

TO: Honorable Mayor James E. Dyer - Mayor of the City of Danbury.
SUBJECT: Minutes of the Common Council meeting held on March 4, 1980.

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

The Prayer was offered by Councilman James Ryan.

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

PRESENT: Councilmembers - Delsin, McManus, Gallo, Walsh, Rinder, Scialabba, Repole, Kennedy, Cassano, Murray, Ryan, Visconti, DaSilva, Turk, Boynton, Burke, Evans, Fabiano, Torian. Councilwoman J. Butera arrived after roll call.

ABSENT: Councilman White who was reported to be out of town on business.

20 members present - 1 member absent.

Minutes of the Common Council meeting held on February 5, 1980. A motion was made by Councilman Ryan and seconded by Councilman Murray that the reading of the minutes of the previous meeting be waived and said minutes be approved, and accepted. Motion carried.

CLAIMS - Margaret E. Leach - Sharron LaCava - Wendell L. Johnson - Marion Jowdy - Charlie Thompson.

Councilman Boynton requested referral to the Claims Committee and Assistant Corporation Counsel for Claims - Attorney West. Councilman DaSilva as Chairman of the Claims Committee.

COMMUNICATIONS

Request of Thomas Scott for sewer and water on East Pembroke Road.
Request of Thomas Scott for sewer and water at the corner of Franklin Street and Farview Avenue.

A motion was made by Councilman Murray to refer the requests to the Public Works Committee and the Planning Commission for their recommendations.

COMMUNICATION - Drainage problem on Aunt Hack Ridge Road. Request of John Viniello.

Drainage problem on Spruce Mountain Trail - Request of Shawn W. Fogarty.

Councilmen Ryan and Murray requested referral to the Public Works Committee. Councilman T. Fabiano as chairman.

COMMUNICATION - Request of W.L. Freitas to purchase City property on Fern Street.

Request of Atty. Alan Barry to purchase Ives St. Firehouse.

Councilman Ryan requested referral to the Public Works Committee and the Planning Commission for their recommendations.

COMMUNICATIONS

Offer by L. Sutton, M. Burns and L. Burns of land for sale to the City on Thomas Mountain.

Councilman Murray requested referral to the Land Acquisition Committee and Planning Commission for their recommendation.

Offer by Brockett Real Estate of land for sale to the City, on Eden Drive.

Councilman Ryan requested referral to the Land Acquisition Committee and Planning Commission for their recommendation.

Offer of First Assembly of God Church property at 149 Deer Hill Avenue for sale to the City of Danbury.

Councilman Murray requested referral to the Land Acquisition Committee and Planning Commission for their recommendation.

Offer by Carl Will of land for sale to the City located on Coalpit Hill Road.

Councilman DaSilva requested referral to the Land Acquisition Committee and Planning Commission for their recommendation.

COMMUNICATION - Surplus Equipment - Fire Department.

Pursuant to Section 2-153 of the City Code of Ordinances, permission is requested by the Purchasing Agent to sell, by public bid, the 1965 Dodge Pumper being stored at Engine Co. #24 - Commerce Park.

Councilman Murray requested referral to committee. Mayor Dyer appointed the following members to this committee: DaSilva, Turk, Gallo.

COMMUNICATION - Request from the Purchasing Agent for a waiver of bid procedure for the purchase of a front end loader for the Highway Dept.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the Communication be accepted and bid waived.

Councilman Evans requested that more discretion be used in the future in reference to waiving bids.

Councilman Turk asked if this waiver was agreeable to the Public Works Department.

Councilman Murray replied that Edward Fusek, Superintendent of Public Works, said they only have 30 days and a delay would cost the City \$10,000 more.

The motion carried unanimously.

COMMUNICATION - Request for waiver of sealed bids for the purchase of a Hermatoflourmeter and accessories for the Health Department at a total price of \$3,200.65. This equipment is essential to detect lead poisoning in children.

Councilman Ryan requested referral to the Health Committee. Councilwoman C. McManus as chairman.

COMMUNICATION - Request of the Danbury Cemetery Association, Inc. for the City to repair a retaining wall on the playground at the Old Balmforth Avenue School grounds.

Councilman Murray requested referral to the Public Works Committee. Councilman Fabiano as chairman.

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COMMUNICATION - Request from Mr. Bruce Cummings, Health Department Director, for a committee to be established to study the formation of a public health nursing combination agency in Danbury.

Councilman Ryan requested referral to the Common Council Health Committee. Councilwoman C. McManus as chairman.

COMMUNICATION - Request from Chief Nelson F. Macedo of the Danbury Police Department for a committee to be appointed to consider an ordinance to cover Handicapped Parking Law Violations.

Councilman Murray requested referral of the request, to committee. Mayor Dyer appointed the following members to this committee: Councilmen Visconti, Scialabba and Torian.

COMMUNICATION - Request from the Tax Assessor Evo J. Butera for a committee to review Section 18-2 of the Code of Ordinances - Tax Credit for elderly homeowners.

Councilman Murray requested referral to committee. Mayor Dyer appointed the following members to this committee: Councilmen Burke, Delsin, Ryan.

COMMUNICATION - Request from Frank A. Weller of the Cow's Outside Leather Shop for permission to leave the cow sculpture on the green in front of their store at 292 Main Street.

Councilman Ryan requested referral to committee. Mayor Dyer appointed the following members to this committee: Councilmen - Boynton, Delsin, and Councilwoman Janet Butera.

COMMUNICATION - Request from Mayor Dyer for a committee of the Common Council to be established to explore various proposals that might prove beneficial to reforming the City's Legislative process.

Councilman Murray requested referral to committee. Mayor Dyer appointed the following members of the Common Council, to this committee: Councilmen - Murray, Delsin, Ryan, DaSilva, Visconti.

COMMUNICATION & CERTIFICATION - Request from Mr. Basil Friscia, Chairman of the Zoning Commission for a transfer of funds in the amount of \$2,400. to the following accounts:

#029500 - Outside Services -- \$2,000.00
#040100 - Office Supplies -- 400.00

This request is needed to pay for the printing of legal notices and the hiring of a secretary for the Commission.

A Certification was submitted by Mr. John P. Edwards Acting Director of Finance, in the amount of \$2,400 available in the Contingency Account to be transferred to the Zoning Commission accounts as stated above.

A motion was made by Councilman Evans and seconded by Councilman DaSilva that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 19 Ayes - 2 members absent: Councilman White and Councilwoman J. Butera.

COMMUNICATION & CERTIFICATION - Request from the Registrars of Voters for a transfer of funds in the amount of \$13,460 from the Contingency Account to cover expenses for the Democratic Primary of March 4, 1980 and the Presidential Preference Primary of March 25, 1980. Of this total, \$3,165 will be needed to cover the Democratic Town Committee Primary.

A motion was made by Councilman Gallo and seconded by Councilman Delsin that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 AYES - 1 member absent. Councilwoman Butera arrived at the meeting and Councilman White was absent.

COMMUNICATION & CERTIFICATION - Request from Mr. John P. Edwards, Director of Finance, Acting, for approval to transfer \$25,000 from the Home Energy Loan Account 05-175-072800 back into the Contingency Fund. If this transfer is approved, we will have a balance of \$18,290 in the Loan Account. To date, we have spent \$1,710.00.

A motion was made by Councilman Ryan and seconded by Councilman Burke that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 Ayes 1 absent - Councilman White.

COMMUNICATION & CERTIFICATION - Request from the Danbury Council of Veterans for \$530.00 to pay anticipated costs for the Memorial Day parade.

Mr. John P. Edwards, Director of Finance, Acting, submitted a certification of funds available in the Contingency Account in the amount of \$530.00 to be transferred to the Veterans Account 05-162-072800.

A motion was made by Councilman Evans and seconded by Councilman Torian that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 Ayes - Councilman White was absent.

COMMUNICATION & CERTIFICATION - Request from Leo McIlrath, Director of the Danbury Senior Center, on behalf of the Danbury Commission on Aging, for \$418.50 to purchase 3 file cabinets (\$139.50 each).

Mr. John P. Edwards, Director of Finance, Acting, submitted a communication stating that a transfer from the Contingency fund is not needed. He will amend the Commission on Aging Equipment Account 05-167-060500 for \$418.50 and also amend the Revenue Account 65-000-681000 for \$418.50. These funds are monies collected by the Commission on Aging which have been turned over to the City.

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 20 Ayes - Councilman White was absent.

COMMUNICATION & CERTIFICATION - Request from the office of the Corporation Counsel for \$2,106.40 to be transferred from the Contingency Account to the Planning Commission Account #01-179-020100, Professional Services, (\$1,356.40) and to the Zoning Board of Appeals Account #01-182-020100 Professional Services (\$750.00).

These funds are required to pay for litigation fees re: Planning Commission of the City of Danbury Vs. Zoning Board of Appeals. (Plishner property).

A Certification of funds available in the Contingency Account was submitted by Mr. J. P. Edwards, Director of Finance, Acting, in the amount of \$2,106.40 to be transferred to the above stated accounts.

A motion was made by Councilman Gallo and seconded by Councilman Delsin that the communications be accepted and transfer of funds authorized.

Motion carried by a roll call vote of 20 Ayes - 1 member absent. Councilman White was absent.

RESOLUTION - To direct the Mayor, as the Chief Executive Officer of the City of Danbury to make application on behalf of the City of Danbury to the U.S. Department of Housing and Urban Development for funds allocated under Title I of the Housing and Community Development Act of 1974, as amended in 1977, Public Law 93-383, which authorizes the Community Development Block Grant Program. Such application is for the Sixth Year Funding.

(Deferred for Report at end of meeting)

RESOLUTION - That James E. Dyer, as Mayor of the City of Danbury is hereby authorized and directed to make application to the State of Connecticut Department of Children and Youth Services for a State cost sharing grant, not to exceed \$36,500 for a Youth Service Bureau for the fiscal period commencing July 1, 1980.

Be it further resolved that the Mayor is authorized to execute any and all related documents, applications or other pertinent instruments pursuant to this program.

A motion was made by Councilman Evans and seconded by Councilman Ryan that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes. Councilman White was absent.

RESOLUTION - That James E. Dyer, as Mayor of the City of Danbury, is hereby authorized and directed to file an application for funds from the Restoration of Historic Assets in Connecticut in an amount not to exceed \$160,000, and upon approval of said request to enter into and execute an Assistance Agreement with the State for such financial assistance to this organization.

A motion was made by Councilman Ryan and seconded by Councilman Gallo that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes. Councilman White was absent.

RESOLUTION - That James E. Dyer, as Mayor of the City of Danbury, is hereby authorized to apply for funds allocated to the City of Danbury pursuant to Public Act 79-11 and to forward the local Winter Energy Plan to Hon. Margaret M. Curtin, Office of Policy and Management in Hartford, no later than March 10, 1980;

2 - Robert Windelstern, Superintendent of Public Buildings be and hereby is authorized to administer the use of funds allocated to the City of Danbury hereunder;

3 - Acting Director of Finance John P. Edwards be and hereby is authorized to establish and maintain a separate fund for the deposit and expenditure of monies received from the State hereunder.

A motion was made by Councilman Torian and seconded by Councilman Murray that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes. Councilman White was absent.

RESOLUTION - WHEREAS, pursuant to Connecticut General Statutes Sections 13a - 175a - through 13a - 175i each fiscal year Town Aid Funds are allocated by the State of Connecticut to municipalities for construction, reconstruction, improvement and maintenance of highways, bridges and other incidental structures; and

Be it resolved that the Mayor be and hereby is authorized to enter into agreements in the name and on behalf of the City of Danbury with the Connecticut Department of Transportation acting by its Commissioner of Transportation for the expenditure of all funds to be made available to the City of Danbury in accordance with the General Statutes of the State of Connecticut, and

Be it further resolved that said authority shall be vested in the Mayor of the City of Danbury until such time as this resolution is amended or rescinded by the Common Council of the City of Danbury.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes. Councilman White was absent.

RESOLUTION - Housing Authority Agreement for the development of a project of moderate rental homes.

Councilman Ryan requested referral to committee.
Mayor Dyer appointed the following members to this committee:
Councilmen Ryan, Turk and Councilwoman L. Rinder.

RESOLUTION - Solid Waste Management - Urban Action Grant.

Councilman Murray requested referral to the Public Works Committee.
Mayor Dyer referred the Resolution to the Public Works Committee -
Councilman T. Fabiano, Chairman.

RESOLUTION - Community Health Fair sponsored by the Danbury Health Dept.

Be it resolved that the Comptroller's Office be and hereby is authorized to accept gifts and donations not to exceed \$3,000.00 for use in defraying the cost of said Health Fair, and further that the Comptroller's Office be and hereby is authorized to transfer all such funds received to the Health Department Community Health Education Supplies Account for use as indicated herein.

A motion was made by Councilman Evans and seconded by Councilman Murray that the Resolution be adopted. Motion carried unanimously.

COMMUNICATION - Appointment by Mayor Dyer, of Mr. Robert M. Steinberg as Administrative Aide to the Mayor, effective March 3, 1980.

Mr. Steinberg has been active in various community affairs, is chairman of the Retail Division of the Chamber of Commerce and a member of the Board of Directors of the Executive Committee, Secretary of the Parking Authority and worked with the Mayor during his prior service as a State Representative.

Additionally, Mr. Steinberg is a graduate of Western Connecticut State College with a B.A. in History.

For the past decade he has managed a local family business. It is the opinion of the Mayor that Robert will add efficiency and direction to the Office of the Mayor.

A motion was made by Councilman Ryan and seconded by Councilman Boynton that the Communication be accepted. Motion carried unanimously.

COMMUNICATION - Appointment by Mayor Dyer, of the following two persons as Firefighters for the City of Danbury:

Kenneth Stillson - 5 Golden Hill Lane - Danbury, Conn.

David Bonner - 4 Ox Drive - Brookfield, Conn.

These candidates have successfully completed a series of Civil Service Examinations including a written test, oral test and physical and psychological evaluation.

These appointments shall take effect on a date in March to be arranged by the Fire Chief and shall be at a starting salary of \$13,075.00

The routine requirement for participation in the New Haven Fire Training School, and orientation at the Danbury Fire Department will be followed. Until fulfillment of training requirements, these applicants will not be actively fighting fires.

A motion was made by Councilman Gallo and seconded by Councilman Scialabba that the Communication be accepted and appointments confirmed.
Motion carried by a roll call vote of 20 Ayes. Councilman White was absent.

COMMUNICATION - Appointment of Mr. Philip N. Hadley, 15 Ridge Road Danbury, to the Commission on Aging, whose term will begin this date March 4, 1980 and expire October 1, 1980.

A motion was made by Councilman Evans and seconded by Councilwoman Janet Butera that the Communication be accepted and appointment confirmed.

Motion carried by a roll call vote of 20 Ayes. Councilman White was absent.

COMMUNICATION - Re-appointment by the Mayor of Mr. James M. Hill, 70 Great Plain Road, to the Conservation Commission, whose term will begin this date March 4, 1980 and will expire July 1, 1982.

A motion was made by Councilwoman J. Butera and seconded by Councilman E. Torian that the Communication be accepted and re-appointment confirmed.

Motion carried unanimously.

DEPARTMENT REPORTS

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| Aviation Commission | Police Chief |
| Fire Chief | Housing Inspector |
| Fire Marshal | Health Inspector |
| Health Education Coordinator | |
| Health Coordinator of Environmental & Occupational Health Services. | |

A motion was made by Councilman Ryan and seconded by Councilman Murray to dispense with reading Department Reports as all members have copies which are also on file in the office of the City Clerk, for public inspection. Motion carried.

It was noted by Councilman Evans that the Airport Commission Report for February, was of a personal nature involving another City Agency. It was requested that a letter be sent to Mr. Thompson advising that the reports should only include pertinent activities for the month, to be reported to the Common Council.

AD HOC COMMITTEE REPORTS

REPORT & ORDINANCE - Amendment to Sec. 17-34 of the Road Ordinance.

Councilman R. Murray, President of the Common Council, submitted a report stating that the Common Council as a committee of the whole, met at 9 P.M. Feb. 27, 1980 in reference to proposed amendments to Sec. 17-34 (a).

A Public Hearing was conducted on February 27, 1980 in the Council Chambers at 8:00 P.M.

On a motion at that meeting from Councilman Evans and seconded by Councilman White, Council members present voted 18 yes - 1 abstention to recommend the proposed amendments be adopted. Councilman Turk abstained and Councilmen Delsin and Visconti were absent.

Councilman Burke read the following Ordinance into the records:

That, Ordinance Section 17-34 (a) be and hereby is amended by the deletion of the words "Improved and" preceding the word "accepted" in the last paragraph of said Section 17-34 (a), of the Road Ordinance.

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Report be accepted and Ordinance amendment be adopted.

Motion carried by a roll call vote of 20 Ayes - No Nays. 1 member was absent (Councilman White).
The Ordinance was adopted.

REPORT & ORDINANCE Re: Amendments to Municipal Housing Maintenance and Occupancy Code Sec. 10.

Councilman R. Murray, President of the Common Council, submitted a report stating that the Common Council as a committee of the whole, met on February 27, 1980 at 9:00 P.M. in room 432 at City Hall, to discuss the proposed amendments to the Housing Code.

A Public Hearing was conducted by the Common Council on Feb. 27, 1980 at 8:30 P.M. in the Council Chambers.

On a motion from Councilman Walsh and seconded by Councilman Gallo, Council members present at the meeting, voted 18 yes and 1 abstention to recommend the proposed amendments be adopted. Councilman Turk abstained. Councilmen Visconti and Delsin were absent.

Councilwoman C. McManus read the proposed amendments to the Housing Maintenance and Occupancy Code - Section 10-2-46 - 10-4-5 - 10-6-4 10-10-4 - 10-5-6 and 10-21-1(d) - enabling the Housing Code to more effectively address the housing problems encountered by the Health Dept.

A motion was made by Councilman Ryan and seconded by Councilman Boynton that the Report be accepted and Ordinance adopted.

The Ordinance was adopted by a roll call vote of 20 Ayes - No Nays. Councilman White was absent.

REPORT & RESOLUTION - Community Block Grant Program - Sixth Year Program Application (\$725,000).

Councilman R. Murray, President of the Common Council submitted a report stating that a Public Hearing was held on the above Resolution, on Feb. 21, 1980 at 7:30 P.M. in the Council Chambers.

The Common Council met as a committee of the whole on Feb. 27, 1980 at 8:45 P.M. in room 432 at City Hall to discuss the Resolution. On a motion from Councilman Evans and seconded by Councilman Boynton, at that meeting, 18 members voted yes and 1 abstention to recommend adoption of the Resolution. Councilman Turk abstained. Councilmen Delsin and Visconti were absent.

RESOLUTION - To direct the Mayor, as the Chief Executive Officer of the City of Danbury to make application on behalf of the City to the U.S. Department of Housing and Urban Development for funds allocated under Title I of the Housing and Community Development Act of 1974, as amended in 1977, Public Law 93-383, which authorizes the Community Development Block Grant Program. Such application is for the Sixth Year Funding.

A motion was made by Councilman Ryan and seconded by Councilman Evans, that the Report be accepted and Resolution adopted. Motion carried.

The Resolution was adopted by a roll call vote of 20 Ayes No Nays. Councilman White was absent.

REPORT - Re: Petition of Mildred Wibling to extend sewer line at East side of Route #7 at Danbury Airport.

Councilman Fabiano, Chairman of the Public Works Committee of the Common Council submitted a report stating that the Public Works Committee has met and reviewed the above petition with the City Engineer and has also reviewed a recommendation for approval from the Planning Commission.

It is the recommendation of the 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 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, 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 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 sewer line.

A motion was made by Councilman Evans and seconded by Councilman Torian that the Report be accepted and Petition granted.
Motion carried unanimously.

REPORT - D.H.S. GRANDSTAND.

Councilman T. Fabiano, Chairman of the Public Works Committee submitted a report stating that the committee, after their review of this petition, recommends that we appropriate the requested funds to repair or replace the grandstand:

\$140,000 in the General Fund unappropriated fund balance was submitted by Mr. John P. Edwards, Acting Director of Finance.

A motion was made by Councilman Evans and seconded by Councilman Burke that the Report be accepted and funds granted.

Motion carried by a roll call vote of 20 Ayes - No Nays.

Councilman White was absent.

REPORT - Fairway Drive and Royal Pine Road - Petition for acceptance.

Councilman Fabiano submitted a Public Works Committee Report stating that the committee recommends the Common Council deny this petition since no action has been taken by the developers to comply with the specifications of the City.

A motion was made by Councilman Boynton and seconded by Councilman Walsh that the Report be accepted and Petition denied.

Motion carried unanimously.

REPORT - Proposed Sanitary Sewers -Tarrywile Lake Road - Ryders Lane - Shannon Ridge Road.

Councilman Fabiano submitted a report stating that the Engineering work has been completed on the above referenced project and the Public Works Committee recommends that a Public Hearing be scheduled by the City Clerk's Office. (Hearing to be scheduled when pertinent information required, is received from the Engineer and sent to the homeowners involved).

A motion was made by Councilman Ryan and seconded by Councilman DaSilva that the Report be accepted. Motion carried unanimously.

REPORT - Security System for Public School Buildings - Vandal Alarms.

Councilman Fabiano submitted a report stating that the Public Works Committee has met with representatives of the Board of Education and Public Buildings Department.

After the Committee reviewed this petition, they recommend the approval of an additional \$30,000 being added to the original \$36,000 to bring the total to \$66,000.00.

They also recommend that the Department of Public Buildings be directed to draw up specifications along with the purchasing agent and that these specifications are to be sent to the State Board of Education for their approval. The committee also recommends that normal bidding procedures be followed.

A Certification of funds was submitted by Mr. John P. Edwards, Director of Finance, Acting, as to the availability of \$30,000 in the unappropriated fund balance available for operations in the General Fund that may be used to increase appropriations in the Capital Account 11-000-800001 for vandal alarms.

This transfer plus a previous balance of \$36,000 will amend that Capital Account to \$66,000 total.

A motion was made by Councilman Evans and seconded by Councilman DaSilva that the report be accepted and transfer of funds authorized.

Motion carried by a roll call vote of 20 Ayes - No Nays.
Councilman White was absent.

REPORT - Transfer of funds to School Maintenance Budget.

Councilman Fabiano submitted a report stating that the Public Works Committee after their review recommends that the Common Council approve the following transfer of funds in the School Maintenance Budget:

Part-time services -- \$16,000.00
Maint. Not listed -- 9,000.00

A Certification of funds was submitted at the Feb. 5th Council meeting.

A motion was made by Councilman Evans and seconded by Councilwoman J. Butera that the Report be accepted and transfer of funds authorized.

Motion carried by a roll call vote of 20 Ayes - No Nays.
Councilman White was absent.

REPORT - Re: Joaquim Granja - 46 Pahquioque Ave.

Councilman Fabiano submitted a report stating that the Public Works Committee recommends no action to be taken at this time, since this would involve a civil matter.

A motion was made by Councilman Evans and seconded by Councilman DaSilva that the Report be accepted as read. Motion carried.

REPORT - Litigation involving Road Bonds for Royal Road and Monarch Road.

Councilman Fabiano submitted a report stating that the Public Works Committee recommends that the tentative settlement on the above mentioned road bonds, be approved.

A motion was made by Councilman Murray and seconded by Councilman DaSilva that the Report be accepted as read. Motion carried.

REPORT - Waterview and Hyllo.

Councilman James P. Burke submitted a Road Study Committee report stating that the Committee recommends denial of the Petition to accept Waterview and Hyllo and that a copy of Ordinance 17-34, petitioner's check list and the Engineer's Report dated 2/21/80, be provided to Herbert Riedinger, should the petitioners desire to undertake the necessary improvements.

Councilman Burke requested an extension to allow the committee to discuss and evaluate the Engineer's Report, the legal situation and for the petitioners to respond to the Engineer's report dated 2/19/80, in reference to GOOS ROAD and RIDGECREST ROAD.

A motion was made by Councilwoman J. Butera and seconded by Councilman Gallo that the Report be accepted. Motion carried unanimously.
Mayor Dyer granted the extension requested.

REPORT - Land Acquisition Committee Report.

Councilman Evans, Chairman of the Land Acquisition Committee submitted a Report stating that the Committee met on Feb. 11, 1980 at 7:30 P.M. in room 432 at City Hall. All members of the Committee were present, together with members of the Scott Fanton Museum, Mr. Robert VanHouten, representing the Y.M.C.A. and Mr. George Barnum, owner of the Pine Ledge Property which was being offered to the City, for purchase.

The Scott-Fanton Museum members were requesting funds from the City to move the Charles Ives house from Rogers Park to Main St. The representatives of the museum stated that there were no State or Federal Funds available to move the buildings, but they could apply for funds for restoration, after the building had been moved. The Committee recommended that they request the needed funds to move the building, from the Mayor in their annual budget.

Mr. VanHouten, representative from the Y.M.C.A. stated to the committee that the Y.M.C.A. is desirous of obtaining a small piece of property, 0.16 acres which fronts their property on Clapboard Ridge, Rt. 39. If this piece of property is purchased by the Y.M.C.A. it would give them the necessary acreage to meet zoning regulations in a residential area.

Mr. Barnum explained to the committee where his approximately 90 acres of property was located off East Pembroke Road. This property is offered to the City for \$1,800,000.

In reference to the item on the February Agenda referred to as Golden Hill North Sewer, upon checking with Mr. John Schweitzer City Engineer, he stated that there are no immediate plans to widen the bridge on Golden Hill.

On Feb. 16th, the committee with one member absent, Mrs. Butera, held an on-site inspection tour of the Pine Ledge Property, the Golden Hill North sewer property, the Clapboard Ridge Rt. 39 parcel, the Ives Manor house site at Rogers Park, and both the D'Evengee Property and the Steinberg property.

The Committee again met in a regular meeting on Feb. 25th at 7:30 P.M. in the Council Chambers with one member absent. Councilman Turk, who was attending a meeting of the 911 emergency number committee, which was in session at the same time. Also in attendance were Councilman Scialabba and Mr. George O'Brien. Mr. O'Brien was engaged to do the appraisal of the Lakeview Property and the C.D. Parks property. Mr. O'Brien stated that to do a good comprehensive study of the C.D. Parks property, it would take at least two months, the Lakeview property, one month.

As a result of these meetings, the Land Acquisition committee recommends the following:

1. That the State property on Rt. 39 amounting to 0.168 acres being offered for sale to the City, be refused.
2. That because there are no immediate plans to widen the bridge on Golden Hill, the request to purchase property to move a house and widen the road, be rejected.
3. That the property offered for sale to the City by George Barnum, known as Pine Ledge property, be refused.
4. That because there is no land acquisition involved, the request by Scott-Fanton Museum for funds to move the Ives House to Main Street, be taken from the Land Acquisition Committee and returned to the Mayor for further consideration.

The committee requested an extension of time to report on the D'Evengee and Steinberg properties, pending the outcome of the appraisal of the C.D. Parks property.

A motion was made by Councilman Repole and seconded by Councilman Turk that the Report of the Land Acquisition Committee, be accepted. Motion carried unanimously.

Motions were made and duly seconded that the recommendations of the Land Acquisition Committee be complied with. Motions carried unanimously.

Councilwoman C. McManus, Chairman of the Health Committee requested and was granted an extension of time to report on the Watershed Ordinance, as it is to be referred to the Zoning Commission.

REPORT - Boundary line at 68 Jefferson Avenue.

Councilman E. Boynton submitted a report stating that the committee met on Jan. 28th and February 25, 1980, with Atty. Frizzell, Paul Garofalo and Mrs. Pennell the petitioner.

The committee reviewed pertinent City Ordinances with Atty. Frizzell and Mr. Garofalo as well as pertinent Conn. General Statutes, with Atty. Gottschalk.

The Committee has concluded that the City does not have any City Ordinances to govern this type of problem. The office of Selectmen which held this jurisdiction, has been eliminated in the new Charter.

The Council, upon the advice of Atty. Gottschalk, cannot find the authority to act upon this matter as the Connecticut General Statutes preclude the Common Council from doing so.

Therefore it is the recommendation of the committee that no official action be taken by the Common Council on this Petition. However, it is suggested that the Council President and the Mayor seek support from area State Representatives as well as the 24th Senatorial District to look into changing the wording in Section 47-45 so as to give the Council the authority to act upon matters as it relates to the position of Fence Viewers.

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Report be accepted. Motion carried unanimously.

REPORT - Proceeds of Flood Control Bond Issue.

Councilman Ryan submitted a report stating that the committee met regarding a request from the Acting Director of Finance that unspent funds from a previous Bond issue be lapsed to surplus. The committee met on Feb. 28, 1980 at 8:30 P.M. in room 432 at City Hall. Councilmembers Ryan, Delsin and DaSilva were assigned to the committee.

The committee received a memo from the Assistant Corporation Counsel indicating his approval of the transfer. The Acting Director of Finance submitted a memo from the City's Bond Counsel which also supported the transfer.

After review of the above facts, the committee recommends that the Common Council approve the transfer of \$274,956.38 to Surplus.

A motion was made by Councilwoman Janet Butera and seconded by Councilman Evans that the Report be accepted.

Councilman Turk questioned this transfer of funds to surplus asking if the wording was checked as we had a City & a Town and if the wording was general and open ended, it is not appropriate to lapse funds into the Contingency Account.

Councilman Ryan replied that on Feb. 20th a letter was received from Bond Counsel Cole & Cole stating that the excess funds may be transferred to surplus.

Councilman Turk then asked if the Public Works and Flood Control Board were consulted, to which Councilman Ryan replied "no".

The 1955 Flood Control Bond dealt only with the City of Danbury.

A motion was then made by Councilman Turk and seconded by Councilman Walsh to recommit the matter to consult with the Flood & Erosion Control Board and the Public Works Committee.

The motion was denied by a roll call vote of 16 Nays - 4 Ayes (Councilmen Delsin, Walsh, Scialabba and Councilman Turk, voted Aye). 1 member Councilman White, was absent.

Councilman Evans then asked the Corporation Counsel if these funds can be transferred now, from the Flood Control Bond Issue.

Attorney Goldstein, Corporation Counsel replied that they cannot be transferred unless they are lapsed to surplus. The money cannot be tapped for any other source.

The original motion to accept the Report and recommendations, was carried by a roll call vote of 17 Ayes, 3 Nays (Councilmen Walsh, Scialabba and Turk, voted Nay) 1 member, Councilman White was absent.

Councilman Torian requested and was granted an extension of time to report on the Bus Shelters and appointment of City Auditors.

Councilman Kennedy requested and was granted an extension of time to report on City Motor Vehicles.

Councilman DaSilva requested and was granted an extension of time to report on the request for a community swimming pool.

Councilman Visconti requested and was granted an extension of time to report on Fire Zone violations.

Councilman Boynton requested and was granted an extension of time to report on the 911 emergency number.

REPORT - Councilman Kennedy, chairman of the committee appointed to review the Resolution regarding the Redevelopment Agency Land Disposition reported that the committee had met on Feb. 19, 1980. There not being a quorum, the meeting was adjourned and another meeting scheduled for 3/6/80.

An extension was requested and granted for the committee to consider this situation and to refer this item to the Planning Commission as it relates to the Plan of Development for the City of Danbury.

REPORT - Request from the Portugese Apostolat to receive City Land.

Councilman Ryan submitted a report stating that the committee met on Feb. 28, 1980 in room 432 at City Hall and offers this progress report.

Councilmembers Ryan, Delsin and McManus were assigned to the request of the Portugese Apostolat for the Greater Danbury Area to lease or purchase City owned land for the purposes of erecting a chapel for the Portugese community. The committee is proceeding slowly due to anticipated problems of a constitutional nature, despite committee's general approval of the proposal.

The committee requested and was granted an extension of time, to report on this request.

REPORT - Councilman Kennedy submitted a progress report on the Motor Vehicle Inventory, stating that at the next committee meeting, all department heads will be invited to discuss their Motor Vehicles and the inventory procedure. Sharon Hamilton will be asked to provide a departmental list of all city owned vehicles.

Councilman Kennedy reported that it was further decided that the preliminary questionnaire to be completed by every department, for each day will include, but not be limited to the following information:

Type of vehicle, plate number, vehicle year, I.D. number, odometer reading at beginning and end of each trip and each day, total miles per day, total gas consumption, primary use of vehicle, destination and purpose of each trip, down time of vehicle, number of occupants per trip.

An extension was granted to the committee to continue to proceed on the inventory process.

REPORT - City of Danbury vs. Oak Land Corporation.

Councilwoman L. Rinder submitted a committee report stating that they had met on Feb. 27, 1980 to discuss the above matter.

Those present at the meeting were Councilmembers - Lilija Rinder, William Walsh, Anthony Cassano and Eric Gettschalk, Ass't Corporation Counsel.

Attorney Gettschalk presented an overview of the case, involving the acceptance of three roads - Strawberry Hill Road - Douglas Drive and Briar Patch Lane.

An Engineering Report Nov. 30, 1976 was presented containing noted deficiencies weighing against acceptance of the roads.

A letter (April 19, 1979) from the Developer's Attorney was presented which contained an offer on the part of the developer to cure or correct the deficiencies listed in the engineering report with the exception of an easement (drainage) at a property adjoining Strawberry Hill Road.

Atty. Gettschalk informed the committee that the property is owned by Mr. Adrian Mann, New York City. Mr. Mann's secretary has been contacted and expressed a willingness to receive a letter of easement.

A review of the available documentation indicated that a sum of \$26,500 remains in the original performance bond.

The committee's opinion was that the developer's proposal appears to be worthy of consideration by the appropriate Danbury Agencies.

Attorney Gettschalk agreed to prepare copies of pertinent documentation/information and transmit these to the members of the committee, prior to the next meeting.

The Committee voted to recommend that the Common Council:

1. Refer the necessary documentation to the Planning Commission for recommendation.
2. Have Atty. Gettschalk transmit the proper easement request documentation to Adrian Mann.

The Committee requested and was granted an extension of time to allow for consideration of the Planning Commission Report/recommendation.

REPORT - Councilman Murray submitted a committee report stating that the committee appointed to review balances of all unexpired funds, met on Feb. 13, 1980, with Mr. Lombardi, Director of the Redevelopment Agency and Community Program of Danbury.

Mr. Lombardi briefed the committee on the background of the Community Development Program from 1976 to the present time. He highlighted several items of unused funds totalling \$172,500.

The committee requested and was granted an extension of time to further review these and other unexpired funds.

REPORT & RESOLUTION - Settlement of Claim.

Councilman DaSilva, chairman of the claims committee submitted the following Resolution for settlement of Claim:

The Hartford Insurance Group - \$2,500.00
 (\$2,500.00 deductible portion of insurance policy re: Claim of
 ROSE LAWLOR vs. City of Danbury.

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Resolution be adopted and Claim authorized to be paid. Motion carried by a roll call vote of 20 Ayes - No nays. Councilman White was absent.

The Resolution was adopted.

COMMUNICATION & RESOLUTION - That the City of Danbury accept the Grant award re-application with the Connecticut Justice Commission in an amount not to exceed \$15,000 for a Juvenile Justice Grant for Youth at Risk of Delinquency with a history of child abuse/neglect.

2. The Mayor of the City of Danbury is hereby authorized and directed to execute the Grant award, to provide additional information, to execute such other documents as may be required, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury.

- 3. Upon receipt of the award from the Connecticut Justice Commission, the City of Danbury shall enter into a contract with the Danbury Regional Commission on Child Care, Child Rights and Child Abuse, Inc.
- 4. Upon receipt of the award from Connecticut Justice Commission the City of Danbury shall enter into a "pass through agreement" with the Danbury Regional Commission on Child Care, Child Rights and Child abuse, Inc.
- 5. This Resolution shall take effect immediately.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the Resolution be adopted.

The Resolution was adopted by a roll call vote of 20 Ayes - No Nays. Councilman White was absent.

Public Speakers

Mr. Harry Kessler - Lake Waubeeka - spoke against the City purchasing any of the land offered for sale.

Mr. Kessler remarked that the tax credits for the elderly should be multiplied by the ratio of new assessments over the old assessments.

There being no further business to come before the Common Council, the meeting was adjourned at 10:22 P.M.

Respectfully submitted

Mary Rickert
 Mary Rickert
 Assistant City Clerk

Attest: Elizabeth Crudginton
 Elizabeth Crudginton
 City Clerk

Approved: James E. Dyer
 James E. Dyer
 Mayor

3/4/80

CORRECTION TO COMMON COUNCIL MEETING MINUTES DATED MARCH 5, 1980.

Page - 7 - It was noted by Councilwoman Janet Butera that the Airport Commission Report for February, was of a personal nature involving another City Agency. It was requested that a letter be sent to Mr. Thompson advising that the Reports should only include pertinent activities for the month, to be reported to the Common Council.

Councilman Evans asked if the City is liable for pilferage at the Airport whereby thieves have been reported to not only steal fuel, but often put sugar or sand in the gas tanks, causing danger to aircraft in flight and takeoffs .

Corporation Counsel Theodore H. Goldstein replied that he did not know at the time, but would check into the matter and report back to the Council.