

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

SUBJECT: Minutes of the Common Council Meeting held September 4, 1985.

The meeting was called to order, in the absence of the Mayor, by Common Council President Constance McManus 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, Cassano, Charles, Boynton, Butera, Durkin, Eriquez, Farah, Torian.

21 Members Present - None Absent.

NOTICES FROM MAYOR DYER

Notices were submitted by C. McManus, Common Council President who reported that Mayor Dyer had a previous commitment to attend a Neighborhood Watch session.

Birthday Greetings were extended by the Mayor to the following:

Thora Skoff - September 7, 1985.

Robert Godfrey - Sept. 11th

John Esposito - Sept. 12th.

Joe Chianese - Sept. 14th.

Beverly Johnson - Sept. 19th.

Mrs. McManus announced Mayor Dyer's Birthday to be September 20th and his wedding date to be September 15th.

Old Timers banquet to be held on September 26th.

Chamber of Commerce function - September 21st.

Tricentennial Commission Festival '85 will be held on Sept. 8th.

Formal closing ceremony for Tricentennial will be held on Sept. 22 at 2:00 P.M. at City Hall.

Rosh Hashanah - September 16th.

Yom Kippur - September 25th.

CONSENT CALENDAR

- 03 - Resolution, Communication & Certification Re: Application for a Grant to add a fourth Delta Taxiway.
- 04 - Communication - Application for deferral of Property Tax Assessment increase from Nolan Enterprises.
- 015 - Communication - F.C.I./City of Danbury Memorandum of Mutual Fire Protection.
- 018 - Communication - Additional Funds for State Aid Account.
- 022 - Communication - Appointment to the Aviation Commission.
- 023 - Communication - Appointment of an Alternate to the Planning Commission.
- 028 - Report & Certification - Funds for CACD for the Senior Aide Program.
- 030 - Report - Request for parking on Wildman Street.
- 031 - Report & Ordinance - Sewer & Water Applications.
- 034 - Report - Request of John H. Gagnon for payment for services to the Danbury Police Department.
- 038 - Report - Re: Pollution Ordinance.

Councilman Gallo requested removal of #037 (Report Re: Starrs Plain Cemetery) from the Consent Calendar. Request was granted.

A motion was made by Councilman Charles and seconded by Councilman Boynton for the Consent Calendar to be accepted as amended. Motion carried.

MINUTES - Minutes of the Common Council Meeting held on August 6, 1985.

A motion was made by Councilman DaSilva and seconded by Councilman Boynton for the Minutes to be accepted and reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Motion carried unanimously.

01 - CLAIMS - Kathleen Todd - Mary Young - Fairfield Processing Corp.-
John O'Connell - Keith Platz - Richard DeMerell - Anastazia
Cooper - Jorman Hovi - Margaret Webb - Jean Bastain - Gary
Capone.

Councilman Boynton requested referral of the Claims to the Claims committee and Assistant Corporation Counsel for Claims, Attorney Lawrence Riefberg. Council President C. McManus so ordered.

02 - RESOLUTION - To acquire property for pedestrian passage to National Place from Ives Street.

Councilwoman B. Johnson requested referral to an ad hoc committee and Planning Commission.

Council President so ordered and appointed the following committee: Esposito, Eriquez and Charles.

03 - RESOLUTION - Communication & Certification.

Application for a Grant to add a fourth Delta Taxiway.
Request for funds for Delta Taxiway.
Funds for Delta Taxiway.

Whereas, the City of Danbury intends to add a fourth taxiway (DELTA) to relieve aircraft taxiing congestion to the active runways, and this project will improve the safety and efficiency of airport operations; and

Whereas the City of Danbury will make application for a Federal and State Grant in an amount not to exceed \$672,000.00 with a local match of two and one-half (2½%) percent equaling an amount not to exceed \$16,800.00;

Now, Therefore, Be It Resolved That the Mayor of the City of Danbury, James E. Dyer, be and hereby is authorized to make application for said Grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

CERTIFICATION #6 was submitted by Mr. John P. Edwards, Acting Director of Finance certifying the availability of \$6,675.00 in the Contingency Account for City's share Delta Taxiway.

The Resolution was adopted and transfer of funds authorized by the Common Council on the Consent Calendar.

03-1 - RESOLUTION - Women, Infants, Childrens Supplemental Nutrition Program.

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

Whereas, a grant award of up to \$115,414.00 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 Health Services.

A motion was made by Councilman Boynton and seconded by Councilman Charles for the Resolution to be adopted. Motion carried.

The Resolution was adopted unanimously.

04 - COMMUNICATION - Application for Deferral of Property Tax Assessment Increase from Nolan Enterprises.

An application has been received for deferral of property tax assessment increase for 12-18 Crosby Street from Nolan Enterprises.

In order for a property to be eligible for this deferral the Planning Department is to review the application and make a recommendation to the Common Council.

As per Leonard G. Sedney, Planning Director, upon review of the application by the Planning Department it has been determined that the technical requirements of Section 8-14 of the City Code of Ordinances have been met. Therefore, this application is being forwarded to the Common Council for consideration.

The Communication was accepted and application for deferral granted by the Common Council on the Consent Calendar.

05 - COMMUNICATION - Request from the Portuguese Community that Liberty Street be re-named Luso Avenue (Portuguese Avenue).

Councilman Gallo requested referral to the Public Works Committee. Council President McManus so ordered.

06 - COMMUNICATION - Request of Fred Koontz for sewer hook-up to property located to the rear of Germantown Road.

Councilman DaSilva requested referral to the Sewer & Water Extension Committee and Planning Commission. Council President so ordered.

07 - COMMUNICATION - Request of Central Danbury Project Development Corporation for extension of water & sewer to East Ridge Office Park on Mountainview Terrace.

Councilwoman Janet Butera requested referral to the Sewer & Water Extension Committee and Planning commission.

Council President so ordered.

08 - COMMUNICATION - Danbury Safe Rides, ^{by} Tonya Clark, Acknowledgment and thanks extended/from Danbury Safe-Rides for the Grant authorized by the Common Council, and an invitation for the members of the Common Council to see their program in operation any Friday or Saturday night or attend a monthly meeting, the first Sunday of the month - 7:00 P.M. at the Danbury Elks Club.

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

09 - COMMUNICATION - Request for donations received to be applied to the Youth Commission Budget.

The Danbury Youth Commission will be sponsoring a Bicycle Rodeo for all ages of youth on September 29, 1985.

The committee working on the project sent a letter out to local businesses asking for a donation to defray anticipated expenses. The response was outstanding and heart warming. To date, \$50 checks have been received from the following companies:

Union Savings - Merchants Bank & Trust, Qualcorps, Lloyd Home & Building Centers, Nutmeg Federal Savings, Risdon Corporation, City Trust, Groliers Inc., Peoples Bank, Danbury Savings & Loan (sent \$500.00)
These checks total \$950.00

The purpose of the request is for the Common Council to authorize these donations to be applied to the Danbury Youth Commission Budget.

Checks have been sent to Dominic Setaro (Comptroller) pending Common Council approval.

A motion was made by Councilman Gallo and seconded by Councilman Boynton for the communication to be accepted and request for transfer authorized. Motion carried unanimously.

010 - COMMUNICATION - Donation by Union Carbide to the Danbury Youth Commission.

Union Carbide donated \$475 to the Danbury Youth Commission in support of the July 20th Beach Party at the Town Park. It is requested that the Common Council approve this check before depositing in their account. The check was sent to Dominic Setaro (Comptroller) pending Common Council action.

A motion was made by Councilman DaSilva and seconded by Councilman Foti for the communication to be accepted and transfer authorized. Motion carried unanimously.

Common Council President reported that Mayor Dyer has already sent letters acknowledging the donations and thanked the commission for soliciting their own funds.

011 - COMMUNICATION - Offer by Mrs. Irene Simonelli of two parcels of land to the City located on Chambers Road and Zinn Road, to be used for future road widening purposes.

Councilwoman Skoff requested referral to the Land Acquisition Committee and Planning Commission. Council President so ordered.

012 - COMMUNICATION - Request from Experimental Aircraft Association for parcel of land at Danbury Airport.

Councilman Gallo requested referral to an ad hoc committee and Planning Commission. Council President so ordered and appointed the following committee members: Farah, Zotos, Esposito.

013 - COMMUNICATION - Request from Michael J. Knievel, Library Director, for the City to purchase a house located adjacent to the Library's existing parking, #9 Bank Street. Rebelo's Realty is listing the property at \$125,000.

Councilman Sollose requested referral to the Land Acquisition Committee and Planning Commission. Council President McManus so ordered.

014 - COMMUNICATION - Ambulance Service. Request from Arthur J. Bennett, President of Med-I-Chair, Inc. for Common Council review of Ambulance Service.

Councilman Gallo requested referral to an ad hoc committee. Council President McManus so ordered and appointed the following committee members - Torian, Cassano, Skoff.

015 - COMMUNICATION - F.C.I./City of Danbury Memorandum of Mutual Fire Protection.

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

016 - COMMUNICATION - Request from Affiliated Candlewood Watershed Association to control the sale of phosphate-laden products.

Councilwoman J. Butera requested referral to the Health Committee. Council President McManus so ordered.

017 - COMMUNICATION - Request from Councilman Godfrey for an ad hoc committee to be appointed to investigate State Statutes regarding Veteran's Tax Exemptions.

Councilman DaSilva requested referral to an ad hoc committee. Council President so ordered and appointed the following committee members: Flanagan, Godfrey, Eriquez.

018 - COMMUNICATION - Request from D. Garamella, Director of Public Works to add \$2168.00 to the State Aid Account which will give a total of \$343,235. This will be the allotment for 1985-1986 which we received notice from the State of Connecticut, Town Aid Department.

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

019 - COMMUNICATION - Request from the Commission on Aging for the City of Danbury to provide funds for a Title V Senior Aide.

Councilman Torian requested referral to an ad hoc committee. Council President so ordered and appointed the following committee members: Boynton, Skoff, Sollose.

020 - COMMUNICATION - Request from the CACD for the restoration of \$75,000 for their budget.

Councilwoman J. Butera requested referral to an ad hoc committee. Council President so ordered and appointed the following committee members: Torcaso, Cassano, Butera.

021 - Withdrawn

022 - COMMUNICATION - Appointment of Roy A. Platt, 15 Autumn Drive, Danbury, to the Aviation Commission for a term to expire July 1, 1988.

Mr. Platt is a Real Estate Broker in Danbury and is active in many community activities.

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

023 - COMMUNICATION - Appointment of William A. Hajj, 17 Gregory Street, Danbury to the Planning Commission as an alternate member for a term to expire January 1, 1988. Mr. Hajj is an insurance agent in Danbury.

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

024 - Withdrawn
025 - Withdrawn
026 - Withdrawn

027 - DEPARTMENT REPORTS

Airport Administrator	Housing Inspector
Fire Chief	Blood Pressure Program
Fire Marshal	Building Department
Health Inspector	
Commission on Equal Rights & Opportunities	
Environmental & Occupational Health Services	

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

AD HOC COMMITTEE REPORTS

028 - REPORT & CERTIFICATION - Funds for CACD for the Senior Aide Program.

Councilwoman Carole Torcaso submitted a report stating that the committee met on August 26, 1985 at 7:30 P.M. with committee members Carole Torcaso, Thora Skoff and Anthony Cassano attending. John Esposito and Donald Sollose attended as ex-officio members. Mr. George Coleman, Acting Director of CACD and several seniors and volunteers, associated with the Senior Aide Program, were also in attendance.

Mr. Coleman discussed the Senior Aide Program and the benefits that are provided to seniors in the region. He stated that the administrative costs cannot be taken from Federal funds, however, the Federal program requires an administrator.

Mrs. Torcaso asked Mr. Coleman if the \$7,000 requested from other agencies had been approved. He stated that he was confident they would be forthcoming, however, since most meet on a cycled basis and had not yet held meetings, he had no commitments.

Mr. Coleman stated that the Federal funds for the program amount to \$132,475 and the cost of a 20 hour/week administrator was \$11,238.

Mrs. Skoff made a motion at the committee meeting that the committee recommend a sum of \$5,000 be appropriated for the Senior Aide Program. Mr. Cassano seconded the motion and it was passed unanimously.

CERTIFICATION #4 was submitted on July 24, 1985 by Mr. John P. Edwards, Comptroller, certifying \$5,000 from the Contingency Account for a new program established by CACD entitled "Administration for Senior Aides Program:."

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

029 - Withdrawn

030 - REPORT - Request for parking on Wildman Street.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request to allow parking on Wildman Street near Pinto's Market. An on-site inspection of the area was performed. While the committee understands the need for parking for a small business such as this, they must regretfully recommend a denial of this request.

Wildman Street was recently reconstructed as a part of the Road Improvement Program. All of the projects in this program have been developed to increase traffic flow through the City. The committee feels that because Wildman Street was not widened at this point, a traffic hazard, as well as a restriction of traffic flow, would occur if parking were allowed in the area in question.

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

031 - REPORT & ORDINANCE - Sewer & Water Applications.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing regarding the proposed Ordinance for sewer & water application, on August 19, 1985 at 7:00 P.M.

The Common Council met as a committee of the whole immediately following the public hearing and unanimously voted to recommend that the Common Council adopt the Ordinance as submitted.

ORDINANCE - Be it ordained by the Common Council of the City of Danbury:

That the Code of Ordinances is hereby amended by adding a section, which shall be read as follows:

All applications for permission to extend sewer or water services shall be presented to the Common Council on forms supplied by the City Clerk. Said applications shall specify the proposed use of the property to be served by said line or lines with sufficient particularity to allow the Common Council to determine the impact that such a proposed extension would have on the municipal utility system involved. For purposes hereof, specific land use proposals shall indicate, in the case of residential development, the current zoning classification of the property involved, the number and kind of dwelling units under consideration and the maximum final density of the project. In cases of non-residential development, specific land use proposals shall indicate the zoning classification of the property involved, the type of use and the number of square feet of floor area under consideration.

If, following action by the Common Council authorizing the extension of utilities to the property to be served, alterations or modifications are made to the proposal which could have an additional impact on the municipal utility system involved, no connection permit shall be issued by the Public Works Department until the proposed modification or alteration has been reviewed and approved by the Common Council.

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

032 - REPORT - Request for funds for employee service benefits.

Councilman Torian submitted a report stating that the committee appointed to review the above request, met on August 15, 1985. In attendance were committee members Torian, McManus and Gallo and Acting Director of Finance, John P. Edwards.

Mr. Edwards was asked to elaborate on the details of the request for Employee Service Benefits. He stated that in September of each year, a municipal employee can request to be paid all of his accumulated unused sick days that exceed 115 days. If this request is not made in September, the excess balance stays in the employee service benefits account. This practice is standard, unless an employee dies or retires, in which case the funds are paid out immediately.

Mr. Edwards is aware of five potential 1985 retirees who could retire anytime between now and June, 1986. The funds required to pay these employees would total \$72,562.00. He felt however, that due to existing income tax regulations, most, if not all, of these employees would rather wait until after January 1, 1986 to receive these funds.

Councilwoman McManus motioned at the committee meeting to deny the request without prejudice to allow Mr. Edwards to come back in December, 1985 with more definitized figures for presentation at that time, seconded by Councilman Gallo. The vote was unanimous.

A motion was made by Councilman Gallo and seconded by Councilman Charles for the Report to be accepted as read. Motion carried unanimously.

Ordinance

033 - REPORT & Public Act No. 85-165 "An Act Enabling Municipalities to allow an Additional Amount of Exemption from Property Tax for Persons Who are Blind."

Councilman Eriquez submitted a report stating that the committee formed to consider the adoption of the above Ordinance met on Aug. 19, 1985 in room 432 at City Hall, following the public hearing conducted that evening. In attendance were Council Members Eriquez, Charles & Torcaso.

Mr. Eriquez relayed information provided to him by Mr. William Patton, Executive Director of the State Department of Human Resources, Board of Education and services for the Blind.

Section 12-81 of the General Statutes currently allows a tax exemption on the assessed value of "property to the amount of Three-thousand dollars belonging to, or held in trust for, any blind person, resident of this State..."

Public Act 85-165 will allow an additional Two-thousand dollar tax exemption on the assessed value of property for those legally blind persons who meet certain financial need standards imposed by this legislation. This additional exemption is subject to adoption by the legislative body of each municipality.

It is intended to lessen the financial burden or need for greater assistance for those eligible blind persons, especially those who are older and/or living on limited or fixed incomes.

Following discussion and after careful consideration, Mrs. Torcaso moved to recommend to the Common Council that this legislation be adopted for the reasons mentioned above. Motion was seconded by Mr. Charles and passed unanimously.

This act is intended to be effective for the assessment list year beginning October 1, 1985.

A motion was made by Councilman Charles and seconded by Councilman Boynton for the Report to be accepted and Ordinance deferred for Public Hearing. Motion carried.

034 - REPORT - Request of John H. Gagnon Phd for payment for services to the Danbury Police Department.

Councilwoman Thora Skoff submitted a report stating that the committee met regarding the above request, on August 26, 1985 at 6:30 P.M. in City Hall. In attendance were Council Members Thora Skoff, Donald Sollose, Russell Foti, Police Chief Macedo, Lt. Sullo, Dr. Gagnon, Comptroller D. Setaro and Director of Finance, John P. Edwards.

At this time it was explained to the committee that Dr. Gagnon had previously met with Chief Macedo and Lt. Sullo and had come to an agreement and resolution of this problem. All three had concurred that a misunderstanding had taken place and Dr. Gagnon had not been contracted by Chief Macedo for payment of services.

Mr. Setaro and Mr. Edwards concurred that there still is a need for the Police Department and Corporation Counsel and Dr. Gagnon to make a specific contract for services and follow regular business procedures. All parties at this meeting were in agreement about this point.

Dr. Gagnon withdrew his Claim as submitted to the Common Council on the August Agenda; therefore no further action is needed by this committee.

Councilman Foti moved to refer this to the Corporation Counsel for review. Councilman Sollose seconded the motion which passed unanimously.

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

035 - REPORT - Use of City Property at King Street School.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from the King Street School Parent Teacher Organization to use a parcel of City owned property, abutting the school, for use as a nature center. Representatives of this group discussed the proposed use of this property with the committee.

Approval was obtained from the Director of Public Works, D. Garamella, and Director of Parks and Recreation, R. Ryerson, for the use of this land. There are no anticipated uses of this parcel at this time.

The Public Works Committee feels that this is a commendable project. It recommends permission be granted to King Street School to use eight acres of City property (2.999 acres of the Keenan Property and 5.001 acres of the Drska property) for use as an environmental study area. This property to be maintained by the King Street School and its Parent Teacher Organization.

A motion was made by Councilman Boynton and seconded by Councilman Eriquez to accept the report and committee recommendation. Motion carried unanimously.

036 - REPORT - Request to acquire land abutting Segar Street.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Corporation Counsel T.H. Goldstein, for the acquisition of property abutting Segar Street. This property is needed for the reconstruction of the bridge and the relocation of a water line on this street. The cost for the bridge will be borne by the owners of the shopping mall being constructed in the area. The City will install the water line. The Mall owners have also agreed to widen Segar Street in one area at its expense.

The Public Works Committee voted 4-2 to recommend approval of the acquisition of various properties and easements abutting Segar Street to enable the bridge construction and the water line relocation as mentioned above. Mr. Cassano and Mrs. Torcaso voted in the negative.

A motion was made by Councilman Eriquez and seconded by Councilwoman Torcaso for the Report to be accepted.

Under discussion, Councilman Boynton asked for the total cost of this operation.

Councilman DaSilva replied that he didn't know the total cost of the project, but that we are not paying for that. Wilmore has assumed the cost.

Mr. DaSilva continued that the City funds are of acquisition of property to enable the reconstruction of the bridge, to be made wider to accept the traffic more easily. Total cost of that has not been finalized, in that negotiations have to be performed for easements and acquisition. Hopefully under \$25,000.

In further reply to Councilman Boynton, Councilman DaSilva stated that agreement for Wilmorite Corp. to reconstruct the bridge is not really with the City. It is with the State Department of Transportation and is more of an order from them as opposed to an agreement with the City.

As to water agreement on the water line, it would be through Planning or Engineering or the Water Department.

When asked to address the Council, Leneord Sedney, Director of Planning, stated that the City is to install the water line while Wilmorite reconstructs the bridge. The City intends on bringing the water line across the bridge when it is under construction. There is an anticipated need in the future for that line and we would not have to dig up the bridge, down the line.

Mr. Sedney continued - While Wilmorite is constructing the bridge the City would like to install the water line. The Cost is estimated at \$250,000 for the bridge alone. They are also going to install a rubberized pad over the Railroad Crossing estimated at about \$148,000. They may also be reconstructing part of Segar Street.

Mr. Boynton stated that there is no need to replace the bridge just to service Wilmorite. Wilmorite should pay for certain extensions of the water pipe.

Councilman DaSilva replied that the water pipes will not be used to service Wilmorite Corporation. We are enlarging it for City water users in general.

Councilman Flanagan stated that the money being used by Wilmorite Corp. is for public improvement.

Councilwoman Thora Skoff asked through the chair of Corporation Counsel T. H. Goldstein, "When and under what conditions will this come back to the Council for action and will there be a subsequent vote on it".

Attorney Goldstein replied "If this is approved tonight by the Council, we will first seek an appraisal of two parcels involved - each of which is less than one-tenth of an acre. One owned by Conrail and the other by Oneglia and Gervasoni. In addition to the two parcels we will also acquire for temporary purposes, a strip of land adjoining the O. & G. property. This total acquisition will be less than 0.2 acres of land.

After we get the appraisals, it will be necessary to come back to the Council to seek two things:

#1 - Funds necessary to acquire the property and #2 - Authority to bring condemnation action if, in fact, we cannot arrive at a negotiated figure"

Attorney Goldstein added that we are increasing a 12 inch pipe to a 20 inch pipe in the area, closing a loop which will be of benefit to water users in that area and that we are taking advantage of the fact, that property area will be torn up in order to get our pipes in which our Engineering Department and Water Department had under consideration for some time.

After further discussion and comments from Council Members, a motion was made by Councilman Flanagan and seconded by Councilman Godfrey to move the question. Motion carried.

The original motion for the acceptance of the Report and committee recommendation to acquire the land abutting Segar Street, was carried by a roll call vote of 13 Ayes & 8 Nays.

Council Members - Johnson, Foti, Torcaso, Chianese, Gallo, Cassano, Boynton, Butera, voted Nay. 8 votes.

Council Members - Sollose, Esposito, Godfrey, Flanagan, Zotos, Skoff, McManus DaSilva, Charles, Durkin, Eriquez, Farah and Torian voted AYE. 13 votes.

037 - REPORT - Starrs Plain Cemetery.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request from Councilman Eriquez for the removal of a collapsed Chapel and the general clean up of the Starrs Plain Cemetery. Conditions at the cemetery are creating an eyesore and a health hazard for children in the area. A check of the land records revealed that no owner of the property is listed, thereby creating a City responsibility.

The Public Works Committee recommends that the Public Works Department remove the collapsed building at the Starrs Plain Cemetery and perform a clean up of the site.

A motion was made by Councilman Gallo and seconded by Councilman Eriquez for the Report to be accepted as read. Motion carried unanimously.

038 - REPORT - Pollution & Contamination Ordinance.

Councilman Torian submitted a Health Committee Report stating that the committee met on the request from Fire Chief Monzillo, for an Ordinance in reference to Pollution and Contamination for the City of Danbury.

In attendance were committee members Torian, Johnson, Skoff and Charles, Fire Chief Monzillo, Assistant Chief Gerlach, Health Director W. Quinn, and in an ex-officio capacity, Councilman Esposito.

Chief Monzillo briefed the committee on the advantage and cost effectiveness of the proposed Pollution and Contamination Ordinance. He stated that although Connecticut General Statutes CGS22A-452 generally addresses the issue of Pollution and Contamination cleanup reimbursement, the implementation of the proposed Ordinance would be better suited for Danbury because it would provide for a wider range of control at the local level.

Councilwoman Skoff motioned that the committee recommend that Assistant Corporation Counsel Gottschalk be requested to review the proposed Ordinance in conjunction with CGS22A-452 and CGS22A-452A, and formulate a proposed draft which would increase the authority for the City of Danbury in this area, for presentation to the Health Committee at a later date, seconded by Councilman Charles and passed unanimously.

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

A motion was made by Councilman Flanagan and seconded by Councilman Gallo to add an item to the agenda to be numbered 39. Motion carried.

039 - REPORT - Request from J. Bertalovitz for payment of unused vacation time.

Councilman Flanagan submitted a report stating that the committee appointed to review former Chief Joseph Bertalovitz's request to be paid for unused vacation time during his tenure as Fire Chief, met in room 432 in City Hall on August 13th and August 29th, 1985.

In addition to the committee members, Mr. Bertalovitz and City Comptroller John P. Edwards attended the first meeting. Mr. Bertalovitz explained that while Chief of the Danbury Fire Department from 1970 to 1983, he never took a vacation and therefore was now entitled to compensation in an amount equivalent to his earnings for that extra work time. This unused vacation time amounted to over \$20,000.00.

Mr. Edwards made clear that the Chief was indeed paid his full salary for every year he worked. Furthermore, it was emphasized that an employee entitled to vacation time turns it down at his or her own choice. To choose to work during a vacation and then to request additional compensation for that same period is to, in effect, give yourself a raise in pay.

Upon request, Assistant Corporation Counsel Gottschalk reviewed the claim. His findings confirmed that Civil Service Commission Rules and Regulations, custom and practice, and the implied contract between Mr. Bertalovitz and the City, conclude that no claim is warranted.

Mr. Flanagan noted that the committee holds Chief Bertalovitz in the highest esteem and commend him for forty years of dedicated service to Danbury. However, the committee must recommend to their colleagues that this claim be denied, as they so moved in committee unanimously.

A motion was made by Councilman Boynton and seconded by Councilman Torian for the Report and committee recommendation to be accepted. Motion carried with Councilman Foti voting Nay.

Common Council President C. McManus extended all committees.

PUBLIC SPEAKING SESSION

Harry Kessler of Lake Waubeeka spoke on the following items listed on the agenda:

#11 Offer of land to the City on Chambers Road & Zinn Road for road widening purposes.

Mr. Kessler questioned this offer of land as an inducement for widening the road.

#16 - Request from Affiliated Candlewood Watershed Association to control the sale of phosphate-laden products.

Mr. Kessler stated that we do not need another organization to contend with.

032 - Report - Request for funds for employee service benefits.

Mr. Kessler stated that these fringe benefits will bankrupt the City.

033 - Report & Ordinance - Tax Exemptions for the Blind.

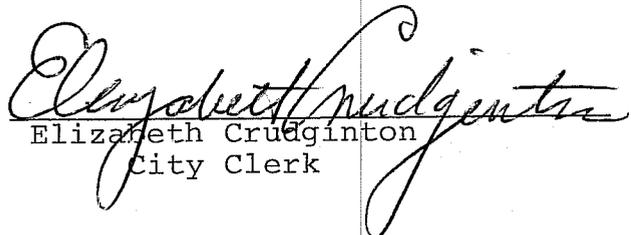
Mr. Kessler spoke in opposition to this Ordinance.

There being no further business to come before the Common Council, a motion was made by Councilman DaSilva and seconded by Councilman Gallo for the meeting to be adjourned at 9:10 O'Clock P.M.

Respectfully submitted


Mary Riekert
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk