

TO: Honorable Mayor James E. Dyer - City of Danbury, Conn.
SUBJECT: Minutes of the Common Council Meeting held October 1, 1985.

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.

Councilman Bernard Gallo offered the Prayer.

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

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

ABSENT: Council Members - Torcaso, Chianese and Cassano.

It was reported that Council Members Torcaso and Cassano were out of town and Councilman Chianese was working.

18 Members Present - 3 Members Absent.

NOTICES FROM MAYOR DYER

Mayor Dyer expressed deep appreciation to all those who worked and volunteered their services during the storm due to Hurrican Gloria this past weekend.

Mayor Dyer announced that the Columbus Day Dinner Dance will be held on October 12th. and that the annual Governor's Day will be sponsored by the Rotary Club.

The Mayor also thanked the Tricentennial Committee for their guidance of many events during this past year.

Datahr Dinner Dance will be held on October 14th at the Ethan Allen Inn.

Mayor Dyer extended Best Wishes to Byron Johnson for a speedy recovery.

Mayor Dyer extended Best Birthday Wishes to the following:

October 4th - Chief Monzillo - Danbury Fire Department.
October 7th - Chief Macedo - Danbury Police Department.
October 16th - Clarice Osiecki - Chamber of Commerce Director.
October 21st - Councilman Stephen Flanagan.
October 15th - Councilman Anthony Cassano.
October 25th - Councilwoman Carole Torcaso.
October 31st - Councilman Joseph Chianese.

Forty-fifthwedding anniversary was celebrated on Oct. 5th by Mr. & Mrs. Peter Winter. Mayor Dyer extended Best Wishes to them and offered Congratulations and Best Wishes to Mr. & Mrs. Keith Colgan on the birth of their daughter Ashley Ann.

CONSENT CALENDAR

Councilman DaSilva submitted the following items to be accepted on the Consent Calendar:

- 017 - Communication - Audit of State Project 34-177 Re: Construction of Cross Street Bridge over Still River.
- 019 - Communication & Certification - Additional funds for Civil Service Commission for testing procedures.
- 027 - Appointment to the Conservation Commission.
- 028 - Appointment to the Board of Ethics.
- 033 - Report - Drainage problem on Lamar Road.
- 034 - Report - Request for Guard rail on Middle River Road.
- 035 - Report & Certification - Funds for flashing light on Hayestown and Great Plain Roads.
- 036 - Report & Resolution - Acceptance of East Starrs Plain Rd.
- 037 - Report - Request from the Special Police Association.
- 038 - Report & Resolution - To acquire property for pedestrian passage to National Place from Ives Street.
- 040 - Report - Request of Morganti, Inc. for water - Federal Road.

- 041 - Report - Request from Candlewood Watershed Association.
- 042 - Report - General Employee's Pension Plan proposal - rejected.
- 043 - Report - Ambulance Service.
- 044 - Report - Problems on Hayestown Road.
- 046 - Resolution - Balmforth Avenue/Maple Avenue Road Project.

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

MINUTES - Minutes of the Common Council Meeting held Sept. 4, 1985.

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

- 01 - CLAIMS - Jeffrey Powers - Mrs. Anthony Tartaglia - Ethel R. Simone
Mrs. Hubert A. Davis - Anthony Bruso.

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

- 02 - RESOLUTION - Segar Street Bridge.

Whereas, the Common Council has duly voted to authorize the expenditure of funds to complete improvements to various City bridges; and

Whereas, the Common Council wishes to reconstruct the Segar Street bridge; and

Whereas, said project will oblige the City of Danbury to acquire certain interests in real property as hereinafter set forth; and

Whereas, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED that the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders or encumbrances if any.

The owners and the properties affected hereby are shown and designated on exhibits A, B, and C.

A motion was made by Councilman DaSilva and seconded by Councilwoman McManus for the Resolution to be adopted.

Councilwoman Skoff asked for a dollar figure and asked where the money was coming from.

Corporation Counsel replied that the money is to come from the Public Improvement Bonds. \$4,245,000 has been set aside for bridges, which allows more than ample funds.

Mayor Dyer noted that we would have a grant from the State of Connecticut for this bridge and Golden Hill.

Councilman Flanagan stated that he was uneasy and concerned that funds will not be available for the projects.

The Resolution was adopted unanimously.

03 - RESOLUTION - Funds to preserve Castle on Park's Property.

Whereas, the National Trust For Historic Preservation has made grant funds available to municipalities in accordance with provision of the National Historic Preservation Act of 1966 for architectural services;

Whereas, the City of Danbury wishes to preserve the structural and historic integrity of the "Castle" on the Park's property;

Whereas, a grant of up to \$2,000 with a local match requirement of up to \$2,000 is available for architectural services to protect the "Castle" from further deterioration;

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Planning Department and Mayor James E. Dyer be and hereby are authorized to make application for said grant, and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

A motion was made by Councilwoman McManus and seconded by Councilman Flanagan for the Resolution to be adopted. Motion carried.
Resolution was adopted unanimously.

04 - RESOLUTION - Rental Rehabilitation Program - Agreement with a local bank to service program loans for low or moderate income families.

Following a motion made by Councilman Boynton and seconded by Councilman Godfrey, the following amendment was made to this Resolution:

To amend the third paragraph to read:

Whereas, said mortgage agreements will be serviced by a private bank, for a fee not to exceed 2% interest.

AMENDED RESOLUTION - Whereas the City of Danbury has made application for federal grant funds to enable it to implement the Rental Rehabilitation Program for Low or Moderate Income Families; and

Whereas, the program will involve the execution of mortgage agreements with successful program applicants; and

Whereas, said mortgage agreements will be serviced by a private bank, for a fee not to exceed 2% interest;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Mayor of the City of Danbury and the Executive Director of the Danbury Community Development Agency administering the Danbury Community Development Block Grant be and hereby are authorized to execute any and all agreements with banks and mortgage applicants and to take any additional actions which may be necessary to accomplish the purposes hereof.

The Resolution as amended was adopted unanimously.

RESOLUTION - Rental Rehabilitation Program - Individual Mortgage Agreements.

Whereas, Federal moneys are available under the Connecticut Rental Rehabilitation Program, administered by the State of Connecticut, Department of Housing, pursuant to Section 17 of the United States Housing Act of 1937 (the Act) which was enacted into law in Section 301 of the Housing and Urban-Rural Recovery Act of 1983, Public Law 98-181, Statute 1153; and,

Whereas, pursuant to Chapters 127c, 130, and 133 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal moneys to local municipalities; and,

Whereas, it is desirable and in the public interest that the City of Danbury make application to the State for \$100,000 and 20 Section 8 Rental Assistance Certificates and Rental Assistance Vouchers in order to undertake a Rental Rehabilitation Program and to execute an Assistance Agreement therefore, should one be offered.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Chapters 127c, 130, and 133 of the Connecticut General Statutes; and,
2. That the filing of an application by the City of Danbury in an amount not to exceed \$100,000 and 20 Section 8 Rental Assistance Certificates and Vouchers is hereby approved, and that the Mayor is hereby authorized and directed to file such application with the Commissioner of Housing, to provide such additional information, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, recensions, and revisions thereto, and to act as the authorized representative of the City of Danbury;
3. That all prior action taken by the Mayor of the City of Danbury with respect to this application is hereby ratified.

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

The Resolution was adopted unanimously.

06 - COMMUNICATION - Request from HART for permission to erect two bus stop shelters at Kennedy Park.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Flanagan, Zotos, Skoff.

07 - COMMUNICATION - Donation from NorthEast Utilities for the 1985 Run for Education Program. (\$50.00)

A motion was made by Councilwoman McManus and seconded by Councilman Charles for the donation to be accepted and a letter of thanks to be sent. Motion carried. Mayor Dyer informed the Council that proper acknowledgment has been sent by the Mayor's Office.

08 - COMMUNICATION - \$50 donations received from Helicoil and Boehringer Ingelheim for the Youth Commission to help defray the cost of the September 29th Bike Rodeo.

A motion was made by Councilwoman McManus and seconded by Councilman DaSilva for the donations to be accepted and a letter of thanks to be sent. Motion carried.

Mayor Dyer informed the Council that proper acknowledgment has been sent by the Mayor's Office.

Councilwoman Butera noted that Peter Philips is to be thanked as Chairman of the Youth Commission.

09 - COMMUNICATION - Request from Sidney Eller to acquire city property at 9 Concord Street.

Councilwoman McManus requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

010 - COMMUNICATION - Request from James Poodiack for sewer hook-up to 16 Dartmouth Lane.

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

011 - COMMUNICATION - Application of Danbeth Corporation for extension of sewer & water to Turner Road.

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

012 - COMMUNICATION - Request of Renei Trespalacio re: Woodside Avenue Sewer Project Assessments.

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

013 - PETITION - Request for paving re: Colonial Acres - Colonial Drive and Pilgrim.

Councilwoman McManus requested referral to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

014 - PETITION - Request to accept College Park Drive.

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

015 - COMMUNICATION - Request of Franklin Common Condominiums Assoc. Inc. for traffic patrol at the intersection of Hoyt Street and Franklin Street.

A motion was made by Councilwoman McManus and seconded by Councilman DaSilva for the communication to be accepted and the matter to be referred to Police Chief N. Macedo who is to report his disposition within 30 days. Motion carried.

016 - COMMUNICATION - Proposed Property Acquisition Procedures - Relocation of Route U.S. 7.

Councilman Sollose requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Esposito, Eriquez and Charles.

017 - COMMUNICATION - Audit of State Project 34-177 Re: Construction of Cross Street Bridge over Still River.

The Department has concluded the audit of this project. The audit indicates that a reimbursement of \$106,618.72 is due the State. The Department will be billing the City shortly.

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

018 - COMMUNICATION - Request from Danbury Airways, Division of Transnational Corporation for the City of Danbury to consider cancellation of its lease with Connecticut Air Service.

Councilwoman McManus requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Cassano, Godfrey, Butera.

019 - COMMUNICATION & CERTIFICATION - Request from the Civil Service Commission for additional funds to continue testing procedures for the following:

1. To complete all phases of the upcoming examinations for Firefighters.
2. To develop and administer the upcoming Drillmaster Test. (Fire Dept.)
3. To develop and administer the upcoming Inspector/Deputy Fire Marshal (Fire Dept.)
4. To develop and administer the upcoming Shift Commander's test. (Fire Dept.)
5. To develop and administer the upcoming Captain's test (Fire Dept.)
6. To develop and administer the upcoming Lieutenant's test. (Fire ")
7. To develop and administer the upcoming Police Officer's test.

All eligibility lists have expired for the above positions.

8. To maintain current physical examination program for all prospective appointees.

The police academy has a new policy that all appointees must have a "Stress Test" before being accepted. The cost per candidate is \$225 in addition to the regular physical exam which we administer.

9. To maintain sufficient funding based on the needs of the upcoming job announcements.

\$15,000 in additional funding is requested to effectively perform the criteria established by the Commission.

CERTIFICATION #11 was submitted by Mr. John P. Edwards, Acting Director of Finance in the amount of \$15,000 available in the Contingency Account to be transferred to the Civil Service Commission.

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

020 - COMMUNICATION - Commission on the Status of Women Budget.

Councilman Gallo requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Torcaso, Esposito and Flanagan.

021 - COMMUNICATION - Request for funds for Spanish Learning Center.

Councilman Sollose requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Farah, Skoff, Sollose.

022 - AGREEMENT & CERTIFICATION - Agreement between the City of Danbury and Danbury Police Union Local 891 and Council 15, AFSCME - AFL-CIO.

Councilman Boynton requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Boynton, Skoff and Charles.

Councilman Charles stated that "we have entrusted these contracts to negotiators who did a good job and thought it ridiculous to refer them to committee.

Councilman Boynton stated that the purpose is not to delay action on the contracts, but he wanted more information and that he would call a committee meeting soon in order to have a Special Meeting sometime next week.

023 - AGREEMENT & CERTIFICATION - Agreement between the City of Danbury and the Danbury Police Union - Special Police Officers.

Councilman Boynton requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Boynton, Skoff, Charles.

024 - AGREEMENT & CERTIFICATION - Agreement between the City of Danbury and the Teamsters Union Local #677 - Highway, Airport & Park and Recreation Depts.

Councilman Boynton requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Boynton, Skoff, Charles.

025 - AGREEMENT & CERTIFICATION - Agreement between the City of Danbury and the Public Building Maintenance Department.

Councilman Boynton requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Boynton, Skoff, Charles.

026 - AMENDMENTS TO THE DANBURY MUNICIPAL EMPLOYEES ASSOCIATION AGREEMENTS.

Councilman Boynton requested referral to committee.
Mayor Dyer so ordered and appointed the following committee:
Boynton, Skoff, Charles.

027 - COMMUNICATION - Appointment of R. Craig Johnson, 11 Aunt Hack Road, Danbury, to the Conservation Commission for a term to expire on 7/1/1986. Mr. Johnson is a senior Attorney at AMAX Metals Group.

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

028 - COMMUNICATION - Appointment of Barbara Flanagan, Shepard Hill Condominiums, Danbury to the Board of Ethics for a term to expire on August 1, 1986. Ms. Flanagan is an Attorney in Danbury. She is also a member of the Board of Directors of Hospice.

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

029 - Withdrawn

030 - COMMUNICATION - Request from Mayor Dyer to improve our local blasting Ordinance as it relates to the regulation of the intensity of a blast, notification of area residents, adequate log keeping of blasting and the intensity of the charge, and liability for damage done to adjoining properties. Also the need to more adequately define who is responsible for governing the amount of the explosives used.

Councilwoman McManus requested referral to the Health Committee.
Mayor Dyer so ordered.

031 - COMMUNICATION - Acceptance of Cannonball Drive and Marc Road.

Work has been completed on Cannonball Drive and Marc Road to City Specifications, and therefore can now be accepted by the City, as per L. Sedney, Planning Director.

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

032 - DEPARTMENT REPORTS

Fire Chief
Fire Marshal
Health Inspector
Housing Inspector
Building Department

Blood Pressure Program.
Equal Rights & Opportunities.
Environmental & Occupational
Health Services.

A motion was made by Councilman DaSilva and seconded by Councilman Boynton to dispense with reading the Department Reports as all members have copies which are also 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

033 - REPORT - Drainage problem on Lamar Road.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to correct a drainage problem on Lamar Road. An on-site inspection was performed. A Report from the City Engineer indicated that the application of paving material on the side of the road should divert running water away from the affected property.

The Public Works Committee recommends that the Public Works Department be asked to install paving in an area of Lamar Road which will alleviate the drainage problem.

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

034 - REPORT - Request for a guard rail on Middle River Road.

Councilman DaSilva submitted a report stating that the Public Works committee reviewed a request to install a guard rail on Middle River Road. An on-site inspection was performed and a discussion was held with the petitioner and area residents.

After this discussion of various methods to solve the problem it was decided that several steps would be taken. Mr. Misus will install a wall in front of his property for which he will be responsible. The Police Department has installed more speed signs in the area and additional street lights are being requested.

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

035 - REPORT & CERTIFICATION - Stop signs and flashing lights on Hayestown and Great Plain Roads.

Councilman DaSilva submitted a report stating that the Public Works committee studied a request for a three-way stop sign at Hayestown and Great Plain Roads. The committee met with area residents as well as Police Chief Nelson Macedo and Lt. Thomas Keenan of the Police Dept. The residents expressed their desire for a three-way stop because of the safety hazard at the point in question and numerous accidents that have occurred there. Chief Macedo stated that stop signs on Great Plain Road would create a further hazard for traffic. He related that state regulations prohibit stop signs on primary roads, except for extraordinary circumstances, which he felt was not the case here.

After these discussions, the Public Works Committee feels that this problem will best be handled by the installation of additional speed signs along Great Plain Road and the installation of a flashing light at the corner of Hayestown and Great Plain Roads. Chief Macedo agreed to have more frequent radar checks for speeding in this area at times specified by the residents.

The committee therefore recommends the appropriation of \$10,000 for the cost of the installation of a flashing light.

CERTIFICATION #12 - was submitted by Mr. John P. Edwards, Acting Director of Finance in the amount of \$10,000 in the Contingency Account to be transferred to a new capital account for the installation of a flashing light at Hayestown and Great Plain Roads.

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

036 - REPORT & RESOLUTION - Acceptance of East Starrs Plain Road.

Councilman DaSilva submitted a Public Works Committee Report stating that the committee studied a request for the acceptance of East Starrs Plain Road as a City Highway. Reports from the City Engineer and the Planning Commission recommended approval as all City specifications have been met. The Public Works Committee recommends acceptance of East Starrs Plain Road as a City Highway.

RESOLUTION - Resolved by the Common Council of the City of Danbury that East Starrs Plain Road be accepted as a public highway in the City of Danbury subject to the following conditions:

That a Deed and Certificate of Title, in forms satisfactory to the Office of the Corporation Counsel, be delivered to the City of Danbury.

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

037 - REPORT - Re: Request from the Special Police Association.

The Common Council committee appointed to review the request of the Special Police Association, met on September 16, 1985 in room 432 of City Hall at 7:05 P.M. In attendance were Councilmen Godfrey (Acting Chairman) and Sollose, Chief of Police Nelson Macedo, Personnel Director E. Merullo, and Philip Colla, Sr. of the Special Police Association of Danbury. Councilman Durkin was excused.

The essence of the SPAD request from Mr. Colla was for a liaison of some sort with either the Common Council or the City Administration.

Chief Macedo pointed out that Charter Section 6-9B places the Special Police Force solely under the command of the Chief of Police. As such, all communications are properly channeled through the Chain of Command. The Chief stated that he has always brought the Special Police's requests to the appropriate city agency promptly, including money requests which to to the Mayor in the budget process.

Mr. Merullo described the role of the Police Union in such requests as were related to compensation and expenses. Under the terms of the police contract, the Union is the sole negotiator with the City on such matters. Special Police Officers may elect to become members of the Union, provided that they meet the definition of "employee" under Conn. General Statute §7-467, as amended. As of October 1, this requires 120 calendar days of work.

Councilman Godfrey said that under the terms of the Charter, Statute, and Contract as described, the Common Council is limited to review of any proposed contract, as negotiated by the City through its Personnel Department. Any action other than this is outside its powers, including direct negotiation with Police Officers, regular or special. Additionally, liaison committees with executive branch agencies have been abolished generally for sound policy reasons.

Based on these discussions, Mr. Sollose moved to recommend to the Council that no action be taken on the request. Seconded by Mr. Godfrey and carried unanimously. Mr. Sollose also expressed hope that this meeting helped to improve communications between the SPAD and the City, properly through the Chain of Command.

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

038 - REPORT & RESOLUTION - To acquire property for pedestrian passage to National Place from Ives Street.

Councilman Esposito submitted a report stating that the Common Council committee appointed to review the above Resolution, met on Sept. 19, 1985 at 9:00 P.M. in room 432 at City Hall.

Present were committee members Esposito, Charles, Eriquez and J. Juretus and J. Gross of the Planning Department.

Mr. Juretus explained the necessity for the request to secure an easement in the passway between Ives Street and National Place to provide a pedestrian Passageway and access through this passway, (which is part of the Ives Street Revitalization Project) for businesses located on White Street that have rear access into this area.

After discussion, Mr. Charles moved to recommend to the Council that the Planning Department, through the Office of the Corporation Counsel, be allowed to proceed with the securing of an easement. Motion was seconded by Mr. Eriquez and passed unanimously.

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

Whereas, the Common Council wishes to acquire an interest in real property sufficient to allow pedestrian passage to National Place from Ives Street as well as from adjacent properties; and

Whereas, said proposal will involve public use of private property, specifically the Southerly six feet, more or less, of three lots described as Lots I 14257, I 14258 and I 14259 on maps maintained by the City Assessor;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT 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 encumbrances, if any.

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

039 - REPORT - Request for sewer & water to Anchor Marina.

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

It is the recommendation of the Sewer & Water Ext. committee that the petition be granted. Council Members Foti & Torcaso voted in the negative at the committee meeting.

The Petition is to be granted with the following conditions & restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer & water lines.
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 & water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer & water lines as the City Engineer's office determines are of potential benefit to other landowners in the City.

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

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

A motion was made by Councilman Boynton and seconded by Councilwoman McManus for the Report and committee recommendations to be accepted.

Councilman Foti, speaking in opposition to the committee recommendation, stated that there is no reason for a project in excess of allocation. No need to develop the shore line on the Lake. No need for these condos. What we need is moderate income housing.

Councilwoman Skoff stated that she was in agreement with Mr. Foti's remarks and will vote no. Mrs. Skoff stated that she had attended the Zoning and Planning meetings that acted on this petition.

Councilwoman McManus stated that the Common Council is not a land use agency, the zoning commission is. Our only authority is to act on the sewer & water extensions.

In reply to a question from Mr. Boynton, Mr. Gallo stated that the committee has approval from the Planning and Zoning and Mr. Sedney.

Councilman Flanagan remarked that he had misgivings, but this use is allowed under our zoning regulations. Mr. Buckley, Superintendent of Public Utilities said there would be no problems handling this project. Mr. Flanagan said we do not have grounds to turn it down.

Mr. Foti replied that we do have a right to make philosophical decisions.

Councilmen Godfrey & Torian spoke supporting the Report.

Councilman Foti remarked that we need Charter Revision and that we have a right to vote on the technical and philosophical merits of the issue.

Councilman Farah asked if we can defer action until we are ready to provide the services necessary.

Councilman Gallo replied that the committee was appointed to review the petition for sewer & water allocations. It is not in its purview to consider other services.

The original motion for acceptance of the Report and committee recommendations was passed by a vote of 10 Ayes and 8 Nays.

Council Members Johnson, Sollose, Foti, Skoff, DaSilva, Charles, Butera, and Farah voted Nay (8 votes)

Council Members - Esposito, Godfrey, Flanagan, Zotos, McManus, Gallo, Boynton, Durkin, Eriquez and Torian voted Aye (10 votes)
3 members were absent.

040 - REPORT - Petition of Morganti, Inc. for water - Federal 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 usual 7 steps including the following step:

8. Any future development at this site would require further approval of the Common Council.

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

- 041 - REPORT - Request from the Affiliated Candlewood Watershed Association.

Councilman Torian submitted a progress report stating that the Health Committee met on the above request in connection with a proposed ban on the sale of household products that contain more than a trace amount of phosphorous.

In attendance were committee members Torian, Cassano, Skoff and Chianese.

The ban would be imposed by the five towns which lie within the Candlewood Lake watershed area, (Danbury, Sherman, New Fairfield, New Milford and Brookfield) and their suggestion is that it could be implemented by enactment of local ordinances.

In an effort to assist the committee during the course of its deliberations, the committee felt it advisable to recommend that our Assistant Corporation Counsel be requested to contact the Conn. Conference of Municipalities and secure whatever data that is available relating to this subject, and the results of any practical experience acquired by other Connecticut Municipalities in dealing with the total issue of phosphate-laden household products.

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

- 042 - REPORT - General Employee's Pension Plan.

Councilman Farah submitted a report stating that the committee appointed to review the General Employee's Pension Plan, met on Wednesday, July 24, 1985 and on September 23, 1985.

Council Members Farah, Skoff and Charles were present, as well as E. Merullo and J. P. Edwards.

Members of the committee discussed the proposed revision of subsection 14-4 of the Code of Ordinances relative to retirement dates and procedures. The revision will allow persons who were past their 65th birthday on January 1, 1985 to continue receiving service and salary credit until their 70th birthday. Furthermore, they may continue to work for the City beyond the age of 70. However, they will not accumulate any service credit after that age.

This will affect only a few employees and will not have an appreciable fiscal impact. ²

Nevertheless, an employee in this category will be allowed to work as long as he/she is desiring to do so regardless of age. The committee felt that allowing this indefinite span of employment, stands in sharp contrast to the limitations place on all other employees. Accordingly it implored the authors of the proposal to submit another revision which would place a specific age beyond the 70th birthday, perhaps the 75th, by which employees in this category will have to terminate their services with the City.

Mrs. Skoff made a motion at the committee meeting, seconded by Mr. Charles to reject the revision.

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

043 - REPORT - Ambulance Service.

Councilman Torian submitted a report stating that the committee formed to review the ambulance service for the City of Danbury, met on September 14, 1985. In attendance were committee members Torian, Skoff and Cassano; Fire Chief Monzillo, Dr. G. Terranova, Danbury Hospital; Mr. J. DeSimone, Danbury Ambulance Service, Inc; Mr. A. J. Bennett, Medi-Chair, Inc., Mr. M. Esposito, Ambulance Supervisor and Mr. C. Slagle, Paramedic Supervisor, Medi-Chair, Inc.

Mr. DeSimone was asked to respond to the alleged charges of inadequate prehospital care by Danbury Ambulance which were detailed by Mr. Keith B. Ritchie, EMS Coordinator of Danbury Hospital in his letter dated August 16, 1985.

The committee notes that Dr. G. Terranova had removed medical control at the EMT/i level to Danbury Ambulance Service, Inc. in separate communications to the Office of Emergency Medical Services (the State Agency empowered to issue and/or suspend certifications to ambulance companies), and Mr. J. DeSimone, President of Danbury Ambulance, Inc. This action was effective 8:00 A.M. Tuesday, September 24, 1985.

Medical control was defined as follows: anyone functioning at the EMT/I level or above requires medical control; that is, they must function under a physician's license. This means that a physician is liable for the EMT/I's action, as medical control is not given lightly.

Medical control is also a necessary requirement for an ambulance company in order to qualify for certification initially, and retain certification, through the Office of Emergency Services in Hartford, Connecticut.

When medical control is withdrawn from an ambulance company, the company is immediately considered to be in a situation of non-conformance with the State requirements for certification and would face almost certain suspension by the Office of Emergency Services.

Mr. J. DeSimone, President of Danbury Ambulance Service, Inc. was notified of this determination by Mr. Chris Gentile, Chief of Office of Emergency Services on September 24, 1985 at which time Mr. DeSimone voluntarily agreed to withdraw his EMT IV certification, to be effective Wednesday morning September 25, 1985.

In view of the unprecedented action taken by Dr. Terranova in response to an extremely vital issue which concerns all Danburians, the committee recommends that the authorization previous given to Fire Chief C. Monzillo to negotiate back-up ambulance service with Danbury Ambulance Service, Inc. be withdrawn.

Motion at the committee meeting was made by Councilman Cassano and seconded by Councilwoman Skoff, and passed unanimously.

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

044 - REPORT - Problems on Hayestown Road.

Councilman Gallo submitted a report which stated that the committee appointed to review the problems on Hayestown Road met on Sept. 12, 1985. Committee members Gallo, Torian and Sollose were all in attendance. Property owners Frank DePaolis, Josephine & John Luicci and Paul Garguilo were there with their list of problems. Representing Barclay Commons were Richard Adolino and Tom Collins.

The Chairman started the meeting by stating the Common Council has no legal jurisdiction over this matter but did form this committee to bring the parties concerned together and try to resolve the problems to everyone's satisfaction.

Mr. & Mrs. Luicci requested the chairman of the committee to bring the City Engineer for an on-site inspection of the swale Barclay Commons put in to the rear of the Luicci property. Councilman Gallo did this on Sept. 25, 1985 at 11:00 A.M. and Mr. Schweitzer gave his professional opinion of the work done by Barclay Commons, after the on-site inspection of Sept. 25th, by Councilman Gallo and Mr. Schweitzer.

A letter was received from Barclay Commons listing the problems of the property owners and stating they will resolve all of them.

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

045 - REPORT - Application for deferral of Property Tax Assessment Increases.

Councilman Foti submitted a report stating that the committee assigned to review a request for deferral of Property Tax Assessment Increases for a building at 238 White Street, met on Sept. 19 and Sept. 24th in room 432 at City Hall.

Attending were Council Members Eriquez and Foti; Planning Department members Sedney, Juretus and Gross; and Mr. Harold Garofalo, owner of the property.

Mr. Sedney explained that questions regarding this request stemmed from the fact that the owner had covered scalloped shingles which were originally on the building. He stated that according to Article 8-14 of the City Code of Ordinances, if a request does not comply completely with specifications of the Secretary of Interior, the Design Review Board has no choice but to refer the request to the Common Council for review.

Mr. Sedney further stated that Mr. Garofalo had preserved or restored every other aspect of the architecture, and that it was impossible to salvage the shingles.

Mr. Sedney said that this refurbished structure was easily within the intent of the ordinance.

Committee members, having visited the site, agreed with Mr. Sedney and commended Mr. Garofalo for his outstanding job in preserving this beautiful structure.

Mr. Eriquez moved at the committee meeting to recommend that the Common Council approve this request. Mr. Foti seconded, and the motion passed unanimously.

A motion was made by Councilman Boynton and seconded by Councilman Gallo for the Report and committee recommendations to be accepted. Motion carried unanimously.

046 - RESOLUTION - Balmforth Ave./Maple Avenue Road Project.

Resolved by the Common Council of the City of Danbury:

Whereas, the Common Council has duly voted to approve the Balmforth Avenue/Maple Avenue and Franklin Street/Osborne Street Road Improvement Projects; and

Whereas, the purposes of said projects oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

Whereas, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owner hereinafter named upon the amount, if any, to be paid for its interest to be taken in, and to, the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interest as hereinafter set forth either by negotiation or by eminent domain through the institution of suit against Consolidated Rail Corporation, a Pennsylvania Corporation, its successors and assigns and its mortgage holders, if any. The properties are designated as Exhibit "A" and Exhibit "B".

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

PUBLIC SPEAKERS

Joseph Noonan - North Main Street. Agreed with Mr. Foti and spoke in opposition to the Condominiums being built at Anchor Marina stating there is unbelievable congestion already.

Richard Lewson - Agreed with Mr. Foti and speaking in opposition to the condos stated that we do not need irresponsible planning and do not need \$250,000 Condos on the Lake.

Mrs. McManus replied that the Common Council does not approve planning. Their only jurisdiction is for sewer & water applications.

Mr. Lewson said the Common Council should delay action on the sewer and water or vote against it.

Mrs. McManus stated that the Common Council's responsibilities are delineated in the Charter and that is not one of them.

Mayor Dyer stated that he was glad to see young people involved, noting that Mr. Noonan and Mr. Lewson were Republican candidates for the Common Council.

Nellie Cortez - 6 Chappelle St. a case worker for the Spanish Learning Center asked for consideration in their request for additional funds.

Gumersindo Rodriguez - Director of the Spanish Learning Center spoke requesting funds stating that funds have been cut from many agencies, United Way, Community Development etc.

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

Respectfully submitted

Mary Rickert
Mary Rickert
Assistant City Clerk

Attest:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk

10/1/85