

TO: Honorable Mayor James E. Dyer - City of Danbury, Conn.  
 SUBJECT: Minutes of the Special Meeting of the Common Council held  
 on January 22, 1985.

The Meeting was called to order at 7:00 O'Clock P.M. by the Honorable Mayor James E. Dyer who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Bernard Gallo.

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

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

ABSENT: Council Members Cassano and Charles.

It was reported by Common Council President C. McManus, that Mr. Cassano was out of town on business and Councilman Charles had a previous engagement.

19 Members Present -- 2 Members Absent.

NOTICE OF SPECIAL MEETING - To be held on the 22nd day of January, 1985 at 7:00 O'Clock P.M. in the Council Chambers at City Hall, for the purpose of acting upon the following:

- 01 - COMMUNICATION - Appointment of Police Officers for the Danbury Police Department.
- 02 - COMMUNICATION - Appointment of Firefighters for the Danbury Fire Department.
- 03 - REPORTS - Public Works Committee Reports re: Cross Street Bridge.

RETURN OF SERVICE - Notices delivered and served by Police Officers of the City of Danbury.

A motion was made by Councilman DaSilva and seconded by Councilman Gallo for the Notice and Return of Service to be accepted.  
 Motion carried unanimously.

01 - COMMUNICATION - Appointment by the Mayor of the following Probationary appointments to the Danbury Police Department:

- 1. Matthew McNally - 5 Clayton Rd. - Danbury, Connecticut  
 Single, Age 22 - W.C.S.U. Criminal Justice Major, Senior Member of Marine Corps Reserve.
- 2. Martin Dinho - 8 Golden Hill Avenue - Danbury, Connecticut.  
 Married, Age 29 - Machinist at Columbia Magnetics
- 3. Joseph LeRose III - 2 Hilltop Manor - Danbury, Connecticut.  
 Age 21, Single - Senior at W.C.S.U., C.J. Major  
 Employed at Read's Maintenance Department.
- 4. Kevin Roth - 2 Allison Lane - Danbury, Connecticut.  
 Age 25, Single - Attends W.C.S.U. p/t C. J. Major  
 Employed by Danbury Hospital - Security Department
- 5. Karl Murphy - 11 Wedgewood Drive - Danbury, Connecticut.  
 Age 22, Single - Employed at Sears in Sales Department  
 Graduate of D.H.S. - Volunteer Firefighter.

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

02 - COMMUNICATION - Appointment by Mayor Dyer of the following probationary Firefighters:

1. Richard Paltauf - 11 Bonnie Brae - Newtown, Conn.  
Age 23, Single - Carpenter for Sullivan Construction.  
Attends Waterbury State Tech for Fire Technology.  
E.M.T. and Volunteer Firefighter.
2. William Weber - Linda Lane - New Fairfield, Connecticut  
Age 35, Married - Self Employed Carpenter - Associates Degree  
in Police Law - 6 yrs in National Guard.
3. Mark Perry - 60 Reservoir St. - Bethel Conn.  
Age 30, Married. Employed by Homequity as a computer specialist.  
Electronics training and pursuing an Assoc. Degree.  
E.M.T. Training and I.V.  
Volunteer Firefighter experience in Bethel.

All appointments will be effective upon swearing-in, and are dependent upon successful completion of the appropriate requirements.

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

03 - REPORTS - Public Works Majority Report and Minority Report  
Re: Cross Street Bridge - deferred on January 3, 1985  
for review by the Corporation Counsel.

Corporation Counsel Theodore H. Goldstein submitted an opinion that was read into the record by the City Clerk Elizabeth Crudginton:

Attorney Goldstein stated that he has now had an opportunity to review the minutes of the Common Council meetings of November 7, 1979 and of January 3, 1980 with relationship to the agreement between the State of Connecticut and the City of Danbury for the replacement of the Cross Street Bridge over the Still River.

Following written request of October 10, 1979 from Tim O'Sullivan, then Director of Public Works, then Mayor Donald W. Boughton on Nov. 6, 1979 requested adoption of a resolution by the Common Council which resolution was adopted at the adjourned meeting of November 7, 1979. Said resolution provided that the City of Danbury pay 20% of the estimated costs of bridge engineering to be performed by the State of Connecticut Department of Transportation and appropriated the sum of \$15,000 from the Contingency Account to the Professional Services Account in the Engineering Department as the City's share. Of particular importance, however, is that said resolution further resolved that Mayor Boughton "is hereby authorized and directed to enter into an Agreement No. 7.30-01(79) between the City of Danbury and the State of Connecticut for reconstruction of Cross Street Bridge."

Copy of said contract as provided reveals that Mayor Boughton signed the same on November 14, 1979 and that it was subsequently signed by the Chief Engineer of the Bureau of Highways and approved by Secretary-Office of Policy and Management and approved as to form by the Attorney General. The consummated agreement was submitted to Mayor James E. Dyer on Feb. 1, 1980.

The question at hand is dealt with in Sections 9 and 10 on page 3 of the Agreement. Paragraph 9 sets forth that the total estimated cost is \$75,000 of which the municipality's share is 20% or \$15,000. Said section further provides that, "The Municipality also agrees to reimburse the State for any preliminary rights-of-way activities necessary for the completion of the project." Section 10 of said Agreement provides as follows:

"In the event that right-of-way acquisition for, or actual construction of, the project is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed, the Municipality will reimburse the State, the sum or sums of funds expended by the State under the terms of this agreement."

The fifth fiscal year following the fiscal year in which the Agreement was executed closes on June 30, 1985. It is therefore, the opinion of Attorney Goldstein that if this project is not started by said date by way of right-of-way acquisition, or actual construction, that the City of Danbury is obliged to reimburse the State monies expended by it under the terms of the Agreement.

It might be noted that in its meeting of January 3, 1980, the new Common Council, following a letter from Mayor Dyer requesting redirection of the monies originally appropriated to the Engineering Department to a continuing Capital Account so that the funds would not expire at the end of the fiscal year, adopted such resolution which also authorized and directed Mayor Dyer to enter into the Agreement already signed by then former Mayor Boughton, and otherwise authorizing him to sign any additional contracts, agreements, documents or amendments thereto.

Councilwoman McManus, speaking against the Minority Report stated that as it is now the school buses cannot use the bridge, and recommended an amendment to the majority report to post signs allowing only 10,000 pound weight for the bridge.

Councilman DaSilva stated that the Fire Department and the school buses do not need to use this bridge.

Councilwoman Skoff concurred with Mr. DaSilva stating that the bridge is not on the school bus route.

Councilwoman Butera asked what <sup>is</sup> the life span of the bridge.

It was noted that the Engineer does not offer any life span.

Councilman Foti noted that the new bridge would accommodate 80,000 pound vehicles.

Councilwoman McManus replied that the City has a right to restrict the weight of vehicles using the bridge.

Councilman Foti stated that it does not sound logical to restrict the weight of vehicles using the bridge after building it to accommodate this weight.

Councilman Godfrey noted that if Federal funds were used, no municipalities can use their local powers to lessen the weight limit, also noting that the police officers can not be everywhere all the time.

Councilman DaSilva stated that the Police Department has manpower problems and cannot stop trucks if they are making a stop in that town.

Councilman Farah spoke in favor of the Majority report stating that we have to rely on people's consciences and they do comply in a great deal of cases. If we have the power to limit the weight restrictions we can accommodate only light traffic.

Councilman Eriquez stated that the new bridge would prompt commercial traffic.

Councilwoman Butera stated that trucks are going over this bridge now and they are still going to use the bridge. Why fix it half way.

Councilman Foti remarked that it will turn residential streets into a super highway.

After further discussions, Mayor Dyer explained that a vote in favor of the Minority Report would eliminate the Majority Report.

The Minority Report was accepted by a roll call vote of 12 Ayes and 7 Nays.

Council Members - Johnson, Sollose, Foti, Godfrey, Flanagan, Chianese, Skoff, DaSilva, Gallo, Boynton, Durkin, Eriquez voted Aye. (12 votes)

Council Members - Torcaso, Esposito, Zotos, McManus, Butera, Farah and Torian voted Nay (7 votes)

Two members were absent - Councilmen Cassano and Charles.

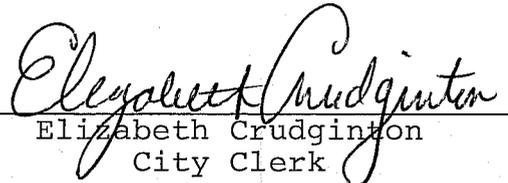
In accordance with Section 3-4 of the City Charter, Mayor Dyer asked if there was anyone from the audience who wished to address the Council Members before adjournment.

There being no public speakers and no further business to come before the Common Council a motion was made by Councilman Godfrey and seconded by Councilman Flanagan for the meeting to be adjourned at 7:35 O'Clock P.M. Motion carried.

Respectfully submitted

  
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Mary Rickert  
Assistant City Clerk

Attest:

  
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Elizabeth Crudginton  
City Clerk