

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

SUBJECT: Minutes of the Common Council Meeting held on December 4, 1984.

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

Councilman Sollose 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, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Chianese, Skoff, McManus, DaSilva, Gallo, Charles, Boynton, Butera, Durkin, Eriquez, Torian. Councilman Foti arrived after roll call.

ABSENT: Councilman Farah and Councilman Cassano, who was reported to be out of town.

19 members present -- 2 members absent.

NOTICES FROM MAYOR DYER

Mayor Dyer announced that Councilman Torian will celebrate his birthday on December 20th.

The Mayor, on behalf of our City, wished a very pleasant holiday to our Jewish citizens for a Happy Hanukkah and also a very Merry Christmas to all of our citizens who celebrate Christmas.

Mayor Dyer made a plea in reference to vacancies on commissions which need to be filled. (Youth Commission, Equal Rights & Opportunities, Zoning Board of Appeals etc.) Six resumes have been received for membership on the Environmental Impact Commission.

It was announced by Mayor Dyer that Mrs. Marianne Wolfe, Director of the Danbury Library, will be retiring in May of 1985.

The Mayor advised the Council that he has received a draft form of the City's Audit statement. The City is in outstanding fiscal condition and our unappropriated fund balance, although one of our lowest in many years, is healthy enough for us to accomplish some of the things we would like to do for the remaining six months of this fiscal year - \$609,648. About \$100,000 higher than the Mayor thought it might originally be. It will be an official document on Monday and will be available for all to read, as well as for public inspection.

Mayor Dyer then addressed the Council in reference to bonding and spending. (Statement attached)

CONSENT CALENDAR

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

- 02 - Resolution - State Contract for Reimbursement of Engineering Costs related to Public Utility Relocation -Rt. 7.
- 03 - Resolution - Settlement of Claim.
- 05 - Communication - Re: Censure.
- 06 - Communication - Clayson Road Widening Parcels.
- 09 - Communication - Request for acquisition of property - corner of Padanaram Road and Golden Hill Road - to reconstruct the Golden Hill Bridge.
- 15 - Communication - Appointments to the Conservation Commission.
- 16 - Communication - Appointments to the Environmental Impact Commission.
- 21 - Report - Operation of the Recycling Center.
- 23 - Report - Request to extend date of road opening permits.
- 25 - Report - Flooding Problem at 90 Forty Acre Mountain Road.
- 26 - Report - Request to accept Cannonball & Marc Roads.

A motion was made by Councilman Charles 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 November 8, 1984.

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

01 - CLAIMS - Jweinat, Isam R. - Andrea Colelli - Doreen Falls - Paul Friia - Florence M. Vulcano - Anna Roberts - Karen Pane - Dorothy Layda - Mr. & Mrs. Joseph Zaborowski - John J. Kakos, Jr. for Wayne Kakos (Son).

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

02 - RESOLUTION - State Contract for Reimbursement of Engineering Costs Related to Public Utility Relocation - Rt. 7 State Project #34-195.

Resolved by the Common Council of the City of Danbury:

Whereas, the State of Connecticut has completed its plans for the reconstruction of Rt. U.S. 7 in the City of Danbury; and

Whereas, said plans call for the relocation of city utilities currently within the project limits; and

Whereas, the State of Connecticut is willing to reimburse the City of Danbury for one hundred percent of the total net cost of preliminary engineering in accordance with State law and the proposed contract.

NOW, THEREFORE, BE IT RESOLVED that Mayor James E. Dyer be and hereby is authorized to enter into said contract with the State of Connecticut on behalf of the City of Danbury and to take any additional steps necessary to accomplish the purposes hereof.

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

03 - RESOLUTION - Settlement of Claims.

Resolved by the Common Council that the City Clerk be and is hereby authorized and empowered on behalf of the City of Danbury, to draw an order upon the City Treasurer in payment of the following settlement of claim:

The Hartford Insurance Group	-- \$1,000.00
In settlement of the claim of	
VIERA vs. City of Danbury and	
the Church of Sacred Heart.	

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

04 - ORDINANCE - Amendment to the Code of Ordinances Re: Claims.

Councilwoman McManus requested referral of the Ordinance to a public hearing. Mayor Dyer so ordered.

05 - COMMUNICATION - To establish a procedure for censure, especially if a Council Member brings discredit to the procedures of the Council or the Office of Councilman

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

06 - COMMUNICATION - Clayson Road Widening Parcels.

Based on the opinion from the City Engineer, it is requested by the Office of the Corporation Counsel that the Common Council consider the acceptance of certain road widening parcels located adjacent to Long Ridge Road in accordance with the usual procedure.

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

07 - COMMUNICATION - Request of Mr. Henry H. Moy for a storm drain in front of 10 Ridge Road (West Terrace).

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

08 - COMMUNICATION - Request from Mrs. Frank Azzariti for a guard rail on Canterbury Court.

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

09 - COMMUNICATION - Acquisition of Property.

As part of our traffic improvement program Mayor Dyer has recommended that we acquire property located at the corner of Padanaram Road and Golden Hill Road. This acquisition will enable us to reconstruct the Golden Hill Bridge.

We have received assurances from the State of Connecticut that funding for replacement of this bridge is available.

The Request was granted by the Common Council on the Consent Calendar.

010 - COMMUNICATION - Offer from Joseph H. Beilin, Realtor, of land owned by Stanley Bernstein of Ryebrook, N.Y. located on Mountainville Avenue for sale to the City for \$85,000.

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

011 - COMMUNICATION - Acceptance of land for the reconstruction of Boulevard Drive - from Sunrise Lake Associates

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

012 - COMMUNICATION - Request from the V.F.W. for additional tax exemptions.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed Council Members - Torcaso, Sollose and Esposito.

013 - COMMUNICATION - Request for a transfer of funds to the Police Department to hire five more police officers for the current fiscal year. Five more will be requested in the 1985 Budget Proposal. The approximate cost is \$43,005.00 to implement the hirings by January.

Councilman DaSilva requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Council Members - Eriquez, Skoff, Butera, Foti, Flanagan.

014 - COMMUNICATION - Appointment of Catherine Skurat , 55 Rees Drive Oxford, Connecticut, as Danbury's new Tax Collector, effective December 10, 1984.

Mrs. Skurat is currently the Tax Collector of Oxford. She was elected in 1979. Her salary will be \$28,500 and she has agreed to relocate to Danbury after successful completion of her probationary period.

A motion was made by Councilman Boynton and seconded by Councilman Gallo for the Communication to be accepted and appointment confirmed. Motion carried unanimously.

015 - COMMUNICATION - Appointment of Mary McInerney, 26 Apple Blossom Lane, Danbury to the Conservation Commission for a term to expire on July 1, 1987.

Ms McInerney, a graduate of Western Connecticut State University, is employed at the King Neptune in Ridgefield. She is a member of the Ladies Ancient Order of Hibernians, and a volunteer at the Dorothy Day House.

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

016 - COMMUNICATION - Appointments of John W. Baird, 2 Crestdale Drive, Danbury, and Melvin H. Friedman, 9 Cherokee Drive, Danbury to the Environmental Impact Commission for terms to expire on Dec. 1, 1987.

Mr. Baird attended Yale University and Manhattan College. He is currently retired.

Mr. Friedman is employed by Boehringer Ingelheim as their Environmental Engineering Manager.

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

017 - COMMUNICATION - Appointment of Joseph Walkovich, 1 Farview Avenue, Danbury as an Alternate member of the Planning Commission for a term to expire on January 1, 1986.

Mr. Walkovich is an Administrator at Mediplex and a State Representative.

A motion was made by Councilman DaSilva and seconded by Councilman R. Godfrey for the Communication to be accepted and appointment confirmed. Motion carried unanimously.

018 - Withdrawn

019 - COMMUNICATION - Appointment of Michael Esposito as the Ambulance Supervisor, now that the Fire Union has finally ratified the ambulance agreement.

Resume attached - Date of Birth - March 9, 1948
 Date of employment - Fire Dpt. April 28, 1970.
 Years of Service - 15 years.
 Ambulance Supervisor Test Results:
 Grade: 91.00
 Service Points 3.25
 Final Score 94.25

A motion was made by Councilwoman McManus and seconded by Councilman Gallo for the Communication to be accepted and appointment confirmed. Councilman Esposito requested and was granted permission to abstain from voting. The motion carried unanimously, with one abstention.

019-1 COMMUNICATION - State Law prohibits municipal employees from serving on the Planning Commission, a land use agency. Mayor Dyer is suggesting that we extend this prohibition to the Redevelopment Agency, Zoning Board of Appeals, Zoning Commission and the Environmental Impact Commission, by Ordinance.

This act will ensure that these vital commissions make decisions free of undue influence, or conflict.

Councilman Gallo requested referral to an ad hoc committee. Mayor Dyer so ordered and appointed the following committee: Durkin, Flanagan, Johnson.

020 - DEPARTMENT REPORTS

Fire Chief
 Fire Marshal
 Airport Administrator
 Health Inspector
 Blood Pressure Program
 Environmental & Occupational Health Services
 Commission on Equal Rights & Opportunities.

A motion was made by Councilman DaSilva and seconded by Councilwoman McManus to dispense with the reading of Department Reports which are to be accepted as submitted with the exception of the Fire Marshal's Report which is to be referred to committee.

Mayor Dyer appointed the following committee for the Fire Marshal's Report: Boynton, Farah, Foti.

AD HOC COMMITTEE REPORTS

021 - REPORT - Operation of the Recycling Center.

Councilman DaSilva submitted a report stating that the Public Works committee studied the request of four petitioners to run the recycling center on Plumtrees Road. It is of benefit for the City to have this facility maintained by the private sector as a large cost savings is realized. Assistant Corporation Counsel E. Gottschalk, reported that permission to operate the recycling center was granted by Resolution in 1972 to the Connecticut Earth Action Group. They have been operating the facility since then under the management of Norman Cusak.

C.C.A.G. contacted the committee to inform them that they wish to continue their operation. They will be changing the operational manager however, from Norman Cusak, who wishes to be relieved of this duty after many years of service, to Mr. Jim Hancock. Mr. Gottschalk reported that because the operation is remaining under the control of C.C.A.G. no action by the Common Council is needed unless to rescind permission.

The Public Works Committee is more than happy with the operation of the recycling center over the past number of years. The committee sees no reason to recommend the permission of C.C.A.G. be rescinded. The appointment of a manager to run the day to day operation is within their jurisdiction, not the Common Council's.

The committee therefore recommends that no further action on the operation of the recycling center be taken at this time.

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

022 - REPORT - Request to purchase City Property on Locust Avenue.

Councilman DaSilva, Chairman of the Public Works Committee, submitted a report stating that the Public Works Committee studied two requests to purchase property at numbers three and five Locust Avenue and at the corner of Locust Avenue and White Street. This property has become available because of the relocation of the Southerly portion of Locust Avenue in its alignment with Wildman Street. The committee waited until the road project was completed so they might view the area in a state that would more clearly indicate its potential.

The committee decided that this property would best serve the City if left as a green area with the possible planting of trees. The Public Works Committee therefore recommends denial of both petitions to purchase City property on Locust Avenue.

A motion was made by Councilman Charles and seconded by Councilman Flanagan for the Report to be accepted. Motion carried.

Mayor Dyer reported that the trees have been planted already.

023 - REPORT - Request to extend date of road opening permits.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request to extend the time limit on road opening permits from December 1st to December 15th. This was requested to allow a developer to continue work on a project longer than is now allowed by City Ordinance. In discussion with Public Works Department personnel it was stated that the December 1st deadline was established in order to assure that repairs and paving on our roads are done properly. After this date there is too much chance of inclement weather and low temperatures which hinder the process. This deadline has been in effect for about two years and all developers are well aware of it. Further, the City has put on a number of extra inspectors, paid by the developer, to facilitate and expedite the process so that the maximum amount of work can be accomplished by the December 1st deadline.

The Public Works Committee recommends denial of the request to extend the deadline on road opening permits.

The Report and recommendation of the Public Works Committee were accepted by the Common Council on the Consent Calendar.

024 - REPORT - Intersection Improvements.

Councilman DaSilva submitted a report stating that the Public Works Committee studied the proposal from C. E. McGuire Engineering Firm to improve various intersections. The committee met with representatives from the Firm and held discussions with the Public Works Department Personnel.

The committee voted to recommend the approval of the proposal of an installation of a traffic light at both ends of the railroad underpass on Beaver Brook Road and the new sign network and road painting at East Liberty and Liberty Streets at Nichols Street and Town Hill Avenue.

A motion was made by Councilwoman McManus and seconded by Councilman Boynton for the Report to be accepted as submitted. Motion carried.

025 - REPORT - Flooding Problem at 90 Forty Acre Mountain Road.

Councilman DaSilva submitted a report stating that the Public Works Committee reviewed a request from Dr. Nemes who has a flooding problem on her property at Forty Acre Mountain Road. Mr. Edward Fusek, Superintendent of Highways, reported that the problem is that the present easement is in an area that is too high. A new easement is needed to collect the water and drain it. Dr. Nemes, who attended the meeting of November 27, 1984, agreed to the additional easement.

The Public Works committee voted to recommend the Corporation Counsel's office draft an easement to alleviate the flooding problem at 90 Forty-Acre Mountain Road.

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

026 - REPORT - Request to accept Cannonball & Marc Roads.

The Public Works Committee submitted a report stating that they have studied a request to accept Cannonball and Marc Roads. An on-site inspection of the roads was performed. A major problem was cited to the committee by the City Engineer, J. Schweitzer and the Superintendent of Highways, E. Fusek. The discharge area of the drainage for these roads is a rather steep slope where the force of the water has washed away a large area of rip-rap in the past. Abutting this area is property belonging to another private owner.

The Public Works Committee recommends that the petition to accept Cannonball and Marc Roads be denied at this time because of possible City liability at the drainage discharge area.

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

027 - REPORT - Annual Wood Sale.

Common Council President C. McManus submitted a report stating that the Common Council held its third annual wood sale at the landfill on November 18 and November 25, 1984. A total of \$1,419.77 was raised and will be used to purchase gifts for the needy of Danbury at Christmas.

The wood sale would not have been possible without the help of Dan Garamella, Director of Public Works and Byron Johnson, Richard Smith and Mark Miller of the Forestry Department.

Special mention should also be made for Council Members DaSilva, Gallo, Esposito, Zotos, Boynton, Skoff, Chianese, Torian, Sollose, Butera, Torcaso, Johnson, Eriquez, who gave up their Sundays to help with the wood sale.

Councilman Gallo noted that Mrs. McManus was also present and her name should be added to the above list.

A motion was made by Councilman DaSilva and seconded by Councilman Charles to accept the Report. Motion carried unanimously.

028 - REPORT - Distribution of funds collected from the wood sale.

Councilman Esposito submitted a report stating that the Common Council committee, Esposito, Torcaso and Eriquez, appointed to recommend the distribution of funds collected from the wood sale, met on Nov. 28, 1984 in City Hall at approximately 11:10 P.M.

Discussion resulted in a motion made by Councilman Eriquez and seconded by Councilwoman Torcaso that the amount of \$1,419.77, the total sum from the wood sale, be donated to the Department of Children and Youth Services, 131 West Street Danbury, to be used for their children's Christmas Fund.

A motion was made by Councilman Charles and seconded by Councilman Boynton for the Report and recommendation to be accepted. Motion carried unanimously and the check was presented to the representative from the Department of Children & Youth Services.

029 - REPORT - C. D. Parks Property.

Councilwoman C. McManus submitted a report stating that the Common Council held a public hearing concerning the proposed purchase of the C. D. Parks Property on November 28, 1984 at 7:45 P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole on Nov. 28, 1984 at 10:50 P.M. and recommends unanimously that the purchase be sent to referendum.

A motion was made by Councilman DaSilva and seconded by Councilwoman McManus to accept the Report and send the C.D. Parks proposal to the Council as a whole to ascertain the number of questions and the specifics therein and authorize Bond Counsel to draft appropriate Ordinance which will be sent directly to Public Hearing.

Motion carried unanimously.

030 - REPORT - Redevelopment Project.

Councilwoman McManus submitted a report stating that the committee appointed by the Mayor to review the Redevelopment Project met on November 15, 1984 at 7:30 P.M. in City Hall. Also present at the meeting were Gene Barrett, Executive Director of the Redevelopment Agency; Jack Sullivan, Chairman of the Agency; Boyd Lossee, Chairman of the Agency's developer selection committee and James Maloney, Attorney for the Agency. Council Members Torcaso, Boynton, and Flanagan attended the meeting in an ex-officio capacity. Attorney Leheny was present at the request of the committee.

The Danbury Redevelopment Agency, through the Mayor, has advised the Council of their intention to submit a formal recommendation, seeking approval of their selected bidder and their recommended re-use price of the property intended for the Downtown Redevelopment Project.

Preliminary to the proposal submission by the Redevelopment Agency, the Council committee met for the purpose of reviewing the intent and function of the Redevelopment Project selection.

The committee and Agency representatives discussed the history of the Redevelopment Project, the invitation for Bid, the selection process and the proposed use of the Project as set forth by the Redevelopment Agency.

Minutes of the meeting were distributed to every Council Member and are also on file in the Office of the City Clerk for public inspection. This completes the committee's charge until a formal recommendation is submitted by the Danbury Redevelopment Agency.

A motion was made by Councilman Gallo and seconded by Councilman Charles for the Report to be accepted. The motion carried unanimously.

A motion was then made by Councilwoman McManus and seconded by Councilman DaSilva to add two more items to the agenda:

30-A - Request of J. Lauf for sewer - Padanaram Road, and

30-B - Sewer & Water for Shelter Rock Corp.

Motion carried unanimously.

30-A - REPORT - Request of John Lauf for Sewer - Padanaram Rd.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee met on the above petition on December 3, 1984. In attendance were Council Members Gallo, Durkin, Torian, Foti, Torcaso, and Flanagan. Councilman Zotos was working. Also in attendance was Superintendent of Public Utilities William Buckley.

After some discussion the committee voted to recommend no action be taken on this petition as it is a hook up and not an extension.

A motion was made by Councilman DaSilva and seconded by Councilman Torian for the Report to be accepted. Motion carried.

30-B - REPORT - Sewer & Water for Shelter Rock Corporation.

Councilman Gallo submitted a report stating that the Sewer & Water Extension committee of the Common Council 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 Sewer & Water Extension committee that the Petition be granted with the usual 7 steps of conditions and restrictions, plus the following additional steps:

8. No Certificate of Occupancy shall be granted until Corporation Counsel has received notification from Mr. John J. Mulqueen, owner developer of Crow's Nest, that funds have been received from Shelter Rock Corporation for the second water tower.

9. No Certificate of Occupancy shall be granted until Superintendent of Public Utilities notifies Corporation Counsel, water tank is in place and operable.

A motion was made by Councilman Torian and seconded by Councilman Boynton for the Report to be accepted and Petition granted. Motion carried unanimously.

Before going into executive session Mayor Dyer, in accordance with the City Charter, asked for anyone who wished to address the Common Council on this evening's agenda to come forward.

PUBLIC SPEAKING SESSION

Harry Kessler - 112 Carol St. - Lake Waubeeka.

Item 19-1 - Should include prohibiting city employees from serving on the Common Council as well.

Item #11 - Acceptance of Land for reconstruction of Blvd. Dr., should be approved.

Item #13 - Danbury has more police officers per capita than neighboring towns. More police is an expense which is moot. Pensions will be in jeopardy.

Commenting on the Parks Property, Mr. Kessler stated that the Parks referendum was defeated twice. Has no indication of tax base value.

Recommending that a minimum of 15% of the voters to pass a referendum.

In reference to the Redevelopment, Mr. Kessler said that the parking on Main Street is horrible. "We do not have accessibility and free parking" "We should be very careful about Bond debts for the future of Danbury", referring to the Mayor as "James Bond"

A motion was then made at 8:55 P.M. by Councilman Charles and seconded by Councilman Flanagan for the Common Council to go into an executive session. Motion carried. Mayor Dyer asked for the Chambers to be vacated.

Meeting reconvened at 9:50 P.M..

031 - LaRoche Matter.

It was determined that Mr. LaRoche will resign effective June 30, 1985, and withdraw all charges. He will be paid \$27,500 to include his attorney's fees.

A motion was made by Councilwoman McManus and seconded by Councilman Boynton to accept the settlement as stated and for the Mayor to be authorized to sign any necessary documents. Motion carried unanimously.

Mayor Dyer noted that the Attorneys did a very fine job on behalf of the City.

032 - Zamore Matter.

It was determined that this matter does not require action before the Common Council.

There being no further business to come before the Common Council, a motion was made by Councilman Godfrey and seconded by Councilman Charles for the meeting to be adjourned at 10:50 P.M.
Motion carried.

Respectfully submitted

Mary Rickert
Mary Rickert
Assistant City Clerk

Attest: Elizabeth Crudginton
Elizabeth Crudginton
City Clerk