

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

SUBJECT: Minutes of the Common Council Meeting held on February 7, 1984.

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 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, Cassano, Charles, Boynton, Butera, Durkin, Eriquez, Farah, Torian.

ABSENT: Council Member - Chianese who was reported to be out of town.

20 Members Present - 1 Member Absent.

NOTICES FROM MAYOR DYER

Mayor Dyer extended best wishes for Valentines Day - Feb. 14th. and extended Birthday Greetings to Councilman Eriquez for the 9th of Feb.; and to former Mayor John Define whose birthday is on the 14th of Feb.

Mayor Dyer extended belated greeting to his secretary Rose Ann Kruse who celebrated a birthday on the Fourth of February.

Mayor Dyer announced that the new zoning enforcement officer will begin his duties on the 13th of February.

The Mayor commended the Public Works Department, Fire Department, Police Department and all emergency personnel for their efforts during recent snowstorms.

Mayor Dyer announced that he will be attending a special briefing on the State Budget, with the Governor at 3:00 P.M. on Wednesday, stating that hopefully they will find adequate funds for local education and capital monies for projects for the City of Danbury.

CONSENT CALENDAR

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

- 02 - Resolution - Settlement of Claims.
- 03 - Resolution - Abatement of taxes for Beaver St. Apts. Inc.
- 04 - Resolution - Refugee Health Services.
- 07 - Resolution - State Grants for an interceptor extension - Old Ridgebury
- 08 - Resolution - Application for State Grant for an Economic Dev. Project.
- 019 - Communication & Certification - Funds to purchase property adjacent to Rogers Park.
- 029 - Communication - Appointment of a Sunset Committee.
- 030 - Communication - Appointment to the Richter Park Authority.
- 031 - Communication - Re-appointment to the Richter Park Authority.
- 032 - Communication - Appointments to the Planning Commission.
- 033 - Communication - Appointments to the Redevelopment Agency.
- 034 - Communication - Appointments to the Aviation Commission.
- 035 - Communication - Appointments to the Youth Commission.
- 037 - Communication - Appointments to the Commission on the Handicapped.
- 037-1 Communication - Appointments to the Board of Tax Review.
- 041 - Report & Resolution - Property at intersection of Deer Hill Avenue, Wooster St. & West Wooster St.
- 042 - Report - Independent Auditors for the City of Danbury.
- 044 - Report - Request of Ralph Gallagher for water - Mill Plain Rd.
- 045 - Report - Request of A.M.Rizzo for water - Mill Plain Rd.
- 046 - Report - Request of Richard Sporck for water - Mill Plain Rd.
- 047 - Report - Request of John Morganti & Sons for water - Mill Plain Rd.
- 048 - Report - Request of Gary Kurz for water - Old Mill Plain Rd.
- 049 - Report - Request of J. Lucchessi for water - Mill Plain Rd.
- 050 - Report - Request of Jules Lang for sewer - Crows Nest Lane & Great Pasture Road.
- 051 - Report - Request of Our Lady of Guadalupe Church for sewers - Golden Hill Road.

- 052 - Report - Conn. Air Service Inc. Lease
 054 - Report - Claims Committee.
 055 - Report - Road Bond Issue.

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

MINUTES - Minutes of the Common Council meeting held on January 3, 1984.

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

- 01 - CLAIMS - Peter Manning - Doris Butler - Robert J. Ogden - Priscilla Luis - Edna M. Sullivan - Catherine Neubauer - Dr. Mark Schleider.

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 - Settlement of Claims.

Resolved by the Common Council of the City of Danbury that the City Clerk be and is hereby authorized and empowered on behalf of the City of Danbury to draw an order upon the City Treasurer in payment of the following settlement of claim:

<u>The Hartford Insurance Group</u>	\$2,500.00
In settlement of the claim of	
Elaine Orlando vs City of	
Danbury - Date of loss 9/9/80	

The Resolution was adopted by the Common Council on the Consent Calendar and Claim authorized to be paid.

- 03 - RESOLUTION - Abatement of taxes for Beaver Street Apartments, Inc.

Resolved by the Common Council of the City of Danbury that the real property taxes abated on the subject property are \$31,500 for the Grand List of October 1, 1982;

That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax, so abated, was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in his Annual Report, in accordance with the provisions of Section 12-167 of the Connecticut General Statutes, as amended;

That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc., or its representatives, in connection herewith, to the extent that said funds are reimbursable by the State of Connecticut through its Department of Housing.

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

04 - RESOLUTION - Refugee Health Services.

Resolved by the Common Council of the City of Danbury:

Whereas, the Connecticut Department of Health Services has made available funds for the purpose of providing a Refugee Health Service in accordance with Section 4-8 and Section 19-10 of the Connecticut General Statutes; and

Whereas, the City of Danbury through the Health Department in cooperation with the Visiting Nurse Association of Danbury has formulated a program to provide a refugee health assessment program within the Greater Danbury Area; and

Whereas, a contract of \$4,000 with no local match requirement may be available from the Connecticut Department of Health Services;

Now, Therefore, Be It Resolved that the Danbury Health Department and James E. Dyer, Mayor of the City of Danbury, be authorized to apply for said funds and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

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

05 - RESOLUTION - Danbury Parking Authority (An Act to Amend #557 of the Special Acts of 1957 creating the Danbury Parking Authority).

Resolved by the Common Council of the City of Danbury:

Whereas, the Common Council of the City of Danbury desires the 1984 Session of the General Assembly of the State of Connecticut to enact special legislation concerning its powers and the powers of the Danbury Parking Authority; and

Whereas, such special legislation is attached hereto as a document entitled, "AN ACT TO AMEND NUMBER 557 OF THE SPECIAL ACTS OF 1957 CREATING THE DANBURY PARKING AUTHORITY"; and

Whereas, the purpose of such special legislation is to enable the Danbury Parking Authority to issue tax-exempt revenue bonds at current tax-exempt interest rates, which bonds may be guaranteed by the City of Danbury, in order to finance the creation, establishment or operation of parking facilities in the City of Danbury, to clarify the procedure to be followed by the Common Council of the City of Danbury and the Danbury Parking Authority in authorizing and approving such revenue bond financing, and to provide for other matters necessary or convenient to the issuance of such bonds and the operation of any parking facility financed thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT pursuant to Section 2-14 of the General Statutes of Connecticut, the City of Danbury does hereby request the 1984 Session of the General Assembly of the State of Connecticut to enact the proposed special legislation attached hereto as a document entitled, "AN ACT TO AMEND NUMBER 557 OF THE SPECIAL ACTS OF 1957 CREATING THE DANBURY PARKING AUTHORITY".

A motion was made by Councilman Mounir Farah and seconded by Councilman Russell Foti for the Resolution to be adopted.

A motion was made by Councilwoman Constance McManus and seconded by Councilman Robert Godfrey to amend the motion by adding the following sentence to page three of the document entitled "AN ACT TO AMEND 557 OF THE SPECIAL ACTS OF 1957 CREATING THE DANBURY PARKING AUTHORITY":
'THE PRECEDING SENTENCE SHALL NOT APPLY TO THE ISSUANCE OF ANY GENERAL OBLIGATION BONDS BY THE CITY OF DANBURY'.

The motion was adopted by a roll call vote of 19 Ayes and 1 Nay.
Councilwoman Thora Skoff voted Nay.

A motion was then made by Councilwoman Constance McManus and seconded by Councilman Robert Godfrey for Section (G) on page five to be changed by striking out the word "majority" and substituting "Two-Thirds" vote of the Common Council.

The motion was adopted by a roll call vote of 19 Ayes and 1 Nay.
Councilwoman Thora Skoff voted Nay.

The Resolution as amended was adopted by a roll call vote of 19 Ayes and 1 Nay . Councilwoman Thora Skoff voted Nay and Councilman Joseph Chianese was absent.

06 - RESOLUTION - Grant for Conn. Save Community Insulation Program.

Resolved by the Common Council of the City of Danbury:

Whereas, CONN SAVE has developed a Community Insulation Program designed to improve energy efficiency by increasing attic circulation; and

Whereas, CONN SAVE has offered a Five Thousand (\$5,000) Dollar Grant to the City of Danbury subject to various terms and conditions; and

Whereas, said Grant will assist the City in its participation in the CONN SAVE Community Insulation Program; and

Whereas, said program is in the best interests of the City of Danbury;

NOW, THEREFORE BE IT RESOLVED THAT Mayor James E. Dyer be and hereby is authorized to accept said grant subject to the terms stated in the Grant Agreement and to take any additional action that may be necessary to accomplish the purposes of said program.

A motion was made by Councilman Boynton and seconded by Councilman L. Charles for the Resolution to be adopted. Motion carried and the Resolution was adopted. Councilman Flanagan abstained from voting.

07 - RESOLUTION - State Grants for an interceptor extension - Old Ridgebury Road.

Resolved by the Common Council of the City of Danbury:

THAT Mayor James E. Dyer is hereby authorized to execute and file applications and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for state grants pursuant to the provisions of Section 22a-439 of the General Statutes of Connecticut, as amended, and to execute on behalf of the City of Danbury all the applications, instruments and documents and accept payments and do all other things that may be necessary for state grants for an interceptor extension/Old Ridgebury Road.

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

08 - RESOLUTION - Application for State Grant for an Economic Development Project for Novo Laboratories.

Resolved by the Common Council of the City of Danbury:

THAT Mayor James E. Dyer is hereby authorized to execute and file applications and agreements on behalf of the City of Danbury with the Commissioner of Economic Development for state grants pursuant to the provisions of Section 4-66c of the General Statutes of Connecticut, as amended, and to execute on behalf of the City of Danbury all the applications, instruments and documents and accept payments and do all other things that may be necessary for state grants for an economic development project for Novo Laboratories.

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

09 - COMMUNICATION - Request of Consultants & Engineers Inc. for extension of sewer and water - Saw Mill Road for Novo Laboratories, Inc.

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

121
010 - COMMUNICATION - Drainage problem on property of Robert Lubus -
Lot K 14156 - Old Shelter Rock Road.

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

011 - COMMUNICATION - Drainage problems in the Sixth Ward.

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

012 - COMMUNICATION - Request of William F. Saunders for an abatement
of sewer assessments - Morningside Heights.

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

013 - COMMUNICATION - Osborne-Main Realty Corporation - Morningside
Heights Part II Sewer Assessments (request to delete from list).

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

014 - COMMUNICATION - Request from L. Sedney, Planning Director, on
behalf of the Zoning Commission, for a Council committee to discuss
Sections of the Zoning Regulations.

A motion was made by Councilman Godfrey and seconded by Councilman Charles
for the communication to be accepted and a committee named by the
Mayor. Mayor Dyer so ordered and appointed the following members:
Godfrey, Foti, Gallo.

015 - COMMUNICATION - Annual Army Corps of Engineering Report - Flood
Protection Project. Mayor Dyer advised the Council that we have
authorized all that we can within the existing budget and with existing
personnel. The point has now been reached where supplemental
appropriations will have to be made to complete the work outlined.

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

016 - COMMUNICATION - Donation from the Board of Directors of the
Danbury Cyanamid Employees Credit Union on behalf of their 1700
members of a "Thumper" Cardiopulmonary Resuscitator to the Danbury Fire
Department Ambulance Unit.

A motion was made by Councilwoman McManus and seconded by Councilman
DaSilva that the gift be accepted and a letter of thanks be sent expressing
sincere gratitude for their generosity. Motion carried.

017 - COMMUNICATION - Request from R. Ryerson, Director of Parks and
Recreation that funds in the amount of \$16,000 collected at Hatters
Park be appropriated to a Capital Line Item: "Improvements at Hatters
Park"

Councilman Gallo requested referral to an Ad hoc committee.
Mayor Dyer so ordered and appointed the following committee:
Council Members - Eriquez, Johnson, Skoff.

018 - COMMUNICATION & CERTIFICATION - Funds to inventory Board of Education property & equipment.

Request from Comptroller John P. Edwards for \$28,800.00 to be transferred to the Purchasing Agent's Budget to pay for an inventory of the Board of Education properties and equipment. The City is presently having its fixed assets and personal property inventoried by the American Appraisal Company in order to comply with a long-standing request of our auditors and to satisfy state law.

CERTIFICATION #26 was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$28,800 as being available in the Contingency Account to pay for inventorying school buildings and fixtures, funds to be disbursed by the Purchasing Agent in conjunction with the City's contract with the American Appraisal Company to inventory City assets.

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

019 - COMMUNICATION & CERTIFICATION - Request from Corporation Counsel Theodore H. Goldstein for funds to be certified in the amount of \$4,000. On September 6, 1983 the Common Council approved the purchase of a parcel of land abutting City land in the south end of Rogers Park. The seller has now indicated acceptance of said offer and the closing has been scheduled subject to the certification of funds.

CERTIFICATION #25 was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$4,000.00 available in the Contingency Account which may be used to create a Land Acquisition Account in the 1984 Capital Budget for the purchase of land abutting Rogers Park

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

020 - COMMUNICATION & RESOLUTION - Property Acquisition - North Street and Main Street Improvements.

Whereas the Common Council wishes to improve traffic flow on North Street between Thorpe Street and Main Street; and

Whereas, said proposal will involve public use of private property described in Schedules A and B;

Now therefore be it resolved by the Common Council that the Office of the Corporation Counsel be and hereby is authorized to acquire said private property either by negotiation or by Eminent Domain through the institution of suit against the current property owners and their respective mortgage holders, if any.

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

021 - AGREEMENT & CERTIFICATION - Agreement between the City of Danbury and Local 801 International Association of Fire Fighters AFL-CIO July 1, 1983 to June 30, 1985.

CERTIFICATION #27 was submitted by Mr. John P. Edwards, Comptroller, in the amount of \$219,808.00 to fund the Working Agreement with Local 801 I.A.F.F. (Firefighters) for fiscal year 1984 as follows:

Contingency Account	\$ 73,483.58
Unappropriated General Fund - Fund Balance	146,324.42
Total Required	<u>\$219,808.00</u>

A motion was made by Councilman Boynton and seconded by Councilman Charles for the Agreement to be accepted and funds authorized. Motion carried unanimously.

022 - AGREEMENT - Proposed Agreement to coordinate emergency radio communications. (Police Emergency Radio System)

Councilman McGarry requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members Torian, Torcaso and Durkin.

023 - COMMUNICATION & ORDINANCES- Amendments to Sec. 14-31 and to Section 14-35 - Danbury Fire Department Pensions.

Councilman DaSilva requested the Ordinances be deferred for public hearings. Mayor Dyer so ordered.

024 - COMMUNICATION & ORDINANCE - Bazaar and Raffle Permits.

Councilman DaSilva requested the Ordinance be deferred for public hearing. Mayor Dyer so ordered.

025 - COMMUNICATION - Request to amend City Ordinances re: Violation for drains to discharge on to City Streets.

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

026 - COMMUNICATION - Request from Mr. John P. Edwards, Comptroller for approval of transfers of unspent Revenue Sharing Funds. Transfers needed to close out old entitlements.

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

027 - COMMUNICATION - Request from Paul Estefan, Airport Administrator for funds for a tractor for the Airport. The estimated cost is \$12,000.

A motion was made by Councilman Gallo and seconded by Councilman McGarry to deny this request and recommend the request be placed in the new budget 1984-1985. Motion carried unanimously.

028 - COMMUNICATION - Promotions in the Danbury Fire Department to the rank of Lieutenant:

- Philip Curran
 - Appointed January 19, 1970
 - Appointed Lieutenant (Temporary) 7/12/82
 - 48 College Credits
- James Johnson
 - Appointed November 19, 1973
 - 22 College Credits
- John Gillotti
 - Appointed October 25, 1975
 - 42 College Credits
- Kenneth Hottes
 - Appointed November 18, 1974
 - 15 College Credits
 - EMT-IV
- Stephen Omasta
 - Appointed November 21, 1974
 - 3 College Credits
- Roger Guertin
 - Appointed July 7, 1970
 - Appointed Temporary Lieutenant 7/12/82
 - 60 Educational Credits

All appointments are effective upon swearing in. The Chief has recommended these six individuals for promotion. All promotions are contingent upon successful completion of a one year probationary period, and certification as an EMT.

A motion was made by Councilman Godfrey and seconded by Councilman Charles for the Communication to be accepted and promotions confirmed. Motion carried unanimously.

029 - COMMUNICATION - Appointments to the Sunset Committee:

Carole Torcaso, Chairman	-- 3 Grove St. Danbury, Conn.
Mounir Farsh	28 Ninth Ave. Danbury, Conn.
Janet Butera	28 Westville Ave. Danbury, Conn.
Susan Demars	1 Overlook Terrace, Danbury, Conn.
Richard Elder	9 Centennial Drive, Danbury, Conn.

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

030 - COMMUNICATION - Appointment to the Richter Park Authority.

Appointment of Alfred Zega, 1 Briar Ridge Road, Danbury to an unexpired term on the Richter Park Authority, ending Sept. 1, 1985. Mr. Zega will serve as the Stanley L. Richter Association for the Arts representative as provided for in our Code of Ordinances.

Mr. Zega is a member of the Tricentennial Commission, Cultural Commission, and many other civic groups, in addition to the Richter Association for the Arts Executive Board.

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

031 - COMMUNICATION - Re-appointment to the Richter Park Authority.

Re-appointment of Felix Bonacci as a member of the Richter Park Authority for a term expiring September 1, 1986. Mr. Bonacci has been a very good member of the Authority with a good attendance record.

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

032 - COMMUNICATION - Appointments to the Planning Commission:

Weldon E. Woodruff, Jr. - 3A Boyce Road
To a term to expire January 1, 1986.

Paul J. Garavel - 210 Southern Blvd.
To a term to expire January 1, 1987.

Mr. Woodruff is 37 years old and is married and has three children. He is a graduate of D.H.S. and WestConn. He also attended the American Institute of Banking and the University of Bridgeport. He is currently employed as Assistant Vice President of the Union Chelsea National Bank, N.Y. City. Mr. Woodruff has been active in the American Cancer Society, Rotary Club, United Way, Danbury Industrial Basketball and the Mayor's Commission on Down-town Rehabilitation. He is an Army Veteran.

Mr. Garavel is a State Representative from the 110th District and serves as House Chairman of the Planning and Development Committee. He is also a member of the Judiciary Committee. He is 25 years old and is married. Mr. Garavel served on the City's Youth Commission, Planning Director Screening Committee, and has been active in many civic and charitable events. He is a graduate of WestConn and is also a member of the Connecticut Student Loan Foundation and the Connecticut Motion Picture Film Commission. He has served the City's Redevelopment Agency and is active in United Way.

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

033 - COMMUNICATION - Appointments to the Redevelopment Agency:

Re-appointment of Louis J. Alhage, TaAgan Point Road, to the Redevelopment Agency, for a term to expire on January 1, 1989.

Mr. Alhage has been active in the Agency's affairs for many years, having served once as it's chairman.

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

034 - COMMUNICATION - Appointment to the Aviation Commission :

Appointment of Mr. Mark Parille, 35 Gregory Street, Danbury to the Aviation Commission for a term to expire on July 1, 1985.

Mr. Parille is employed at G & P Tool, attended WestConn, is active with the American Cancer Society and the United Way. Mr. Parille is also a private pilot.

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

035 - COMMUNICATION - Appointment to the Youth Commission:

Appointment of Mark Block, 124 Coalpit Hill to the Youth Commission for a term to expire on April 1, 1986.

Mark is a commercial artist, a graduate of WestConn, former Student Government Association President at WestConn, and active in various civic activities.

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

036 - Withdrawn

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

Reappointments of the following to the Danbury Commission for the Handicapped for terms to expire on March 1, 1987:

- | | |
|-------------------|----------------------|
| Lawrence Gableman | Danbury Towers |
| Andrew Repko, Jr. | 5 Hakim Street |
| Jean Stouter | 25 Meadowbrook Vista |

All members have been very active in affairs related to handicapped advocacy and have been recommended for reappointment by the Commission's Chairman.

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

037-1 - COMMUNICATION - Appointment to the Board of Tax Review:

Appointment of William Hajj, 17 Gregory Street, to the Board of Tax Review for a term to expire on June 30, 1987.

Mr. Hajj owns an Insurance and Real Estate business, has served on the Zoning Commission, and is a member of the American Lebanon Club.

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

038 - DEPARTMENT REPORTS

Fire Chief	Police Department
Fire Marshal	CCAG, Inc.
Building Inspector	Blood Pressure Program
Airport Administrator	Equal Rights Commission
Health Inspector	
Housing Inspector	
Coordinator of Environmental & Occupational Health Services.	

A motion was made by Councilman DaSilva and seconded by Councilman Gallo to dispense with reading of the Department Reports which are to be accepted as submitted. Copies are on file in the Office of the City Clerk for public inspection. Motion carried unanimously.

AD HOC COMMITTEE REPORTS039 - REPORT & ORDINANCE - Parking Enforcement.

Councilman Torian submitted a report stating that the Common Council committee appointed to establish an Ordinance for enforcement of parking laws, met on July 25, 1983 and again on January 17, 1984.

Attending the meetings were committee members Torian, Boynton, Chief Macedo and his aide Lt. Sullo. (July 25, 1983 meeting).
Attending the meeting held on January 17, 1984 were committee members Torian and Skoff and Chief Macedo and Lt. Sullo.

Chief Macedo noted that all monies collected from enforcement of a local parking enforcement ordinance would remain in the City Treasury. (Presently when monies are collected through the courts, the proceeds are shared between the City of Danbury and the State of Connecticut.)

It is difficult to get the Courts to issue sommonses to violators. There is considerable delay, and the Courts require a historical summary of every violation before a summons can be issued.

The hearing will be conducted by an impartial third party, a parking violation hearing officer.

Finally, it provides a violator a means of appeal by judicial review, in the Superior Court of the State of Connecticut.

Ass't Corporation Counsel E. Gottschalk was requested to draft a proposed Parking Enforcement Ordinance for review by committee members and Chief Macedo and Lt. Sullo.

Both Chief Macedo and Lt. Sullo felt that the proposed draft was satisfactory and would meet the immediate needs regarding parking enforcement procedures within the City of Danbury.

Councilwoman Skoff motioned at the committee meeting to recommend adoption of the proposed draft governing parking enforcement, seconded by Councilman Torian. The vote was unanimous.

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

040 - REPORT & ORDINANCE - Alternates to the Commission for the Handicapped.

Councilman Cassano submitted a report stating that the committee appointed to review the request for alternate members to the Commission for the Handicapped, met at City Hall on January 17, 1984 at 7:15 P.M.

In attendance were council members Butera and Esposito. Councilman Cassano was absent due to illness. Also in attendance was Assistant Corporation Counsel Attorney Eric Gottschalk.

Councilwoman Butera read a request of Peter Wyckoff, Chairman of the Commission on the Handicapped, for Council approval of two persons to serve as Alternates to the Commission and to amend the present Ordinance to include the appointments of commission alternates.

Attorney Gottschalk explained the duties of the Alternates and presented a copy of the present Ordinance with the additional wording to include Alternate members.

Councilman Esposito made a motion at the committee meeting to approve the request and the addition to the present Ordinance, pending the Council's approval and the results of a public hearing. Motion seconded by Councilwoman Butera and carried.

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

041 - REPORT & RESOLUTION - Property at the intersection of Deer Hill Avenue, Wooster Street and West Wooster Street.

Councilwoman Carole Torcaso submitted a report stating that the committee met on January 5, 1984 with Councilpersons Torcaso, Flanagan and Johnson present.

A summary of details was presented beginning with the original request from Mayor Dyer and including the schematic design of the intersection and recommendations from Leonard Sedney, Planning Director, the request to the Police Department concerning accidents, traffic problems due to limited sight distances, traffic tie-ups, pedestrian hazards, an estimate of traffic signal costs, a verbal estimate from J. Schweitzer, City Engineer, concerning road building costs, and the request for an appraisal of the land.

The appraisal of the land was reviewed at great length. Included in the discussion were land costs, and costs involving road construction and

signalizing the intersection. The committee also discussed the surplus property that would be created and the probability of selling it to adjacent property owners.

After considerable discussion and feeling this project would be in keeping with on-going traffic flow improvements already at construction stage within the City, Councilman Flanagan made a motion at the committee meeting to recommend to the Common Council that a Resolution be adopted authorizing the Corporation Counsel to negotiate with the owner(s) for the City to purchase the land located at 124 Deer Hill Avenue. Councilwoman Johnson seconded the motion which passed unanimously.

RESOLUTION - Resolved by the Common Council of the City of Danbury:

Whereas, the Common Council wishes to ameliorate potential traffic and pedestrian hazards at the corner of Deer Hill Avenue and West Wooster Street by realignment and signalization of said intersection; and

Whereas, said proposal will involve the public use of property located on the NorthWest corner of the juncture formed by Deer Hill Avenue and West Wooster Street as described in Danbury Land Records in Volume 635 at Page 1054, and which property is designated as Tax Assessor's Lot I-15122 and bearing a street address of 124 Deer Hill Avenue;

NOW, THEREFORE BE IT RESOLVED THAT the Office of the Corporation Counsel be and hereby is authorized to negotiate the acquisition of said parcel on behalf of the City of Danbury for such purposes.

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

042 - REPORT - Independent Auditors for the City of Danbury.

Councilman Torian submitted a report stating that the committee appointed to recommend the selection of an independent auditing Firm for the City of Danbury met on January 23, 1984. In attendance were committee members Torian, Eriquez and Skoff and Mr. John Edwards, Acting Director of Finance.

Mr. Edwards stated that he was quite satisfied with the services being provided by Ernst and Whinney, that a good working relationship existed between both parties and he was assured that this favorable situation would continue to prevail in the future.

Ernst and Whinney is a "big 8" accounting Firm with many years of experience in performing municipal audits; sixteen (16) of those years as independent auditors for the City of Danbury. Mr. Edwards noted the advantage in retaining the services of an auditing Firm such as Ernst & Whinney who can provide audit managers that are familiar with larger municipalities.

As a result of attrition within the Ernst & Whinney organization there is a normal turnover of Ernst and Whinney personnel; consequently, new staff members afford the City an objective review of its accounts by impartial observers over the years.

Ernst & Whinney proposed to perform the audit for the fiscal year ending June 30, 1984 for \$42,000 an increase of approximately 9% above fiscal year 1983. In the committee's opinion, this increase was considered reasonable and consistent with increases in prior years, recognizing the trend in the growth of the City of Danbury.

Councilman Eriquez made a motion at the committee meeting to recommend continued retention of the services of Ernst & Whinney for fiscal year 1983-1984 at a ceiling of \$42,000 as the cost to the City of Danbury. Motion was seconded by Councilwoman Skoff and passed unanimously.

The Report was accepted and appointment of the auditors confirmed by the Common Council on the Consent Calendar.

043 - REPORT & CERTIFICATION - Operating costs of the Danbury Fire Dept.

Councilman Esposito, chairman of the Common Council Fire Department Liaison Committee, submitted a report stating that the committee met on January 11, 1984 at 8:30 P.M. to discuss the operating cost of the Fire Department and the request for additional funds in their salaries and overtime accounts.

In attendance at the committee meeting were Committee members Esposito, Boynton, DaSilva, Skoff and Chianese. Also in attendance were Chief Monzillo, Comptroller J. P. Edwards and Assistant Comptroller, D. Setaro.

Chief Monzillo explained in detail the request for additional funds and passed out a 6 page explanatory fact sheet to all present. He stated that various lines in the Fire Department Budget were not properly funded. Chief Monzillo answered a number of questions from the committee as to his request, as did Mr. Edwards and Mr. Setaro.

The Chief made the amount of \$155,494 the necessary figure to cover the deficit until the end of the fiscal year. He also stated that the present labor negotiations between the City and the Fire Department could possibly change the requested total.

Councilman Boynton made a motion to table the request and to reconvene the meeting on January 19, 1984 at 9:00 P.M. at City Hall. Motion passed and the meeting adjourned at 10:30 P.M.

The committee reconvened the January 19th meeting in City Hall. Present were committee members Esposito, Boynton, DaSilva, McGarry, Skoff and Butera. Chief Monzillo was also present and presented the committee with a 10 page fact finder sheet with an adjusted request, due to the current results of the contract negotiations between the Fire Department Union and the City.

The Chief put the revised funding figure at \$133,645, compared to the \$155,494 figure before the new contract. This includes all items on the presented summary sheet as follows:

Deputy Chief	\$ 18,275.
Ass't Chief Pay differential	5,736.
Acting out of Title	6,190.
Longevity Increases	1,700.
Step Differential	628.
Uniform Gear	9,265.
Holiday Pay (NDM)	11,180.
Vacation Sick Leave-	
Injuries Contract	<u>42,624.</u>
	\$95,598.
Present Deficit	<u>36,173.</u>
	\$131,771
	<u>1,874</u>
	\$133,645

Councilman Boynton made a motion at the committee meeting that the committee recommend to the Council that the necessary funding be approved and that the funding come from the unencumbered fund balance (surplus). The motion was seconded by Councilwoman Butera and passed unanimously.

CERTIFICATION # 28 was submitted by the Comptroller Mr. John P. Edwards certifying to the availability of \$133,645.00 in the General Fund unencumbered fund balance for supplemental appropriation to the Fire Department as recommended by the Common Council Fire Liaison Committee.

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

044 - REPORT - Request of Ralph Gallagher for water - Mill Plain Road

Councilman Gallo, Chairman of the Sewer & Water Extension committee submitted a report stating that the 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 the Sewer & Water Extension Committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said water line.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.

Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended water lines.

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

045 - REPORT - Request of A.M. Rizzo for water - Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee of the Common Council, 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 the committee that the petition be granted with the usual conditions and restrictions - 7 steps previously listed.

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

046 - REPORT - Request of Richard Sporck for water - Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee of the Common Council, 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 the committee that the petition be granted with the usual conditions and restriction - 7 steps previous listed, plus an eighth step listed as follows:

8. Maximum water allocation of 20,420 gallons per day.

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

047 - REPORT - Request of John Morganti & Sons - Mill Plain Road & Old Ridgebury Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee of the Common Council 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 the committee that the petition be granted with the usual conditions and restrictions - 7 steps previously listed, plus the following additional steps:

8. Maximum water allocation of 24,000 gallons per day.
9. Property to be used for a maximum 240 room hotel or office space not to exceed 200,000 sq. ft.

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

048 - REPORT - Request of Gary Kurz for water - Old Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee of the Common Council 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 the committee that the petition be granted with the usual conditions and restrictions - 7 steps listed previously.

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

049 - REPORT - Request of John Lucchesi for water - Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee met on January 9, 1984 and after some discussion with the City Engineer and Superintendent of Public Utilities, a motion was made and approved to grant the petitioner's request as this isn't an extension, but a hook-up and a permit can be issued by the City Engineer's Office.

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

050 - REPORT - Request of Jules Lang for sewers - Crows Nest Lane & Great Pasture Road.

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

It is the recommendation of the committee that the petition be granted with the usual 7 steps of conditions and restrictions, plus:

- 8. Maximum of 25,500 gallons per day.

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

051 - REPORT - Request of Our Lady of Guadalupe Roman Catholic Church for sewers at 29 Golden Hill Road.

Councilman Gallo submitted a report of the Sewer & Water Extension committee stating that the 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 the committee that the petition be granted with the following conditions and restrictions:

- 1. The petitioner shall bear all costs relative to the installation of said sewer lines.
- 2. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
- 3. Petitioner shall own and maintain proposed pumping station.

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

052 - REPORT - Conn. Air Service Inc. Lease.

Councilman Torian submitted a report stating that the committee formed to review the Connecticut Air Service, Inc. Lease, met on Jan. 23, 1984. In attendance were committee members Torian, Farah, and Zotos, representatives from the Aviation Commission Paul Estefan, John Scarfi and James McManus and Assistant Comptroller D. Setaro.

Paul Estefan briefed the committee on the sequence of events between the Aviation Commission and the Connecticut Air Service, Inc. In June, 1981 Mr. Bob Costello purchased Connecticut Air Service, Inc. from Mr. George Utley Jr., the previous owner of the Firm.

Conn. Air Service occupies 1.17 acres of City property located at the Danbury Airport. CAS presently owes the City of Danbury \$5,793.50 in unpaid land rents for this parcel, from June, 1981 through June, 1984.

CAS has been operating at the Airport without a lease since June, 1981. An informal fee arrangement of \$631.00 per year was temporarily agreed upon until a formal lease could be executed between the Aviation Commission and CAS. The committee members overwhelmingly agreed that any further delay in payment of past-due land rents by CAS is totally unwarranted. Additionally, this parcel of city property is of considerable value and a genuine effort should be made to secure a fair and equitable lease arrangement with CAS as soon as possible.

Councilman Farah motioned at the committee meeting that the committee recommend payment in full of the unpaid land rents totalling \$5,793.50 by CAS no later than April 1, 1984. If payment is not received by this date then no further attempts be made to negotiate with them on any of their requests, and the City begin eviction proceedings on this property forthwith. Further, upon payment of past-due land rents prior to 4/1/84, that negotiations for a new lease between the Aviation Commission and CAS must be completed by June 1, 1984.

Assistant Corporation Counsel Gottschalk is requested to draft the letter to CAS which will also include copies of outstanding invoices for the total of the unpaid balance, to be supplied by the Comptroller's Office. Motion was seconded by Councilman Zotos and passed unanimously.

CAS, Inc. Schedule of unpaid land rents from 7/1/1981 through 6/30/1984. (Comptroller's records.)

<u>Billing Period</u>	<u>Billed</u>	<u>Paid</u>	<u>Balance</u>
7/1/81 - 12/31/81	\$1,228.50	-	-
1/1/82 - 6/30/82	1,228.50	\$631.00	
7/1/82 - 12/31/82	1,228.50		
1/1/83 - 6/30/83	1,228.50	631.00	
7/1/83 - 12/31/83	1,228.50	315.50	
1/1/84 - 6/30/84	1,228.50		
	<u>\$7,371.00</u>	<u>\$1,577.50</u>	<u>\$5,793.50</u>

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

053 - REPORT - Memorandum of Agreement - Police Department.

Councilman Eriquez submitted a report stating that the ad hoc committee formed to consider the request for approval of Memorandum of Agreement involving Police Officer Lisa Searles, met on Nov. 14th and Dec. 28th at City Hall.

Present were Councilmen Eriquez, Esposito and Councilwoman Butera. At the first meeting Mr. Merullo, Personnel Director and E. Gottschalk, Assistant Corporation Counsel were also in attendance. Police Officer L. Searles attended the first meeting along with A. Yakacki, who acted as her representative. Mr. Yakacki attended the second meeting as well.

Mr. Yakacki explained Mrs. Searles situation to the committee. He stated that she was experiencing medical problems, possibly the result of a pregnancy. As a result of these complications, Ms. Searles had expended most of her allotted sick time. Anticipating the shortage of sick time when Ms. Searles would be required to go on leave for medical reasons, Mr. Yakacki approached the Mayor with the problem in late August 1983. The result of this meeting was an understanding that Officer Searles would be paid for a short period of time after expending her allotted days. Mr. Yakacki noted that this was agreed to after careful consideration of the particular hardships in this case.

Subsequently Ms. Searles gave birth in late August and her sick time ran out on September 11th. Due to orders from her doctor, Ms. Searles was not allowed to return to work until the 23rd of Oct. Approximately six weeks had elapsed of which Ms Searles thought she was to be paid for per the agreement.

However, the City Comptroller, Mr. J. Edwards, informed Mr. Yakacki that since this action required the authorization of funds, the Common Council would have to act on the matter. Therefore the item was placed on the Council Agenda.

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Discussion among those present ensued. Mrs. Butera and Mr. Esposito raised the concern of establishing a precedent that others under City contracts in similar situations may attempt to follow.

Mr. Yakacki noted that he, as Police Union President, was willing to sign a Memorandum of Agreement that would legally state that this particular case was an exception to the collective bargaining agreement, not a change in that agreement. He also noted this would contain language stating that this was "one time deal" involving Police Officer Searles and would not be used in bargaining positions in the future.

Mr. Gottschalk researched the issue utilizing State Statutes and rendered the opinion that the Council could possibly accept this type of agreement if they so chose. He cautioned the committee that the precedent issue and the binding authority of such a proposal agreement may be challenged at a later time.

After lengthy debate, Mrs. Butera made a motion at the committee meeting to recommend to the full Council that this request for funds for the additional time (Approximately \$1,500) be denied since doing so may set an unfavorable precedent for the City when confronted with similar situations involving others under City Contracts. The motion was seconded by Mr. Esposito. The vote was 2 Ayes and 1 Nay. Mr. Eriquez voted in opposition to the motion.

A motion was made by Councilwoman Butera and seconded by Councilman Boynton for the Report to be accepted and request denied.

A discussion ensued with comments that the Council should not be afraid to deal with this matter as it would not set a precedent.

Councilman McGarry remarked that he would not be in favor of this request stating that Ms. Searles had 45 days of sick leave in two years and 12 injury days.

Mayor Dyer spoke in favor of granting the request

A roll call vote was taken resulting in a vote of 10 Ayes and 10 Nays.

Council Members - Johnson, Godfrey, Flanagan, Zotos, Skoff, DaSilva, Cassano, Charles, Eriquez and Torian voted No -(10)
(in opposition to the motion for denial of the request)

Council Members - McGarry, Foti, Torcaso, Esposito, McManus, Gallo, Boynton, Butera, Durkin, Farah, voted Yes (10)
(in accordance with the motion to deny)

Mayor Dyer in breaking the tie vote cast a vote in favor of granting the request.

Mayor Dyer also broke the tie - voting yes for the appropriation of funds.

The request was granted and funds authorized.

054 - REPORT - CLAIMS.

Councilman Eriquez submitted a report of the Claims Committee stating that they had met on January 19, 1984. In attendance were Chairman G. Eriquez, Councilman Durkin and Councilwoman B. Johnson; Thomas Fabiano, Risk Manager, Assistant Corporation Counsel for Claims, Atty. Terry Sachs and Councilman Boynton, a former chairman of the Claims committee.

The meeting commenced with Mr. Boynton, at the committee's request, providing the new members with an explanation of the operation of the Claims committee.

Subsequently, Mr. Fabiano explained the function of the Risk Manager and how his position relates to the workings of the Claims committee.

Attorney Sachs provided the committee with a general overview of the committee's actions in the past and his opinion of the legal charge of the committee per the City's Code of Ordinances.

He noted that there was only one case requiring Council committee action at this time. The case is the claim of Elaine Orlando vs. the City of Danbury, date of loss was September 9, 1980.

Mr. Sachs explained the case history to the committee. He stated that this claim is covered by the City's insurance and that the insurance company has cooperated fully and has paid the claim. However, the issue of the deductible amount (\$2,500) has to be resolved by the Council.

In this case, Mr. Sachs and Mr. Fabiano recommended that the committee authorize the City to pay the deductible amount.

Following discussion, Mr. Durkin moved to recommend that the Council authorize the city to pay the \$2,500 deductible amount in the case of Elaine Orlando vs the City of Danbury. The motion was seconded by Mrs. Johnson and voted upon unanimously.

A Resolution to the effect of the motion was to be formulated by Mr. Sachs and included with this report to be placed on the February meeting agenda.

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

055 - REPORT - Road Bond Projects - Osborne St. - Franklin St. Connector
Balmforth Ave & Maple Avenue.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the preliminary design for the Osborne Street, Franklin Street Connector and the improvements to Balmforth and Maple Avenues. Both plans are basically the same as those approved by the Common Council for referendum in 1982. They also show a concerted effort to keep property acquisition to a minimum, while following a route that gives sought-after traffic flow improvements.

The Public Works Committee finds the preliminary plans for the above mentioned road improvements to be of superior quality and recommends their approval by the Common Council.

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

Mayor Dyer extended all existing committees reminding the Council that a good deal of time will be taken up with the budget requesting them to move their committee meetings ahead.

The Mayor appointed Councilman Gallo to serve as the oversight person on all pending committees.

Their being no public speakers and no further business to come before the Common Council a motion was made by Councilman Charles and seconded by Councilman Godfrey for the meeting to be adjourned at 8:40 P.M. Motion carried unanimously.

Respectfully submitted
Mary Hart
Assistant City Clerk

Attest *Eleanor Mudgett*
City Clerk