

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

SUBJECT: Minutes of the Common Council Meeting held on September 7, 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 the 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, Charles, Boynton, Merullo, Evans.

ABSENT: Council Members - Eppoliti, White, Cassano, Butera, Farah.

16 Members Present - 5 Members Absent.

It was reported that Mrs. Butera's mother was ill and Councilman Farah was ill also.

NOTICES FROM MAYOR DYER

Mayor Dyer, on behalf of the entire Council, extended Best Wishes to Corporation Counsel Theodore H. Goldstein, for a speedy recovery.

Mayor Dyer extended Best Wishes and Birthday Greetings to the following:

- George Schmiedel, Registrar - September 12th.
- Councilman John Esposito - September 12th.
- Christine Roche - September 14th. (Secretary in Legal Office)
- Judge Richard Nahley - September 18th.

It was also noted that Mayor Dyer's birthday will be on September 20th.

The Mayor also announced that the Portuguese Community has purchased the Church next door to City Hall and will dedicate their new parish, The Immaculate Heart of Mary Parish, on September 19th.

CONSENT CALENDAR

Councilman DaSilva, in the form of a motion, submitted the following items listed on the Agenda, to be placed on the Consent Calendar: Motion was seconded by Councilwoman C. McManus.

- 02 - Resolution - Special City Meeting - Nov. 2, 1982 - Road Bond Ordinance.
- 03 - Resolution - WIC Program.
- 04 - Resolution - Waiver of payments in-lieu-of-taxes - Housing Authority.
- 010 - Communication - Request to use Airport for Automotive Exhibition.
- 014 - Communication - Request from Councilman Foti for a monthly report re: The Road Improvement Project.
- 015 - Communication - Leasing of Land for storing sand and salt.
- 031 - Communication - Request for Water Abatements in the amount of \$345.10.
- 032 - Communication - Appointments to Richter Park Authority.
- 034 - Communication - Appointment of Assistant Corporation Counsel for Health & Environmental Protection.
- 036 - Report - Civil Service Procedures.
- 037 - Report - Request to re-appoint the Charter Revision Commission.
- 039 - Report - Reporting system in the Finance Department.
- 041 - Report - Request from Pleasant Acres Homeowners Association.
- 042 - Report - Sewer & Water granted for Dunkin Donuts - Danbury Newtown Rd.
- 043 - Report - Sewers granted for West Hayestown Rd. (Rose Lane).
- 044 - Report - Sewer & Water granted for Mannion's Lane.
- 045 - Report - Sewer extension granted for Newtown Road.
- 047 - Report - Request for Danbury Library to remain open during summer months on Sundays (denied).

MINUTES of Common Council meetings held on August 3, August 11, August 25 and August 31, 1982.

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

01 - CLAIMS - Carlos DeCarvalho - Richard G. Gustavson, Jr. - Elizabeth Hayes - Lillian Westerfield - Peter McGarry - Elaine Marzullo - Phyllis A Shook.

Councilwoman McManus requested referral of the Claims to the Claims Committee and Assistant Corporation Counsel for Claims - Attorney Thomas G. West. Mayor Dyer so ordered.

02 - RESOLUTION - Providing for Special City Meeting. November 2, 1982.

RESOLVED by the Common Council of the City of Danbury - The Special City Meeting to be called by the Mayor for the purpose of voting on the question of approving or disapproving the bond issue authorized in "An Ordinance Appropriating \$9,202,000 For The Reconstruction And Improvement Of Various City Roads And Authorizing The Issue Of \$9,202,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" enacted by the Council on August 31, 1982, shall be held in conjunction with the election of November 2, 1982 and polling places for the referendum vote will be located in the seven voting districts of the City and in the City Hall; electors only shall be entitled to vote on the question at the polling place in their respective voting districts and qualified voters only shall be entitled to vote on the question at the City Hall.

The polls will be open during the hours between six O'Clock A.M. and eight O'Clock P.M. (E.S.T.)

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

unanimously,

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

03 - RESOLUTION - WIC Program.

WHEREAS, the Connecticut State Department of Health Services makes funds available to local health departments in accordance with Sections 4-8 and 19-10 of the Connecticut General Statutes, and

WHEREAS, the City of Danbury through the Danbury Health Department intends to continue the services provided by the Danbury's Women, Infant, and Children (W.I.C.) Program into fiscal year 1982-1983, and

WHEREAS, the City of Danbury will make application for a continuation grant in the amount not to exceed \$96,000 with no local match.

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

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

04 - RESOLUTION - State payment-in-lieu-of-taxes.

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Public Act 79-598, Section 17 of the General Statutes in order to undertake a program of Payment-in-lieu-of-taxes and to execute an Assistance Agreement therefore:

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

That the filing of an application by the City of Danbury in an amount not to exceed \$179,106.46 is hereby approved and that the Mayor of the City of Danbury is hereby authorized and directed to execute and file such application with the Commissioner of Housing to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative Of the City of Danbury.

That in consideration of said Assistance Agreement applicant does hereby waive any payments-in-lieu-of-taxes by the Housing Authority to the municipality under the provisions of Section 8-71 of the Connecticut General Statutes.

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

05- RESOLUTION - Refund for cancellations of commercial permits at the Danbury Sanitary Landfill.

WHEREAS, the City of Danbury established an annual commercial haulers' permit fee for the use of the Danbury Sanitary Landfill site on May 12, 1982; and

WHEREAS, the subsequent operation of the Danbury Sanitary Landfill site has revealed that a rebate of a portion of said fee is appropriate when the commercial permittee requests cancellation of his permit;

NOW, THEREFORE, BE IT RESOLVED THAT within the first six months following issuance of any such permit and upon request by any holder of a commercial permit his permit may be cancelled and a refund made in an amount equal to Eight (\$8.00) Dollars per month for each full month remaining under the permit.

Councilman Elder requested referral of the Resolution to the Public Works Committee. Mayor Dyer so ordered.

06 - RESOLUTION - User fees at the Danbury Sanitary Landfill for all vehicles other than passenger cars.

WHEREAS, the City of Danbury established user fees for the use of the Danbury Sanitary Landfill site on May 12, 1982, and

WHEREAS, the subsequent operation of the Danbury Sanitary Landfill has indicated that the imposition of a minimum per trip use fee for all vehicles other than passenger cars is in the best interest of the City of Danbury,

NOW, THEREFORE, BE IT RESOLVED THAT a minimum per trip user fee for all vehicles other than passenger cars be and hereby is fixed and established at ONE DOLLAR AND FIFTY CENTS(\$1.50) per trip.

Councilman Torian requested referral of the Resolution to the Public Works Committee. Mayor Dyer so ordered.

07 - ORDINANCE - Amendment to Subsection 16A-32(d) of the Code of Ordinances re: Annual Commercial Hauler's Permit

Councilman Eriquez requested referral of the proposed Ordinance, to the Public Works Committee. Mayor Dyer so ordered.

08 - ORDINANCE - Sec. 16A-31(a) - Temporary permits for disposal of permitted wastes at the Danbury Landfill.

Councilman McGarry requested referral of the proposed Ordinance, to the Public Works Committee. Mayor Dyer so ordered.

09 - COMMUNICATION - Old Danbury Jail - Revocable License to Erhardt Chevrolet.

That Mayor James E. Dyer be and hereby is authorized to execute a revocable license granting Erhardt Chevrolet, Inc., its agents and employees, permission to use an existing picnic area on the most SouthWesterly portion of the Old Jail property located adjacent to 70 Main Street, Danbury, Connecticut.

Councilman Elder requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Gallo, Cassano, Zotos.

010 - COMMUNICATION - Request of Time Tunnel Productions, Inc. for permission to use the field at the Danbury Airport, for an Automotive Exhibition to be held September 26, 1982.

They have agreed to donate to the community a replacement of the Airport Layout Diagram which is located on the side of the Maintenance Building. Approximate cost is \$1,000.

The Communication was accepted and permission granted by the Common Council, on the Consent Calendar.

011 - COMMUNICATION - Abandonment of Shopping Carts. Request from Mayor Dyer for an Ordinance that would establish penalties for the removal of a cart from the supermarket or retail property.

Councilwoman McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: McGarry, Torcaso, Repole.

012 - COMMUNICATION - Request from Councilwoman Carole A. Torcaso for an Ad Hoc Committee to be appointed to review the problems and make recommendations for improvement of parking conditions at City Hall.

Councilman Eriquez requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Elder, Boynton, Foti.

013 - COMMUNICATION - Request from Councilmen Elder and Foti for the appointment of a "Finance Committee".

A Communication from Mayor Dyer stated that the Charter establishes the Finance Department as the administrator of City finances, in conjunction with the Mayor.

There is sometimes a fine line between the administrative side of government and the legislative side. The Mayor stated that a finance committee as outlined in the request is not appropriate at this time.

The Mayor stated that he would of course, continue to keep the Council informed of our financial standing, as will the Department of Finance through its' eleven month reporting cycle and auditing procedures.

Councilwoman McManus requested referral of the request to an Ad Hoc Committee. Mayor Dyer so ordered, referring to Section 2-95 of the Code of Ordinances and Sections 3-13 and 4-2 of the Charter re: appointments of committees.

The Mayor appointed the following members to this committee:
Torian, Eriquez, Torcaso.

014 - COMMUNICATION - Request from Councilman Russell Foti for a monthly progress report from the Manager of the Road Improvement Project.

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

015 - COMMUNICATION - Request from D. A. Garamella, Director of Public Works for the leasing of John Patton's property-corner of Clapboard Ridge and Padanaram for the purpose of storing salt and sand for winter use.

In order for the City to plow and sand effectively, we need this location to save time, otherwise the sand trucks will have to return to the City's garage for their salt and sand adding an additional 10 miles for each load.

Mr. Patton requests \$1,000 for the use of his property with a one year option.

The Communication was accepted and request granted by the Common Council on the Consent Calendar.

016 - COMMUNICATION - Offer by Ruth Blackman to sell Sand to the City of Danbury. Mrs. Blackman would sell all material at the premises, Plumtrees Road, approximately 65,000 cubic yards, for \$75,000.00

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

017 - COMMUNICATION - Request from Mayor Dyer for a committee to review two ordinances submitted, that deal with the regulation of garbage haulers.

Both of these ordinances, one from Fairfield and one from Westport, deal with the obligation of haulers to service customers adequately and fairly. It may also be possible to establish a fee scale in relation to the license procedure of the City.

Councilwoman C. McManus requested referral to the Public Works Committee. Mayor Dyer so ordered.

018 - COMMUNICATION - Recommendation by Mayor Dyer for the adoption of an Ordinance to protect Condo owners from surcharges on their water bills by Condo Associations.

Many Condominium buildings are metered by one meter. A fair method of billing by the Association would be to divide the bill by the total number of units, or to establish a per occupant charge in relation to the bill sent the Association by the City.

The potential exists for Condo Associations to establish their own water meter rates or to pass on an unfair percentage charge in relationship to the unit owner's divided interest. An example of this would be an owner who has a 3% interest in a Condo, however, only one person occupies the unit. They could be billed 3% of the Association's bill while a 1% unit owner with five occupants would only receive a 1% Association water bill.

Essentially, the Mayor feels it is important for us to assure that unit owners are not assessed unfairly in relation to individual family units throughout the City.

Councilwoman C. Torcaso requested referral to the Public Works Committee. Mayor Dyer so ordered.

019 - COMMUNICATION - Request from Phillip D. Tallman for \$42,000 to establish a work program (Community Service Program).

Councilwoman C. McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Farah, Butera, Esposito.

020 - COMMUNICATION - Request from J. P. Edwards, Director of Finance, Acting for permission from the Common Council to pay bills for the "Retirement Administration" Account. Preliminary figure submitted was \$1,144.00.

Councilwoman C. McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Torian, Enriquez, Torcaso.

021 - COMMUNICATION - Purchase of an electronic typewriter, \$5,707.00.

Mr. John P. Edwards submitted a communication stating that in the final days of the last fiscal year, June 24th, a purchase order was put through for an Exxon Electronic Typewriter, price \$5,707 to be used by the Director of Personnel. The typewriter has been delivered and the City has a bill. Typewriters being rather personal in nature are not often bid and they usually cost much less than the \$2,500 bid limit.

In this case the price was much higher and the Purchasing Agent, who was trying to be accommodating, should have said NO; which in effect would have precluded the purchase of a typewriter to the Personnel Office.

In this instance Mr. Edwards is not requesting a waiver of bid, but permission to pay for an item that was contracted for in an irregular manner. The bill has not been paid but funds have been encumbered.

Mr. Edwards stated in a follow-up letter that it is conceivable, if the Council so desires, this item can still be bid at this late date. The equipment is of specialized nature and some features can be assumed to be exclusive. Mr. Edwards has been advised at this point in time to withhold bidding and also not to pay the bill until the Common Council reviews the matter.

Councilman Foti requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following members to this committee: Enriquez, Evans, Merullo.

022 - COMMUNICATION & CERTIFICATION - Request for \$2,000 to fund the continuation of the "Megaphone" at the Danbury High School.

A Certification in the amount of \$2,000 available in the Contingency Account to make a special grant to assist the D.H.S. Newspaper, the "Megaphone" project, was submitted by Mr. J. P. Edwards, Director of Finance, Acting.

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

023 - COMMUNICATION - Drainage problems on the property of Edward Gertner - Boulevard Drive.

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

024 - COMMUNICATION - Request to resolve problem concerning ownership of and responsibility for OLD TOWN ROAD.

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

025 - COMMUNICATION - Request to widen and straighten Boyce Road.

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

026 - COMMUNICATION - Request by The Loren Group for sloping rights on Plumtrees Road.

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

027 - COMMUNICATION - Request by The Loren Group for Sewer & Water on Plumtrees Road.

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

028 - COMMUNICATION - Request of N. E. Development Corporation for Sewer & Water on Nabby Road.

Councilwoman C. Torcaso requested referral to the Sewer & Water Extension Committee and Planning Commission. Mayor Dyer so ordered.

029 - COMMUNICATION - Petition of John Mulqueen for City Water & Sewer for Barnum Road.

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

030 - COMMUNICATION - Request of Gerald Thornton for Sewer Extension on Mill Plain Road.

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

031 - COMMUNICATION - Request from W. Buckley Jr. Superintendent of Public Utilities for Water Abatements in the amount of \$345.10. This rebate has been made as these properties were vacant for the billing period June 1, 1982.

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

032 - COMMUNICATION - Re-appointments to the Richter Park Authority as follows:

- Samuel Jacobellis - 13 Field Road
- Dorothy Luckenbill - 2 Cannondale Drive

for terms to expire on September 1, 1985.

The Communication was accepted and re-appointments confirmed by the Common Council, on the Consent Calendar.

033 - Withdrawn.

034 - COMMUNICATION - Appointment of Sandra Vilardi Leheny as Assistant Corporation Counsel for Health and Environmental Protection. Attorney Leheny is a resident of Danbury and currently serves as Assistant Corporation Counsel for Conflicts.

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

035 - DEPARTMENT REPORTS

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| Fire Chief | Housing Inspector |
| Fire Marshal | Health Inspector |
| Airport Administrator | Building Inspector |
| Sealer of Weights & Measures | Visiting Nurse Assoc. |
| Coordinator of Environmental & Occupational Health Services. | |
| High Blood Pressure Program | |
| Equal Rights & Opportunities. | Police Department |

A motion was made by Councilman DaSilva and seconded by Councilman Foti for the Reports to be accepted as submitted and to dispense with the reading of said Reports 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

036 - REPORT - Civil Service Procedures.

Councilwoman McManus submitted a report stating that the Common Council committee appointed to ascertain the reasons for the delay in filling Civil Service positions met on August 26, 1982 at 8:30 P.M. In addition to the committee members in attendance, were Mayor Dyer, Personnel Director Thompson, Attorney Gottschalk, Civil Service Commissioner Nero and Civil Service Examiner John Hanna and Councilman Boynton.

Mr. Nero informed the committee that the Civil Service Commission is presently revising its rules. He assured the committee that the Commission recognizes its problems and is working to correct them.

In the hopes that in the future, the Civil Service Commission and the Common Council could work together in order to avoid problems and misunderstanding, Mr. Nero suggested that a Council Member could act as liaison to the Commission.

In accordance with a committee suggestion, the Mayor agreed to request new testing six months prior to the lists becoming inactive. The Civil Service Commission cannot give tests unless requested. Having an active Civil Service List at all times will substantially reduce the amount of time which we have experienced in the filling of vacant positions.

The committee feels that the Commission is working in the right direction

and is striving to correct the past problems which have caused such a drain on City finances.

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

037 - REPORT - Request to re-appoint the Charter Revision Commission.

Councilman DaSilva submitted a report stating that the committee appointed to study the request to re-appoint the members of the Charter Revision Commission, met at 8:00 P.M. on August 11, 1982.

In attendance were committee members DaSilva, McManus and Torian, Commission Chairman Paul Shea and Councilman Foti.

Mr. Shea explained that the commission is nearly completed with their work on the Charter. They need a few months longer to complete their recommendation for changes and to hold the mandated public hearing.

A discussion of the work of the commission was held with Mr. Shea. The committee will check with Assistant Corporation Counsel Eric Gottschalk and Attorney S. Leheny to ascertain if any procedures beyond the re-appointments are necessary.

The committee voted to recommend the re-appointment of the Charter Revision Commission for one year, or until the work on the Charter is complete, whichever occurs first.

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

038 - REPORT - Danbury-Brookfield Inter-Local Agreement.

Councilman DaSilva submitted a Commission Report stating that the Danbury-Brookfield Inter-Local Agreement Commission has met several times in the past two months to work out the details of an agreement between the City of Danbury and the Town of Brookfield for Danbury to accept septic wastes from Brookfield.

The Commission has come to an agreement as seen in the document submitted, and strongly endorse it's acceptance by both municipalities.

The Report was accepted and the Danbury-Brookfield Inter-Local Agreement was deferred for a public hearing. Motion was made by Councilman DaSilva and seconded by Councilwoman McManus.

039 - REPORT - Reporting system in the Finance Department.

Councilman Torian submitted a committee report stating that the committee formed to review the reporting system of the Finance Department, met on August 23, 1982. In attendance were committee members Torian, Eriquez and Torcaso, Acting Director of Finance, John Edwards and Councilman Foti. Councilman Boynton later joined the meeting while it was in progress.

Mr. Edwards was asked to brief the committee on the problems associated with issuing a preliminary financial report through June 30, 1982. He mentioned that preliminary figures for June 30th would be grossly misleading since it does not accurately reflect all the year-end adjustments and transfers that commonly occur at the close of every fiscal year.

He was asked, from a practical standpoint, could approximations be made by each department head in an effort to estimate what their year-end expenditures would be and he informed the committee that this would be unrealistic, since in most instances, these expenditures are unanticipated.

For example, legal fees, where law firms will quote a price but due to various postponements of court appearances and additional correspondence relating thereto, their fees can be substantially higher than those which were originally planned.

Utility bills are also difficult to accurately forecast due to untimely rate increases that occur during the fiscal year.

Mr. Edwards agreed to provide the Council members with the finalized version of the June 30, 1982 monthly printout as soon as it is completed (on or before September 30, 1982) and prior to the published annual Report which is prepared by our independent auditors, Ernst & Whinney.

Mr. Edwards was asked to institute changes and additions to the present method of reporting financial information to the Common Council, as follows:

CERTIFICATIONS - Each Certification is presently pre-numbered. It will show the account being relieved e.g. Contingency Account, Fund Balance, etc, the balance brought forward, the amount of the certification request (Certification #121) and the remaining balance after the certification.

A FISCAL YEAR 1982 EXPENDITURE REQUEST THAT IS RECEIVED AFTER THE CLOSE OF THE FISCAL YEAR (June 30, 1982).

Each expenditure request that affects the fiscal year just ended will be accompanied by a narrative indicating the reason for the expenditure and the projected impact this amount would have on the specific line item by department in the budget, e.g. additional legal fees for services provided to the Corporation Counsel's office - \$3,000.

020108 - Litigation Special	\$18,000
This request	+ 3,000
Projected June 30, 1982 Year-To-Date Expend.	<u> \$21,000</u>

INCLUSION OF A TRIAL BALANCE FOR DISTRIBUTION TO COUNCIL MEMBERS IN ADDITION TO THE MONTHLY FINANCIAL REPORT.

The trial balance is a listing of "Balance Sheet" items which reflect account balances for cash on hand, receivable, liabilities and surplus.

Mr. Edwards felt able to fully comply with the above changes and additions with no disruption to his present reporting requirements. There was a general consensus among those present that this additional information would be extremely useful to all Council Members and serve to provide them with a greater comprehension of financial matters when legislative action is required in the future.

Councilman Eriquez motioned at the committee meeting that the changes and additions be initiated by the Acting Director of Finance, seconded by Councilwoman C. Torcaso. The vote was unanimous.

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

040 - REPORT - Education Liaison Committee.

Councilman Evans submitted a report stating that the committee met on July 8, 1982. In attendance were Council members Evans, Farah, Eriquez, Torian and Torcaso of the committee and Councilman Merullo, Dr. Lober, Mrs. B.Baker and Mr. H. Doyle, members of the School Board.

In the course of discussion on the question of turning over \$41,000 to the Board of Education for the School Year 1982-1983, it was brought out that the money was unexpected but was allocated by the State for the School year 1981-1982. This was part of monies owed to the City under P.A. 81-432.

The monies were to offset "fiscal and educational responsibilities for children requiring special education who are placed by State Agencies". As this money was thought to be "earned" by the School Board a motion was made and passed that this money be given to the Board as surplus for the School Board for the year 1982-1983.

On July 28th the committee met again. In attendance were members, Evans, Torian, Eriquez and Farah. Also, Mr. John P. Edwards, Acting Director of Finance, Dom Setaro, Assistant Comptroller and City Treasurer Paul Shea.

The meeting was called by the Chairman of the committee after it was discovered that some information at the first meeting was misleading, and the motion passed at the previous meeting was a little premature.

The information that the money was unexpected was found to be misleading in that Mrs. Lober had written a letter to Mr. Shea on 9/29/81 asking his "review and response" as to how these monies would flow to the Board of Education. Secondly as these monies were not received until 7/2/1982, it was too late to put them into the School Year 1981-1982 budget.

However, these funds would be applied toward the 1981-1982 School year to offset any unpaid bills during that period, this according to Mr. Edwards.

The fact that Mrs. Lober assured the committee that there would be a surplus does not necessarily make it so. This will be determined when the City Auditors, Ernst and Whinney complete their audit, later in the Fall.

The Chairman informed School Board President Mr. H. Bessel and Dr. Lober verbally of the outcome of the second meeting, at the request of the Liaison committee. The Chairman also offered to meet as a committee with the School Board as a whole to explain the reversal of their decision, at the convenience of the School Board. This offer was made verbally to Mr. Bessel and after one week was refused by Mr. Bessel, after again being contacted by the chairman.

It is therefore the recommendation of the Liaison committee that the request by the School Board for the \$41,000 received by the City from the State, be refused at this time, but that the School Board be encouraged to request again after the audit is received from Ernst and Whinney as to the exact surplus, if any.

A motion was made by Councilman Torian and seconded by Councilman Foti for the Report to be accepted as submitted. Motion carried unanimously.

041 - REPORT - Request from Pleasant Acres Homeowners Association.

Councilman Torian submitted a report stating that the committee formed to review the request from Pleasant Acres HomeOwners Association, Inc. met on July 26th and August 18th, 1982.

The committee reviewed the latest developments of the Pleasant Acres HomeOwners Association, Inc. request, subsequent to the July 26th meeting wherein they had requested an opinion from the Corporation Counsel's Office as to whether a municipality could legally enter into a financing arrangement as guarantor of a loan involving the State and a private homeowner's association.

Councilman Elder motioned that in view of the legal opinion received from the Corporation Counsel (that the City cannot guarantee a private third-party loan) that this committee recommend denial of the request on the grounds that a municipality has no legal authority to act on this issue. Councilwoman Butera seconded the motion which was passed unanimously at the committee meeting.

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

042 - REPORT - Dunkin Donuts request for sewer & water - Danbury Newtown Rd.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee met on August 9, 1982 with the City Engineer and also reviewed a recommendation for approval from the Planning Commission. The committee then recommends approval of a lateral sewer line and water line for the Dunkin Donut property on Danbury Newtown Road, with the following conditions:

1. The owner shall bear all costs relative to the installation of said line,
2. The existing line as well as the proposed line shall remain privately owned and maintained.
3. The owner shall execute and record a written agreement between the owner and the City of Danbury in a form satisfactory to the Corporation Counsel of the City of Danbury providing for all necessary maintenance and replacement of said lines at the expense of the owner.
4. No Certificate of Occupancy shall be issued for property to be served by the proposed lines until the Corporation Counsel has approved all documents relative hereto.

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

043 - REPORT - Request of Mr. & Mrs. Morris Waters for sewer on West Hayestown Road (5 Rose Lane).

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee met on August 9, 1982 with the City Engineer and also reviewed a recommendation for approval from the Planning Commission. The committee recommends approval of a lateral sewer line for the above Petition for property on West Hayestown Road (5 Rose Lane) with the following conditions:

1. The owner shall bear all costs relative to the installation of said line.
2. The existing line as well as the proposed line shall remain privately owned, and maintained.
3. The owner shall execute and record a written agreement between the owner and the City of Danbury in a form satisfactory to the Corporation Counsel of the City of Danbury providing for all necessary maintenance and replacement of said lines at the expense of the owners.
4. No Certificate of Occupancy shall be issued for property to be served by the proposed lines until the Corporation Counsel has approved all documents relative hereto.

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

044 - REPORT - Request of Colonial Builders & Developers (Southridge Condos) Mannion Lane, for Sewer & Water Extension.

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 following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer and water line.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
3. Detailed Engineering plans and specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City 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 line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
6. The petitioner shall convey ownership of and easements to all or such portions of the sewer and water line as the City Engineer's office determines are of potential benefit to other landowners in the City. Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and water line.

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

045 - REPORT - Request of Salvatore Esposito for sewer extension - 89 Newtown Road.

Councilman Gallo submitted a report stating that the Sewer & Water extension committee has met with the City Engineer and reviewed the above petition. A recommendation for approval was also submitted by the Planning Commission.

It is the recommendation of the committee that the above petition be granted with the normal seven steps of conditions and restrictions, plus number 8: Petitioner must pay users fees for the three buildings he illegally hooked into the City sewer line.

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

046 - REPORT - Request to transfer \$225,000 to various insurance accounts.

Councilman Elder submitted a report stating that the committee appointed to review a request to transfer \$225,000 from the Contingency Account to various insurance accounts to cover unanticipated increases in insurance premiums, met on August 26, 1982.

Present were Council Members Elder and Boynton, Mr. Setaro, Assistant Comptroller and Mr. Fabiano, Risk Manager.

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Mr. Fabiano explained that the \$205,000 increase in Workmen's Compensation insurance premiums was caused by two factors. The first was an adjustment made by the insurance carrier to correct an error made in calculating last year's insurance premium. While this year's premium is up, last year's was lower than it should have been. The second reason was the two fatalities experienced last February in the Fire Department. Due to those fatalities, the premium rate increased significantly.

The \$20,000 increase in Blue Cross/Blue Shield premiums was not included in the budget because new rate information was not available at the time the budget was submitted. Although a 10% increase was projected, the actual per cent increases were 12.8 and 27.0% respectively.

Mr. Setaro explained that rate change information is usually not available in time to be included in the each new fiscal budget.

With the exception of the two fatalities, the City's insurance carrier noted that losses for the recent fiscal year totalled only \$99,725 and that this is commendable for a City the size of Danbury. The committee felt that this indicated the City was doing a good job of managing its risks and minimizing losses.

Councilman Boynton moved at the committee meeting that the committee recommend to the full Council that the transfer of \$225,000 from the Contingency Account to the appropriate insurance accounts be authorized. Motion was seconded by Councilman Elder and passed.

A motion was made by Councilman Charles and seconded by Councilman Evans to accept the report and to authorize the transfer. Motion carried unanimously.

Mayor Dyer thanked the committee for their efforts in submitting a very good report.

047 - REPORT - Councilman Merullo submitted a report stating that the committee appointed to review the request of Mrs. Myrtle VanLandeghem for the Library to remain open during the summer months, met on August 23, 1982.

In attendance were committee members Esposito and Merullo, Mrs. Mary Nahley, Chairperson of the Library Board of Directors, Mrs. Marianne Woolfe, Head Librarian and Mrs. VanLandeghem.

In support of this request Mrs. VanLandeghem presented a copy of a petition signed by eight people.

Mrs. Nahley and Mrs. Woolfe expressed appreciation for the interest in the Library and the possibility of expanding its use. However, it has been deemed financially impractical to keep the library open on Sundays during the summer months. They revealed that:

The library had not been opened on any Sunday until two years ago (Sept. 1980) when Mrs. Woolfe was successful in gaining approval for Sunday hours beginning with the first Sunday after Labor Day and ending the Sunday after May 15th.

No public libraries in this State are open Sundays during the summer to Mrs. Woolfe's knowledge.

It is impractical and unrealistic to open the library merely for browsing with only guards on duty because it is not its primary function. For each person using the facility for this sole purpose, it would be expected that others would come expecting assistance and services that only a professional staff member could provide. They would consider this condition ludicrous.

The cost of opening the library with current staff is \$232.52 per Sunday or \$3,720.32 for 16 additional Sundays.

Holiday openings would cost \$1,367.30 per holiday or \$16,407.60 for 12 Holidays.

Considering the anticipated use of the library on these summer Sundays and Holidays these expenditures would have a relatively low priority in the budgeting process.

Given these conditions the committee suggested that Mrs. VanLandeghem make her feelings known during the public hearing on the Library Budget for the next fiscal year. Mrs. Woolfe and Mrs. Nahley assured her that they would give her request every consideration.

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

048 - 049 - Withdrawn.

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050 - COMMUNICATION - Re: Claim of Mr. Eide - Fair Rent Commission v. Michael and Maryann Bastiani.

Councilwoman McManus requested referral to the Claims committee.

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As this item was not listed on the Agenda, a motion was made by Councilwoman McManus and seconded by Councilman Eriquez that the Claim be added to the Agenda. Motion carried.

051 - RESOLUTION - Charter Revision Commission.

A motion was made by Councilwoman McManus and seconded by Councilman DaSilva to add the following Resolution to the Agenda: Motion carried unanimously.

RESOLUTION: Resolved by the Common Council of the City of Danbury:

Whereas, The Common Council has appointed a Charter Revision Commission pursuant to Title 7 Section 188 of the Connecticut General Statutes; and

Whereas, Pursuant to Title 7 Section 190 the appointing authority must fill the positions within the commission,

NOW, THEREFORE, BE IT RESOLVED that the following nine (9) persons are appointed to the Charter Revision Commission.

<u>Name</u>		<u>Address</u>
1. Paul Shea	D	Park Ave. Village Square
2. Clarice Osiecki	R	9 Terra Glen Rd.
3. Thomas G. West	D	21 Second Ave.
4. Nancy Deibler	D	17 Ivy Lane
5. William Walsh	R	44 Mabel Avenue
6. Sarah Rothkopf	TPA	171 Triangle St.
7. Carl Susnitzky	R	8 Field Road
8. Elizabeth McGran	D	29 Kohanza Street
9. Dr. Alvin Goldman	D	3 Lake Crest Drive

Assistant Corporation Counsel Thomas G. West explained to the Council that the Charter Revision Commission failed to meet their deadline and we must assume that Charter Revision Commission is gone.

We must now initiate by 2/3 vote a new Charter Revision Commission, and by a simple majority appoint the commission members within 30 days and give them their charge.

A motion was made by Councilwoman McManus and seconded by Councilman Enriquez to establish a Charter Revision Commission. Motion carried unanimously.

A motion was then made by Councilman Evans and seconded by Councilman Charles for the Resolution to appoint the members to be adopted and a Report from the Commission to be submitted within three months. Motion carried unanimously and the Resolution was adopted unanimously.

Mayor Dyer appointed a Noise Abatement Committee: Councilmen Boynton, Foti & Charles.

As there were no members from the public who wished to speak at this time, and there being no further business to come before the Common Council, a motion was made by Councilman Charles and seconded by Councilman Torian for the meeting to be adjourned at 8:25 O'Clock P.M.

Respectfully submitted

Mary Rickert
Mary Rickert
Assistant City Clerk

Attest:

Elizabeth Crudginton
Elizabeth Crudginton ^{M.R.}
City Clerk

9/7/82