members Eppoliti and White.

Nineteen members Present - Two Members absent.

NOTICES FROM MAYOR DYER

Mayor Dyer extended Birthday Greetings to the following:

- October 7th - Chief Charles J. Monzillo - Danbury Fire Department.
- October 15 - State Senator Wayne Baker.
- October 15 - Councilman Anthony Cassano.
- October 25 - Councilwoman Carole Torcaso.

Mayor Dyer extended congratulations to members of the Italian community in celebration of Columbus Day.

The Mayor expressed concern in reference to Halloween, stressing neighborhood parties and announcing that the program will be sponsored by the Fire Chief and the Volunteer Depts.

The Mayor also announced a <sup>National</sup> Memorial Mass to be held at the Fire Department Headquarters, for deceased members of all Fire Departments.

On October 23rd, there will be open house at the new West Lake Filtration Plant.

The McLean House will also be opened on South Street for the WIC Headquarters

The Mayor and other City Officials also attended ground breaking ceremonies at the Bear Mountain Reservation this week.

Mayor Dyer also announced that the Ground-breaking for the first phase of the Road Construction - Wildman Street-Locust Avenue Project will be held soon, and that 30 streets are to be paved in the next month.

The Mayor thanked the members of the Common Council for their cooperation and support.

CONSENT CALENDAR

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

- 03 - Resolution - Park Avenue School Ceiling Replacement.
- 04 - Resolution - Agreement between Consolidated Rail Corp & City of Danbury.
- 04-1 - Resolution - Property Acquisition - Wildman & Locust Ave. Project.
- 08 - Communication - Request of Danbury Volunteer Firemen's Council.
- 17-1 - Communication - Request for funds for repair of Bus Shelters.
- 019 - Report - C.D. Parks Property.
- 020 - Report - Relocation of Easement on Franklin St. Ext.
- 021 - Report - Exchange of Easement on Padanaram Road.
- 022 - Report - Request to synchronize school maintenance procedures.
- 023 - Report - Drainage problem - Woodbury Drive.
- 024 - Report - Ramp for Handicapped at WestConn. College.
- 025 - Report & Resolution - Acceptance of Old Hayrake Road.
- 027 - Report - Sale of surplus property.
- 028 - Report & Ordinance - Abandoned, Inoperable & Unregistered vehicles.
- 031 - Report - Approval of S.N.E.T. Minihut on Padanaram Road.
- 032 - Report - Leasing premises with King St. Volunteer
- 033 - Report - Ives Court Subdivision/Ridgefield & Existing Access Easement.
- 034 - Report - Airport Lighting & Airport Vehicles.

A motion was made by Councilwoman McManus and seconded by Councilman Torian for the Consent Calendar to be accepted as submitted by Councilman DaSilva.

01 - CLAIMS - Emily Merck - James Wilkonson - Mary Ann Cyr - Grace Parsons - Ruth Hlavac - Frances E. Thomas.

Councilwoman McManus requested referral of the claims to the Claims committee and Assistant Corporation Counsel for Claims.  
Mayor Dyer so ordered.

02 - RESOLUTION - Whereas, the State of Connecticut has offered the City of Danbury a permanent easement to lay, maintain, operate, construct, use, inspect, alter, repair and replace water mains and appurtenances thereto in, through, on and over property situated on the West Side Campus of Western Connecticut State University in the City of Danbury, together with the right to pass and repass over an existing access road from Mill Plain Road for said purposes; and

WHEREAS, said easement is in the best interests of the City of Danbury; 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 accept said easement and to perform any additional acts necessary to accomplish the purposes hereof.

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

03 - RESOLUTION - Whereas, Classroom and hallway ceilings in Park Avenue Elementary School are in need of replacement; and

Whereas, grant funds may be available from the State of Connecticut for such purpose; and

Whereas, Connecticut General Statutes § 10-283 permits the Common Council to authorize the Board of Education to apply to the State Board of Education for such a grant; and

Whereas, said grant would be in the best interests of the City of Danbury;

Now therefore, be it resolved by the Common Council of the City of Danbury that the Board of Education be and hereby is authorized to apply to the State Board of Education for a grant to cover the costs involved in the above-referenced project in the amount of \$26,000.00

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

04 - RESOLUTION - Agreement between Consolidated Rail Corporation and City of Danbury.

Whereas, the Public Works Department has completed plans for the installation of a water main in Mill Plain Road which will close the loop between the dead ends at One Plaza West on the east, and Old Ridgebury Road on the West; and

Whereas, these plans have been submitted to the Consolidated Rail Corporation for review and approval; and

Whereas, the installation of said water main is in the best interest of the City of Danbury;

Now, therefore, be it resolved that Mayor James E. Dyer be and hereby is authorized to execute an agreement between the City of Danbury and Consolidated Rail Corporation permitting the installation of a water main on property of Consolidated Rail Corporation; and

Be it further resolved that Mayor James E. Dyer be and hereby is authorized to take any additional steps necessary to effectuate the purposes hereof.

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

04-1 - RESOLUTION - Property Acquisition - Wildman & Locust Ave. Project.

Whereas, the Common Council has duly voted to approve the Wildman Street-Locust Avenue Road Improvement Project; and

Whereas, the purposes of said project oblige the City of Danbury to acquire interests in and to real property; and

Whereas, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount to be paid for the respective interests of each to be taken in, and to, the real property described and in the several exhibits attached to this Resolution;

Now therefore, be it resolved that the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests described either by negotiation or by eminent domain through the institution of suits against the property owners listed and their respective mortgage holders, if any.

Fee Simple Interests to be acquired.

Sloping Rights to be acquired on and over property.

Sloping Rights and Temporary Construction Easements to be acquired on and over properties.

Sloping and drainage rights together with the right to clean and regrade a certain drainage ditch on and over property of Matz Lumber Co. located on Wildman St.

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

05 - W/THDRAWN

06 - WITHDRAWN

07 - COMMUNICATION - Memorandum of Agreement re: Danbury Police Dept.

Suggested Memorandum of Agreement: The City of Danbury and Danbury Police Union Local 891 and Council 15 AFSCME, AFL-CIO.

The City and the Union agree as an exception without establishing precedent to extend Police Officer Lisa Searles's paid sick leave through Oct.23,1983.

Councilwoman C. McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee members: Eriquez, Butera, Esposito.

08 - COMMUNICATION & CERTIFICATION - Funds for Vol. Firemen's Council.

Request from W. J. Coffey, President of the Danbury Firemen's Council for funds for expenses incurred while the Volunteers covered Fire Houses from February until June 30, 1983, in the amount of \$4,540.50. Breakdown submitted as follows:

Padanaram #3	\$316.27
Independent	\$400.00
Wooster	\$394.77
Phoenix	\$325.00
Beckerle	\$292.29
Germantown	\$148.99
Beaver Brook	\$263.18
King Street	\$1,500.00
Sub Total	\$3,640.50
12 Roll Away Beds	900.00
	\$4,540.50

CERTIFICATION #14 was submitted by Mr. John P. Edwards, Comptroller in the amount of \$4,450.50 available in the Contingency Account to be transferred to the Fire Department to support the above request.

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

09 - COMMUNICATION - Request of Theodore Moody - John Hyatt to tie into City's water line on Sand Pit Road for Route #7 Industrial Park.

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

010 - COMMUNICATION - Request of Charles E. Williams, Inc. for acceptance of Lily Drive (Apple Orchard Estates) as a city road.

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

011 - COMMUNICATION - Request of Angelo Pirovane to approve "Dogwood Park North" as a city street.

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

011-1 - COMMUNICATION - Request of Karthene Gallagher for the City of Danbury to improve 300 feet of road on E. Starrs Plain Road in front of 4 lots which she purchased four years ago.

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

012 - COMMUNICATION - Drainage problem on the property of Joseph & Mary Howard - 3 Myrtle Avenue.

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

013 - COMMUNICATION - Sewer Assessment for property located at 1-3 Greenview Road.

Councilman Gallo requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to the committee: McGarry, Torcaso and Charles.

014 - COMMUNICATION - Bear Mountain Sanitary Sewer Extension.

Request from Ann Marie Sanchez & Frank J. Scalzo for the Council to rescind a motion passed on September 6, 1983 revoking the permit issued on 7/3/1979.

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

015 - Withdrawn.

016 - COMMUNICATION - Request from Councilman Charles for amendments to the Code of Ordinances re: Water & Sewer Abatements.

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

016-1 - WITHDRAWN

017 - COMMUNICATION - Promotional appointment of Edward Vachovetz to the rank of Lieutenant in the Danbury Fire Department. Firefighter Vachovetz has been with the Department for 4½ years and was a volunteer prior to appointment. He has a B.S. in Fire Science, E.M.T. experience.

A motion was made by Councilman Boynton and seconded by Councilman Charles for the communication to be accepted and appointment confirmed. Motion carried unanimously.

Mayor Dyer then noted that the new Fire Chief and Mrs. Monzillo were in the audience this evening.

017-1 - COMMUNICATION & CERTIFICATION - Request from D.A. Garamella, Director of Public Works for the sum of \$1,730.00 for repairs and maintenance of Bus Shelters.

CERTIFICATION #13 was submitted by the Comptroller, Mr. J. P. Edwards in the amount of \$1,730.00 available in the Contingency Account to be transferred to the Public Works Department Account #02-03-110-047000 for expenses incurred as the result of vandalism to bus shelters.

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

018 - DEPARTMENT REPORTS

- |   |                        |
|---|------------------------|
| Fire Chief  | Aviation Commission    |
| Fire Marshal  | Health Inspector       |
| Police Dept.  | Housing Inspector      |
| Sealer of Weights & Measures                                | Blood Pressure Program |
| Building Department   |                        |
| Coordinator of Environmental & Occupational Health Services |                        |
| Equal Rights & Opportunities Commission.                    |                        |

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

019 - REPORT - C.D. PARKS PROPERTY.

Councilwoman McManus, President of the Common Council, submitted a report stating that the Common Council held a public hearing regarding the purchase of the C.D. Parks Property, on August 31, 1983 at 8:00 P.M. and again on September 20, 1983 at 8:00 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole on September 20th following the public hearing and recommends that the Mayor appoint a committee to review the Kings Mark Study and the recommendations of Keith Colgan in order to develop a long range plan for the intended use of the Park's property should it be purchased by the City of Danbury.

The committee further recommends that the committee be comprised of representatives of the Common Council, the Planning Department and the private sector. The committee members will be appointed by the Mayor and confirmed by the Common Council. The size of the committee will be at the discretion of the Mayor but the reporting date of the committee to the Common Council will be no later than Feb. 1, 1984. Voting in opposition to the reporting date were Councilmen Eriquez, Esposito and Repole.

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

020 - REPORT - Relocation of easement on Franklin St. Ext.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a report stating that the committee has reviewed a petition from Rea-Lubar Inc. for the relocation of an easement on a building lot on Franklin St. Extension. The owner petitioned to relocate the easement so as to construct his home over a small stream. A Planning Commission report was received that recommended approval of the petition.

The committee ascertained that the supporting piles, which straddle the stream, will cause no obstruction. A fifty foot easement was agreed to by the property owner. As City safeguards are assured for the upkeep of the streambed, the Public Works Committee recommends approval of the petition.

The Report and recommendations were accepted by the Common Council on the Consent Calendar.

021 - REPORT - Exchange of Easement on Padanaram Road.

Councilman DaSilva submitted a Public Works Committee report stating that the committee reviewed a request to exchange an easement on Padanaram Road. The present easement is over one-hundred years old and houses a feeder line from a City Reservoir which is no longer in use. The City would turn over this easement to the petitioner in exchange for a much larger parcel adjacent to existing piece. This exchange had the approval of the Engineering Department.

The Public Works Committee recommends approval of the exchange of easements. The approval is contingent upon an agreement between the petitioner and the Office of the Corporation Counsel as to the contents of the easements.

The Report and recommendations were accepted by the Common Council on the Consent Calendar.

022 - REPORT - Request to synchronize school maintenance procedures.

Councilman DaSilva submitted a Public Works Committee report stating that the committee reviewed a request from the Board of Education to synchronize the procedures for the maintenance of City Schools. The committee met with Superintendent of Schools Dr. Irene Lober, Business Manager W. Skoronski and several members of the Board.

After a discussion between the Public Works Committee, representatives of the Board and the Public Works Department, it was decided that the establishment of procedures for the setting of priorities in school maintenance is not the province of the Public Works Committee.

The committee recommended that representatives of the School Administration and representatives of the Public Works Department meet to mutually establish the procedures for priority setting. These should include the making of budget requests and the day to day maintenance problems.

The committee could review the procedures upon completion by the parties involved. It is also the hope of the Public Works Committee that a cooperative effort along these lines will bring about the elimination of any friction that may have existed between the two parties concerning school maintenance. It was further recommended that Parks & Recreation Director R. Ryerson also be consulted as to the upkeep of grounds used both for school and city recreational purposes.

The Report and recommendations were accepted by the Common Council on the Consent Calendar.

023 - REPORT - Drainage Problem - Woodbury Drive.

Councilman DaSilva submitted a Public Works Committee report stating that the committee re-examined a petition of a drainage and erosion problem on Woodbury Road. The drainage problem apparently comes from an adjacent property on Lamar Road and the erosion problem from a stream running through the petitioner's back yard.

The drainage from LaMar Road is a problem known to the Highway Dept. The correction of the problem however, can only be reasonably accomplished by draining the water from the street into the stream that runs through the petitioner's property. While solving one problem it would obviously compound the other, that of the erosion of the banks of the stream.

The problem of the stream bank erosion is well known to the committee. An on-site inspection of the property was held in the Spring. A check on up-stream conditions showed nothing that would have increased the flow of the stream except the excessive rainfall earlier in the year.

The committee sympathizes greatly with the problems endured by the petitioner but had difficulty recommending solutions. The major problem is that the location of the stream, running through private property, takes the liability out of the City's hands. Unless something is found that shows culpability by the City, City intervention cannot be recommended. By going on to private property to work on a river bank a precedent would be set that the City cannot abide. There are innumerable situations throughout the City that would call for similar City intercession on private property. This, of course would cause legal and financial problems to the City of great magnitude.

As there is no viable solution to the problems presented at this time, the Public Works Committee regrettably recommends that no action be taken. The Report & Recommendations were accepted by the Common Council on the Consent Calendar.

024 - REPORT - Ramp for Handicapped at WestConn. University.

Councilman DaSilva submitted a Public Works Committee Report stating that the committee studied a request for the installation of a handicapped ramp on Seventh Avenue for the use of Western Connecticut State University. The committee heartily agrees with the need and usefulness of the ramps at this location.

The committee recommends the granting of permission to Western Connecticut State University for the installation of handicapped ramps on Seventh Avenue under the supervision of the Public Works Department.

The Report and recommendations were accepted by the Common Council on the Consent Calendar.

025 - REPORT & RESOLUTION - Acceptance of Old Hayrake Road.

Councilman DaSilva submitted a Public Works Committee report stating that the committee reviewed a petition to accept Old Hayrake Road. An on-site inspection was held by the committee and a report from the City Engineer states that all specifications for acceptance have been met. The committee therefore recommends the approval of Old Hayrake Road.

RESOLUTION - That OLD HAYRAKE ROAD be accepted as a Public Highway of the City of Danbury subject to the following conditions:

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

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

026 - REPORT & RESOLUTION - Land-Use Procedures.

Councilwoman Torcaso submitted a report stating that the committee established to review land-use procedures met on September 22, 1983 with committee members Torcaso, Eriquez, Foti, Gallo and Leopold present. Also present were Planning Director L. Sedney, Assistant Corporation Counsel, E. Gottschalk and Assistant Corporation Counsel T. West.

After a lengthy discussion regarding the need for a policy or ordinance to determine land-use procedures, with Attorney Gottschalk and Attorney West advising the committee and Mr. Sedney answering questions, Councilman Leopold moved that the committee recommend that the Council adopt a Resolution that would establish policy for sewer and water extension approval by the Common Council. Councilman Foti seconded the motion which passed unanimously at the committee meeting.

The committee also decided it should continue its charge by working with land-use entities to determine their role and effects this new policy may have on their agencies.

RESOLUTION - That no petition for sewer line extension or water line extension shall be approved by the Common Council until all necessary permit approvals and/or variances have been obtained from the Zoning Board of Appeals, Planning Commission, Zoning Commission or Environmental Impact Commission affecting the property to be served by such extension or extensions.

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

Under "remarks" a lengthy discussion ensued. Councilman Boynton spoke in opposition stating that Sewer & Water extension should not be approved before Planning approval.

Councilwoman Torcaso noted that Section 3.Q is being amended.

Councilman Elder asked if the Resolution would be binding.

Attorney Gottschalk responded that a /Resolution is an enactment - inferior to Ordinances but are binding as Ordinances are.

Councilman Boynton asked what happens if Resolution is in conflict of Zoning regulations. It was noted that the Planning Commission cannot broaden the powers of the Common Council.

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

Councilman Boynton asked the committee to check existing regulations to see if we have power to make changes.

Councilman Leopold stated that to recommit would cause delays and that this is the procedure the committee would like to be followed, as submitted.

Councilman Elder asked if the committee has had any input from other agencies and the general public.

Councilwoman Torcaso replied that they invited the Planning Commission but they did not attend, and they have gone through every other area.

Councilman DaSilva asked if there would be litigation against the City.

Attorney Gottschalk replied that once the policy is known he cannot see any litigation.

Councilman Gallo stated that waiting another month or two will not hurt.

Councilman Cassano suggested that as part of recommital, the committee come back with a list of changes.

A motion was made by Councilman Foti and seconded by Councilman Charles to ~~table~~ the Report & Resolution. Request to table takes precedent.

Motion carried by a roll call vote of 6 Nays and 13 Ayes.

Council Members - Elder, Gallo, McGarry, McManus, Butera and Evans, voted Nay. 5 votes. All other members present voted Aye (13) - 2 members were absent.

The Report & Resolution was tabled.

#### 027 - REPORT - Sale of Surplus Property.

Councilman DaSilva submitted a report stating that the Public Works Committee has studied a proposal for the sale of surplus City property. A list of all properties owned by the City was first obtained from the Risk Manager T. Fabiano.

The committee requested a fair market value of these properties from the Office of the Purchasing Agent and the Assessor. An on-site inspection of all the parcels was also performed by the committee.

After study of the properties and their proposed values, the Public Works Committee recommends that the list of surplus properties be sold following normal sales procedures of the City, and that the prices listed be the minimum sale price for each parcel.

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

028 - REPORT & ORDINANCE - Abandoned, Inoperable & Unregistered Vehicles.

Councilwoman McManus submitted a report stating that the Common Council held a public hearing concerning the Ordinance of Abandoned, Inoperable or Unregistered Motor Vehicles on private property, on Sept. 20, 1983 at 8:15 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole following the public hearing and recommends to the Council that the Ordinance be adopted.

Councilmen McGarry, Repole, Cassano and Evans voted in the negative.

ORDINANCE - The Common Council, pursuant to § 14-150a of the Connecticut General Statutes, declares that abandoned, inoperable or unregistered motor vehicles represent a public nuisance and a hazard to the health and welfare of the citizens of the City of Danbury which may be abated as such in accordance with the provisions of this ordinance.

No person shall park, store, or leave any motor vehicle of any kind which is abandoned, inoperable or unregistered upon property other than his own without the consent of the owner thereof.

Any officer of the Danbury Police Department shall upon initial discovery of an abandoned, inoperable or unregistered motor vehicle, affix to that vehicle, in a manner readily visible, a notification sticker containing information as to the date and time the sticker was affixed and that the vehicle must be removed within 30 days, etc.

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

029 - REPORT & ORDINANCE - Proposed Amendments to Itinerant Vendors & Peddlers Ordinance.

Councilwoman McManus, Common Council President submitted a report stating that the Common Council held a public hearing for the proposed amendments to the above Ordinance, on September 20, 1983 at 8:30 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole following the public hearing and again on September 27, 1983 at 7:30 P.M. The committee recommends that the amendments not be adopted.

REPORT - Repeal of Section 11-4 re: Itinerant Vendors and Peddlers Ordinance

Councilwoman McManus submitted a report stating that the Common Council held a public hearing for the proposed amendments to the above Ordinance on September 20, 1983 at 8:30 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole following the public hearing and again on September 27, 1983 at 7:30 P.M.

The committee recommends that the existing Ordinance be repealed. The committee further recommends that a committee be appointed to formulate a new Itinerant Vendors & Peddlers Ordinance.

A motion was made by Councilwoman McManus to adopt the recommendations of the committee to the contrary notwithstanding.

A discussion on the amendments and repeal followed. A motion was made by Councilman Evans and seconded by Councilman Foti to recommit the amended ordinance to the Council as a whole.

The motion failed by a vote of 9 Ayes and 10 Nays. Council Members - Elder, Gallo, McGarry, Foti, Repole, Charles, Boynton, Leopold and Evans, voted Aye. (9 voted).

Council Members - Torcaso, Eriquez, Esposito, Zotos, McManus, DaSilva, Torian, Cassano, Butera, Farah, voted Nay (10 votes)

After further discussion, Councilman Farah requested the action be reconsidered. Request was granted by a roll call vote of 12 Ayes and 7 Nays. (Council Members Eriquez, Esposito, Zotos, McManus, DaSilva, Torian, Cassano voted Nay (7 votes)

The motion for recommitment was adopted by a roll call vote of 10 Ayes and 7 Nays. (Council Members Eriquez, Esposito, Zotos, McManus, DaSilva, Torian and Cassano, voted Nay (7 votes - All other members present voted

030 - REPORT & ORDINANCE - Repeal of Section 11-4 re: Itinerant Vendors & Peddlers Ordinance.

Councilman DaSilva requested referral to the Council as a whole. Mayor Dyer so ordered.

031 - REPORT - S.N.E.T. Minihut on Padanaram Road.

Councilman DaSilva submitted a Public Works Committee report stating that the committee reviewed a request from the S.N.E.T. Co. for an easement on City property on Padanaram Road. They wish to build a minihut on the property to service telephone lines in the area.

The Public Works Department personnel report no problems with the site of the building, which also houses a City Pumping station.

Discussions with representatives of S.N.E.T. brought forth an agreement to plant adequate shrubbery around the structure and to face it with brick so that it would conform with the present building on the location.

The Public Works Committee recommends that the easement be granted to the S.N.E.T.Co with the stipulation that the shrubbery be planted and the walls be faced with brick.

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

032 - REPORT & CERTIFICATION - Leasing premises with the King St. Volunteer Fire Department.

Councilman Leopold submitted a report stating that the committee appointed to study the renewal of this lease, met on September 1, 1983 at City Hall.

Committee members T. Evans and J. Leopold met with Warren Levey, President of the King St. Volunteer Fire Department and several trustees of the department. Councilwoman Torcaso was excused because of business out of town.

After a discussion of terms, Mr. Evans moved and Mr. Leopold seconded a motion that the same lease be written for a ten year period, but that references to construction be deleted, that the annual rent retroactive to July 1, 1983 be raised to \$12,000 from \$8,000 a year and that the tenant pay metered electrical costs after the Landlord at his own expense installs a separate meter for the leased portion of the premises. The new text is to be approved by the Corporation Counsel. Motion carried.

Since the committee meeting, the Common Council approved an interim report detailing the changes suggested by the committee. A lease has now been drawn up and approved by the Corporation Counsel and the King St. Volunteer Fire Department. The committee recommends approval of the lease and the release of funds necessary to complete the agreement.

CERTIFICATION #15 - Mr. John P. Edwards, Comptroller, submitted a certification in the amount of \$4,000 available in the Contingency Fund Account to be transferred to the Danbury Fire Department to support the appropriate disbursement.

The Report of the Committee and Lease with the King St. Volunteer Fire Department was accepted by the Common Council on the Consent Calendar.

033 - REPORT - Ives Court Subdivision/Ridgefield & Existing Access Easement for Danbury Airport Beacon No. 6.

Councilman Esposito submitted a report stating that the committee appointed to review the above request met on September 27, 1983 in City Hall. Present were committee members Esposito and Gallo. Mrs. Torcaso was out of town. Paul Estefan, Chairman of the Aviation Commission and Attorney E. Gottschalk were also present.

The impact of moving of overhead wiring to underground in conduit was discussed and unaccessibility to some of our easements and due to the absence of the Land Plan Partnership Representative, Mr. John Curtis, a motion was made by Councilman Gallo and seconded by Councilman Esposito that the matter be referred to the Planning Commission and Engineering Dept.

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

034 - REPORT - Airport Lighting & Airport Vehicles.

Councilman Esposito submitted a report stating that the Common Council committee appointed to review the above request met on September 27, 1983 Present were committee members Esposito and Gallo. Mrs. Torcaso was out of town. Paul Estefan and Attorney Gottschalk were also in attendance.

It was noted in discussion that letters of agreement on operating the lights at the Danbury Airport have been in effect since 1973, and that this request is an amendment to the already existing agreement.

Motion was made by Councilman Gallo and seconded by Councilman Esposito that the amendment to the letters of agreement Sec. 4, Procedures A.B.C. be approved by the Council. In reference to Section 3 Procedures, the committee recommends no action be taken until a report from the Aviation Commission as to the possibility of equipping airport vehicles with two-way radios is explored.

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

035 - REPORT - Appeal of Superior Court Decision - Young vs. Zoning Commission.

Councilman Cassano submitted a report stating that the committee appointed to consider the petition of the Corporation Counsel to pursue the above captioned appeal, met on Sept. 28, 1983 at City Hall. Present at the committee meeting were A. Cassano and J. Esposito, Assistant Corporation Counsel S. Laheny and Roy Young, President of Fairfield Processing. Councilman Gallo was not able to attend the meeting due to a previous Common Council commitment.

The committee made it clear that its task was the generation of a recommendation to the Common Council either to approve or deny the petition to pursue the appeal. The conduct of the appeal, if approved, is the responsibility of the Corporation Counsel's office and is not the subject of the committee's review.

Around 1971, Fairfield Processing acquired the Mallory Hat property on Rose Hill Avenue. At the time, Fairfield Processing was being run by Mr. Young's father, Samuel Young.

Around the same time, Danbury was conducting a re-zoning program, one result of which was the re-zoning of the Rose Hill property from Industrial to residential. This re-zoning created a non-conforming use of the property

In the early 1970's Fairfield Processing petitioned for re-zoning back to Industrial but the petition was denied.

In 1980, Roy Young was running the company and petitioned the Planning & Zoning Commissions for a re-zoning to Industrial.

By letter of November 26, 1980 the Planning Commission denied the petition by a vote of 2-0 with one member abstaining.

The Zoning Commission, in a meeting of January 20, 1981, voted 5-4 to accept the petition to re-zone. However, since the Planning Commission had apparently voted to deny the petition, the Zoning Commission did not arrive at the 2/3 vote needed to approve the petition in the face of a Planning Commission denial. In effect, the petition was denied.

Mr. Young then appealed the Zoning Commission denial in the Superior Court on the basis that the Planning Commission vote was not binding, since 2 votes out of 5 members is not a majority vote.

The Superior Court sustained the appeal and Judge J. Lavery's decision (July 26, 1983) stated:

"The Plaintiff's appeal of the Zoning Commission's decision is sustained. The Zoning Commission is ordered to correct its records to show that the plaintiff's zone change application was approved by the majority of the Commission" ..

The Zoning Commission voted to appeal the decision and instructed the Corporation Counsel's office to initiate the appeal process. The Corporation Counsel petitioned the Common Council, at its September meeting for approval to pursue the appeal.

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The committee discussed and considered the following:

The Rose Hill property has been industrial "factory" property since the early 1900's and in all likelihood will continue to be used for Industrial purposes.

The re-zoning petition applies to the Fairfield Processing property only and does not represent an effort to re-zone the entire area.

Fairfield Processing apparently generates industrial truck traffic through the area. Many of its employees live in the neighborhood and this tends to hold down employee traffic.

After consideration of all the above, the committee could not convince itself that the appeal process should be pursued in this particular instance.

Mr. Esposito made a motion, seconded by Mr. Cassano that the committee recommend to the Common Council that the petition of the Corporation Counsel to pursue the appeal of the Superior Court's decision, be denied. Motion carried unanimously.

A motion was made by Councilwoman McManus and seconded by Councilman Evans for the Report to be accepted and request for appeal to be denied. Motion carried with Council members Foti, Torcaso and Eriquez voting in opposition.

036 - REPORT - Non-Profit Development request to be designated as Housing Development Corporation.

Councilman Farah submitted a report stating that the committee appointed to study the above request met on August 29, 1983. Committee members Farah, Gallo and Cassano were present at the meeting. Also in attendance were Andrew Painter and Mark Nolan representing the Corporation and Paul Schierloh of the Danbury Health Department.

The Corporation is non-profit, educational and charitable whose goals include the following:

To improve the housing stock of Danbury; To eliminate urban blight through housing and commercial development; To engage in the rehabilitation and new construction of affordable housing; To provide affordable housing for low and moderate income families.

The directors of the Corporation are Messrs. Gary Bachyrycz, Gary Hawley, Mark Nolan and Andrew Painter and Paul Valerie.

The Corporation was formed upon the recommendation of the Mayor's Task Force and a sum of \$68,000 was assigned to it through the Health Dept. by the Community Development Block Grant Program last June.

The committee met again on Sept. 28th when Mr. Cassano moved and Mr. Gallo seconded a motion to recommend the designation of the Non-Profit Development Corporation of Danbury, Inc. as a community Housing development corporation in the City of Danbury. The motion was approved unanimously.

RESOLUTION - Whereas, the Non-Profit Development Corporation of Danbury, Inc. has been organized for purposes other than to make a profit or gain for itself and is not controlled or directed by persons or firms seeking to derive profit or gain therefrom; and

Whereas, the Non-Profit Development Corporation of Danbury, Inc. is organized to provide housing as defined in Section 8-217 of the Conn. General Statutes;

Now, Therefore, Be it Resolved that the Common Council of the City of Danbury hereby designates The Non-Profit Development Corporation of Danbury, Inc. as a Community Housing Development Corporation for the purpose of seeking financial assistance from and entering into contracts with the Conn. Department of Housing as provided in Sections 8-217 and 8-218 of the Connecticut General Statutes.

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

037 - Report withdrawn re: Women's Center.

038 - REPORT & CERTIFICATION - Budget Restorations for Equal Rights Commission.

Councilman Boynton submitted a report stating that the committee met on September 13, 1983 with Mr. A. LaRoche, Director of the Equal Rights Commission.

Under consideration was the restoration of line items within Dept. 01-186. Mr. LaRoche explained that due to the nature of his department it is not always easy to determine where expense items are to be charged. Some expenses can be charged to Block-Grant Funds rather than City Funds. This is the reason that of total City Budget of \$660.00 in last year's 1982-83 Budget, only \$195.37 was expended and charged to the City Budget. This allowed \$464.63 to revert back to the City at the end of the year.

Mr. LaRoche explained that this is not always the case, and in his judgment the requested items may well be necessary this year.

A motion by Councilman Foti and seconded by Councilman Elder at the committee meeting was made to recommend that the following line items be restored: Line Item #060500 is not to be considered at this time:

020100 - Prof. Service Fees	\$100.00
021000 - Mileage	100.00
021001 - Training Courses	100.00
021002 - Conferences	100.00
021500 - Subscriptions-Memberships	125.00
022500 - Legal & Public Notices	60.00
035400 - Maintain Office Eq.-Furniture	100.00
	<u>\$685.00</u>

A Certification(#12) of funds in the amount of \$685.00 available in the Contingency Account to restore the above budget items, was submitted by the Comptroller, Mr. John P. Edwards.

A motion was made by Councilman DaSilva and seconded by Councilman Eriquez for the Report to be accepted and transfer of funds authorized. Motion carried with Councilman McGarry voting in opposition.

039 - REPORT & CERTIFICATION - Funds for the Tax Assessor's Office.

Councilman Boynton submitted a committee report stating that the committee met on October 3, 1983 with committee members Boynton and Charles present. Also attending the meeting was Evo Butera, Tax Assessor.

Oct. 1, 1982 Tax List. Boehringer-Ingelheim Corporation sought an appeal to the tax assessment. The 1982 Tax Assessment is approximately the same as the prior year assessments, and the Tax Income amounts to \$100,000. The \$8,500 is for the Assessor's office to defend the City's interest in this case. The Tax Assessor wants to hire a professional appraiser to substantiate the City's current appraisal. A motion at the committee meeting was made by L. Charles and seconded by T. Cassano to grant the \$8,500 request. Motion passed.

CERTIFICATION #16 was submitted by the Comptroller, Mr. John P. Edwards in the amount of \$8,500 available in the Contingency Fund for special appraisal work to be done for the Assessor's Office.

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

Mayor Dyer then continued all committees as well as the ones designated at this meeting.

Gerry Sanchez spoke in reference to Item #26 stating that the only person to be affected by the Land Use Procedures Resolution would be the developer. The Resolution would slow down the development and create hardships.

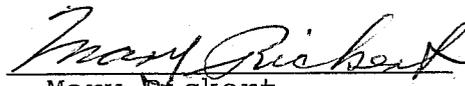
Mr. Sanchez also spoke in reference to Item #014 - request for the Council to rescind a motion passed on Sept. 6, 1983 revoking the permit issued on 7/3/1979.

Mayor Dyer informed Mr. Sanchez that the neighbors are aggrieved by the change from 17 units to the condominiums.

The Mayor also noted that the committee will surely listen to Mr. Sanchez as well as the neighbors.

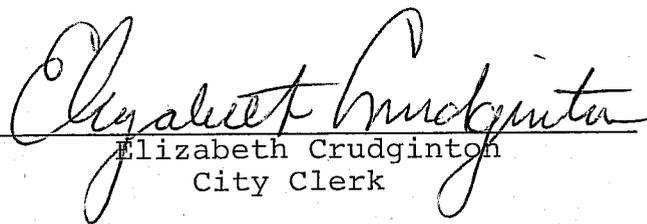
There being no other speakers and no further business to come before the Common Council, a motion was made by Councilman Evans and seconded by Councilman Foti for adjournment at 9:25 P.M.

Respectfully submitted



Mary Rickert  
Assistant City Clerk

Attest:



Elizabeth Crudginton  
City Clerk