

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

SUBJECT: Minutes of the Common Council Meeting held on July 3, 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, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Durkin, Eriquez.

Councilwoman J. Butera arrived after roll call.

ABSENT: Councilmen McGarry, Chianese, Farah.

18 members present -- 3 members absent.

NOTICES FROM MAYOR DYER

Mayor Dyer announced that the Ethnic Cultural Festival will be held this weekend in Rogers Park and urged all to attend.

Birthday greetings were extended by the Mayor to the following:

- Councilman Foti - July 7th.
- R. Steinberg - Administrative Assistant - July 7th.
- Our Nation's Birthday July 4th - City Hall will be closed.
- Mary Rickert - July 31st.

Wedding anniversary greetings to Councilman Esposito and Mrs. Esposito. on July 25th.

Mayor Dyer's father, Thomas Dyer, received, in honor of his 89th birthday, greetings from President and Mrs. Reagan.

CONSENT CALENDAR

Councilman Joseph DaSilva submitted the following items for the Consent Calendar:

- 05 - Resolution - Grant for W.I.C. Supplemental Nutrition Program.
- 06 - Communication - Street Renumbering - Brushy Hill Rd. & Pembroke Rd.
- 014 - Communication - Review Board re: Plans for Rehabilitation of Historically Significant Properties.
- 022 - Communication - Arthur R. LaRoche vs. City of Danbury et al.
- 024 - Communication - Utility Relocation for Route 7 State Project Nos. 34-190 & 34-195.
- 027 - Communication - Promotion to Sergeant in the Danbury Police Dept.
- 028 - Communication - Appointment to the Environmental Impact Commission.
- 029 - Communication - Appointments to Parks & Recreation Commission.
- 030 - Communication - Appointment to the Cultural Commission.
- 031 - Communication - Appointment to Candlewood Lake Authority.
- 032 - Communication - Re-appointments to the Aviation Commission.
- 036 - Report - Property on Starr Road.
- 037 - Report - Guard Rail - Miry Brook Road.
- 038 - Report - Proposed land swap at Old Segar St. & Mill Plain Rd.
- 039 - Report - Request to demolish cabin on Willow Trail.
- 041 - Report & Resolution - Drainage Rights & Easements - Eugene Lane.
- 042 - Report & Resolution - Drainage Rights - Stadley Rough Rd. & Dennis Gate.
- 043 - Report & Resolution - HUD Grant Program.
- 044 - Report & Resolution - Sewer Use Charges.
- 046 - Report - Guard Rail on Lake Avenue.
- 047 - Report - Approval of Plan for Turner Road.
- 049 - Report - Request from Henry Chan & Lai Chan for sewers - Padanaram Rd.

- 050 - Report - Request of Guri Dauti for sewers - 11 Abbott St.
 051 - Report - Claims Committee.

A motion was made by Councilman Boynton and seconded by Councilman Flanagan for the Consent Calendar to be accepted as submitted.

The Consent Calendar was accepted unanimously.

MINUTES - Common Council Meeting held on June 5, 1984.

A motion was made by Councilman DaSilva and seconded by Councilman Boynton for the Minutes to be accepted as submitted with the reading of the minutes to be waived. Motion carried unanimously.

- 01 - CLAIMS - Barbara Archieri - Helen Gebran - Bryan Hardy - John Rescigno, Anthony J. Bazewicz (father) for Steven Bazewicz.

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

- 02 - COMMUNICATION & CONTRIBUTION - Veteran's Memorial Area in Rogers Park.

Mr. Thomas J. Dyer submitted the following communication to the Common Council:

Dear Council Members - I want to express to you my deepest appreciation for your efforts on my behalf. When I first proposed to my son that funds should be put aside for improving the Rose Arbor and creating a new Veteran's Memorial area, I never thought for a moment that someone would want to honor me by putting my name on the new park.

Bernie Gallo is a fine gentleman, and I appreciate what he did. In my 89 years of life I don't believe that a finer gesture has ever been made on my behalf.

Throughout my life I've enjoyed working at many levels with people for a better city. I know that the Council believes that my efforts should be singled out and that means a great deal to me. I also recognize that the Council has been loyal to my son, as well.

I do believe, however, that organized opposition and politics has resulted from this very nice gesture by the Common Council. Unfortunately, a good deed is being turned around as an issue against my son and the Council. I don't believe that the war dead should be used by any group to polarize a community or to try and start a political vendetta against anyone.

Your honor is appreciated; however, I must respectfully request that my name not be used on the new memorial you are planning.

After 89 years I don't really need the recognition. I'm very happy that the Common Council has voted the funds I requested for the veteran's area-- that's recognition enough for me. I enjoyed my work on behalf of our veterans and our City.

I'm a happy man who considers himself fortunate to live in such a fine city. You are all doing a good job, and there are more important issues than this one.

I'm enclosing a small donation of my own toward the park restoration project. (Check for \$100.00 enclosed).

A motion was made by Councilwoman McManus and seconded by Councilman Charles for the Communication & Contribution to be accepted with many thanks.

Motion carried by a roll call vote of 17 Ayes - 4 Members absent.

03 - COMMUNICATION - To name area in Rogers Park.

Mayor Dyer submitted a communication stating:

"In view of my Dad's (Thomas J. Dyer) request to you, I am respectfully requesting that the original name I proposed for our new Veteran's area -- Veteran's Square at Rogers Park, be voted on.

This in no way affects the Rose Arbor area which is separate and distinct from the new area created in my 1984-1985 Budget Proposal.

A motion was made by Councilwoman C. McManus and seconded by Councilman R. Godfrey for the communication to be accepted and the name to be adopted. Motion carried unanimously.

04 - COMMUNICATION - Resignation from John McGarry as Councilman from the second ward as he is moving out of the State of Connecticut. Resignation to be effective immediately.

A motion was made by Councilwoman C. McManus and seconded by Councilman E. Boynton for the communication and resignation to be accepted with regrets - wishing Mr. McGarry and his family well in their future endeavors.

05 - RESOLUTION - Application for a Grant for W.I.C. Supplemental Nutrition Program.

Resolved by the Common Council of the City of Danbury: Whereas, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from Oct. 1, 1984 through Sept. 30, 1985 to full-time local health departments to be used for the Women, Infants, Childrens Supplemental Nutrition Program; and

Whereas, the City of Danbury, Inc. through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

Whereas, a grant award of up to \$127,140.00 has been processed by the Danbury Health Department; and

Whereas, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized;

BE IT FURTHER RESOLVED THAT to accomplish said program James E. Dyer, Mayor of the City of Danbury, Inc. is authorized to make, execute, and approve on behalf of this corporation any and all contracts or amendments thereof with the State of Connecticut of Health Services.

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

06 - COMMUNICATION - Request from the City Engineer for approval from the Common Council to assign new house numbers on Brushy Hill Road, and Pembroke Road.

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

07 - COMMUNICATION - Request of Golden Hill Condominium, Inc. for permission to construct a retaining wall - Westerly side of Golden Hill Road.

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

08 - COMMUNICATION - Request of Conklin & Frattini, Builders, for permission to improve Heyman Road.

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

09 - COMMUNICATION - Drainage problem on property of Henry P. Hyland West Wooster Street.

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

010 - COMMUNICATION - Request of King St. Volunteer Fire Company for Dry Hydrants.

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

011 - COMMUNICATION - Traffic Problems etc. on Boxwood, Bayberry & Butternut Lanes Area.

Councilman DaSilva requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Councilmen Farah, Durkin and Zotos.

012 - COMMUNICATION - Request of Danbury Mall Associates for water and sewer extensions and hookups in the Danbury Fair Mall.

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

013 - COMMUNICATION - Request for sewer & water for Housing Authority Elderly Housing- Osborne Street

Councilman Gallo read a letter from the Planning Commission stating that at its meeting held April 4, 1984, the Planning Commission voted that a letter be sent to the Common Council stating that the Planning Commission is withholding a recommendation on this request because they had received word that the sewer line was running at 105% capacity.

A motion was made by Councilwoman McManus and seconded by Councilman Gallo for the Communication to be accepted. Motion carried.

014 - COMMUNICATION - Request from Leonard G. Sedney, Planning Director, for a review board for the express purpose of reviewing plans for rehabilitation of historically significant properties. in conjunction with the Assessment Deferral Ordinance adopted in June, 1984.

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

015 - COMMUNICATION - Request from Manuel Machado, Jr. for a committee to review establishment of an Electronic Firm for the disabled.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members - Torcaso, Johnson, Boynton.

016 - COMMUNICATION - HART to enter into an agreement with Bustop Shelters of Central Connecticut, Inc. to erect and maintain up to ten new bus stop shelters in the transit district.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members - Torian, Skoff, Esposito.

017 - COMMUNICATION & ORDINANCE - Standards for the location and construction of sidewalks. (Proposed Ordinance)

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

018 - ORDINANCE - Amendments to the Police Pension Ordinance.

Councilman Boynton requested referral of the Ordinance for a public hearing to be held. Mayor Dyer so ordered.

019 - COMMUNICATION & CERTIFICATION - Request from the Airport Administrator Paul Estefan, for \$2,500 to be encumbered to pay for the first year rental on the computer.

CERTIFICATION #01 was submitted by the Comptroller, John P. Edwards, in the amount of \$2,500 available in the Contingency Account.

A motion was made by Councilman Boynton and seconded by Councilman Foti to deny the request. Motion carried with Councilman Charles voting Nay.

020 - COMMUNICATION & CERTIFICATION - Request from the Director of the Danbury Library for \$2,500 in the library budget be allowed to lapse to the benefit of the city and the Common Council reestablish these funds in July from the contingency account.

CERTIFICATION #02 - was submitted by the Comptroller, Mr. John P. Edwards, in the amount of \$2,500 available in the Contingency Account.

A motion was made by Councilman Boynton and seconded by Councilman Foti to deny the request. Motion carried unanimously.

021 - COMMUNICATION & CERTIFICATION - Request from the Corporation Counsel Theodore H. Goldstein for a transfer of funds in the amount of \$55,000 to the Outside Services Account, to meet obligations in reference to three suits pending in the Federal District Court of Connecticut.

CERTIFICATION #3 - was submitted by the Comptroller, Mr. John P. Edwards, in the amount of \$55,000 available in the Contingency Account to be transferred to the Corporation Counsel's Outside Services account for litigation services.

A motion was made by Councilman Eriquez and seconded by Councilman Godfrey for the communication to be accepted and transfer of funds authorized. Motion carried unanimously.

022 - COMMUNICATION - Arthur R. LaRoche vs. City of Danbury, et al.

Request from the Corporation Counsel, Theodore H. Goldstein, for approval from the Common Council to engage the Hartford law firm of Updike, Kelly and Spellacy, in reference to the above captioned law suit.

by the Common Council on the Consent Calendar
The Communication was accepted/and request granted to engage the law firm of Updike, Kelly and Spellacy.

023 - To be acted upon at the end of the meeting.

024 - COMMUNICATION - Proposal from the City Engineer for the City of Danbury to retain Seelye Stevenson Value & Knecht to prepare the necessary utility relocation plans re: Utility Relocations for Route 7, State Project Nos. 34-190, 34-195.

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

025 - COMMUNICATION - Request to update the City's participation in the Neighborhood Assistance Act Program.

Councilman Eriquez requested referral for a public hearing to be held. Mayor Dyer so ordered.

026 - COMMUNICATION - Appointment of a Deputy Fire Chief.

Mayor Dyer submitted a communication requesting review and recommendation of a Deputy Fire Chief. The following are interested in the position:

Antonio LaGarto (Recommended by Chief Monzillo)
John F. Murphy
Richard A. Gerlach
Adam Piskura
William David.

Councilwoman McManus requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee:
Council Members - Gallo, McManus and DaSilva.

027 - COMMUNICATION - Promotion to Sergeant in the Danbury Police Dept.

Appointment of Mitchell Weston as a Sergeant in the Danbury Police Dept. The appointment will be effective immediately upon confirmation. Mitchell is currently in charge of the traffic division and holds a degree in criminal justice administration.

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

028 - COMMUNICATION - Appointment of Alan Anderson, 60 Miry Brook Road, to the Environmental Impact Commission for a term to expire on Dec. 1, 1985.

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

029 - COMMUNICATION - Appointment of Mr. Thomas G. West, 21 Second Avenue as a member of the Parks and Recreation Commission for a term to expire on December 1, 1985.

Mr. West is a Superior Court Judge, former Assistant Corporation Counsel for the City of Danbury and involved in many recreational activities.

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

030 - COMMUNICATION - Appointment of Mrs. Dorothy Goldberg, Snug Harbor, to the Cultural Commission for a term to expire February 1, 1986.

Mrs. Goldberg is involved in many civic and cultural affairs and has expressed a willingness to serve as a member of this commission.

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

031 - COMMUNICATION - Re-appointment of Mrs. Jean Hazard, 13 Horseshoe Drive, to the Candlewood Lake Authority for a term to expire on April 1, 1987.

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

032 - COMMUNICATION - Re-appointments to the Aviation Commission:

Mr. Christopher Taylor, Ridgebury Road for a term to expire 7/1/1987 & Mr. Richard Tomaino, 81 Coalpit Hill for a term to expire 7/1/1987.

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

033 - COMMUNICATION - Request from Charles A. Bardo, Executive Director of the Parking Authority for a committee to review the plans for the proposed Library Place Parking Garage.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members - Cassano, Butera, Flanagan.

034 - COMMUNICATION - Request from James L. Purcell, Jr., President of the Veteran's Council for the Common Council to reconsider its action renaming the memorial and repeal any name change - The Veteran's Council passed a resolution on June 1, 1984 that the name Veterans Memorial Square continue as the designated name of the memorial area in Rogers Park.

A motion was made by Councilwoman McManus and seconded by Councilman Godfrey for the communication to be accepted. Motion carried.

035 - DEPARTMENT REPORTS

Airport Administrator
Fire Chief
Fire Marshal
Sanitary/Health Inspector
Equal Rights & Opportunities
Environmental & Occupational Health Services

Housing Inspector
Blood Pressure Program
Police Department
Veteran's Advisor

A motion was made by Councilman DaSilva and seconded by Councilman Boynton to dispense with the reading of 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.

036 - REPORT - Property on Starr Road.

Councilman DaSilva, Chairman of the Public Works Committee submitted a report stating that the Public Works Committee studied a request to purchase property on Starr Road. This property is part of a discontinued roadway in front of a parcel owned by John Val, the petitioner.

An on-site inspection of this area was conducted which revealed that this property is of no value to the City and would better suit our purpose by it's sale and addition to the tax rolls.

The committee received a recommended price of \$10,000 from City Assessor, Evo Butera. The committee therefore recommends the sale of the parcel of land on Starr Road, to John Val for the price of \$10,000.

The Report was accepted and the sale of property authorized by the Common Council on the Consent Calendar.

037 - REPORT - Guard Rail on Miry Brook Road.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request for a guard rail on Miry Brook Road near the Conn. Air Service. An on-site inspection of the area was conducted. At this inspection it was determined that the curve is not particularly dangerous and the addition of a guard rail would impose an additional danger for cars, creating more problems than it would solve.

The Public Works Committee recommends a denial of this petition for the reasons described above.

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

038 - REPORT - Proposed land swap at Old Segar Street and Mill Plain Road.

Councilman DaSilva submitted a report stating that the Public Works committee reviewed a request to exchange land on Old Segar Street for a parcel on Mill Plain Road for the purpose of a road improvement. Upon inquiry, it was discovered that, although the City has easement on this discontinued roadway, it does not have ownership. It is owned by the abutting land owners on each side up to the half way point.

The Public Works Committee recommends no action be taken on this request at this time.

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

039 - REPORT - Request to demolish cabin on Willow Trail.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to demolish a cabin on City owned property on Willow Trail. The cabin is long abandoned and a detriment to the neighborhood. The property with the cabin has been offered for sale in the past year for \$5,000 but was not sold.

The Public Works Committee feels that the asking price for this parcel may have been too high last year. We therefore recommend the property be offered again for sale with an up-set price of \$3,000. There was a bid on the property last time and we believe that lowering the price, as requested by the petitioner, will lead to the sale of the property and the relief to the City of maintenance of the building.

The Report was accepted and sale of property approved by the Common Council on the Consent Calendar.

040 - REPORT & CERTIFICATION - Roof at Hatters Park.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to replace the roof at Hatters Community Park over the bowling alley. The main beam has broken and the roof has collapsed. Besides the obvious problem to City property, this causes an additional problem concerning the lessees at the bowling alley.

The Public Works Department, through consultation with an architect has determined a price of approximately \$90,000 for the installation of a gable type roof to replace the present one. It is felt that this type of roof will service the building much better in the future.

The Public Works Committee recommends the appropriation of \$90,000 for the replacement of the roof above the bowling alleys at Hatters Community Park.

CERTIFICATION #040 was submitted by the Comptroller, Mr. John P. Edwards in the amount of \$69,000 available in the Contingency Fund for transfer to the Parks & Recreation Department for roof replacement at Hatters Park.

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

041 - REPORT & RESOLUTION - Drainage Rights & Easements - Eugene Lane.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to authorize the obtaining drainage rights and easements at Eugene Lane. There is a problem of water from City streets draining on to private property which can be solved by the installation of drainage pipes across several properties. This necessitates the acquisition of the drainage rights and easements as proposed.

The Public Works Committee recommends the approval of the following Resolution, authorizing the Corporation Counsel's office to obtain the necessary drainage rights and easements at Eugene Lane.

200
RESOLUTION - Whereas, the Common Council wishes to correct storm drainage in the area of Eugen Lane; and

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

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL THAT the Office of the Corporation Counsel be and hereby is authorized to acquire private property interests either by negotiation or by eminent domain through the institution of suit against the current property owners and their respective mortgage holders, if any.

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

042 - REPORT & RESOLUTION - Drainage rights at Stadley Rough Road and Dennis Gate.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to approve a Resolution to authorize the Office of the Corporation Counsel to obtain drainage rights in the area of Stadley Rough Road and Dennis Gate. There is a serious drainage problem in this area which would be alleviated by the acquisition of the proper drainage rights.

The Public Works Committee recommends the adoption of the following Resolution, authorizing the Corporation Counsel's Office to obtain drainage rights at Stadley Rough Road and Dennis Gate.

RESOLUTION - Whereas, the Common Council wishes to correct storm water drainage in the area of Stadley Rough Road and Dennis Gate; and

Whereas, said proposal will involve public use of private property as described in the schedule;

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 interests either by negotiation or by eminent domain through the institution of suit against the current property owners and their respective mortgage holders, if any.

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

043 - REPORT & RESOLUTION - HUD Grant Program.

Councilwoman C. Torcaso submitted a report stating that the committee to review the Resolution for HUD, met on June 25, 1984 with Carole Torcaso, Bernard Gallo, Paul Schierlough, Gene Barret attending. John Esposito was absent due to illness in the family.

The HUD Grant program was reviewed with much discussion to determine if the City of Danbury should apply for grant eligibility.

Mr. Gallo made a motion to recommend to the Common Council to approve the Resolution to authorize Mayor James E. Dyer to make all of the appropriate applications for grant funds available through the Federal Housing Development Grant Program. Motion was seconded and passed unanimously.

RESOLUTION - Whereas, the Federal Department of Housing and Urban Development makes grant funds available to municipalities to encourage residential rental housing development; and

Whereas, said development is intended to expand the available housing market for lower-income families; and

Whereas, said development 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 make any and all appropriate applications for grant funds available pursuant to the Federal Housing Development Grant Program.

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

044 - REPORT & RESOLUTION - Sewer Use Charges.

Councilwoman C. McManus submitted a report stating that the Common Council held a public hearing regarding the sewer use charges on June 25, 1984 in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on July 2, 1984 at 7:30 P.M. and recommends that the Resolution be adopted.

RESOLUTION - Whereas, a sewer use charge for the fiscal year commencing July 1, 1984 and ending June 30, 1985 in the amount of \$42.50 per unit has been proposed, which shall be payable in two equal installments of \$21.25, the first of which shall be due on September 1, 1984 and the second due March 1, 1985. Each installment shall be payable without penalty if paid on or before October 1, 1984 and April 1, 1985;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City Clerk be and hereby is authorized, pursuant to Danbury Code of Ordinances § k6-28, to set a public hearing at which time owners of property against which charges are to be levied shall have an opportunity to be heard concerning the proposed charges, all according to law.

Be It Further Resolved That the estimated Sewer Fund Cash Surplus in the amount of \$600,652 be appropriated from said Fund balance to the Sewer Operating Budget.

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

THAT the sewer use charge for the fiscal year commencing July 1, 1984 and ending June 30, 1985 shall be \$42.50 per unit, payable in two equal installments of \$21.25 each and due on September 1, 1984 and March 1, 1985. Each installment shall be payable without penalty if paid on or before October 1, 1984 and April 1, 1985.

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

045 - REPORT - Waiving of bids for drainage work at Hatters Park.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to waive bids for some drainage work at Hatters Community Park. Mr. Thomas Evans and Mr. Thomas Dyer of the Parks & Recreation Commission explained to the committee that this procedure was necessary at this time to speed the matter in that they would be able to find the source of the water disturbing the field and, therefore, drain it off.

If the process were delayed the source might not be found and the drainage work might be inaccurately done. This would delay the use of the fields for another year.

Because of the information presented the committee voted to recommend the waiving of bids for the proposed drainage work at Hatters Community Park. Mr. Esposito and Mrs. Torcaso voted in the negative.

The Report was accepted and waiving of bids authorized by the Common Council by a roll call vote of 13 Ayes and 5 Nays. Council Members - Torcaso, Esposito, Flanagan, Zotos, Butera, voted Nay. All other members present voted Aye (13) 3 members were absent.

046 - REPORT - Guard Rail on Lake Avenue.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request from residents of Lake Avenue for a guard rail in an area where cars frequently run into yards and homes because of the curvature of the road.

The committee, as well as Public Works Department personnel met with several residents to ascertain the best placement of these rails. The \$8,000 already certified, will allow installation of guard rails and the repair of curbing in this area.

The Public Works Committee voted unanimously to recommend approval of this request and the appropriation of \$8,000 for its accomplishment.

Certification #39 was previously submitted by Mr. John P. Edwards, Comptroller, in the amount of \$8,000 available in the General Fund balance for transfer to the Highway Department for the Lake Avenue Guard Rail. (4/3/84)

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

047 - REPORT - Approval of Plan for Turner Road.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Novo Laboratories to approve their proposed improvements to Turner Road where their new facility will be located. These improvements will be accomplished at their expense.

The Public Works Committee voted unanimously to recommend approval of the plans in conjunction with and under the supervision of the Public Works Department.

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

048 - REPORT - & CERTIFICATION - Asbestos Removal from City Schools.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the problem of asbestos removal from the Public schools in the City of Danbury. A report from architect Paul Pozzi was studied. Superintendent of Schools, I. Lober, Business Manager W. Skowronski and Board Member J. Ryan attended a meeting on this subject, as well as personnel from the Public Works Department.

The Chairman reported that a discussion with Mr. Pozzi revealed that the original timetable for the most critical asbestos removal by the opening of school in the Fall is impossible. It would take approximately one month to draw up the engineering documents, a few weeks for the bidding process and four to six weeks to complete the work. Mr. Pozzi further recommended the \$50,000 be appropriated as soon as possible for the documentation work for all asbestos removal.

When and if the Bond issue is passed by the voters of Danbury, the removal work could proceed immediately or be ready for next summer's recess. The chairman found from discussion with the Assistant Corporation Counsel that this money would be repaid to City coffers upon passage of the Bond Issue.

The Public Works Committee voted unanimously to recommend the appropriation of \$50,000 for the documentation process of the asbestos removal project from Danbury Public Schools.

CERTIFICATION #5 - was submitted by the Comptroller, Mr. John P. Edwards in the amount of \$50,000 available in the Contingency Funds for the documentation process of the asbestos removal project from Danbury Public Schools.

A motion was made by Councilman Gallo and seconded by Councilman Godfrey for the Report to be accepted and funds approved. Motion carried unanimously.

REPORT - Request of Henry Chan & Lai Chan for sewers - Padanaram Road.

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

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer 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 sewer 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 sewer 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 sewer lines.
8. Sewer use approved for one family home only. If use changes, owner must re-petition to the Common Council for further approval.

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

050 - REPORT - Request of Guri Dauti for sewers - 11 Abbott Street.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee of the Common Council has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval from the Planning Commission.

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

- #8. Sewer use approved for one two family house and one - one family house only. If use changes, owner must re-petition Common Council for further approval..

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

051 - REPORT - Claim - Robert Lubus vs. City of Danbury.

Councilman Eriquez submitted a report stating that the Claims committee met on June 21, 1984 at 7:30 P.M. in room 432 at City Hall. In attendance were the following: Council Members Eriquez (Chairman), Charles, Farah and Johnson and Assistant Corporation Counsel for Claims, Terry Sachs.

The only item on the agenda that prompted committee action was the case of Robert Lubus vs. City of Danbury.

Mr. Sachs explained to the committee that Mr. Lubus had filed suit against the City due to damages recognized from a drainage problem on his property on Old Shelter Road. He reported that the claimant felt that this situation was caused by City action and, therefore, the City was liable for the damages incurred.

Given the particulars of this case, the committee was advised that it would behoove the City to attempt to remedy this case prior to it being litigated and resolved by the Courts.

Therefore, the Claims committee recommends that a committee comprised of the Mayor or his designee, a Public Works Committee representative, a Claims committee member, the City Engineer and the appropriate Corporation Counsel be formed to consider a solution to the cause of the pending litigation and report that finding to the Claims committee.

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

052 - Report - Withdrawn.

023 - North Salem - North Ridgefield Environmental Improvement Assoc. et al. vs. Danbury Aviation Commission, et al.

At 8:35 O'Clock P.M. a motion was made by Councilwoman Constance McManus and seconded by Councilman Robert Godfrey for the Common Council to go into executive session. Motion carried unanimously.

In attendance at the executive session of the Common Council were the following members:

PRESENT: Council Members - Johnson, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Butera, Durkin, Eriquez, Torian.

ABSENT: Council Members - McGarry, Chianese, Farah.

Also in attendance were the Honorable Mayor James E. Dyer who presided over the meeting; City Clerk Elizabeth Crudginton, Assistant City Clerk, Mary Rickert, Corporation Counsel Theodore H. Goldstein, Attorney Robert W. Curry, a member of the law firm retained by the City of Danbury for the above captioned matter, Mr. John J. Scarfi, Chairman of the Aviation Commission and Mr. Paul Estefan, Danbury Airport Administrator.

023 - COMMUNICATION -

Honorable Mayor James E. Dyer
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: North Salem-North Ridgefield Environmental Improvement Assoc, et. al. vs. Danbury Aviaion Commission, et al.

Dear Mayor:

I am pleased to advise that agreement has been reached this day between counsel in the above-captioned matter whereby the same will be dismissed by the court following approval of the same by action of the Council. I feel that the agreement which has been reached is fair and equitable to all concerned and urge approval of the agreement by his Honor and the Common Council.

I further request the opportunity to discuss the matter further with the Council if it so desires.

Very cordially yours,

(signed)

Theodore H. Goldstein
Corporation Counsel

Copies of an "Agreement of Voluntary Dismissal by stipulation" was submitted by the Corporation Counsel, Theodore H. Goldstein, for Common Council review.

Mayor Dyer explained that the executive session was to discuss strategy and authorize Attorney Curry to sign the document.

A motion was made at 9:05 O'Clock P.M. by Councilman Ernest Boynton and seconded by Councilman Robert Godfrey for the executive session to be adjourned and the regular Council meeting to be reconvened. Motion carried unanimously.

A motion was then made by Councilman DaSilva and seconded by Councilman Boynton for the communication to be accepted and the Corporation Counsel be authorized to accept the Agreement of Voluntary Dismissal by Stipulation". Motion carried unanimously.

Mayor Dyer thanked Common Council President C. McManus for the very fine job done in handling City affairs during his absence.

Mayor Dyer also noted that the Charter and Ordinances of the City stipulate that Ad Hoc committees only have six weeks in which to submit reports. The Mayor urged the committees to report as soon as possible.

Mayor Dyer extended all committees and appointed Councilwoman C. Torcaso to the Sewer & Water Extension Committee.

In accordance with the provisions of the City Charter, Mayor Dyer asked if there was anyone who wished to address the Council on any matter listed on the Agenda for this meeting.

There being no speakers and no further business to come before the meeting, a motion was made by Councilman Gallo and seconded by Councilman Boynton for the meeting to be adjourned at 9:15 O'Clock P.M.

Respectfully submitted


Mary Rickert
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk