

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

SUBJECT: Minutes of the Common Council Meeting held on November 8, 1984.

The Meeting was called to order at 8:00 O'Clock P.M. by the Honorable Mayor James E. Dyer .

Councilman Nicholas Zotos led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Bernard Gallo.

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

PRESENT: Council Members - Johnson, Sollose, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Chianese, Skoff, McManus, DaSilva, Gallo, Charles, Boynton, Butera, Durkin, Eriquez, Farah, Torian.

ABSENT: Councilman Cassano.

20 Members Present - 1 Member Absent.

NOTICES FROM MAYOR DYER

Mayor Dyer, on behalf of the City of Danbury, offered congratulations to the winners on Tuesday's Elections and to all others for their good efforts during their campaigns.

Mayor Dyer announced the Veterans day ceremonies will be held at 11:00 A.M. on Sunday in front of the Danbury Post Office.

On behalf of the City of Danbury, Mayor Dyer extended warm and pleasant wishes for a Happy Thanksgiving.

Mayor Dyer announced that the annual wood sale will be held this Sunday from 10:00 A.M. until 2:00 P.M. at the Danbury Landfill, for residents only. Proceeds to be used for a worthy cause - toys for children at Christmas time.

Mayor Dyer extended Best Wishes and Greetings to the following:

- Manny Merullo - Birthday Greetings - November 12th.
- Anniversary Greetings to Judge West - November 17th.
- Anniversary Greetings to Town Clerk & Mrs. Michael Seri - November 1st.
- Birthday Greetings to Comptroller John P. Edwards - November 30th.

Mayor Dyer announced that the Hospital Ball will be held on Nov. 10th. Miry Brook Firehouse annual dinner will also be held on Nov. 10th.

The Mayor also announced that the Great American Smokeout will be held on November 15th and urged members to adopt a smoker to help them on the path to smokelessness.

Mayor Dyer then read a letter of retirement from Veteran's Advisor Gus Hennessey which will be effective on January 18, 1985.

As the Mayor had many functions to attend to, he notified the members that he would be leaving the meeting early.

CONSENT CALENDAR

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

- 03 - RESOLUTION - Balmforth Ave/Maple Avenue - Franklin St./Osborne St. Road Projects.
- 014-A - Communication - Board of Education Revised State & Federal Program Budget - 1984-1985.
- 014-D - Resolution - Housing Site Development Plan-

A motion was made by Councilman Gallo and seconded by Councilman Boynton for the Consent Calendar to be accepted as submitted. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held on October 2, 1984.

A motion was made by Councilman DaSilva and seconded by Councilman Charles to waive the reading of the Minutes which are to be accepted as submitted. Motion carried unanimously.

01-CLAIMS - Woodie J. Cyr & Malcolm C. Perry - Richard Romaine - Greta Simone - James McGreene - Victoria Ginsberg - Roxie Amorosa - James Leach - Mabel Green, Thomasini Green a/k/a Thomasini Grandieri.

Councilwoman McManus requested referral of the claims to the Claims committee and Assistant Corporation Counsel for Claims. Mayor Dyer so ordered.

02 - RESOLUTION - Application for Funds for Literacy Volunteers Program.

WHEREAS, the Federal Government has made grant funds in the amount of \$1,055 available through the State of Connecticut to reduce illiteracy among adults; and

WHEREAS, said Grant is intended to foster cooperation between public libraries and Illiteracy Volunteers of Connecticut; and

WHEREAS, the City of Danbury and the Danbury Library wish to participate in this effort;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor James E. Dyer be and hereby is authorized to make application for said Grant and to take any additional steps necessary to accomplish the purposes hereof.

A motion was made by Councilman Charles and seconded by Councilman Boynton for the Resolution to be adopted.

The Resolution was adopted unanimously.

03 - RESOLUTION - Balmforth Ave./Maple Avenue - Franklin St./Osborne St. Road Projects.

WHEREAS, the Common Council has duly voted to approve the Balmforth Avenue/Maple Avenue and Franklin Street/Osborne Street Road Improvement Projects; and

WHEREAS, the purposes of said projects oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in, and to, the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders, if any, the affected properties being indicated by Tax Assessor's lot numbers. The properties listed are designated by Easement Activities List Numbers and Letters.

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

04 - RESOLUTION - Social Services Block Grant Program.

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State in order to undertake a Social Service Block Grant Program for the period of October 1, 1984 to September 30, 1985 and to execute a Grant Action Request therefor. It is understood that the City of Danbury provides a local grant-in-aid, where applicable, in accordance with the requirements of Chapter 133 and 300a of the Connecticut General Statutes, as appropriate.

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 \$49,707 for the period Oct. 1, 1984 to Sept. 30, 1985 is hereby approved, and that James E. Dyer, Mayor of the City of Danbury, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources and to execute a Grant Action Request 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.

A motion was made by Councilman Boynton and seconded by Councilman Eriquez for the Resolution to be adopted.

The Resolution was adopted unanimously.

05 - RESOLUTION - Grants for High Blood Pressure Program.

WHEREAS, the American Heart Association and the State Department of Health has made grant funds available to municipalities to be used for high blood pressure screening, referral and health education; and

WHEREAS, a grant request of up to \$11,000.00 with match requirements of \$3,823.00 provided by an active Preventative Health & Health Services Block Grant Program has been processed by the Danbury Health and Housing Department; and

WHEREAS, the American Heart Association has approved and funded the grant proposal;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Danbury Health and Housing Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health and Housing Department required to accomplish said program be and hereby are authorized;

BE IT FURTHER RESOLVED THAT to accomplish said program James E. Dyer, Mayor of the City of Danbury, Inc. is authorized to make, execute, and approve on behalf of this corporation any and all contracts or amendments.

A motion was made by Councilman Gallo and seconded by Councilman Boynton for the Resolution to be adopted.

The Resolution was adopted unanimously.

06 - COMMUNICATION - Request from Brian Q. Smith for the City to maintain Lakecrest Drive.

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

07 - COMMUNICATION - Property at 9 Bank Street, belonging to Mrs. Frances McCarthy, is being sold through CENTURY REALTY, INC. for \$150,000. Property offered for sale to the City.

Councilwoman McManus requested referral to the Land Acquisition Committee and Planning Commission. Mayor Dyer so ordered.

08 - COMMUNICATION - Request from Jim Hancock - 15 Germantown Road to be considered for the position of Operations Manager at the Recycling Center.

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

09 - COMMUNICATION - Complaint from Dr. Zita C. Nemes re: Street Flooding on Forty-Acre Mountain Road.

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

010- COMMUNICATION - Request from the Aviation Commission to lease property to Data Publications and the cost thereof.

Councilman Torian requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee members: Torian, Torcaso, Sollose.

011 - COMMUNICATION - Request from Neil Marcus for Sunrise Lake Association for an extension of time for road opening permits.

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

012 - COMMUNICATION - Maintenance of School Grounds.

The School Maintenance committee has sent their proposal to the School Board. Members of the School Board voted unanimously to empower the school administration to enter into an agreement with the City of Danbury's Parks & Recreation Department for the purpose of maintaining the outside grounds under the jurisdiction of the Board of Education.

Councilman Flanagan requested referral to the Education Liaison Committee. Mayor Dyer so ordered.

013 - COMMUNICATION - Request from the Purchasing Agent for a waiver of the bid procedure to allow a Board of Awards to engage a contractor to replace the roof at Hatters Park.

Following the roof collapse in July, the Board of Awards voted to engage Luke F. Sweeney, Inc. to temporarily repair the roof until specifications could be drawn and the reconstruction put out to bid. Since then, the City made several unsuccessful attempts to solicit bids; bid openings were set for Oct. 9th and Oct. 30, 1984, but no bids were received. Invitations to Bid went out to eighteen contractors and a bidding service in an effort to obtain proposals. Construction is booming in this area, and contractors are unwilling to engage in work for the City because of stringent bonding requirements contained in our bid documents.

The Purchasing Agent stated that it is critical that this project be completed before winter to avoid further deterioration of the building, and proposed that a Board of Awards consisting of the Director of Public Works, Attorney Gottschalk and herself be allowed to negotiate a suitable contract with a firm that can complete this work in a reasonable time.

A motion was made by Councilwoman McManus and seconded by Councilman Gallo for the request of the waiver be granted.

Councilman Farah remarked that contractors are not interested in submitting bids and wondered if the procedures followed would discourage bids.

Mayor Dyer stated that we have had over a dozen jobs available with no response - one example is the call for bid for the guard rail on Lake Ave.

Councilman Boynton requested that a committee be appointed in December to check on the stringent bonding requirements in our Charter.

The motion for the request of the waiver to be granted carried unanimously.

014 - To be held until the end of the meeting.

014-A - COMMUNICATION - Board of Education Revised State & Federal Program Budget - 1984-1985.

Request from Irene M. Lober, Superintendent of Schools, for Common Council approval of the Board of Education revised 1985-1985 State and Federal Program Budget of \$1,746,396.

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

014-B - COMMUNICATION - Macelletti Property - 73 Coalpit Hill Road, adjacent to the Danbury Housing Authority property, offered for sale to the City.

Councilman Gallo requested referral to the Land Acquisition Committee and Planning Commission. Mayor Dyer so ordered.

014-C - COMMUNICATION - Request from Members of the Special Police and the Constables of Danbury, for a new roof at the Miry Brook Range.

Councilman Boynton requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following members: Farah, Torian, Zotos.

014-D - RESOLUTION - Housing Site Development Plan.

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

The Housing Site Development Plan submitted to the Common Council by the Housing Site Development Agency, which plan calls for the rehabilitation of properties on New Street in the City of Danbury, is hereby adopted.

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

015 - DEPARTMENT REPORTS

Fire Chief	Health Inspector
Fire Marshal	Agent for the Elderly
Building Inspector	Blood Pressure Program
Airport Administrator	
Equal Rights & Opportunities	
Coordinator of Environmental & Occupational Services	

A motion was made by Councilman Joseph DaSilva and seconded by Councilman Ernest Boynton to dispense with the reading of Department Reports which are to be accepted as submitted. Copies are on file in the Office of the City Clerk for public inspection. Motion carried unanimously.

AD HOC COMMITTEE REPORTS

016 - REPORT - Easement on East Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request from a property owner on East Drive for an easement. The well which serves this property protrudes a few inches into City property and the owners want to assure themselves of a secure water supply. The Public Works Department reported no problem in the granting of this easement.

The Public Works Committee voted to recommend the granting of an easement to Mr. & Mrs. Cimino of East Drive for their well. Their easement is to be drafted by the Office of the Corporation Counsel and will avoid any City liability. It should further state that if ever a new well is needed it will be located completely on the property of the petitioner.

A motion was made by Councilman Gene Eriquez and seconded by Councilwoman Carole Torcaso for the report to be accepted and easement granted. Motion carried unanimously.

017 - REPORT - Progress Report from the C. D. Parks Property Advisory Committee re: Report of findings:

- A. King's Mark Environmental Review Team Report.
- B. Potential Uses of the Property.

A motion was made by Councilwoman McManus and seconded by Councilman Boynton for the Report to be deferred for a public hearing to be held by the Common Council as a committee of the whole. Motion carried unanimously.

014 - COMMUNICATION - Zamore vs. City of Danbury.

Judgment rendered by Judge Ellen Bree Burns of the U. S. Federal District Court

It is ordered, adjudged and decreed that the City of Danbury reinstate Peggy Ravich Zamore to her former or an equivalent position; that she be and is hereby awarded \$55,877 in back pay for the time she was unemployed, excluding six months when she had her second child; and that she be and is hereby awarded reasonable attorney's fees under 42.U.S.C. 1988, for which her counsel should file an accounting of hours spent and an hourly rate, within 30 days of the decision. (Oct. 1, 1984.)

Corporation Counsel Theodore H. Goldstein submitted a communication to the Common Council stating that the United States District Court for the District of Connecticut on October 1, 1984 entered Judgment for the plaintiff Zamore in the above-captioned matter.

Judgment of the Court was received subsequent to the Common Council meeting of October 2, 1984. An appeal may be taken within 30 days from entry of Judgment. Pursuant to Section 6-4 of the Charter, the undersigned has the power to appeal from Judgments and, subject to the approval of the Council, to compromise and settle any claims by or against the City. Attorney Goldstein thereupon requested from the Court and received a 20-day extension of time in order to allow the Council to determine what further action it wished undertaken at its November meeting.

Accordingly, Attorney Goldstein requests this matter be placed upon the Common Council agenda for its meeting of November 8, 1984 and that it go into executive session at that time to deal with the issues raised in this matter. Mr. Goldstein requested counsel from our insurance company in this matter, our Risk Manager and our Health Director to be in attendance at this meeting.

A motion was made at 8:30 P.M. by Councilman Godfrey and seconded by Councilman Boynton for the Common Council to go into executive session. Motion carried unanimously.

Mayor Dyer asked that the Chambers be vacated.

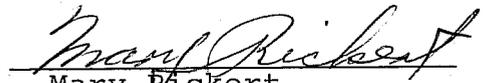
The meeting reconvened at 9:30 P.M. by the Council President C. McManus.

A motion was made by Councilman Godfrey and seconded by Councilman Foti that there would be no appeal by the City of Danbury and to offer the current position available - WIC Nutrition Educator- Salary - \$24,097.

The motion carried unanimously. Councilman Godfrey's attempt to discuss the issue further was ruled out of order.

There being no one from the public who wished to address the Council, and there being no further business to come before the Common Council, a motion was made by Councilman Gallo and seconded by Councilman Boynton for the meeting to be adjourned at 9:35 O'Clock P.M.

Respectfully submitted


Mary Rickert
Assistant City Clerk

Attest: 
Elizabeth Crudginton
City Clerk