

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

SUBJECT: Minutes of the Common Council Meeting held on February 1, 1983.

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 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, Cassano, Charles, Boynton, Butera, Evans.

ABSENT: Council Members - Eppoliti, White, Merullo, Farah.

17 members present - 4 members absent.

It was reported that Councilman Farah was teaching a class; Councilwoman Eppoliti was delayed in the City of New York.

NOTICES FROM MAYOR DYER

Mayor Dyer extended Birthday Greetings to his secretary Rose Ann Kruse who will celebrate her birthday on February 4th.

Birthday Greetings were also extended to Councilman Eriquez for Feb. 9th and to Councilman Elder for February 21st.

Mayor Dyer announced and invited everyone to attend his State of the City Address to be submitted in the Council Chambers on February 7, 1983 at 8:00 O'Clock P.M.

Mayor Dyer also announced that on this evening's agenda there will be the appointment of Emanuel Merullo as the Director of Personnel.

His resignation from the Common Council will be accepted with reluctance but with great satisfaction that he is joining our staff with the City Administration.

Mayor Dyer thanked the Public Works Committee in anticipation of their report to be submitted in reference to the Road Maintenance Bonds - to be placed on the November Ballot.

Mayor Dyer also noted that on the agenda would be a denial of over-time funds for the Fire Department and that he will have to take severe action and hopes to have the support from the Council.

The Mayor also distributed a memo from Mr. John P. Edwards, Comptroller, with information in reference to the Board of Education's budget revision in the amount of \$40,584.00, representing funds appropriated by the Common Council on January 4th. These funds have been transferred to the Board's Clerical salary account.

A motion was then made by Councilwoman McManus and seconded by Councilman Torian to add a communication to the agenda - the resignation of Emanuel Merullo from the Councilman at Large Office. Motion carried unanimously.

COMMUNICATION - Resignation of Councilman At Large.

Councilman Merullo submitted his resignation stating that he must resign from the Common Council and expressed sincere appreciation for the opportunity to work with members of the Council. Mr. Merullo said he was very pleased with the turn of events and looks forward to working with the Council in the future - being employed by the City as Director of Personnel.

A motion was made by Councilwoman McManus and seconded by Councilman Eriquez for the resignation to be accepted. Motion carried.

Mrs. McManus remarked that they all really enjoyed working with Manny and wished him the best of luck in his new position with the City.

CONSENT CALENDAR

Councilman DaSilva submitted the Consent Calendar consisting of the following items listed on the agenda:

- 03 - Resolution - To update runway lighting system at the Danbury Airport.
 - 05 - Resolution - Job Training Partnership Act.
 - 09 - Communication & Certification - Transfer of Funds to Ordinance Account.
 - 015 - Communication - Appointment of a Director of Personnel.
 - 016 - Communication - Appointment of a Probationary Police Officer.
 - 017 - Communication - Appointment to the Conservation Commission.
 - 018 - Communication - Appointments & Re-appointments to the Fair Rent Commission.
 - 019 - Communication - Re-appointments to the Redevelopment Agency.
 - 020 - Communication - Re-appointments to the Cultural Commission.
 - 021 - Communication - Resignation of an Alternate from the Zoning Commission.
 - 022 - Communication - Appointment of an Independent Auditor.
 - 025 - Report - Request from Housing Authority re: Property at Mill Ridge.
 - 026 - Report - Lease of Office Space for Health Department.
 - 027 - Report - Water rates for fire protection.
 - 029 - Report & Resolution - Acceptance of Raquel Drive.
 - 030 - Report - Petition to accept Westminster Woods, Cannonball Dr. & Marc Rd.
 - 031 - Report - Denial of Acceptance of Westview, Fleetwood & Valleyview Drive.
 - 032 - Report & Certification - Funds for Office of the Corporation Counsel.
 - 034 - Report & Certification - Funds for a car for the Planning Department.
 - 035 - Report - Land Acquisition Committee re: Land on Main Street.
 - 036 - Report - Request for funds for T-Shirts.
 - 037 - Report - Request of Raymond & Madaline Jowdy for sewers - Golden Hill Rd.
 - 038 - Report & Certification - Funds for Labor Negotiations.
 - 039 - Report & Resolutions - Sewer & Water Connections - Conrail Property.
 - 040 - Report & Resolution - Sewer Assessments for Morningside Heights Area Project Part I.
 - 041 - Report - Appointments & Re-appointments to the Equal Rights & Opportunities Commission - Youth Commission & Parks Rec. Comm. & Conservation Commission.
 - 042 - Report - Lease between the City of Danbury and the Business Aircraft Center, Inc. -- A motion was made by Councilman Boynton and seconded by Councilman Charles for the Consent Calendar to be adopted. The Consent Calendar was adopted unanimously by the Common Council, with C. Torcaso abstaining from voting on Number 40 of the Consent Calendar.
- MINUTES - Common Council Meeting held on January 4, 1983.

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

- 01 - CLAIMS - Virginia Lennon - Jack Barata - Gloria Pinckney - C.J. Ferrarone - Mrs. John Poodiack - Ronald Cannavaro - Edward A. Wicks - M. Stein

Councilwoman McManus requested referral to the Claims Committee and Assistant Corporation Counsel for Claims, Attorney Terry L. Sachs. Mayor Dyer so ordered.

- 02 - RESOLUTION - To apply for a grant to purchase a snowblower for the Airport

Councilwoman McManus requested referral to an Ad Hoc Committee. Mayor Dyer so ordered and appointed the following committee:
Council Members - Gallo, Butera, Repole.

- 03 - RESOLUTION - To update runway lighting system at the Danbury Airport.

The City of Danbury will make application for a federal and state grant in the amount not to exceed \$100,000.00 with a local match of two and one-half percent equalling an amount not to exceed \$2,500.

Mayor 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 on the Consent Calendar.

04 - RESOLUTION - To authorize the Youth Commission to apply for a Grant for funds for a musical at D.H.S.

Councilman Eriquez requested referral to an Ad Hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members Torcaso, Esposito, Zotos.

05 - RESOLUTION - Job Training Partnership Act.

Whereas, the Congress of the United States has enacted a Job Training Partnership Act providing for the training of economically disadvantaged persons and others for permanent private-sector employment; and

Whereas, the Job Training Partnership Act authorizes the establishment of service delivery areas composed of contiguous units of local government; and

Whereas, the formation of such a service delivery area is in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL THAT Mayor James E. Dyer be and hereby is authorized to enter into an agreement with contiguous municipalities providing for the establishment of a service delivery area in accordance with the Job Training Partnership Act.

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

06 - COMMUNICATION - Request from Dr. Irene Lober for the Common Council to consider exempting the Board of Education from paying Landfill User Fees.

Mayor Dyer explained that enforcement of this may pose a problem; however, we could determine the weight of school's dumpsters and then provide the hauler with a dated and signed weight exemption ticket at the school. The hauler would then present the weight exemption ticket at the weigh station, and an appropriate credit would be made to the hauler's bill.

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

07 - COMMUNICATION - Request from the Civil Service Commission for \$1,034.10 to pay for advertising in order to expedite the procedures in the recruitment process for Fire Chief.

Councilwoman McManus requested referral to an Ad Hoc committee. Mayor Dyer so ordered and appointed the following committee: Council members - Boynton, Eppoliti, Charles.

08 - COMMUNICATION - Request from the Director of Welfare for an additional \$150,000 to meet the City's General Assistance obligations for the fiscal year ending June 30, 1983. These funds will be reimbursable to the City at the rate of 90%.

Councilman Torian requested referral to an Ad Hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members McGarry, Repole, Evans.

09 - COMMUNICATION & CERTIFICATION - Funds for Ordinance Account.

Request for a transfer of funds in the amount of \$3,000, to be used for the publication of the Vendors Ordinance which totaled \$875.00 and \$306.00 for the Hazardous Waste Ordinance, plus any and all pending ordinances that may soon be adopted.

A Certification in the amount of \$3,000 available in the Contingency Account to be transferred to the Ordinance Account #02-01-112-022500, was submitted by Comptroller John P. Edwards.

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

010 - COMMUNICATION - Request of Laurem Realty for extension of sewers for Farview Condominiums.

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

011 - COMMUNICATION - Request of Jules Lang for Sewer & Water on Crows Nest Lane.

Councilwoman ^{McManus} requested referral to the Sewer & Water Extension committee and Planning Commission.

The request was also referred to the Public Works Committee.

012 - COMMUNICATION - Request of BRT Corporation for sewer & water for Beaver Brook Road.

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

013 - COMMUNICATION - Surplus Building - Danbury High School.

As directed, S.B. Hamilton Purchasing Agent, advertised the building for public bid. Two proposals were received - \$101.00 from the Regional YMCA and \$250 from Marilyn Tully Ward.

The Board of Awards voted to reject both bids because they were too low, and to recommit the matter to the Council.

A motion was made by Councilwoman C. McManus and seconded by Councilman L. Charles for the communication to be accepted and the amount of \$250 approved for the sale of the buildings. Motion carried unanimously.

014 - COMMUNICATION - Request from Councilman Eriquez for the Council to consider the elimination of the landfill user fees as they apply to the City's School system use.

The Communication was referred to the previous committee appointed in reference to the request from Dr. Lober. (Item #6 on agenda)

015 - COMMUNICATION - Appointment of a Director of Personnel.

Appointment by the Mayor, in accordance with the 1982-1983 Budget Resolution and Ordinance of the City of Danbury, the Common Council's Resolution of March 2, 1982 and the Civil Service Commission action of March 10, 1982, of Emanuel Merullo as the City's Director of Personnel.

Mr. Merullo will begin his duties on Wednesday, February 2, 1983.

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

016 - COMMUNICATION - Appointment of a Probationary Police Officer.

Appointment of John Mahoney, 34 Ridge Road, as a probationary Police Officer, to be effective upon determination by the Police Department and Council confirmation.

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

017 - COMMUNICATION - Appointment of Stephen T. Foley, 95 Hayestown Road to the Conservation Commission for a term to expire on 7/1/1985.

Mr. Foley is manager of administration and Director of Personnel for Peabody. He is a member of the Bear Mountain Conservation Advisory Board and a former Cub Scout Leader.

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

018 - COMMUNICATION - Appointments and re-appointments of the following to the Fair Rent Commission:

Re-appointment: Regina Platano, Royal Pine Drive for a term to expire on July 1, 1985.

Appointments: Rita Gildea, 9 Clearbrook Road for a term to expire on July 1, 1985 and,

Jean Pappajohn, 166 Kohanza Street, for a term to expire on July 1, 1983.

Miss Gildea is a retired secretary and a member of the Democratic Women's Club.

Mrs. Pappajohn is head nurse in the Danbury school system.

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

019 - COMMUNICATION - Re-appointments to the Redevelopment Agency as follows:

Mr. Jack Sullivan, Snug Harbor
Mr. Richard Palanzo, 27 Wildman St.

for terms to expire on January 1, 1988.

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

020 - COMMUNICATION - Re-appointments to the Cultural Commission as follows:

Sarina Grande, Reynolds Road, Danbury
Evelyn Durgy, 41 Farview Ave. "
Joan V. Ward, 1 Fox Den Road "
Dr. Robert Wolsch, 19 Homestead Ave. - Danbury.

All terms to expire on February 1, 1986.

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

021 - COMMUNICATION - Resignation of Mr. William Prescott who was elected and served in the capacity of an alternate on the Zoning Commission.

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

022 - COMMUNICATION - Appointment of Ernst & Whinney as Independent Auditors for the City of Danbury at a fee of \$35,000 including the City Audit, School Lunch, Special Education Grants, Sewer, Water and Landfill (new) accounts.

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

023 - DEPARTMENT REPORTS

Fire Chief
Fire Marshal
Police Department
Health Inspector
High Blood Pressure Program
Coordinator of Environmental & Occupational Health Services.
Housing Inspector
Aviation Commission
Commission on Aging
Librarian

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

AD HOC COMMITTEE REPORTS

024 - REPORT & RESOLUTION - To abandon a portion of Backus Avenue.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a report stating that the committee met on two occasions with representatives of the Wilmorite Corporation to study their request for the abandonment of the portion of Backus Avenue adjacent to the site of their proposed Mall.

At the first meeting in November, 1982, the committee presented a list of requirements and specifications as drawn up by the Engineering Department, necessary for the construction of the new section of road to be constructed in place of the old.

At the second meeting of January 25, 1983, Wilmorite representatives responded satisfactorily to all the criteria set by the Public Works Committee, including a major stipulation that the new section of Backus Avenue be constructed to a width of four lanes up to its intersection with Kenosia Avenue.

The new section of Backus Avenue to be built will be paid for by the Wilmorite Corporation. It benefits the petitioner because it allows a parking area to directly abut the shopping mall, eliminating the necessity for customers to cross a road to enter the mall. It benefits the City because it will receive a new and wider road, built to its own specifications.

The Public Works Committee recommends the abandonment of the section of Backus Avenue in question upon completion of the newly constructed portion, in a manner acceptable to the City.

RESOLUTION - Whereas, Danbury Mall Associates Limited Partnership has petitioned the Common Council for the abandonment of a portion of Backus Avenue as shown on Sear-Brown Map Nos. 2309.20-04 and 23090-22; and

Whereas, the petitioner offers to relocate said portion of Backus Avenue on other property owned by the petitioner and dedicated by it for that purpose, also as shown on the aforementioned maps; and

Whereas, the relocation of Backus Avenue in accordance with the proposal submitted by Danbury Mall Associates Limited Partnership is in the best interests of the City of Danbury;

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

1. That the dedication of property for the relocation of Backus Avenue be and hereby is accepted and that the petitioner, Danbury Mall Associates Limited Partnership be and hereby is authorized to construct a portion of Backus Avenue on the property so dedicated, said construction to be performed in accordance with the ordinances and regulations of the City of Danbury and in accordance with plans and specifications approved by the City Engineer and the Superintendent of Highways;
2. That the portion of Backus Avenue to be abandoned as shown on the aforementioned maps shall be discontinued and abandoned upon acceptance by the Common Council of the City of Danbury of that portion of Backus Avenue to be constructed by the petitioner in accordance herewith.

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

025 - REPORT - Request from Housing Authority re: Property at Mill Ridge.

Councilwoman McManus submitted a report stating that the Common Council committee assigned to study the above request, met on Dec. 9, 1982 and again on January 26, 1983.

The committee reviewed Section 3-17 of the City Charter and Section 8-24 of the Connecticut General Statutes which provide for the disposition of city owned land.

The parcel in question was deeded to the City in 1955. The Housing Authority gave the City the property after the same had been requested for a proposed walkway to facilitate the contemplated construction of the Mill Ridge School.

The parcel is needed by the Housing Authority to complete the plan for newly developed moderate income housing on the site. The small area has delayed the Housing Authority in receiving anticipated revenue from the project--revenue that would be used for further development of moderate income and elderly housing projects in the City.

The Planning Commission has approved the transfer and has satisfied the requirements of Section 8-24.

The committee voted unanimously to approve the conveyance. Two-thirds of all Council Members must approve the conveyance. The committee further recommends that the Corporation Counsel and the Mayor be authorized to execute all documents necessary to convey the parcel to the Danbury Housing Authority.

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

026 - REPORT - Lease of Office Space for the Health Department.

Councilman DaSilva submitted a Public Works Committee Report stating that the Health Department Director F. Grosso explained the need for this request to lease office space in the Odd Fellows Building on West Street. The Health Department is terribly overcrowded on the second floor of the old Library.

The Public Works Committee believes that the conditions contained in the attached Lease are advantageous to the City as well as the facility being ideal for the Health Department Offices.

The committee therefore recommends approval of the leasing of office space at the Odd Fellows Building for use by the Health Department. Funds for this year's cost are available in the present Health Department Budget.

The Report was accepted and recommendation for approval of the lease, was authorized by the Common Council on the Consent Calendar.

027 - REPORT - Discussion of water rates for fire protection.

Councilman DaSilva submitted a report stating that the Public Works committee discussed the rates charged for fire protection in the newly adopted water rates. Attending the committee meeting and participating in the discussion were Councilman Foti, the initiator of the request, William Buckley, the Superintendent of Public Utilities, D. Setaro, the Assistant Comptroller and J. Schweitzer, the City Engineer.

It was explained that the charge for fire protection is for providing adequately sized trunk lines, sufficient amount of water, and upkeep of the system, in order to afford the water necessary in times of need. Mr. Buckley shared comparative costs of this service in other municipalities, to which Danbury compares very favorably.

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

028 - Withdrawn

029 - REPORT & RESOLUTION - Acceptance of Raquel Drive.

Councilman DaSilva submitted a report stating that the Public Works committee reviewed a request to accept Raquel Drive as a City Highway. An on-site inspection of the road was made. A report from the City Engineer indicated that this road meets all specifications and is acceptable as a city street. The Committee recommended approval of Raquel Drive as a City Highway.

RESOLUTION - That RAQUEL DRIVE 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 be delivered to the City of Danbury.

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

030 - REPORT - Request to accept Westminster Woods, Cannonball Drive and Marc Road as City Highways.

Councilman DaSilva submitted a report stating that the Public Works Committee cannot accept the petition for road acceptance between November 1st and March 31st, but are willing to study this request at an appropriate time in the future.

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

031 - REPORT - Request to accept Westview, Fleetwood and Valley View Drive.

Councilman DaSilva submitted a report stating that the Public Works committee studied the above request. Reports from the City Engineer state that these roads have not been completed with no major work on them having been accomplished since 1981. He advised that these roads are in unacceptable condition to be made part of the City's Highway system.

It is therfoer the recommendation of the Public Works Committe that Fleetwood, Westview and Valley View Drives not be accepted as City Highways at this time.

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

032 - REPORT & CERTIFICATION - Funds for the Office of the Corporation Counsel.

Councilman Evans submitted a report stating that the Common Council committee appointed to review the request for funds for the Office of the Corporation Counsel, met on January 13, 1983. In attendance were Council members Evans and Eppoliti and Corporation Counsel Theodore H. Goldstein.

Attorney Goldstein explained the need for the funds in that the \$325.00 was needed to obtain a service contract on the copy machine in question as it ran out after 15 months and the \$900.00 was needed to continue the lease on the copier. These items were left off the Corporation Counsel's fiscal year 1982-1983 budget in error.

The committee recommended that the request for funds in the amount of \$1,225.00 be approved.

A certification in the amount of \$1,225.00 available in the Contingency Account to be transferred to the Corporation Counsel Account #02-01-150-024501, was submitted by Mr. John P. Edwards, Comptroller.

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

033 - REPORT & CERTIFICATION - Request of the Richter Park Authority for \$40,000 to refurbish the Richter House.

Councilman Charles submitted a report stating that the committee met for an on-site inspection with Chairman Dino Storoni and Dom Lariccia of the Richter Park Authority at the Richter House on Dec. 19, 1982.

An inspection of the interior and exterior of the building resulted in the following consensus of opinion:

The roof is leaking and causing interior damages.

The exterior has been neglected.

The interior is in excellent constructual condition generally and retains its elegance.

Bathrooms (7) need attention.

Some interior repair (such as replacement of a stair tread) needs to be done.

A limited amount of new floor covering is needed.

It was decided at this meeting that we should investigate the possibility of funding sources and to get an opinion from the Building Inspector, particularly on painting vs vynl siding.

City Grantsman B. Graney researched the funding possibilities. There is one possible federal program that provides funds for such a purpose/ Unfortunately there are no funds available this year and unlikely for the near future..

Paul Garofalo, Dino Storoni and Manny Merullo toured the Richter House again on January 20, 1983. Mr. Garofalo who had worked on this house with his father said it was built in 1937. He agreed with the plans for re-furbishing , provided by Mr. Storoni.

Mr. Storoni has been given the name of the contractor doing the Johnson home across the street from City Hall which is undergoing major reconstruction.

The committee recommends approval of the request from the Richter Park Authority for the use of \$40,000 of revenue sharing funds for the refurbishing of the Richter House

CERTIFICATION - A certification of funds in the amount of \$47,000 to be transferred from Revenue Sharing Ambulance and Equipment Entitlement #13 to the following two accounts, was submitted by Mr. John P. Edwards Comptroller:

Entitlement #13 Richter Park House \$40,000.00

Entitlement #13 Planning Dept. Car 7,000.00

A motion was made by Councilman Boynton and seconded by Councilman Elder for the Report to be accepted and funds authorized.

Councilman Foti requested recommittal of this matter.

Mayor Dyer so ordered and appointed the following committee members: Charles, Eppoliti and Foti, requesting that the committee move as rapidly as possible, by Spring.

034 - REPORT & CERTIFICATION - Request for funds for a car for the Planning Department.

Councilman Boynton submitted a report stating that the committee, Boynton, McGarry & Eriquez, met on January 25, 1983 with Len Sedney Planning Director and Dom Setaro, Assistant Comptroller.

Mr. Sedney explained that his department has expanded and one car, a 1977 Dodge, is used by three people within his department and a real need for a second vehicle was described. The funding for this vehicle would come from Federal Revenue Sharing funds.

Mr. Sedney has given the committee his assurance that he has no plans to request another car in the 1983-1984 budget, should this request be granted.

A motion was made at the committee meeting by J. McGarry and seconded by G. Eriquez to recommend approval of the Planning Department request for a vehicle in the amount as indicated in his letter to Mayor Dyer, and that the Council also approve the transfer of \$7,000 from Federal Revenue Sharing Account to the appropriate account in the Planning Department's Budget. Motion was passed by the committee.

CERTIFICATION - A certification in the amount of \$7,000 available to be transferred from Revenue Sharing Ambulance and Equipment Entitlement #13 to the Entitlement #13 Planning Department Car, was submitted by Mr. John P. Edwards, Comptroller.

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

035 - REPORT - Property on Main St.

Councilman Evans submitted a report stating that the Land Acquisition Committee met on January 17, 1983 with Chief Macedo, Lt. Sullo of the Police Department and Mr. Joel Feinson.

A motion was made by Dr. Repole and seconded by Mr. Charles at the committee meeting to have Mr. Feinson investigate the possibility of selling all or a portion of the property. Motion passed.

It was the feeling of the committee that it was not in the best interest of the City to rent property at this time.

Mr. Feinson agreed to look over the present proposal and re-submit a new proposal if possible.

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

036 - REPORT - Request for funds for T-Shirts.

Councilman DaSilva submitted a report stating that the committee appointed to study a request for \$6,500 for the purchase of T-Shirts for the "Clean-Up Danbury Project" met on January 19, 1983. In attendance were committee members DaSilva, Esposito and Charles. Also in attendance were Parks & Recreation Director R. Ryerson and Commission members Peter Krajc and Thomas Dyer.

It was explained that this is an attempt to involve all sections of the community in a project to clean up the various parks and recreation areas. The National Guard is donating the use of their trucks for pick-up and Sears Roebuck & Co. is donating the plastic bags.

The cost of the T-shirts is \$3.25 per shirt. This will be budgeted for in the Parks & Recreation budget in future years, but this year there was not sufficient time to be included.

The committee felt that the idea for a community clean-up day is an excellent one and commends the Parks & Recreation Commission for their work in the initiation of this project.

The committee feels, however, that the state of the contingency fund will not allow the Common Council to appropriate the requested funds at this time, hoping that there will be some funds in the present Parks & Recreation budget that will be able to fund a portion of this project.

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

037 - REPORT - Request of Raymond & Madaline Jowdy for sewers - Golden Hill.

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee met on January 10, 1983 to review the above petition with the City Engineer and has also reviewed a recommendation for approval from the Planning Commission.

The committee hereby recommends that the Common Council approve the above Petition.

The Report was accepted and request for sewer approved by the Common Council on the Consent Calendar.

038 - REPORT & CERTIFICATION - Funds for Labor Negotiation Fees.

Councilman Cassano submitted a report stating that the council committee appointed to consider the request for funds for labor negotiation fees, met on January 19, 1983. In attendance were committee members Cassano and Gallo.

The committee reviewed the original request from John Edwards and a letter from Mr. Edwards that detailed the \$17,500 request.

The request was for funds involving the Police Contract binding arbitration and is reflected in bills already received and anticipated additional charges as follows:

Bills already received:	Meidinger Inc. Actuaries	\$6,055.
	Huppeler Co.- Actuarial Fact Find- ing	3,700.
Anticipated charges:	Meidinger Inc. & Huppeler Co.	5,000
	City Representative (5 days @ \$350)	1,750.
	Panel Chairman (estimate)	1,000
	Total	\$17,505.

Mr. Edwards pointed out that some funds are in the account (\$2,925) but these funds will be used for the routine charges that are on-going for processing grievances and paying the labor negotiator. Mr. Edwards also brought out the fact that no decision has been announced as to whether the negotiator's services are to be continued after the expiration of funds in the budget.

The committee recommended to the Common Council that the sum of \$17,500 be transferred from the Contingency Account (subject to certification) to the Labor Negotiation Professional Services and Fees Account #02-01-201-020100.

CERTIFICATION - A certification in the amount of \$17,500 to be transferred from the Contingency Account to the Labor Negotiations Professional Services and Fees Account, was submitted by the Comptroller, Mr. John P. Edwards.

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

039 - REPORT & RESOLUTIONS - Sewer & Water Connection on ConRail Property.

Councilman Gallo submitted a report stating that the Sewer & Water Extension Committee met on January 10, 1983 to review the License Agreement between the City of Danbury and the Consolidated Rail Corporation. Also discussed was the Agreement between the City of Danbury and the petitioners, Dalessio & Novella, for property abutting White Turkey Expressway.

The Planning Commission recommended approval of the above request.

The committee hereby recommends that the Common Council adopt the two Resolutions as submitted in reference to the above matter.

RESOLUTION - Whereas the City of Danbury desires to install and maintain a sewer line in the area of the White Turkey Expressway so called on property owned by the Consolidated Rail Corporation; and

Whereas, the petitioners Novella and Dalessio desire access to said line; and;

Whereas, the City of Danbury is required to execute a License Agreement with the Consolidated Rail Corporation in order to install said Line, maintain same and occupy said property:

Now, therefore be it resolved that Mayor James E. Dyer be and hereby is authorized to execute the License Agreement between the City of Danbury and the Consolidated Rail Corporation.

RESOLUTION - Whereas the City of Danbury is required to execute a License Agreement with The Consolidated Rail Corporation in order to occupy said property; and

Whereas, said License Agreement imposes certain duties and obligations on the City of Danbury as Licensee; and

Whereas, the petitioners, Joseph Novella and Russell Dalessio, are willing to reimburse the City of Danbury for all costs incurred pursuant to the License Agreement and otherwise protect the City of Danbury from liability arising by virtue of said license:

Now therefore, be it resolved that Mayor James E. Dyer be and hereby is authorized to execute the agreement between the City of Danbury and the petitioners.

The Report & Resolutions were accepted by the Common Council on the Consent Calendar.

040 - REPORT & RESOLUTION - Morningside Hgts. Area Sewer Project Part I.

Councilwoman McManus submitted a report stating that the Common Council held a public hearing for the Morningside sewer assessments, on January 24, 1983 in the Council Chambers at City Hall.

The Council met as a committee of the whole on January 28, 1983 at 10:20 P.M. and recommends that the Resolution regarding the sewer assessments be adopted.

RESOLUTION - Whereas, the City of Danbury caused a sewer line to be constructed known as the Morningside Heights Area Sewer Project, Part I; and

Whereas, the General Statutes require that assessments be made against property owners who benefit from said line; and

Whereas, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

Whereas, the Connecticut General Statutes § 7-253 authorize the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

Whereas, said installment method of payment is deemed to be in the best interests of the City;

Now, therefore, be it resolved that the Assessment of Benefits fixed herein shall be due and payable on or before April 1, 1983 provided, however, that said assessments may be paid in installments in accordance herewith; and

Be it further resolved that the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

Be it further resolved that the following provisions shall apply to installments of sewer benefit assessments in connection with the Morningside Heights Area Sewer Project, Part I:

1. The payment of any benefits by installments hereunder shall be in nor more that fourteen (14) substantially equal annual payments.
2. The minimum annual installment payment shall be One-Hundred and eighty (\$180) Dollars.
3. The interest on any deferred payments hereunder shall be due at a rate per annum which shall be the rate of interest the City is obligated to pay on its sewer bonds issued for the cost of such improvement. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City.

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

041 - REPORT - Commission Appointments & Re-appointments.

Councilman Foti submitted a report stating that the Common Council Committee appointed to review Commission appointments and re-appointments, met on January 26, 1983 at 11:20 P.M. Attending were Councilmen Boynton & Foti.

The committee reviewed the biographical data supplied on Mrs. Lubus and Mrs. Bryant. Mr. Boynton moved to recommend that the Council ratify the appointments of:

- Mrs. Lubus for the Equal Rights & Opportunities Commission.
- Mrs. Bryant for the Danbury Youth Commission.
- Mr. Foti seconded the motion which was passed unanimously.

Reviewing the attendance records supplied, Mr. Boynton moved to recommend that the Council confirm the re-appointments of:

- Peter Krajc & Fred Visconti for the Parks & Recreation Commission.
- Bernadette DeMunde and Donald Sollose to the Conservation Commission.
- Mr. Foti seconded the motion which was passed unanimously.

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

042 - REPORT - Lease between the City of Danbury and Business Aircraft Center Inc. (BAC).

Councilman Cassano submitted a report stating that the committee appointed to review the Airport Lease request from BAC met on January 26, 1983.

In attendance were committee members, Cassano, Elder, Farah and Torcaso; Common Council President C. McManus, Assistant Corporation Counsel E. L. Gottschalk, Aviation Commission members, Paul Estefan and John Scarfi and James Maloney (representing Robert Zohn of BAC).

The petition transmits a lease which the Aviation Commission had approved "by unanimous roll call vote" and which was transmitted to the Common Council for its consideration and action.

Mr. Maloney gave a brief overview of the lease which has been in negotiation and Common Council review for about two years. This latest version was negotiated by the Aviation Commission with advice and inputs from the Corporation Counsel's Office and Council President C. McManus. Factors entering into the negotiations were the obvious desire on the part of the City to maximize the return on the property and the equally obvious necessity for BAC to negotiate a lease enabling it to be competitive with existing FBO's.

The topics of main interest to the committee was discussed. These topics evolved from previous committee meetings and include the term of the lease, the determination of the fair market value of the property, the annual rental rate and the applicable escalation clauses.

The submitted lease has a term of 25 years with two 10 year options. Exhibit C of the submitted lease contains the remaining financial details.

The Fair market value of the property is determined using the most recent official assessment value to which is applied a multiplier determined by the change in the U.S. General Consumer Price Index.

The annual rental rate is based on the median interest rate paid by Connecticut municipalities rated "Aa" by Moody's Investors Service upon the offering of long term (ie:20 years) full faith and credit general obligation bonds.

A maximum net cash annual rent is established for the first 16 years of the lease starting at \$11,500 and rising to \$25,424. The 16 year period was chosen to coincide with the termination of the existing FBO leases at the airport. Following the 16th year, the annual rent will be determined based on the gross total annual rent for the 8th rental year and the change in the consumer price index from the 8th year.

The committee consensus was that the proposed lease represents a reasonable attempt at achieving desired goals on the part of both Danbury and BAC.

Following these discussions, the committee was reminded that the Planning Commission has notified the Common Council that the Commission cannot make a recommendation as to the proper rental fee for this property because they do not have enough information - but that the Common Council continue to negotiate the matter for the City of Danbury.

With the realization that a Planning Commission decision is required, Mr. Elder moved that the committee recommend approval of the lease to the full Council. Mr. Farah seconded and the committee voted unanimous approval.

The committee further appreciates and applauds the long-term efforts of the Aviation Commission, Mr. Gottschalk and Mrs. McManus in developing the proposed lease.

RESOLUTION - WHEREAS, BUSINESS AIRCRAFT CENTER, INC. has petitioned the Common Council for a lease of five acres of land located at the Danbury Municipal Airport and owned by the City of Danbury; and

WHEREAS, the ad hoc committee of the Common Council charged with reviewing said proposal has recommended that the City of Danbury enter into a lease with BAC (in the form of Draft No. 17A, a copy of which is on file for public inspection in the Office of the City Clerk); and

WHEREAS, said lease is in the best interests of the City of Danbury;

NOW, THEREFORE BE IT RESOLVED THAT THE aforesaid lease between BAC and the City of Danbury be and hereby is approved and that Mayor James E. Dyer be and hereby is authorized to execute said lease, together with all other documents necessary to carry said lease into full force and effect, contingent upon the occurrence of either of the following events:

1. Receipt by the Danbury Common Council of the City of Danbury Planning Commission report pursuant to Connecticut General Statutes §18-24 approving said lease; or
2. The expiration of thirty-five (35) days from the date of the original request from the Common Council to the Planning Commission for a report pursuant to Connecticut General Statutes §8-24 without the receipt by the Council of such a report.

The Lease and Resolution was approved by the Common Council on the Consent Calendar.

043 - REPORT - Request for \$100,000 for Overtime wages in the Danbury Fire Department.

Councilman Gallo submitted a report stating that the committee appointed to review the above request, met on January 27, 1983. Members present were Council members Gallo, Butera, Boynton and Torian. Councilman Evans was out of town on business. Also in attendance were Dominic Setaro and Chief Bertalovitz.

The full committee met again on January 31, 1983 at 9:00 P.M. Dominic Setaro and Chief Bertalovitz were also in attendance. Onlookers at the meeting were Councilman Esposito and Union Officials Louis DeMici, Walter Straiton and Dave Gerlach.

The committee was quite concerned that the overtime in 1980-1981 was \$31,447.86; in 1981-1982, \$290,415.94 - to date 1982-1983, \$337,293.00, with a projected rate of \$585,000 for the year. The committee request of the Mayor to direct the Corporation Counsel to approach the Courts for a speedy decision on the pending court case in order that the City can fill the 12 vacancies on the Fire Department.

It was the feeling of the committee that management and the Union sit around the table and find an equitable solution to the overtime problem. On a motion by Councilman Boynton and seconded by Councilwoman Butera, the committee unanimously voted to deny the request for \$100,000 to the overtime account.

A motion was made by Councilman Foti and seconded by Councilman Eriquez to accept the report as submitted, and to deny the request for funds. Motion carried unanimously.

Mayor Dyer then announced that he would continue all existing committees until next month.

During the Public Speaking Session, Mr. Paul Estefan, Chairman of the Aviation Commission publicly thanked the Common Council for approving the Lease between the City of Danbury and BAC, plus the funds for the lighting system.

There being no further business to come before the Common Council a motion was made by Councilman Charles and seconded by Councilman Eriquez for the meeting to be adjourned at 8:30 O'Clock P.M.

Respectfully submitted

Mary Rickert

Mary Rickert
Assistant City Clerk

Attest:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk