

TO: Honorable Mayor James E. Dyer - City of Danbury, Conn.
RE: Minutes of the Common Council Meeting held April 1, 1986.

The meeting was called to order at 8:00 O'Clock P.M. by the Honorable Mayor James E. Dyer who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman John Esposito.

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

PRESENT: Council Members - Johnson, Sollose, Philip, Torcaso, Godfrey, Zotos, Hadley, Skoff, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Smith, Torian.
Councilman Flanagan arrived after roll call.

ABSENT: Councilman Farah.

20 Members Present - 1 Member Absent.

NOTICES FROM MAYOR DYER

Mayor Dyer announced that the Distinguished Service Award from the Danbury Jaycees, would be presented to Councilman Stephen Flanagan on April 3rd at the Ethan Allen Inn.

Mayor Dyer also announced that on April 19th, the "Conn. 350" parade will be held in New Haven.

On April 25th, Arbor Day, there will be Tree Plantings at noon.
On April 27th, there will be a fundraising brunch from 1:00 P.M. to 6:00 P.M. at the Ethan Allen Inn for the benefit of our City's sister city of Gouveia, Portugal.

Mayor Dyer extended Birthday Greetings to Paul Estefan who will celebrate his birthday on April 19th and to State Representative Paul Garavel who will celebrate his birthday on April 30th.

Mayor Dyer reported that he had already distributed the Budget for the fiscal year of 1986-1987 and wished the Council well in their deliberations.

Mayor Dyer appointed the following Budget Committees:

PUBLIC WORKS

John Esposito (Chairman)
Ernest Boynton
Joseph DaSilva
Donald Sollose
Constance McManus
Anthony Cassano
Stephen Flanagan

PUBLIC SAFETY

Carole Torcaso (Chairperson)
Janet Butera
Bernard Gallo
Beverly Johnson
Peter Philip
Robert Godfrey
Thora Skoff

GENERAL GOVERNMENT

Edward T. Torian (Chairman)
Louis Charles
Gene Eriquez
Philip Hadley
Stanford Smith
Nicholas Zotos
Mounir Farah

EDUCATION BUDGET

Mounir Farah
Carole Torcaso
Edward Torian
Philip Hadley
Gene Eriquez
Thora Skoff
Peter Philip

CONSENT CALENDAR

- 02 - Resolution - Release and Abandon Agreement Re: U.S. 7.
- 03 - Resolution - Preliminary engineering of Municipal Utility Adjustments re: I-84 widening.
- 04 - Communication - Danbury Hospital vs. City of Danbury (Cheng H. Chao)
- 05-1 - Resolution - Relocation of Public Utility Facilities Rt. 39 & SR 841 (Down St.)
- 036 - Report - Request to rent a lot at the corner of Backus Avenue and Kenosia Avenue.
- 037 - Report - Sewer Assessment Lien for Dr. Machcinski.
- 038 - Report - Automobile Tax Payments.
- 039 - Report - Blasting Notifications.
- 040 - Report - Drainage on South Avenue.
- 042 - Report - Sewer Rates.
- 043 - Report - Sunset Review Committee.
- 044 - Report - Sewer Extension for Friendly Restaurant - Mill Plain Rd.
- 046 - Report - Status Report re: Petition for sewer & water - Turner Rd.
- 047 - Report & Ordinance - Section 2-56.10(c) - Youth Commission
- 048 - Report & Ordinance - Sec. 2-54(c) - Equal Rights & Opportunities.
- 049 - Report & Ordinance - Sec. 13A-13 - Richter Park Authority.
- 050 - Report & Ordinance - Sec. 2-56-14(b) - Commission for the Handicapped.
- 051 - Report & Ordinance - Amendment to Sec. 14-4 (Retirement Dates)
- 052 - Report & Ordinance - Road Opening Permits.
- 053 - Report & Ordinance - Delinquent Landfill Use Bills.
- 054 - Report & Ordinance - Legislation for repeat & re-inspection of construction projects.
- 055 - Report & Ordinance - Tax Exemptions - Charitable, Religious or Non-Profit Organizations.
- 056 - Report - Request for the use of the Danbury Railroad Station.
- 057 - Report - Retaining Wall on Golden Hill.
- 058 - Report & Ordinance - Tax Credit for the Elderly.
- 059 - Report - Surplus Land on East Franklin Street.

A motion was made by Councilman Charles and seconded by Councilman Boynton for the Consent Calendar to be accepted as submitted, pending certification for Item #04. Motion carried unanimously.

MINUTES - Minutes of the Common Council meeting held March 4, 1986.

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

01 - CLAIMS - Alvin W. Hall, Jr. - Richard P. Hayes - Kimberly Kovacs - Joan Ballin - Betty Read - Vincent Vono Jr. - Anthony Seri - Rebecca Lee.

A motion was made by Councilwoman McManus, seconded by Councilman Gallo for the Claims to be referred to the Assistant Corporation Counsel for Claims, to report back in thirty days. Mayor Dyer so ordered.

02 - RESOLUTION - Release & Abandon Agreement Re: U.S. Rt. 7.

Resolved by the Common Council that James E. Dyer, Mayor of the City of Danbury, be, and hereby is authorized to sign an agreement entitled: Release and Abandon Agreement Between the State of Connecticut and the City of Danbury, in conjunction with the construction of the U. S. Rt. 7 Expressway in the City of Danbury, State Project Nos. 34-190 and 34-195, Federal Aid Project No. F-7 (103) identified as Agreement No. 12.11-04 (85).

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

03 - RESOLUTION - Preliminary engineering of Municipal Utility
Adjustments re: I-84 widening.

Whereas the State of Connecticut is willing to reimburse the City for one hundred percent of the net cost of preliminary engineering and test pit charges incurred by the City of Danbury in the amount of \$3,071.00;

Now Therefore Be It Resolved That Mayor James E. Dyer be and hereby is authorized to execute an agreement with the State of Connecticut to accept said reimbursement and to perform any additional acts that may be necessary to effectuate the purposes hereof.

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

04 - COMMUNICATION - Danbury Hospital vs. City of Danbury (Cheng H. Chao).

Hospital services rendered to Cheng H. Chao in the amount of \$3,747.37. City of Danbury will be reimbursed 90% of the cost. Total City expenditure in this case would be \$347.73 after we receive the State reimbursement. This is a claim that is not covered by our Insurance Company.

The Communication was accepted by the Common Council on the Consent Calendar and Claim authorized to be paid, pending certification.

05 - COMMUNICATION - Request from Atty. Riefberg for a Common Council committee to review agreement re: Hatters Park Bowling Lanes.

Mayor Dyer so ordered and appointed the following committee:
Johnson, DaSilva, Godfrey.

05-1- RESOLUTION - Relocation of Public Utility facilities Rt. 39 &
SR 841. (Down St.).

Whereas, State plans to repave portions of State Rt. 39 and SR841 (Down Street), State Project No. 174-133, may involve adjustment to municipal utilities; and

Whereas, the State of Connecticut is willing to reimburse the City for one-hundred percent of the net cost of said adjustments in the amount of \$4,150.00.

Now Therefore, Be It Resolved That Mayor James E. Dyer be and hereby is authorized to execute an agreement with the State of Connecticut to accept said reimbursement and to perform any additional acts that may be necessary to effectuate the purposes hereof.

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

06 - COMMUNICATION - Request for committee re: Complaints that the recycling center is no longer accepting all recyclable material.

Councilman Gallo requested referral to an ad hoc committee.
Mayor Dyer so ordered and appointed the following committee members:
DaSilva, Cassano, Torcaso, Eriquez, Farah, Esposito, McManus.

07 - COMMUNICATION - New name for the C. D. Parks Property.

Constance McManus, Chairperson of the C. D. Parks Advisory Committee submitted a report stating that one of the charges of the committee was to find a new name for the property. In response to this charge, the committee organized a contest to "Name the Park" with prizes being donated by local restaurants and limousine services. The winner of the contest is Margaret McSpirit of Ives Manor who entered the name "Tarrywile Park".

It was requested that the Common Council officially accept the name "Tarrywile Park" and also extend gratitude to Chuck's Steak House,

07 - continued:

Fitzwilly's, Rick's, Rosy Tomorrow's, Ethan Allen Inn. The Hilton, Gillotti Limousine, Kovacs Limousine and R & R Limousine for their generous donations of prizes.

A motion was made by Councilwoman Skoff and seconded by Councilman Boynton for the Report to be accepted and Park so named. Motion carried.

08 - COMMUNICATION - Furniture donation from I.B.M. to Danbury Fire Department.

Chief Charles J. Monzillo of the Danbury Fire Department submitted a list of furniture offered to his Department by the I.B.M. of White Plains, New York, and asked permission from the Common Council to acquire the furniture.

A motion was made by Councilman Gallo and seconded by Councilwoman McManus for the donation of furniture to be accepted with gratitude. Motion carried.

09 - COMMUNICATION - Request from Raymond Gomoll for the Danbury Commission on Aging to be able to accept a gift of \$2,057 from the Good Neighbor Fund of the Perkin Elmer Corporation. This gift is for the purchase of a copier machine, the maintenance agreement and the balance owed on this current year for the rental of the same.

It was requested that \$405 be transferred to the Commission on Aging Leased Equipment line item (024501) and that \$1,652 be transferred to Office Equipment (060500).

A motion was made by Councilman DaSilva and seconded by Councilman Flanagan for the donation to be accepted with gratitude. Motion carried.

010 - COMMUNICATION - Request from Chief Macedo of the Danbury Police Department for approval to accept a gift from the Union Savings Bank for the purchase of "P.C. The Police Car" for use in the community crime prevention programs.

The "P.C." is an educational tool similar to the robot fire hydrant the Union Savings Bank donated to the Danbury Fire Department last year.

A motion was made by Councilman Gallo and seconded by Councilman Boynton for the gift from the Union Savings Bank to be accepted with gratitude and "put out on the road". Motion carried.

011 - COMMUNICATION - Request from Joseph Pepin, Director of the Alternative Center for Education at Locust & Roberts Ave. Schools, for a donation of \$500 for the "Turn of the Centuru Festival" to be held at the Locust Avenue School on May 10, 1986. The purpose is to celebrate the placement of the Locust Avenue School on the National Register of Historic Places.

CERTIFICATION #35 was submitted on April 2, 1986 in the amount of \$500 available to be transferred from the General Fund fund balance to the Mayor's Discretionary Fund for the "Turn of the Century Festival" at Locust Avenue School.

A motion was made by Councilwoman McManus and seconded by Councilman Gallo to deny the request.

Councilman Flanagan spoke in favor of the request. Mrs. McManus stated that several schools have affairs during the year and this would be setting a very dangerous precedent.

011 - continued:

A roll call vote was taken with the following members voting
Aye: Torcaso, Zotos, Hadley, Cassano, McManus, Gallo, Esposito,
Charles, Smith, Torian (to deny the request) 10 votes.

The following members voted Nay: (against the denial) :
Johnson, Sollose, Philip, Godfrey, Flanagan, Skoff, Boynton, Butera,
DaSilva, Eriquez. 10 votes.

Mayor Dyer voted to provide the funds, pending certification, and breaking
the tie vote.

CERTIFICATION #35 was authorized by Dominic A. Setaro, Jr. Acting
Director of Finance - Comptroller and submitted by the Assistant
Comptroller, Kim Griffin.

012 - COMMUNICATION - Request for \$99,000 for demolition of the fire
damaged structure on Main Street. The City issued an order to Jackson
& Hanson Realty to remove the debris from the fire that damaged buildings
at 221-229 Main Street. The order was issued on February 11, 1986 by Leo
Null, the Building Inspector. Jackson & Hanson was given 30 days to
comply with this order which has been ignored and the 30 days have expired.

Mr. Leonard Sedney , Executive Assistant to the Mayor is requesting that
\$99,000 be authorized by the Common Council for demolition and backfilling
work, and that the necessary liens be placed on the property in accordance
with State Statutes. The \$99,000 cost is a firm price received from a
qualified demolition contractor through the City's normal bidding
procedures.

Councilman Gallo requestee referral to an ad hoc committee.
Mayor Dyer so ordered and appointed the following committee members:
McManus, Gallo, Esposito, Skoff, Godfrey, DaSilva, Torian.

013 - COMMUNICATION & CERTIFICATION - Request for funds for Public Welfare.

Request from D. MacKenzie, Director of the Welfare Department for an
additional \$125,000 to be expended for financial, medical and hospital
assistance for GA eligible persons. Ninety percent of this amount
\$112,500.00 will be reimbursed by the State of Connecticut.

Relocation & emergency housing funds are also needed in the amount of
\$6,500.

CERTIFICATION #32 was authorized by Dominic A. Setaro, Jr. - Acting
Director of Finance - Comptroller in the amount of \$19,000 and submitted
by Kim Griffin, Assistant Comptroller.

\$19,000 to be transferred from the General Fund fund balance account to
the Welfare Department. The following accounts in the Welfare Dept.'s
budget will be amended:

02-05-100-026000 - Public Welfare	\$125,000.00
02-05-100-029500 - Outside Services	6,500.00
	<hr/>
	\$131,500.00

The Public Welfare Revenue Account will also be amended in the amount of
\$112,500.00 (90% of \$125,000.00 which is reimbursable from the State of
Connecticut).

A motion was made by Councilman Gallo and seconded by Councilman Charles
for the Communication to be accepted and transfer of funds authorized.
Motion carried unanimously.

014 - COMMUNICATION - Request from Don Melillo, Parade Coordinator for additional funds to participate in " Connecticut's 350th" Parade in New Haven. The request for \$1,250 is to pay for the cost of the music.

A motion was made by Councilman DaSilva and seconded by Councilman Godfrey for the communication to be accepted and funds authorized pending certification.

Motion carried by a roll call vote of 14 Ayes and 6 Nays.

Council Members - Johnson, Sollose, Torcaso, Skoff, Cassano, Butera voted Nay (6 votes)

Council Members - Philip, Godfrey, Flanagan, Zotos, Hadley, MaManus, Gallo, Esposito, Charles, Boynton, DaSilva, Eriquez, Smith, Torian voted Aye (14 votes) Mr. Farah was absent.

CERTIFICATION # 34 was authorized by Dominic A. Setaro, Jr., Acting Director of Finance - Comptroller and submitted by Kim Griffin, Assistant Comptroller in the amount of \$1,250 available to be transferred from the General Fund fund balance account to a new account in the grants section of the budget entitled Parade Music.

015 - COMMUNICATION - Request from MetroMobile to lease property at the Danbury Airport - sharing tower space on the airport Beacon site for the purpose of locating a cellular mobile telephone cell site.

Councilman Gallo requested referral to an ad hoc committee, & Planning. Mayor Dyer so ordered and appointed the following committee members: Torcaso, Johnson, Farah.

016 - COMMUNICATION - Request by the C. D. Parks Advisory Committee for the Common Council to authorize and designate any revenue generated by the Parks Property to be expended on the Parks Property.

A similar program has been in effect at Hatters Park during the past several years with encouraging results. In view of the very considerable need for repair and renovation at the Parks Property, such a program will serve to lessen the impact of such repairs on the annual budget requirements while ensuring an ongoing enhancement of this very valuable asset.

A motion was made in the form of a Resolution by Councilman Godfrey and seconded by Councilman Charles for the request to be granted for the revenue generated by the Tarrywile Park Property, to be expended on the Tarrywile Park Property.

017 - COMMUNICATION - Request from the Redevelopment Agency for \$475,000 for the acquisition and related costs to pursue acquiring title to the Jackson-Hanson Property located at 221-229 Main Street.

Councilman Gallo requested referral to an ad hoc committee and Planning.

Mayor Dyer so ordered and appointed the following committee members: McManus, Gallo, Esposito, Skoff, Godfrey, DaSilva, Torian.

018 - COMMUNICATION - Redevelopment Master Plan & Phase I Site Plan for Parcel "A". A formal resolution will be submitted subsequent to their next regular agency meeting.

Councilman Hadley requested referral to an ad hoc committee & Planning.

Mayor Dyer so ordered and appointed the following committee members: McManus, Gallo, Esposito, Skoff, Godfrey, DaSilva, Torian.

019 - COMMUNICATION - Request of Danbury Mall Limited Partnership to accept portion of relocated Backus Avenue as a City Road.

Councilman Gallo requested referral to the City Engineer to report back in 30 days. Mayor Dyer so ordered.

020 - COMMUNICATION - Request from the City Engineer re: new Street Name for a portion of Former Lake Avenue Extension.

Councilman Sollose requested referral to an ad hoc committee: Mayor Dyer so ordered and appointed the following committee members: Flanagan, Godfrey, Sollose.

021 - COMMUNICATION - Request from Thora Skoff to allow public speakers to address the Council prior to the Consent Calendar at the Council Meetings.

Councilman Hadley requested referral to the Charter Revision Committee. Mayor Dyer so ordered and referred the request to the following committee members - Gallo, Esposito, McManus.

022 - PETITION - Request from property owners for installation of sewer lines for Boulevard Drive, Ken Oaks Dr., Kimberly Trail, Windaway Road and Jenny Drive (Lake Kenosia).

Planning Commission &
Councilman Gallo requested referral to the City Engineer to conduct a survey and to estimate the cost thereof. Mayor Dyer so ordered.

023 - COMMUNICATION - Request of Connecticut Health Care Associates, Inc. to extend sewer & water to 52 Main Street.

Councilwoman Butera requested referral to an ad hoc committee and Planning. Mayor Dyer so ordered and appointed the following committee members: Torcaso, Cassano & Gallo.

024 - COMMUNICATION - Request of Francis Dennehy for sewer extension to 27 East Pembroke Road.

Councilwoman Butera requested referral to an ad hoc committee & Planning. Mayor Dyer so ordered and appointed the following committee members: Torcaso, Cassano, & Gallo.

025 - COMMUNICATION - Water & Sewer Extensions.

J. Schweitzer, City Engineer is recommending that the Common Council add an eighth step stipulation to the existing seven, which should give a date on which the water & sewer extension approval expires.

Councilwoman Butera requested referral to an ad hoc committee & Planning. Mayor Dyer so ordered and appointed the following committee members: Torcaso, Cassano, & Gallo.

026 - COMMUNICATION - Request from Atty. & Mrs. Moy re: Drainage problem at 10 Ridge Road.

Councilman Hadley requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Hadley, DaSilva, Charles.

027 - COMMUNICATION - Drainage problem on Old Hayrake Road.

Councilman Philip requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Johnson, McManus, Charles.

028 - COMMUNICATION - Drainage Easement - Northerly side of Kenosia Avenue.

It has come to the attention of the Mayor's Office, according to Phil Capozzi, Administrative Assistant to the Mayor, that the State of Connecticut is offering to grant an easement for drainage on property located on the Northerly side of Kenosia Avenue. The cost to the City for this easement will be \$500.00 which represents the administrative costs incurred by the State.

City Engineer J. Schweitzer has stated the City should pursue this and Dominic Setaro, Comptroller, has stated that there is money available to obtain the easement.

Councilwoman Butera requested referral to an ad hoc committee & Planning.

Mayor Dyer so ordered and appointed the following committee members: Peter Philip, Gene Eriquez and Thora Skoff.

029 - COMMUNICATION - Request of Michael Kallas for sewer benefit liens for property on Somers Street, to be recomputed.

A motion was made by Councilman Gallo and seconded by Councilman Flanagan for referral to the Corporation Counsel and to approve the request if the petitioner waives the right of appeal. Mayor Dyer so ordered.

030 - COMMUNICATION - Request of Atty. Ward Mazzucco for the City to accept land on TaAgan Point Road for Road Widening Purposes.

Councilwoman requested referral to the Planning Commission and to J. Schweitzer, City Engineer to report back to the Council in 30 days. Mayor Dyer so ordered.

031 - COMMUNICATION - Appointment of a Fire Inspector/Deputy Fire Marshal.

Request for the confirmation of the appointment by Mayor Dyer of Barry W. Rickert to the position of Fire Inspector/Deputy Fire Marshal with the Danbury Fire Department effective upon swearing in at a rate of pay of \$25,097.00 yearly.

Mr. Rickert has been a member of the Danbury Fire Department since 1973. During his tenure as a Firefighter, Barry gained experience while serving as an interim Fire Inspector from January 1985 to January 1986.

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

032 - COMMUNICATION - Eroded pavement on Vespucci Drive and Offer to the City of Danbury of the use of the Vespucci Beach.

Councilwoman McManus requested referral to the Risk Manager and to an ad hoc committee.

Mayor Dyer so ordered and appointed the following committee members: Smith, Esposito and Zotos.

033 - DEPARTMENT REPORTS

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

A motion was made by Councilman Gallo and seconded by Councilman Boynton to dispense with reading the 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

034 - REPORT & ORDINANCE - Sewer Connection Fees.

Councilwoman McManus submitted a report stating that the committee appointed to review the sewer connection charges, met with William Buckley, Superintendent of Public Utilities, on 3/13/86 and with Mrr. Buckley and Comptroller D. Setaro on 3/18/86.

The committee charges are not applicable to any property on which a sewer assessment has been levied, but only to those properties hooking into an already paid for sewer line. The committee feels that the connection fee is an equitable method of having all users contribute to the sewer fund and recommends that the Common Council defer the Ordinance to public hearing.

A motion was made by Councilwoman Butera and seconded by Councilwoman McManuse for the Report to be accepted and Ordinance deferred for public hearing. Motion carried.

035 - REPORT & ORDINANCE - Water Connection Charges and Water Rate Increases.

Councilwoman Torcaso submitted a report stating that the committee met on March 17, 1986 with J. Schweitzer, W. Buckley and D. Setaro. Committee members present were Torcaso, Hadley and Eriquez. L. Charles attended ex-officio.

Mr. Buckley discussed the need for water connection charge increases. He explained that the charges would affect only new customers (new building) and would not affect any single family, or other residential housing already existing.

Mr. Setaro reported that the large surplus no longer exists because we have been paying off bonds for our water upgrades. He also explained that one quarter of anticipated revenues needs to be kept in reserve because billing is done after the water is used.

The Committee discussed the size of meters used for many of the condos and commercial buildings presently occurring. It was felt that some of the connection charges Mr. Buckley proposed were too low and that they should be increased. It was also fel that a \$750 charge for a 5/8" meter serving 3 family, single family residence was less than ½ of 1% of the total cost of the building, and that the sewer connection charges should be viewed as buying into the entire water system.

Councilman Eriquez moved to recommend to the Council that the connection charges as listed in the Ordinance, be sent to a public hearing as Section 21-48 of the Code of Ordinances, seconded by Councilman Hadley and passed unanimously.

Also discussed at this meeting was the need to increase water rates. It was felt that without a budget to work from, rates could not be determined. Committee members felt that after the Public Works Budget committee makes a recommendation on the Water Department Budget, another meeting be held to set the rate before June 30th.

A motion was made by Councilman Gallo and seconded by Councilman Charles for the Report to be accepted and Ordinance deferred for public hearing. Motion carried.

036 - REPORT - Request to rent a lot on the corner of Backus Avenue and Kenosia Avenue.

Councilman Peter Philip submitted a report stating that the committee met with Councilman Philip attending. Councilmen Godfrey & Flanagan were absent. James Muliolis did not attend.

036 - continued:

The Planning Department advised that the City has not entered into any rental agreements similar to Mr. Muliolis's request. They also advise that Vending and Health permits would be required if food were to be sold from the site.

If a wheeled vehicle were used it would have to be moved every night. No permanent structure could be built without complete approval of the Planning Department.

Since Mr. Muliolis was unable to attend the meeting, Councilman Philip will contact him to determine if he has changed his plans or if he wants to reschedule a meeting with the committee.

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

037 - REPORT - Sewer Assessment Lien for Dr. Machcinski.

Councilman Hadley submitted a status report stating that the committee appointed to study a request for a rebate on a tax lien for Dr. & Mrs. Machcinski, met on March 19, 1986. In attendance were committee members Hadley & DaSilva; Assistant Corporation Counsel E. Gottschalk, Attorney Karin NeJame, representing the Machcinskis and Councilman Charles. Mrs. Torcaso was absent due to illness.

The committee feels the petitioners were wronged and want to return the interest. Attorney Goldstein, Corporation Counsel, has stated that there is no vehicle to return tax monies.

Atty. Gottschalk stated that taxing power comes from the State of Connecticut and that sewer assessments must be collected in the same fashion as are taxes. That leaves no power to go beyond the State Statutes which do not allow the return of money in cases such as this.

Atty. NeJame stated that it might be considered as an overpayment and rebated as are other overpayments.

Atty. Gottschalk, Assistant Corporation Counsel said he cannot say at this time as to whether the laws at the time of the clerical error would allow the rebate of the interest fees paid. He will get a response to the committee as soon as possible. The committee will meet again when all information is available.

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

038 - REPORT - Automobile Tax Payments.

Councilman Cassano submitted a report stating that the committee chartered to consider the petition to allow multiple payments of automobile property taxes met on March 20, 1986. Present at the meeting were committee members Cassano and DaSilva. Councilman Charles was also present.

The committee reviewed a letter from Catherine Skurat, Tax Collector, to the chairman. The letter presented some points that should be considered relative to the petition. The tax office presently processes over 44,000 regular motor vehicle tax notices and over 11,000 supplemental motor vehicle tax notices. Going to a quarterly payment plan would quadruple this paperwork and require additional personnel in the Tax Office and Data Processing Department. Also, it would become harder to collect delinquent auto taxes. At the present time, auto registration requires a clearance from the City Tax Office stating that the taxes have been paid. The possibility exists that people will pay taxes only up to the time that the City certifies to the State that the taxes have been paid. This allows the auto to be registered and non-payment of the subsequent tax installments will not affect the registration.

038 - continued:

The City comptroller informed the chairman that multiple auto tax payments could also create a cash flow payment for the City. In July, the City collects over Two-Million Dollars in auto taxes. Using a multiple quarterly payment plan could reduce the cash received by a factor of 4. This could create the cash flow problem.

Mr. DaSilva moved that the committee recommend that the Common Council take no action on this petition at this time because of the added burden it would pose to the Tax Collector's Office and the potential cash flow problem. Mr. Cassano seconded the motion and there was unanimous approval.

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

039 - REPORT - Blasting Notifications

Councilman Peter Philip submitted a report that the committee appointed to investigate notification of residents when blasting is to occur, met on March 20, 1986. In attendance were committee members Philip & Hadley. Councilwoman Skoff was excused. Also attending were Fire Marshal Alan Schacht and Deputy Chief J. Murphy.

Mr. Philip reviewed the new blasting ordinance, the reasons for it and his suggestion of incorporating in it a means to inform the public when blasting will occur.

A statement now has been added to the Application to Use Explosives which states "All occupied buildings, within 100 yards of blasting operation shall be notified by the blaster."

Mr. Philip suggested a form letter be prepared for the blasting to distribute to people in range of the blasting effort which will indicate the right of the property owner.

Atty. Gottschalk will compose the form letter and Mr. Philip, Fire Marshal Alan Schacht and Deputy Chief J. Murphy will offer suggestions for additions or deletions. It is the wish of the committee that the letter be in place as soon as possible.

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

040 - REPORT - Drainage on South Avenue.

Councilman Charles submitted a report stating that the committee appointed to review the drainage problem on South Avenue, met on March 20, 1986.

Members of the committee were Charles, Torcaso and Cassano. Councilman Cassano suggested that the Public Works Department be contacted about the curbing that was to be constructed in 1985 to alleviate the water flooding.

Councilman Esposito, ex-officio, brought up the possibility that the drainage project planned for the numbers three and four ball fields could be tied in with the drainage at the South end of the Street.

Councilwoman Torcaso moved to take no action on the problem until it is determined how much the \$100,000 project, planned by the Parks and Recreation Department would help alleviate the problem. Seconded by Councilman Cassano and passed unanimously.

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

041 - REPORT - Request for a Municipal Brass Band.

Councilman Sollose submitted a report stating that the committee appointed to review the request for a Municipal Brass Band, met on March 12, 1986. In attendance were committee members Sollose, Flanagan, Charles and Alan Raph. Mr. Raph expressed his ideas for his municipal brass band which consists of 17 professional musicians, to perform at public events, at dedications and openings at State Holidays and special observances along with giving concerts to promote the "Image and name of Danbury".

Each performance would cost approximately \$2,000. The band would find the funding through public, private and corporate support.

The committee discussed the request and found that Mr. Raph's main concern is primarily for formal recognition of the Danbury Municipal Brass Band before the City Council.

Mr. Flanagan made a motion at the committee meeting that the Council adopt a Resolution that recognizes the Danbury Municipal Brass Band as the "Official Brass Band of Danbury". Moiton was seconded by Mr. Charles and passed.

The committee emphasized that recognition did not guarantee funding now or in the future.

A motion was made by Councilman Sollose and seconded by Councilman Flanagan for acceptance of the report and recommendations.

Councilwoman Thora Skoff spoke in favor of the request stating that the group would be non-profit.

Councilwoman Janet Butera stated that the \$2,000 fee is not non-profit.

Councilman Boynton stated that they could solicit funds using the City's good name.

Attorney Gottschalk stated that the request for sponsorship is not quite clear.

Councilman Flanagan spoke in favor of the request and Councilman Gallo spoke against the request.

The Request was denied by a roll call vote of 16 Nays & 4 Ayes.
Council members - Johnson, Philip, Torcaso, Godfrey, Zotos, Hadley, Cassano, McManus, Gallo, Esposito, Boynton, Butera, DaSilva, Eriquez, Smith and Torian voted Nay. (16 votes)

Council members - Sollose, Flanagan, Skoff and Charles voted Aye.
4 votes - 1 member was absent.

042 - REPORT - Sewer Rates.

Council Member C. McManus submitted a report stating that the Common Council committee appointed to review the sewer rates, met with William Buckley, Superintendent of Public Utilities, on March 13, 1986 and with Mr. Buckley and Comptroller D. Setaro on March 18, 1986.

Although the committee has been able to do substantial groundwork concerning the sewer rates, no conclusions can be reached until the Sewer Budget is approved by the Common Council. The committee respectfully requests an extension of time until the Budget has been completed.

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

Council Member Carole Torcaso submitted a report stating that the committee appointed to review and investigate, under Section 3-175 - 2-187 of the Code of Ordinances, the Parks & Recreation Commission, Board of Ethics and Fair Rent Commission, met on Jan. 9, 1986 with Mrs. Torcaso, Mrs. Butera, Mr. Flanagan, Mr. Noonan and Mr. Goldman present.

At this time it was decided to develop a schedule for reviewing the three entities. The committee decided that March 3rd be the deadline for each entity under review to submit a report, using the guidelines set forth in prior years. On March 6th a meeting would be held to determine if all necessary information was received. If not, a meeting would be held on March 13th to review, discuss and write the report. It was also decided that if pertinent information was not presented, the entity would be terminated in accordance with the Ordinance.

On March 3, 1986, the deadline for reports, no reports had been received. The Assistant City Clerk was directed to contact chairpersons to attend a meeting already scheduled for March 6, 1986.

Mr. Thomas Evans attended the meeting on March 6th, representing the Parks & Recreation Commission. He discussed the commission's role as an advisory to the Parks & Recreation Department and that they did not have a budget. Mr. Evans detailed several plans that the commission had been a part of.

Mrs. Butera stated that she felt that all questions had been answered properly and that she felt the Parks & Recreation Commission should be continued as a viable part of our City's system.

Since no other entities were present, it was decided that the Chairperson should contact Assistant Corporation Counsel E. Gottschalk to inquire about appropriate termination procedures. Mr. Gottschalk stated he would contact the Fair Rent Office to advise them of the committee's intention.

During this time the Board of Ethics' Report was submitted and each member was sent a copy to review.

On March 13, 1986 the final meeting was held with committee members Torcaso, Butera, Flanagan, Noonan and Goldman present.

The Fair Rent Commission submitted their report that day and it was found to be in compliance with their ordinances, however, members were irritated with the lateness of the report.

It was noted that the Board of Ethics' lack of holding regular meetings is explained by their unique role of acting as an advisory for opinions and to sit in judgment only when requested.

In keeping with the provisions set forth in Section 2-175 - 2-187 of the Code of Ordinances, the following motions were made:

1. Mr. Flanagan made a motion, seconded by Mr. Goldman to continue the Parks & Recreation Commission. Motion passed.
2. Mr. Goldman made a motion, seconded by Mrs. Butera to continue the Board of Ethics. Motion passed.
3. Mrs. Butera made a motion, seconded by Mr. Noonan to continue the Fair Rent commission. Motion passed.

A decision followed regarding the need to change the Ordinance so that it would perpetually continue. It was noted that in its present form, the Ordinance would end with the review in 1987. It was also discussed that the Ordinance should allow for new entities to become a part of the review process at its enactment. All present felt that the Ordinance serves the purpose for which it was intended and should be continued.

Report 043 - continued:

Mrs. Butera made a motion to direct Assistant Corporation Counsel Eric Gottschalk to make the following changes in the "Sunset Ordinance":

1. Make appropriate changes so that the Ordinance would perpetually continue.
2. Make appropriate changes so that new entities would automatically be added to the review process.

Motion was seconded by Mr. Flanagan and passed.

Mrs. Torcaso thanked Mr. Noonan and Mr. Goldman for taking time from their busy schedules to attend the meetings.

The Report and Committee Recommendations were accepted by the Common Council on the Consent Calendar.

044 - REPORT - Sewer Extension for Friendly Restaurant - Mill Plain Rd.

Council Member C. Torcaso submitted a report stating that the committee appointed to review the above petition met on March 17, 1986. Present were committee members Torcaso, Flanagan, Zotos; J. Schweitzer, City Engineer and W. Buckley Supt. of Public Utilities; Ms. Joan Williams for the Friendly Restaurant interest.

Mr. Schweitzer stated that the plan had been reviewed by his office and with a very minor change was acceptable. Mr. Buckley stated that the 1900 gal/day projected sewer discharge was well under the 2160 gal/day allowable discharge.

Mrs. Torcaso reported that she had spoken to a planner in the Planning Department who had informed her that there was a problem with a Deed restriction on one of the two parcels, however this was not something this committee could discuss.

Mr. Zotos questioned why the Planning problems had not been solved. Mrs. Torcaso stated that if the committee would desire to permit the sewer extension, it could be made with a restriction that all other permits be secured before the sewer extension permit would be issued.

Mr. Flanagan moved that the committee recommend the Council approve the petition subject to the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer line.
2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Conn. Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering plans and specifications are to be approved by the City Engineer and the Supt. of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer line within City streets and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the sewer line as the City Engineer's office determines are of potential benefit to other landowners in the City.

044 - Report - continued:

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 line.
8. That all deed restrictions be removed and all planning and zoning permits be secured. That this petition for extension be valid only until Dec. 1, 1987. After that date, this approval would be null and void.

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

REPORT & ORDINANCE - Ordinance making appropriations for various public improvements for recreational and Old Library facilities.

Councilwoman C. McManus, Common Council President submitted a report stating that the Common Council held a public hearing concerning the proposed Recreation Bond, on March 20, 1986 at 8:00 P.M. in the Council Chambers in City Hall.

The Common Council met as a committee of the whole immediately following the public hearings and recommends that the proposed Ordinance be adopted with the following amendments:

1. The title be changed to read "Old" Library instead of Library.
2. The Ordinance be presented in two questions - one question being the expenditure for the skating rink and the other question representing all of the other items in the original ordinance.

A motion was made by Councilman DaSilva and seconded by Councilman Charles that the Report be accepted and Ordinance deferred for public hearings.

Motion carried with Councilman Eriquez voting in opposition to dividing the questions.

046 - REPORT - Status Report re: Petition for sewer & water -Turner Road.

Councilman Godfrey submitted a report stating that the committee held its first meeting on the petition of Danbeth Corp. for City sewer and water to property straddling the Danbury-Ridgefield town line on March 11, 1986.

Present were committee members Godfrey, Skoff, and Hadley; Council members McManus and Esposito (ex-officio); City Engineer J. Schweitzer and Supt. of Public Utilities W. Buckley. Representing the petitioner were Attys Payne and Maloney. Appearing were Attys. Bennett and Cogen for Novo Laboratories, Inc., Carolyn O'Boyle, Donald Lombardo and former Councilman Peter Kennedy, in opposition to the petition.

Mr. Schweitzer, the City Engineer stated that they were not prepared at this time to advise the committee on the technical aspects of the petition.

The committee concluded that this would not permit it to make a decision at this meeting, but that it would accept information and opinion from any interested parties now.

The Petitioner offered to give the City \$500,000.00 to permit it to tap into the City's water system. No other persons spoke in favor of the petition.

046 - Report - continued:

The committee heard from opponents of the petition. Novo Laboratories, Inc., a Danbury Corporation represented by Atty. David Bennett, raised the threshold issue of standing. It alleged that the petition submitted to the Common Council on the forms required by ordinance was from the Danbeth Corporation. Appearing tonight was Danbeth Partnership, a different entity, and a successor in interest to Danbeth Corporation. Novo submitted documentary evidence to delineate the differences between the two entities, and a memorandum of law supporting its contention that Danbeth Partnership was the "wrong applicant".

The committee referred the memorandum of law and other documentary evidence to the Corporation Counsel for advice. The committee requested an extension so as to permit the completion of its information and opinion gathering.

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

REPORTS & ORDINANCES

Common Council President C. McManus submitted reports stating that the Common Council held public hearings on March 23, 1986 in the Council Chambers in City Hall and then met as a committee of the whole immediately following the public hearings and unanimously recommends that the Common Council adopt the following Ordinances:

The Reports were accepted and the following Ordinances adopted by the Common Council on the Consent Calendar:

- 047 - ORDINANCE - Amendment to Section 2-56.10(c) - (Youth Commission).
- 048 - ORDINANCE - Amendment to Section 2-54(c) - Equal Rights and Opportunities Commission.
- 049 - ORDINANCE - Amendment to Section 13A-13 - Richter Park Authority.
- 050 - ORDINANCE - Amendment to Section 2-56-14(b) - Commission for the Handicapped.
- 051 - ORDINANCE - Amendment to Section 14-4 - General Employee's Pension Plan (Retirement Dates).
- 052 - ORDINANCE - Amendment to Section 17-48 - Road Opening Permits.
- 053 - ORDINANCE - Amendment to Subsection 16A-34(a) - Delinquent Landfill use bills.
- 054 - ORDINANCE - Amendment by adding Section 17-35 (Legislation for repeat & re-inspection of construction projects.
- 055 - ORDINANCE - Amendment by adding Section 18-16 - (Tax exemptions Charitable, religious or non-profit organizations.

- 056 - REPORT - Request for the use of the Danbury Railroad Station.

Council Member Thora Skoff submitted a report stating that the committee met on March 26, 1986. Present were committee members Skoff, Eriquez. Mrs. Butera was absent due to family illness. Also present were Mr. & Mrs. Turner, originators of the request and Miss Judy Gross representing the Planning Department.

Mrs. Skoff read the request from Mrs. Lolly Turner, Whistle Stop Muffin Co. and communications to and from the Corporation Counsel.

Following discussion of the merits of this particular request, the committee recommends that the Corporation send to the Common Council and the Planning Department a status report of this negotiation with the State within 30 days.

A motion was made at the committee meeting by Councilman Eriquez and duly seconded that the committee take no action on this request because the City has not entered into a lease agreement with the State, although merits of this request are recognized. The intent of the committee is that rental of this property be investigated by the Common Council once the primary lease is negotiated.

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

057 - REPORT - Golden Hill Retaining Wall.

Council Member C. McManus submitted a report stating that the committee assigned to consider the request that the Common Council reverse its decision on the Golden Hill retaining wall, met on March 26, 1986. Councilman Gallo was excused as he had to return to work.

The committee was in receipt of a letter from the City Engineer stating that the land in question may be needed for future road widening and should not be sold.

Councilman Esposito moved that the petition be denied at this time and that the applicants be encouraged to resubmit if another solution to the problem is found. Motion seconded and passed.

The Report and committee recommendation for denial was accepted by the Common Council on the Consent Calendar.

058 - REPORT & ORDINANCE - Tax Credit for the Elderly. Amendment to Sec. 18-12.

Common Council President C. McManus submitted a report stating that the Common Council held a public hearing on the above Ordinance, on March 26, 1986 in the Council Chambers in City Hall.

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

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

059 - REPORT - Request to purchase land on East Franklin Street.

Councilman Esposito submitted a report stating that the committee appointed to review the request from Louis W. Owen III, Precision Laminates Corp., to purchase land on East Franklin Street, met on March 26, 1986 at 7:00 P.M. in City Hall.

Present were committee members - Esposito, Johnson & Zotos. Also attending was L. Owens, Vice President of Precision Laminates.

Chairman Esposito read a letter from Atty. Goldstein, Corporation Council stating that at the present time the said property is part of roadway construction and at this time has not been declared surplus property.

Mr. Owens was informed of the situation and advised by the committee to contact the Purchasing Department as to if and when the property in question becomes surplus.

The committee recommended no action be taken at this time on the request.

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

060 - REPORT - Affordable Housing Program.

Councilman Eriguez submitted a report stating that the ad hoc committee formed to consider the proposal for development and implementation of an affordable housing program for moderate income families for the City of Danbury, met on Jan. 14, Feb. 25 and March 19, 1986 in City Hall.

Members of the committee present were Councilmen Eriguez, Flanagan and Smith. Also in attendance were Associate Director of Housing, Paul Schierloh and Assistant Corporation Counsel Eric Gottschalk.

At the January meeting, the committee entertained a presentation by the Homeowners Group Inc. of Newark, Delaware on their specific proposal chosen by a select ad hoc group of key City Officials.

Mr. Gerald Doherty and Mr. Brian Murphy, two senior members of the Homeownership Group, explained their proposal in detail and responded to the various questions posed by members of the committee. Len Sedney, Keith Colgan, Bill Quinn, Paul Schierloh and Dominic Setaro were also present at the meeting.

Concern was expressed about the viability of pending tax reform legislation (referred to as H.R. 3838) and its impact on the salient issues related to public purpose tax-exempt bonding, which would be the most desirable method to finance such a project under existing tax law.

Upon consideration of Bond Counsel's views, the committee determined to have the Homeownership Group revise their proposal to include financing methods through three possible scenarios:

1. Using tax-exempt bonding under the present law.
2. Using tax-exempt bonds under the Tax Reform Act of 1985, adopted by the U. S. House of Representatives and pending before the Senate, or
3. Using taxable bonds or conventional financing if tax-exempt financing is rendered illegal or impractical under changes in the tax law.

Upon receipt of these revisions, the committee met in March and agreed that the revised proposal was preferred. Also, the committee negotiated the contract costs for the Homeownership Group's consulting fees and the language of the contract working with the Homeownership Group, Paul Schierloh and Eric Gottschalk.

The Homeownership Group will provide technical assistance and staffing in the development of this lease/purchase program for those moderate income families of Danbury.

Costs related to this contract are reimbursable to the City via the financing method employed for the project.

It is important to note that the development of this program will proceed regardless of any decisions on tax reform (the proposal and contract have been structured accordingly).

The committee, having extensively reviewed this proposal and having negotiated a contract, moved to recommend to the Council approval of the proposed contract for \$55,300 for consultant services identified in Exhibit A of the Contract.

It should be reported that this Contract can be terminated by the City at any time for any cause per Section V of the Contract. All work completed by the Homeownership Group on Items 1-4 of Exhibit A will be submitted to the City for review and approval.

The Homeownership Group will not proceed with any additional work beyond Item 4 in Exhibit A until notice of approval to proceed is given in writing.
(of the Contract)

CERTIFICATION #33 was authorized by Dominic A. Setaro, Jr. - Acting Director of Finance - Comptroller, in the amount of \$55,300.00 available to be transferred from the General Fund fund balance account to the Health & Housing Account 02-04-101-020100 (Professional Services) for the City's Affordable Housing Proposal. Certification submitted by Kim Griffin, Assistant Comptroller.

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

Mayor Dyer thanked Councilman Eriquez and his committee for working on this proposal and for the Report submitted.

A motion was then made by Councilwoman Skoff and seconded by Councilman Flanagan for permission to add an item to the agenda in reference to selling Airport property to the State.

Mayor Dyer explained that this issue is in the Corporation Counsel's Office at the present time.

The motion to add the item to the agenda failed by a vote of 12 Ayes and 8 Nays. 14 votes required to add to the agenda.

Council members - Johnson, Sollose, Godfrey, Zotos, Gallo, Esposito, Boynton, Eriquez voted Nay. (8 votes).

Council members - Philip, Torcaso, Flanagan, Hadley, Skoff, Cassano, McManus, Charles, Butera, DaSilva, Smith, Torian voted Aye (12 votes.)

Mayor Dyer then appointed the following committees for pending items:

December 1985 referrals:

Claims - Eriquez, Farah, Smith.

030-2 - Request for the City to accept two parcels for road widening purposes on Chambers Road (Fagan Subdivision) referred to:

Esposito, McManus, Johnson & Planning.

039 - Land adjacent to new Mall for sale to the City - referred to: Gallo, McManus, Smith & Planning.

066 - Request to purchase city property on Serre Road - referred to: Farah, Charles, Zotos.

067 - Traffic & construction problems on Wildman St. - referred to: Torian, Godfrey, Esposito.

January, 1986 referrals:

05 - Land on Aunt Hack Road for sale to the City - referred to: Torcaso, DaSilva, Eriquez.

019 - Sewer Assessment on Abbott Ave. referred to: _____, Philip, and Farah.

Councilman Godfrey thanked Mayor Dyer for including in the Annual Report, on the last page, the fact that Danbury is to establish a Vietnam Veterans Memorial and whereby Mayor Dyer has committed \$75,000 in city funding to the estimated \$170,000 cost of the monument. Area towns are also being asked to donate.

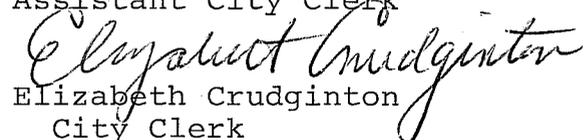
There being no public speakers and no further business to come before the Common Council, a motion for adjournment was made by Councilman Godfrey and seconded by Councilman Flanagan at 9:00 P.M.

Respectfully submitted


Mary Rickert

Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk