

TO: Honorable Mayor James E. Dyer - Mayor of the City of Danbury.

SUBJECT: Minutes of the Common Council Meeting held on October 7, 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 Fred Visconti Sr.

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

PRESENT: Delsin, McManus, Gallo, Walsh, Rinder, Scialabba, Repole, Eppoliti, Cassano, Murray, Ryan, Visconti, DaSilva, Turk, Boynton, Butera, Fabiano, Torian.

ABSENT: Councilmen White, Burke, Evans.

18 members present -- 3 members absent.

It was reported that Councilman White and Councilman Evans were absent due to illness. Councilman Burke was out of town.

It was also reported that Mayor Dyer's birthday was September 18th.

Mayor Dyer congratulated Councilman Delsin and his wife who recently celebrated their wedding anniversary.

Mayor Dyer read a letter received from the Prime Minister Trudeau of Canada who acknowledged receipt of the Mayor's Proclamation which was passed by the Common Council, commending Canada for assistance rendered to the six American diplomats in Iran.

Addressing the Mayor as His Worship Mayor James E. Dyer, the Prime Minister stated that his government greatly appreciated the thoughtful gesture of the Mayor and Common Council in passing this kind proclamation.

A motion was made by Councilman Ryan and seconded by Councilman Murray that the reading of the minutes of Common Council meetings held on September 2nd and September 30, 1980 be waived and accepted. Motion carried unanimously.

CONSENT CALENDAR

Councilman Ryan submitted the Consent Calendar which included the following items listed on the Agenda:

- 02 - Resolution - Settlement of Claim.
- 03 - Resolution - High Blood Pressure Program.
- 03-1 - Resolution - Department of Welfare to apply for funds to the State Department of Human Resources.
- 025 - Communication & Certification - Request from Tax Collector for transfer of funds for Special Litigation.
- 029 - Communication - Appointment to Library Board of Directors.
- 030 - Communication - Appointment to Equal Rights & Opportunities Commission.
- 031 - Communication - Appointment to Library Board of Directors.
- 032 - Communication - Re-appointments to Commission On Aging.
- 033 - Communication - Appointment of a Lieutenant in the Fire Department.
- 038 - Report & Ordinance - Deposits of waste from outside City limits.
- 040 - Report - Petition of Westport Co. - Easements on South Street.
- 042 - Report - To improve site distance at the intersection of Shelter Rock Road and Woodside Avenue.
- 044 - Report - Easement - Rea Lubar Inc. Franklin St. Ext. Area.

CONSENT CALENDAR CONTINUED

- 046 - Report - Repairs to Rogers Park Jr. High School Auditorium.
- 047 - Report - Drainage Problems - Brighton St.
- 048 - Report - Drainage Problem - Middle River Road (Curtis Yeagle)
- 049 - Report - Assistant Electrical Inspector.
- 050 - Report - Request for area-wide firefighting service.

A motion was made by Councilman Ryan and seconded by Councilman Murray for acceptance of the Consent Calendar. Motion carried unanimously.

CLAIMS - John Alden Rice - Norma E. Miller - Maurice Krasow - Elaine Orlando - Mrs. John Durkin - Maria C. McGowan - Arthur Friedman - Michael A. Kallas.

A motion was made by Councilman Murray and seconded by Councilman Gallo that the Claims be referred to the Claims Committee and Assistant Corporation Counsel for Claims (Atty. West). Motion carried.

RESOLUTION - Settlement of the following Claim:
The Hartford Insurance Group -- \$2,500.00
(\$2,500.00 deductible portion of insurance policy re: Claim of MARY STALB v. City of Danbury - Fall on 11/14/78)

The Resolution was adopted and Claims authorized to be paid by the Consent Calendar

RESOLUTION - Danbury Health Department High Blood Pressure Program. A Grant request of up to \$11,000 with no local match requirements has been processed by the Danbury Health Department to the Connecticut Department of Health Services.

The Resolution was adopted by the Consent Calendar.

RESOLUTION - City of Danbury Department of Welfare is hereby authorized to make application to the State of Connecticut Department of Human Resources for a State Grant under Title XX of the Social Security Act in reimbursement for monies expended by the City during the fiscal year ending June 30, 1981 for social services under the terms of the Title XX contract.

The Resolution was adopted by the Consent Calendar.

COMMUNICATION - Request from Jim Schapp, President of the Pembroke School PTO, for a fence for Pembroke School.

Councilman Murray requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

PETITION - Petition for traffic lights near Great Plain School.

Councilman Ryan requested referral to an Ad Hoc Committee. Mayor Dyer referred the petition to Councilmembers Rinder, Turk, Butera.

PETITION - Petition for a foot bridge on Stadley Rough Road near Great Plain School.

Councilman Gallo requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

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COMMUNICATION - Request from Mrs. Charles Dickey for repairs on Pleasant Drive (owned by Leroy Burke).

Councilman Murray requested referral to the Public Works Committee. Mayor Dyer so ordered.

COMMUNICATION - Petition of E. Hawley re: Water & Sewer line to David Estates - Rose Lane.

Councilman Murray requested referral to the Sewer & Water Committee and Planning Commission. Mayor Dyer so ordered.

PETITION - To maintain Catherine Street - Off Golden Hill Road.

Councilman Ryan requested referral to the Road Study Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Request of John Lasica for a catch basin on Backus Avenue.

Councilman Gallo requested referral to the Public Works Committee. Mayor Dyer so ordered.

PETITION - Petition of Jean M. Anderson - to reconstruct Scuppo Road.

Councilman Gallo requested referral to the Public Works Committee and the Planning Commission. Mayor Dyer so ordered.

COMMUNICATION - Tax Credit for elderly homeowners, pursuant to Section 12-129n of the Connecticut General Statutes, commencing with the Assessment List of 1980.

Councilman Ryan requested referral to the Committee originally appointed to review tax credits for the elderly, with Councilman Burke as Chairman, and Councilmen Ryan and Delsin. Mayor Dyer so ordered.

COMMUNICATION - Request from Mayor Dyer for an Ad Hoc Committee to explore the feasibility of establishing and funding the position of Budget Director.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer appointed Councilmen DaSilva, Delsin and Murray to this committee.

COMMUNICATION - Request from Fire Chief Bertalovitz for the sum of \$3,016 to cover loss-stolen articles on Sept. 13, 1980. The following list covers the loss:

4 portable radios	- \$739 each --	\$2,956.
4 hand lights	15. " --	60.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer appointed Councilmen Gallo, Scialabba and Burke to this committee.

COMMUNICATION - Request from Councilman Evans for an Ad Hoc Committee to be formed to determine the capabilities of the various departments such as Fire, Police and Civil Defense to react and perform during a crisis which involves hazardous materials such as chemicals, highly volatile fuels, or poisonous gases.

Councilman Murray requested referral to the Health Committee. Mayor Dyer so ordered.

COMMUNICATION - In conjunction with the DownTown Council, Mayor Dyer is requesting that the Land Acquisition Committee immediately begin negotiations with the Palace Theatre owners to determine the feasibility of purchasing the theatre for a City Cultural Center.

Additionally, the Mayor suggested that the Land Acquisition Committee work with the Community Growth Forum with regard to possible conversion of the adjoining apartments into City-owned elderly housing.

Councilman Murray requested referral to the Land Acquisition Committee. Mayor Dyer so ordered.

COMMUNICATION - Offer of the First Assembly of God Church property on Deer Hill Avenue, next to City Hall for sale to the City for \$795,000.

Councilman DaSilva requested referral to the Land Acquisition Committee. Mayor Dyer so ordered.

COMMUNICATION - Request from Marianne Wolfe Director of the Danbury Library for a procedural change for Channel Six, being that they are now - The Video Department and the entire operation of Channel 6 has been re-located to the WesConn Campus.

Councilman Ryan requested referral to an AdHoc Committee. Mayor Dyer referred the request to Councilmen Boynton, Walsh and White.

COMMUNICATION - Request from Councilman Evans for a Charter Revision Commission, for the purpose of reviewing those portions of the Charter that pertain to the terms of office of; Mayor, City Clerk, Town Clerk and City Treasurer and also that portion that pertains to the determination of the operating budget of the City of Danbury.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer appointed the following members to this committee: Ryan, McManus, Evans, Rinder and Walsh.

COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$11,197 for the Registrar of Voters to cover the expenses incurred with respect to the referendum of Sept. 3rd and the Republican Primary of Sept. 9, 1980.

A Certification was submitted by the Acting Director of Finance, John P. Edwards in the amount of \$11,197 in the Contingency Account to be transferred to the Registrars Account:

02-01-131-020300	Communication Serv's	\$	230.00
022000	Printing & Binding		739.00
029500	Outside Service		3,487.00
011001	P/T. Services		6,741.00
			<u>\$11,197.00</u>

A motion was made by Councilman Ryan and seconded by Councilman Walsh that the Communications be accepted and transfer of funds authorized. Motion carried by a roll call vote of 18 Ayes - 3 members absent.

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COMMUNICATION & CERTIFICATION - Request for a transfer of funds in the amount of \$7,750.00 to fireproof the vault in the office of the Assessor. A Certification of funds was submitted by Mr. Edwards, Director of Finance Acting.

Councilman Murray requested referral of the request to the Public Works Committee and Planning Commission. Mayor Dyer so ordered.

COMMUNICATION & CERTIFICATION - Request from H.A.R.T. (Housatonic Area Regional Transit) for \$780 for funds for liability coverage.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer referred the request to Councilmen Fabiano, Turk and Cassano.

COMMUNICATION & CERTIFICATION - Request from Danbury Police Chief Nelson Macedo for new Police Radios.

A Certification in the amount of \$16,440 in the Contingency Account to be transferred to Police Department Communication Equipment Acct. 02-02-100-062000, was submitted by Mr. John Edwards, Director of Finance, Acting.

A motion was made by Councilman Delsin and seconded by Councilman Visconti that the Communication be accepted and transfer of funds authorized. Motion carried by a roll call vote of 18 Ayes - 3 members absent.

COMMUNICATION & CERTIFICATION - Request from Mr. William Hanna, Tax Collector for \$14,000 for fees involved in pursuing tax foreclosures. (Filing fees \$4,000 - Sheriff Fees - \$7,500 - Title Searches - \$2,500.)

A Certification in the amount of \$14,000 available in the Contingency Account to be transferred to Tax Collector's Account 02-01-147-020108 Special Litigation Account for the purpose of collecting delinquent taxes, was submitted by Mr. John P. Edwards, Acting Director of Finance.

The Communication was accepted and transfer of funds authorized by the Consent Calendar.

COMMUNICATION & CERTIFICATION - Request of Mr. Daniel Garamella, Director of Public Works, for the approval of the purchase of a new Aerial Bucket for the Tree Department.

A Certification in the amount of \$55,000 available in the Contingency Account to be transferred to the Tree Department for the purchase of a new aerial bucket, was submitted by Mr. John P. Edwards, Director of Finance, Acting.

Councilman Gallo requested referral to the Public Works Committee. Mayor Dyer so ordered.

COMMUNICATION - Request from Mr. James McKenney, Executive Director of the Danbury Housing Authority to secure property for additional elderly housing units, as we have over 750 elderly applicants awaiting housing.

The Housing Authority at this time has no funds for the purchase of land. It was suggested by Mr. Steinberg that the Old Town Farm property, off of Osborne Street, be made available.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer appointed the following members to this committee: Councilmen Torian, Delsin, Repole.

COMMUNICATION - Request from Mr. J. Thompson, Airport Administrator to replace Light #5 located across from Wooster School and Light #8 on the mountain on Terre Haute Road Ext. Replacement of these two poles will probably run between \$7,000 - \$10,000 because of the terrain difficulties.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer appointed the following members to this committee: Councilmen DaSilva, Delsin, Murray.

COMMUNICATION - Appointment of Margaret Pastorino, 11 Lakeside Road to the Library Board of Directors for a term to commence this date and expire January 1, 1982.

The Communication was accepted and appointment confirmed on the Consent Calendar.

COMMUNICATION - Appointment of Kenneth Baldwin, 48 Benson Drive to the Equal Rights and Opportunities Commission, for a term to commence this date and expire August 1, 1983.

The Communication was accepted and appointment confirmed on the Consent Calendar.

COMMUNICATION - Appointment of Attorney Albert Hornig, 9 Dogwood Drive to the Library Board of Directors for a term to commence this date and expire January 1, 1983.

The Communication was accepted and appointment confirmed by the Consent Calendar.

COMMUNICATION - Re-appointments of the following to the Commission on Aging: Sandra Fluskey, 19 West Pine Drive - Sheila Turner, Gammie Road - Raymond Gomoll, 14 Meadow Street - Elisabeth McKee, 161 Main St. Philip Hadley, 15 Ridge Road, West Terrace.

Said terms to expire October 1, 1983.

The Communication was accepted and re-appointments confirmed by the Consent Calendar.

COMMUNICATION - Appointment of Firefighter Joseph Fasone, 20 Sil-Cam Drive, as a Fire Lieutenant. Mr. Fasone has served in the Fire Department for eleven years and is EMT certified.

The Communication was accepted and appointment confirmed by the Consent Calendar.

COMMUNICATION - Request from Councilman Walsh for the Mayor to appoint a committee of the Common Council to investigate the re-establishment of a Charter Revision Commission for 1. refinement of Sections 3-11, 7-3 and 7-4. 2. Revision of Section 2-2a and 2-2b to increase the length of term of office to four years. 3. Revision of Section 7-8 to more justly distribute the costs involved to participants.

Councilman Ryan requested referral to the previously appointed committee. Mayor Dyer so ordered.

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DEPARTMENT REPORTS

Fire Chief	Building Inspector
Fire Marshal	Housing Inspector
Police Dept.	Sanitary Inspector
Aviation Commission	Food Service Inspector
Health Education Coordinator	
Environmental & Occupational Health Services.	

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

AD HOC COMMITTEE REPORTS

REPORT & RESOLUTION - Winter Energy Projects RESOLUTION.

Councilman Murray requested referral for a public hearing to be held. Mayor Dyer so ordered.

REPORT & RESOLUTION - Fees for Food Establishment Licensing.

Councilman Murray, President of the Common Council, submitted a report stating that the members of the Common Council met as a committee of the whole on Sept. 29, 1980 and voted to recommend adoption of a Resolution setting fees for Food Establishment Licensing. Meeting held 9/29/80 8:45 p.m.

The Public Hearing was held on September 29, 1980 at 7:30 P.M. in the Council Chambers at City Hall.

A motion was made by Councilman Boynton and seconded by Councilman Ryan to accept the Report. Motion carried, by a vote of 14 Ayes - 4 Nays Councilmen Delsin, Scialabba, Cassano, Turk voted Nay. 3 absent.

RESOLUTION - Whereas the City of Danbury has enacted a FOOD SERVICE ESTABLISHMENT ORDINANCE - Section 8A-6 provides for an annual schedule of fees to be collected to defray the expense of Food Establishment Licensing,

The Director of Health is hereby authorized and empowered to require the following fees:

- (1) All establishments that undergo the normal quarterly inspection process, and comply with all relevant standards, shall pay an annual fee of Twenty (\$20.00) Dollars.
- (2) All establishments who require re-inspection, as may be required by standards set forth in the Ordinance or prescribed by the Director of Health or his designee, shall pay a re-inspection fee of \$50.00, and
- (3) All establishments under Sec. 8A-2 shall before inspection by the Director submit a \$75.00 filing fee.

A motion was made by Councilman Ryan and seconded by Councilman Gallo that the Resolution be adopted. Motion carried, by a vote of 13 Ayes - 5 Nays (Councilmen Delsin, Walsh, Scialabba, Cassano, Turk, voted Nay). The Resolution was adopted unanimously. 3 members absent.

REPORT & ORDINANCE - Rates for Commercial Waste Deposits.

Councilman Murray submitted a report stating that the Common Council held a public hearing on the above ordinance on September 29, 1980 at 8:00 P.M. in the Council Chambers.

The Common Council met as a committee of the whole on September 29, 1980 at 8:45 P.M. in the Council Chambers and voted to recommend adoption of the Ordinance amending Section 16A-31.

A motion was made by Councilman Gallo and seconded by Councilman Ryan that the report be accepted as read. Motion carried with Councilman Scialabba voting Nay, on acceptance of the Report.

ORDINANCE - Establish rates for Commercial Waste Deposits.

That Section 16A-31 of the Code of Ordinances is hereby amended to read as follows:

Sec. 16A-31 Authority to establish, vary rates for commercial waste deposits.

The Common Council after public hearing is hereby authorized to establish and revise rates to be charged for annual commercial haulers permits required hereunder in connection with the deposition of wastes at the Danbury Sanitary Landfill site.

A motion was made by Councilman Ryan and seconded by Councilman Delsin to adopt the Ordinance. Councilman Scialabba spoke in opposition to the adoption of the Ordinance.

The Ordinance was adopted by a vote of 16 Ayes - 3 Nays - 3 members absent. Councilmen Walsh, Scialabba and Cassano voted Nay.

REPORT & ORDINANCE - Deposits of Waste from outside corporate limits of the City of Danbury.

Councilman Murray submitted a report stating that the Common Council held a public hearing on September 29, 1980 at 8:30 P.M. in the Council Chambers at City Hall.

The Common Council, meeting as a committee of the whole on Sept. 29, 1980 at 8:45 P.M., voted to recommend adoption of an Ordinance amending Sec. 16A-32(a) through subsection 16A-32(d) of the Code of Ordinances.

The Report was accepted on the Consent Calendar.

ORDINANCE - (a) Prohibited - No person, firm, corporation, business, partnership or other entity shall deposit refuse, garbage or sludge at the Danbury Sanitary Landfill site unless said refuse, garbage or sludge originates or comes from within the corporate limits of the City of Danbury.

(b) Requirements for Commercial Permits - In order to obtain an annual commercial haulers permit the owner or lessee shall be required to register with the Health Department of the City of Danbury and to fill out a Commercial registration form; affidavit of origin; etc.

The Ordinance was adopted on the Consent Calendar.

REPORT & ORDINANCE - Amendment to Sec. 10-14 - Emergency powers of Director of Health.

Councilwoman C. McManus submitted a report stating that the Health Committee of the Common Council met on Sept. 18, 1980 with Mr. Paul Schierloh of the Health Department.

Mr. Schierloh informed the committee that a fund exists which the Health Department may use in order to make emergency repairs to rental units when it is impossible to either contact the landlord or have him make the repairs. Unlike Section 10.16 which pertains to non-emergency repairs, Section 10.14 contains no clause by which a lien may be placed upon the property in order to force reimbursement of such repairs to the Health Department. The Committee recommended adoption of the Ordinance.

A motion was made by Councilman Ryan and seconded by Councilman DaSilva to accept the Report. Motion carried.

Councilman Ryan requested that the Ordinance be deferred for a public hearing to be scheduled. Mayor Dyer so ordered.

REPORT - Petition of Westport Co. - Easement on South Street.

Councilman Fabiano, Chairman of the Public Works Committee, submitted a report stating that the committee, after their review of this petition which included an on-site inspection, recommends that the petition be granted to the Westport Company to install the 30" drainage pipe as per drawings submitted, subject to the following conditions:

1. All easements involved will be satisfactory to the office of the Corporation Counsel.
2. All engineering plans be referred to the Director of Public Works.
3. All costs of the installation to be borne by the petitioner.
4. A Cash Bond of \$10,000 to be placed with the City of Danbury prior to the start of construction and to be released upon satisfactory completion.

The Report was accepted on the Consent Calendar.

REPORT - Re: Proposals for operation of the Danbury Landfill.

Councilman Fabiano submitted a Public Works committee report stating that the committee has reviewed a report from Mr. D. Garamella, Director of Public Works, dated 9/17/80 regarding the Engineering Study for the Landfill.

The committee has reviewed this report and has determined that a detailed Engineering Study of the Danbury Landfill is in the best interests of the City of Danbury and therefore recommends that the Common Council appropriate the sum of \$32,000 for this purpose.

It was determined that a certification of funds was not necessary as the funds are available in the Refuse Disposal Account and Engineering.

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

REPORT - Request to improve site distance at the intersection of Shelter Rock Road and Woodside Avenue.

Councilman Fabiano submitted a report stating that the Public Works Committee, after their review of this petition, which included an on-site inspection, recommends that the Common Council empower the Corporation Counsel's Office and Engineering Office to contact the necessary property owners to seek possible solutions to improve the line of sight.

The Report was accepted by the Consent Calendar.

REPORT - Petition of DanCon Corporation for water connecting service charges for Briar Ridge Development to be waived.

Councilman Fabiano submitted a report stating that the Public Works Committee, on the recommendation of the Director of Public Works, Mr. Garamella, voted to recommend that this petition be denied.

A motion was made by Councilman Ryan and seconded by Councilman DaSilva that the Report be accepted. Motion carried with Councilmen Walsh and Scialabba voting Nay.

REPORT - Easement Rea Lubar, Inc. (Franklin St. Ext. Area)

Councilman Fabiano submitted a Public Works Committee Report recommending that the Common Council take no action at this time in accordance with the Planning Commission letter dated 7/9/80 and recommendation of the Corporation Counsel's Office.

The Planning Commission is of the opinion that the matter should be proceeded with in terms of an application for a waiver of the Sub-division Regulations.

The Report was accepted on the Consent Calendar.

REPORT - Request for repairs to Indian Avenue.

Councilman Fabiano submitted a report stating that the Public Works Committee, after their review of this petition which included an on-site inspection, recommends that this petition be denied since the City cannot maintain privately owned roads.

A motion was made by Councilman Ryan and seconded by Councilman Torian to accept the Report as read. Motion carried unanimously.

REPORT - Repairs to Rogers Park Jr. High School Auditorium.

Councilman Fabiano submitted a report stating that the Public Works Committee was informed by Mr. Garamella, Director of Public Works, after meeting with the Superintendent of Schools, Mr. Nappi, that this petition will be resubmitted at another time.

Therefore it is the recommendation of the committee that the Common Council take no action at this time.

The Report was accepted on the Consent Calendar.

REPORT - Drainage problem - Brighton Street.

Councilman Fabiano submitted a report stating that the Public Works Committee, after their review of this petition, was advised by the Superintendent of Highways that corrective measures have already been scheduled by the Public Works Department, since this drainage work is a City problem.

In view of this information the committee recommends the Common Council take no action other than accepting this request.

The Report was accepted by the Consent Calendar.

REPORT - Drainage problem 201 Middle River Rd. (Curtis Yeagle)

Councilman Fabiano submitted a report stating that the Public Works Committee, after their review of this petition, which included an on-site inspection, ascertained that Mr. Yeagle had undone work performed by the previous owner to improve the problem, and therefore the City bears no responsibility. The Committee recommended denial of the petition.

The Report was accepted on the Consent Calendar.

REPORT - Assistant Electrical Inspector.

Councilman DaSilva submitted a report stating that the committee appointed to study the need for an additional electrical inspector, met on Sept. 15th. At the meeting Mr. Garofalo withdrew his request for an assistant electrical inspector because of declining residential building. The committee unanimously accepted the withdrawal.

The Report was accepted on the Consent Calendar.

REPORT - Request from Al Bruhn "Keep Danbury Alive Committee" for area-wide firefighting service.

Councilman Boynton submitted a committee report stating that the committee has met on September 23, 1980, with Chief Bertalovitz and Assistant Chiefs Lagarto and Tomanio. Mr. Bruhn was invited but did not attend.

It was agreed that the request from Mr. Bruhn was extremely vague and lacked specific data from which a judgement on the request for establishing an "area-wide" firefighting service plan could be made.

Chairman Boynton had tried to reach Mr. Bruhn for further information, but was unsuccessful. Mr. Bruhn had not acknowledged the invitation to appear before the committee and has made no effort to inform the committee of the reasons or need for such an area-wide firefighting service.

Chief Bertalovitz advised the committee that he could not recommend such a plan without more data. He explained that his Department which is paid for by the City Taxpayers should always be the first to be advised of a fire and their response time, even under the most adverse conditions, would always be the fastest. Chief Bertalovitz pointed the following facts

- A. They are a 24 hour department
- B. They have 4 stations throughout the City
- C. They have 107 paid members who can and do respond with up to 16 pieces of firefighting equipment.

The Chief also pointed out that this City has 12 Volunteer Fire Companies who are always quick to respond to any emergency.

As to "mutual aid" between the City and the surrounding communities, the Chief only had to point to the recent fire on Main Street as a perfect example of the aid given to us when the need is there, and Danbury's paid and volunteer companies do the same for our neighboring communities.

Due to the fact that the committee was not able to determine a real need for an "area-wide firefighting service plan", from Mr. Bruhn or any member of the "Keep Danbury Alive Committee"; and upon the information obtained from Chief Bertalovitz and his Assistant Chiefs that such a service is already in effect in the form of mutual aid, this committee recommends that no action be taken regarding the request of Al Bruhn.

The Report was accepted on the Consent Calendar.

REPORT - Land Acquisition Committee.

Councilman Evans, Chairman of the Land Acquisition Committee, submitted a report that was read by Councilman Ryan, in the absence of Mr. Evans, stating that the committee met on Sept. 25, 1980 and it was decided at that time to notify Mr. Noce of Noce Realtors to suspend any further appraisal action of the C.D. Parks property on behalf of the City.

It was also decided that an on-site inspection of the Harding Estate on East Lake Road would be made on Oct. 11, 1980.

It was recommended by the committee that the City not accept the offer to purchase the Devengee-Steinberg property.

A motion was made by Councilman Delsin and seconded by Councilman DaSilva to accept the report. Motion carried.

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REPORT & ORDINANCE - Attendance of members of Boards, Commissions etc.

Councilman Murray, president of the Common Council, submitted a committee report stating that the Common Council met as a committee of the whole in reference to the above captioned ordinance, on Sept. 24, 1980 in the Council Chambers.

A Public Hearing was conducted and a favorable report rendered by the committee charged with drafting the proposed Ordinance.

The Council recommends that the Ordinance be adopted, and that the following amendments be included:

1. That the Mayor shall inform any commission member of the determination of resignation by certified mail, return receipt requested; and
2. That the provisions of the Ordinance shall not apply to the Zoning Board of Appeals or the Planning Commission.

A motion was made by Councilman Ryan and seconded by Councilman Visconti to accept the report. Motion carried unanimously.

ORDINANCE - Boards and Commissions, Attendance.

Section 1.

(a) The Chairman or his designee of every board or commission empowered by the City of Danbury acting through the Common Council shall cause an attendance record of each and every meeting of such commission or board to be completed.

(b) Such attendance record shall indicate commission or board members present and absent, and shall be filed with the City Clerk for public inspection.

Section 2.

(a) The chairman or his designee of every board or commission empowered by the City shall by writing, notify the Mayor of any commission member who has missed three consecutive meetings or one third of all meetings within a calendar year without excuse.

(b) The Mayor, after receipt of notification of absence as defined in section (a), may deem the commission member to have resigned and fill the vacancy according to law, and notify the respective Board or Commission member by certified mail, return receipt requested.

(c) A Commission member may appeal any decision made by the Mayor under section (b) by informing the Mayor and the respective Board or Commission chairman of his objection to the decision within fifteen days of the Mayor's determination that the individual has resigned.

(d) The Board of Appeals for an objection filed under section (c) shall consist of the President of the Common Council, the Corporation Counsel, and the respective Board or Commission chairman.

(e) This article shall not apply to the Common Council, the Board of Education, Zoning Commission, Zoning Board of Appeals and Planning Commission.

A motion was made by Councilman Visconti and seconded by Councilman DaSilva for adoption of the Ordinance as amended.

The Ordinance was adopted by a roll call vote of 18 Ayes - 3 members absent.

REPORT & ORDINANCE - Special Police Credits.

Councilman Murray submitted a report stating that the Common Council met as a committee of the whole on September 24, 1980 at 8:30 P.M. in the Council Chambers, in reference to the above captioned ordinance.

A Public hearing was conducted on this proposed ordinance and the Council received a favorable report from the committee assigned to draft the proposed ordinance. The Council recommends adoption of the Ordinance.

A motion was made by Councilman Visconti and seconded by Councilman Ryan to accept the Report. Motion carried.

ORDINANCE - Credits for Special Police on Civil Service Examinations.

Any applicant who is a member in good standing of the Danbury Special Police shall after attaining a passing grade on the Civil Service examination be credited with two (2) additional points for each full year of service as a Special Police Officer, but in no event shall said credit exceed ten (10) additional points, and provided that no additional points shall be credited to an applicant unless:

1. The applicant otherwise qualifies under other provisions of this section, and
2. The Chief of Police certifies that the applicant has during his term as a Special Police Officer:
 - (a) Been qualified with his or her duty weapon as required by Department regulations,
 - (b) Conducted his or her duties, followed all lawful orders given and conformed to all Department regulations and general orders governing regular police officers without reprimand,
 - (c) Attended a majority of the instructional classroom sessions made available by the Chief of Police for the purpose of police officer training,
 - (d) Performed at least 160 hours of service as a special police officer for the City of Danbury during each year for which the applicant claims a credit for purposes hereof.

A motion was made by Councilman DaSilva and seconded by Councilman Gallo for adoption of the Ordinance.

The Ordinance was adopted by a roll call vote of 18 Ayes No Nays - 3 member absent.

REPORT & ORDINANCE - Re: Acquisition of property on East Hayestown Road.

Councilman Murray, President of the Common Council submitted a Report stating that the Common Council conducted a Public Hearing on the proposed Ordinance, on September 22, 1980 at 8:00 O'Clock P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on September 24, 1980 at 8:45 O'Clock P.M. and voted to recommend adoption of the Ordinance appropriating \$1,100,000 for the acquisition of property on East Hayestown Road and authorizing the issuance of \$1,100,000 Bonds of the City to meet said appropriation and pending the issue thereof the making of temporary borrowings for such purpose.

The Common Council also recommends adoption of the Resolution setting the date for the Referendum to be held on December 9, 1980 (pursuant to Section 7-10(a) of the Charter of the City of Danbury.

A motion was made by Councilman Ryan and seconded by Councilman Visconti to accept the Report. Motion carried unanimously.

ORDINANCE - AN ORDINANCE APPROPRIATING \$1,100,000 FOR THE ACQUISITION OF PROPERTY ON EAST HAYESTOWN ROAD AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Corporation Counsel Theodore H. Goldstein read the following Ordinance into the record:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$1,100,000 is appropriated for the acquisition of real property, containing approximately 33 acres, more or less, together with buildings, improvements, fixtures and appurtenances thereon, located on East Hayestown Road in Danbury from The Danbury Slovak Gymnasium Union Sokol, Inc., also known as Danbury Slovak Gymnasium Union Sokol, Inc., also known as The Danbury Slovak Gymnastic Union Sokol, Inc., said property being more particularly described in those two certain deeds each dated October 16, 1939 and in that certain deed dated January 2, 1947, respectively, and recorded in Volume 203 at Page 277, Volume 204 at page 303, and Volume 226 at page 116 of the Danbury Land Records, excepting therefrom that certain deed to the Town of Danbury dated December 5, 1962 and recorded in Volume 385 at Page 201 of the Danbury Land Records, and for legal, administrative and other costs related thereto.

Section 2. To meet said appropriation \$1,100,000 bonds of the City, or so much thereof as shall be necessary for such purpose, shall be issued, maturing from not later than the second to not later than the twentieth years after their date in annual installments which shall be substantially equal or shall be so arranged that no installment payable in any year shall be less than the amount of any installment payable in any subsequent year, bearing interest payable semiannually. The bonds shall be designated "City of Danbury General Public Improvement Bonds", be issued in bearer form with interest coupons attached, be in denominations of \$1,000 or a whole multiple thereof, be dated as of the first or fifteenth day of the calendar month in which they are issued or as of the first or fifteenth day of a calendar month within the three calendar month period next prior thereto, be payable both principal and interest at a bank or trust company with a principal office in Connecticut or at a bank or trust company with a principal office in the Borough of Manhattan, City and State of New York, be signed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Clerk and the City Treasurer, bear the facsimile of the City seal, be certified by a bank or trust company with a principal office in Connecticut, and be approved as to their legality by Messrs. Robinson, Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Common Council upon the receipt of bids for the purchase thereof, and the interest coupons attached shall bear the facsimile signature of the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the

full faith and credit of the City are pledged to the payment of the principal and interest thereof. The aggregate principal amount of the bonds to be issued, the annual installments of principal and the denominations, date, time of issue and sale and other particulars thereof shall be determined by the Common Council.

Section 3. Said bonds shall be sold by the Common Council at public sale upon sealed proposals at not less than par and accrued interest on the basis of the lowest net interest cost to the City. A notice of sale describing the bonds and setting forth the terms and conditions of the sale shall be published at least seven days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. Any premium received upon the sale of said bonds, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first of said bonds to mature and contributions from other sources for the payment of such bonds shall be reduced accordingly.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be designated "City of Danbury General Public Improvement Bond Anticipation Notes", be payable at a bank or trust company with a principal office in Connecticut designated by the City Treasurer or, subject to the approval of the City Treasurer, at the option of the purchaser, at a bank or trust company with a principal office in the Borough of Manhattan, City and State of New York, be signed by the Mayor, City Clerk and City Treasurer, have the seal of the City affixed, be certified by a bank or trust company with a principal office in Connecticut designated by the City Treasurer, and be approved as to their legality by Messrs. Robinson, Robinson & Cole, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates not more than two years from the date of issue, but notes issued with shorter maturities may be renewed from time to time by the issue of other notes provided the period from the date of issue of the original note or notes to the date of maturity of the last renewal note or notes shall not be more than two years or, subject to the provisions of Section 7-378a of the General Statutes of Connecticut, as amended, not more than four years. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The interest on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the property acquisition described in Section 1. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on said notes or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. This ordinance shall become effective upon its approval at a City Meeting called by the Mayor for such purpose, pursuant to the Charter of the City of Danbury.

Councilman James Ryan moved that said Ordinance be adopted as introduced and read, and the motion was seconded by Councilman Frederick Visconti.

The Ordinance was adopted by a roll call vote of 18 Ayes No Nays 3 members absent.

RESOLUTION - That the Ordinance entitled "An Ordinance Appropriating \$1,100,000 For Land Acquisition And Authorizing The Issuance of \$1,100,000 Bonds of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the City Charter and held on December 9, 1980, between the hours of 12:00 O'Clock Noon and 8:00 O'Clock P (E.S.T.), that the Warning of said meeting state the question to be voted on as follows:

"Shall the Ordinance entitled 'An Ordinance Appropriating \$1,100,000 For The Acquisition Of Property On East Hayestown Road And Authorizing The Issuance Of \$1,100,000 Bond Of The City To Meet Said Appropriation And Pending The Issue Thereof, The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council October 7, 1980, be approved?"

The designation of said question on the ballot label shall read as follows:

"For Approval \$1,100,000 Bond Ordinance For Acquisition Of Property On East Hayestown Road. YES NO", and that the Warning of said meeting state the full text of said Ordinance is on file open to public inspection at the Office of the City Clerk.

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The Electors of the City of Danbury are hereby warned and notified to meet in the several voting districts of the City where such persons are entitled to vote on the 9th day of December, 1980, between the hours of 12:00 O'Clock Noon and 8:00 O'Clock P.M. (E.S.T.) for the purpose of approving or disapproving the following question:

"Shall the Ordinance entitled 'An Ordinance Appropriating \$1,100,000 For the Acquisition of Property on East Hayestown Road and Authorizing The Issuance of \$1,100,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held October 7, 1980, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows: "For Approval \$1,100,000 Bond Ordinance For Acquisition of Property On East Hayestown Road YES NO".

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the Ordinance shall place the pointer over the question on the voting machine at "YES".

Those desiring to vote against the adoption of the Ordinance shall place the pointer over the question on the voting machine at "NO".

Polling Places will be located in the following districts:

- District No. 1: Danbury High School, Clapboard Ridge
- District No. 2: Hayestown School, Hayestown Avenue
- District No. 3: Broadview Junior High School - Hospital Avenue
- District No. 4: Shelter Rock School - Shelter Rock Road
- District No. 5: War Memorial Building - Rogers Park, 137 South St.
- District No. 6: Park Avenue School - Park Avenue
- District No. 7: Mill Ridge School - Mill Ridge Road.

The polls in said districts will be open during the hours between 12:00 O'Clock Noon and 8:00 O'Clock P.M. (E.S.T.)

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Said vote is being held pursuant to Section 7-10(a) of the Charter of the City of Danbury, approved by the electors November 8, 1977.

The full text of the aforesaid Ordinance is on file, open to public inspection, in the Office of the City Clerk.

Councilman Visconti moved that said Resolution be adopted as introduced and read, and the motion was seconded by Councilman DaSilva. Motion carried. The Resolution was adopted unanimously, by a roll call vote of 18 Ayes No Nays - 3 members absent.

REPORT & RESOLUTION - Re: Proposed Sewers for Tarrywile Lake Road.

Councilman Murray submitted a report stating that the Common Council, meeting as a committee of the whole on September 24, 1980, in the Council Chambers, voted to recommend approval of the proposed sewer project, and to have the Corporation Counsel draft the proper Resolution. The Public Hearing was held on September 9, 1980 in the Council Chambers at City Hall.

A motion was made by Councilman Ryan and seconded by Councilman Visconti to accept the Report. Motion carried unanimously.

RESOLUTION - WHEREAS, the Mayor of the City of Danbury appointed a committee to conduct a public hearing on the possibility of installing a sanitary sewer line within Tarrywile Lake Road; and

WHEREAS, said committee conducted a public hearing on the matter on September 9, 1980, at which time there was very limited opposition; and that the accomplishment of this installation is a matter of public convenience and necessity;

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

The City of Danbury undertake the installation of a sanitary sewer line within Tarrywile Lake Road, City Project No. 79-6; and that the Department of Engineering be and hereby is authorized to take all steps necessary to accomplish this project.

And further, that the Mayor be and hereby is authorized to enter into any and all contracts and other documents necessary to effectuate and further this project.

A motion was made by Councilman Visconti and seconded by Councilman Delsin that the Resolution be adopted. Motion carried.

The Resolution was adopted unanimously by a roll call vote of 18 Ayes No Nays - 3 members absent.

REPORT - Ryder's Lane Sewer Project - Shannon Ridge Sewer Project.

Councilman Murray submitted reports on the above subject matters, stating the Common Council met as a committee of the whole, on September 24, 1980 at 8:30 P.M. in the Council Chambers.

The Council conducted a public hearing on the proposed extensions and the extensions are part of the Sewer Bond issue of 1977.

The Council recommends that the project be tabled. The project deferral is due to the high cost of assessments. The Council may reconsider the project if (1) assessments can be reduced, or (2) State or Federal monies become available to reduce project costs.

A motion was made by Councilman Ryan and seconded by Councilman Visconti to accept the Reports. Motion carried unanimously.

REPORT - Re: Sewer Extensions, Ryder's Lane and Shannon Ridge.

Councilman Murray submitted a report stating that pursuant to the determination to defer action on the above entitled projects, it is hereby further recommended that the City Engineer be authorized and instructed to conduct a poll of residents effected by the proposed sewer extensions to determine if the residents are in favor of said extensions in light of the preliminary assessments.

A motion was made by Councilman Ryan and seconded by Councilman Delsin to accept the Report. Motion carried.

Councilman Scialabba spoke in opposition to compensation for Councilmembers stating there are no safeguards for increasing compensation for members of the Common Council in the future.

It was noted that the Common Council cannot raise this compensation while in office. Mayor Dyer remarked that any Councilman can return the compensation.

Mayor Dyer appointed the following members to fill vacancies on Council Committees: Councilman Visconti to the Land Acquisition Committee.
Councilwoman D. Eppoliti to the Claims Committee.
Councilman Torian to the Road Study Committee.

REPORT Re: Historic Tax Abatement Program.

Councilman Torian submitted a report stating that the committee met on Sept. 25, 1980 with Assistant Corporation Counsel Eric Gottschalk.

Attorney Gottschalk briefed the committee on some of the legal aspects of the State Statutes pertaining to tax abatements on structures of historical or architectural merit and deferral of increased tax abatements due to rehabilitation or construction. Additional information is expected from the Connecticut Conference of Municipalities. Due to anticipated input from other sources, the committee requested and was granted an extension of time to further pursue this effort.

REPORT Re: Danbury Ambulance Service.

Councilman Torian submitted a report stating that the committee met on September 25, 1980 with Mr. DeSimone of the Danbury Ambulance Service, Mr. John P. Edwards, Acting Director of Finance and Lt. Melody of the Danbury Firefighter's Union.

Mr. DeSimone proposed complete city-wide coverage of ambulance service in the form of three separate options.

The committee has not yet finalized its study of the proposal and requested an extension of time to reach its final conclusion. Mayor Dyer granted the extension of time.

PUBLIC SPEAKING SESSION

Mrs. Sarah Rothkopf of the Danbury Taxpayers Association spoke in favor of Housing for the Elderly - Charter Revision and praised the Mayor for his efforts.

Mrs. Rothkopf spoke in opposition to the purchase of the Palace Theatre for a Cultural Center - against a Budget Director - against the purchase of the First Assembly of God Church - objects to compensation for Councilmembers as Councilmembers in Bridgeport are not paid - only a few little towns are paid and noted that the Planning Commission and Zoning Commission members are not paid either.

Mrs. Rothkopf requested appointment to the new Charter Revision Commission.

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Mr. Harry Kessler spoke in opposition to the purchase of the Palace theatre stating that we have school buildings not being used and the Library has a parking problem.

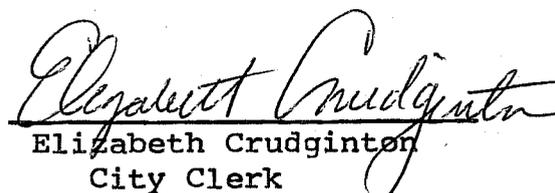
Mr. Kessler also spoke in opposition to the food fees for restaurants and said he will fight the purchase of the Lakeview property in the referendum.

Mr. Robert Larson spoke for the need of sewer and water for Rose Lane - David Estates as there are septic system problems. Councilman Gallo said he would schedule a committee meeting as soon as possible, on this matter.

There being no further business to come before the Common Council, a motion was made by Councilman Delsin and seconded by Councilman Gallo that the meeting be adjourned at 9:45 O'Clock P.M.

Respectfully submitted


Mary Rickert
Assistant City Clerk

Attest: 
Elizabeth Crudginton
City Clerk