

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

Re: Minutes of the Common Council Meeting held November 5, 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, Philip, Godfrey, Flanagan, Zotos, Hadley, Rotello, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Buter, DaSilva, Eriquez, Farah, Smith, Torian.

21 Members Present.

ANNOUNCEMENTS BY MAYOR DYER

Mayor Dyer extended congratulations to the winners in last Tuesday's election and best wishes to all.

Mayor Dyer called upon Mr. Stahlhammer to present a check to the Danbury Senior City on behalf of the Candlewood Valley Corvettes. Mayor Dyer stated that he was delighted with this tradition and to please keep it up.

On November 11th, the annual Veteran's Day ceremonies will be held in front of the Post Office. All members of the Common Council are invited.

On November 12th Midwestern Council on Alcohol Abuse will hold its annual dinner.

On November 14th Beaver Brook Firehouse will hold a dinner dance in commemoration of its 75th anniversary.

The Mayor extended birthday wishes to Town Clerk Michael Seri who celebrated his birthday on November 1st and to Director of Personnel Emanuel Merullo who will celebrate his birthday on November 12th.

Mayor Dyer extended anniversary wishes to his parents, Tom and Mary Dyer who will celebrate their 60th anniversary on Thanksgiving Day.

On behalf of himself and the Common Council Mayor Dyer wished all the citizens of the City a warm and happy Thanksgiving.

CONSENT CALENDAR - Mr. Gallo presented the following items for acceptance on the Consent Calendar:

- 2 - Resolution - Evaluation of all publicly maintained roads
- 3 - Resolution - Funds from the State of Connecticut Health Department to promote Optimal Environmental Quality
- 4 - Resolution - Amendment to Grant Resolution for the Airport
- 5 - Resolution - Social Services Block Grant Funds
- 15 - Communication - Request for Grant for Long Ridge Library
- 17 - Communication - Request for Extension of Time to draft Ordinance
- 26 - Communication - Municipal Liability Trust Fund - Applications
- 30 - Communication - Report from City Engineer on Road Widening
- 31 - Communication - Request for Donation to the Children's Christmas Fund
- 36 - Report and Ordinance - Lake Kenosia Commission
- 38 - Report and Certification - Repairs to Three Fire House Roofs
- 41 - Report - Petition of Former Traffic Engineer, Ali Khorasani
- 42 - Report - Request for Sewer Extension - 5 Pembroke Road
- 43 - Report - Request for transfer of land to Danbury Preservation Trust
- 44 - Report - Water Problems on Indian Head Road
- 45 - Report - Swampfield Land Trust - Dogwood Drive North
- 46 - Progress Report - Pothole Problem in Candlewood Vista

Mr. DaSilva moved that the Consent Calendar be adopted as presented. Mr. Boynton seconded. Motion carried unanimously.

MINUTES - Mr. DaSilva made a motion to waive the reading of the minutes of the Common Council meeting held October 6, 1987 as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Godfrey. Motion carried unanimously.

1 - CLAIMS - Business Aircraft Center, Inc., Thomas L. Smith, Renee Conlon, David W. Malkin, Charles Walton, Donald J. Jensen, Peter Partenio, Jr., Bruce Gibson, Samuel G. Heelan, Anna Marie Reid.

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 - Evaluation of all Publicly Maintained Roads.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury and State of Connecticut wish to perform an evaluation of all publicly maintained roads within the City of Danbury; and

WHEREAS, the State of Connecticut is willing to reimburse the City of Danbury for all or a portion of costs of said work at the rate of \$15.00 per mile for all certified maintained roads under the control of the City of Danbury for a maximum of 225.39 miles in a maximum amount of \$3,380.85;

NOW, THEREFORE, BE IT RESOLVED THAT James E. Dyer, Mayor of the City of Danbury, or Daniel J. Minahan, Superintendent of Highways, are authorized to execute any and all agreements with the State of Connecticut or amendments thereto and are further authorized to take any additional action which may be necessary to effectuate the purposes hereof.

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

3 - RESOLUTION - Funds from the State of Connecticut Health Department to Promote Optimal Environmental Quality.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has made funds available to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury, through the Danbury Health and Housing Department, has formulated a program to promote optimal environmental quality in the City of Danbury; and

WHEREAS, a continuation grant award request of \$35,000.00 with no local match requirement will be processed by the Danbury Health Department;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing 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 on the Consent Calendar by the Common Council.

4 - RESOLUTION - Amendment to Grant Resolution for the Airport.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make funds available through the Airport and Airway Improvement Act of 1982; and

WHEREAS, the City of Danbury through the Danbury Municipal Airport intends to rehabilitate its obstruction lights and rotating beacon for the purpose of correcting malfunctions and deterioration of the current system; and

WHEREAS, the Common Council, on September 4, 1986, adopted a resolution authorizing the application for such funds in an amount not to exceed \$292,000.00 with a local match of two and one-half (2 1/2%) percent equalling an amount not to exceed \$7,300.00; and

WHEREAS, the City of Danbury seeks to revise its application for a federal and state grant in an amount not to exceed \$317,000.00 with a local match of two and one-half percent equalling an amount not to exceed \$7,800.00;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury is hereby authorized to make application for said grant, and that any and all additional acts necessary to effectuate said program be and hereby are authorized.

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

5 - RESOLUTION - Social Services Block Grant Funds.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State in such amounts as may be made available for undertaking a Counseling Service Program and to execute a Grant Action Request therefor;

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.

2. That it recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program.

3. That the filing of an application by the City of Danbury is hereby approved and that the Mayor of the City of Danbury and the Director of the Danbury Welfare Department are hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, recisions, and revisions thereto, and to act as the authorized representatives of the City of Danbury.

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

6 - ORDINANCE - Amendment of Section 15-17.

Mrs. McManus asked that this be deferred to the December meeting Mayor Dyer so ordered.

7 - COMMUNICATION - Appointments to the Police Department. WITHDRAWN

8 - COMMUNICATION - Lease of 109 Main Street Property for Day Center for the homeless.

Letter from Mrs. Mae Riefberg offering a long term lease to the City for a base rent of \$1,200 per month for property at 109 Main Street to be used for a day center for the homeless.

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

9 - COMMUNICATION - Grant for the Downtown Council.

Letter from Mayor James E. Dyer asking for a one time grant of \$60,000 to supplement the newly form Downtown Tax District.

Mr. Gallo asked that this be referred to a committee. Mayor Dyer ordered that the committee shall consist of Council Members Eriquez, Flanagan and DaSilva.

10 - COMMUNICATION - Lee Mac Associates.

Mr. Gallo asked that this be deferred to the December meeting. Mayor Dyer so ordered.

11 - COMMUNICATION - Contribution to the Danbury Senior Center 127
from the Candlewood Valley Corvettes.

Donation from Candlewood Valley Corvettes in the amount of \$1,200 for the Danbury Senior Center.

Mr. Boynton moved to accept the donation and adjust the appropriate line item. Seconded by Mr. Eriquez. Motion carried unanimously.

12 - COMMUNICATION - Donation to the Department of Elderly Services from Northeast Utilities.

Donation in the amount of \$100 from Northeast Utilities to the Commission on Aging.

Mr. Boynton made a motion to accept the donation and adjust the appropriate line item. Seconded by Mr. DaSilva. Motion carried.

13 - COMMUNICATION - Request for sewer and water extensions - Hayestown and Pembroke Roads.

Mr. Gallo asked that this be deferred to the December meeting. Mayor Dyer so ordered.

14 - COMMUNICATION - Petition for sewers in Lake Kenosia area.

Mr. Eriquez asked that this be deferred to the December meeting. Mayor Dyer so ordered.

15 - COMMUNICATION - Request for grant for Long Ridge Library.

Letter from Councilman Eriquez, together with a letter from Library Treasurer Maureen Hevey asking for a grant of \$3,000 for the Long Ridge Library. Certification attached. The grant was approved by the Common Council on the Consent Calendar.

16 - COMMUNICATION - Offer of land for sale to the City - 54 Kenosia Avenue.

Mr. Godfrey asked that this be deferred to the December meeting. Mayor Dyer so ordered.

17 - COMMUNICATION - Request for extension of time to draft Ordinance

Letter from Corporation Counsel Theodore Goldstein asking for an extension of time to draft an amendment to the Danbury Abandoned Vehicle Ordinance.

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

18 - COMMUNICATION - Petition to connect to existing sewer line.

Mrs. Butera asked that this be deferred to the December meeting. Mayor Dyer so ordered.

19 - COMMUNICATION - List of needs for Public Housing.

Mr. Gallo asked that this be deferred to the December meeting. Mayor Dyer so ordered.

20 - COMMUNICATION - Completion of Flintlock Drive.

Mr. DeMille asked that this be deferred to the December meeting. Mayor Dyer so ordered.

21 - COMMUNICATION - PAC v. Danbury - Wastewater Treatment.

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

22 - COMMUNICATION - Property at 9 Bank Street.

Mr. Torian asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

23 - COMMUNICATION - Request for committee on the settlement of Heart and Hypertension issue - Ronald Scalzo.

Mr. Boynton asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

24 - COMMUNICATION - Lease between the City of Danbury and Housatonic Valley Broadcasting Company (WINE/WRKI).

Mr. DaSilva asked that this be deferred to December meeting.
Mayor Dyer so ordered.

25 - COMMUNICATION - School Bus Shelter for Ward Drive and Ward Drive South.

Mr. Philip asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

26 - COMMUNICATION - Municipal Liability Trust Fund - Applications.

Applications for Municipal Liability Trust Fund allocations in the amount of \$45,500. The applications were approved by the Common Council on the Consent Calendar.

27 - COMMUNICATION - Petition regarding revision of Boulevard Drive.

Mr. Eriquez asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

28 - COMMUNICATION - Temporary Roof on Castle. WITHDRAWN

29 - COMMUNICATION - Estate of Ella V. Hull.

Mr. Godfrey asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

30 - COMMUNICATION - Report from City Engineer on Road Widening, Great Plain Road.

Report from City Engineer recommending that this road widening strip be accepted by the City.

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

31 - COMMUNICATION - Request for donation to the Children's Christmas Fund.

Request for donation to the Children's Christmas Fund from the proceeds of the fire wood sale. The communication was accepted by the Common Council on the Consent Calendar.

32 - COMMUNICATION - Petition to accept Mazur Road.

Mrs. Butera asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

33 - COMMUNICATION - Report from Director of Personnel regarding Municipal Agent for the Elderly.

Mr. Farah asked that this be deferred to the December meeting.
Mayor Dyer so ordered.

Mr. Farah stated that because most items were be deferred to the December meeting did not mean that the Council was shirking its duties but that the incoming Council should have final decision on items. Mayor Dyer stated that this was understood.

Mr. Gallo asked that this be deferred to the December meeting. Mayor Dyer so ordered.

35 - DEPARTMENT REPORTS - Monthly reports of the Airport Administrator, Police Department, High Blood Pressure Screening, Fire Marshall, Fire Chief, Housing Code Enforcement Officer, Public Works Department, Sanitarian/Public Health, Coordinator of Environmental and Occupational Health Service, Building Department.

Mr. DaSilva made a motion to waive the reading of the departmental reports and all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Gallo. Motion carried unanimously.

36 - REPORT and ORDINANCE - Lake Kenosia Commission.

Mrs. McManus submitted the following report and Ordinance which were approved by the Common Council on the Consent Calendar:

The Common Council held a public hearing regarding the Lake Kenosia Commission Ordinance on October 20, 1987 at 7:30 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 unanimously recommends that the ordinance be adopted as submitted.

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

THAT the Code of Ordinances of Danbury, Connecticut be amended by the addition of Section 2-56.15, said section to read as follows:

Sec. 2-56.15 Lake Kenosia Commission; Created, Purpose

(a) There is hereby established by the common council of the City of Danbury the Lake Kenosia Commission consisting of seven (7) members appointed by the mayor and subject to confirmation by the common council. Each of said commissioners shall serve without compensation and shall be electors of the City of Danbury. The initial terms of office of the members of the commission shall be as follows:

(1) The first three (3) persons named shall serve for a term of three (3) years. The next two persons named shall serve for a period of two (2) years and the last two persons named shall serve for a period of one (1) year. All subsequent appointments shall be for a three (3) year term. All members shall serve until their successors have been appointed and the appointments have been confirmed by the common council. Vacancies occurring otherwise than by the expiration of a term of office shall be filled by mayoral appointment and common council confirmation. Such appointments shall be effective for the unexpired portion of the term.

(b) Said commission shall evaluate and monitor the environmental needs and conditions of Lake Kenosia and make recommendations to the common council regarding necessary lake protection programs to abate algae and aquatic weed growth as well as existing and potential sources of pollution, conduct water quality management studies, establish educational programs and disseminate information regarding the care, preservation and protection of the lake by area residents and the public.

37 - REPORT and ORDINANCE - Changes to the Charter. WITHDRAWN.

38 - REPORT and CERTIFICATION - Repairs to three Fire House Roofs.

Mr. Gallo submitted the following report (certification attached) which was approved by the Common Council on the Consent Calendar:

The Common Council Committee appointed to review the petition for funding to repair three fire house roofs met on October 26, 1987 at 7:00 P.M. in the Fourth Floor Lobby in City Hall. Present were committee members Anthony Cassano, Bernard Gallo and Gene Eriquez. Also present were Fire Chief Monzillo, and A. Matturro and A. Pankulis of Engine Company No. 3. (Padanaram)

The committee reviewed the request for \$14,455 to repair three fire house roofs: Engine Company No. 3 - \$4,225; Headquarters - \$6,230; and Engine Co. No. 5 - \$4,000.

Chief Monzillo gave a history of the situation. A request for the funds was submitted last year and included in the 1986-87 budget. Requisitions were issued on January 24, 1987 but the fiscal year ended before action could be taken. Funding was not repeated in the 1987-88 budget. Damage to the roofs is progressing and becoming more serious.

The committee also reviewed the Comptroller's certification for the funding submitted with the petition. Mr. Gallo moved to recommend to the Common Council that the \$14,455 be approved to repair the three fire house roofs specified in the petition. Mr. Cassano seconded the motion and there was unanimous approval. The meeting adjourned at 7:15 P.M.

39 - REPORT and CERTIFICATION - Review of Fire Department Request for Hazardous Material Apparatus and Equipment.

Mr. Torian submitted the following report:

The committee appointed to review the above request met on October 26, 1987 at 7:00 P.M. in City Hall. In attendance were committee members Torian, Butera and Philip. Also in attendance was Fire Chief Monzillo.

Chief Monzillo briefed the committee members on the nature of his request and noted that this request for Common Council appropriation of funds covers the purchase of Hazardous Material Equipment only, in the amount of \$34,462. (see detail attached).

This equipment is required under OSHA guidelines Subpart G, and will be used by the Hazmat Team in responding to Hazardous Material Incidents-Level 3 Response and Level 4 Response. The Hazmat Team is made up of Danbury Fire Department personnel who are specifically trained and qualified in containing and controlling hazardous materials incidents in accordance with the standards set by the Fire Department. A Level 3 response is required when a hazardous material incident involves one or more of the following conditions:

1. threat to human life and/or public safety;
2. a potential or imminent fire involving hazardous materials;
3. a potential or imminent explosion involving hazardous materials.

A Level 4 response is required when a hazardous material incident involves the following conditions:

1. a hazardous material incident which results in an immediate threat to human life and public safety within a defined hazard zone. Such a response implies a total evacuation of all people and emergency personnel within a defined hazard zone.

Mr. DaSilva made a motion to accept the report and approve the transfer of funds. Seconded by Mr. Eriquez. Motion carried unanimously.

40 - REPORT - Downtown Parking Garage.

Mr. Cassano submitted the following report:

The Common Council Committee appointed to review the request for a downtown parking garage met at 8:00 P.M. on October 26, 1987 in Room 432 in City Hall. Present were committee members Anthony Cassano, Gene Eriquez and Stephen Flanagan. Also present were Comptroller Dominic Setaro, Gerard LeFebvre, Charles Bardo, Louis Najamy and Frank Cappiello of the Parking Authority, Robert Adams and Barbara Combs of Adams & Co (CPA), Mary Ann Frede of the Danbury Downtown Council and Mary Cappiello, owner of Simple Pleasures.

The Authority presented a report "Projected Statement of Income and Expenses" prepared by Adams and Company with projected figures for the five years ending June 30, 1990. The report includes projected income and expenses from the proposed garage but does not reflect the estimated garage construction cost of \$2 million.

Mr. Setaro reviewed the report and also offered the opinion that the garage financing might be better achieved through the local banking system rather than revenue bonding.

Mr. Adams stated that he believed the projections in the report to be conservative, but it is impossible to state the degree of conservatism.

Mr. Bardo reviewed the situation with Citytrust, stating that there has been no change. Citytrust would receive 40 parking spaces in the garage in return for property that would be used for the garage and has been appraised for about \$300,000.

In answer to committee questions, Mr. Setaro developed the following worst-case scenario, with the projection (contained in the report) that the Authority revenue (including the garage at 50% occupancy) will be sufficient to cover the Authority expenses (including garage operation, excluding construction) over

the next five years. In addition, the Authority would commit \$182,000 of their \$228,000 cash reserve to help pay for the garage construction funding. Assuming that the garage construction cost is \$2 million and financing is obtained over a 20 year period at 9% interest, the principal/interest payments for the first five years would be:

Year 1	\$280,000
Year 2	271,000
Year 3	262,000
Year 4	253,000
Year 5	244,000

The total is \$1,310,000. If the Authority's \$182,000 is used to reduce this figure, the total becomes \$1,128,000 or an average of \$225,600 per year. This is the worst case projected City contribution to the garage project. It was repeatedly stated that the Authority projections were conservative and that the City's obligation should be reduced by increased Authority revenue due to increased utilization and projected parking rate increases.

Mr. Eriquez made a motion that the committee recommend to the Common Council that the Parking Authority, in concert with the appropriate City offices (e.g., Comptroller, Corporation Counsel) and including the transfer of City-owned property behind the Old Library to the Parking Authority, be authorized to proceed to develop and construct a parking garage on the Library Place site. It is understood that this project will include a projected contribution from the City of approximately \$225,000 (worst-case) per year for the first five years, assuming a 20 year finance period at 9% interest. This worst-case analysis assumes a contribution of \$182,000 from Parking Authority reserves over the five year period. Mr. Flanagan seconded the motion and there was unanimous approval.

Mr. Eriquez made a motion to accept the report. Seconded by Mr. Philip.

Mr. Charles read a statement asking for rejection of the report.

Mr. Boynton asked about a projected statement of income. Mr. Cassano did not recall but it was balance. Mr. Boynton asked if it was self-sustaining and Mr. Cassano stated that this was correct. Mr. Boynton asked how many spaces the garage would contain. Mr. Cassano stated that there would be 240. Mr. Boynton stated that it was his understanding that Citytrust would receive 40 spaces in exchange for the transfer of land. Where would they be located? Mr. Cassano stated that they would be located on the lower level adjacent to Citytrust. Mr. Boynton asked if these spaces would be for employees or customers. Mr. Cassano stated that he did not know and that the 40 spaces would not be in control of the City.

Mr. Boynton asked if the worst-case figures were based on 50% occupancy. Mr. Cassano stated yes. Mr. Boynton asked about long term committed spaces. Mr. Cassano stated that this was not mentioned.

Mr. Charles asked Mr. Capiello, through the Chair, what the full cost of construction would be. Mr. Capiello replied that he did not have the figures available. Mr. Cassano stated that the estimated cost is 2 million. Further questions followed on the cost, interest, etc. Mr. Setaro gave an explanation of the cost and financing, interest, etc.

Mrs. Butera stated that she was against the parking garage because after 5:00 P.M. downtown businesses are not opened, therefore garage will not be filled.

Mr. Farah made a motion to amend the report to state that negotiations should proceed, but transfer of land shall not take place and the City shall not commit to funding at this time. Mayor Dyer called for a roll call vote on the amendment:

YES: Johnson, Sollose, DeMille, Philip, Hadley, Rotello, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Farah, Smith, Torian.

NO: Godfrey, Flanagan, Cassano, Eriquez.

Mr. Zotos abstained.

Motion carried.

Mr. Cassano stated that this amendmnet was ducking the issue. If the Council does not want to obligate itself, then reject the report.

Mayor Dyer then called for a roll call vote on the amended report:

YES: Johnson, Sollose, DeMille, Philip, Hadley, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva Farah, Smith, Torian.

NO: Godfrey, Flanagan, Rotello, Eriquez.

Mr. Zotos abstained.

Motion carried.

41 - REPORT - Petition of Former Traffic Engineer Ali Khorasani.

Mr. Godfrey submitted the following report which was accepted by the Common Council on the Consent Calendar:

The Common Council Committee appointed to review the petition of former traffic engineer Ali Khorasani met on October 13, 1987 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Godfrey and Boynton. Mr. Flanagan was working. Also in attendance were Mr. Khorasani, Director of Personnal Emanuello Merullo, Comptroller Dominic Setaro, Director of Public Works Basil Friscia, City Engineer Jack Schweitzer.

Mr. Merullo outlined the procedures by which exempt employees' concerns are addressed. Salary of an exempt employee is set by the Mayor in accordance with budget limitations as set by the Common Council. Mr. Khorasani was hired as an exempt position, and the Mr. Merullo's knowledge there was no specific agreement before or at hiring dealing with salary increase.

Mr. Khorasani explained his letter, his experiences up to his hiring, and his starting salary range. On hiring, he was led to believe that he could expect a 6% increase on July 1, 1986 as part of an across-the-board increase for all exempt personnel.

Mr. Schweitzer recalled that often an employee would receive an increase at the end of a six month probation period and that he recommended a raise of 6% at the end of six months.

Mr. Setaro noted there is no automatic six month raise outside of stipulated pre-hire agreements. These are always in writing. He noted that the Council did not increase the range for the position for fiscal 86-87, and that Mr. Khorasani was at the maximum on hire. For July 1, 1987, the Council authorized a 6% raise in the range maximum to \$31,800. Even had the Council raised the range earlier, or even authorized a change now, the ultimate decision to actually grant a raise is solely the responsibility of the Mayor. Even had Mr. Khorasani stayed in the City's employ after June 30, 1987, a raise would have been solely at the discretion of the Mayor.

Mr. Friscia noted that he had passed along Mr. Schweitzer's recommendations for an increase to the Mayor. Mr. Friscia reviewed the major projects Mr. Khorasani had worked on and disclosed that the Mayor wished to see more completed work before making a decision. Because of high time and citizen pressure on Mr. Khorasani, this was not able to be accomplished before he left city employment.

On a motion by Mr. Boynton, seconded by Mr. Godfrey, the committee recommends that the Common Council can take no action on the petition, as salary setting within the approved range is solely the responsibility of the Mayor. The committee recommends that the Mayor take Mr. Khorasani's petition under advisement.

Mr. Gallo submitted the following report which was accepted by the Common Council on the Consent Calendar:

e: Request for Sewer Extension - 5 Pembroke Road

Meeting was held on October 19, 1987 at 7:30 P.M. in Room 432 in City Hall. In attendance were Committee Members Gallo, DeMille and Smith. Also attend were Jack Schweitzer, William Buckley and the petitioner, Ivan Vrba. It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

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

43 - REPORT - Request for transfer of land to Danbury Preservation Trust.

Mr. Flanagan submitted the following report which was accepted by the Common Council on the Consent Calendar:

The committee to consider the transfer of City land to the Danbury and Connecticut Preservation Trusts met on August 19, 1987 and October 28, 1987 at 7:30. In attendance were committee members Flanagan, Eriquez and Godfrey. Paulette Pepin of the Danbury Preservation Trust attended the first meeting.

At the August meeting Mrs. Pepin explained that the Trust sought a piece of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the relocation of the historic Ericson house from 3 Padanaram Road. The Trust will sponsor the relocation and restoration of the house which will then be sold on the open market. Resale will be contingent upon deed restrictions which will guarantee the preservation of the structure along accepted historic preservation guidelines. After discussion the committee tabled the item until the Corporation Counsel could review the legal aspects of the proposal.

At the October meeting the committee reviewed Mr. Gottschalk's response (attached) and discussed the project. Mr. Godfrey moved that the request of the Danbury Preservation Trust and the Connecticut Preservation Trust for the transfer of city-owned land on Maple Avenue between Union Avenue and Garamella Boulevard for the purposes of the relocation and restoration of the historic Ericson house be granted. Seconded by Mr. Eriquez. Motion carried unanimously.

The committee noted that upon the completion of this project the structure will be added to the grand list and a now vacant piece of property left over from the road improvement project will once again produce tax revenue. Meeting adjourned at 7:45 P.M.

44 - REPORT - Water Problems on Indian Head Road.

Mr. Gallo submitted the following report which was accepted by the Common Council on the Consent Calendar:

The Common Council Committee appointed to review water problems on Indian Head Road met on October 26, 1987 at 8:00 P.M. in City Hall. In attendance were committee members Gallo, Sollose and Torian. City Officials present were City Engineer Jack Schweitzer, Superintendent of Public Works William Buckley and Councilman Joseph DaSilva. Property Owners present were Frank Hurley, Calvin Joyce, Ray Tomanio, Richard Beckenbach, Marianne Dahill and Beatrice Dahill. Representing the developer was his engineer, David Williamson.

The committee met on June 17th, October 19th and October 26, 1987. The meeting of June 17th was when the property owners explained the difficulties they have been experiencing since Huntington Farms was started on Barnum Road. There were three issues involved:

1. flooding to their properties;
2. flooding of their septic systems; and
3. possible contamination of their wells.

The neighbors involved were having some difficulty contacting the developer necessitating the need to bring this to the Common Council. Through the efforts of Councilman Gallo and the Mayor's Office, the developer was contacted and the problems explained. The developer, through his representative, Mr. Williamson, agreed there was a problem and would resolve this with the following steps:

1. widen, make deeper and straighten the brook running between the property owners;
2. replace a 15" diameter pipe under East Lake Road with a 36" pipe if necessary;
3. place stones on the brook banks to eliminate erosion.

These three steps would lower the water table and allow it to flow under East Lake Road away from the properties in question. Mr. Williamson stated that if by chance this does not work another plan would be implemented. Mr. Williamson stated that work would begin as soon as the final plans were completed and approved by Jack Schweitzer, Bill Buckley and the E.I.C. This will take approximately 6 weeks. If the work is not completed in the next 4-6 months, the committee recommends that the neighbors again approach the Common Council. Everything in this report was agreeable to the parties involved as well as the committee. Therefore, no further action is necessary by the Common Council.

45 - REPORT - Swampfield Land Trust - Dogwood Drive North.

Mr. Eriquez submitted the following report (certification attached) which was accepted by the Common Council on the Consent Calendar

The committee appointed to consider the request from the Swampfield Land Trust met on Wednesday, October 21, 1987 in Room 432 in City Hall. Present were Committee Members Eriquez, Charles and Hadley. Also attending were representatives of the Land Trust John Murphy and Betty McKee.

Mr. Murphy explained the history and purpose of the Swampfield Land Trust to those present. He stated that the Trust has acquired approximately fifteen acres of open land in Danbury. The Trust currently is an active nature conservation non-profit organization with approximately fifty members of which thirty-five are extremely active.

Mr. Murphy further stated that two acres of land on Dogwood Drive North were made available to the Trust in the fall of 1985 as a result of development that deemed these two acres remain as open space. The property was acquired without the knowledge of back taxes that existed on the property prior to the transfer to the Trust via a quit claim deed. The total taxes owed were \$741.82.

The committee reviewed the financial position of the Trust as presented by Mr. Murphy. This revealed funds available of \$631.92 as of October 31, 1986 for the Trust's operation and activities. Currently the Trust has a fund balance of approximately \$700 in total. Recognizing the benefit the public derives from the activities of the Trust and its limited financial resources, Mr. Charles moved to recommend to the Council that \$741.82 be appropriated to the Trust via a City grant to remedy the back tax situation so that the Trust could continue to operate with the funds it currently has available. The motion was seconded by Mr. Hadley and passed un-

animously. Corporation Counsel Eric Gottschalk was consulted and he advised the committee that a grant would be the proper vehicle, if the Council so chose, to assist the Trust with this dilemma.

46 - PROGRESS REPORT - Pothole Problem in Candlewood Vista.

Mr. DeMille submitted the following report which was accepted by the Common Council on the Consent Calendar:

The ad hoc committee appointed to review the pothole problems in the Candlewood Vista area met on Wednesday, October 21, 1987 at 7:30 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee member DeMille, Basil Friscia, Dan Minahan, Stephen Moros, and David Lane. Committee members Philip and Butera were absent. In the absence of a quorum, an informal meeting was held.

Mr. DeMille stated that he had reviewed the problem which appeared to be more of a problem of the shoulders breaking down rather than potholes. Mr. Moros concurred. Mr. DeMille also stated that he requested Mr. Friscia to add a sufficient sum to his 1988 budget to cover the repairs being done. Mr. Friscia replied that the season has run out for road repair, but the necessary work will be completed in the spring. He stated that this would include only Candlewood Vista and Brighton Street as the others in the area have not as yet been accepted by the City.

Mr. Minahan reviewed the history of road repair in the area from his files dating back to 1971. Mr. Moros then stated that these efforts were acceptable but now the situation called for more. Another resident, David Lane asked for a meeting with Dan Minahan this spring before work is to begin. This will be granted. Meeting adjourned at 7:50 P.M.

47 - COMMUNICATION - Appointment of Fire Inspector.

Letter from Mayor James E. Dyer making the following promotion within the Fire Department:

Francis Curran, 19 Mendes Road to Fire Inspector/Deputy Fire Marshall effective upon swearing in.

Mr. Gallo made a motion to accept the communication and approve the promotion. Seconded by Mr. Charles. Motion carried.

48 - REPORT - Abatement of Taxes - Kurt Steinitz.

Mr. Flanagan made a motion to add the above report to the agenda. Seconded by Mr. Godfrey. Motion carried with Mrs. Butera voting in the negative.

Mr. Flanagan submitted the following report:

The committee to consider the request of Kurt Steinitz for an abatement of taxes, fees and interest met on November 4, 1987 at 7:00 P.M. in Room 432 in City Hall. Present were Committee Members DaSilva and Flanagan. The committee reviewed the petition and the letter from Mrs. Skurat, Tax Collector which outlined the petitioners history of tax payments. While Mr. Steinitz suffered illness and has retired, his record shows no attempt to pay any part of his tax obligation.

After discussion, Mr. DaSilva made a motion to deny abatement due to absence of any payment in the past 12 years and to recommend that the petitioner make whatever payment possible to avoid the chance of foreclosure with the balance to be paid as expediently as possible. Seconded by Mr. Flanagan. Passed unanimously.

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

49 - COMMUNICATION - Appointment to Parking Authority.

Mr. Boynton made a motion to add the above communication to the agenda. Seconded by Mr. Godfrey. Motion carried with Mrs. Butera voting in the negative.

Letter from Mayor James E. Dyer appointing Frank Cappiello to the Parking Authority for a term to expire June 30, 1991.

Mr. Boynton made a motion to accept the communication and approve the appointment. Motion carried unanimously.

Mr. Boynton made a motion to add the above communication to the agenda. Seconded by Mr. Godfrey. Motion carried with Mrs. Butera voting in the negative.

Letter from Mayor James E. Dyer reappointing Barbara Flanagan, 3 Dogwood Drive North; James Esposito, 27 Lawncrest Drive and Theresa Boccuzzi, Old Lantern Road to the Board of Ethics for terms to expire August 1, 1988 and appointing Irene King, 8 Mountain Road to the Board of Ethics for a term to expire August 1, 1988.

Mr. Godfrey made a motion to accept the communication and approve the appointments. Seconded by Mr. Eriquez. Motion carried.

PUBLIC SPEAKING

Lynn Taborsak - Spoke on item 19, sorry to see it deferred.

Bernard Fitzpatrick - spoke on item 19.

POINTS OF PERSONAL PRIVILEGE

Councilman Ernest Boynton thanked the citizens of Danbury for allowing him the privilege of serving them on the Common Council for the past eight years.

Councilman Louis Rotello thanked the citizens and his colleagues for the fun and worthwhile experience of serving on the Common Council and he is sure that the newly elected members of the Council will do a fine job.

Councilman Mounir Farah stated that his life has been enriched by the experience of serving on the Common Council and hoped that the next administration would be constructive. He thanked Mayor Dyer and stated that they had not been a rubber stamp Council and had given him more trouble than not.

Councilwoman Beverly Johnson stated that her four years were truly enjoyable and she enjoyed every minute. She stated that she is sure that Lovie Bourne and Mike Fazio will do a wonderful job.

Councilman Stanford Smith stated that he had enjoyed the last two years and that he will continue to be a part of this community and will be back to challenge in two years.

Councilman John DeMille stated that it had been a privilege and education serving on the Common Council and extended good wishes.

Councilman Flanagan extended best wishes to his colleagues and especially Mayor Dyer to whom he stated that it had been a pleasure to serve. He wished the Mayor and his family good luck and Godspeed.

Councilman DaSilva stated that he was an original member of Mayor Dyer's administration and extended his thanks to Mayor Dyer for his kindness, dedication. He also bade a special farewell to his colleague Ernest Boynton.

Councilman Gene Eriquez extended his thanks to all those who had served. He stated that Mayor Dyer will be missed by all the Citizens of Danbury and he will not be forgotten. Mr. Eriquez stated that Mayor Dyer has made Danbury the best place to live, not fifth.

Corporation Counsel Ted Goldstein stated that he is about to become a charter member of the Jim Dyer Alumni Club. Mr. Goldstein stated that he has had ample opportunity to observe Mayor Dyer and that his conduct has always been forthright and honest. Mr. Goldstein expressed his thanks to his staff, Eric Gottschalk, Les Pinter and Chris Roche and stated that he has truly enjoyed working with them. Mr. Goldstein wished everyone only the best for the future.

Mayor Dyer thanked his colleagues for their kind words and he appreciated their service. He thanked his legal staff, City Clerk, Town Clerk and Treasurer. He stated that he could not have had better department heads. He also thanked the many volunteers on the various boards and commissions for their service to the City.

To Len Sedney, Mayor Dyer gave his thanks and stated that there is no one better.

To Jacqueline Cruz, Mayor Dyer thanked her for being his social conscience.

To Phil Capozzi, Mayor Dyer thanked him for doing a terrific job, ten years ago and now.

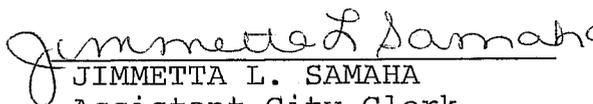
To Ruth Leuthhauser and Vivian Flynn for their dedication service, Mayor Dyer offered his heartfelt thanks.

Mayor Dyer thanked his family for their support and gave special thanks to his wife, Alice, who has been absolutely outstanding.

Finally, Mayor Dyer thanked the people of the City of Danbury for the opportunity of serving them these past twelve years, 8 as Mayor and 4 as State Representative from the 110th District. He will be eternally grateful.

There being no further business to come before the Common Council, a motion was made by Councilman Godfrey for the meeting to adjourn at 9:21 P.M.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


ELIZABETH CRUDGINTON
City Clerk