

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

Re: Minutes of the Common Council Meeting held October 6, 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: Johnson, Sollose, DeMille, Godfrey, Flanagan, Zotos, Hadley, Rotello, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Farah, Smith.

ABSENT: Philip, Cassano and Torian.

18 members present - 3 members absent.

Mr. Philip was out of town; Mr. Cassano's wife was ill; and Mr. Torian was working.

#### ANNOUNCEMENTS BY MAYOR DYER

Down on the Farm will hold its annual event on Saturday, October 10th. Danbury High School's Football Season has commenced and on behalf of the Common Council and City of Danbury, the Mayor wished them a successful season.

Mayor Dyer stated that Halloween is approached and utmost safety is very important.

October is Handicapped Month sponsored by the Commission on the Handicapped. Columbus Day will be observed by festivities at the Vespucci Lodge on October 17th.

October 10th - News Times Carrier Luncheon.

October 29th - Immaculate High School's 25th Anniversary.

October 26th - Mayors Drug Task Force Conference at Danbury Hospital.

October 18th - Fire Department Memorial Mass.

October 9th and 10th - Mt. Zion AME Church will hold its Danbury Fair Days

The Mayor extended birthday greetings to the following:

October 4th - Fire Chief Monzillo

October 6th - Police Chief Macedo

October 6th - Former Mayor Charles Ducibella

October 15th - Councilman Anthony Cassano

October 21st - Councilman Stephen Flanagan

October 23rd - Mayoral Aide Philip Capozzi.

The Mayor thanked the Public Works Department, the Highway Department, Parks and Recreation Department, Tree Department, Police and Fire Departments, Civil Preparedness, Department of Elderly Services, the Red Cross, the Housing Authority and radio stations WLAD, WINE and WREF for their efforts during the October 4th storm.

CONSENT CALENDAR - Mr. Gallo presented the following items for acceptance on the consent calendar:

- 2 - Resolution - Women, Infants and Children's Supplemental Nutrition Program
- 3 - Resolution - Applications for School Building Projects
- 4 - Resolution - Acceptance of State Funding for Delegation of Authority
- 5 - Resolution - Application for Local Substance Abuse Council Grant
- 7 - Communication - Appointment to the Commission on the Status of Women
- 8 - Communication - Appointment to the Conservation Commission
- 9 - Communication - Reappointments to the Parks and Recreation Commission
- 10 - Communication - Reappointments to the Commission on Aging
- 11 - Communication - Appointment to the Cultural Commission
- 12 - Communication - Reappointments to the Transit Board of Directors
- 13 - Communication - Reappointments to the Youth Commission
- 14 - Communication - Reappointments to the Planning Commission
- 15 - Communication - Reappointments to the Richter Park Authority
- 16 - Communication - Reappointments to the Board of Tax Review
- 17 - Communication - Appointment to the Candlewood Lake Authority
- 23 - Communication - Groveland Corporation - Assignment of Lease
- 29 - Communication and Certification - Safe Rides Program
- 30 - Communication and Certification - Request for Funding for Noise Monitoring Equipment

- Communication - Municipal Liability Trust Fund
- Communication - Connecticut State Library Grant
- Communication and Certification - Request from the Welfare Department for increased funding
- Communication - Report from City Engineer on Compratt Enterprises
- Communication - Report from Planning Commission on Agreement between the City and Russo and DiScala
- Certification - Kenosia Avenue Drainage Easement
- Report and Ordinance - Property Tax Exemptions
- Report and Ordinance - City Forestry Ordinances
- Report and Ordinance - Board of Ethics
- Report and Ordinance - Amendment to the Parks and Recreation Commission Ordinance
- Report and Certification - Drainage Problem - Sementilli and Fogarty
- Report and Certification - Welfare Department - Request for Funds
- Report - Zoning Board of Appeals - Licensing of General and Limited Repairs
- Report - Offer to the City to purchase the Viking Wire Building
- Report - Conditions on Shelter Rock and Plumtrees Road
- Report - Offer of land at Beaver and Spring Streets for sale to the City
- Report - Offer for space on Deer Hill Avenue to the City
- Progress Report - Drainage Problem on Anchor Street and Hawley Road Ext.
- Report - Request for sewer extension - 16 Beaver Brook Road
- Report - Tours of Candlewood Lake from the Town Park
- Report - Request of Thomas and Kathleen Phillips to purchase land on Maple Avenue
- Report - Problems on Hobson Street and Lee Avenue
- Report - Housing Authority - Request for new dump truck
- Report - Request of A&S Auto Sales to purchase property on Balmforth
- Report - Educational Enhancement Act Funds - Public Works
- Report - Town Clerk's Salary
- Progress Report - Request for sewer and water extensions on Edgewood
- Progress Report - Request from Family and Children's Aid for Grant
- Progress Report - Street Addresses
- Progress Report - Automobiles Parked on City Sidewalks
- Progress Report - Request to Accept Capitola Road as a City Road

Mr. Charles made a motion to accept the Consent Calendar as presented. Seconded by Mr. Boynton. Motion carried unanimously.

Mr. Farah commented regarding the report on Shelter Rock Road and Plumtrees Road that the road had not been completed. The committee asked the Public Works Department to pressure the contractor and that the work had been completed this week.

MINUTES - Mr. DaSilva made a motion to waive the reading of the minutes of the Common Council Meeting held on September 1, 1987 and the Special Common Council Meeting held September 24, 1987 as all members have copies which are file in the Office of the City Clerk for public inspection. Seconded by Mr. Gallo. Motion carried unanimously.

1 - CLAIMS - Joyce S. Sullivan, Carol J. Gerner, Mark A. Lamoureux, Chris Durkin, Rose Hamilton, Wadad Fakhreddine Ghannam.

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 - 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, 1987 through September 30, 1988 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 the 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.

3 - RESOLUTION - Applications for School Building Projects.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to undertake school building projects for oil tank replacements at Mill Ridge Intermediate School, King Street Intermediate School and Hayestown Avenue School; and

WHEREAS, the State has determined that said projects are eligible for State financial assistance;

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Board of Education be established as the Building Committee for the completion of the oil tank replacement projects at Mill Ridge Intermediate School, King Street Intermediate School and Hayestown Avenue School; and

BE IT FURTHER RESOLVED THAT the Common Council authorize the preparation of drawings and specifications for the oil tank replacement projects at Mill Ridge Intermediate School, King Street Intermediate School and Hayestown Avenue School; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorize the Danbury Board of Education to file applications for school building projects involving oil tank replacements at King Street Intermediate School, Mill Ridge Intermediate School and Hayestown Avenue School.

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

4 - RESOLUTION - Acceptance of State Funding for Delegation of Authority.

WHEREAS, the City of Danbury Director of Health, by resolution approved by the Common Council of the City of Danbury on July 7, 1987, was authorized to act as designee and agent of the State of Connecticut Department of Environmental Protection; and

WHEREAS, such designation and authority would include the investigation, monitoring and abatement of water pollution; and

WHEREAS, such designation and authority requires the expenditure of City of Danbury Health Department funds, which funds are to be reimbursed by the State Department of Environmental protection in a minimum grant amount of twenty cents (\$0.20) per capita;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the City of Danbury Director of Health and the Mayor of the City of Danbury are authorized to enter into the necessary reimbursement arrangements with the State of Connecticut and execute all documents and/or agreements necessary to effectuate the purposes of funding, monitoring and investigative authority delegated by the State of Connecticut Department of Environmental Protection to the Director of Health pursuant to said program.

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

5 - RESOLUTION - Application for Local Substance Abuse Council Grant.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the prevention of and early intervention in cases of alcohol or drug abuse among high school students is in the best interests of the City of Danbury; and

WHEREAS, the City of Danbury wishes to continue the Student Assistance Program at Danbury High School for that purpose; and

WHEREAS, the State of Connecticut is authorized to make grant funds available for said purpose; and

WHEREAS, the City of Danbury wishes to obtain a grant in an amount not to exceed \$5,200.00 to cover the costs of continuing said program;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application for said grant and to enter into and amend any necessary contract with the State of Connecticut if such a grant is offered to the City of Danbury; and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to take any additional action necessary to accomplish the purposes hereof.

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

6 - COMMUNICATION - Appointment to the Fire Department.

Letter from Mayor James E. Dyer appointed Ken Altberg, 2 Crestwood Drive, Danbury to the Fire Department contingent upon the successful completion of the required training programs and effective upon swearing in.

Mr. Gallo moved to accept the communication and confirm the appointment. Seconded by Mr. Boynton. Motion carried unanimously.

7 - COMMUNICATION - Appointment to the Commission on the Status of Women.

Letter from Mayor James E. Dyer requesting confirmation of Anita Lynch, 208 Middle River Road, Danbury to the Commission on the Status of Women for a term expiring April 1, 1988, to replace Sister Mary Friel.

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

8 - COMMUNICATION - Appointment to the Conservation Commission.

Letter from Mayor James E. Dyer requesting confirmation of Alfred E. Cipriani, 27 Indian Head Road to the Conservation Commission for a term to expire July 1, 1989.

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

9 - COMMUNICATION - Reappointments to the Parks and Recreation Commission.

Letter from Mayor James E. Dyer requesting confirmation of Thomas Evans, 28 Benson Drive and A. Paul Nichols, 13 Valerie Lane, for terms to expire December 1, 1989.

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

10 - COMMUNICATION - Reappointments to the Commission on Aging.

Letter from Mayor James E. Dyer requesting confirmation of Walter Wayman, 32 Wildman Street and Roland A. Sorenson, 204 Village Square for reappointments to the Commission on Aging for terms to expire on October 1, 1990.

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

11 - COMMUNICATION - Appointment to the Cultural Commission.

Letter from Mayor James E. Dyer requesting confirmation of Mary Burke, 21 Homestead Avenue to the Cultural Commission for a term to expire on February 2, 1990.

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

12 - COMMUNICATION - Reappointments to the Transit Board of Directors

Letter from Mayor James E. Dyer asking confirmation of Emanuel Merullo, 14 Lincoln Avenue and Art Wilson, 108 Hayestown Road to the Transit Board of Directors for terms to expire July 1, 1988 and July 1, 1990 respectively.

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

13 - COMMUNICATION - Reappointments to the Youth Commission.

Letter from Mayor James E. Dyer requesting confirmation of the following reappointments to the Youth Commission:

Edward Cowan, 31 Hickory Street for a term to expire April 1, 1989;  
Barbara Feinson, 47 Juniper Ridge Road - April 1, 1989;  
George Guarino, 3 Pleasant View Drive - April 1, 1989; and  
Sharon Fusco, 136 Brookside Condos, - April 1, 1989.

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

14 - COMMUNICATION - Reappointments to the Planning Commission

Letter from Mayor James E. Dyer requesting confirmation of Frank Bondatti, 116 Deer Hill Avenue and John Deeb, 12 Delview Drive to the Planning Commission for terms to expire January 1, 1990.

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

15 - COMMUNICATION - Reappointments to the Richter Park Authority.

Letter from Mayor James E. Dyer requesting confirmation of Dino Storoni, 3 Westwood Terrace and Dominic Lariccia, 2 Stonegate Court to the Richter Park Authority for terms to expire on September 1, 1990.

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

Letter from Mayor James E. Dyer requesting confirmation of William Hajj, 17 Gregory Street, Joseph Beilin, 1 Dogwood Drive and Marion Smith, 11 Mary Ann Drive to the Board of Tax Review for terms to run from September 30, 1987 to June 30, 1992.

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

17 - COMMUNICATION - Appointment to the Candlewood Lake Authority.

Letter from Mayor James E. Dyer asking confirmation of Sally Conroy, 33 Acre Drive to the Candlewood Lake Authority for a term to expire on April 1, 1988.

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

18 - COMMUNICATION - Request for sewer and water extensions at 77-83 Mill Plain Road.

Mrs. McManus asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Dyer ordered it referred to the Planning Commission and an ad hoc committee consisting of Council Members Torian, Zotos and Rotello.

19 - COMMUNICATION - Request for sewer and water extensions - 100 Saw Mill Road.

Mr. Gallo asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Dyer ordered it referred to the Planning Commission and Council Members Torian, Zotos and Rotello.

20 - COMMUNICATION - Abolition of Residency Requirement.

Letter from Mayor James E. Dyer recommending abolition of the residency requirement for the Fire and Police Departments.

Mrs. McManus made a motion to approve the request and to have the Corporation Counsel draft the appropriate documents. Seconded by Mr. Gallo.

Mr. Flanagan stated that he agrees with the idea and feels that the need to provide moderate housing should be addressed.

Mr. Smith stated that he agreed with Mr. Flanagan, but felt he needed to question the 15 mile radius clause. Mayor Dyer stated that he had eliminated that clause.

The motion carried unanimously.

21 - COMMUNICATION - Roof Replacement at Osborne Street Education Service Center.

Letter from Director of Public Works Basil Friscia asking for funds to repair roof at the Osborne Street Education Service Center.

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

22 - COMMUNICATION - Request from Director of Public Works for Waiving of Bidding Process.

Letter from Basil J. Friscia asking that due to a technicality the Common Council waive the bidding on the purchase of a forklift for use in the Equipment Maintenance Division of the Public Works Department.

Mr. Gallo made a motion to grant the request and appoint a committee to consider waiving bids for government surplus. Seconded by Mr. Boynton. Mayor Dyer ordered that the committee shall consist of Council Members Gallo, Boynton and Zotos.

23 - COMMUNICATION - Groveland Corporation, Assignment of Lease.

Letter from Jack D. Garamella, President of Groveland Corporation asking the City to assign a certain lease entered into between the City as lessor and Groveland Corporation as lessee regarding property on Post Office Street to Maria DaSilva and the Estate of Joseph DaSilva.

The request was granted on the Consent Calendar by the Common Council.

24 - COMMUNICATION - Offer of Sale to the City - 35 Acres on Miry Brook Road.

Letter from Professional Realty offering 35 acres of land on Miry Brook Road to the City for the sum of \$3,500,000.

Mr. Sollose asked that this be referred to an ad hoc committee and the Planning Commission. Mayor Dyer ordered it referred to the Planning Commission and a committee consisting of Council Members Boynton, Charles and Rotello.

25 - COMMUNICATION - Report from Director of Public Works on Sidewalk Repairs on Myrtle Avenue.

Letter from Basil J. Friscia stating that he agrees that the sidewalk is in need of repair, but cannot ascertain who is responsible for said repairs.

Mrs. McManus asked that this be referred to an ad hoc committee. Mayor Dyer ordered that the committee shall consist of Council Members Flanagan, Sollose and Godfrey.

26 - COMMUNICATION - Charter Revision Changes.

Letter from Council Member Robert Godfrey requesting the formation of an ad hoc committee to evaluate potential charter changes.

Mr. Eriquez asked that this be referred to a committee. Mayor Dyer ordered that the committee shall consist of Council Members Godfrey, Farah and Cassano.

27 - COMMUNICATION - Swampfield Land Trust - Dogwood Drive North.

Letter from Council Member Gene Eriquez asking that an ad hoc committee be appointed to review the matter of back taxes owed on land acquired by the Swampfield Land Trust on Dogwood Drive North.

Mr. Eriquez asked that this be referred to committee. Mayor Dyer ordered that the committee shall consist of Council Members Eriquez, Hadley and Charles.

28 - COMMUNICATION - Street Crime Unit.

Letter from Council Member Stanford Smith asking that the Common Council reiterate its position on the Street Crime Unit and request that the Mayor make the necessary appointments.

Mrs. McManus made a motion to accept the communication. Seconded by Mr. Gallo.

Mr. Smith stated his concerns about the Street Crime Unit and hoped that the Mayor would make the appointments something in the near future.

Mayor Dyer stated that since 1979 the Police Department's Table of Organization has been increased by 25%. The additional funding for officers will not be available until January 1, 1988. Mayor Dyer stated that when he has a current list from Civil Service he will fill vacancies created due to retirement. He will then institute the Street Crime Unit on a six month trial basis.

Mr. Smith stated that he was not aware that there was going to be a six month trial basis. The Mayor stated that he had made that statement at the NAACP leadership meeting. Mr. Smith replied that he did not hear it. Mr. Smith stated that combating drug use should be a top priority and he thought that the money was available. Mayor Dyer stated that it would be available January 1, 1988. Mr. Smith stated that he was under the impression that it would be available before that.

Mayor Dyer stated that the drug unit deserves praise and their good efforts should not be diminished. He stated that when he has a current Civil Service list he will make the appointments, but will not interfere in the process.

Mr. Smith stated that he heard the Mayor but was not accepting it.

29 - COMMUNICATION and CERTIFICATION - Safe Rides Program.

Letter from Caryl A. MacKenzie, Co-Advisor of the Safe Rides Program asking for \$5,000 to cover the cost of operation for the remainder of the fiscal year. Certification attached.

The communication was accepted and the transfer of funds authorized on the consent calendar by the Common Council.

30 - COMMUNICATION and CERTIFICATION - Request for Funding for Noise Monitoring Equipment.

Letter from Chief of Police Nelson Macedo asking for \$1,035 to purchase one Noise Monitoring Kit. Certification attached.

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

31 - COMMUNICATION - Municipal Liability Trust Fund

Letter from Comptroller Dominic Setaro asking for \$6,686 to be transferred to the Highway Department regarding Municipal Liability Trust Fund.

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

32 - COMMUNICATION - Connecticut State Library Grant.

Request from the Library Director for permission to accept grant of \$1,000 to provide new parents with information available in the library.

The request was granted by the Common Council on the Consent Calendar.

33 - COMMUNICATION and CERTIFICATION - Request from the Welfare Department for increased funding.

Request from Welfare Department for \$1,915 for new copier. Certification attached.

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

34 - COMMUNICATION - Petition to accept Tanglewood Drive and Catalpa Road.

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

35 - COMMUNICATION - Petition for Acceptance of Roads.

Letter from Attorney Gerald Daly on behalf of Ralto Developers asking for acceptance of Westview Drive, Tiffany Drive and Ralto Court.

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

36 - COMMUNICATION - Tarrywile Park Master Plan.

Letter from David M. Coelho asking why the Master Plan at Tarrywile Park is not being followed.

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

37 - COMMUNICATION - Report from City Engineer on Compratt Enterprises

Letter from City Engineer recommending acceptance of this parcel for future roadway purposes. The communication was accepted by the Common Council on the Consent Calendar.

38 - COMMUNICATION - Request for an ad hoc committee regarding the contamination of drinking water.

Letter from Council Member John DeMille requesting that an ad hoc committee be appointed to study contamination of drinking water.

Mr. Gallo ask that said committee be appointed. Mayor Dyer ordered that the committee shall consist of Council Members DeMille, Philip and Butera.

39 - COMMUNICATION - Report from Planning Commission on Agreement between the City and Russo and DiScala.

Report recommending positive action on the said agreement.

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

40 - COMMUNICATION - Request for City to accept Parcel X on Map No. 8720.

Letter from J. Timothy Deakin requesting acceptance of Parcel X on Map 8720, Subdivision of 73 Great Plain Road.

Mr. Hadley asked that this be referred to the City Engineer, Corporation Counsel and Planning Commission for reports in thirty days. Mayor Dyer so ordered.

41 - COMMUNICATION - Request for an ad hoc committee to study pothole problems in the Candlewood Vista-Brighton Street area.

Letter from Council Member John DeMille asking for an ad hoc committee regarding potholes in the Candlewood Vista-Brighton Street area.

Mr. Smith asked that said committee be appointed. Mayor Dyer ordered that the committee shall consist of Council Members DeMille, Philip and Butera.

42 - COMMUNICATION - Request to purchase parcel of land off Golden Hill Road.

Request from Robert McCarthy asking to purchase land off Golden Hill Road.

Mr. Sollose asked that this be referred to an ad hoc committee. Mayor Dyer ordered that the committee shall consist of Council Members Johnson, McManus and Farah. Mr. Sollose asked that it also be referred to the Planning Commission. Mayor Dyer so ordered.

43 - CERTIFICATION - Kenosia Avenue Drainage Easement

Certification from Comptroller Dominic Setaro certifying the availability of \$500 for the Kenosia Avenue Drainage Easement.

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

44 - COMMUNICATION - Amendment to Abandoned Vehicle Ordinance.

Letter from Council Member Constance McManus requesting that the Corporation Counsel draft an amendment to the Danbury Abandoned Vehicle Ordinance in accordance with the revised State Statute.

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

45 - DEPARTMENT REPORTS

Monthly reports from the Spanish Learning Center, Public Works Department, Building Department, Fire Marshall, Police Department, High Blood Pressure Screening Program, Fire Chief and Airport Administrator.

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

46 - REPORT and ORDINANCE - Property Tax Exemptions.

Mrs. McManus submitted the following report:

The Common Council held a public hearing regarding the ordinance for property tax exemptions on September 17, 1987 at 7:30 P.M. in the Common Council Chambers in City Hall.

The Council met as a Committee of the Whole immediately following the public hearing and voted to recommend that the Ordinance be adopted. Council Boynton abstained.

THAT the City of Danbury hereby adopts the provisions of Section 12-81b of the Connecticut General Statutes relating to the effective date of tax exemptions for certain organizations. Accordingly, the property tax exemption authorized by subsections (7) to (16), inclusive, of Section 12-81 of the Connecticut General Statutes shall be effective as of the date of acquisition of the property to which the exemption applies. The tax exempt organization shall be reimbursed for any tax paid by it for a period subsequent to the date of such acquisition and shall also be reimbursed for any tax paid by the prior owner for a period subsequent to the date of such acquisition for which such tax exempt organization reimbursed the prior owner upon the transfer of title to such property. This ordinance shall be effective for all applicable transfers occurring on or after October 1, 1986.

The report and ordinance were adopted by the Common Council on the Consent Calendar.

47 - REPORT and ORDINANCE - City Forestry Ordinances.

Mrs. McManus submitted the following report:

The Common Council held a public hearing concerning the City Forestry Ordinances on September 14, 1987 at 7:30 P.M. in City Hall.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of a new section, said section to read as follows:

Sec. 2-56.15 Tree Advisory Commission.

There is hereby established a Tree Advisory Commission. Said Commission may from time to time make recommendations to the City Forester concerning trees and shrubbery located in whole or in part within the limits of any public road or grounds. The Tree Advisory Commission shall be composed of three (3) members who shall be residents and electors of the City of Danbury and who shall be appointed by the Mayor and confirmed by the Common Council. The Director of Public Works, the City Forester and the Director of Parks and Recreation shall be ex officio members of said Commission without voting power. Members shall serve for a term of three (3) years and until their successors have been appointed and confirmed. Vacancies shall be filled by the Mayor with the approval of the Common Council for the unexpired portion of the term.

THAT subsection (4) of Section 17-47 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Any other operations which may cause abnormal wear to, deface or damage existing structures, pavement, curbs or sidewalks.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Section 12-30 of the Code of Ordinances of Danbury, Connecticut is hereby repealed.

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of Article IV to Chapter 17, said Article IV to read as follows:

ARTICLE IV. PUBLIC SHADE TREES.

Sec. 17-85. Damage, Removal and Replacement.

(a) Unless specifically authorized pursuant to a written permit issued by the City Forester, no person, firm or corporation shall damage, cut, carve, prune, transplant, spray or remove any public tree or shrub including the root system thereof or attach any ropes, wires, nails, advertising posters or other contrivances to any tree or shrub or allow any gaseous, liquid or solid substance which is harmful to such trees or shrubs to come in contact with them, or set fire or permit any fire to burn if such fire or the heat therefrom will injure any portion of any such tree or shrub. Any work performed under such permit shall be done in strict accordance with the conditions thereof. The City may recover the cost of repair or replacement of any tree or shrub damaged in violation of this section from the property owner involved or from any other responsible party.

(b) No permit authorizing the removal of any trees or shrubs from within the limits of any public roads or grounds shall be issued unless the applicant agrees to replace any trees or shrubs so removed. Such replacement

shall meet the minimum standards of size, species and placement as provided for in the permit issued by the

City Forester. Said standards shall insure that the replacement trees and shrubs shall be of a quality equal to those to be replaced. The permittee shall bear the cost of removal and replacement of all trees and shrubs so removed.

(c) Unless prior written permission from the City Forester has been obtained no person, firm or corporation shall deposit, store, place or maintain within the limits of any public road or grounds any stone, brick, sand, cement or other impervious material in such a manner as may obstruct the free passage of air and water to the roots of any tree or shrub growing within such road or grounds.

Sec. 17-86. Planting.

(a) Any person wishing to plant trees or shrubbery upon any public road or grounds shall first obtain a written permit from the City Forester. Before issuance of a permit to plant, the application shall be reviewed by the City Engineer to determine if the proposed planting would create a sight distance hazard.

(b) Whenever any tree or shrub shall be planted improperly in any public place in violation of the provisions hereof or of any permit issued hereunder, the City Forester may remove or cause the removal thereof, or may take such other action deemed necessary to rectify such improper planting and the cost thereof may be charged to the property owner involved or to the party responsible for the improper planting.

Sec. 17-87. Protection of Trees.

No person shall excavate any ditches, tunnels, trenches or lay any driveway within a radius of twenty feet from any tree or shrub located within the limits of any public road or other public place without first obtaining a written permit from the City Forester. All trees within the limits of any public road or other public place and within twenty feet of any excavation or street work or within twenty feet of construction of any building, driveway or other structure shall be guarded either with a substantial fence, frame, box or barrier of such dimensions as may be required by the City Forester or in any other fashion as the City Forester may prescribe. Unless otherwise authorized by the City Forester all building materials and other debris shall be kept outside the barrier.

Sec. 17-88. Public Trees on Private Property.

Upon receipt of the written consent of a property owner the City Forester may plant, trim, spray, care for and preserve shrubs and shade trees located on the private property of such owner and lying within ten feet of the limits of any public road or other public grounds for the purpose of shading

or ornamenting any such road or grounds. All shrubs and trees placed under the provisions of this section shall be deemed public shrubs and trees and shall be under the care and control of the City Forester and may be removed only upon written permit from him.

Sec. 17-89. Hearing.

If any person, firm or corporation objects to the action of the City Forester in the issuance or non-issuance of a permit to remove, transplant, prune or plant any tree or shrub within the control of the City Forester or take any other action for which a permit is required pursuant to the provisions of Sections 17-85 et seq. he or it may appeal to the City Forester in writing. The City Forester shall then hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on or near the trees or shrubs involved. Within three (3) days after such hearing the City Forester shall render his decision granting or denying the appeal.

Sec. 17-90. Permit Conditions.

The procedure for the issuance of permits hereunder by the City Forester shall be in substantial accordance, mutatis mutandis, with the application, bonding, insurance and working conditions and requirements contained in Danbury Code of Ordinances Sections 17-43, 17-46, 17-48, 17-49, 17-51, 17-53 through 17-59, 17-61 through 17-68 and 17-80 through 17-82; except that the City Forester shall be substituted in all cases where reference is made to the Director of Public Works, the Superintendent of Public Highways or the Department of Public Works.

The report and Ordinance were adopted by the Common Council on the Consent Calendar.

48 - REPORT and ORDINANCE - Board of Ethics Ordinance.

The Common Council held a public hearing on the proposed amendments to the Code of Ethics on September 17, 1987 at 7:30 P.M. in the Council Chambers in City Hall.

THAT subsection (e) of Section 2-168 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(e) Investigations. Upon the sworn complaint, on a form prescribed by the board of ethics, signed under penalty of false statement, of any person, or upon its own complaint, alleging facts which if true would constitute improper conduct under the provisions of section 8-3 of the Danbury Municipal Charter or this article, the board of ethics shall conduct an investigation of such alleged violation. The board of ethics shall not later than (5) days after receipt or issuance of such complaint notify by registered or certified mail any officer or employee against whom such complaint is filed and a copy of such complaint shall accompany such notice. The board of ethics shall also notify the complainant of its receipt of such complaint not later than five (5) days thereafter. Any investigation to determine whether or not there is probable cause that a violation of Danbury Municipal Charter section 8-3 or this article has occurred shall be concluded within sixty (60) days of the initiation of any complaint hereunder. An investigation to determine whether or not there is probable cause that a violation of Danbury Municipal Charter section 8-3 or this article has occurred shall be conducted in public and subject to the disclosure requirements of the Freedom of Information Act except when and if confidentiality is necessary and appropriate in accordance with the provisions of the Freedom of Information Act of the State of Connecticut. The officer or employee involved shall have the right to appear and be heard and to offer any information which may tend to clear him of probable cause indicating that he has violated any provision of Danbury Municipal Charter section 8-3 or this article. The officer or employee involved shall also have the right to be represented by legal counsel and examine and cross-examine witnesses. The board of ethics shall make no finding that there is probable cause to believe that the officer or employee involved is in violation of any provision of Danbury Municipal Charter section 8-3 or this article except upon the concurring vote of three (3) of its members. The board of ethics shall not later than three (3) business days after the termination of such investigation notify the complainant and the officer or employee involved that the investigation has been terminated and the results thereof. Within three (3) days following the termination of any investigation hereunder, the board shall, in written findings of facts and conclusions based thereon, make recommendations to the common council concerning the propriety of the conduct involved and appropriate penalties attaching to such conduct, if any. The board shall transmit its findings and recommendations to the common council which shall make the final determination concerning the propriety of the conduct involved in accordance with the procedural requirements of section 2-167 hereof and which shall determine appropriate penalties attaching to such conduct.

**EFFECTIVE DATE:** This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and section 3-10 of the Charter of the City of Danbury.

The report and Ordinance were adopted by the Common Council on the Consent Calendar.

49 - REPORT and ORDINANCE - Amendment to the Parks and Recreation Commission Ordinance.

Mrs. McManus submitted the following report:

The Common Council held a public hearing for the proposed amendment to the Parks and Recreation Commission Ordinance on September 14, 1987 at 7:30 P.M. in the Council Chambers in City Hall.

The Common Council met as a committee of the whole immediately following the public hearing and recommends that the amendment be adopted as submitted.

THAT subsection (a) of Section 2-55 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

(a) Created; members; terms; vacancies. There shall be a parks and recreation commission consisting of nine (9) members appointed by the mayor subject to approval by the common council. The mayor shall appoint three (3) of said members for a one-year term, three (3) of said members for a two-year term and three (3) of said members for a three-year term, and all subsequent appointments of all such members shall be for three-year terms and until their successors have been appointed and approved. One member of the Danbury parks and recreation commission so appointed shall be chosen from among the members of the Danbury conservation commission. All members of the parks and recreation commission shall be electors and residents of the City of Danbury and the athletic director of the Danbury Public Schools shall sit as an ex officio member thereof. Vacancies occurring otherwise than by expiration of term shall be filled by the mayor with the approval of the common council for the unexpired portion of the term.

The report and ordinance were adopted by the Common Council on the Consent Calendar.

50 - REPORT and CERTIFICATION - Drainage Problem, Sementilli and Fogarty.

Mr. DaSilva submitted the following report:

The committee to study a drainage problem on the Sementilli and Fogarty properties on Spruce Mountain Road met at 7:30 P.M. on May 20 and July 13, 1987. In attendance were committee members DaSilva, Esposito and Boynton. Also in attendance were Director of Public Works Basil Friscia and Mrs. Fogarty.

Mr. Friscia explained that the water from Spruce Mountain Road runs through the properties mentioned and then through several abutting properties. This problem has existed for a number of years and was brought before the Common Council in 1979. It was decided then that the problem should be corrected after proper easements were gained. No work, however, has ever been completed on this project. He further stated that approximately \$28,000 will be needed to install the necessary pipe and catch basins.

Mr. Friscia reported that the question of a pipe laid on the Sementilli property causes no problem, as it is only temporary, used for construction purposes.

After discussion of the fact that this is a City problem because the drainage is water from a City street, Mr. Boynton moved and Mr. Esposito seconded a motion to recommend the appropriation of \$28,000 and the obtaining of the proper easements to complete the drainage work on Spruce Mountain Road. Meeting adjourned at 7:40 P.M.

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

51 - REPORT and CERTIFICATION - Welfare Department - Request for Funds.

Mr. Esposito submitted the following report:

The Common Council Committee appointed to review the request for funds for the Welfare Department met on September 24, 1987 at 7:30 P.M. in Room 432 in City Hall. Present were Committee Members Esposito and DeMille. Mr. Rotello was on vacation. Also attending were Director of Welfare Deborah MacKenzie and Comptroller Dominic Setaro. Mr. DeMille made a motion to suspend the rule and allow speakers. Seconded by Mr. Esposito. Motion carried.

Mr. Esposito read the request of the Welfare Department asking for \$16,000 for a fulltime security person for their new building at 403 Main Street. Mrs. MacKenzie spoke of the need for security in the building and that due to the shortage of special police officers, a private security firm is the alternate route to take. The amount is for the balance of the fiscal year.

Mr. Setaro stated that there are no funds available for this request in the Welfare budget and recommended that the funding come from the Contingency Account. A certification of the availability of \$16,000 was included in the request.

Mr. DeMille made a motion to grant the necessary funding of \$16,000 to carry over until the end of the fiscal year for the security officer. Seconded by Mr. Esposito. Motion carried. Meeting adjourned at 8:15 P.M.

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

52 - REPORT - Zoning Board of Appeals - Licensing of General and Limited Repairs.

Mr. Godfrey submitted the following report:

The committee to hear the request of the Zoning Board of Appeals met on September 30, 1987 at City Hall. Attending were Council Members Godfrey and Cassano. Mrs. McManus was absent. Representing the Zoning Board of Appeals was its Chairman Henry C. Schum.

Mr. Schum explained the serious difficulty the Zoning Board of Appeals has in enforcing conditions it imposes when it approves site locations for motor vehicles' repairers. State Statute (C.G.S. §14-55) empowers Zoning Boards of Appeals to conduct hearings and publish decisions, but does not mention enforcing conditions or means of enforcement.

Mr. Schum offered copies of a letter from Governor O'Neill (copy attached) who, after consulting with the Attorney General, suggested bonding or new legislation. Mr. Schum disclosed that he had also spoken to State Senator James Maloney, who has expressed a willingness to sponsor legislation during the next session of the General Assembly.

In informal conversations with Assistant Corporation Counsel Sandra Leheny, Mr. Schum learned that the prospect of a local ordinance on the subject was worth exploring. The threshold question is whether or not a municipality has such power.

After discussion, the committee unanimously recommends that (1) the question of a municipality's power to enact such local ordinance be referred to the Corporation Counsel. If it is possible, Counsel may wish to draft a proposal working with the Zoning Board of Appeals for subsequent referral to the Common Council, and (2) that the Zoning Board of Appeals reapproach the Common Council after Senator Maloney has introduced proposed legislation.

The report was accepted by the Common Council on the Consent Calendar  
53 - REPORT - Offer to the City to purchase the Viking Wire Building.

Mr. Farah submitted the following report:

The Common Council Committee appointed to review the offer to the City to purchase the Viking Wire Building met on September 29, 1987 at 8:20 P.M. in City Hall. Present were Committee Members Farah, Boynton and Torian.

In view of the fact that the Common Council had already voted positively on the recommendation of the Off-Site Committee to expand the present City Hall within the present area that is owned by the City on Deer Hill Avenue, Councilman Boynton moved to recommend to the Common Council that it decline the offer. Seconded by Mr. Torian. Motion carried unanimously.

The report was accepted by the Common Council on the Consent Calendar  
54 - REPORT - Conditions on Shelter Rock and Plumtrees Road.

Mr. Farah submitted the following report:

The Common Council Committee appointed to review the conditions on Shelter Rock and Plumtrees Roads met on September 29, 1987 at 8:00 P.M. in City Hall. In attendance were Council Members Farah and Esposito, representatives of Autumn Ridge and Summerset Condominiums. A letter from Basil Friscia was read and his comments via a telephone conversation were conveyed by Mr. Farah to those who were present at the meeting.

It was reported that the drainage problem at the exit of Summerset Condominiums to Shelter Rock Road has been resolved. Regarding the paving of Shelter Rock Road from the top of the hill to the stop sign at the western end of the road, the developer John Mulqueen has not completed the work. The committee urged the Public Works Department to continue its pressure on Mr. Mulqueen to finish the work.

As for the intersection of Shelter Rock and Plumtrees Road, Mr. Esposito moved to recommend that the Council consider funding adjustments of the grading and the curve in next year's capital budget. Seconded by Mr. Farah and passed. Meeting adjourned at 8:20 P.M.

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

55 - REPORT - Offer of land at Beaver and Spring Streets for sale to the City.

Mr. Farah submitted the following report:

The committee appointed to review the offer of land at the corner of Beaver and Spring Streets to the City met on September 29, 1987 at 8:45 P.M. in City Hall. In attendance were committee members Farah, Boynton and Torian.

In view of the fact that the Common Council had already voted positively on the recommendation of the Off-Site Committee to expand the present City Hall within the present area that is owned by the City on Deer Hill Avenue, Councilman Boynton moved to recommend to the Council that it decline the offer. Seconded by Councilman Torian. Motion carried.

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

56 - REPORT - Offer of Space on Deer Hill Avenue to the City.

Mr. Farah submitted the following report:

The committee appointed to review the offer of space to the City on Deer Hill Avenue met on September 29, 1987 at 8:30 P.M. in City Hall. In attendance were Council Members Farah, Boynton and Torian.

In view of the fact that the Common Council had already voted positively on the recommendation of the Off-Site Committee to expand the present City Hall within the present area that is owned by the City on Deer Hill Avenue, Mr. Boynton made a motion to recommend to the Common Council that it decline the offer. Seconded by Mr. Torian. Motion carried unanimously.

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

57 - REPORT - Drainage Problem on Anchor Street and Hawley Road Ext.

Mr. DeMille submitted the following report:

The Common Council Committee appointed to review the drainage problem on Anchor Street and Hawley Road Extension met at 7:00 P.M. on September 16, 1987 in Room 432 in City Hall. Present were committee member John DeMille, Joseph Torre, Basil Friscia, Jack Schweitzer and Dan Minahan. Absent were committee members Peter Philip and Mounir Farah.

Mr. Minahan proposed a solution, i.e. to install a flat top catch basin on top of a dry well to dispatch the 150' flow of water on Anchor Street. Mr. Schweitzer concurred that this would relieve the problem considerably but would not eliminate it entirely. The cost of a storm drain at this point in time would be prohibitive.

Mr. Torre expressed his opinion that Anchor Steet is a crowned road and water rolls off on a down hill course and has made a bed of sand and silt on this property. This is partially due to a stone wall erected by a previous owner directs the excess water into forming a small pond on his Hawley Road Ext. property. He also fears that the excess water is running into his septic field. His suggestion was a basin and a run off pipe south and away from the house. Mr. Schweitzer concurred but could not guarantee the disappearance of the pond even with the addition named. Mr. Minahan agreed and Mr. Torre accepted their agreement but first wished to check with his own engineer as to the feasibility.

In the absence of a quorum, no further action was taken.

Mr. Hadley submitted the following report:

The Common Council Committee appointed to review the request of Raymond H. Roth and Agnes A. Roth for sewer extension at 16 Beaver Brook Road met on September 14, 1987 in Room 432 at City Hall. In attendance were Committee Members Hadley and Zotos. Also present were Attorney Gerald J. Daly, the Petitioner Raymond Roth, City Engineer Jack Schweitzer and Superintendent of Public Utilities William Buckley and the contractor Gary Ciccarone.

The committee reviewed the petition and the positive recommendation of the Planning Commission and reviewed the plans with Attorney Daly and Mr. Roth. Mr. Schweitzer and Mr. Buckley indicated that the petition was not an unusual petition, was in the planned service area of the City and was in accordance with the requirements of the City Engineer.

A motion was made by Mr. Zotos that the committee recommend that the Common Council approve the petition subject to the eight stipulation listed below. Mr. Hadley seconded and the motion was approved.

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 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 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.
- 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 lines.
  8. This approval shall expire eighteen (18) months following the date of Common Council approval.

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

59 - REPORT - Tours of Candlewood Lake from the Town Park.

Mr. Rotello submitted the following report:

The Common Council Committee appointed to review the request to conduct tours of Candlewood Lake from the Town Park has not met since the request has been withdrawn by the petitioners.

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

60 - REPORT - Request of Thomas and Kathleen Phillips to purchase land on Maple Avenue.

Mr. DaSilva submitted the following report:

The committee to study a request to purchase City property on Maple Avenue met several times between June and September, 1987. The committee met on those occasions with Attorney Alan Barry representing the petitioners, Mr. and Mrs. Phillips, Director of Public Works Basil Friscia and City Engineer John Schweitzer.

The committee discussed the request with Mr. Barry who stated that his clients desired the purchase of this property to round out a parcel which he owns and another they intend to buy. This is property which was not used in the construction of Garamella Boulevard.

Mr. Friscia stated his concern over curb cuts onto Garamella Boulevard. He believes that traffic entering this street would impede the safety and traffic flow. The committee reviewed a report from the Planning Commission which voted a negative recommendation because of possible access to Garamella Boulevard.

Mrs. Butera moved to declare the property surplus and offer it for sale to abutting property owners, Thomas and Kathleen Phillips. The market value will be set by the City Tax Assessor. Further, there will be a deed restriction which will eliminate any curb cuts onto Garamella Boulevard. Easements should also be reserved for any traffic signal equipment, signs and guard rails. The motion was seconded by Mr. DeMille and passed unanimously.

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

61 - REPORT - Problems on Hobson Street and Lee Avenue:

Mr. Hadley submitted the following report:

The Common Council Committee appointed to review problems on Lee Avenue and Hobson Street met for the second time on September 3, 1987 at 7:30 P.M. in City Hall. In attendance were committee members Hadley and Rotello. Also attending were Lt. Arthur Sullo and the petitioners Richard Mead and Carl Provino.

In addition to previous requests which have been submitted, the petitioners requested:

1. A stop sign at the corner of Victor and Hobson Streets.
2. Low bridge signs on the corner of Segar Street at Lake Avenue and on the Brewster side of the Route 84 overpass on Lake Avenue in order to avoid having so many trucks use Hobson Street and Lee Avenue as a turn around area in order to avoid the West Street bridge underpass.
3. 25 MPH speed signs on Hobson Street and Lee Avenue.
4. A new street sign pole.

Mr. Rotello made a motion to refer the photos and materials to Public Works for corrective action and to refer the above requests for a stop sign, low bridge signs and speed limit signs to the Chief of Police by way of Lt. Sullo. Seconded by Mr. Hadley and passed.

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

Mr. Rotello submitted the following report:

The Common Council Committee appointed to review the request from the Housing Authority for a new dump truck met on September 21, 1987 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Charles and Boynton. Mr. Rotello was out of town. Mr. Boynton chaired the meeting.

Mr. Boynton reported that he had spoken to Bernard Fitzpatrick, Executive Director of the Housing Authority. He explained that the Authority had purchased the dump truck and charged it to a closed out project #034-MRD-073. The accounting procedure was disallowed. Therefore, the Authority has requested that they be allowed to deduct this amount from the \$41,055 that they owe the City.

Mr. Charles made a motion that the committee recommend the approval of the Housing Authority request and that the Comptroller make the appropriate entry in the Revenue Budget Account. Seconded by Mr. Boynton. Motion carried.

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

63 - REPORT - Request of A&S Auto Sales to purchase property on Balmforth Avenue.

Mrs. McManus submitted the following report:

The Common Council Committee appointed to study the request of A&S Auto Sales to purchase property on Balmforth Avenue met on December 16, 1986 and on September 14, 1987. Present at the December meeting were committee members Gallo and McManus, City Corporation Counsel Theodore Goldstein, Attorney Robert Talarico and the petitioners Norman and Dorothy Carvalho.

It was determined that no action could be taken on the petition until an updated survey was obtained. The committee also requested the Mr. Goldstein research the statutes to determine whether the property, when declared surplus, had to be made available to all interested owners of adjoining property or if it could be offered to Mr. Carvalho only.

The committee met again in September with the same participants. City Engineer Jack Schweitzer submitted the attached report and survey. Mr. Goldstein stated that his interpretation of the law would allow the City to offer the land for sale to one specific adjoining property owner instead of all.

Accordingly, a motion was made by Mr. Gallo and seconded by Mrs. McManus that the subject property be declared surplus and that it be offered for sale to Norman and Dorothy Carvalko for a price to be determined by the Tax Assessor. The committee voted to recommend that the stipulations suggested by the City Engineer be written into the deed.

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

64 - REPORT - Educational Enhancement Act Funds - Department of Public Works.

Mr. Eriquez submitted the following report:

The Ad Hoc Committee of the Common Council appointed to consider the subject request met on Monday, September 21, 1987 at 7:30 P.M. in the Fourth Floor Lobby in City Hall.

The following individuals were present at this meeting: Councilmembers Friquez, Hadley and Johnson; Dr. Anthony Singe, Walter Skoworonski, Barbara Baker, Joseph Scozzafava and Stephen Wright representing the Schools Administration and Board of Education; Basil Friscia and Richard Palanzo representing Public Works; and City Comptroller Dominic Setaro.

At the outset, Mr. Friscia explained the operational problems with the two-boiler heating system at the Mill Ridge Intermediate School. He and Mr. Palanzo told those present that this system is approximately 29 years old, a contributing factor to its functional problems.

The #2 boiler and burner has been used to provide replacement parts for the #1 boiler and burner since replacement parts are extremely difficult to obtain. This procedure had to be done to keep boiler and burner #1 operational. Currently, boiler #2 has internal leaks. It has been repaired and welded several times, but additional leaks occur due to metal fatigue.

Mr. Friscia and Mr. Palanzo strongly recommend the immediate replacement of the existing system since a temporary, portable system would cost \$150 per day plus installation costs in the event of a total system failure. A new system would consist of state-of-the art burners, controls and thermostats increasing energy efficiency and environmental comfort within the school.

Mr. Friscia suggested that the appropriation for this expenditure be made through Education Enhancement Act funds that the City expects to receive in January or February, 1988.

Mr. Setaro reported that the City should receive \$171,000 of Education Enhancement Act monies in that timeframe. He noted that, currently, this is the only potential source of funds for such an expenditure since contractual and other commitments would exhaust contingency funds. Furthermore, he could not certify to an expenditure through the unappropriated fund balance since the FY 1986-87 audit has not been completed.

He recommended that the bid process be allowed to commence with the stipulation for a 120 day award period. Upon receipt of the Education Enhancement Act money, Mr. Setaro would return to the Council for the actual appropriation in accordance with the bid award utilizing these funds as the primary source for the replacement heating system.

School officials and Councilmembers expressed their concern regarding this situation since they were not aware of the critical condition of the existing heating system. Recognizing that these Education Enhancement Act funds were to be used for capital expenditures, they were nonetheless disappointed that these funds would be used for an "emergency" expenditure.

As a result, the Committee suggested that Public Works personnel and School officials meet to consider a long-term plan for replacement equipment to avoid such "emergency" occurrences in the future.

In order to start the bid process, it was moved by Mr. Hadley to recommend that the primary source of funding for the replacement heating system at the Mill Ridge Intermediate School be Education Enhancement Act funds when available. The motion was seconded by Mrs. Johnson and passed unanimously.

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

65 - REPORT - Town Clerk's Salary.

Mr. Eriquez submitted the following report:

The Ad Hoc Committee of the Common Council appointed to consider the request to review the salary for the position of Town Clerk met on Wednesday, September 30, 1987 at 7:00 P.M. in Room 432 at City Hall. Councilmen Iriquez, DaSilva and Godfrey were in attendance. Also, present at this meeting were Dominic Setaro, Comptroller; Manny Merullo, Personnel Director; and Michael Seri, Town Clerk.

The Committee considered this request by reviewing salaries of comparable positions of responsibility within the City as provided by Mr. Setaro. Also, the Committee reviewed salary levels of Town Clerks within comparable cities and towns throughout the State as provided by Mr. Merullo. These statistics came from fiscal year 1986-87 publications supplied by the Connecticut Conference of Municipalities and the Connecticut Public Expenditures Council. These figures revealed that the position of Town Clerk in the City of Danbury is currently compensated at the lower end of the mean of comparable communities.

The Committee also considered the growth in business generated through that office throughout the 1980's. Mr. Seri reported that legislation passed at the State level has created additional responsibilities for the Town Clerk and significantly increased the workload of his staff. For example, the Town Clerk is now responsible for the collection and reporting of conveyance taxes as a result of recent legislation.

Mr. Setaro noted that \$1.3 million in revenue was generated through the Town Clerk's office in the last fiscal year. This represents a significant increase in activity during this decade requiring a full-time, professionally managed office.

It was expressed that under Mr. Seri's leadership, the Town Clerk's office has been an efficient, productive and well managed operation.

Therefore, in order to make the salary of the Town Clerk commensurate with those of comparable cities and towns and in line with the responsibilities entailed in the increasing business conducted through that office, Mr. DaSilva moved to recommend that the salary of the Town Clerk be set at \$37,500 commencing November 16, 1987. The appropriation for FY 1987-88 to accomplish this would be \$1,551. For FY 1988-89, the salary should reflect a 6% increase in keeping with the guideline set

by the Common Council during the 1987 budget process for other elected officials, providing a \$39,750 salary level. The motion was seconded by Mr. Godfrey and passed unanimously.

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

66 - REPORT - Post Office Street. - WITHDRAWN

67 - REPORT - Request for Sewer and Water Extensions on Edgewood Street.

Mr. Charles submitted the following report:

The committee appointed to study a request for sewer and water installation on Edgewood Street met at 7:45 P.M. on September 30, 1987 in City Hall. In attendance were committee members Charles, Eriquez and DaSilva. Also in attendance was City Engineer Jack Schweitzer.

Mr. Charles reported that all residents of the street who would be affected by these installations have signed a petition in favor. Mr. Schweitzer stated that a sewer installation is possible up to No. 15 Edgewood Street. A water line would have to go from Westville and Beckett, down Edgewood and hook in at Shannon Ridge. He further stated that there is no mechanism for a City installed water line. A water extension would have to be given and the project done by residents along the route.

Mr. DaSilva moved to request that the City Engineer send out an informal survey of the properties that would benefit from the installation of a sanitary sewer. This will include an estimate of preliminary costs. The survey is aimed at determining interest in the project. Mr. Eriquez seconded the motion. Motion carried.

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

68 - PROGRESS REPORT - Request from Family and Children's Aid for Grant.

Mr. DeMille submitted the following report:

The Common Council Committee appointed to review the above listed request met in Room 432 in City Hall on September 29, 1987 at 7:00 P.M. In attendance were Council Members DeMille and Boynton. Councilman Charles was absent. Also attending was Comptroller Dominic Setaro.

Discussion followed. This is a new agency and is affiliated with WIC with some evidence of duplication of services. The sum of \$16,445 being sought from the City is to fund a Masters level social worker. Mr. Boynton stated that this area of duplication was previously entered in the budget. Also, the \$10,000 requested from United Way to complete the program is, at best, a year-to-year proposal. Mrs. Cina of the Agency was not present to answer pertinent questions.

Mr. Boynton requested an early adjournment until Mrs. Cina can appraise the committee of the contributions of the other Housatonic area towns to the program and what their long range commitments are. Meeting adjourned at 7:22 P.M.

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

69 - PROGRESS REPORT - Street Addresses.

Mrs. Johnson submitted the following report:

The Common Council Committee appointed to review Street Addresses met on September 16, 1987 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Johnson and Sollose. Also attending were Deputy Fire Chief Jack Murphy, Gary Elwell of the Post Office and Irene Simonelli from the Assessor's Office.

The committee went over the minutes of the August 17th meeting with regard to duplication of streets and numbers which the committee feels is a serious problem and has existed for several years. Gary Elwell and Irene Simonelli gave their views on the situation as being a very serious problem. Mr. Murphy concurred. Mr. Elwell mentioned that there are streets with names that are simply walkways, not roadways, with their mailboxes facing another road. Mr. Murphy mentioned that he contacted Fairfield, Norwalk, Greenwich, Darien and Westport and received a response from Fairfield only. He asked permission to pursue the other cities in gathering more information from their engineering departments as to how they operate and if there are any problems with duplication of streets and numbers.

Several other issues were mentioned that are very critical and should be addressed separately, with the first priority given to numbering or renumbering to correct duplication of numbers. Secondly, numbers should be assigned to homes, businesses and condominiums that do not presently have numbers. Third, new developments should not be approved unless proper house numbers and street names are assigned. Lastly, duplication of street names should be looked into.

The committee suggested that a consultant be hired to survey this problem. The name of Donald Hambidge was suggested since he is retired and has knowledge of the City. He is a licensed surveyor. This will be explored further.

After all of the information is in and approved by the Common Council, the committee recommends that an Ordinance be adopted so that residents would have to have a number (not necessarily their name) on their houses.

Mr. Sollose made a motion to invite Engineering, Planning and Zoning to the next meeting which will be held on Wednesday, October 7, 1987 to further discuss this problem. The committee feels that it will take some time to remedy the situation.

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

70 - PROGRESS REPORT - Automobiles parked on City Sidewalks.

Mr. Boynton submitted the following report:

The Common Council Committee appointed to review the petition against automobiles parked on City sidewalks met on September 8, 1987 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Boynton, DaSilva and Sollose. Also attending were Captain Robert Lovell from the Police Department and several petitioners.

After a description of the problem faced by the signers of the petition regarding cars parked on City sidewalks and the lack of Police Department response, Captain Robert Lovell responded for the Police Department. Several issues were raised:

1. Legal description of sidewalk constituted by State and local Ordinances;
2. Local zoning regulations.

The effect of the above and possible solutions will be discussed at a later committee meeting. The Chairman will seek answers from the Corporation Counsel and the Zoning staff.

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

71 - PROGRESS REPORT - Request to accept Capitola Road as a City Road

Mr. Rotello submitted the following report:

The committee to study a request to accept Capitola Road as a City road under section 17-34 of the City Ordinances met at 7:30 P.M. on September 16, 1987. In attendance were committee members Rotello and DaSilva. Also in attendance were Director of Public Works Basil Friscia, City Engineer Jack Schweitzer, Superintendent of Highways Dan Minahan, Attorney Ralph Friedland representing the Capitola Road Association and several residents of Capitola Road.

Mr. Friedland stated that the petition is for acceptance under section 17-34 and that he feels Capitola Road meets the requirements of the ordinance. He stated that the road has had considerable construction over the past eight years since a sanitary sewer was installed to Margerie Reservoir.

Residents of the street presented pictures of potholes and drainage problems that exist on the road. They explained the problems that exist with icing, erosion, car damages, commercial traffic, etc.

A discussion was held as to the responsibility of repairing the road before acceptance by the City. Mr. Friedland stated his belief that the City was responsible for paying for these repairs. Mr. Friscia and Mr. Schweitzer explained that the Common Council has worked on this situation several times and each time the problem of responsibility of payment has arisen. Mr. DaSilva stated that his interpretation of 5a-17-34 is different than Mr. Friedlands'. He felt that 5a-17-34 was passed in order to give the City a vehicle for accepting older roads which did not meet modern specifications, not to have the City pay for repairs before acceptance. It was then felt that the Corporation Counsel's opinion was necessary to determine the responsibility.

The committee decided to met again after an opinion of financial responsibility is obtained from the Corporation Counsel and a report of the Planning Commission is received.

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

Mayor Dyer replaced Nicholas Zotos as Chairman of the Committee regarding Edward P. Blasco, 128 East Liberty Street with Ernest Boynton.

PUBLIC SPEAKING

Caryle McKenzie - Thanked the Mayor and Common Council for their support of the Safe Rides Program.

Ronald Blonski - Spoke about the Progress Report regarding Automobiles parked on Sidewalks. Would like to see more rapid progress.

Lynn Taborsak - Would like to see the Street Crime Unit in place soon

There being no further business to come before the Common Council a motion was made by Mr. Godfrey and seconded by Mr. Gallo for the meeting to be adjourned at 8:42 P.M.

Respectfully submitted,

*Jimmie L. Samaha*  
 JIMMETTA L. SAMAHA  
 Assistant City Clerk

ATTEST:

*Elizabeth Crudginton*  
 Elizabeth Crudginton  
 City Clerk