

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

SUBJECT: Minutes of the Common Council Meeting held on January 6, 1981.

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 Joseph DaSilva.

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

PRESENT: Council members - McManus, Gallo, Walsh, Rinder, Scialabba, Repole, Eppoliti, White, Cassano, Murray, Ryan, DaSilva, Turk, Boynton, Burke, Butera, Evans, Torian.

ABSENT: Councilmen - Delsin, Visconti, Fabiano.

19 members present - 3 members absent.

It was reported that Councilman Visconti was ill and Councilman Delsin has just undergone surgery. Mayor Dyer wished them a speedy recovery.

CONSENT CALENDAR

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

- 03-A - Resolution - Winter Energy Program.
- 06 - Communication & Resolution - WestConn Water System Project.
- 012 - Communication - Appointment to Redevelopment Commission.
- 013 - Communication - Appointment to Commission on Aging.
- 014 - Communication - Appointment to Flood & Erosion Control Board.
- 015 -- Communication - Appointments to Ordinance Revision Commission.
- 016 -- Communication - Promotions in Danbury Police Department.
- 018 - Report - Request of Dr. Fry to purchase City property on Hospital Avenue.
- 019 - Report - Drainage problem on Golden Heights Road.
- 020 - Report & Resolution - Acceptance of Industrial Park Road.
- 021 - Report - Channel 6 changes.
- 022 - Report - Sewers for General DataComm.
- 023 - Report - Funds for E.I.C.
- 025 - Report - Funds for Ethnic Cultural Festival.
- 029 - Report - Jeanette Heights Sewers.

A motion was made by Councilman Murray and seconded by Councilman DaSilva to accept the Consent Calendar as submitted. Motion carried unanimously.

A motion was made by Councilman Ryan and seconded by Councilman Walsh to dispense with reading of the minutes of the Common Council meetings held on December 2, 1980 and December 16, 1980. Minutes were accepted as submitted. Motion carried unanimously.

COMMUNICATION - Resignation of Councilman Thomas Fabiano.

Having been appointed to the position of Risk Manager for the City of Danbury, Councilman Fabiano tendered his resignation from the Common Council, to be effective December 8, 1980.

Mr. Fabiano stated that it has been a pleasant experience working with the Mayor and Common Council for the past year, and extended best wishes to Mayor Dyer and the members of the Common Council for continued success and good health.

Mayor Dyer stated that Section 2-6 of the City Charter indicates that a Council vacancy shall be filled within 30 days, by the Common Council.

Mayor Dyer also praised the tremendous contribution Mr. Fabiano has made to Council deliberations.

A motion was made by Councilman Murray and seconded by Councilman Ryan to accept the resignation of Mr. Fabiano. Motion carried.

Councilman Murray, under remarks, stated that he would like to take this opportunity to thank Mr. Fabiano for the fine job that he has done on behalf of the Common Council, and wished him the best of luck in the future.

Mayor Dyer welcomed Jean Buck of the Bridgeport Post, who had been away due to illness.

CLAIMS - Elias & Rose Shoushani -- C. Douglas Stram -- Hazel M. Stone
American Red Cross -- Elaine Orlando -- Alice Jensen --
Jane Fasone -- John A. Conlea -- Edna Purvis -- Fred Felisimo --
Philip McArdle -- Paul Faust.

Councilman Ryan requested referral of the Claims to the Claims Committee and Assistant Corporation Counsel, Attorney Thomas G. West.

*** NOTICES FROM MAYOR DYER

Mayor Dyer on behalf of the City and Common Council, expressed to the citizens of Danbury, wishes for a Happy New Year, hoping that it will be prosperous and filled with love and happiness.

Mayor Dyer also read a note from Rita Godfrey thanking the Council for their gift stating that it was a privilege to serve and will continue to do so in the future.

Mayor Dyer also announced that he will be asking the Council to adopt a Resolution, probably at the next meeting, extending our gratitude and appreciation to retiring State Representative from Danbury, Clarice Osiecki, who has done an outstanding job on behalf of our City and who he was privileged to serve with in the State Legislature. The Mayor stated that certainly she is to be commended for her significant service to our City.

Mayor Dyer extended appreciation to Governor Grasso for her outstanding service to our State and in particular to the City of Danbury for the many projects that she was able to assist us with.

RESOLUTION - SouthEast Asian refugee health assessment.

Resolved by the Common Council of the City of Danbury that the Danbury Health Department through its Mayor, James E. Dyer, be authorized to enter into contract with the Connecticut State Department of Health Services to strengthen coordination of Southeast Asian refugee health assessment.

A motion was made by Councilman Murray and seconded by Councilman Ryan to adopt the Resolution.

Councilman Evans requested referral of the Resolution to the Health Committee.

Mayor Dyer asked Councilman Evans to withdraw his referral explaining the necessity for this Resolution. A \$3,000 grant that the City is qualified for to be used for approximately 500 identified Asian people in this area. Money is to be used to hire a part time interpreter and will not cost the City any money.

Councilman Evans withdrew his referral and the Resolution was adopted unanimously by a roll call vote of 18 Ayes - 2 members absent - 1 vacancy.

RESOLUTION - Winter Energy Program:

WHEREAS, the Connecticut Home Heating Fuel Loan Program for low and moderate income applicants operated last winter under P.A. 79-13 of the October special session, has renewed for the 1980-1981 winter by Public Act 80-388; and

WHEREAS, in order to participate in the program the Mayor must request the City's share of funds in writing and name an administrative agent by January 31, 1981;

NOW THEREFORE, BE IT RESOLVED that the Mayor be and hereby is authorized to make said request and perform any and all acts necessary to effectuate the purposes hereof.

The Resolution was adopted on the Consent Calendar.

Safety of West Redding Road.

COMMUNICATION -/Request of Raymond D. Finocchio for improvements to West Redding Road stating that it is too narrow. Mr. Finocchio has lived in this area for nine months and has experienced several near misses as cars round the corners at high rates of speed.

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

COMMUNICATION - Shannon Ridge and Ryders Lane Sewer Survey submitted by John A. Schweitzer, Jr. City Engineer.

Councilman Ryan requested referral of the survey, to the Public Works Committee. Mayor Dyer so ordered.

COMMUNICATION & RESOLUTION - WestConn. Water System Project.

WHEREAS, the City of Danbury has approved construction of a water system to service the WestConn Campus in the City of Danbury; and

WHEREAS, the project is totally funded by the State of Connecticut which reimburses the City of Danbury for all costs incurred;

NOW THEREFORE, Be It Resolved that the Department of Finance be and hereby is authorized to receive reimbursement from the State of Connecticut for costs arising from the construction of the WestConn water system and that the Mayor is authorized to take all actions necessary and proper to accomplish this project.

The Communication was accepted and Resolution adopted on the Consent Calendar.

COMMUNICATION - Request from Richter Park Authority for release of the balance of the City of Danbury 1980-1981 Grant to Richter Park Authority. The sum of \$46,108.00 was approved and the Authority has received \$28,300.00 of that sum, leaving a balance of \$17,808.00

Councilman Murray requested referral to the Richter Park Common Council Liaison committee (McManus, Delsin, Rinder). Mayor Dyer so ordered.

COMMUNICATION & CERTIFICATION - Request from the acting Director of Finance Mr. John P. Edwards, for \$4,000 to be transferred from the Contingency Account to the office equipment account in the Purchasing Agent's Budget.

Mr. Edwards certified these funds as being available in the Contingency Account to be transferred to the Purchasing Department for new filing equipment.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: White, Scialabba and Butera.

COMMUNICATION - Request from Mayor Dyer for an Ad Hoc committee to be appointed to review City Department's space needs, with particular emphasis being placed on relocating the Health Department.

The Mayor would like to obtain the Robert's Avenue School for shared use by the Welfare Department, the Health Department, the Building Inspector's Department and Danbury Youth Services.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Cassano, Torian, Walsh.

COMMUNICATION - Request for an Ordinance to assist the City of Danbury in collecting additional tax revenues from the Danbury Airport.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Boynton, Turk, Eppoliti.

COMMUNICATION - Request from Councilman Delsin that jurisdiction over Inland Wetland and Watercourses be transferred from the Environmental Impact Commission to the Planning Commission.

Councilman Murray requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Ryan, Delsin, Rinder.

COMMUNICATION - Appointment of Lawrence Riefberg, 4 Marbil Road, to the Redevelopment Agency for a term to expire on January 1, 1985. Mr. Riefberg is a law student and has expressed an interest in serving.

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

COMMUNICATION - Appointment of Barbara Murphy, 14 Starr Street as a member of the Commission on Aging, for a term to expire On Oct. 1, 1983. Mrs. Murphy is a registered nurse who is involved in many civic organizations.

The Communication was accepted and appointment confirmed by the Common Council, on the Consent Calendar.

COMMUNICATION - Appointment of Mr. Hampton Parker, 25 Indian Head Road as a member of the Flood and Erosion Control Board, for a term to expire July 1, 1984. Mr. Parker has expressed an interest in serving on this commission.

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

COMMUNICATION - Re-appointments to the Library Board of Directors of Mary D. Nahley - Betty Jane Hull - Gino J. Arconti, for terms to expire January 1, 1984.

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

COMMUNICATION - Appointment of the following to the Ordinance Revision Commission: for terms to expire on January 6, 1984:

Alan Barry - 1 Ridgewood Street
Gerald J. Daly - 181 White St.
Irving J. Goldstein - 19 East Gate Road
Patrick O'Connor - 103D Kohanza St.
Carl Susnitzky - Field Road
Vittell Walkovich - 76 Sheridan St.
Eric Wellman - Crows Nest Lane

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

COMMUNICATION - Promotions of the following in the Danbury Police Dept. effective immediately upon approval:

To position of Sergeant - Officer Thomas Roman - 26 Hakim St.

To position of Lieutenant - Sgt. Arthur Sullo - 10 Mendes Road.
Additional promotions will be forthcoming.

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

RESOLUTION - City Grantsperson.

WHEREAS, the Charter of the City of Danbury requires that the Department of Planning maintain an awareness of development opportunities arising from federal and state programs; and

WHEREAS, the City of Danbury has engaged a professional grantsperson to assure that all such opportunities are vigorously pursued:

NOW THEREFORE, BE IT RESOLVED that the City grantsperson be and hereby is authorized to execute any and all pertinent grant applications or other documents required in connection with any such grant applications as are deemed to be in the best interests of the City of Danbury.

A motion was made by Councilman Ryan and seconded by Councilman Evans for adoption of the Resolution.
The Resolution was adopted unanimously.

DEPARTMENT REPORTS

Aviation Commission
Sanitary Inspector
Food Service Inspector
Police Chief
Building Inspector

Housing Inspector
Sealer of Weights
Fire Chief
Fire Marshal

A motion was made by Councilman Ryan and seconded by Councilman Evans that the reading of Department Reports be waived as all members have copies which are also on file in the office of the City Clerk, for public inspection. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

REPORT - Request of Dr. Fry to purchase City property on Hospital Avenue.

Councilman DaSilva submitted a committee report stating that the Public Works Committee conducted an on-site inspection of this property in November, 1980.

It is the opinion of the committee that because this property borders Broadview Jr. High School, it may possibly be of some future use to the City of Danbury.

It is therefore the recommendation of the committee that this property not be declared surplus and the petition be denied.

The Report was accepted and petition denied on the Consent Calendar.

REPORT - Drainage problem on Golden Heights Road.

Councilman DaSilva submitted a report stating that the Public Works Committee has reviewed the petition of Mr. & Mrs. Franklin Slater concerning drainage problems. An on-site inspection was made on March 23, 1980.

City Engineer J. Schweitzer has arranged with the State Highway Dept. for this problem to be corrected in conjunction with the Danbury Public Works Department. If the City of Danbury will supply the necessary pipes, the State of Connecticut will supply the labor.

The Committee supports this agreement and hereby recommends that this report be accepted and the action approved.

The Report was accepted and action approved by the Council, on the Consent Calendar.

REPORT & RESOLUTION - Industrial Plaza Road.

Councilman DaSilva submitted a report stating that the Public Works Committee has received favorable reports for acceptance of this road, from the Planning Commission and the City Engineer. An on-site inspection was done in November, 1980.

It is therefore the recommendation of the committee that this Report be accepted and the road acceptance also be approved.

RESOLUTION - That INDUSTRIAL PARK ROAD be accepted as a Public Highway in the City of Danbury subject to the following conditions:

A Deed and Certificate of Title, in form satisfactory to the Office of the Corporation Counsel, to be delivered to the City of Danbury.

The Report was accepted and Resolution adopted on the Consent Calendar.

REPORT - Channel Six changes.

Councilman Boynton submitted a report stating that the committee appointed to review channel six changes, met on Nov. 20, 1980.

After reviewing a letter received from Assistant Corporation Counsel Eric Gottschalk dated Nov. 4, 1980, it was the recommendation of the committee that the Council take no action on this matter as none is required.

At the close of the fiscal year the Library Fund Board of Directors will authorize a transfer of any funds remaining in the Video Project Account to some other appropriate account within the Library Fund.

The Report was accepted on the Consent Calendar.

REPORT - Request of General DataComm Industries, Inc. to extend sewer - Morgan Avenue.

Councilman Gallo submitted a Sewer and Water extension committee report stating that they have 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 this committee that the petition be granted with the usual conditions and restrictions set up by the Sewer and Water Extension Committee in reference to the petitioner bearing all costs relative to the installation of said sewer lines etc.

The Report was accepted and sewer approved, on the Consent Calendar.

REPORT - Funds for E.I.C.

Councilman Torian submitted a report stating that the Common Council committee appointed to review the request for \$2,500 for the E.I.C., met on Dec. 18, 1980.

Mr. Bohan, representing Mr. Silverman, Chairman of the E.I.C., explained that due to the increased level of activity of the E.I.C., a greater demand for secretarial services became necessary; specifically in areas relating to more extensive reporting requirements.

A Certification was submitted by the Acting Director of Finance, John P. Edwards in the amount of \$2,500 available in the Contingency Account to be transferred to the E.I.C. Budget.

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

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\$2,000,

REPORT - Request for/funds for E.I.C. re: Sanmill Corporation.

Councilman Torian submitted a report stating that the committee appointed to review the above request for purposes of an appeal of the recent Court decision concerning the SanMill Corporation, met on Dec. 8, 1980.

Due to the absence of the E.I.C. Chariman at the meeting, the committee requested and was granted an extension of time for the committee to submit a final recommendation.

REPORT - Funds for Ethnic Cultural Festival.

Councilwoman Janet Butera submitted a report stating that the committee appointed to investigate the funding request from the Danbury Ethnic Cultural Festival, met on Nov. 19, 1980.

Dr. DeGrazia who attended the meeting indicated that the \$4,700 is needed to meet the initial financial requirements in preparation for the upcoming Cultural Festival, tentatively scheduled for mid June, 1981. The normal funding source of the Danbury Ethnic Cultural Festival is primarily the Danbury Cultural Commission and public donations.

Mr. DeGrazia fel that this \$4,700 would be necessary to meet the anticipated expenses in excess of the funding from the Cultural Commission, which totalled \$1,000 in 1980.

The committee recognizes the existence of the broad ethnic, cultural heritages in the City of Danbury and its invaluable contribution to the successful community relations which we presently enjoy. The committee recommended that the request for funds be granted.

The Report was accepted on the Consent Calendar pending certification of funds from the Director of Finance.

REPORT - Extension of sewers - Jeanette Heights.

Councilman Murray submitted a report stating that the Common Council met as a committee of the whole on December 29, 1980 at 8:15 P.M. in the Council Chambers, in relation to the above captioned project.

The Council voted to table the project and to authorize the Engineering Department to conduct an informational poll regarding sewers, among effected beneficiaries.

The Report was accepted on the Consent Calendar.

REPORT & ORDINANCE - Handicapped Parking.

Councilman Gallo submitted a report stating that the committee appointed to review the above captioned Ordinance, met on Dec. 15, 1980, with Chief Macedo of the Danbury Police Department.

The proposed Ordinance drafted by the Corporation Counsel, was read and accepted. The committee therefore submits the Ordinance for a public hearing to be scheduled.

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Report be accepted and Ordinance deferred for public hearing. Motion carried.

REPORT & ORDINANCE - Building Department Permit Fees.

Councilman Murray submitted a report stating that the committee formed to review the above captioned Ordinance, met on Nov. 17, 1980 with the Building Inspector, Paul Garofalo.

Mr. Garofalo stated that in order to maintain the building department at a self sustaining status, it is necessary to ammend the Ordinance at this time.

Based on the reasons cited by Mr. Garofalo, it is the recommendation of the committee to adopt the amendment, following the normal procedures as set down by the City Charter. (public hearing to be held).

A motion was made by Councilman Ryan and seconded by Councilman Evans that the Report be accepted and Ordinance deferred for public hearing. Motion carried.

REPORT & ORDINANCE - Hazardous Wastes & Substances.

Councilman Murray, President of the Common Council, submitted a report stating that the Common Council met as a committee of the whole on Dec. 29, 1980 at 8:30 P.M. in the Council Chambers at City Hall in relation to the above captioned Ordinance.

The Council voted to recommend adoption of the proposed Ordinance with the following amendments thereto:

1. In section 2, after the word "herein" insert the phrase "for commercial purpose."
2. In Section 8, delete the word "and" where it appears between the words "retail and pharmaceutical".
3. In Section 2 add "or immediately upon utilization of substances, chemicals, not previously reported during the course of the year"

The Ordinance was read by Councilwoman C. McManus.

A motion was made by Councilman Ryan and seconded by Councilman Evans to adopt the Ordinance.

A motion was then made by Councilwoman McManus and seconded by Councilman Ryan that the Ordinance be adopted as amended.

A motion was made by Councilman Scialabba and seconded by Councilman Evans to amend Section 4 to read subject to a fine of \$100 "per day".

Councilman Ryan remarked that the committee considered this \$100 fine per day, too extreme.

Attorney Goldstein, Corporation Counsel stated that State Statutes provides a fine may not be levied for more than \$100. Any such fine would not be enforceable. \$100 per day would vitiate the whole ordinance.

Councilman Boynton said the \$100 per day would be an unfair burden. The motion failed with Councilman Scialabba and Councilwoman Eppoliti voting in favor of the \$100 per day amendment.

Mrs. McManus explained that the Director of Health would be responsible for the implementation of the Ordinance which will not become effective until 1982.

Following further discussions on the Ordinance, a roll call vote was taken and the Ordinance was adopted by a vote of 17 Ayes - 1 Nay - Councilman Scialabba voted Nay - 2 members absent (Delsin & Visconti) and one Council vacancy.

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REPORT & ORDINANCE - Condominium Conversion Ordinance.

Councilman Boynton submitted a report stating that the committee met on Nov. 19, 1980 and Dec. 18, 1980.

After reviewing Public Act 80-370, an Act Concerning Condominium Conversion, as adopted by the State General Assembly, the committee agreed that the language restricts local municipalities from regulating Condominium Conversions of Housing developments of seven units or more.

However, the Act does allow local municipalities to enact legislation governing re-location benefits to those persons affected by the condominium conversions.

These benefits are paid to those persons or families who decide, for whatever reason, not to purchase the living unit being converted.

The proposed Ordinance would offer some financial protection to the elderly, physically disabled and severely disadvantaged of the Danbury Community.

Therefore the Committee recommends adoption of the Ordinance as submitted.

A motion was made by Councilman Ryan and seconded by Councilman Gallo that the Report be accepted and the Ordinance deferred for a public hearing to be held. Motion carried.

Mayor Dyer granted extensions to all committees requiring extra time.

Mayor Dyer congratulated Officer Roman for his promotion to Sergeant in the Danbury Police Department. Officer Roman was seated in the audience.

PUBLIC SPEAKING SESSION

Mildred Kaufman asked about Jeanette Heights Sewer Project.

Mayor Dyer explained that the matter has been tabled until such time as a survey is made by the Engineering Department.

Mrs. Kaufman asked why this survey is necessary as 92 signatures have opposed the project.

Councilman Murray explained that the matter was tabled to keep it alive so there would not be an out-right denial. The petition would not have everyone's name on it and the survey would result in opinions from all homeowners in the area.

There being no further business to come before the Common Council, a motion was made by Councilman White and seconded by Councilman Torian to adjourn at 8:55 P.M.

Respectfully submitted

Mary Ribbert
Assistant City Clerk

Attest:

Elyse Cudgitor
City Clerk