

TO: Honorable Mayor James E. Dyer - City of Danbury, Conn.  
SUBJECT: Minutes of the Common Council meeting held on Dec. 6, 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 Bernard Gallo.

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

PRESENT: Council Members - Johnson, McGarry, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Butera, Durkin, Eriquez, Farah, Torian. Councilman Chianese arrived after roll call.

ABSENT: None - 21 Members present.

NOTICES FROM MAYOR DYER

Mayor Dyer extended a warm welcome to the new members of the Common Council and offered congratulations to all re-elected members and officers of the Common Council.

Mayor Dyer announced and offered Birthday Greetings to Councilman Torian who will celebrate his birthday on December 20th.

The Mayor also extended warm wishes during the Hanukkah Holidays and for a very Merry Christmas on the 25th of December.

Mayor Dyer commented that as we approach the New Year, we will hope and pray for peace in the New Year.

CONSENT CALENDAR

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

- 02 - Resolution - Grant for replacement of Balmforth Avenue Bridge.
- 05-1 Communication - Release of Mortgage.
- 023 - Communication - Appointments & re-appointments to the Parks & Recreation Commission.
- 024 - Communication - Re-appointments to the Library Board of Directors.
- 026 - Report & Resolution - Sewer Assessments for Morningside Hgts. Area Part II Project.
- 027 - Report & Resolution - Fourth Street Sewer Project Assessments.

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

MINUTES - Minutes of Common Council meetings held on November 1, November 17, and November 21, 1983.

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

01-A - Election to Police Pension Board, and Fire Pension Board.  
A motion was made by Councilman McGarry and seconded by Councilman Foti for Councilman Bernard Gallo to be elected to the Police Pension Board. Motion carried unanimously.

A motion was made by Councilman Boynton and seconded by Councilman Charles for Councilman DaSilva to be elected to the Fire Pension Board. Motion carried unanimously.

01 - COMMUNICATION - Mayor Dyer submitted the following appointments:

Corporation Counsel - Theodore H. Goldstein  
 Assistant Corporation Counsel - Eric Gottschalk  
 Counsel for Health & Housing - Sandra Leheny  
 Counsel for Planning & Zoning - Thomas West  
 Counsel for Claims - To be designated  
 Administrative Assistant to the Mayor - Robert M. Steinberg

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

01-1 - CLAIMS - Catherine Neubauer - Edna M. Sullivan - Northside Realty - Patrick Wood - Francis Kieras - Carole Chiarella - Dorothy Wirtes - Peter Botelho.

Councilman Boynton requested referral of the Claims to a Claims committee and Assistant Corporation Counsel for Claims. Mayor Dyer so ordered and named all his committees at the end of the meeting.

02 - RESOLUTION - Replacement of Balmforth Avenue Bridge.

Whereas, the City of Danbury wishes to replace the Balmforth Avenue Bridge over Padanaram Brook; and

Whereas, federal funds are available for 80% for design of this project, to be known as Federal Aid Project No. BRM-3479(1) PE; and

Whereas, the City of Danbury is required to enter into an agreement with the State of Connecticut in order to obtain said funds;

NOW, THEREFORE BE IT RESOLVED THAT Mayor James E. Dyer be and hereby is authorized to enter into such contract with the State of Connecticut and to take any additional action necessary to accomplish said project and the funding thereof.

The Resolution was adopted on the Consent Calendar.

03 - RESOLUTION - Increase in amount of Grant Application to update runway lighting system at Danbury Airport.

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

04 - COMMUNICATION - Sale of firewood at the Danbury Landfill.

Mr. D. Garamella, Director of Public Works has requested Common Council authorization to sell firewood at the Landfill on December 11th and December 18th, 1983 from 10:00 A.M. to 2:00 P.M.

Wood will be sold in bundles of 15 pieces for \$3.00. The proceeds of the sale would be used to purchase toys for needy children to be distributed by the Marine Corps League and for the Dorothy Day Hospitality House.

Mr. Garamella asked for volunteers from the Common Council, the Public Works Department and the Tree Department to man the wood lot for the four hours necessary for the sale.

A motion was made by Councilwoman McManus and seconded by Councilman Eriquez for the communication to be accepted and authorization to sell the firewood be granted. Motion carried.

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05 - COMMUNICATION & CERTIFICATION - North-Salem-North Ridgefield Environmental Improvement Association vs. The Aviation Commission of the Town of Danbury et al.

The above captioned matter alleges that the defendants who will include the Aviation Commission, The City of Danbury, the Mayor of the City of Danbury and the Chairman of the Danbury Aviation Commission conspired to adopt flying rules at the Danbury Airport allegedly causing an inordinate amount of noise and nuisance upon and over property of the plaintiffs in violation of the General Statutes of the State of Connecticut and Fifth and Fourteenth Amendments of the Constitution of the United States. Damages in the amount of \$40,150,000 are sought.

The matter has been defended to date by the office of the Corporation Counsel Theodore H. Goldstein, but Mr. Goldstein has stated that this matter will require the expertise of a law firm which is conversant with Federal Aviation Administration Regulations, noise pollution law and practice in the United States District Court in aviation matters.

Attorney Goldstein requested that the sum of \$20,000 be allocated as a retainer for the purpose of engaging outside Counsel to assist the City of Danbury in the defense of this action.

RESOLUTION - That the Corporation Counsel be and hereby is authorized to engage outside Counsel to assist the City of Danbury in defense of the action brought by North Salem-North Ridgefield Environmental Improvement Association et al vs. The Aviation Commission of The Town of Danbury et al. A sum not to exceed \$20,000 as a retainer fee is hereby allocated for such purpose.

CERTIFICATION #21 - A certification was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$20,000 as being available in the Contingency Account, which may be transferred to the Corporation Counsel's Office for defense of the lawsuit regarding airport noise.

A motion was made by Councilman DaSilva and seconded by Councilman Boynton for the Communication to be accepted, Resolution to be adopted and transfer of funds authorized. Motion carried unanimously.

05-1 - COMMUNICATION - Release of Mortgages - Keating Property - 35 Hakim Street Extension.

On March 1, 1955 and March 3, 1955 Emergency Veteran Mortgages were granted by the City of Danbury to Edward Keating and Viola W. Keating. No indebtedness with respect to the same remains on any records of the City of Danbury and counsel for the Keating family has requested the execution of releases of said mortgages.

Inasmuch as this is legally a grant of an interest in real estate belonging to the City, approval of at least two-thirds of all of the members of the Common Council must be received in order to enable the Mayor to sign such release.

The Communication was accepted and authorization granted for the Mayor to sign the release, on the Consent Calendar.

06 - COMMUNICATION - Drainage problem on the property of Robert Lubus, located on Old Shelter Rock Road.

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

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07 - COMMUNICATION - Petition of Eugene Grenier for acceptance of roads - Westminster Woods subdivision - Cannonball Drive & Marc Road.

Councilman McGarry requested referral to the Public Works committee and Planning Commission. Mayor Dyer so ordered.

08 - COMMUNICATION - Request from Ervie Hawley, Jr. and Samuel Roberts to extend sewer line from Newtown Road to Old Newtown Road.

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

09 - COMMUNICATION - Request from Our Lady of Guadalupe Roman Catholic Church which proposed to construct a new church and rectory on Golden Hill Road, for approval to connect the church and adjacent rectory into the same force main, which force main will pump sewage into the municipal sewer line located in Golden Hill Road.

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

010 - COMMUNICATION - Request from Brighton Steel Company re: Bids for corrugated culvert pipe.

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

011 - COMMUNICATION - Request from John Val to purchase City Property located along his property at 14 Starr Road.

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

012 - COMMUNICATION - Request for back pay (pension in the amount of \$54,138.89) for Mrs. Ruth Spencer for which she is entitled under Sec.245b of the Danbury Fire Pension Plan. This amount is due because of an error in 1976.

This matter was referred to the following Ad Hoc committee: Boynton, Butera, Cassano.

013 - COMMUNICATION - Request from Common Council President C. McManus, for a committee to be appointed to review sewer and water extension proposals.

Councilman Gallo requested referral to the Sewer & Water Extension committee. Mayor Dyer so ordered.

014 - COMMUNICATION - Request from the Planning Director for a committee to be appointed to investigate the enactment of tax incentives for historic and architecturally significant properties.

Councilman McGarry requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee: Cassano, Foti, Flanagan.

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015 - COMMUNICATION - Request from the Danbury Library Board of Directors for Common Council approval to provide the City with funds for additional temporary part-time personnel to complete the Library's conversion to an automated circulation system.

The request is for approval of a deposit of additional funds provided by the Library Board during fiscal year 1983-84, to a maximum of \$2,500 to be deposited to the Library's part-time salary account, for temporary, part-time staff.

The need for temporary conversion staff will cease at the end of the first week of March, 1984.

A motion was made by Councilman Boynton and seconded by Councilman Eriquez for the Communication to be accepted and request granted. Motion carried.

016 - COMMUNICATION - Request for a contribution in the amount of \$600.00 for the Cable T.V. Advisory Council.

Councilman Gallo requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following Committee: Torian, Skoff, Butera.

017 - COMMUNICATION & CERTIFICATION - Request for an additional \$3,000 to add to the \$5,000 figure in reference to the preliminary cost estimate on the Runway Lighting System.

Councilman DaSilva requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee: Esposito, Torcaso, Chianese.

018 - COMMUNICATION & CERTIFICATION - Request from the Civil Service Commission for \$10,000 - additional funds to continue testing procedures.

Councilman McGarry requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee: Eriquez, Godfrey, Boynton.

019 - COMMUNICATION - Request from Danbury Fire Chief Charles J. Monzillo for the emergency purchase of a pumper for the Danbury Fire Department.

Councilwoman McManus requested referral to the Fire Liaison Committee to be appointed by the Mayor. Mayor Dyer so ordered. Standing committees appointed at the end of the meeting.

020 - COMMUNICATION - Request from Fire Chief Charles J. Monzillo for \$8,500 to replace the braking system on Engine #21.

Councilman Gallo requested referral to the Fire Liaison Committee. Mayor Dyer so ordered.

021 - COMMUNICATION - Request from Danbury Fire Chief Charles J. Monzillo for \$275,950.00 so that the financial problems of the Department may be solved once and for all. The Budget, when submitted for approval, failed to include the full operating cost of the Fire Department.

Councilman DaSilva requested referral to the Fire Dept. Liaison Committee. Mayor Dyer so ordered.

022 - COMMUNICATION - Offer and Agreement from Union Carbide for a Softball Backstop, to be donated "as is" on condition that the City of Danbury be responsible for its removal from its present location on Union Carbide property.

A motion was made by Councilwoman C. McManus and seconded by Councilman L. Charles that the gift be accepted and a note of thanks be sent to Union Carbide. Motion carried.

023 - COMMUNICATION - Appointment of Thomas Evans, 28 Benson Drive to the Parks & Recreation Commission, for a term to expire on Dec. 1, 1986.

Re-appointment of A. Paul Nichols, 13 Valerie Lane to the Parks & Recreation Commission for a term to expire Dec. 1, 1986 and

Re-appointment of Dominick M. Pacific, 14 Hawley Road, for a term to expire on Dec. 1, 1986.

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

024 - COMMUNICATION - Re-appointments to the Danbury Library Board of Directors:  
Gino J. Arconti, 22 Karen Road -- Mary D. Nahley, 20 Lindencrest Drive and Betty Jane Hull, 187 Kohanza Street for a term to expire on Jan. 1, 1987.

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

#### 025 - DEPARTMENT REPORTS

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

A motion was made by Councilman DaSilva and seconded by Councilman Eriquez to dispense with the reading of Department Reports which are to be accepted as submitted. Motion carried unanimously.

#### AD HOC COMMITTEE REPORTS

026 - REPORT & RESOLUTION - Morningside Heights Area Part II Project - Sewer Assessments.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing regarding the sewer assessments in the above named project, on Monday, November 28, 1983 at 7:30 P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on November 28, 1983 at 8:30 P.M. and recommends that the proposed assessments be adopted.

RESOLUTION - Whereas, the City of Danbury caused a sewer line to be constructed known as the Morningside Heights Area Part II 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 Section 7-253 authorize the installment payment of assessments levied as the result of benefits derived from the installation of sewerage system; 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 March 1, 1984 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 Morningside Heights Area Part II 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 Resolution adopted by the Common Council on the Consent Calendar.

027 - REPORT & RESOLUTION - Fourth Street Sewer Project Assessments.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing regarding the sewer assessments for the Fourth Street Sewer Project, on Monday, November 28, 1983 at 8:00 P.M. in the Council Chambers at City Hall.

The Council met as a committee of the whole following the public hearing on November 28, 1983 and recommends that the proposed sewer assessments be adopted.

RESOLUTION - Method of payments etc. same as stated in above Resolution - to apply to the Fourth Street Sewer Project Assessments also.

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

028 - REPORT & RESOLUTION - Common Council Caucuses.

Councilman E. Torian submitted a report stating that the committee formed to review the Resolution in reference to Common Council caucuses to be held in open sessions, met on November 28, 1983 at 8:30 P.M. In attendance were committee members, Torian, DaSilva, Eriquez, Flanagan and McManus, with Assistant Corporation Counsel E. Gottschalk.

Attending in an ex-officio capacity were Council members, Godfrey, Chianese Torcaso, Skoff, Gallo, Charles, Foti, Cassano, McGarry, Johnson, Durkin, and Boynton.

Attorney Gottschalk made reference to Connecticut General Statutes 1-18(a) (b) which defines a "meeting" of a public agency, the purpose of which is to discuss or act upon a matter over which the public agency has supervision control, jurisdiction or advisory power.

Attorney Gottschalk also noted important exceptions to the definition of a "meeting" which occurs when a quorum of a public agency is also constituted by a single political party. When this stipulation exists, as is true on the Common Council, since we have no minority representation a "meeting" is said not to have occurred; when a meeting is held, the public is invited, but when a caucus is held, the Freedom of Information Act permits an exception to that kind of conduct, and the public can legally be excluded.

In an effort to address the various questions regarding the Resolution, a draft of an amendment to the Resolution was offered by Councilman Godfrey.

This Resolution, as follows, is not intended to bind future Common Councils and therefore is repealed as of noon, November 18, 1985.

RESOLUTION - Whereas, the Freedom of Information Act of the State of Connecticut authorizes the exclusion of the public from a caucus of members of a single political party; and

Whereas, the Common Council of the City of Danbury recognizes that although authorized, the absence of minority party representation on the Common Council such closed-door caucuses tend to reduce full and open discussion of issues vital to the future of the City of Danbury and also tend to reduce the public confidence in government;

NOW, THEREFORE, BE IT RESOLVED THAT in the absence of minority party representation on the Common Council of the City of Danbury all Council caucuses shall be held in open session to which the public will be freely invited, unless at least 2/3 of those members present of the Common Council at a caucus vote at the caucus to close that caucus or part of that caucus during which matters exempted from public disclosure under the Freedom of Information Act (Conn. General Statutes Chapter 3, Public Records and meetings 1-18a through 1-21k inclusive) are discussed.

This Resolution is not intended to bind future Common Councils and therefore is repealed as of noon, November 18, 1985.

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

Motion carried by a roll call vote of 19 Ayes 1 Nay (Councilwoman J. Butera voted Nay) and one member absent - J. Chianese.

The Following Common Council Committees were appointed by Mayor Dyer for matters still pending before the Council:

Parking Ordinance -- Torian, Boynton, Skoff.

Alternate Member to Handicap Commission - Cassano, Butera, Esposito.

Shooting range request - Farah, McGarry, Zotos.

Local Hiring Ordinance - Gallo, Esposito, Durkin.

Antenna for Ridgefield - Gallo, McGarry, Butera.

Conn. Air Lease - Torian, Farah, Zotos.

Property Acquisition - Traffic Improvement at Deer Hill & West Wooster St. - Torcaso, Flanagan, Johnson.

Vendors Ordinance - Eriquez, Charles, McGarry.

Noise Ordinance - Boynton, Foti, Charles.

Conn. Conference of Municipalities vs. N.E. Utilities cases: - Gallo, Boynton, Torcaso.

Memorandum of Agreement with Police Union - Eriquez, Butera, Esposito.

Ordinance Revision - McManus, DaSilva, Torian.

Sewer Assessments - Greenvew Rd. - McGarry, Torcaso, Charles.

Veterans Monument - Charles, Zotos, Chianese.

Exercise Course - Gallo, Esposito, Zotos.

Airport Lighting & Airport Vehicles - Easement for Beacon - Esposito, Torcaso, Gallo.

Mayor Dyer then announced that in accordance with the City Charter, Ad Hoc committees appointed for unfinished business, have only six weeks to report back, but the committee may ask for an extension which is usually granted.

Mayor Dyer also appointed the following committees:

PUBLIC WORKS COMMITTEE

DaSilva, McManus, Cassano, Farah, Torcaso, Esposito, Eriquez.

SEWER & WATER EXTENSIONS

Gallo, Torian, Zotos, McGarry, Durkin, Flanagan, Foti.

LAND ACQUISITION

Boynton, Gallo, Butera, Charles, McGarry, Flanagan, Godfrey.

EDUCATION LIAISON

Farah, Torian, Torcaso, Eriquez, Flanagan.

FIRE DEPT. LIAISON

Esposito, DaSilva, Butera, Skoff, Chianese, McGarry, Boynton.

CLAIMS

Eriquez, Farah, Charles, Johnson, Durkin.

HEALTH COMMITTEE

Torian, Butera, Cassano, Johnson, Skoff, Charles, Chianese.

ROAD STUDY COMMITTEE

Cassano, Esposito, Torian, Chianese, Durkin, McGarry, Johnson.

REDEVELOPMENT AGENCY LIAISON

McManus, Esposito, Flanagan, Skoff, Godfrey.

PUBLIC SPEAKING SESSION

Mayor Dyer asked, in accordance with the City Charter, for anyone, resident or taxpayer who wished to address the Council on any item listed on the Agenda, to come forth.

As there were no public speakers and there being no further business to come before the Common Council, a motion was made by Councilman Foti and seconded by Councilman Boynton for the meeting to be adjourned at 8:35 O'Clock P.M. Motion carried.

Respectfully submitted

Mary Dickert  
Assistant City Clerk

Attest: Elyse Mudgett  
City Clerk