

To: Mayor James E. Dyer, City of Danbury, Connecticut.

Re: Minutes of the Common Council Meeting held July 7, 1987.

The Meeting was called to order at 8:00 P.M. by Mayor James E. Dyer who led the assembly in the Pledge of Allegiance. The Prayer was offered by Councilman John Esposito.

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

PRESENT: Council Members Johnson, Sollose, DeMille, Philip, Godfrey, Flanagan, Zotos, Hadley, Rotello, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Farah and Torian.

ABSENT: Council Members Cassano and Smith.

19 Members Present - 2 Members Absent.

Mrs. McManus stated that both Mr. Cassano and Mr. Smith were out of town.

NOTICES & ANNOUNCEMENTS BY MAYOR DYER

Mayor Dyer offered wishes for a speedy recovery to Town Clerk Michael Seri on behalf of himself, the Common Council and all City employees.

On July 11 and 12, the Cultural Commission will sponsor its annual Ethnic Festival at Rogers Park Junior High School.

The PAL Field Day will be held on July 12.

On July 9th, new firefighters will be sworn in at City Hall.

On July 9th, the Soapbox Derby Trophy Dinner will be held

On August 1st, Danbury Police Union will sponsor its annual picnic.

On August 18th, Independent Hose Company will celebrate 100 years of volunteer service to the City.

The Mayor extended birthday wishes to the following:

July 2nd - The Mayor's father, Thomas Dyer who celebrated his 92nd.

July 7th - Mayoral Staff Assistant Jacquelyn Cruz

July 21st - Former Assistant City Clerk Mary Rickert.

July 24th - Councilman Louis Rotello who will celebrate his 65th!

August 1st - Councilman Joseph DaSilva.

The Mayor extended anniversary wishes to Councilman and Mrs. John Esposito who will celebrate their anniversary on July 25th.

CONSENT CALENDAR: Mr. Gallo moved the following items be approved on the Consent Calendar.

- 2 - Resolution - Delegation of Authority from DEP to Danbury Health Department.
- 5 - Resolution - Women, Infants and Children's Supplemental Nutrition Program.
- 8 - Communication - Appointment of Meredith Findley to the Environmental Impact Commission.
- 9 - Communication - Reappointments to the Commission on the Status of Women.
- 10 - Communication - Appointment of HRRRA Members.
- 13 - Communication - Report from the Director of Public Works regarding Drainage Problems on Cozy Hollow and Boulevard Drive.
- 15 - Communication - Report from City Engineer on repairs to retaining wall at Sunrise Ridge Condominiums (to accept communication).
- 16 - Communication - Report from Planning Commission regarding Danbury Square Box Co. (To approve request).
- 23 - Communication - Certification - Education Enhancement Act.
- 24 - Communication - Certification - Boughton Street Lease.
- 25 - Communication - Certification - CACD Neighborhood Services Program.
- 29 - Communication - Certification - Revenue Adjustments 1987-88 Budget.

Consent Calendar continued:

- 30 - Communication - Municipal Liability Trust Fund Grant.
- 36 - Communication - Police Department Grant - Certification.
- 38 - Communication - Approval of Wage Agreement for 1987-88 City of Danbury and I.R.T. Local 677.
- 44 - Report and Ordinance - Governmental Entity Review and Investigation Committee (Sunset Review).
- 45 - Report and Certification - Request for Financial Support from the Youth Commission for a Youth Employment Service.
- 46 - Report - Request to purchase land on Indian Head Road.
- 47 - Report - Offer to sell or lease building at 85 Osborne Street to the City.
- 48 - Report - Offer to sell land at the corner of Main and Rose Streets to the City.
- 49 - Report - Request for water extension - Plumtrees Road.
- 50 - Report - Lease of Sears Building - 129 Main Street.
- 51 - Report - Request for sewer extension - 7 Pembroke Road.
- 52 - Report - Request for sewer extension - 85 Newtown Road.
- 53 - Report - Request for water and sewer extensions - Oakland Avenue.
- 54 - Report - Termination of Personnel Appeals Board.
- 56 - Report - Proposed Lease between the City of Danbury and the USA.
- 58 - Progress Report - Request for water extension - Old Sherman Turnpike.
- 59 - Progress Report - Request for water and sewer extensions - 62 Brushy Hill Road.
- 61 - Progress Report - Proposed Lease between the City of Danbury and New England Aircraft Sales.
- 62 - Progress Report - Jackson-Hanson Property.
- 63 - Progress Report - Downtown Parking Garage.

Mayor Dyer stated that Councilman Zotos was abstaining as to item 53.

Mrs. McManus seconded the items on the Consent Calendar. Motion carried unanimously.

MINUTES - Councilman DaSilva made a motion to waive the reading of the minutes of the Common Council meetings held on June 1, June 2, June 16 and June 24, 1987 as all members have copies and are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Eriquez. Motion carried unanimously.

1 - CLAIMS - M. Stanley, Michelle Forzley, Felix Cavaliere, Anthony R Borelli.

Mrs. McManus asked that the claims be referred to the Corporation Counsel for a report back in thirty days. Mayor Dyer so ordered.

2 - RESOLUTION - Delegation of Authority from DEP to Danbury Health Department.

Resolved by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Commissioner of the Department of Environmental Protection is authorized under Connecticut General Statutes § 22a-2a to designate as his agent a municipality or employee thereof and to delegate to such agent authority to undertake various responsibilities in connection with the enforcement of Connecticut Environmental laws as they relate to air and water pollution; and

WHEREAS, for the purposes of said statute the aforesaid designee is the Danbury Director of Health; and

WHEREAS, the duties of said Director of Health established pursuant to this resolution concern the granting of authority to investigate existing or potential sources of water pollution provided and stipulated under provisions of § 22a-2a-2 of the Regulations of Connecticut State Agencies which duties include the submission of reports describing suspected violations, abatement of violations where required, maintenance of files regarding complaints, reports and results of samplings, as well as coordination of staffing delegations; and

WHEREAS, said Director of Health is desirous of requesting such delegation of authority and designation as agent of the Commissioner of Environmental Protection of the State of Connecticut under a Memorandum of Agreement between the State of Connecticut Commissioner of Environmental Protection and the City of Danbury Director of Health;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury Director of Health is authorized to enter into a written agreement whereby the Director of Health acts as agent and designee of the State of Connecticut Commissioner of Environmental Protection for the above-mentioned purposes and that the Director of Health be and hereby is authorized to execute any and all necessary related documents pursuant to said program.

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

3 - RESOLUTION - Meserve Grant - Commission on the Status of Women.

Resolved the the Common Council of the City of Danbury:

WHEREAS, the Meserve Fund and various other entities established for funding purposes make funds available for charitable and other beneficial purposes; and

WHEREAS, the City of Danbury Commission on the Status of Women was established for the purposes of studying the needs and conditions of the women in the community; and

WHEREAS, the City of Danbury through the Commission on the Status of Women desires to obtain grant funding in order to hire an administrative support person in order to assist in the expansion of its services; and

WHEREAS, said grant request is in the amount of \$1,800.00;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of The Commission on the Status of Women and the Mayor of the City of Danbury in applying for said grant be and hereby are authorized and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

Mr. Boynton moved to adopt the Resolution. Seconded by Mr. DaSilva. Mrs. McManus stated that Comptroller Dominic Setaro had not had a chance to look over the paperwork in order to assure that no matching funds would be required from the City.

Mr. Philip gave a description of the Meserve organization.

Mr. Boynton amended his motion to reflect that the Resolution would be adopted providing that Mr. Setaro ascertained that no matching funds from the City would be required.

Motion carried with Mrs. Butera voting in the negative.

4 - RESOLUTION - Connecticut Neighborhood Assistance Act Project.

Resolved by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Neighborhood Assistance Act provides tax credits to businesses which support community programs that have received prior municipal approval; and

WHEREAS, the City of Danbury is interested in participating in this program;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the 1987 Connecticut Neighborhood Assistance Act application package attached be approved and that Mayor James E. Dyer be authorized to execute any and all documents necessary.

Mrs. McManus asked that this be deferred to a Public Hearing. Mayor Dyer so ordered.

5 - RESOLUTION - Women, Infants and Children's Supplemental Nutrition Program.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1986 through September 30, 1987 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

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

WHEREAS, a grant award of up to \$136,688.00 has been processed by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized;

BE IT FURTHER RESOLVED THAT to accomplish said program James E. Dyer, Mayor of the City of Danbury, is authorized to make, execute, and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services.

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

6 - ORDINANCE - Municipal Housing Trust Fund.

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

Pursuant to the provisions of Connecticut General Statutes, subparagraphs 7-148(c)(2)(K) and 7-148(c)(4)(I) there is hereby established a municipal housing trust fund. Any sums deposited in said fund shall be used to provide for the financing, construction, rehabilitation, repair, improvement or subsidization of housing for low and moderate income persons or families. Notwithstanding the provisions of section 7-9 of the Danbury Municipal Charter no sums remaining in said fund at the completion of any fiscal year shall lapse but shall remain in said fund until expended or until the municipal housing trust fund is terminated by action of the Common Council.

Mr. Gallo asked that this be deferred for a public hearing. Mayor Dyer so ordered.

7 - COMMUNICATION - Appointment of Superintendent of Public Buildings

Letter from Mayor James E. Dyer appointing Richard Palanzo of 27 Wildman Street to the position of Superintendent of Public Buildings. Detailed resume was attached.

Mr. Gallo made a motion to accept the communication and confirm the appointment. Seconded by Mr. Godfrey.

Mr. Farah stated that since Mr. Palanzo did not come in first on the Civil Service test, he would like this appointment referred to a committee. Mayor Dyer stated that this was his appointment to make and he could chose from the top three candidates. Mr. Farah stated that he would still like it referred to committee. Mayor Dyer appointed Council Members Enriquez, Gallo and Boynton to the committee and stated that he would be calling a Special Common Council Meeting later this month and would like this item to appear on that agenda.

8 - COMMUNICATION - Appointment to the Environmental Impact Commission

Letter from Mayor James E. Dyer requesting confirmation of Meredith Findlay of 46 Boulevard Drive to the Environmental Impact Commission for a term to expire on December 1, 1989.

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

Mayor Dyer introduced Attorney Findlay who was in the audience this evening.

9 - COMMUNICATION - Reappointments to the Commission on the Status of Women.

Letter from Mayor James E. Dyer requesting confirmation of the reappointment of Charlotte Barrows of 55 Hospital Avenue and Lila Leopold of 16 Dogwood Drive to the Commission on the Status of Women.

The reappointments were confirmed on the Consent Calendar by the Common Council.

10 - COMMUNICATION - Appointment of HERRA Members.

Letter from Mayor James E. Dyer asking that he be reappointed as representative to the Housatonic Resource Recovery Authority and that Basil J. Friscia be reappointed as alternate.

The appointments were confirmed on the Consent Calendar by the Common Council.

11 - COMMUNICATION - Request for Full-Time Civil Service Position - Department of Elderly Services Municipal Agent.

Letter from Leo McIlrath asking that a full-time Civil Service position be established for a Municipal Agent for the Department of Elderly Services.

Mrs. McManus asked that this be referred to the Director of Personnel for a report back in thirty days. Mayor Dyer so ordered.

12 - COMMUNICATION - Request for funds for two part-time Senior Aide positions - Department of Elderly Services.

Letter from Leo McIlrath asking for funds to be appropriated for the salaries for two part-time Senior Aides who are currently funded by the federal government's Title V program.

Mrs. McManus asked that a committee be appointed to review this communication at the request of Comptroller Dominic Setaro. Mayor Dyer ordered that the committee shall consist of Council Members Philip, DeMille and Zotos.

13 - COMMUNICATION - Report from the Director of Public Works regarding Drainage Problems on Cozy Hollow Road and Boulevard Drive.

Letter from Basil J. Friscia stating that drainage problems do exist at these two sites and a solution is presently being studied by the Highway Department.

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

14 - COMMUNICATION - Report from the Director of Public Works on accepting Capitola Road as an approved City road.

Letter from Basil Friscia stating that Capitola Road is in need of major repair in order to bring it up to city standards and suggest that an ad hoc committee be established to discuss the proposal..

Mr. Gallo asked that this be referred to a committee and the Planning Commission. Mayor Dyer ordered this to the Planning Commission and an ad hoc committee consisting of Council Members Rotello, Godfrey and DaSilva.

15 - COMMUNICATION - Report from City Engineer on repairs to retaining wall at Sunrise Ridge Condominiums.

Letter from John Schweitzer discussing negotiations which have taken place between his office and the Sunrise Condominium owners in which they have tried to find solutions to the problem with the wall.

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

16 - COMMUNICATION - Report from Planning Commission regarding Danbury Square Box Co.

Letter from Planning Commission stating that it has voted a positive recommendation for the request of Danbury Square Box Co., Inc.

The Communication was accepted and the request of Danbury Square Box Co., Inc. approved on the Consent Calendar by the Common Council.

17 - COMMUNICATION - Reports from the Planning Commission and the Corporation Counsel regarding Michael and Marion Goodman, Dickens Pond Parcel, Franklin Street.

Report of the Planning Commission stating that it has voted a positive recommendation for the request and a letter from Eric Gottschalk, Assistant Corporation Counsel stating that property descriptions should be requested from the petitioners.

Mrs. McManus moved that the request of the applicants be granted provided that property descriptions are received. Seconded by Mr. Gallo. Motion carried unanimously.

18 - COMMUNICATION - Request for Sewer and Water Extensions - Sand Pit Road and Morgan Avenue.

Request from Paul Valeri, Arthur Mannion, Nathan Gillotti and Warren Dougherty d.b.a. SP Development Company for sewer and water extensions at Sand Pit Road and Morgan Avenue.

Mr. Hadley asked that this be referred to a committee and the Planning Commission. Mayor Dyer order this referred to the Planning Commission and an ad hoc committee consisting of Council Members Torian, Eriquez and Sollose.

19 - COMMUNICATION - Request for Water Extension - 43 Farm Street.

Request from Gerald Rutledge for water extension at 43 Farm Street. Mr. Gallo asked that this be referred to the Planning Commission and an ad hoc committee. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Torian, Eriquez and Sollose.

20 - COMMUNICATION - Request for sewer extension - 5 Pembroke Road.

Request from Ivan and Jane Vrba for sewer extension at 5 Pembroke Road. Mrs. Butera asked that this be referred to the Planning Commission and an ad hoc committee. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Gallo, DeMille and Smith.

21 - COMMUNICATION - Request for sewer extension - 16 Beaver Brook Road.

Request from Raymond H. and Agnes A. Roth for sewer extension at 16 Beaver Brook Road. Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Hadley, Zotos and Flanagan.

22 - COMMUNICATION - Request for sewer and water extensions - Kenosia and Backus Avenues.

Request from Toys R Us for sewer and water extensions at Kenosia and Backus Avenue. Mr. Hadley asked that this be referred to the Planning Commission and an ad hoc committee. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Hadley, Zotos and Flanagan.

23 - COMMUNICATION - Certification - Education Enhancement Act.

Letter from Comptroller Dominic Setaro certifying that the City has received from the State of Connecticut a total of \$490,035 in reference to the appropriation of Educational Enhancement Act funds.

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

24 - COMMUNICATION - Certification - Boughton Street Lease.

Letter from Comptroller Dominic Setaro certifying the availability of \$1,300 in the Contingency Account to be transferred to the Police Department's real estate budget for the Boughton Street Lease.

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

25 - COMMUNICATION - Certification - CACD Neighborhood Services Program

Letter from Comptroller Dominic Setaro certifying the availability of \$5,200 in the Contingency Account to be transferred to the Grants Section of the budget to Community Action account.

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

26 - COMMUNICATION - Adjustments to the 1987-88 Budget.

Letter from Comptroller Dominic Setaro certifying the revenue adjustments of \$400,000 in the 1987-88 Budget.

Mrs. McManus moved that the communication be accepted and the transfers of funds authorized. Seconded by Mr. Eriquez. Motion carried unanimously.

27 - COMMUNICATION - Certification - Public Works Equipment.

Letter from Comptroller Dominic Setaro certifying the amount of \$275,000 to be appropriated to a new line item in the capital budget entitled Public Works Equipment.

Mr. Boynton moved that the communication be accepted and the transfer of funds authorized. Seconded by Mr. Charles. Motion carried unanimously.

28 - COMMUNICATION & CERTIFICATION - Portable Classrooms - Roberts Avenue School.

Letter from Comptroller Dominic Setaro certifying the amount of \$175,000.00 which represents 50% of the estimated cost of the purchase of the portable classrooms for Roberts Avenue School.

Mr. Charles made a motion to accept the communication and authorize the transfer of funds. Seconded by Mr. Eriquez. Motion carried unanimously.

29 - COMMUNICATION - Certification of Revenue Adjustments 1987-88 Budget.

Letter from Comptroller Dominic Setaro certifying funds to be transferred within the revenue accounts.

The communication was accepted and the transfers of funds authorized on the Consent Calendar by the Common Council.

30 - COMMUNICATION - Municipal Liability Trust Fund Grant.

Application for funds which have been request by the City's Risk Manager under the Municipal Liability Trust Fund grant program which was established by the State of Connecticut.

The Application for funds was approved on the Consent Calendar by the Common Council.

31 - COMMUNICATION - Request for new Fire Truck.

Letter from Fire Chief Charles Monzillo requesting approval of funding for a new pumper.

Mr. Gallo asked that this be referred to a committee. Mayor Dyer ordered that the committee shall consist of Council Members Smith, Philip and Butera.

32 - COMMUNICATION - Proposed Lease Agreement between Conrail and the City of Danbury - 109 Park Avenue.

Proposed Lease between Conrail and the City of Danbury whereby the City will agree to undertake the installation and maintenance of a sewer line on property of the Railroad located to the rear of 109 Park Avenue and the petitioners will agree to undertake, at their sole cost and expense all obligations of the City under the License Agreement in accordance with its terms and to reimburse the City for, and indemnify and hold the City harmless from and all liability or obligation under the License Agreement.

Mr. Hadley asked that this be referred to the Corporation Counsel for a report back in thirty days. Mayor Dyer so ordered.

33 - COMMUNICATION - Sunrise Ridge Condominium Owners.

Letter from Attorney Ward J. Mazzucco on behalf of the owners of Sunrise Ridge Condominiums asking for the opportunity to update the Common Council on the status of efforts to repair the retaining wall.

Mr. Boynton asked that this be referred to an ad hoc committee. Mayor Dyer ordered that the committee shall consist of Council Members DaSilva, Gallo, Philip, Boynton, Flanagan, Hadley and Charles.

34 - COMMUNICATION - Request for Grant from Family and Children's Aid.

Request for Family and Children's Aid request consideration for a \$16,445 City Grant to held fund on-site professional clinical social work at WIC.

Mr. Eriquez asked that this be referred to an ad hoc committee. Mayor Dyer ordered that the committee shall consist of Council Members DeMille, Charles and Boynton.

35 - COMMUNICATION - Request for acceptance of donation from John Errichetti.

Letter from Jerry Juretus, Acting Executive Director of the Re-development Agency requesting that the Common Council accept a donation of \$4,729.08 from John Errichetti. The amount is equal to the taxes that would have been charged on Phase I of the Danbury Green project for the period January - June, 1987.

Mr. Boynton made a motion to accept the donation. Seconded by Mr. Gallo with the Members voting as follows:

AFFIRMATIVE - Council Members Sollose, DeMille, Philip, Zotos, Hadley, Rotello, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Farah and Torian.

NEGATIVE - Council Members Johnson, Godfrey, Flanagan and Eriquez

Fifteen Affirmative, Four Negative. Motion carried.

36 - COMMUNICATION - Certification - Police Department Grant.

Letter from Comptroller Dominic Setaro certifying the availability of \$10,000 to be transferred from the City's Contingency Account to the Police Department's line item for professional service and fees account.

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

37 - COMMUNICATION - Request for Well-Drilling Easement from Rural Water Co., Inc.

Request from Stephen C. Polizzi requesting the granting of an easement on City owned land for the purpose of drilling a well on Lakeview Avenue and on Valley Road.

Mr. Sollose asked that this be referred to the Planning Commission and an ad hoc committee. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Johnson, Philip and Esposito.

38 - COMMUNICATION - Approval of Wage Agreement for 1987-88 City of Danbury and I.R.T. Local 677.

Agreement between the City and Local 677 which calls for a 5% wage increase, an adjustment in the wage classification for the Cross-Connector position and an hourly premium for the Equipment Mechanic position based on years of service.

The Agreement was approved on the Consent Calendar by the Common Council.

39 - COMMUNICATION - Offer of land at 17 E. Hayestown Road to the City

Letter from John J. Eriquezzo offering land at 17 E. Hayestown Road which is contiguous to the City owned parking lot across from the Town Park.

Mrs. Butera asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Dyer ordered this referred to the Planning Commission and an ad hoc committee consisting of Council Members Esposito, Charles and Butera.

40 - COMMUNICATION - Request for appointment of a committee to study the need for stop signs in the Caye Road and Hawley Road area.

Letter from Council Member Donald Sollose asking that a committee be appointed to study the need for stop signs in the Caye Road and Hawley Road area, together with a signed petition from citizens living in the area.

Mr. Gallo asked that such a committee be appointed. Mayor Dyer ordered that the committee shall consist of Council Members Sollose, Gallo and Torian.

41 - COMMUNICATION - Request to clean Lake Kenosia of weeds.

Letter from Janet Gershwin asking the City to take responsibility for clearing the weeds from Lake Kenosia.

Mr. Hadley asked that a committee be appointed to study this request. Mayor Dyer ordered that the committee shall consist of Council Members Hadley, Rotello and Smith.

42 - DEPARTMENT REPORTS

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| Sanitarian/Public Health Inspector | Fire Marshall |
| Coordinator of Environmental and Occupational Health Services | Fire Chief |
| Housing Code Enforcement | Public Works |
| Airport Administrator | Forestry |

Mr. DaSilva made a motion to waive the reading of the Department Reports as all members have copies which are also on file in the Office of the City Clerk for public inspection. Seconded by Mr. Boynton. Motion carried unanimously.

Mr. Hadley submitted the following report:

The Common Council Committee appointed to review the proposed "Boot" Ordinance as proposed by the Parking Authority and drawn by its attorney met in City Hall at 7:30 P.M. on June 8, 1987. In attendance were committee members Hadley, Godfrey and Torian. Also attending were Executive Director of the Parking Authority Charles Bardo, Attorney Michael Mannion, Chairman of the Parking Authority Gerald Lefebvre and Frank Capiello, Secretary of the Parking Authority. Attorney Gottschalk who was ill, but on call, had previously attested to the legality of the final document which was sent to him at the Corporation Counsel's office on May 27, 1987.

Mr. Hadley welcomed the group and stated that the Corporation Counsel's office was satisfied with the legality of the proposed ordinance. Attorney Mannion introduced the subject by mentioning that the members of the Parking Authority had come to him to find an easy way to collect fines because there was a collection problem. Of the various options, the "Boot" was the only workable plan because other avenues were cumbersome.

Mr. Bardo explained that the ordinance is designed to penalize major offenders who flagrantly ignore their parking fines. In April, for example, there were 748 offenders, with five or more violations, totaling \$9,450 in outstanding fines.

Mr. Lefebvre and Mr. Capiello pointed out that the "Boot" would be used as a last resort and Mr. Bardo provided correspondence and information from other cities that use Vehicle Immobilization Devices (Boot) and described the procedure of notifying the offender in writing (at the address listed on motor vehicles records) at least twice and often three times, before the "Boot" would be used. He also pointed out that the "Boot" was a tool to be used very carefully.

After further discussion of the plans, procedures and uses of such an ordinance, Mr. Torian made a motion to recommend to the Common Council that the ordinance be deferred to a public hearing. Seconded by Mr. Hadley.

Mr. Godfrey made a motion to limit the immobilization procedures to public officers designated by the Chief of Police, so that the Police Department would know where the "Boots" are located and would also have up to the minute information. The specific changes which were seconded by Mr. Torian and passed are:

Sec. 99-2(a) Any vehicle which may be removed or immobilized may be removed or caused to be removed by a police officer designated by the Chief of Police.

Sec. 99-2(b) In case of a vehicle immobilized by a police officer designated by the Chief of Police there shall be placed on such vehicle in a conspicuous manner a notice . . .

Sec. 99-2(c) In the case of the removal of a vehicle, within 24 hours after removal the police department shall notify the owner . . .

Sec. 99-2(d) Whenever a vehicle is immobilized or removed or caused to be immobilized or removed by the Police Department the Police Department headquarters will be notified of such immobilization and/or removal so that upon inquiry by the owner the least amount of delay will be encountered in the recovery of the vehicle by the owner. The amended motion passed. Robert Godfrey dissented and will file a minority report.

43- continued:

Mr. Godfrey submitted the following minority report:

It has been my belief that the primary purpose of metered parking, especially on city streets, is to provide a reasonable turnover of spaces. With the limited amount of space available for parking in downtown Danbury, the best means to allow a high number of people to have access to parking is to limit the time they can use the space. The use of meters as a revenue producer is in my mind distantly secondary to the use of meters and other types of permitting.

The proposed use of "booting," that is using a mechanical device to disable vehicles, does not serve the primary purpose of providing reasonable turnover. Indeed, a vehicle that is so "booted" can be immobilized for a long period of time, tying up a space instead of freeing it for additional use. "Booting" hinders rather than helps the achievement of the primary purpose for metering.

I do understand that there are those who do not share this view, but believe that revenue enhancement is the primary purpose for metering. My impression during the course of the committee meeting, in hearing the testimony of members and representatives of the petitioner/Parking Authority was that the Authority was more concerned with the revenue produced from ticketing than in providing the necessary turnover. That is, of course, their right; but I could not disagree more.

Indeed, to my dismay, the members and representatives went further. In the course of discussing the penalty provision of the proposal, they most strongly emphasized that the penalty would not be levied evenly. They "assured" the committee that if the ordinance passed it would be only selectively enforced. They would impose the penalty - "give the 'boot' to" - only those violators who they felt deserved singling out.

This is unjust.

It is unjust in that it is discriminatory: different persons will be treated differently based not on the law, but at the discretion of a city agency.

It is unjust in that the trigger for adverse treatment is both unknown and unknowable.

It is axiomatic that "ignorance of the law is no excuse." But this principle imposes on lawmakers the duty to make the law accessible, public, and within anyone's ability to discover. It imposes on law enforcement agencies the duty to carry out the law as it is written. It is clear to me that the Parking Authority has no intention of performing that duty, by the very testimony of its members and representatives.

In summation:

I oppose the adoption of the proposed "boot" ordinance in that (1) it fails to reinforce the primary purpose for metering, the reasonable turnover of parking spaces; and (2) the testimony of the petitioner revealed an intention to use the ordinance in an unjust and discriminatory manner.

The people - and parkers - of the City of Danbury deserve fairer, better treatment.

43 - continued:

Mrs. McManus made a motion to accept the report and defer the Ordinance for public hearing. Seconded by Mr. Torian.

Mr. DaSilva asked through the Chair to Mr. Hadley what the Parking Authority meant by selected enforcement. Mr. Hadley stated that if an offender had five or more violations the boot would be applied. Mr. Torian stated that habitual violators would be affected and that this was not being used as a means to collect fees.

The vote was recorded with the following members voting as follows:

AFFIRMATIVE: Council Members Johnson, Philip, Zotos, Hadley, Rotello, McManus, Gallo, Esposito, Boynton, Butera, Farah and Torian.

NEGATIVE: Council Members Sollose, DeMille, Godfrey, Flanagan, Charles, DaSilva and Enriquez.

Twelve Affirmative, Seven Negative. Motion to accept report and defer to Public Hearing carries.

44 - REPORT & ORDINANCE - Governmental Entity Review Committee.

Mrs. McManus submitted the following report and ordinance:

The Common Council held a public hearing regarding ordinance amendments for the Governmental Entity Review Committee on June 10, 1987 at 7:45 P.M. in the Common Council Chambers in City Hall.

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

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

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby revised to read as follows:

Sec. 2-176. Schedule of termination of governmental entities.

(a) The following governmental entities are terminated, effective June 30, 1987, unless reestablished in accordance with the provisions of section 2-184:

- (1) Stanley Lasker Richter Memorial Park Authority.
- (2) Personnel Appeals Board.

(b) The following governmental entities are terminated, effective June 30, 1988, unless reestablished in accordance with the provisions of section 2-184:

- (1) Conservation Commission.
- (2) Environmental Impact Commission.

(c) The following governmental entities are terminated, effective June 30, 1989, unless reestablished in accordance with the provisions of section 2-184:

- (1) City of Danbury Cultural Commission.
- (2) Youth Commission.
- (3) The Commission on the Status of Women.
- (4) Commission on Aging
- (5) Commission on Equal Rights and Opportunities.

(d) The following governmental entities are terminated, effective June 30, 1990, unless reestablished in accordance with the provisions of section 2-184:

- (1) Aviation Commission.
- (2) Redevelopment Agency of the City of Danbury.
- (3) Housing Site Development Agency.
- (4) Danbury Community Development Plan Agency.
- (5) Economic Development Commission of the City of Danbury.

(e) The following governmental entities are terminated, effective June 30, 1991, unless reestablished in accordance with the provisions of section 2-184:

- (1) Parks and Recreation Commission.
- (2) Board of Ethics.
- (3) Fair Rent Commission.

(f) The following governmental entities are terminated, effective June 30, 1992, unless reestablished in accordance with the provisions of section 2-184:

- (1) Stanley Laker Richter Memorial Park Authority.
- (2) Danbury Commission for the Handicapped.

The Report and Ordinance were approved by the Common Council on the Consent Calendar.

45 - REPORT & CERTIFICATION - Request for Financial Support from the Danbury Youth Commission for a Youth Employment Service.

Mr. DaSilva submitted the following report:

The committee appointed to review a request from the Danbury Youth Commission for financial support for a Youth Employment Service met at 7:30 P.M. on April 29, 1987. In attendance were Committee Members DaSilva, Charles and Eriquez. Also in attendance were Loren Abbe, an IBM-loaned executive and Bobbi Feinson, a member of the Youth Commission.

Ms. Feinson explained the background of the Y.E.S. and the Youth Commission involvement in it. The commission feels that the Y.E.S. is a worthwhile project. When it was able to secure the services of a loaned executive, Loren Abbe, from the IBM Corporation, it decided to go ahead with the project. A problem has arisen because of Mr. Abbe's early retirement from IBM. He will be leaving on June 10, 1987. Without his availability to coordinate and run the program, it would not be feasible to proceed at this time. The Youth Commission is therefore requesting an appropriation of \$16,000 to run the program for fiscal year 1987-88. This would be sufficient to run the complete program.

Mr. Charles moved to appropriate \$16,000 for the Youth Employment Service as of July 1, 1987 for the 1987-88 fiscal year. Mr. Eriquez seconded the motion. The motion carried unanimously.

Certification of funds from Dominic Setaro was attached.

The report was accepted and the certification of funds authorized on the Consent Calendar by the Common Council.

46 - REPORT - Request to purchase land on Indian Head Road.

Mr. Torian submitted the following report:

The ad hoc committee appointed to review the request of Arthur and Elizabeth Maestro to purchase land on Indian Head Road met on June 15, 1987. In attendance were committee members Torian, Sollose and Gallo. Also attending were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and the petitioners, Mr. and Mrs. Arthur Maestro.

Mr. Maestro briefed the committee members on the nature of his request. He is seeking permission to purchase 1 to 2 acres of city land on Indian Head Road to build a home for his family. The city owns approximately 47 acres of land in this area which is on the watershed of a city owned reservoir, East Lake Reservoir.

Mr. Buckley spoke in opposition to the request stating that any development on a watershed leads to the degradation of water quality and the continuation of city ownership of watershed land is the best means to protect the quality of drinking water that drains to the reservoir.

The Planning Commission, at its May 20, 1987 meeting, voted a negative recommendation for the request to purchase land on Indian Head Road.

Councilman Gallo motioned to recommend a denial without prejudice of the petitioners request. Seconded by Mr. Sollose. The vote was unanimous.

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

47 - REPORT - Offer to sell or lease building at 85 Osborne Street to the City.

Mr. Hadley submitted the following report:

The Common Council Committee appointed to review the request for sale or lease of an office building at 85 Osborne Street to the City met in City Hall at 7:00 P.M. on June 9, 1987. In attendance were committee members Hadley, Boynton and Zotos. Also attending were realtors Anthony and Felix Merante.

The Merantes described their office building as convenient, serviceable and useable. There is adequate parking and it is not far from the Court House and Main Street. The Merantes would be willing to sell or lease the property to the City on a temporary basis to relieve overcrowding at City Hall if the Mayor and the Planning Commission would be interested in such an arrangement.

- Noting the negative recommendation of the Planning Commission for lack of information, Mr. Boynton moved to deny the request without prejudice. Seconded by Mr. Zotos and passed un-animously. Meeting adjourned at 7:25 P.M.

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

48 - REPORT - Offer to Sell Land at the Corner of Main and Rose Streets to the City.

Mr. Hadley submitted the following report:

The Common Council committee appointed to review the offer to sell land at the corner of Main and Rose Streets to the City met at City Hall at 7:30 P.M. on June 9, 1987. Attending were committee members Hadley, Boynton and Zotos. Also attending was realtor Florence Weiss.

Ms. Weiss described the property on the corner of Rose and Main Streets which includes a 12 room Victorian house with a small barn, the Firenzi Pizza Shop and the Pilgrim Electronics Building. She mentioned her thoughts that the location would be an excellent one for an apartment building for the elderly since it is close to stores, churches and on the bus line.

After discussing the proposal and noting the negative recommendation of the Planning Commission for lack of information, Mr. Boynton made a motion to deny the proposal without prejudice. Seconded by Mr. Zotos and passed unanimously.

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

49 - REPORT - Request for Water Extension - Plumtrees Road.

Mr. Torian submitted the following report:

The ad hoc committee appointed to review the request for water extension at Plumtrees Road met on May 18, 1987 and again on June 3, 1987. In attendance were committee members Torian, Hadley and Eriquez. Also attending were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Edward Nahoum and Dave Williamson.

Mr. Williamson briefed the committee on the specifics of their request which called for construction of an industrial warehouse to be located in the rear of Plumtrees Plaza Shopping Center on Newtown Road. The request for water extension was necessary to service the two (2) bathrooms that will be located on the site. Both Messrs. Schweitzer and Buckley said they had no problem with the request provided the petitioner complies with the four (4) items that were noted in Mr. Schweitzer's letter to Mr. Leonard Sedney on June 1, 1987.

The Chairman noted that the Planning Commission had voted a positive recommendation on April 3, 1987. Councilman Hadley motioned to recommend approval of the petition subject to the eight (8) steps associated with water and sewer approvals listed below and satisfactory compliance with the four (4) items noted in Mr. Schweitzer's letter of June 1, 1987. Seconded by Mr. Eriquez. The vote was unanimous.

1. The petitioner shall bear all costs relative to the installation of said water extension.
 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 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 water line 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 water lines.
 8. This approval shall expire eighteen (18) months following the date of Common Council action.

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

50 - REPORT - Lease of Sears Building, 129 Main Street.

Mr. Boynton submitted the following report:

The ad hoc committee appointed to review the offer of the lease of the Sears Building, 129 Main Street, met on Monday, June 15, 1987 at 7:30 P.M. in the Common Council Chambers. Committee Members present were Ernest Boynton and Louis Rotello. Mr. Godfrey was excused due to illness.

Mr. Harold Garafalo explained to the committee that the plan

as presented which included the former "Group W" building had changed since the Planning Commission reviewed it and voted a negative recommendation. Mr. Garafalo stated that a revised plan is being put together, but was not ready for presentation at this time.

Mr. Rotello made a motion to deny the proposal without prejudice and recommended that the applicant submit the new proposal to the Common Council when all facts are known and is ready for review by the Common Council and the Planning Commission. Seconded by Mr. Boynton and carried.

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

51 - REPORT - Request for Sewer Extension - 7 Pembroke Road.

Mr. Torian submitted the following report:

The ad hoc committee formed to review the request for sewer extension at 7 Pembroke Road met on June 3, 1987. In attendance were committee members Torian and Zotos. Also in attendance were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Attorney Daniel Eberhard representing the petitioners Benjamin and Frances DeGrosse.

Mr. Eberhard briefed the committee on the specifics relating to the request. Mr. and Mrs. DeGrosse are experiencing difficulties with their septic system and are seeking permission to tie into the portion of the sewer line that services the Federal Correctional Institution (FCI). Both Messrs. Buckley and Schweitzer noted that the City has no control over the FCI sewer line. They suggested to Mr. Eberhard that he advise the petitioner to retain a licensed engineer to determine the cost of hooking up into a line that would run parallel to the FCI line and connect to the City portion of the sewer line. Once this has been completed, Mr. Eberhard should notify the Chairman so another meeting can be rescheduled. Councilman Zotos motioned to recommend tabling the request. Seconded by Mr. Torian. Vote was unanimous.

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

52 - REPORT - Request for Sewer Extension - 85 Newtown Road.

Mr. Torian submitted the following report:

The ad hoc committee formed to review the request for sewer extension at 85 Newtown Road met on June 3, 1987. In attendance were committee members Torian, Zotos and Godfrey. Also attending were City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley. Mr. Schweitzer informed the committee that his office had seen no information from the petitioner, Shell Oil Company, or its Applicant, Al Riolo. Mr. Buckley also had not received any information on this proposal.

A review of the sewer and water application revealed that the petitioner has had from November, 1986 to supply information to the City Engineer's Office. Councilman Godfrey motioned to recommend that the petition be denied without prejudice. Seconded by Mr. Zotos. The vote was unanimous.

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

53 - REPORT - Request for Water and Sewer Extensions - Oakland Avenue.

Mr. Torian submitted the following report:

The ad hoc committee formed to review the request for water and sewer extensions on Oakland Avenue met on June 3, 1987. In attendance were committee members Torian and Eriquez. Also attending were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Mr. Michael Zotos representing Danbury Woods.

Mr. Zotos noted that his proposal included 20 2-bedroom units on Oakland Avenue. He referred to a letter from Mr. Schweitzer to his engineer (Mr. Kenneth Bradstreet) dated March 30, 1987 where Mr. Schweitzer noted some areas relating to capacity on the site which needed to be addressed. Mr. Zotos saw no problem in complying with the aforementioned items in Mr. Schweitzer's letter. Both Messrs. Schweitzer and Buckley felt the proposal would be workable once the capacity concerns on the site were reviewed and completed by the petitioners. The Chairman noted that the Planning Commission had voted a positive recommendation on May 11, 1987.

Mr. Eriquez motioned to recommend approval of the water and sewer extension request subject to the eight (8) steps listed below associated with water and sewer approvals and satisfactory compliance with the requirements as set forth in Mr. Schweitzer's letter of March 30, 1987. Seconded by Mr. Torian. The vote was unanimous.

1. The petitioner shall bear all costs relative to the installation of said sewer and 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 and water lines 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 water and sewer 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 and water lines.
8. This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar by the Common Council. Mr. Zotos abstained from voting.

54 - REPORT - Termination of the Personnel Appeals Board.

The Common Council held a public hearing regarding the termination of the Personnel Appeals Board on June 10, 1987 at 8:00 P.M. in the Common Council Chambers in City Hall.

The Common Council met as a committee of the whole immediately following the public hearing and voted unanimously to recommend that the Common Council approve the termination of the Personnel Appeals Board.

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

The Charter Revision Commission submitted the following report:

FINAL REPORT
ADOPTED JUNE 22, 1987

CHAPTER II, ELECTIONS AND OFFICERS

SECTION 2-2 A. f. ~~SECTION 2-2 A. f. Five-(5)-Constables-who shall-serve-a-term-of-two-(2)-years.~~

SECTION 2-2 A. h. Subsection 2-2 A.h. is to be deleted and the following substituted in lieu thereof:

- (1) A ZONING COMMISSION CONSISTING OF NINE RESIDENT ELECTORS OF THE CITY. AT THE FIRST GENERAL CITY ELECTION TO BE HELD AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THERE SHALL BE ELECTED FIVE MEMBERS OF THE ZONING COMMISSION FOR A TERM OF FOUR (4) YEARS AND FOUR MEMBERS FOR A TERM OF TWO (2) YEARS. AT THE SECOND SUCH GENERAL CITY ELECTION, THERE SHALL BE ELECTED FOUR MEMBERS FOR TERMS OF FOUR (4) YEARS. ALTERNATELY THEREAFTER, AT EACH BIENNIAL ELECTION, THERE SHALL BE ELECTED FIVE MEMBERS AND THEN FOUR MEMBERS WHO SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS TO SUCCEED THOSE WHOSE TERMS EXPIRE.
- (2) THERE SHALL BE THREE ALTERNATE MEMBERS OF THE ZONING COMMISSION WHO SHALL BE RESIDENT ELECTORS OF THE CITY. AT THE FIRST GENERAL CITY ELECTION TO BE HELD AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THERE SHALL BE ELECTED TWO ALTERNATE MEMBERS OF THE ZONING COMMISSION FOR A TERM OF FOUR (4) YEARS AND ONE MEMBER FOR A TERM OF TWO (2) YEARS. AT THE SECOND SUCH GENERAL ELECTION THERE SHALL BE ELECTED ONE MEMBER FOR A TERM OF FOUR (4) YEARS. ALTERNATELY THEREAFTER, AT EACH BIENNIAL ELECTION THERE SHALL BE ELECTED TWO MEMBERS AND THEN ONE MEMBER WHO SHALL HOLD OFFICE FOR A TERM OF FOUR (4) YEARS TO SUCCEED THOSE WHOSE TERMS EXPIRE.
- (3) THE ZONING COMMISSION SHALL HAVE THE POWERS AND DUTIES NOT INCONSISTENT WITH THIS CHARTER, AS PRESCRIBED IN CHAPTER 124 OF THE GENERAL STATUTES, AS AMENDED.

SECTION 2-4

Wards and Voting Districts. There shall be voting districts and wards as the same shall exist on the effective date of this Charter. THE COMMON COUNCIL SHALL MAKE A DETERMINATION AT LEAST ONCE EVERY 10 YEAR PERIOD COMMENCING ON JANUARY 1, 1988 WHETHER OR NOT THERE IS INEQUITABLE DISTRIBUTION OF POPULATION AMONG THE WARDS. Whenever the Common Council shall make a determination that there is an inequitable distribution of population among the wards, it shall be its duty forthwith to alter the boundaries of the several wards to make all wards substantially equal in population and as nearly equal in geographical area as possible. Voting districts may be increased and boundaries altered by ordinance of the Common Council in accordance with the provisions of the General Statutes, as amended.

CHAPTER III, THE COMMON COUNCIL

SECTION 3-4

General Powers and Duties. The Common Council shall have the powers and duties which, on the effective date hereof, were conferred by law upon officers, boards and commissions of said City existing immediately prior to such date except as otherwise specifically provided in this Charter. The legislative power of the City shall be vested exclusively in the Council. Said Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state; to create or abolish, by ordinance, boards, commissions, departments and offices not provided by the Charter, and the Council may, upon recommendation of the Mayor, contract for services and the use of facilities of the United States or any federal agency, other states or political subdivision thereof, or may, by agreement, join with any such political subdivision to provide services and facilities. The Council is authorized, in adopting ordinances, to incorporate any nationally recognized

code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, as they may be amended, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules or regulations, as amended, in the office of the Town Clerk for examination by the public. Said Council may by resolution regulate the internal operation of boards, commissions and offices which it fills by appointment, and fix the compensation of the registrars of voters and the officers and employees. SAID COUNCIL MAY BY RESOLUTION APPOINT SUCH STAFF TO SERVE THE COUNCIL AS IT DEEMS NECESSARY AND TO FIX THE COMPENSATION TO BE PAID SAID STAFF. SUCH STAFF SHALL NOT BE SUBJECT TO THE MERIT SYSTEM AND SHALL PERFORM SUCH DUTIES AS THE COUNCIL MAY DETERMINE. Said Council may fix the charges, if any, to be made for services rendered by the City or for the execution of powers vested in the City as provided in Chapter I of this Charter. Said Council shall also have all powers granted to municipalities by Section 7-194 of the General Statutes, as amended, and any other powers conferred by the general law or special laws not inconsistent herewith. The Council, at each meeting, shall reserve at least one-half hour period prior to adjournment for the expression of views and opinions by residents and taxpayers of the City on the matters before the Council at such meeting.

SECTION 3-13

Section 3-13 is to be deleted and the following substituted in lieu thereof: COMMITTEES OF THE COMMON COUNCIL MAY BE AD HOC OR STANDING. STANDING COMMITTEES SHALL BE ESTABLISHED BY THE COMMON COUNCIL.

CHAPTER V

The title of Chapter V is to be deleted and the following substituted in lieu thereof: CHAPTER V. APPOINTED BOARDS, COMMISSIONS AND OTHER OFFICIALS.

SECTION 5-4 (new) CONSTABLES. THERE SHALL BE FIVE CONSTABLES WHO SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE COMMON COUNCIL, ALL OF WHOM SHALL SERVE A TERM OF TWO (2) YEARS.

CHAPTER VI, OFFICES, DEPARTMENTS AND EMPLOYEES

SECTION 6-3 Appointments of Officers and Employees of the City. When not otherwise provided, all heads and all officers of the foregoing departments including departments created by the Common Council, and all police and fire officers shall be appointed by the Mayor and confirmed by the Common Council. All other employees of the City shall be appointed by the Mayor, EXCEPT AS PROVIDED IN SECTION 3-4. All City officers and employees when not otherwise specified in the Charter may be subject to the rules and regulations adopted pursuant to the merit system as the same may be in effect in the City.

SECTION 6-6 A. Section 6-6 A. shall be deleted.

SECTION 6-6 B. Section 6-6 B. Shall be amended as follows:

COMPTROLLER. THE DIRECTOR OF FINANCE: Powers, Duties and Qualifications. Subject to the direction of the Director of Finance, the Comptroller THE DIRECTOR OF FINANCE SHALL HAVE DIRECT SUPERVISION OVER THE DEPARTMENT OF FINANCE AND THE ADMINISTRATION OF FINANCIAL AFFAIRS OF THE CITY. SUBJECT TO THE APPROVAL OF THE MAYOR, THE DIRECTOR OF FINANCE MAY PERFORM THE DUTIES OF ANY OFFICE IN THE DEPARTMENT. THE DIRECTOR shall supervise the accounting functions of the City and shall maintain and supervise the general accounting system for all departments, officers, boards, commissions or agencies and perform such other duties as assigned by the Director of Finance. THE DIRECTOR OF FINANCE SHALL BE CHOSEN ON THE BASIS OF TRAINING AND BROAD EXPERIENCE IN ACCOUNTING AND FINANCE, INCLUDING AT LEAST FIVE YEARS OF SUCH EXPERIENCE AND SHALL HAVE A DEGREE IN ACCOUNTING, FINANCE OR OTHER SIMILAR SPECIALTY.

SECTION 6-6 D. Section 6-6 D. shall be deleted and the following substituted in lieu thereof:

THE PURCHASING AGENT: THE PURCHASING AGENT OF THE CITY SHALL PURCHASE ALL SUPPLIES, MATERIALS, EQUIPMENT AND OTHER COMMODITIES REQUIRED BY ANY DEPARTMENT, AGENCY, BOARD OR COMMISSION OF THE CITY, ON REQUISITION AND SPECIFICATION SIGNED BY THE HEAD OF THE DEPARTMENT, OFFICE OR AGENCY OR CHAIRMAN OF THE BOARD OR COMMISSION, OR THE DESIGNEE THEREOF. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PREVENT THE CITY PURCHASING AGENT FROM SERVING AS THE PURCHASING AGENT FOR THE BOARD OF EDUCATION AND, IN THE EVENT THAT THE GENERAL STATUTES ARE AMENDED TO PERMIT MUNICIPALITIES TO DO THE PURCHASING FOR BOARDS OF EDUCATION, THE CITY PURCHASING AGENT SHALL BE THE PURCHASING AGENT FOR THE BOARD OF EDUCATION. PURCHASES SHALL BE MADE UNDER SUCH RULES AND REGULATIONS AS MAY BE ESTABLISHED BY THE COMMON COUNCIL AND SHALL BE SUBJECT TO SUCH BIDDING PROCEDURES AS ESTABLISHED BY ORDINANCE.

THE EFFECTIVE DATE SHALL BECOME THE DATE THAT SUCH AN ORDINANCE IS ENACTED.

SECTION 6-14 Section 6-14 be renumbered 6-15

NEW SECTION 6-14 be added as follows:

DEPARTMENT OF ELDERLY SERVICES.

THE DEPARTMENT OF ELDERLY SERVICES SHALL BE RESPONSIBLE FOR THE CONSOLIDATION AND ENHANCEMENT OF THE DELIVERY OF SERVICES TO THE ELDERLY AND FOR THE COORDINATION OF MUNICIPAL AND NON-MUNICIPAL FUNCTIONS AND SERVICES AVAILABLE TO ELDERLY RESIDENTS OF THE CITY OF DANBURY. THE DEPARTMENT OF ELDERLY SERVICES SHALL ACT AS AN ADVOCATE FOR THE ELDERLY AND SHALL ADVISE THE MAYOR AND COMMON COUNCIL ON ALL MATTERS CONCERNING THE WELFARE OF THE ELDERLY IN DANBURY, INCLUDING THE IMPROVEMENT OF EXISTING PROGRAMS OR CREATION OF NEW PROGRAMS AND FUNDING THEREFORE.

A. The Director of Elderly Services. The Mayor shall appoint a Director of Elderly Services who shall be appointed on the basis of his experience and training in the field of elderly services. The Director shall supervise and direct the Department of Elderly Services and shall be responsible for ensuring that the aforementioned responsibilities and goals of the Department are realized.

CHAPTER VII, FINANCE AND TAXATION

SECTION 7-10 b. Bonds and notes shall be authenticated by the seal of the City and the signature of the Mayor, the City Clerk and the Treasurer. IN THE ABSENCE, INCAPACITY OR VACANCY OF THE OFFICE OF TREASURER, THE DIRECTOR OF FINANCE IS AUTHORIZED TO SIGN BONDS.

Mrs. McManus made a motion to accept the report and submit it for a referendum on the November ballot. Seconded by Mr. Gallo.

Mr. Charles asked if the report could be amended on the floor. Mayor Dyer stated that it has to be accepted or rejected in its entirety.

Mr. DaSilva asked if he could divide the question. Mayor Dyer stated that the Corporation Counsel advised that it is proper only to accept or reject the entire proposal. Mr. DaSilva asked if it could be divided on the ballot. The Corporation Counsel said that it could not be divided on the ballot according to State Statute. Mr. Boynton asked what statute and Assistant Corporation Counsel Les Pinter stated that it was 7-191(d) (e) (f).

Mr. Boynton asked when the time limitations begin? Mrs. McManus stated that time would begin when the report was submitted to the City Clerk.

Mr. Farah stated that the Common Council had ample opportunity to meet with the Charter Revision Commission to discuss any changes that they would have liked.

Mr. Flanagan stated that it has been a decade since the last Charter revision and that the Council should vote to send these changes to the voters and let them decide since it is their document.

Mrs. Butera stated that she would be voting in the negative as the Council Leadership had stated that they would be able to vote in part. Mr. Boynton stated that he agreed with Mrs. Butera.

Mr. Eriquez stated that he would be voting in the negative as some of the changes are good and others are not.

Mrs. McManus stated that she had read the statute verbatim and that it had seemed to imply that the changes could be voted on separately.

Mr. Godfrey made a motion to recommit the charter revisions. Seconded by Mr. Boynton.

Mr. Flanagan asked about the time frame constraints. Mayor Dyer stated the time would begin again upon recommitment and there was still time to submit the Charter for a November referendum.

Regarding the motion to recommit, the members voted as follows:

AFFIRMATIVE: Godfrey, Rotello, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez.

NEGATIVE: Johnson, Sollose, DeMille, Philip, Flanagan, Zotos, Hadley McManus, Farah and Torian.

9 Affirmative - 10 Negative. Motion to Recommit fails.

(At this point Mr. Esposito left the Chambers)

A vote was then taken on the original motion to submit the charter revisions to a November referendum with the members voting as follows:

AFFIRMATIVE: Johnson, Sollose, DeMille, Philip, Flanagan, Zotos, Hadley, McManus, Boynton, Farah and Torian.

NEGATIVE: Godfrey, Rotello, Gallo, Charles, Butera, DaSilva, Eriquez

11 Affirmative - 7 Negative. Motion carries.

56 - REPORT - Proposed Lease between the City of Danbury and the United States of America.

Mr. Cassano submitted the following report:

The committee appointed to review the proposed lease between the City of Danbury and the United States of America (item 023 on the Common Council June 1987 Agenda) met at 8:00 P.M. on June 23, 1987 in Room 432 in City Hall. Present were committee members Anthony Cassano and Louis Rotello. Bernard Gallo could not attend. Also present were Airport Administrator Paul Estefan, Assistant Corporation Counsel Lazlo Pinter and Comptroller Dominic Setaro.

The committee noted the positive recommendation of the Planning Commission (letter of June 19, 1987).

Mr. Estefan reviewed the proposed lease between the City of Danbury and the United States of America (Federal Aviation Administration).

To increase airport safety and expand airport usage, the FAA has proposed to install Localizer, Distance Measuring Equipment at Danbury Airport. This equipment will allow for straight-in (instead of angled) aircraft approaches over the hills around the airport. The system also allows planes to come in lower during approaches (1160 feet instead of the existing 1400 feet).

The proposed system is about 40 years old and almost all airports and aircraft are capable of using it. The FAA will do all installation work (estimated cost - \$1 million), all periodic testing and flight checks and will bear all operational and maintenance costs. There will be no cost to the City.

The committee reviewed maps of the airport showing the various areas required for operation of the system.

1. Localizes Antenna Site.
2. Localizes Equipment Shelter and DME Site.
3. Localizes DME Access Road Right-of-Way.
4. Localizes Cable Route Right-of-Way.
5. Power Cable Route Right-of-Way.
6. Localizes Restrictive Easement.

The proposed lease was prepared by the FAA and is renewable (unless notified) until September 30, 2007.

The proposed equipment will be of value to the continued expansion and development of the airport. The Airport Administrator informed the committee that there is no planned use for any of the property involved in this proposed lease.

Mr. Rotello moved that the committee recommend to the Common Council that the proposed lease between the City of Danbury and the United States of America be approved subject to the Corporation Counsel's clarification of any conflicts with existing lessee operations. Mr. Cassano seconded the motion and there was unanimous approval.

The report was accepted on the Consent Calendar by the Common Council

57 - REPORT - Application for the Deferral of Property Tax Assessment Increase from Michael P. Ryer.

Mr. Cassano submitted the following report:

The committee appointed to review the application for deferral of property tax assessment increase from Michael P. Ryer (item 021 on the agenda of the Common Council May 1987 Meeting) met at 8:45 P.M. on June 15, 1987 in the fourth floor lobby in City Hall. Present were committee members Anthony Cassano, Louis Charles and Janet Butera. Also present were Assistant Corporation Counsel Eric Gottschalk and Assistant Planning Director Jerry Juretus.

Mr. Juretus described the project at 103 Mill Plain Road. The developer has applied to rehabilitate, and add to, an existing structure (originally a private home) to create an office building. The addition is about 2.5 times the size of the original building, which has been deemed to be historic by the Danbury Preservation Trust.

The committee discussed in some detail the ordinance under which the deferral of property tax assessment increase has been requested. The committee's conclusion was that the ordinance applies to rehabilitation of existing historic structures, not to new construction which may be connected to, or with, an historic structure.

Mr. Charles moved that the committee recommend to the Common Council that the application to defer tax assessment increases attributable to the rehabilitation of the original property (house) be approved. The petition to defer the tax assessment on the new structure (addition) shall not be approved. Mrs. Butera seconded the motion and there was unanimous approval.

Mr. Eriquez made a motion to approve the report. Seconded by Mr. Gallo. Motion carried unanimously.

58 - PROGRESS REPORT - Request for Water Extension - Old Sherman Turnpike.

Mr. Torian submitted the following report:

The ad hoc committee appointed to review the request for water extension on Old Sherman Turnpike met on June 3, 1987. In attendance were committee members Torian, Zotos and Godfrey. Also attending were City Engineer Jack Schweitzer, Superintendent of Public Utilities William Buckley and Attorney Paul Jaber, representing the petitioner, Leahy Fuel, John Stetson, Jr. and J&M Realty & Investment Corp.

Mr. Jaber briefed the committee on the current status of the petition, noting several items yet to be addressed between his clients and other property owners in the City. In view of the apparent state of unreadiness by the petitioners, Councilman Zotos motioned to recommend tabling the petition until the deed for the water line now privately owned is turned over to the City by the private owner. Seconded by Mr. Godfrey. The vote was unanimous.

The progress report was accepted on the Consent Calendar by the Common Council.

59 - PROGRESS REPORT - Request for Sewer and Water Extensions - 62 Brushy Hill Road.

Mr. Flanagan submitted the following report:

The committee to review the petition for sewer and water for 62 Brushy Hill Road by John B. Lust met at 6:30 P.M. on June 10, 1987 in Room 432 in City Hall. Present were Committee Members Philip and Flanagan. Mr. DeMille was absent. Also attending were Director of Public Utilities William Buckley and City Engineer Jack Schweitzer.

The committee was informed that the City had not yet received engineering plans to be reviewed. The petitioner was not present.

Mr. Philip moved to table the petition until plans had been submitted and reviewed. Motion carried. Meeting adjourned at 7:00 P.M. Committee requests an extension.

The progress report was accepted by the Common Council on the Consent Calendar.

60 - PROGRESS REPORT - Request for Sewer and Water Extensions - 109 Park Avenue. WITHDRAWN.

61 - PROGRESS REPORT - Proposed Lease between the City of Danbury and New England Aircraft Sales.

Mr. Cassano submitted the following report:

The committee appointed to review the proposed lease between the City and New England Aircraft Sales (item 025 on the Common Council May 1987 Agenda) met at 7:00 P.M. on June 23, 1987 in Room 432 in City Hall. Present were committee members Anthony Cassano and Nicholas Zotos. Mounir Farah could not attend. Also present were Airport Administrator Paul Estefan, Assistant Corporation Counsel Lazlo Pinter, Comptroller Dominic Setaro and Ron Whelen of New England Aircraft Sales.

The committee noted the positive recommendation of the Planning Commission (letter of June 11, 1987).

Mr. Estefan gave a history of the situation. The 1957 Airport Master Plan (Connecticut Department of Aeronautics) proposed two hangers near the Maintenance Building. The 1977 Airport Master Plan (C. E. Maguire) increased the number of hangers to four. The 1982-85 Airport Master Plan (Edwards and Kelcey) factored in the work on the Danbury Fair Mall and Route 7. The terminal building and two of the hangers were relocated near the tower with easy access off Backus Avenue. Three T-hangers were left in the original location.

The proposed leased involves one of the two buildings near the tower. NEAS is requesting the lease as an Airport Tenant. An Airport Tenant is defined as a company which performs only one of the following services: Sales, Repair, Avionics, Flight School. NEAS will do Sales. There are no other Airport Tenants on the field. NEAS was the only company to answer the Airport's bid package on Airport Tenants.

The building size is 100 x 100 (10,000 square feet) and the land involved is one acre.

The \$110,000 fair market land price contained in the lease was arrive at by the Aviation Commission by considering the price (\$200,000) by the State of Connecticut for two acres of land needed for road system ramps and Sugar Hollow Road improvements.

Mr. Zotos requested copies of the Rules and Regulations for Use of the Danbury Municipal Airport (June 11, 1986) for further information on Airport Tenants, and an outside appraisal of the property in question.

The committee directed the Airport Administrator to obtain an appraisal of the acre of land involved with building 16 of the Edwards and Kelcey Airport Layout Plan of April, 1985, which premises are described in Exhibit A of said proposed lease. The administrator was also asked to supply the committee with copies of the Rules and Regulations for Use of the Airport, the Airport Tenant Bid Document package and a list of the addresses to whom the package was sent and the responses.

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

62 - PROGRESS REPORT - Jackson-Hanson Property.

Mr. Cassano submitted the following report:

The committee appointed to review the situation of the Jackson-Hanson property (item 031 on the Common Council May 1987 Agenda) met at 9:15 P.M. on June 15, 1987 in the fourth floor lobby of City Hall. Present were committee members Anthony Cassano, and Gene Eriquez. Stanford Smith could not attend. Also present was Assistant Corporation Counsel Eric Gottschalk and Jerry Juretus, Acting Executive Director of the Redevelopment Agency.

The committee noted the Planning Commission recommendation (letter of May 26, 1987): ". . .the Redevelopment Agency should meet with the Common Council to discuss the Jackson-Hanson property."

Mr. Juretus gave a history of the situation. The details of that history are contained in a letter from Mr. Juretus to Mayor Dyer and the Common Council dated April 23, 1987. The present situation is that the Redevelopment Agency is working in two areas.

1. The Agency is pursuing acquisition of title to an easement adjacent to the former SNETCO building to provide a passage-way from Main Street to the redevelopment area. If required, the Agency will come to the Common Council about this at a later date.

2. The Agency is looking into acquisition of the entire property.

The issue became confused as a result of the litigation between Mr. Appel, who contends that he holds a 99 year lease with 66 years left, and the Jackson-Hanson Realty Corporation, who owns the property and contends that the lease has been broken and is not valid.

Present Agency thinking is that if the lease is judged to be valid, then the Agency will negotiate for the easement, either with Mr. Appel on a sublease basis or purchase basis (from Jackson-Hanson). If the lease is judged to be invalid, then the Agency is inclined to negotiate with Jackson and Hanson for purchase of the entire property and will come back to the Common Council at the appropriate time.

At the present time, the Agency has no specific request of the Common Council. The situation should clarify once the litigation is concluded.

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

63 - PROGRESS REPORT - Downtown Parking Garage.

Mr. Cassano submitted the following report:

The committee appointed to review the request for a downtown parking garage (item 020 on the Common Council April 1987 Agenda) met at 6:45 P.M. on June 15, 1987 in the fourth floor lobby in City Hall. Present were committee members Anthony Cassano, Gene Eriquez and Stephen Flanagan. Also present were Assistant Corporation Counsel Eric Gottschalk, Comptroller Dominic Setaro, Gerard Lefebvre, Louis Najamy and Charles Bardo all of the Parking Authority, and Mary Ann Frede and Roberta Autorino of the Danbury Downtown Council.

The committee noted the positive recommendation of the Planning Commission (letter of May 11, 1987).

The Parking Authority presented the committee with some updated information on the proposed municipal parking garage for Library Place. The estimated total capital cost for the garage is \$2 million. The Parking Authority has present uncommitted cash reserves of about \$237,000, some of which could possibly be used for construction. The total garage income would be pledged to supporting the garage. The Authority expects increased revenues based on the increased parking fees and fines to be instituted on July 1, 1987, and expects to be able to operate the garage without financial assistance from the City.

The situation with Citytrust Bank appears unchanged. The bank is willing to trade some of its land needed by the garage for a drive-in ramp and parking spaces in the garage. However, the Authority indicated that the bank is reluctant to discuss the garage further until the Authority has secured a commitment from the Common Council regarding the City land for the garage and a City guarantee for the garage financing and possible operational shortfalls. The Authority is seeking Common Council support of the garage project.

While the committee does not advocate another complete garage feasibility report, it believes that more complete financial estimates are required before Common Council action. These estimates should address, at a minimum, the aspects of initial funding along with expected building costs and garage utilization, revenues and operating expenses.

The committee requested Comptroller Dominic Setaro to meet with the Authority and assist them in the preparation of this information.

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

Mrs. McManus made a motion to add items 64 and 65 to the agenda. Seconded by Mr. Godfrey. Motion carried with Mrs. Butera voting in the negative.

64 - REPORT - Request for Sewer and Water Extensions - 109 Park Avenue.

Mr. Flanagan submitted the following report:

The committee to consider the request for municipal sewer and water service at 109 Park Avenue met on June 22, 1987 at 7 p.m. in room 432 at City Hall. Present were Mr.'s Flanagan, Philip, and DeMille, Robin Kahn, Attorney for the petitioner and Barry Nelson, engineer for the petitioner, Mr. Joseph Russo.

The committee reviewed the plans for seven two-bedroom condominium units at 109 Park Avenue on .76 acres. The City Engineer, Mr. Schweitzer, had reviewed the plans also and said that he found no problems with the proposal. The committee questioned Mr.'s Schweitzer and Nelson about a retaining wall which will be built behind the project and through which the sanitary sewer line will go. Mr. Schweitzer stated that the retaining wall would have to be inspected by a Ct. licensed engineer before the project got its final approvals for occupancy from the city of Danbury.

After discussion Mr. DeMille moved to recommend approval of the petition with the usual required eight steps that all such petitions must meet. Second by Mr. Philip. Passed.

Committee noted that the Planning Com approved project on May 20, '87. Motion to adjourn at 7:30 p.m.

Mr. Gallo made a motion to accept the report. Seconded by Mr. Boynton. Motion carried unanimously.

65 - REPORT - Request of Citizens Hose Company for Repairs to Fire Truck.

Mr. Flanagan submitted the following report:

The committee to consider the request of Fire Chief Monzillo on behalf of Citizens Hose Company for repairs on its fire truck met June 15, 1987 at 8:30 p.m. in room 432 at City Hall. Present were committee members Flanagan, Gallo, and Zotos, Ast. Fire Chief Murphy, and officers of Citizens House Company. Ast. Chief Murphy explained Chief Monzillo's request that the City pay for the necessary repairs to the tank of Engine Co. 6 which, if not done promptly, will render the truck useless for fighting fires.

The Ast. Chief noted that Citizens Hose had been very helpful in the past to the paid department in fighting fires and in covering during breakdowns of the paid department's equipment. The needed repairs to the booster tank will cost \$5200. and will be performed by a Connecticut firm. The chief strongly recommended the approval of these funds.

Following discussion Mr. Zotos moved to recommend to the Common Council the approval of \$5200. from the contingency fund to accomplish this repair. Seconded by Mr. Gallo. Motion passed.

Mr. Boynton made a motion to accept the report pending certification of funds. Seconded by Mr. Gallo. Motion carried unanimously.

PUBLIC SPEAKING SESSION

David Coelho-Jefferson Avenue - Spoke on three issues:

1. Supports the Downtown Parking Garage.
2. The Common Council should give a deadline to the Redevelopment Agency on the Downtown redevelopment Project
3. If the Charter Revision goes on the ballot as one item, it will fail.

Mayor Dyer introduced retired Danbury High School Principal William Ryan and thanked him on behalf of the community for his many years of service.

The Mayor introduced his wife, Alice Dyer, who was also in the audience.

There being no further business to come before the Common Council a motion was made by Mr. Godfrey for the meeting to be adjourned at 9:12 P.M.

Respectfully submitted,

Jimmie L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk