

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

RE: Minutes of a Special Meeting of the Common Council held on June 26, 1985.

In the absence of Mayor Dyer, the meeting was called to order at 7:00 O'Clock P.M. by Common Council President Constance McManus, who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Joseph DaSilva.

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

PRESENT: Council Members - Sollose, Torcaso, Esposito, Zotos, Chianese Skoff, McManus, DaSilva, Cassano, Charles, Boynton, Torian.
Council Members Johnson and Godfrey arrived after roll call.

ABSENT: Council Members - Foti, Flanagan, Gallo, Butera, Durkin, Eriquez and Farah.

14 Members Present - 7 Members Absent.

It was reported that Councilmen Foti, Gallo, Durkin/^{Eriquez &} Butera were working. Councilman Farah and Councilman Flanagan were out of town.

NOTICE OF SPECIAL MEETING - To be held on the 26th day of June, 1985 at 7:00 O'Clock P.M. in the Council Chambers at City Hall, for the purpose of acting upon the following:

- 01 - REPORT - Re: Sunset Laws.
- 02 - REPORT - Re: Request from Norwalk Savings Society to waive interest charges on delinquent tax payments.
- 03 - REPORT - Re: Danbury Orthopedic Association Delinquent Tax Bills.

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 Godfrey for the Call and Return of Service to be accepted. Motion carried unanimously.

- 01 - REPORT - Sunset Review.

Councilwoman McManus, President of the Common Council submitted a Report stating that the Common Council held a public hearing on the Sunset Review of the following governmental entities:

1. Aviation Commission.
2. Redevelopment Agency.
3. Housing Site Development Agency.
4. Danbury Community Development Plan Agency.
5. Economic Development Commission.

Said Public Hearing was held on June 24, 1985 at 9:00 O'Clock P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole following the public hearing and recommends that the Danbury Community Development Agency, Danbury Redevelopment Agency and Aviation Commission be re-established.

Further, the committee recommends that the legal powers of the Housing Site Authority and the Economic Development Commission be transferred to the Common Council when those two entities are terminated. If this action is not taken, those powers will revert to the State..

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

A motion was then made by Councilwoman Torcaso and seconded by Councilman Charles to amend the first motion and Report to "re-establish the Housing Site Development Agency" and to remove from the Report that the Common Council accept the responsibility of the Housing Site Development Agency.

The Amendment carried unanimously, and the Housing Site Development Agency was re-established.

Councilman Boynton asked for the Corporation Counsel to submit an opinion on whether or not the Common Council can assume the powers of the Economic Development Commission.

Attorney Goldstein replied that he could not state that the Common Council can assume the authority of the Economic Development Commission.

A motion was made by Councilman Boynton, after further discussion on the matter, for the Economic Development Commission to be re-established. Motion was seconded by Councilman Charles and passed unanimously.

02 - REPORT - Request of Norwalk Savings Society for a tax rebate.

Councilman Boynton submitted a report stating that the committee appointed to review the above request met on June 13, 1985 at 8:15 P.M. in room 432 at City Hall.

Committee members present were Chairman E. Boynton, A. Cassano and J. Esposito. Also present were City Tax Collector, C. Skurat, Corporation Counsel T. H. Goldstein. Also present representing the Norwalk Saving Society were, Attorney William Allen, Jack Galar, Sr. Vice President; Richard Stump, Asst. Vice President and Deborah Capozzi of the N.S.S.

At issue is a check in the amount of \$27,452.08 issued on 1/18/85 covering Jan. 1, 1985 Tax payment for 92 Norwalk Saving Society customers who are Danbury Taxpayers, which was never received by the City of Danbury Tax Collector. The request of NSS is for a rebate of \$747.82 in interest charges caused by a late payment to cover the missing check.

Attorney Goldstein outline Connecticut General Statutes 12-129 "Refund of Excess Payments".

After much discussion regarding the problem of "Proof of Payment" vs "Proof of Intent" by both parties to the meeting, the committee voted to recommend, on a motion made by A. Cassano and seconded by J. Esposito, that the Council deny the request of the Norwalk Saving Society for a "Refund of Excess Payment".

The reason for this recommendation is due to the fact that this request was not justified under Connecticut General Statutes 12-129 and no proof was presented to indicate the City received said January Check in the amount of \$27,452.08.

A motion was made by Councilman Torian and seconded by Councilman Charles for the Report and recommendation to be accepted. Motion carried unanimously.

03 - REPORT - Danbury Orthopedic Association Delinquent Tax Bills.

Councilwoman Thora Skoff submitted a Report stating that the committee to which was referred a request from the Danbury Orthopedic Association, having considered the same, respectfully reports that the committee met on June 19, 1985 with the following persons in attendance: Mary Jo Douglas, Assistant Tax Collector; Mrs. Evelyn Ellis, Administrator for Danbury Orthopedics; Ms. Rebecca Annunziata, Mrs. Ellis's Assistant; Committee Members, Bounton, Charles and Skoff.

The committee reconvened on June 24, 1985 with Attorney Goldstein, Mrs. Cathy Skurat, Tax Collector; Mrs. Ellis, Mrs. Annunziata and all committee members present.

At the initial meeting the committee chairwoman reviewed the charge of the committee and read a letter of recommendation from Mrs. Skurat. Mrs. Ellis was asked to present her information. Mrs. Ellis stated that on May 1st, 1985, she realized that in the busy schedule of moving her office that the taxes to the City of Danbury had not yet been paid.

She instructed her assistant to mail the check. Consequently, Danbury Orthopedic was notified of interest charges due on late tax payments. Mrs. Ellis stated that she brought this matter before the Council since she knew she was right, that the check had been mailed on May 1st and that through an unintentional handling the envelope had been marked May 12th by Danbury Orthopedic's postal meter.

There was then lengthy discussion about the method of collection of the City of Danbury's Tax Office, that being a lock box system of City Trust. Councilman Boynton mentioned that he had asked for a copy of this lock box agreement.

The State Statutes governing this case were reviewed by the committee. Mr. Boynton moved to table the issue until such time as a copy of the lock box agreement would be made available to the committee. This motion passed.

Upon reconvening, the charge of the committee was reviewed. Attorney Goldstein was asked for a presentation of State Statutes. The State Statutes call for the postmark date to be the verification of timely payment.

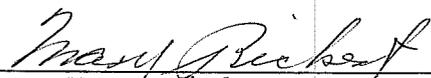
Mrs. Cathy Skurat, Tax Collector, was asked to make a presentation outlining this issue from the beginning of the problem. She stated that the Danbury Orthopedic envelope did not come through the lockbox system as it arrived after the last day for lockbox pick-up. The envelope, according to Mrs. Skurat was postmarked May 12 and arrived with mail postmarked May 3, 4 and 5. Mrs. Skurat explained how all taxpayers are treated equally with respect to postmark procedure.

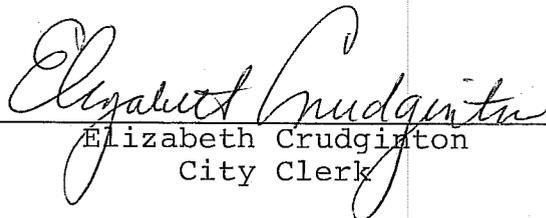
Following additional discussion, Mr. Boynton moved to deny the request to relinquish the tax assessment. He stated he did so with reluctance. Mr. Charles seconded the motion, also with reluctance. The motion passed unanimously, therefore the committee recommends to the Common Council that the challenge of bill by Danbury Orthopedic be denied.

Following further discussion, the motion made by Councilman Charles and seconded by Councilwoman Torcaso for the Report and recommendation to be accepted, passed with Councilman Boynton voting NAY.

There being no public speakers and no further business to come before the Common Council, a motion was made by Councilman Gallo and seconded by Councilman Torian for the meeting to be adjourned at 7:30 O'Clock P.M.

Respectfully submitted


Mary Rickert
Assistant City Clerk

Attest: 
Elizabeth Crudginton
City Clerk

6/26/85