

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

SUBJECT: Minutes of the Common Council Meeting held June 1, 1982.

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

The Common Council Prayer was offered by Councilman Edward T. Torian.

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

PRESENT: Council Members - Elder, Gallo, McGarry, Foti, Torcaso, Eriquez, Esposito, Repole, Zotos, McManus, DaSilva, Torian, White, Charles, Boynton, Evans, Farah.

ABSENT: Council Members - Cassano, Eppoliti, Burke.  
It was reported that Councilman Cassano was absent due to illness.

18 Members Present - 3 Members Absent.

#### NOTICES FROM MAYOR DYER

Mayor Dyer thanked the Board of Directors and Personnel of the American Red Cross for more than \$11,000 which was returned to the City from their 1981 Grant.

The Mayor announced a reward fund for the arrest and conviction of those who destroyed flowers and flags at the various cemeteries in Danbury, Anyone with information may call 794-0191.

Mayor Dyer asked residents to cooperate with advanced billing from the Haulers Association which may result in from \$2 to \$4 a month increase.

Mayor Dyer mentioned that a request to improve the Railroad Crossings located at Maple Avenue, Balmforth Avenue and Wildman Street was on this evening's agenda and that the State is coming through with matching funds for the improvements which should be made by late Fall or early Spring.

Mayor Dyer on behalf of the City of Danbury and Common Council extended Best Wishes to all the Graduates of the Danbury High School, Abbot Tech, and all the area schools.

The Mayor also extended Best Wishes to his secretary Rose Ann Setaro who will be getting married on June 26th.

Best Wishes were also extended to the following:

Representative & Mrs. Paul Garavel for their recent marriage.

Birthday Greetings to:

Mary Ann Doran for June 2nd.

Joan Soderstrom for June 11th.

Janet Butera for June 14th

Mayor Arconti for June 28th

Anniversary Greetings were extended to Corporation Counsel and Mrs. Theodore H. Goldstein - Congratulations to Helen (Mrs.)

The Mayor also thanked all who participated in the Memorial Day Parade and Memorial Services.

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CONSENT CALENDAR

Councilman DaSilva submitted the following items listed on the Agenda to be placed on the Consent Calendar:

- 03 - Resolution - Design Arts Grant - Central Business District.
- 04 - Resolution - Department of Children & Youth Services Grant.
- 05 - Resolution - Cultural Commission Grant.
- 06 - Resolution - Community Development Block Grant Program.
- 06A - Resolution - Title XX Modification Contract.
- 011 - Communication & Certification - Funds for Workmen's Compensation Account.
- 012 - Communication - Request for Water Abatements.
- 016 - Report - Claims Committee re: Claim of Norwalk Hospital.
- 018 - Report - Sewer & Water for Westwood Associates - Mill Plain Road.
- 019 - Report - Sewer & Water for Danbury Brass Associates - Franklin St.
- 020 - Report - Sewer & Water for Merrimac Associates - Boulevard Dr. & Kenosia Avenue.
- 021 - Report - Sewers for TransCon Builders Inc. 51 Main St.
- 022 - Report - Water for Union Carbide - Old Ridgebury Road.
- 023 - Report - Sewer & Water for the Hungarian American Club - Rt. 37
- 024 - Report - Water for Mill Plain Office Park Limited Partnership Mill Plain Road.
- 025 - Report - Transfer of accounts to the Municipal Suspense List.
- 028 - Report - Denial of request to accept roads - Mayfair Gate.
- 029 - Report - Request of J. Colla re: excavation on Padanaram Rd.
- 030 - Report - Denial of request to accept Raquel Drive.
- 031 - Report - Denial of request to use Lions Club Playground for Parking.
- 033 - Report - Denial of request to accept Carriage House Drive.
- 034 - Report & Ordinance ~~& Resolution~~ - Amendments to Article III.
- 036 - Report - Water charges for Volunteer Fire Departments.

A motion was made by Councilman DaSilva and seconded by Councilwoman C. McManus for the Consent Calendar to be adopted as submitted. Motion carried unanimously.

Minutes of Common Council meetings held on May 4, 1982, May 11th - 8:30 P.M. May 11th - 8:45 P.M. - May 20th 7:00 P.M. May 12th 7:45 P.M. May 12th - 8:00 P.M.

A motion was made by Councilman Evans and seconded by Councilman McGarry that the reading be waived and minutes accepted as submitted. Motion carried unanimously.

01 - CLAIMS - Fred Furino - Mary Rose Kaufman - Edmund Lukas - Dr. Parviz Mehri - Edwin A. Wixted, Sr. - Rocco John DeLeo - Sadler Beechcraft - Luis Garcis & Thomas McKenna.

Mayor Dyer commented on the Claim from Dr. Mehri who could not open the lock on his car and was assisted by two Danbury Policemen who unlocked the door for him. Unfortunately the lock was broken during this process and now Dr. Mehri is submitting a bill for repair of the lock.

Councilman DaSilva requested referral of the Claims to the Claims committee and Attorney Thomas G. West, Assistant Corporation Counsel for claims. Mayor Dyer so ordered.

02 - Resolution for settlement of Claim was withdrawn.

03 - RESOLUTION - Design Arts Grant Application

Whereas, the Planning Department will devise a Plan of Development for the purpose of revitalizing the Central Business district of Danbury; and

Whereas, the estimated cost of the project will be \$86,000, a locally matched grant up to \$30,000 may be available through the National Endowment for the Arts; the City of Danbury's local match will consist of \$19,200 from the Community Development Block Grant, \$7,500 contributed by the Danbury Downtown Council, and \$29,900 of in-kind contribution by the Danbury Planning Department;

NOW, THEREFORE, BE IT RESOLVED THAT the past actions of the Mayor of the City of Danbury, James E. Dyer and the Planning Department of the City of Danbury in applying for said grant be and hereby are ratified and that any and all additional acts necessary to accomplish said program be and hereby are authorized.

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

04 - RESOLUTION - Department of Children & Youth Services Grant.

Whereas, the Connecticut Department of Children & Youth Services through the Cost Sharing grant program has made funds available to municipal youth agencies in accordance with Section 17-443 of the Connecticut General Statutes; and

Whereas, the City of Danbury through the Danbury Youth Services, Inc. has devised intervention and prevention programs for Danbury youth at risk to delinquency; and,

Whereas, a continuation grant of up to \$30,000 with an equal local match by the City of Danbury has been processed; and,

NOW, THEREFORE, BE IT RESOLVED that the past actions of the Danbury Youth Services, Inc. and the Mayor of the City of Danbury in applying for said Grant be and hereby are ratified and that any and all additional acts necessary to accomplish said program be and hereby are authorized.

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

05 - RESOLUTION - Cultural Commission Grant.

Whereas, the Danbury Cultural Commission requires the continued services of a part-time Arts Coordinator/Consultant to coordinate, assist sponsoring organizations and initiate cultural activities, calendars and directories as well as advise new and established organizations interested in the arts, and

Whereas, a \$3,000 locally matched grant may be available for this purpose through the Connecticut Commission on the Arts, and

Whereas, the continued employment of a part-time Arts Coordinator/Consultant is in the best interests of the residents and taxpayers of the City of Danbury,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, James E. Dyer and the Danbury Cultural Commission be and hereby are authorized to apply for said grant, and that any and all additional acts necessary to effectuate the purposes hereof be and hereby are authorized.

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

06 - RESOLUTION - Community Development Block Grant Program.

Resolved that the Common Council direct the Mayor, as the Chief Executive Officer of the City of Danbury, to make application on behalf of the City to the United States Department of Housing and Urban Development for funds allocated under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, which authorizes the Community Development Block Grant Program.

Such application is for the Eighth Year Funding and will be in accordance with all pertinent laws and regulations and the Statement of Community Development objectives and projected use of funds developed and approved by the Mayor's Policy Committee for the Community Development Program of the City of Danbury.

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

06-A - RESOLUTION - Title XX Modification Contract.

Whereas, the City of Danbury through the Welfare Department will provide counseling services to Title XX eligible recipients; and

Whereas, the City of Danbury will be reimbursed for monies expended by the City during the period of July 1, 1982 through Sept. 30, 1982;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, James E. Dyer, is hereby authorized to make the modification application to the State of Connecticut Department of Human Resources and that any and all additional acts necessary to effectuate said program be and hereby be authorized.

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

07 - COMMUNICATION - Landfill Advisory Committee.

Appointment by the Mayor of the following committee to act as our Landfill Advisory Committee until November 1, 1982, at which time we will be reviewing the operation, revenue and management of the landfill:

1. Constance McManus
2. Frank Thomas
3. Anthony Cassano
4. Daniel Garamella
5. Robert Steinberg
6. Edward T. Torian
7. Joseph LoStocco

A motion was made by Councilwoman C. McManus and seconded by Councilman G. Eriquez for the Communication to be accepted. Motion carried with Councilman Foti voting Nay.

07-A - COMMUNICATION - Agreement with Brookfield re: Septage Waste.

Brookfield and Danbury have in place an inter-local agreement which enables Brookfield to transport 500,000 gallons per day of sewage to the Danbury Plant.

A request has been submitted from First Selectman of Brookfield, Norman E. Brown to give consideration to a second inter-local agreement between Danbury and Brookfield to allow Brookfield to use some of their 400,000 gallons open capacity for septage, and thereby, legally permitting haulers pumping in Brookfield to transport and dump in the Danbury Plant. They would not, under any circumstances, through a combination of sewage and septage, exceed the 500,000 gallons per day contract amount.

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

08 - COMMUNICATION - Return of funds in the amount of \$11,826.14 from the American Red Cross. This amount represents a return of excess funds contributed by the City of Danbury for the operation of the Red Cross Elderly and Handicap Transportation Program for the year ended June 30, 1981.

Mayor Dyer submitted a communication thanking the Red Cross stating that through their excellent management, they have been able to return \$11,826.14 to our General Fund from their 1981 Grant.

A motion was made by Councilman Elder and seconded by Councilman Gallo for the Communication to be accepted. Motion carried.

Councilman Charles asked that a letter of thanks be sent to the Red Cross. Mayor Dyer stated that he will do so.

08-A - COMMUNICATION - Request from Pleasant Acres Homeowners Assoc. Inc. for the City of Danbury to guarantee a loan with the Connecticut Development Authority for repairs to the water system in Pleasant Acres.

Councilman White requested referral to an ad-hoc committee. Mayor Dyer so ordered and appointed the following members to this committee: Torian, Butera, Elder.

09 - COMMUNICATION & CERTIFICATION - Request for transfer of funds to Charter Revision Commission in the amount of \$1,500, for services rendered by Legal Counsel.

Mr. John P. Edwards, Director of Finance, Acting, certified funds available for transfer, from the Pension Fund.

Councilman Foti requested referral to an ad-hoc committee. Mayor Dyer so ordered and appointed the following members to this committee: McManus, DaSilva, Torian.

010 - COMMUNICATION & CERTIFICATION - Request for transfer of funds to Probate Court in the amount of \$1,600.00.

Mr. John P. Edwards, Director of Finance Acting, certified funds in the amount of \$1,600 to be transferred from the Pension Fund.

Councilman Foti requested referral to an ad-hoc committee. Mayor Dyer so ordered and appointed the following members to this committee: McManus, DaSilva, Torian.

010-A - COMMUNICATION & CERTIFICATION - Request from Attorney Theodore H. Goldstein, Corporation Counsel, for a transfer of funds to Litigation Special Account (020108) in the amount of \$4,825.15 and \$308.20 to Outside Services Account. Total \$5,133.35.

Mr. John P. Edwards, Director of Finance Acting, certified funds in the amount of \$5,133.35 available in the Pension Expense account 02-09-121-072800 to be transferred to the Corporation Counsel's accounts.

Councilman Foti requested referral to an ad-hoc committee. Mayor Dyer so ordered and appointed the following members to this committee; McManus, DaSilva, Torian.

011 - COMMUNICATION & CERTIFICATION - Funds for Workmen's Compensation Account.

Mr. John P. Edwards, Director of Finance Acting, certified \$13,039.00 available in the Fund Balance Account for the Workers Compensation Account to complete the fiscal year. The unexpected charge is for former Police Sergeant Francis McCarthy's compensation award for hypertension.

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

012 - COMMUNICATION - Request for Water Abatements in the amount of \$826.80 for the time period of Dec. 31, 1981 to May 30, 1982. This abatement has been made as these properties have been vacant for the billing period.

The Communication was accepted and abatements approved by the Common Council, on the Consent Calendar.

013 - COMMUNICATION - Request from Councilwoman D. Eppoliti for an amendment to the Landfill Ordinance - Subsection 16 A-32b Pg. 2.

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

013-A - COMMUNICATION - Request for payment of fees for the services of the Law Firm of Goldstein and Peck in the amount of \$17,364 for services to date, being a total of \$19,364, less a retainer previously paid of \$2,000.

Richard Sporck d/b/a Colonial Truck Stop Services are for the suit/against the City of Danbury, Zoning Board of Appeals, et al and Richard Sporck v. Zoning Board of Appeals.

Councilwoman C. McManus requested referral to an ad-hoc committee. Mayor Dyer so ordered and referred the matter to the following committee members - Esposito, Zotos, Torcaso.

014 - COMMUNICATION - Resignation of Councilman James P. Burke, Jr. as a Councilman At Large for the City of Danbury. Mr. Burke stated that he no longer feels able to devote full energy to representing his constituents.

In his letter of resignation Mr. Burke also stated that he did not make this decision without regret. The work "we did is a source of pride and satisfaction, unlike any other".

Councilman Burke thanked the Mayor and fellow Council members for their tireless help and encouragement, but "it is to the people of Danbury who showed me confidence and support that I owe a deep and sincere debt of gratitude.

A motion was made by Councilman Evans and seconded by Councilman Torian for the Communication to be accepted with sincere regrets. Motion carried.

Under "remarks" Councilman DaSilva stated that we will all miss Jim Burke. We have agreed and disagreed, but he is an honest and hard working man. We will miss him as a friend.

Councilwoman J. Butera remarked that she will miss his little doodle.

Mayor Dyer stated that he has had battles with Councilman Burke, but they have been honorable battles. At times he was the conscience of the Council, offering minority views. Mayor wished Mr. Burke much success in his job and family life and hoped he will remain involved in City government.

Mrs. McManus, Council President stated that Mr. Burke had given tirelessly to the Council and that he would be missed. He has given the opposite side of every question and made us look at the issues.

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015 DEPARTMENT REPORTS

Fire Chief  
Housing Inspector  
Airport Administrator  
Coordinator of Environmental & Occupational Health Services.

Building Inspector  
Sanitarian/Health Inspector

A motion was made by Councilman J. DaSilva and seconded by Councilman E. Torian to dispense with the reading of Department Reports as all members have copies which are also on file in the office of the City Clerk for public inspection. Reports to be accepted as submitted. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

016 - REPORT - Claims - Norwalk Hospital.

Councilman Boynton submitted a report stating that the Claims committee met on May 19, 1982 at 7:30 P.M. Members present were Boynton, Charles, Repole, Eppoliti, Farah. Also present were Attorney West, T. Fabiano and D. MacKenzie. Discussion was held on the following claim:

Norwalk Hospital vs. City of Danbury  
Re: Sven Johansson/Atty. Peter Hunt  
10 Sugar Hollow Road - Business & Residence.  
80 Neptune Ave. Jersey City, New Jersey.

\$17,944.42            -- Hospital Bill            10/1/80 to 11/18/80

\$13,868.16            -- State Rates.  
Concern: How much will State refund, if any.

D. MacKenzie: Acct. 05100 026000-02 Public Welfare.

Motion was made and duly seconded to advise the Director of Welfare to pay the claim of the Norwalk Hospital in the amount of \$13,868.16 vis Public Welfare Account 05100-026000-02.

It is the opinion of the Claims committee that funds of a like amount should be transferred into the Welfare (Public) Account from the Claims Committee account or contingency account and that the Welfare Department should take all steps necessary to secure all rights of the City with respect to State Welfare Laws.

Motion at the committee meeting was made by L. Charles, seconded by Dr. Repole and passed unanimously.

CERTIFICATION - In reference to the Claims Committee Report on the payment of \$13,868 to Norwalk Hospital, Mr. J. P. Edwards, Director of Finance, Acting, recommended that the Common Council amend the Revenue Account for Public Welfare Account \$523100 in the amount of \$12,481 and also amend the appropriation for Public Welfare Account #05-100-026000-02 in the amount of \$12,481. This represents the 90% reimbursement due from the State of Connecticut. The balance of \$1,387 will be paid from existing Welfare funds.

The Report was accepted and Claim authorized to be paid, on the Consent Calendar.

- 017 - Report - Funds for Richter Park Authority was withdrawn.
- 018 - REPORT - Request of Westwood Associates for Sewer & Water - Mill Plain Road.
- 019 - REPORT - Sewer & Water for Danbury Brass Associates - Franklin St.
- 020 - REPORT - Sewer & Water for Merrimac Associates - Boulevard Drive and Kenosia Avenue.
- 023 - REPORT - Sewer & Water for the Hungarian American Club - Rt. 37.

Councilman Gallo, Chairman of the Sewer & Water Extension Committee submitted reports on the above requests for Sewer & Water, stating that the committee has met and reviewed the above petitions, with the City Engineer and has also reviewed recommendations for approval, from the Planning Commission.

It is the recommendation of the committee that the petitions be approved, and granted with the following conditions and restrictions:

1. The Petitioner shall bear all costs relative to the installations of said sewer and water lines.
2. The Petitioners shall submit as-built drawings of these extensions, 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 petitioners conveying to the City of Danbury all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
5. That upon completion of installation, title to said sewer and water lines 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 petitioners shall convey ownership of and easements to all or such portions of the sewer and water lines as the City Engineer's office determines are of potential benefit to other landowners in the City. Should another, other than the petitioner hold title to any land involved in the approvals, then consent prior to any installations or hook-ups 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 and water lines.

and Petitions granted,

The Reports were accepted/by the Common Council, on the Consent Calendar.

REPORT021 - REPORT - Sewers for TransCon Builders Inc. 51 Main Street.

Councilman Gallo submitted a report stating that the Sewer & Water Extension 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 conditions and restrictions previously listed, with the addition of the following:

The petitioner shall arrange at no cost to the City of Danbury, for a transfer of easements between the City of Danbury and George Giannaras and Christine Giannaras, in accordance with the March 15, 1982 letter from the petitioner to the City of Danbury.

The Report was accepted and petition granted by the Common Council, on the Consent Calendar.

022 - REPORT - Request from Union Carbide Corporation for Water - on Old Ridgebury Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension 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 usual seven steps of conditions and restrictions, listed on the previous reports.

The Report was accepted and petition granted by the Common Council, on the Consent Calendar.

024 - REPORT - Request of Mill Plain Office Park Limited Partnership for Water - 36 Mill Plain Road.

Councilman Gallo submitted a report stating that the Sewer & Water Extension 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 usual seven steps of conditions and restrictions, listed on the previous reports.

The Report was accepted and petition granted by the Common Council, on the Consent Calendar.

025 - REPORT - Transfer of accounts to the Municipal Suspense List.

Councilman Elder submitted a report stating that the ad hoc committee appointed to review the Tax Collector's request for transfer of accounts in the amount of \$77,853.65 to the Municipal Suspense List, met on May 27, 1982. Present were Councilmen Elder and Farah and William Hanna, the Tax Collector.

The \$77,853.65 represents personal property taxes from 1968 through 1980 that, in the Tax Collector's judgement are uncollectible. The majority of the taxes are owed by businesses that are bankrupt or that have ceased to operate and individuals that are deceased or who have moved out of the area. Any tax owed of less than \$5.00 is also included.

Mr. Hanna told the committee that this \$77,853.65 represents approximately 7.7% of the total amount of delinquent personal property taxes. He also stated that placing these accounts on the suspense list does not affect the City's ability to collect these taxes at some future date should circumstances change.

The committee viewed this transfer as largely an administrative matter which does not affect the City's right to collect these taxes. Therefore, Mr. Farah moved that this transfer of accounts be authorized. Mr. Elder seconded the motion which was passed unanimously.

In the course of discussion the committee learned that all delinquent notices are prepared by hand in the Tax Collector's Office. Mr. Hanna indicated that he had discussed the possibility of having this operation computerized with the Data Processing Department but that other projects had higher priority.

The committee recommends that these priorities be reviewed as computer generated delinquent notices would greatly improve the productivity of the Tax Collector's office and may help prevent future accounts from becoming delinquent.

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

026 - 027 Withdrawn.

028 - REPORT - Denial of request to accept roads at Mayfair Gate.

Councilman DaSilva submitted a report stating that the Public Works Committee has studied the request to accept roads at Mayfair Gate. Reports from the City Engineer to the committee and to the petitioners have indicated that these roads are not acceptable at this time and have listed the problems that need to be corrected in order to bring them to City specifications.

There has been no action taken in many months to correct the problems on these roads. The Public Works committee therefore recommends denial, without prejudice of this petition.

The Report was accepted and petition denied by the Common Council, on the Consent Calendar.

029 - REPORT - Request of Joseph Colla for excavation on Padanaram Road.

Councilman DaSilva submitted a report stating that the Public Works Committee has studied a request from Mr. Joseph Colla for the City to do some excavation work at his property on Padanaram Road. Mr. Garamella, Public Works Director, reported that no action on the part of the City could take place regarding this request. He also stated that he listed the alternative solutions that were possible, of which the City could not be a part of.

It is therefore the recommendation of the Public Works Committee that no action be taken on this request at this time.

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

030 - REPORT - Request to accept Raquel Drive as a City Street.

Councilman DaSilva submitted a report stating that the Public Works committee has studied a request to accept Raquel Drive as a City Street. A report from the City Engineer's office has been issued to the committee and the petitioner, listing the improvements necessary to allow acceptance.

The committee has seen no action taken on these necessary improvements in the several months since the report was sent. It is therefore the recommendation of the Public Works Committee that this petition be denied without prejudice at this time.

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

031 - REPORT - Denial of request to use Lions Club Playground for parking.

Councilman DaSilva submitted a report stating that the Public Works committee has reviewed a request of the Danbury Hospital to use the Lions Club Playground for a temporary parking facility. At an on-site inspection of the playground, Mr. Creasy of the Danbury Hospital stated that he was looking for a long term lease on the property, as opposed to the request for the temporary use of the facility.

Parks & Recreation Director, Robert Ryerson, informed the committee that this park was used in the summer playground program, with thirty-five to fifty children a day attending. It was his recommendation that this facility be continued as a playground and not a parking lot, either on a long or short term basis. Members of the committee expressed an interest along these lines also.

It is the recommendation of the Public Works Committee that the request for the use of the Lions Club Playground at Locust and Balmforth Avenues, be denied.

The Report was accepted and petition denied by the Common Council, on the Consent Calendar.

033 - REPORT - Denial of request to accept Carriage House Drive.

Councilman DaSilva submitted a report stating that the Public Works committee has met on the above petition to accept Carriage House Drive as a City street. Engineering reports from the City have been presented to the City and to the petitioner, citing the corrections necessary to bring about acceptance.

In view of the fact that no action has been taken in the many months since the issuance of the report, the Public Works Committee recommends denial of the petition without prejudice.

The Report was accepted and petition denied by the Common Council, on the Consent Calendar.

032 - REPORT & RESOLUTION - Request for funds for Railroad Crossings.

Councilman DaSilva submitted a report stating that the Public Works committee studied a request to appropriate funds and give approval for the City's share of improving the railroad crossing at Wildman Street, Balmforth Avenue and Maple Avenue.

City Engineer J. Schweitzer reported that the City's share of \$47,241.28 is ten percent of the total cost. The remaining portion is paid from State and Federal Funds.

It is the opinion of the committee that these projects are badly needed and they therefore recommend the appropriation of \$47,241.28 and the adoption of the following Resolution:

**RESOLUTION** - Whereas, the improvement of certain railroad grade crossings located at Maple Avenue, Balmforth Avenue and Wildman Street in the City of Danbury would be beneficial to its inhabitants; and

Whereas, Federal funds are available through the State of Connecticut for safety improvement projects to eliminate hazards at railroad-highway grade crossings;

NOW, THEREFORE BE IT RESOLVED that James E. Dyer, Mayor of the City of Danbury be and hereby is authorized to execute Agreement No. 1.07-02(82) between the State of Connecticut and the City of Danbury for State Project No. 34-168 and Federal Aid Project No. RR)-4034(3) relating to railroad-highway grade crossing improvements on Maple Avenue;

AND BE IT FURTHER RESOLVED that James E. Dyer, Mayor of the City of Danbury be and hereby is authorized to execute Agreement No. 1.14-03(82) between the State of Connecticut and the City of Danbury for State Project No. 34-169, Federal Project No. RRO-4034(4) relating to railroad-highway grade crossing improvements on Wildman Street;

AND BE IT FURTHER RESOLVED that James E. Dyer, Mayor of the City of Danbury be and hereby is authorized to execute Agreement No. 1.07-01(82) between the State of Connecticut and the City of Danbury for State Project No. 34-167, Federal Project No. RRO-4034(5) relating to railroad-highway grade crossing improvements on Balmforth Avenue.

**CERTIFICATION** - Mr. John P. Edwards, Director of Finance, Acting, submitted a certification of funds in the amount of \$43,660 available in the Fund Balance Account for the City's share of cost of work to be performed by the State of Connecticut and Conrail at Grade Crossings in Danbury.

(The remaining \$4,000 would be absorbed by City Services)

A motion was made by Councilwoman McManus and seconded by Councilman Torian for the Report and Certification to be accepted. Motion carried unanimously.

A motion was made by Councilman Evans and seconded by Councilman White for the Resolution to be adopted. Motion carried.  
The Resolution was adopted unanimously.

**034 - REPORT & ORDINANCE - Amendments to Article III.**

Councilwoman C. McManus, President of the Common Council submitted a report stating that a public hearing on the above Ordinance was held on May 20, 1982 in the Council Chambers at City Hall.

A meeting of the Council as a committee of the whole was held the same evening and the committee voted to recommend to the Common Council that the amendments to the Ordinance be adopted.

**ORDINANCE - ARTICLE III. CONSTRUCTION, REPAIR, INSTALLATION AND MAINTENANCE OF IMPROVEMENTS OR ENCROACHMENTS IN STREETS AND PUBLIC WAYS.**

The Report was accepted and the Ordinance was adopted by the Common Council, on the Consent Calendar.

035 - REPORT - ORDINANCE - RESOLUTION Re: Septage Dumping Fees.

Councilwoman C. McManus, President of the Common Council, submitted a report stating that a public hearing on the septage dumping fees was held on May 18, 1982 in the Council Chambers at City Hall.

A committee of the whole, met on May 19, 1982 and voted to recommend to the Council that the Septage Dumping Ordinance be adopted and that a Resolution setting the fee at \$10.00 per 1,000 gallons also be adopted.

A motion was made by Councilman Evans and seconded by Councilman Eriguez to accept the Report. Motion carried.

ORDINANCE - That the Code of Ordinances of the City of Danbury, Conn. is hereby amended by adding a section to be numbered 16-14 which said section reads as follows:

16-14 (a) The City of Danbury, acting through the Common Council, shall by resolution establish and may, from time to time, revise fair and reasonable charges for the treatment of septage wastes at the Danbury Waste Treatment Plant.

(b) No such charges shall be established or revised until after a public hearing conducted by the Common Council, or a committee thereof. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a substantial circulation in the City of Danbury. A copy of the proposed charges shall be on file in the Office of the Town Clerk of the City of Danbury and available for inspection by the public at least ten days before the date of such hearing.

(c) The proposed charges shall become effective if approved by a majority of the members of the Common Council present and voting at a regular or special meeting of the Common Council and after publication in a newspaper having a substantial circulation in the City of Danbury.

The Ordinance was adopted by a roll call vote of 12 Ayes - 7 Nays.  
2 members absent.

Council members - Gallo, McGarry, Foti, Repole, Eppoliti, Butera, Evans, voted Nay (7) - All other members present voted Aye (12).

RESOLUTION - Septage Dumping Fee.

Whereas, the City of Danbury operates a Waste Treatment Plant; and  
Whereas, the established fee of Five Dollars per thousand gallons of septage for the use of the Waste Treatment Plant is very low relative to corresponding fees in surrounding communities; and

Whereas, an increase in the Waste Treatment Plant fee schedule would reduce the amount of septage hauled from other towns to the Danbury Waste Treatment Plant for treatment; and

Whereas, an increase in fees would also increase the potential for a self-sufficient waste treatment process;

Now, Therefore, Be It Resolved that the fee for treatment of septage wastes at the Danbury Waste Treatment Plant be and hereby is increased to Ten (\$10.00) Dollars per one thousand gallons of septage.

The Resolution was adopted by a roll call vote of 12 Ayes - 7 Nays.  
2 members absent.

Council members - Gallo, McGarry, Foti, Repole, Eppoliti, Butera, Evans, voted Nay (7) - All other members present voted Aye (12).

036 - REPORT - Water charges for Volunteer Fire Companies.

Councilwoman Carole Torcaso submitted a report stating that the committee met on May 26, 1982 with representatives of the Miry Brook Volunteer Fire Department, Mill Plain Volunteer Fire Department, Germantown Volunteer Fire Department and King Street Volunteer Fire Department, to discuss costs and procedures for metering water at their firehouses.

William Buckley, superintendent of Public Utilities, was in attendance to give information on costs and types of meter installations, and to answer questions.

After discussion on Charter Section 7-8 and procedures for asking the City for grants in emergencies, it was felt by all volunteer fire department representatives that their organizations would absorb the cost for fiscal year 82-83 and a new line item would be added to their budget requests for fiscal year 1983-1984.

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

A motion was then made by Councilwoman C. McManus and seconded by Councilman E. Torian to add #37 to the Agenda - a request from D. Garamella for additional waivers to purchase landfill equipment.  
Motion carried.

#37 - COMMUNICATION - Request for waivers to purchase the following equipment to meet landfill opening July 1, 1982:

1. The Security Gate (arm to control automobile traffic - approx \$6000.00.
2. Compactor-Lease purchase \$60,000.00.
3. Building materials in excess of \$2,500.00 for weigh station.
4. Any miscellaneous items needed to complete this project.

A motion was made by Councilwoman McManus and seconded by Councilman Repole that the request be accepted and waiver authorized.

A motion was then made by Councilman Elder and seconded by Councilman Boynton to divide action on the request, and to authorize #1 and #3.  
Motion carried with Councilman Evans and Councilwoman Butera voting Nay.

Item #2 and #4 were referred to the Public Works Committee, requested by Councilman Evans. Mayor Dyer so ordered.

Mayor Dyer then renamed the Road Study committee adding a new member as follows: Cassano, Torian, Gallo, McGarry, Esposito.

Mayor Dyer also reappointed a committee to review parking conditions at the Danbury Police Department - Council members - Evans, Gallo, Torcaso.

There being no public speakers and no other business to come before the Council, a motion was made by Councilman Foti and seconded by Councilman White for the meeting to be adjourned at 8:50 O'Clock P.M.

Respectfully submitted

*Mary Dickert*  
Assistant City Clerk

Attest:

*Clyde W. Mudgett*  
City Clerk