COMMON COUNCIL MEETING - OCTOBER 7, 2003

Mayor Boughton will call the meeting to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE & PRAYER

ROLL CALL

Nolan, McAllister, Null, Coladarci, Kelly, Buzaid, Visconti, Machado, Rotello, Scozzafava, Levy, Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

_____PRESENT _____ABSENT

PUBLIC SPEAKING

MINUTES – Minutes of the Common Council Meeting held September 3, 2003

CONSENT CALENDAR

---

1 – ORDINANCE – Manufacturing Facility Personal Property Tax

---

2 – RESOLUTION – Beaver Street Apartments Tax Abatement

---

3 – RESOLUTION – Per Capita Grant

---

4 – RESOLUTION – Preventive Health Care Block Grant

---

5 – RESOLUTION – Before & After School Program

---

6 – RESOLUTION – 2004 Thanksgiving/Christmas/New Year Driving Under the Influence Enforcement Program

---

7 – RESOLUTION – Expanded Driving Under the Influence Enforcement Program

---

8 – RESOLUTION – Main Street North Streetscape

---

9 – RESOLUTION – Cell Phone Restrictions

---

10 – RESOLUTION – Angioplasty and Open-Heart Surgery Services

---

11 – COMMUNICATION – Appointments to Position of Police Officer

---

12 – COMMUNICATION – Appointment to Position of Police Officer

---

13 – COMMUNICATION – Donation to the Library

14 – COMMUNICATION – Donations to the Fire and Police Departments

15 – COMMUNICATION – Donation to the Public Buildings Department

16 – COMMUNICATION – Donations to the Department of Elderly Services

17 – COMMUNICATION – National Youth Service Day

18 – COMMUNICATION – Iraqi town Sponsorship Program

19 – COMMUNICATION – Certified Local Government Program

20 – COMMUNICATION – Bear Mountain Hiking Trail

21 – COMMUNICATION – Sewer Extension Requests – Public Act 03-177

22 – COMMUNICATION – Agreement with Connecticut Light and Power

23 –COMMUNICATION - Candlewood Terrace Condominium Association

24 – COMMUNICATION – Lease Agreement – Airport Transmitter/Receiver Outlet

25 – COMMUNICATION – Bear Mountain Cottage Lease

26 – COMMUNICATION – Old Farm Road Private Sewer Line

27 – COMMUNICATION – Request for Sewer and Water Extensions – 1-3 Mannions Lane

28 – COMMUNICATION – Request for Sewer and Water Extensions – Eagle Road

29 – COMMUNICATION – Request for Sewer and Water Extensions – 16-18 Hayestown

30 – COMMUNICATION – Burton's Bridge – Oil Mill Road

31 – COMMUNICATION – Request to Purchase Property at 9 Monarch Road

32 – COMMUNICATION – Drainage Problem – Karen Road

33 – COMMUNICATION – Conveyance of Parcel B off Ironwood Road to the City

34 – COMMUNICATION – Wooster School – Miry Brook Sewer Extension

35 – COMMUNICATION – Flirtation Drive

36 – COMMUNICATION – Lease with UB Danbury, Inc. – 20 Backus Avenue

37 – COMMUNICATION – Reports regarding Discontinuance of International Drive

38 – COMMUNICATION – Reports regarding Request to Purchase Land on Terrace Street

39 – COMMUNICATION – Reports regarding Old Forty Acre Mountain Road

40 – COMMUNICATION – Reports regarding Sunnyfield Drive

41 – COMMUNICATION – Reports regarding Griffing Avenue

42 – COMMUNICATION – Report regarding Land use Complaints Procedure

43 – REPORT & ORDINANCE – 21ST Century Danbury Bond Issue

44 – REPORT & ORDINANCE – Repeal of Tree Advisory Committee

45 – REPORT & ORDINANCE – Delinquent Motor Vehicle Tax

46 – REPORT & ORDINANCE – Schedule of Termination of Government Entities

47 – REPORT – Architectural Review Board

48 – REPORT – Request for Water Extension – 22 Second Avenue

49 – REPORT – Request for Sewer and Water Extensions – Mountainview Terrace

50 – REPORT – Traffic Problems on Wooster Heights Road

51 – REPORT – Request for Sewer Extension – 56 Benson Drive

52 – REPORT – Lake Waubeeka Water System

53 – REPORT & ORDINANCE – Blight Remediation

54 – REPORT – Sewer and Water Assessment Process

55 – REPORT – Request for Sewer and Water Extensions – Crows Nest Lane

56 – REPORT & ORDINANCE - $5,000,000 Bonds or Notes for Sewer Lines

57 – REPORT & ORDINANCE - $5,680,000 Bonds or Notes for Water System Improvements

---

58 – REPORT – Final Water Assessments – Spring Ridge and Deer Ridge

---

59 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Permit Center, Health and Housing, Parks and Recreation, Department of Elderly Services

---

There being no further business to come before the Common Council a motion to adjourn was made at _____P.M. by _____.

CONSENT CALENDAR – OCTOBER 7, 2003

2 – Adopt the resolution to abate taxes per the Connecticut General Statutes 8-215, as amended on the property owned by Beaver Street Apartments, Inc. as described.

3 – Adopt the revised resolution to apply for and accept funding from the State of Connecticut Department of Public Health in the amount of $70,077 for a program to promote optimal public health quality as described.

4 – Adopted the revised resolution to apply for and accept funding from the State of Connecticut Department of Public Health in the amount of $14,145 for a Youth Violence Prevention program as described.

5 – Adopted the revised resolution to apply for and accept funding from the State of Connecticut Department of Social Services for the Before and After School Child Care Program as described.

6 – Adopt the Resolution to apply for and accept funding from the State of Connecticut Department of Transportation in the amount of $9,450 for the Danbury Police Department Driving Under the Influence Enforcement Program as described.

7 – Adopt the Resolution to apply for and accept funding from the State of Connecticut Department of Transportation in the amount of $40,275 for the Danbury Police Department Driving Under the Influence Enforcement expanded program as described.

8 – Adopt the resolution to authorize the Mayor to sign the First Supplemental Agreement for the Construction, Inspection and Maintenance of the Main Street North Streetscape project as described.

17 – Adopt the resolution to apply for and accept funding from Youth Services America in the amount of $2,000 for a Youth Commission program to mobilize young future community leaders as described.

20 – Approve the appropriation of $6,500 to be transferred to the Parks Department account 7002.5501 Maintain Land & Grounds as described.

21 – Receive the communication regarding Public Ac 03-177 sewer extensions and adopt the recommendations.

24 – Approve the lease renewal and authorize the Mayor to sign the agreement between the City of Danbury and the Federal Aviation Administration as described.

30 – Approve the request from Nancy's Farm, Inc. to extend a sewer and water approval at Oil Mill Road for eighteen months.

37 – Approve the discontinuance of International Drive, together with acceptance of certain easements for water and sewer subject to conditions of Corporation Counsel and Director of Public Works.

39 – Receive the report regarding Old Forty Acre Mountain Road and take no action at this time.

40 – Receive reports and approve the request to change the name of Sunnyfield Drive to Robin Hood Road. Notify the Postal Service, City Departments and install new signage.

41 – Receive the report regarding a request to lease or purchase land on Griffing Avenue and take no action.

42 – Receive the report regarding land use complaints procedures.

44 – Receive the report regarding a repeal of the Tree Advisory Commission and adopt the ordinance.

45 – Receive the report regarding delinquent motor vehicle tax and adopt the ordinance.

46 – Receive the report regarding the schedule of termination of government entities and adopt the ordinance.

47 – Receive the report regarding an Architectural Review Board and approve the recommendations.

48 – Receive the report regarding a request for a water extension at 22 Second Avenue and approve the recommendations.

49 – Receive the report regarding a sewer and water extension on Mountainview Terrace and approve the recommendations.

50 – Receive the report regarding traffic problems on Wooster Heights and approve the recommendations.

51 – Receive the report regarding a sewer extension at 56 Benson Drive and approve its recommendations.

53 – Receive the report regarding Blight Remediation and defer the ordinance to public hearing.

54 – Receive the report regarding sewer and water assessment process and approve the recommendations.

Bond Issue Amendment 1

COMMON COUNCIL ROLL CALL

NAME	YES	NO
VINCENT NOLAN	Y	
PAUL McALLISTER	N	
WARREN NULL	Y	
JAMES KELLY	N	
EILEEN COLADARCI	N	
EMILE BUZAID	N	
~~DEAN ESPOSITO~~ Visconti	Y	
VALDEMIRO MACHADO	Y	
CONNIE SHULER Rotello	Y	
JOSEPH SCOZZAFAVA	Y	
WARREN LEVY	N	
JOHN ESPOSITO	N	
THOMAS SAADI	N	
CHRISTIAN DITTRICH	Y	
PAULINE BASSO	Y	
JEAN DARIUS	Y	
MANNY FURTADO	N	
JOHN GOGLIETTINO	N	
MICHAEL MOORE	N	
SHERRI NEPTUNE	Y	
CHRIS SETARO	Y	

Bond Issue - Move Questio

COMMON COUNCIL ROLL CALL

NAME	YES	NO
VINCENT NOLAN	Y	
PAUL McALLISTER	Y	
WARREN NULL	Y	
JAMES KELLY	Y	
EILEEN COLADARCI	Y	
EMILE BUZAID	Y	
DEAN ESPOSITO Viscenti	Y	
VALDEMIRO MACHADO	Y	
CONNIE SHULER Rotello	Y	
JOSEPH SCOZZAFAVA	Y	
WARREN LEVY	Y	
JOHN ESPOSITO	Y	
THOMAS SAADI	Y	
CHRISTIAN DITTRICH	Y	
PAULINE BASSO	N	
JEAN DARIUS	N	
MANNY FURTADO	Y	
JOHN GOGLIETTINO	Y	
MICHAEL MOORE	Y	
SHERRI NEPTUNE	Y	
CHRIS SETARO	Y	

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:
DANBURY,CT 06810

October 1, 2003

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Manufacturing Facility Personal Property Tax
Proposed Ordinance Section 18-25.2

Dear Mayor and Council Members:

In 1997 the Common Council adopted the provisions of Section 18-25 of the Danbury Code of Ordinances, which created a program of real property tax relief. The program was available to owners of commercial properties used for office, manufacturing or for warehouse, storage or distribution use and with respect to properties in the Downtown Redevelopment Area, for retail uses as well. Under the program eligible property owners could fix their property assessments and defer assessment increases attributable to new construction or improvements for periods of up to seven years. In the near future you will consider revisions to section 18-25 intended to expand the scope of the program to include properties used for residential purposes as well.

Designed to attract and retain commercial development, the program has been used successfully in a number of instances, promoting projects ranging in cost from $200,000 to $15,000,000. With the same goals in mind, the state has enabled municipalities to adopt ordinances designed to fix existing assessments and defer assessment increases attributable to the placement of personal property in manufacturing facilities. In order to take advantage of this opportunity and thereby encourage the expansion of manufacturing enterprises like the project recently announced by Boehringer Ingelheim Pharmaceuticals, Inc., we have prepared a draft ordinance for your consideration. We hope that, if you are inclined to adopt it, it will be as successful as its real property tax counterpart.

Please consider this proposal in the usual fashion. If you have any questions, please let me know.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

Enclosures
Ccouncil/18-25.2 letter

RECYCLED PAPER

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-25.2, which said section reads as follows:

Sec. 18-25.2 Fixing of assessments attributable to the placement of personal property to be located in a manufacturing facility.

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments attributable to personal property located in a manufacturing facility in accordance with the provisions of section 12-65h of the Connecticut General Statutes as amended from time to time; and whereas the deferral of assessment increases attributable to the placement of such personal property will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with the provisions of section 12-65h of the Connecticut General Statutes as amended from time to time, the City does hereby provide for the fixing of assessments and the deferral of assessment increases attributable to the placement of such personal property within the City of Danbury as specified herein.

(b) Application and eligibility. An application to the City for fixing the assessment attributable to the personal property located in a manufacturing facility, as defined in subdivision (72) of section 12-81 of the Connecticut General Statutes as amended from time to time, may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes as amended from time to time, upon which is located or proposed to be located such a facility. In order to be eligible for the benefits provided by this section, the Common Council must find that:

(1) No tax delinquency, which is not the subject of a valid and timely appeal, exists with respect to either the real property upon which the manufacturing facility is located or with respect to the personal property located within said facility;

(2) The applicant proposes to enter into a written agreement with the City fixing the assessment attributable to personal property located within a manufacturing facility, as defined in subdivision (72) of section 12-81 of the Connecticut General Statutes as amended from time to time, upon such terms and conditions as are provided for herein and therein.

(c) Application procedure.

(1) All applications shall be submitted to the Danbury Tax Assessor on forms supplied by the Office of the Danbury Tax Assessor. Each such application shall include the applicant's estimate of the value of personal property subject to the fixing of assessment hereunder.

(2) The Tax Assessor shall review each application and shall forward it to the Common Council within 30 days of receipt together with the Assessor's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

Be it ordained by the Common Council of the City of Danbury:

(3) Upon receipt of an application and report from the Tax Assessor the Common Council shall approve the application, reject the application, or return the application to the Tax Assessor for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Tax Assessor that addresses the reasons for rejection by the Common Council.

(4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the applicant, as specified herein.

(d) Assessment fixing agreement.

(1) The assessment fixing agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the Common Council, shall reflect the assessment on the personal property on the date of the agreement, and shall specify the period of fixing the assessment of such personal property in accordance with the provisions of section 12-65h of the Connecticut General Statutes, as amended from time to time.

(2) The assessment fixing agreement shall establish a deadline for the placement of the minimum value of personal property with respect to which the assessment is to be deferred and upon certification by the Tax Assessor, as hereinafter set forth, that the owner or lessee has met said deadline, thereby commencing the period during which the assessment shall remain fixed, the increase in the assessment on the personal property shall be deferred in accordance with one of the following schedules, as determined by the Common Council:

a. For personal property with a value of not less than three million dollars ($3,000,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For personal property with a value of not less than five hundred thousand dollars ($500,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For personal property with a value of not less than twenty five thousand dollars ($25,000.00), not more than fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;

(3) In the event that on the date fixed for placement of the minimum value of personal property established by the agreement, the Tax Assessor has denied certification that the personal property has been acquired in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment fixing agreement, or at any time if the Tax Assessor determines that the owner or lessee of the property is in default under the terms of said agreement, and has failed to cure said default after notice and a reasonable opportunity to cure, the agreement shall terminate upon written

Be it ordained by the Common Council of the City of Danbury:

notice, via certified mail, to such owner or lessee. In the event of such termination, the owner or lessee of the property, as herein provided, shall, commencing with the date of notice of termination by the Tax Assessor, be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Tax Assessor for an extension of time in which to complete the personal property placement or cure the default, which, for good cause shown, the Tax Assessor may approve, but in no event shall such extension of time exceed a period of one (1) year.

(4) The assessment fixing agreement shall further provide that the agreement is contingent upon the following conditions:

a. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, if there is any delinquency in the payment of taxes, which is not the subject of a valid and timely appeal, on the real property on which the manufacturing facility is located or on the personal property located within said facility; and

b. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, upon the sale or conveyance of the real property on which the manufacturing facility is located or of the personal property located within said facility unless the new owner or lessee, as the case may be, of such real or personal property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) Miscellaneous provisions.

(1) The Tax Assessor shall have the sole responsibility for determining the value of the personal property subject to the deferral of personal property tax assessment increases hereunder.

(2) Any agreement entered into pursuant to the provisions of this section shall be recorded on the land records of the City.

(3) The Tax Assessor is authorized to establish written procedures and technical specifications for the administration of this section.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-25.2, which said section reads as follows:

Sec. 18-25.2 Fixing of assessments attributable to the placement of personal property to be located in a manufacturing facility.

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments attributable to personal property located in a manufacturing facility in accordance with the provisions of section 12-65h of the Connecticut General Statutes as amended from time to time; and whereas the deferral of assessment increases attributable to the placement of such personal property will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with the provisions of section 12-65h of the Connecticut General Statutes as amended from time to time, the City does hereby provide for the fixing of assessments and the deferral of assessment increases attributable to the placement of such personal property within the City of Danbury as specified herein.

(b) Application and eligibility. An application to the City for fixing the assessment attributable to the personal property located in a manufacturing facility, as defined in subdivision (72) of section 12-81 of the Connecticut General Statutes as amended from time to time, may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes as amended from time to time, upon which is located or proposed to be located such a facility. In order to be eligible for the benefits provided by this section, the Common Council must find that:

(1) No tax delinquency, which is not the subject of a valid and timely appeal, exists with respect to either the real property upon which the manufacturing facility is located or with respect to the personal property located within said facility;

(2) The applicant proposes to enter into a written agreement with the City fixing the assessment attributable to personal property located within a manufacturing facility, as defined in subdivision (72) of section 12-81 of the Connecticut General Statutes as amended from time to time, upon such terms and conditions as are provided for herein and therein.

(c) Application procedure.

(1) All applications shall be submitted to the Danbury Tax Assessor on forms supplied by the Office of the Danbury Tax Assessor. Each such application shall include the applicant's estimate of the value of personal property subject to the fixing of assessment hereunder.

(2) The Tax Assessor shall review each application and shall forward it to the Common Council within 30 days of receipt together with the Assessor's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

(3) Upon receipt of an application and report from the Tax Assessor the Common Council shall approve the application, reject the application, or return the application to the Tax Assessor for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Tax Assessor that addresses the reasons for rejection by the Common Council.

(4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the applicant, as specified herein.

(d) Assessment fixing agreement.

(1) The assessment fixing agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the Common Council, shall reflect the assessment on the personal property on the date of the agreement, and shall specify the period of fixing the assessment of such personal property in accordance with the provisions of section 12-65h of the Connecticut General Statutes, as amended from time to time.

(2) The assessment fixing agreement shall establish a deadline for the placement of the minimum value of personal property with respect to which the assessment is to be deferred and upon certification by the Tax Assessor, as hereinafter set forth, that the owner or lessee has met said deadline, thereby commencing the period during which the assessment shall remain fixed, the increase in the assessment on the personal property shall be deferred in accordance with one of the following schedules, as determined by the Common Council:

a. For personal property with a value of not less than three million dollars ($3,000,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For personal property with a value of not less than five hundred thousand dollars ($500,000.00), the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For personal property with a value of not less than twenty five thousand dollars ($25,000.00), not more than fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;

(3) In the event that on the date fixed for placement of the minimum value of personal property established by the agreement, the Tax Assessor has denied certification that the personal property has been acquired in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment fixing agreement, or at any time if the Tax Assessor determines that the owner or lessee of the property is in default under the terms of said agreement, and has failed to cure said default after notice and a reasonable opportunity to cure, the agreement shall terminate upon written

Be it ordained by the Common Council of the City of Danbury:

notice, via certified mail, to such owner or lessee. In the event of such termination, the owner or lessee of the property, as herein provided, shall, commencing with the date of notice of termination by the Tax Assessor, be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Tax Assessor for an extension of time in which to complete the personal property placement or cure the default, which, for good cause shown, the Tax Assessor may approve, but in no event shall such extension of time exceed a period of one (1) year.

(4) The assessment fixing agreement shall further provide that the agreement is contingent upon the following conditions:

a. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, if there is any delinquency in the payment of taxes, which is not the subject of a valid and timely appeal, on the real property on which the manufacturing facility is located or on the personal property located within said facility; and

b. That the deferral of personal property tax assessment increases shall cease, commencing with the date of notice of termination by the Tax Assessor, upon the sale or conveyance of the real property on which the manufacturing facility is located or of the personal property located within said facility unless the new owner or lessee, as the case may be, of such real or personal property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) <u>Miscellaneous provisions.</u>

(1) The Tax Assessor shall have the sole responsibility for determining the value of the personal property subject to the deferral of personal property tax assessment increases hereunder.

(2) Any agreement entered into pursuant to the provisions of this section shall be recorded on the land records of the City.

(3) The Tax Assessor is authorized to establish written procedures and technical specifications for the administration of this section.

2

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE TAX COLLECTOR
(203) 797-4541
FAX: (203) 796-1547

CATHERINE A. SKURAT, C.C.M.C.
TAX COLLECTOR

MEMORANDUM

DATE: September 16, 2003
TO: The Honorable Mark Boughton, Mayor
And Common Council Members

FROM: Catherine A. Skurat, Tax Collector
RE: Beaver Street Apartments Cooperative, Inc.
Abatement from the State of Connecticut

Attached please find a resolution for your approval. This is project number 017-44083, and the abatement will be in the amount not to exceed $26,000.00. This abatement is however subject to State approval of funds for fiscal year 2003-2004.

Upon approval of this resolution, I will need the Mayor's signature on the application for reimbursement. I will keep the original application on file in my office until the resolution has been accepted.

Thank you for your attention to this matter, and if I can be of any further assistance, please do not hesitate to contact me.

Catherine A. Skurat

Catherine A. Skurat, CCMC

Cc: Dena Diorio, Director of Finance
Eric L. Gottschalk, Corporation Counsel

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under §8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of $2,060,360; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed $26,000.00 for the Grand List of October 1, 2002.

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

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;

2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury;

3. That the real property taxes abated on the subject property are not to exceed $26,000.00 for the Grand List of October 1, 2002;

4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of §12-167 of the Connecticut General Statutes as amended;

5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under §8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of $2,060,360; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed $26,000.00 for the Grand List of October 1, 2002.

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

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;

2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury;

3. That the real property taxes abated on the subject property are not to exceed $26,000.00 for the Grand List of October 1, 2002;

4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of §12-167 of the Connecticut General Statutes as amended;

5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;

6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

3

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION – PER CAPITA GRANT**

DATE: September 22, 2003

CC: Melanie Bonjour

Attached for your review is a revised resolution that will allow the City of Danbury, Department of Health and Housing, to apply for and accept funding from the State of Connecticut, Department of Public Health in the amount of $70,077. The revised resolution reflects an increase of $23,465.25 in the total grant amount. There is no local cash match. The term of the grant is July 1, 2003 through June 30, 2004.

Attached also is a copy of the grant application and budget for your review. The Common Council is requested to consider this resolution at its next meeting. If you have any questions, or require any further information, please contact my office at 203-797-4652.

DD/jgb

Attach.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita funds available for 2003 - 2004 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated an amended program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for $70,077.00 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 2003 through June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Mark D. Boughton, is hereby authorized to apply for and accept said per capita grant funds of $70,077.00, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

OFFICE OF LOCAL HEALTH ADMINISTRATION
FINAL EXPENDITURE REPORT FOR PER CAPITA GRANT
FISCAL YEAR 2003

DATE_____

NAME OF HEALTH DIRECTOR_____

POPULATION(2000)_____

SIGNATURE OF HEALTH DIRECTOR_____

ALLOCATION(2003)_____

BUDGET ITEMS	CARRY OVER FROM PRIOR YEARS	PER CAPITA ALLOCATION FISCAL YEAR 2003	TOTAL PER CAPITA BUDGET	EXPENDITURES 7/1/02 – 6/30/03	BALANCE REMAINING OR CARRY OVER TO SFY 2004

*Please provide an explanation of why you have carryover funding – (i.e. could not fill vacant position, conference was cancelled, equipment estimates were less than expected, etc)

OFFICE OF LOCAL HEALTH ADMINISTRATION
FINAL EXPENDITURE REPORT – SFY 2002 PER CAPITA GRANT
FULL-TIME HEALTH DEPARTMENT/DISTRICT

NAME OF HEALTH DEPARTMENT/DISTRICT_____

NAME OF HEALTH DIRECTOR_____

SIGNATURE OF HEALTH DIRECTOR_____

DATE_____

POPULATION(1999)_____

ALLOCATION(2002)_____

BUDGET ITEM OBJECTIVE	FINAL OUTCOME MEASURES	CARRY OVER FROM PRIOR FISCAL YEAR	ALLOCATION FISCAL YEAR 2002	TOTAL (3+4)	EXPENDITURES 7/1/01 THRU 6/30/02	Balance Remaining *CARRY OVER SFY 2003
	TOTAL					

*CARRYOVER: If you are carrying over funding, please provide the following :

1. A written explanation of why you will be carrying over funding to SFY 2002
2. A completed Revised Grant Proposal for SFY 2002 which will include the carryover amount (page 2).

AMENDED IMPACT STATEMENT
2003-2004 Per Capita Grant
September 5, 2003

Program Impact:

This grant provides for partial funding for medical assistant services to the Community Medicine Office, mobile telephone service for emergencies and remote field work, computer equipment and support services, the city's audit fee, partial funding of our School Based Health Centers, reference materials, web site maintenance and food safety training for Danbury food service operators.

Fiscal Impact:

This grant is authorized by Section 19a-202, Connecticut General Statutes as a source of supplemental funding for local public health activities. It is as fixed a source of funding as can be expected. However, year-to-year adjustments in the per capita rate can occur. Potential loss of funding for positions subsidized by this grant would mean a reduction in hours, but not termination.

Anticipated Grant Lifetime:

This grant has no expiration date. A specific state statute authorizes the funding. Funding is based on population and the complete elimination of the funding is not likely.

SFY 2004 Per Capita Application
Danbury Health Department

OFFICE OF LOCAL HEALTH ADMINISTRATION
PER CAPITA APPLICATION

DATE September 5, 2003

NAME OF DIRECTOR OF HEALTH William Campbell

SIGNATURE OF DIRECTOR OF HEALTH _____

POPULATION (2001) 74,550

ALLOCATION (2004) $70,077.00

AMENDED GRANT PROPOSAL FOR SFY 2004

BUDGET ITEM/OBJECTIVE (1)	PROPOSED OUTCOME MEASURE (2)	SFY 2004 ALLOCATION (4)
1. Provide partial funding of medical assistant services at the department's Office of Community Medicine for the period of 7/1/03 to 6/30/04. The medical assistant position is full time. Rate of pay is presently $14.73/hr. for 37.5 hrs/wk. Salary review is scheduled for October of 2003.	1. Provision of support for communicable disease control, including, but not limited to, sexually transmitted disease clinic and tuberculosis clinics. Service outcomes will, approximately, match the services provided in the prior fiscal year (report attached).	$ 7,500.00
2. Provide pagers, six mobile telephone lines, other communication equipment/support and related repair/replacement costs.	2. Provide increase on-site communication during emergencies such as hazardous materials release; improve efficiency by enabling schedule changes of staff in the field, and enable field staff to contact clients.	$ 3,000.00
3. Provide medical supplies, laboratory services, computer equipment and/or software and other support services to the department's School Based Health Centers (Danbury High School and Broadview Middle School).	3. Provide primary medical, social & mental health care to approximately 1,350 enrollees @ Danbury High School & approximately 1,050 @ Broadview Middle School. Continue documentation of services, improve provision of student health surveillance and maintain quality assurance services. See attached listing for detail regarding budget. Additional information is on file with Maureen Bombace in Grants & Contact Management.	$50,000.00
	TOTAL	

OFFICE OF LOCAL HEALTH ADMINISTRATION
PER CAPITA APPLICATION

DATE September 5, 2003

NAME OF DIRECTOR OF HEALTH William Campbell

SIGNATURE OF DIRECTOR OF HEALTH _____

POPULATION (2001) 74,550

ALLOCATION (2004) $70,077.00

AMENDED GRANT PROPOSAL FOR SFY 2004

BUDGET ITEM/OBJECTIVE (1)	PROPOSED OUTCOME MEASURE (2)	SFY 2004 ALLOCATION (4)
4. Computer hardware, software and support services necessary to maintain and/or update Department applications and emergency preparedness requirements.	1. A. Provide services (including software & hardware maintenance), as needed. B. Provide software, hardware & related equipment, as needed. C. Provide Internet linkage.	$ 3,500.00
5. Audit Fee	5. To be deducted, as per city policy.	$ 700.77
6. Purchase reference books	6. Provide access to current information.	$ 350.00
7. Maintain the department's web site	7. Provide community health assessment information, facilitate the utilization of department services and provide community health education.	$ 1,000.00
8. Provide Qualified Food Operator Training.	8. Provide QFO training to a minimum of 40 participants with at least 80% of participants achieving certification.	$ 4,026.23
	TOTAL	**$70,077.00**

INVOICE – VOUCHER FOR GOODS OR SERVICES
RENDERED TO THE STATE OF CONNECTICUT
CO-17 REV 3/93

STATE OF CONNECTICUT
OFFICE OF THE STATE COMPTROLLER
CENTRAL ACCOUNTS PAYABLE DIVISION

TO **AGENCY BILLING ADDRESS** SHOWN ON PURCHASE ORDER

1. AGENCY #	2. BATCH #	3.DOCUMENT TYPE	4. DOCUMENT #	5. DOCUMENT AMOUNT
4001		IN		

6. DOCUMENT DATE	7. RECEIPT DATE	8. COMM #	9. COMM TYPE	10. COMM AGY	11. LIQ	12. RPT TYPE	13. VENDOR FEIN/SSN - SUFFIX
	7/1/03			4001		T	000-000-034

VENDOR/PAYEE: FIELDS 13 THROUGH 22 AND 37 THROUGH 40 ARE MANDATORY FOR PAYMENT

14. PAYEE:
Danbury Health Department
ADDRESS: 155 Deer Hill Avenue
Danbury, CT 06810

15. ARE YOU INCORPORATED?
() YES (X) NO

16. ARE YOU A NON-PROFIT ORGANIZATION?
(X) YES () NO

VENDOR BILLING INFORMATION
SFY 2004 Per Capita Grant

Give a full description of goods or services completed	Quantity	Units	Unit Price	Amount
SFY 2004 State Aid pursuant to Section 19a-202 of the Connecticut General Statutes. For the period 7/1/03 – 6/30/04				$26,465.25
I certify that the above is a valid claim and has not been paid. XX_____ Signature of Authorized Person Mayor, City of Danbury (Title)				

FULL LIQ	COMM LINE	EXPENDED AMOUNT	AGENCY	COST CENTER FUND	SID	OBJECT	FUNCTION	AGENCY TAIL ACTIVITY	EXT	F.Y.
		$ 26,465.25	4001	0	702	07010	1	170		04

AGENCY NAME AND ADDRESS:

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
410 CAPITOL AVENUE, MS# 11GCT
HARTFORD, CT. 06134-0308

For Department of Public Health Use:
COMMODITIES RECEIVED OR SERVICES RENDERED:

(SIGNATURE)_____ DATE_____

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita funds available for 2003 - 2004 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated an amended program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for $70,077.00 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 2003 through June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Mark D. Boughton, is hereby authorized to apply for and accept said per capita grant funds of $70,077.00, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

4

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION – PREVENTIVE HEALTH CARE BLOCK GRANT**

DATE: September 17, 2003

Attached for your review is a revised resolution that will allow the City of Danbury, Department of Health and Housing, to apply for and accept funding from the State of Connecticut, Department of Public Health in the amount of $14,145. The revised resolution reflects an increase of $88.00 in the total grant amount. This grant for the time period July 1, 2003-June 30, 2004 requires no local in-kind match.

The original resolution was approved at the July Common Council meeting. The Common Council is requested to consider this resolution at its next special or regular meeting. If you have any questions, or require any further information, please contact my office at 203-797-4652.

DD/jgb

Attach.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed $14,145.00; and

WHEREAS, of said amount, this Council had already authorized application for $14,057.00 on July 1, 2003; and

WHEREAS, the amended grant will continue to cover the period of July 1, 2003 through June 30, 2004 with no local in kind match; and

WHEREAS, the funding will be used for a Youth Violence Prevention program in conjunction with the School Based Health Centers located at Danbury High School and Broadview Middle School.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded;

AND, FURTHER, Mayor Mark D. Boughton is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

Bob Schreiber
<bob.schreiber@po.state.ct.us>

09/12/2003 02:57 PM

Please respond to <bob.schreiber@po.state.ct.us>

To <m.bonjour@ci.danbury.ct.us>
cc
bcc
Subject SFY 2004 PHHS Contract

Melanie:

Attached you will find information relative to allocation of State funds for Local Health Programs.

Please revise your budget to include the additional funds provided and then return to me via fax or e-mail. Please advise me whether you want to select option 1 or 2 regarding how the changes are processed at this end.

Should you have any questions about this process, please do not hesitate to contact me.

Robert L. Schreiber, Sr.
Health Program Associate
Contracts Management Unit
Tel: (860) 509-7683
Fax: (860) 509-7717
E-mail: bob.schreiber@po.state.ct.us

K2004-007ALLOCATION.DOC B2004-007BUD.DOC

Ms. Bonjour:

The purpose of this e-mail is to advise you that the allocation of the Preventive Health and Health Services Block Grant has been accomplished for the Local Health Departments/Health Districts.

Your new authorized budget total is $ 14,145, which is an increase of $ 88 from the total amount proposed in the Continuation Funding Application.

Please take the budget attached below and revise it to reflect the new total authorized. Fax or e-mail the revised budget to me at your earliest convenience. Once I have the budget, I will revise your budget for your program(s) as appropriate, change the payment schedule and the total allocated amount and mail out for your signature.

For those of you that have already signed your contract and forwarded to me, you have two choices. They are:

1. Receive a new prepared contract with the revised budgetary information, changed payment schedule and other needed changes. You will have to resign and get Secretarial Certification and go through the whole process you normally do in getting the contract signed at your end, or

2. We can use your presently signed contract, and you will submit a revised budget reflecting the change in allocation. I will have the Program Coordinator review your budget and when they approve, make the changes proposed and approved. I will also make the changes to the payment schedules, and indicate the new allocation. This procedure relieves you of having to go through the process of getting authorization for signature and obtaining the signature of the authorized individual.

Please advise me of which version you would prefer and I'll implement upon receipt.

Thank you for patience and continued support during this process.

AMENDED IMPACT STATEMENT

2003-2004 Preventive Health Block Grant
Youth Violence Prevention
Contract Log # 2003-098

Amount Requested For This Program: $14,145
Amended Amount: $88.00
Contract Period: July 1, 2002 to June 30, 2003

Program Impact

This grant will enable the City of Danbury to address the growing problem of youth violence faced by our community's adolescent population through the implementation of a variety of prevention-based awareness activities and provision of individual and group counseling services through the School-Based Health Centers located at Danbury High School and Broadview Middle School.

Further benefits will be achieved by the removal of potential barriers to psycho-social support services which can interfere or impact on an adolescent's ability to live a happy and productive life.

The primary beneficiaries will be student's enrolled in Danbury High School, Broadview Middle School and the Alternative Center for Education.

Fiscal Impact

This grant is available through the Connecticut State Department of Public Health (DPH). Funding in the amount of $14,145 will be made available to the City's Health Department to implement prevention-based activities designed to reach the adolescent population.

This grant will provide funding for 5 hours per week of two SBHC Clinical Social Workers salaries including relevant fringe benefit costs. Additionally, the grant will provide financial support for staff training and the purchase of educational materials. A 2% Audit Fee is budgeted under this grant.

Anticipated Grant Lifetime

Currently, funding for related services operated under this grant is available through June 30, 2004. Continuation funding from the State Department of Public Health looks

promising, however all is dependent of Federal and State Block Grant allocations. As in the past, funding for subsequent years will be based on successful program performance and compliance with reporting requirements.

If DPH funding from the Department of Public Health for youth violence prevention services is discontinued, alternative sources of funding for the program would have to be identified. In worst case scenario, if funding for these services became unavailable, related activities would cease and staff hours covered by this grant would be reduced.

Impact Statement Amended: September 15, 2003
Prepared By: Melanie S. Bonjour
C:phbgimst2003-1

SECTION B Budget

Danbury, City of #2004-007
Contract Period: 07/01/03 to 06/30/04

Program: Youth Violence Prevention

Category		Amount
Personnel:		
1) Name & Position:	S.Y. Tredennick, Clinical Social Worker	
Calculation:	5 hrs/wk x $25.57 x 44 weeks	$5,626
Fringe Benefit:	w/c = $2.92/100 annual salary = $165	$165
	FICA 7.65% x 5,625 = $430	$430
	Public Liability 4.657/1000 of total expenditures	$66
2) Name & Position:	M. E. Levasseur, Clinical Social Worker	
Calculation:	5 hrs/wk x $25.57 x 44 weeks	$5,626
Fringe Benefit:	w/c = $2.92/100 annual salary = $165	$165
	FICA 7.65% x 5.625 = $430	$430
3) Training		$686
4) Educational Materials		$668
5) Other Expenses (List Below)		
a) Audit Fee @ 2 % total grant rounded to nearest dollar		$283
	Total DPH Grant	**$14,145**

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed $14,145.00; and

WHEREAS, of said amount, this Council had already authorized application for $14,057.00 on July 1, 2003; and

WHEREAS, the amended grant will continue to cover the period of July 1, 2003 through June 30, 2004 with no local in kind match; and

WHEREAS, the funding will be used for a Youth Violence Prevention program in conjunction with the School Based Health Centers located at Danbury High School and Broadview Middle School.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded;

AND, FURTHER, Mayor Mark D. Boughton is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

5

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION – BEFORE & AFTER SCHOOL PROGRAM**

DATE: September 23, 2003

CC: Kimberly Enteado

Attached for your review is a resolution that will allow the City of Danbury's Board of Education to apply for and accept funding from the State of Connecticut Department of Social Services for the Before and After School Grant. This grant in the amount of $43,479 will be used for the time period July 1, 2003 through June 30, 2004. No local match is required. A copy of the paperwork received by this office is attached.

The Common Council is requested to consider this resolution at its next meeting.

If you have any questions, feel free to give me a call.

DD/jgb

Attach.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services, will make grant funds available to Connecticut municipalities;

WHEREAS, the State of Connecticut, Department of Social Services, will award these funds to the Danbury Public Schools for use in the Before and After School Child Care program to provide day care services to 600 school age children;

WHEREAS, these funds, if awarded, would be used for the Before and After School Program for the grant period of July 1, 2003, through June 30, 2004, for the 2003-04 school year;

WHEREAS, the City of Danbury is eligible to receive grant funds up to the amount of $43,479.00; and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton as Mayor of the City of Danbury is hereby authorized to apply for said grant funds and to sign all documents necessary and do all things necessary to effectuate the purposes of said program.

	DPH License Exempt	DPH License Number	Site Name and Address (if Exempt)	NAEYC Accredited	NSACCA Accredited
10.	☐Yes ☐No			☐	☐
11.	☐Yes ☐No			☐	☐
12.	☐Yes ☐No			☐	☐

B. provide contracted services at the above site(s) during the hours of:

	DPH License No.	Site Name and Address (if Exempt)	site hours when school is in session		site hours during school holidays and vacations	
			AM	PM	AM	PM
1.		**Mill Ridge Primary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
2.		**Mill Ridge Intermediate**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
3.		**King Street Primary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
4.		**King Street Intermediate**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
5.		**South Street Elementary**	**7 – 8:30**	**3:30 – 6**	**7:00**	**6:00**
6.		**Roberts Ave Elementary**	**7 – 8:30**	**3:30 – 6**	**7:00**	**6:00**
7.		**Pembroke Elementary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
8.		**Hayestown Ave Elementary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
9.		**Shelter Rock Elementary**	**7 – 8:30**	**3:30 – 6**	**7:00**	**6:00**
10.		**Park Ave Elementary**	**7 – 8:30**	**3:30 – 6**	**7:00**	**6:00**
11.		**Stadley Rough Elementary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
12.		**Morris Street Elementary**	**7 – 8:00**	**3 – 6:00**	**7:00**	**6:00**
13.		**Great Plain Elementary**	**7 – 8:30**	**3:30 – 6**	**7:00**	**6:00**

C. require that the site(s) has/have personnel sufficient to meet the requirements of DPH regulation 19a-79-11.

D. list its DSS funded vacant, eligible and appropriate child care slots with the "resource and referral" contractor the department identifies to provide such referral services to Connecticut families requiring child care.

3. Program Review

Department staff shall review the performance of the contractor, and applicable subcontractors, at least annually. Such reviews may be performed by examination of documents and reports, site visits to funded facilities and program sites administered by the contractor, or by a combination of these activities.

4. Quality Assurance/License Compliance

The contractor agrees to comply with all applicable regulations adopted by the Department pursuant to program services and, as applicable, assure that all subcontractors providing contract services comply.

5. Accreditation

The Contractor and the Department mutually agree that outcomes and measures identified in Part III, Section 6 below shall not be required to be measured and reported for sites accredited by NAEYC or NSACCA.

1. **Description of Service - The contractor agrees to:** JUL - 7 2003

A. **(use 1, 2 or 3 from below based on the requirements of your contractor.**

NOTE: If the operation is in a school building select 1 if the operation is not in a school building select 2 and if the operation uses both select 3.))

1. provide services to children of school age with activities as described in the Department of Public Health (hereinafter "DPH") regulations 19a-79-11, as amended, in [a school building] **or** [in school buildings]. Such activities shall include, but not be limited to, physical activities, creative activities, quiet activities, indoor and outdoor play, nutritional snacks, large and small group activities and opportunities for homework, and

2. provide services to children of school age with activities as described in the Department of Public Health (hereinafter "DPH") regulations 19a-79-11, as amended, in [a non-school facility] **or** [non-school facilities]. Such activities shall include, but not be limited to, physical activities, creative activities, quiet activities, indoor and outdoor play, nutritional snacks, large and small group activities and opportunities for homework, and

3. provide services to children of school age with activities as described in the Department of Public Health (hereinafter "DPH") regulations 19a-79-11, as amended, in [a school building and in non-school facility] **or** [school buildings and in non-school facilities]. Such activities shall include, but not be limited to, physical activities, creative activities, quiet activities, indoor and outdoor play, nutritional snacks, large and small group activities and opportunities for homework, and

B. provide child day care services to 600 school aged children.

C. maintain a valid Child Day Care Center license, as required by the licensing requirements of DPH (C.G.S. §§19a-77 to 19a-80 and §§19a-82 to 19a-87, inclusive).

D. participate in events to determine the appropriateness of accreditation by accreditation services authorized by the department, currently the National Association for the Education of Young Children (NAEYC), and the National School Age Child Care Alliance (NSACCA). The department may from time to time authorize other accreditation.

2. **Program Administration - The contractor agrees to:**

A. provide contracted services at the following site(s):

	DPH License Exempt	DPH License Number	Site Name and Address (if Exempt)	NAEYC Accredited	NSACCA Accredited
1.	☑Yes ☐ No		**Mill Ridge Primary**	☐	☐
2.	☑Yes ☐ No		**Mill Ridge Intermediate**	☐	☐
3.	☑Yes ☐ No		**King Street Primary**	☐	☐
4.	☑Yes ☐ No		**King Street Intermediate**	☐	☐
5.	☑Yes ☐ No		**South Street Elementary**	☐	☐
6.	☑Yes ☐ No		**Roberts Ave Elementary**	☐	☐
7.	☑Yes ☐ No		**Pembroke Elementary**	☐	☐
8.	☑Yes ☐ No		**Hayestown Ave Elementary**	☐	☐
9.	☑Yes ☐ No		**Shelter Rock Elementary**	☐	☐
10.	☑Yes ☐ No		**Park Ave Elementary**	☐	☐
11.	☑Yes ☐ No		**Stadley Rough Elementary**	☐	☐
12.	☑Yes ☐ No		**Morris Street Elementary**	☐	☐
13.	☑Yes ☐ No		**Great Plain Elementary**	☐	☐

6. Outcomes and Measures

The Contractor shall implement the program and services described herein to result in the following outcomes on behalf of the clients. Such outcomes shall be measured in the manner described in Section 7 A & B and Section 8 and as documented by client records. Outcome results achieved pursuant to these terms and conditions will be monitored by the Department, with the exception of Accreditation as stated in Section 5 of this contract.

The contractor agrees to the following outcomes and measures:

Outcome: Children generally interact with each other in positive ways.

Measure: At least ___90___% of the participating children are relaxed and involved with each other.

At least ___90___% of the participating children show respect for each other (do not ridicule, fear, or reject others).

At least ___90___% of the participating children usually cooperate and work well together.

At least ___90___% of the participating children usually discuss their differences and work toward a solution when problems arise without arguing, fighting, or physical aggression.

Outcome: Children make their own choices and become more responsible.

Measure: At least ___90___% of the participating children do as much as possible for themselves.

At least ___90___% of the participating children choose what they will do, how they will they do it, and with whom.

At least ___90___% of the participating children make informed and responsible choices.

Outcome: Families are involved in the program.

Measures: At least ___80___% of the participating families visits the program.

___100___% of the participating family members are oriented to the program.

___100___% of the participating families are informed about the program.

___100___% of the participating families are encouraged to give input and be involved in the program activities.

Outcome: The parent(s)/guardian(s) access or participate in training or education programs, or maintain employment.

Measure: At least ___80___% of the parent(s)/guardian(s) maintain employment or participate in training or educational activity.

7. Programmatic and Statistical Reporting

A. The contractor shall submit a Program Statistical Report, on Form DSS 2042S, to the department's regional office responsible for the contract by January 31, 2004 and August 31, 2004.

B. The contractor shall submit, as an attachment to the Program Statistical Report, a narrative that shall describe:

1. the contractor's accomplishments, in interacting with, parents, school administrators and other school personnel and the community at large, the areas of parent interaction,

2. how the contractor promoted

   a. positive youth development,

   b. program participant health and safety, including but not limited to violence prevention and healthy and safe lifestyle choices,

   c. creative activities with program participants, and,

   d. vigorous physical activities with program participants, and,

3. what was the most innovative aspect of the contracted program?

8. Financial Reporting

The contractor shall submit quarterly financial reports on Forms DSS-304 and DSS-305 to the Department's regional office responsible for the contract by October 31, 2003, January 31, 2004 and April 30, 2004. A final financial report shall be submitted by August 31, 2004.

9. Grant-in-aid and Program Budget

A. The Department shall provide $ 43479.00 as a grant-in-aid to the contractor to provide contracted services for the contract period July 1, 2003 through June 30, 2004.

B. The contractor agrees to use its grant-in-aid in accordance with the budget on page n/a.

10. Payment

A. Except as otherwise restricted below, the department shall make quarterly payments on this contract at the following intervals:

1. upon contract execution

2. on or before October 1, 2003

3. on or before January 1, 2004

4. on or before April 1, 2004

B. Payments shall be made to the contractor at the address identified on page 1 of this contract unless a different address appears below.

_____

Contractor Payment Street Address 1

_____

Contractor Payment Street Address 2

_____

Contractor Payment City, State and Zip Code

C. The contractor agrees that to receive payment, it shall submit a written request. Said request shall be submitted on a DSS Payment Requisition (W-1270).

D. The contractor agrees that it shall request an initial payment on a W-1270, DSS Payment Requisition Form, equal to one quarter of the amount set forth in PART III, Section 9.A.

E. The contractor agrees that all payment requests, after the initial request, shall be submitted on a W-1270, DSS Payment Requisition Form, twenty (20) days before the date the payment is scheduled to be made, as outlined in Section 10.A. of this contract.

F. The department agrees that Payment Requisition requests will be honored and funds released based on its review and acceptance of financial reports, the availability of funds, and satisfactory contractor compliance with the terms of the contract.

G. If the contractor is delinquent in any financial report by more than thirty (30) days, it shall not be entitled to further payments until the delinquency is corrected.

H. If the department, upon review of report identified herein or upon examination of any financial record, determines that under-expenditure or under-utilization of the grant-in-aid is possible, it may reduce payments, with advance notice to the contractor.

11. Budget Revision

A. The contractor may transfer, within a single program component, funds from one budget category to another with the exception of equipment, without prior notification to or approval of the department so long as:

1. the amount, by which a single category is increased, does not exceed 15% of the approved amount or $1,500, whichever is greater.

2. the transfer applies only to category amounts in the formally approved budget and subsequently approved budget revisions. This flexibility applies separately to each component and is not computed on the composite budget.

3. the number of people or the percentage of time charged to a job classification is not increased beyond that provided for in Section 11.A.1.

4. the transfer is not for categories or kinds of expenditures listed in Section 11.B., and,

5. all transfers made pursuant to this section are reflected on the next submitted financial report.

B. The department requires that its prior written approval by a formal budget revision be requested and provided if:

1. the purchase is of an item of equipment not approved in the original budget,

2. the transfer is one that involves an increase of an approved category amount by more than 15% or $1,500, whichever is greater,

3. the transfer is for an increase in compensation for services under a subcontract contract, including third party contracts,

4. the request is to transfer funds from one component to another,

5. the request is to transfer budgeted program or food reimbursement income.

C. The department will respond, within thirty (30) days, to a properly executed budget revision request.

D. No contractor proposed budget revision shall be submitted more than thirty (30) calendar days after the contract end date. The department, however, may entertain, at any time, a budget revision to increase funding for an audit of the program.

E. The final financial report will show all category overruns. Costs incurred after the end of the contract period shall be disallowed, except where the department has expressly provided written approval in advance.

12. SUBCONTRACTORS *(include only if the contractor subcontracts the program operations)*

In addition to Part I, Clause 17 of this Contract:

A. The contractor will pay the subcontractor, identified in Section 12.B. below, of this Contract, an amount not to exceed $_____ as identified in Column b, Line 8 of the budget on page _____ of _____ of this Contract.

B. The contractor will subcontract to:

_____

Subcontractor Legal Name

_____

Subcontractor Street Address

_____

Subcontractor City, State and Zip Code

hereinafter referred to as "subcontractor _____" and the contractor shall execute a Contract between itself and the subcontractor. Said subcontract, at a minimum, shall bind the subcontractor to the terms and conditions of this Contract and to carrying out the Program subject to this Contract's provisions. Said subcontract shall, by reference, be made a part of this Contract as fully as if set forth herein.

Line	Cost Item	(a) Subcategory	(b) Line Total
1	UNIT RATE		
	1a. Bed Days		
	1b. Client Advocate		
	1c. Security Deposit		
	1d. Other Unit Rate Costs		
	TOTAL UNIT RATE		
2	CONTRACTUAL SERVICES		
	2a. Accounting		
	2b. Legal		
	2c. Independent Audit		
	2d. Other Contractual Services		
	TOTAL CONTRACTUAL SERVICES		
3	ADMINISTRATION		
	3a. Admin. Salaries	13,000	
	3b. Admin. Fringe Benefits	6,500	
	3c. Admin. Overhead	2,370	
	TOTAL ADMINISTRATION		21,870
4	DIRECT PROGRAM STAFF		
	4a. Program Salaries	12,000	
	4b. Program Fringe Benefits	2 209	
	TOTAL DIRECT PROGRAM		14,209
5	OTHER COSTS		
	5a. Program Rent		
	5b. Consumable Supplies	3,400	
	5c. Travel & Transportation	4,000	
	5d. Utilities		
	5e. Repairs & Maintenance		
	5f. Insurance		
	5g. Food & Related Costs		
	5h. Other Project Expenses		
	TOTAL OTHER COSTS		7,400
6	EQUIPMENT		
7	PROGRAM INCOME		
	7a. Fees		
	7b. Other Income		
	TOTAL PROGRAM INCOME		
8	TOTAL NET PROGRAM COST *(Sum of Line 1 through 6 minus Line 7)*		43479

(AG waiver date: 03/27/02, rev. 08/14/02)

RESOLUTION

I, Jimmetta L. Samaha, Assistant City Clerk, of the City of Danbury, a Connecticut corporation (the "Contractor"), do hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Common Council, of the Contractor duly held and convened on _____, at which meeting a duly constituted quorum of the Common Council was present and acting throughout and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect:

RESOLVED that the Mayor, Mark Boughton, is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a school-age childcare program, and to affix the corporate seal.

IN WITNESS WHEREOF, the undersigned has affixed his/her signature and the corporate seal of the Contractor this _____ day of _____, 2003.

(Seal or L.S.)

_____

Jimmetta L. Samaha
Assistant City Clerk

RESOLUTION

I, Jimmetta L. Samaha, Assistant City Clerk, of the City of Danbury, a Connecticut corporation (the "Contractor"), do hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Common Council, of the Contractor duly held and convened on _____, at which meeting a duly constituted quorum of the Common Council was present and acting throughout and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect:

RESOLVED that the Mayor, Mark Boughton, is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a school-age childcare program, and to affix the corporate seal.

IN WITNESS WHEREOF, the undersigned has affixed his/her signature and the corporate seal of the Contractor this _____ day of _____, 2003.

(Seal or L.S.)

_____

Jimmetta L. Samaha
Assistant City Clerk

[x] Original Contract #: 034-BAS-15

[ ] Amendment #: _____

(for internal use only)

ACCEPTANCES AND APPROVALS

By the Contractor	By the Department
City of Danbury	**Department of Social Services**
Contractor (Corporate/Legal Name of Contractor)	Department Name
Authorized Official *(signature)*	Authorized Official *(signature)*
Mark Boughton **Mayor**	**Michael P. Starkowski** **Deputy Commissioner**
Authorized Official *(typed)* Title	Authorized Official *(typed)* Title
Date	Date

Documentation necessary to demonstrate the authorization to sign must be attached.

(x) This contract does not require the signature of the Attorney General pursuant to an agreement between the department and the Office of the Attorney General dated _____

HIPAA Provisions

The Contractor herein ~~is~~ is not a Business Associate under HIPAA[1]:

Authorized Official *(signature)*	Authorized Official *(signature)*
	Michael P. Starkowski Deputy Commissioner
Authorized Official *(typed)* Title	Authorized Official *(typed)* Title
Date	Date

[1] per Part I, Section 37 of this contract

[x] Original Contract #: 034-BAS-15

[ ] Amendment #: _____

(for internal use only)

ACCEPTANCES AND APPROVALS

By the Contractor	By the Department
City of Danbury	**Department of Social Services**
Contractor (Corporate/Legal Name of Contractor)	Department Name
Authorized Official *(signature)*	Authorized Official *(signature)*
Mark Boughton **Mayor**	**Michael P. Starkowski** **Deputy Commissioner**
Authorized Official *(typed)* Title	Authorized Official *(typed)* Title
Date	Date

Documentation necessary to demonstrate the authorization to sign must be attached.

(x) This contract does not require the signature of the Attorney General pursuant to an agreement between the department and the Office of the Attorney General dated _____

HIPAA Provisions

The Contractor herein ~~is~~ is not a Business Associate under HIPAA[1]:

Authorized Official *(signature)*	Authorized Official *(signature)*
	Michael P. Starkowski Deputy Commissioner
Authorized Official *(typed)* Title	Authorized Official *(typed)* Title
Date	Date

[1] per Part I, Section 37 of this contract

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

PAYMENT REQUISITION

Name: CITY OF DANBURY
Address: 155 DEER HILL ROAD
DANBURY, CT 06810

FEIN: 06-000000034
Contract Number: 034-CDC-15
Contract Period: 7/1/03 – 6/30/04
Contract Type: POS ☒ PSA ☐ MOU ☐ RR ☐

Total Contract: $43,479.00
Previous Payments: $
This Payment: $

Payment Period:
☐ 7/1/03 - 9/30/03
☐ 10/1/03 - 12/31/03
☐ 1/1/04 - 3/30/04
☐ 4/1/04 - 6/30/04

Program is operating in compliance with Contract, and expenditures have been incurred accordingly.

MARK BOUGHTON
Name

MAYOR
Title

Signature

Date

(203) 797-4510
Phone

Accounting Codes

Line #	*Sid*	*Function*	*Activity*	*Major*	*Minor*	*Amount*
	036	0000				

Financial Reports required: Yes ☒ No ☐

Program is in compliance with Contract, and expenditures have been incurred accordingly.

SUSAN A. GAJDA
Name

PROGRAM SPECIALIST
Title

Signature

Date

(203) 597-4125
Phone

Financial Reports on file: Yes ☐ No ☐

Reviewed & Approved by:

Signature

___/___/___
Date

(860) 424-
Phone

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

PAYMENT REQUISITION

Name: **CITY OF DANBURY**
Address: **155 DEER HILL ROAD**
DANBURY, CT 06810

FEIN: **06-000000034**
Contract Number: **034-CDC-15**
Contract Period: **7/1/03 – 6/30/04**
Contract Type: POS ☒ PSA ☐ MOU ☐ RR ☐

Total Contract: **$ 4 3 , 4 7 9 . 0 0**
Previous Payments: $
This Payment: $

Payment Period:
☐ 7/1/03 - 9/30/03
☐ 10/1/03 - 12/31/03
☐ 1/1/04 - 3/30/04
☐ 4/1/04 - 6/30/04

Program is operating in compliance with Contract, and expenditures have been incurred accordingly.

M A R K B O U G H T O N
Name

M A Y O R
Title

Signature

Date

(2 0 3) 7 9 7 - 4 5 1 0
Phone

Accounting Codes

Line #	*Sid*	*Function*	*Activity*	*Major*	*Minor*	*Amount*
	0 3 6	0 0 0 0				

Financial Reports required: Yes ☒ No ☐

Program is in compliance with Contract, and expenditures have been incurred accordingly.

S U S A N A . G A J D A
Name

P R O G R A M S P E C I A L I S T
Title

Signature

Date

(2 0 3) 5 9 7 - 4 1 2 5
Phone

Financial Reports on file: Yes ☐ No ☐

Reviewed & Approved by:

Signature

____/____/____
Date

(8 6 0) 4 2 4 -
Phone

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

PAYMENT REQUISITION

Name: **CITY OF DANBURY**
Address: **155 DEER HILL ROAD**
DANBURY, CT 06810

FEIN: **06-000000034**
Contract Number: **034-CDC-15**
Contract Period: **7/1/03 – 6/30/04**
Contract Type: POS ☒ PSA ☐ MOU ☐ RR ☐

Total Contract: **$ 4 3 , 4 7 9 . 0 0**
Previous Payments: $
This Payment: $

Payment Period:
☐ 7/1/03 - 9/30/03
☐ 10/1/03 - 12/31/03
☐ 1/1/04 - 3/30/04
☐ 4/1/04 - 6/30/04

Program is operating in compliance with Contract, and expenditures have been incurred accordingly.

M A R K B O U G H T O N
Name

M A Y O R
Title

Signature

Date

(2 0 3) 7 9 7 - 4 5 1 0
Phone

Accounting Codes

Line #	*Sid*	*Function*	*Activity*	*Major*	*Minor*	*Amount*
	0 3 6	0 0 0 0				

Financial Reports required: Yes ☒ No ☐

Program is in compliance with Contract, and expenditures have been incurred accordingly.

S U S A N A . G A J D A
Name

P R O G R A M S P E C I A L I S T
Title

Signature

Date

(2 0 3) 5 9 7 - 4 1 2 5
Phone

Financial Reports on file: Yes ☐ No ☐

Reviewed & Approved by:

Signature

____/____/____
Date

(8 6 0) 4 2 4 -
Phone

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

PAYMENT REQUISITION

Name: **CITY OF DANBURY**
Address: **155 DEER HILL ROAD**
DANBURY, CT 06810

FEIN: **06-000000034**
Contract Number: **034-CDC-15**
Contract Period: **7/1/03 – 6/30/04**
Contract Type: **POS ☒ PSA ☐ MOU ☐ RR ☐**

Total Contract: **$ 4 3 , 4 7 9 . 0 0**
Previous Payments: $
This Payment: $

Payment Period:
- ☐ 7/1/03 - 9/30/03
- ☐ 10/1/03 - 12/31/03
- ☐ 1/1/04 - 3/30/04
- ☐ 4/1/04 - 6/30/04

Program is operating in compliance with Contract, and expenditures have been incurred accordingly.

M A R K B O U G H T O N
Name

M A Y O R
Title

Signature

Date

(2 0 3) 7 9 7 - 4 5 1 0
Phone

Accounting Codes

Line #	*Sid*	*Function*	*Activity*	*Major*	*Minor*	*Amount*
	0 3 6	0 0 0 0				

Financial Reports required: Yes ☒ No ☐

Program is in compliance with Contract, and expenditures have been incurred accordingly.

S U S A N A . G A J D A
Name

P R O G R A M S P E C I A L I S T
Title

Signature

Date

(2 0 3) 5 9 7 - 4 1 2 5
Phone

Financial Reports on file: Yes ☐ No ☐

Reviewed & Approved by:

Signature

___/___/___
Date

(8 6 0) 4 2 4 - ____
Phone

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services, will make grant funds available to Connecticut municipalities;

WHEREAS, the State of Connecticut, Department of Social Services, will award these funds to the Danbury Public Schools for use in the Before and After School Child Care program to provide day care services to 600 school age children;

WHEREAS, these funds, if awarded, would be used for the Before and After School Program for the grant period of July 1, 2003, through June 30, 2004, for the 2003-04 school year;

WHEREAS, the City of Danbury is eligible to receive grant funds up to the amount of $43,479.00; and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton as Mayor of the City of Danbury is hereby authorized to apply for said grant funds and to sign all documents necessary and do all things necessary to effectuate the purposes of said program.

6

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION - DRIVING UNDER THE INFLUENCE SAFETY GRANT**

DATE: September 25, 2003

Attached for your review is a resolution that will allow the City of Danbury Police Department to apply for and accept grant funding from the State of Connecticut, Department of Transportation for the "2004 Thanksgiving/Christmas/NewYear" Driving Under the Influence Enforcement Program". This grant in the amount of $9,450 requires a local match of $4,050. The funding for the local match is available in the Police Department Overtime Budget.

Attached is a copy of the budget received by this office for your review. The Common Council is requested to consider this resolution at its next meeting.

If you have any questions, feel free to give me a call.

DD/jgb

Cc: Robert Paquette

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of $9,450.00 for the 2003-2004 Thanksgiving/Christmas/New Years Driving Under the Influence Enforcement Program; and

WHEREAS, an equal local cash match of $4,050.00 is required in order to reach the total cost of the program, which is $13,500.00.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

6

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION - DRIVING UNDER THE INFLUENCE SAFETY GRANT**

DATE: September 25, 2003

Attached for your review is a resolution that will allow the City of Danbury Police Department to apply for and accept grant funding from the State of Connecticut, Department of Transportation for the "2004 Thanksgiving/Christmas/NewYear" Driving Under the Influence Enforcement Program". This grant in the amount of $9,450 requires a local match of $4,050. The funding for the local match is available in the Police Department Overtime Budget.

Attached is a copy of the budget received by this office for your review. The Common Council is requested to consider this resolution at its next meeting.

If you have any questions, feel free to give me a call.

DD/jgb

Cc: Robert Paquette

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of $9,450.00 for the 2003-2004 Thanksgiving/Christmas/New Years Driving Under the Influence Enforcement Program; and

WHEREAS, an equal local cash match of $4,050.00 is required in order to reach the total cost of the program, which is $13,500.00.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

DHS

STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAY SAFETY

SHADED AREA FOR DHS USE ONLY

PROJECT NO. 0183-		
PROGRAM DESCRIPTION: Alcohol	PROGRAM AREA: 04-AL-164	
DATE RECEIVED	DATE APPROVED	

HIGHWAY SAFETY PROJECT APPLICATION

ACCEPTANCE—IT IS UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT FUNDS RECEIVED AS A RESULT OF THIS APPLICATION IS SUBJECT TO THE REGULATIONS GOVERNING HIGHWAY SAFETY PROJECTS. THIS AGREEMENT MAY BE TERMINATED BY EITHER PARTY IN ACCORDANCE WITH DHS POLICY. COPY OF POLICY OBTAINED UPON REQUEST.

1. PROJECT TITLE
2003 THANKSGIVING/CHRISTMAS/NEW YEAR'S DUI ENFORCEMENT PROGRAM - CITY/TOWN OF:

2. GOVERNMENTAL UNIT: Danbury - City of Danbury	3. ADDRESS OF GOVERNMENTAL UNIT (W/ZIP CODE): 155 Deer Hill Ave., Danbury, CT 06810
4. APPLICANT: Danbury Police Department	5. ADDRESS OF APPLICANT (W/ZIP CODE): 120 Main Street, Danbury, CT. 06810
6. FEDERAL IDENTIFICATION NO.: 06-600-1868	7. ANTICIPATED PROJECT START-UP DATE: November 26, 2003

APPROVED PROJECT PERIOD (MO./DAY/YR.) FOR DHS USE ONLY

FROM: November 26, 2003	THROUGH: January 31, 2004

A. PROJECT DIRECTOR

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Arthur P. Sullo	(2) TITLE: Captain, Admin. Cmdr.	(3) TELEPHONE NO.: 203-797-4538
(4) SIGNATURE: Arthur P. Sullo 9/22/03	(5) ADDRESS AND ZIP CODE: Danbury Police Department 120 Main Street, Danbury, CT 06810	

B. FINANCIAL OFFICER

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Dena Diorio	(2) TITLE: Finance Director	(3) TELEPHONE NO.: 203-797-4652
(4) SIGNATURE	(5) ADDRESS AND ZIP CODE: 155 Deer Hill Ave. Danbury, CT 06810	

C. AUTHORIZING OFFICIAL OF GOVERNMENTAL UNIT

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Mark D. Boughton	(2) TITLE: Mayor, City of Danbury	(3) TELEPHONE NO.: 203-797-4511
(4) SIGNATURE	(5) ADDRESS AND ZIP CODE: 155 Deer Hill Ave. Danbury, CT 06810	

APPROVAL--(FOR DHS USE ONLY)

RECOMMEND APPROVAL_____	B. FISCAL REVIEW COMPLETED BY:	C. DATE
RECOMMEND DENIAL_____	D. PROGRAM REVIEW COMPLETE BY:	E. DATE
F. OBLIGATED FEDERAL FUNDS FY: 2004	G. NAME: SUSAN C. MALONEY	H. TITLE: Governor's Highway Safety Representative
	I. SIGNATURE	J. DATE

THIS ACTION: $

PREVIOUS: $

TOTAL: $

TOWN/CITY OF: DANBURY

FRINGE BENEFIT CERTIFICATION STATEMENT

I hearby certify that the fringe benefit rate of 1.34%% is the rate authorized by the Town/City of Danbury For application against all OVERTIME hours worked by the sworn police agency personnel for the following time period: From 11/26/03 (Date) To 12/31/03 (Date)

The category/percentage breakdown of this rate is as follows:

Cost Category	*Percentage*
1. Net Workman Comp. cost	1.34 %
2.	%
3.	%
4.	%
5.	%
6.	%
7.	%
8.	%
TOTAL OVERTIME FRINGE RATE	1.34 %

I further certify that this statement is correct in all respects and that the OVERTIME fringe benefit rate identified above accurately represents the OVERTIME fringe benefit costs to the municipality for the individuals employed under this project.

TOWN/CITY'S CHIEF FINANCIAL OFFICER

Name: Dena Diorio

Title: Finance Director

Ink Signature: _____

TOWN/CITY OF DANBURY
THANKSGIVEN, CHRISTMAS & NEW YEAR'S ENFORCEMENT
PROJECT COST WORKSHEET

1. OVERTIME WAGES: (Only 1 officer allowed per vehicle at any one time).

DATE OF DETAIL	VEHICLES	AMT. of HRS	Hr. O.T.Rate	Detail Cost
11/26/2003	Offiicer 1.	10	39.104	$391.04
11/26/2003	Officer 2.	10	39.104	$391.04
11/27/2003	Offiicer 1.	10	39.104	$391.04
11/27/2003	Officer 2.	10	39.104	$391.04
11/28/2003	Offiicer 1.	10	39.104	$391.04
11/28/2003	Officer 2.	10	39.104	$391.04
11/29/2003	Offiicer 1.	10	39.104	$391.04
11/29/2003	Officer 2.	10	39.104	$391.04
11/30/2003	Offiicer 1.	10	39.104	$391.04
11/30/2003	Officer 2.	10	39.104	$391.04
12/4/2003	Offiicer 1.	10	39.104	$391.04
12/4/2003	Officer 2.	10	39.104	$391.04
12/5/2003	Offiicer 1.	10	39.104	$391.04
12/5/2003	Officer 2.	10	39.104	$391.04
12/6/2003	Offiicer 1.	10	39.104	$391.04
12/6/2003	Officer 2.	10	39.104	$391.04
12/7/2003	Offiicer 1.	10	39.104	$391.04
12/7/2003	Officer 2.	10	39.104	$391.04
12/11/2003	Offiicer 1.	10	39.104	$391.04
12/11/2003	Officer 2.	10	39.104	$391.04
12/12/2003	Offiicer 1.	10	39.104	$391.04
12/12/2003	Officer 2.	10	39.104	$391.04
12/13/2003	Offiicer 1.	10	39.104	$391.04
12/13/2003	Officer 2.	10	39.104	$391.04
12/14/2003	Offiicer 1.	10	39.104	$391.04
12/14/2003	Officer 2.	10	39.104	$391.04
12/19/2003	Offiicer 1.	10	39.104	$391.04
12/19/2003	Officer 2.	10	39.104	$391.04
12/20/2003	Offiicer 1.	10	39.104	$391.04
12/20/2003	Officer 2.	10	39.104	$391.04

TOWN/CITY OF DANBURY
THANKSGIVEN, CHRISTMAS & NEW YEAR'S ENFORCEMENT
PROJECT COST WORKSHEET

1. OVERTIME WAGES: (Only 1 officer allowed per vehicle at any one time).

DATE OF DETAIL	VEHICLES	AMT. of HRS	Hr. O.T.Rate	Detail Cost
12/21/2003	Offiicer 1.	10	39.104	$391.04
12/21/2003	Officer 2.	10	39.104	$391.04
12/31/2003	Offiicer 1.	10	39.104	$391.04
12/31/2003	Officer 2.	10	39.104	$391.04
	TOTAL ESTIMATED WAGES			**$13,295.36**
2. OVERTIME FRINGE BENEFIT RATE @ 1.34 % =				$ 178.15
GRAND TOTAL =				$ 13,473.51
ROUND UP AMOUNT (Round to next highest $100				**$ 13,500.00**

SOBRIETY CHECKPOINT

DATE: Hours: :00 m - :00 m

Enforcement Officer	#1:	hrs.	@ $.	= $	.
	#2:	hrs.	@ $.	= $	.
	#3:	hrs.	@ $.	= $	.
	#4:	hrs.	@ $.	= $	.
	#5:	hrs.	@ $.	= $	.
	#6:	hrs.	@ $.	= $	.
	#7:	hrs.	@ $.	= $	.

TOTAL ESTIMATED WAGES =$, .
(Sum total of worksheet) 13,295.36

2. OVERTIME FRINGE BENEFIT RATE @ 1.34 %.
Multiply this rate (if applicable) times the TOTAL ESTIMATED WAGES (from the above worksheet) to get the :

TOTAL ESTIMATED FRINGE BENEFITS = $,178 .15

* If overtime fringe benefits are being claimed, please have the municipality's chief financial officer complete and sign the FRINGE BENEFIT CERTIFICATION STATEMENT (Last page of grant application).

Add the TOTAL ESTIMATED WAGES to the TOTAL ESTIMATED FRINGE BENEFITS (if applicable) to get the :

GRAND TOTAL = $ 13,473 .51

Please round up the above GRAND TOTAL amount to the next highest $100.00 (i.e. $1,842.11 to $1900.00).

ROUND UP AMOUNT = $ 13,500 .00

PROJECT TITLE	APPLICANT
2003 THANKSGIVING/CHRISTMAS/N.YR. DUI ENF.	Danbury Police Department

9. STATEMENT OF THE PROBLEM AND BACKGROUND INFORMATION

In the United States during 2001, 17,380 or 41% of all traffic fatalities were alcohol related. This compares with 49.2% in 1989, 50.2% in 1988 and 57.2% in 1982. This downward trend is the result of a number of factors: legislation, public information and education, selective law enforcement, etc. National statistics also reveal a consistent day of week and time of day occurrence trend. Almost 60% of all such crashes occurred from Friday at 6:00pm to Monday at 6:00am. An average of one alcohol-related fatality occurs every 30 minutes.

Connecticut trends are similar. During 2001, 158 out of 312 traffic fatalities (51%) were alcohol related. This compares with 203 in 1989, 234 in 1988, and 292 in 1982. Day of the week and time of day analysis reveals trends similar to national data.

Although alcohol related fatalities have decreased in the last decade, the problem still remains at unacceptable levels, especially during Holiday periods that show an increase in alcohol related crashes of 12 to 15 percent.

10. OBJECTIVES

--To increase enforcement and media relations related to operating a motor vehicle while under the influence of intoxicating liquor and or drugs during the Thanksgiving, Christmas/New Year's holiday period.

--To reduce both the number of DUI-related motor vehicle crashes which occur during the period and the number of people killed and injured in such crashes.

PROJECT TITLE	APPLICANT
2003 THANKSGIVING, CHRISTMAS/N.YR. DUI ENF.	Danbury Police Department

1. ACTIVITIES AND PROCEDURES

DUI selective enforcement will be conducted during the Thanksgiving, Christmas/New Year's holiday period per the following operational schedule. Enforcement techniques to be employed include extra DUI patrol activities, and may include weekend field sobriety checkpoints. Note: For DUI patrol activities, the number of enforcement officers allowed per vehicle at any one time is one, however, daily shifts may be split by more than one officer. It is recommended that all officers assigned to DUI enforcement activities be trained in DUI law enforcement techniques.

NOTE: The operation of this selective enforcement program shall be above and beyond the normal/special patrol activities scheduled for the dates and time frames listed below.

Period : Thanksgiving,Christmas/New Year's Holiday Period

(fill in below)

	Defined Program Parameters	Planned Project Operations
Dates/ Times	11/26 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	11/27 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	11/28 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	11/29 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	11/30 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/04 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/05 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/06 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/07 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/11 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/12 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/13 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/14 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/18 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/19 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/20 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/21 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am
	12/31 > 3:00pm - 4:00am	: 16:00 pm - 02:00 am

Hours of operation must fall within the above defined program parameters. Adjustments may be made based on unique local circumstances.

Primary enforcement locations are as follows:

Federal Road, Sugar Hollow RD, Newtown RD, White Street, West St, Mill PLain RD South St, Main St, North St, Padanaram RD, Downtown Citi Center, Liberty St, Keeler Street, Clapboard Ridge, Wildman St & Triangle St.

This operational plan will be supported through statewide and regional/local media coverage.

PROJECT TITLE	APPLICANT
2003 THANKSGIVING,CHRISTMAS/N.YR. DUI ENF.	Danbury Police Department

12. BUDGET DETAIL

PLEASE FILL OUT PROJECT COST WORKSHEET PRIOR TO COMPLETING THIS PAGE.

(A)	PERSONNEL SERVICES	$, .00
	Overtime wages plus fringe benefits	13,500.00
(B)	CONTRACTUAL SERVICES	0.00
(C)	OPERATING COSTS	0.00
(D)	EQUIPMENT	0.00
(E)	INDIRECT COSTS	0.00
(F)	TOTAL	$ 13,500 .00

The Applicant understands that it benefits from the administration of this project by the Department of Transportation's Division of Highway Safety (DHS) and agrees that the costs incurred by DHS related to such administration will be credited towards the federal requirement that a minimum of 40% of a State's annual highway safety funding be provided for the benefit of its local political subdivisions.

PROJECT TITLE	APPLICANT
2003 THANKSGIVING, CHRISTMAS/N.YR. DUI ENF.	Danbury Police Department

13. PROJECT EVALUATION AND MILESTONES

An administrative evaluation of this project will be conducted which will consider:

(a) Schedule/number of DUI overtime hours;

(b) Total number of DUI citations issued;

(c) Total number of other motor vehicle citations issued.

An effectiveness evaluation will be conducted which will measure:

(a) The change in the number of persons killed in motor vehicle crashes in which drugs or alcohol was identified as a contributing factor, which occurred during project dates/times vs. base period.

(b) The change in the number of persons injured in motor vehicle crashes in which alcohol or drugs was a contributing factor which occurred during project dates/times vs. base period.

(c) The change in the number of motor vehicle crashes in which alcohol or drugs was identified as a contributing factor which occurred during project dates/times vs. base period.

PROJECT MILESTONES	Thanksgiving	Christmas/New Year's
* Project announcement date	08/27/03	08/27/03
* Project application due date	10/15/03	10/15/03
* Project award date	11/19/03	11/19/03
* Publicity related to statewide enforcement	11/24/03	12/01/03
* Publicity related to selected community enforcement	11/24/03	12/01/03
* Conduct DUI enforcement program	11/26 - 11/30/03	12/04 - 12/31/03
* Enforcement summaries/expense claims submitted to Division of Highway Safety	01/31/04	01/31/04

PROJECT TITLE	APPLICANT
2003 THANKSGIVING, CHRISTMAS/N.YR. DUI ENF.	Danbury Police Department

14. BUDGET SUMMARY

COST CATEGORY	Amount	SOURCE OF FUNDS		TOTAL
PERSONNEL SERVICES	$	FEDERAL FUNDS	70%	$ 9,450.00
CONTRACTUAL SERVICES	$ XXXXXXXX	NON-FEDERAL	30%	$ 4,050.00
OPERATING COSTS	$ XXXXXXXX	TOTAL FUNDS	100%	$ 13,500.00
EQUIPMENT	$ XXXXXXXX			
INDIRECT COSTS	$ XXXXXXXX			
TOTAL BUDGETED	$			

BUDGET SUMMARY APPROVAL (DHS USE ONLY)

COST CATEGORY	AMOUNT	SOURCE OF FUNDS		TOTAL
PERSONNEL SERVICES	$	FEDERAL FUNDS	70%	$
CONTRACTUALSERVICES	$ XXXXXXXX	NON-FEDERAL	30%	$
OPERATING COSTS	$ XXXXXXXX	TOTAL FUNDS	100%	$
EQUIPMENT	$ XXXXXXXX			
INDIRECT COSTS	$ XXXXXXXX			
TOTAL APPROVED	$			

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of $9,450.00 for the 2003-2004 Thanksgiving/Christmas/New Years Driving Under the Influence Enforcement Program; and

WHEREAS, an equal local cash match of $4,050.00 is required in order to reach the total cost of the program, which is $13,500.00.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

7

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

RE: **RESOLUTION - DRIVING UNDER THE INFLUENCE ENFORCEMENT GRANT**

DATE: September 25, 2003

Attached for your review is a resolution that will allow the City of Danbury Police Department to apply for and accept grant funding from the State of Connecticut, Department of Transportation for the "Expanded Driving Under the Influence Enforcement Program". This grant in the amount of $40,275 requires a local match of $13,425. The funding for the local match is available in the Police Department Overtime Budget.

Attached is a copy of the budget received by this office for your review. The Common Council is requested to consider this resolution at its next meeting.

If you have any questions, feel free to give me a call.

DD/jgb

Cc: Robert Paquette

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of $40,275.00 for the 2004 Expanded Driving Under the Influence Enforcement Program; and

WHEREAS, a 25% local cash match in the amount of $13,425.00 is required in order to reach the total cost of the program, which is $53,700.00.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAY SAFETY

SHADED AREA FOR DHS USE ONLY

PROJECT NO. 0183-	
PROGRAM DESCRIPTION: Alcohol	PROGRAM AREA: 04-AL-164
DATE RECEIVED	DATE APPROVED

HIGHWAY SAFETY PROJECT APPLICATION

ACCEPTANCE—IT IS UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT FUNDS RECEIVED AS A RESULT OF THIS APPLICATION IS SUBJECT TO THE REGULATIONS GOVERNING HIGHWAY SAFETY PROJECTS. THIS AGREEMENT MAY BE TERMINATED BY EITHER PARTY IN ACCORDANCE WITH DHS POLICY. COPY OF POLICY OBTAINED UPON REQUEST.

1. PROJECT TITLE
2004 EXPANDED DUI ENFORCEMENT PROGRAM - CITY/TOWN OF:

2. GOVERNMENTAL UNIT: Danbury - City of Danbury	3. ADDRESS OF GOVERNMENTAL UNIT (W/ZIP CODE): 155 Deer Hill Ave., Danbury, CT 06810
4. APPLICANT: Danbury Police Department	5. ADDRESS OF APPLICANT (W/ZIP CODE): 120 Main Street, Danbury,CT. 06810
6. FEDERAL IDENTIFICATION NO.: 06-600-1868	7. ANTICIPATED PROJECT START-UP DATE: October 24,2003

APPROVED PROJECT PERIOD (MO./DAY/YR.) FOR DHS USE ONLY

FROM: Oct 24, 2003	THROUGH: September 30, 2004

A. PROJECT DIRECTOR

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Arthur P. Sullo	(2) TITLE: Captain, Admin CMDR.	(3) TELEPHONE NO.: 203-797-4538
(4) SIGNATURE: Arthur P. Sullo 9/22/03	(5) ADDRESS AND ZIP CODE: Danbury Police Department 120 Main Street,Danbury,CT 06810	

B. FINANCIAL OFFICER

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Dena Diorio	(2) TITLE: Finance Director	(3) TELEPHONE NO.: 203-797-4652
(4) SIGNATURE:	(5) ADDRESS AND ZIP CODE: 155 Deer Hill Ave Danbury, Connecticut 06810	

C. AUTHORIZING OFFICIAL OF GOVERNMENTAL UNIT

(1) NAME (FIRST, MIDDLE INITIAL, LAST): Mark D. Boughton	(2) TITLE: Mayor, City of Danbury	(3) TELEPHONE NO.: 203-797-4511
(4) SIGNATURE:	(5) ADDRESS AND ZIP CODE: 155 Deer Hill Ave Danbury, Connecticut 06810	

APPROVAL -- (FOR DHS USE ONLY)

RECOMMEND APPROVAL _____	B. FISCAL REVIEW COMPLETED BY:	C. DATE
RECOMMEND DENIAL _____	D. PROGRAM REVIEW COMPLETE BY:	E. DATE
F. OBLIGATED FEDERAL FUNDS FY: 2004	G. NAME: SUSAN C. MALONEY	H. TITLE: Governor's Highway Safety Representative
	I. SIGNATURE	J. DATE

THIS ACTION: $

PREVIOUS: $

TOTAL: $

TOWN/CITY OF: DANBURY

FRINGE BENEFIT CERTIFICATION STATEMENT

I hearby certify that the fringe benefit rate of 1.34 % is the rate authorized by the Town/City of DANBURY For application against all OVERTIME hours worked by the sworn police agency personnel for the following time period: From 10/24/03 (Date) To 9/11/04 (Date)

The category/percentage breakdown of this rate is as follows:

	Cost Category	*Percentage*
1.	Workmans Comp. Police	1.34 %
2.		%
3.		%
4.		%
5.		%
6.		%
7.		%
8.		%

TOTAL OVERTIME FRINGE RATE 1.34 %

I further certify that this statement is correct in all respects and that the OVERTIME fringe benefit rate identified above accurately represents the OVERTIME fringe benefit costs to the municipality for the individuals employed under this project.

TOWN/CITY'S CHIEF FINANCIAL OFFICER

Name: Dena Diorio

Title: Finance Director

Ink Signature: _____

TOTAL ESTIMATED WAGES = $52,968.16
[Sum total of worksheet(s)]

2. OVERTIME FRINGE BENEFIT RATE @ 1.34%.
Multiply this rate (if applicable) times the TOTAL ESTIMATED WAGES (from the above worksheet) to get the :

TOTAL ESTIMATED FRINGE BENEFITS = $,709.77

* If overtime fringe benefits are being claimed, please have the municipality's chief financial officer complete and sign the FRINGE BENEFIT CERTIFICATION STATEMENT (Last page of grant application).

Add the TOTAL ESTIMATED WAGES to the TOTAL ESTIMATED FRINGE BENEFITS (if applicable) to get the :

GRAND TOTAL = $53,677.93

Please round up the above GRAND TOTAL amount to the next highest $100.00 (i.e. $1,842.11 to $1900.00).

ROUND UP AMOUNT = $53,700.00

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

Date of Detail	HOURS	HR. Rate	Detail Cost
10/24/2003	8	39.10405	$ 312.83
10/24/2003	8	39.10405	$ 312.83
10/25/2003	8	39.10405	$ 312.83
10/25/2003	8	39.10405	$ 312.83
10/31/2003	8	39.10405	$ 312.83
10/31/2003	8	39.10405	$ 312.83
11/1/2003	8	39.10405	$ 312.83
11/1/2003	8	39.10405	$ 312.83
11/7/2003	8	39.10405	$ 312.83
11/7/2003	8	39.10405	$ 312.83
11/8/2003	8	39.10405	$ 312.83
11/8/2003	8	39.10405	$ 312.83
11/14/2003	8	39.10405	$ 312.83
11/14/2003	8	39.10405	$ 312.83
11/15/2003	8	39.10405	$ 312.83
11/15/2003	8	39.10405	$ 312.83
11/21/2003	8	39.10405	$ 312.83
11/21/2003	8	39.10405	$ 312.83
11/22/2003	8	39.10405	$ 312.83
11/22/2003	8	39.10405	$ 312.83
12/26/2003	8	39.10405	$ 312.83
12/26/2003	8	39.10405	$ 312.83
12/27/2003	8	39.10405	$ 312.83
12/27/2003	8	39.10405	$ 312.83
1/2/2004	8	39.10405	$ 312.83
1/2/2004	8	39.10405	$ 312.83
1/3/2004	8	39.10405	$ 312.83
1/3/2004	8	39.10405	$ 312.83
1/9/2004	8	39.10405	$ 312.83
1/9/2004	8	39.10405	$ 312.83

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

Date of Detail	HOURS	HR. Rate	Detail Cost
1/10/2004	8	39.10405	$ 312.83
1/10/2004	8	39.10405	$ 312.83
1/16/2004	8	39.10405	$ 312.83
1/16/2004	8	39.10405	$ 312.83
1/17/2004	8	39.10405	$ 312.83
1/17/2004	8	39.10405	$ 312.83
1/23/2003	8	39.10405	$ 312.83
1/23/2004	8	39.10405	$ 312.83
1/24/2004	8	39.10405	$ 312.83
1/24/2004	8	39.10405	$ 312.83
1/30/2004	8	39.10405	$ 312.83
1/30/2004	8	39.10405	$ 312.83
1/31/2004	8	39.10405	$ 312.83
1/31/2004	8	39.10405	$ 312.83
2/6/2004	8	39.10405	$ 312.83
2/6/2004	8	39.10405	$ 312.83
2/7/2004	8	39.10405	$ 312.83
2/7/2004	8	39.10405	$ 312.83
2/13/2004	8	39.10405	$ 312.83
2/13/2004	8	39.10405	$ 312.83
2/14/2004	8	39.10405	$ 312.83
2/14/2004	8	39.10405	$ 312.83
2/20/2004	8	39.10405	$ 312.83
2/20/2004	8	39.10405	$ 312.83
2/21/2004	8	39.10405	$ 312.83
2/21/2004	8	39.10405	$ 312.83
2/27/2004	8	39.10405	$ 312.83
2/27/2004	8	39.10405	$ 312.83
3/5/2004	8	39.10405	$ 312.83
3/5/2004	8	39.10405	$ 312.83

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

Date of Detail	HOURS	HR. Rate	Detail Cost
3/6/2004	8	39.10405	$- 312.83
3/6/2004	8	39.10405	$ 312.83
3/12/2004	8	39.10405	$ 312.83
3/12/2004	8	39.10405	$ 312.83
3/13/2004	8	39.10405	$ 312.83
3/13/2004	8	39.10405	$ 312.83
3/16/2004	8	39.10405	$ 312.83
3/16/2004	8	39.10405	$ 312.83
3/17/2004	8	39.10405	$ 312.83
3/17/2004	8	39.10405	$ 312.83
3/19/2004	8	39.10405	$ 312.83
3/19/2004	8	39.10405	$ 312.83
3/20/2004	8	39.10405	$ 312.83
3/20/2004	8	39.10405	$ 312.83
3/26/2004	8	39.10405	$ 312.83
3/26/2004	8	39.10405	$ 312.83
4/2/2004	8	39.10405	$ 312.83
4/2/2004	8	39.10405	$ 312.83
4/3/2004	8	39.10405	$ 312.83
4/3/2004	8	39.10405	$ 312.83
4/9/2004	8	39.10405	$ 312.83
4/9/2004	8	39.10405	$ 312.83
4/10/2004	8	39.10405	$ 312.83
4/10/2004	8	39.10405	$ 312.83
4/16/2004	8	39.10405	$ 312.83
4/16/2004	8	39.10405	$ 312.83
4/17/2004	8	39.10405	$ 312.83
4/17/2004	8	39.10405	$ 312.83
4/23/2004	8	39.10405	$ 312.83
4/23/2004	8	39.10405	$ 312.83

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

Date of Detail	HOURS	HR. Rate	Detail Cost
4/24/2004	8	39.10405	$ 312.83
4/24/2004	8	39.10405	$ 312.83
4/30/2004	8	39.10405	$ 312.83
4/30/2004	8	39.10405	$ 312.83
5/1/2004	8	39.10405	$ 312.83
5/1/2004	8	39.10405	$ 312.83
5/7/2004	8	39.10405	$ 312.83
5/7/2004	8	39.10405	$ 312.83
5/8/2004	8	39.10405	$ 312.83
5/8/2004	8	39.10405	$ 312.83
5/14/2004	8	39.10405	$ 312.83
5/14/2004	8	39.10405	$ 312.83
5/15/2004	8	39.10405	$ 312.83
5/15/2004	8	39.10405	$ 312.83
5/21/2004	8	39.10405	$ 312.83
5/21/2004	8	39.10405	$ 312.83
5/22/2004	8	39.10405	$ 312.83
5/22/2004	8	39.10405	$ 312.83
6/4/2004	8	39.10405	$ 312.83
6/4/2004	8	39.10405	$ 312.83
6/5/2004	8	39.10405	$ 312.83
6/5/2004	8	39.10405	$ 312.83
6/11/2004	8	39.10405	$ 312.83
6/11/04	8	39.10405	$ 312.83
6/12/2004	8	39.10405	$ 312.83
6/12/2004	8	39.10405	$ 312.83
6/18/2004	8	39.10405	$ 312.83
6/18/2004	8	39.10405	$ 312.83
6/19/2004	8	39.10405	$ 312.83
6/19/2004	8	39.10405	$ 312.83

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

Date of Detail	HOURS		Detail Cost
6/25/2004	8	39.10405	$ 312.83
6/25/2004	8	39.10405	$ 312.83
6/26/2004	8	39.10405	$ 312.83
6/26/2004	8	39.10405	$ 312.83
7/9/2004	8	40.27717	$ 322.21
7/9/2004	8	40.27717	$ 322.21
7/10/2004	8	40.27717	$ 322.21
7/10/2004	8	40.27717	$ 322.21
7/16/2004	8	40.27717	$ 322.21
7/16/2004	8	40.27717	$ 322.21
7/17/2004	8	40.27717	$ 322.21
7/17/2004	8	40.27717	$ 322.21
7/23/2004	8	40.27717	$ 322.21
7/23/2004	8	40.27717	$ 322.21
7/24/2004	8	40.27717	$ 322.21
7/24/2004	8	40.27717	$ 322.21
7/30/2004	8	40.27717	$ 322.21
7/30/2004	8	40.27717	$ 322.21
7/31/2004	8	40.27717	$ 322.21
7/31/2004	8	40.27717	$ 322.21
8/6/2004	8	40.27717	$ 322.21
8/6/2004	8	40.27717	$ 322.21
8/7/2004	8	40.27717	$ 322.21
8/7/2004	8	40.27717	$ 322.21
8/13/2004	8	40.27717	$ 322.21
8/13/2004	8	40.27717	$ 322.21
8/14/2004	8	40.27717	$ 322.21
8/14/2004	8	40.27717	$ 322.21
8/20/2004	8	40.27717	$ 322.21
8/20/2004	8	40.27717	$ 322.21

CITY OF DANBURY
2004 EXPANDED DUI ENFORCEMENT
PROJECT COST WORK SHEET

1. OVERTIME WAGES: (Only 1 Officer allowed pervehicle at any one time).

8/21/2004	8	40.27717	$	322.21
8/21/2004	8	40.27717	$	322.21
8/27/2004	8	40.27717	$	322.21
8/27/2004	8	40.27717	$	322.21
8/28/2004	8	40.27717	$	322.21
8/28/2004	8	40.27717	$	322.21
9/3/2004	8	40.27717	$	322.21
9/3/2004	8	40.27717	$	322.21
9/4/2004	8	40.27717	$	322.21
9/4/2004	8	40.27717	$	322.21
9/5/2004	8	40.27717	$	322.21
9/5/2004	8	40.27717	$	322.21
9/6/2004	8	40.27717	$	322.21
9/6/2004	8	40.27717	$	322.21
9/10/2004	8	40.27717	$	322.21
9/10/2004	8	40.27717	$	322.21
9/11/2004	8	40.27717	$	322.21
9/11/2004	8	40.27717	$	322.21
Totals HRS =	1,344	Subtotal Wages	$	52,968.16
2. OVERTIME FRINGE BENEFIT RATE @ 1.34% =			$	709.77
		GRAND TOTAL	$	53,677.93
Round up amount (round to highest $100			$	53,700.00

PROJECT TITLE	APPLICANT
2004 EXPANDED DUI ENFORCEMENT PROGRAM	Danbury Police Department

9. STATEMENT OF THE PROBLEM AND BACKGROUND INFORMATION

In the United States during 2001, 17,380 or 41% of all traffic fatalities were alcohol related. This compares with 49.2% in 1989, 50.2% in 1988 and 57.2% in 1982. This downward trend is the result of a number of factors: legislation, public information and education, selective law enforcement, etc. National statistics also reveal a consistent day of week and time of day occurrence trend. Almost 60% of all such crashes occurred from Friday at 6:00pm to Monday at 6:00am. An average of one alcohol-related fatality occurs every 30 minutes.

Connecticut trends are similar. During 2001, 158 out of 312 traffic fatalities (51%) were alcohol related. This compares with 203 in 1989, 234 in 1988, and 292 in 1982. Day of the week and time of day analysis reveals trends similar to national data.

Although alcohol related fatalities have decreased in the last decade, the problem still remains at unacceptable levels.

10. OBJECTIVES

--To increase enforcement and media relations related to operating a motor vehicle while under the influence of intoxicating liquor and or drugs during the grant period.

--To reduce both the number of DUI-related motor vehicle crashes which occur during the period and the number of people killed and injured in such crashes.

PROJECT TITLE	APPLICANT
2004 EXPANDED DUI ENFORCEMENT PROGRAM	Danbury Police Department

11. ACTIVITIES AND PROCEDURES

Since 1990, the Division of Highway Safety has co-funded DUI overtime enforcement programs with state and local police agencies during the holiday periods. These efforts are designed to increase police presence above and beyond normal patrols in order to address the increased incidence of drinking and driving in and around these periods. The program continues to this day and has been highly successful. This program is being offered on an expanded year-round basis in order to address various circumstances in which increased drinking and driving is expected to take place. In the course of discussion with police agencies, it is evident that the incidence of impaired driving increases at certain times of the year other than holiday periods; for example, shoreline towns in the summer months have dramatic increases in population, and therefore increases in impaired driving. Events such as summer festivals, country fairs, music concerts, sporting events, etc. all represent a potential for a higher incidence of impaired driving. Cities and towns will be asked to submit a project cost worksheet (included with the grant application) for the grant period* indicating the number and type of deployments (roving patrol or checkpoint) and estimated number and cost of man-hours. The total of overtime wages plus fringe benefits (if applicable), are entered in sections 12 and 14 of the highway safety grant application. (SEE PROJECT APPLICATION INSTRUCTIONS)

Enforcement techniques to be employed include extra DUI patrol activities, and may include field sobriety checkpoints. Note: For DUI patrol activities, the number of enforcement officers allowed per vehicle at any one time is one, however, daily shifts may be split by more than one officer. It is recommended that all officers assigned to DUI enforcement activities be trained in DUI law enforcement techniques.

NOTE: The grant period is initiated by the date of grant approval, and runs until September 30, 2004. The operation of this selective enforcement program shall be above and beyond the normal/special patrol activities scheduled.

PROJECT TITLE	APPLICANT
2004 EXPANDED DUI ENFORCEMENT PROGRAM	DANBURY POLICE DEPARTMENT

12. BUDGET DETAIL

PLEASE COMPLETE PROJECT COST WORKSHEET(s) PRIOR TO COMPLETING THIS PAGE.

(A)	PERSONNEL SERVICES	$, .00
	Overtime wages plus fringe benefits	$53,700.00
(B)	CONTRACTUAL SERVICES	0.00
(C)	OPERATING COSTS	0.00
(D)	EQUIPMENT	0.00
(E)	INDIRECT COSTS	0.00
(F)	T O T A L	$53,700.00

he Applicant understands that it benefits from the administration of this project by the epartment of Transportation's Division of Highway Safety (DHS) and agrees that the costs ncurred by DHS related to such administration will be credited towards the federal equirement that a minimum of 40% of a State's annual highway safety funding be provided for he benefit of its local political subdivisions.

2004 EXPANDED DUI ENFORCEMENT PROGRAM	DANBURY POLICE DEPARTMENT

3. PROJECT EVALUATION AND MILESTONES

n administrative evaluation of this project will be conducted which will onsider:

(a) Schedule/number of DUI overtime hours;

(b) Total number of DUI citations issued;

(c) Total number of other motor vehicle citations issued.

An effectiveness evaluation will be conducted which will measure:

(a) The change in the number of persons killed in motor vehicle crashes in hich drugs or alcohol was identified as a contributing factor, which occurred uring project dates/times vs. base period.

(b) The change in the number of persons injured in motor vehicle crashes n which alcohol or drugs was a contributing factor which occurred during roject dates/times vs. base period.

(c) The change in the number of motor vehicle crashes in which alcohol or rugs was identified as a contributing factor which occurred during project ates/times vs. base period.

PROJECT TITLE	APPLICANT
2004 EXPANDED DUI ENFORCEMENT PROGRAM	DANBURY POLICE DEPARTMENT

14. BUDGET SUMMARY

COST CATEGORY	Amount	SOURCE OF FUNDS	TOTAL
PERSONNEL SERVICES	$	FEDERAL FUNDS 75%	$ 40,275.00
CONTRACTUAL SERVICES	$ XXXXXXXX	NON-FEDERAL 25%	$ 13,425.00
OPERATING COSTS	$ XXXXXXXX	TOTAL FUNDS	$ 53,700.00
EQUIPMENT	$ XXXXXXXX		
INDIRECT COSTS	$ XXXXXXXX		
TOTAL BUDGETED	$		

DGET SUMMARY APPROVAL (DHS USE ONLY)

COST CATEGORY	AMOUNT	SOURCE OF FUNDS	TOTAL
PERSONNEL SERVICES	$	FEDERAL FUNDS 75%	$
CONTRACTUALSERVICES	$ XXXXXXXX	NON-FEDERAL 25%	$
OPERATING COSTS	$ XXXXXXXX	TOTAL FUNDS	$
EQUIPMENT	$ XXXXXXXX		
INDIRECT COSTS	$ XXXXXXXX		
TOTAL APPROVED	$		

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of $40,275.00 for the 2004 Expanded Driving Under the Influence Enforcement Program; and

WHEREAS, a 25% local cash match in the amount of $13,425.00 is required in order to reach the total cost of the program, which is $53,700.00.

NOW, THEREFORE, BE IT RESOLVED THAT, Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

8

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance Dena

DATE: September 30, 2003 **Certification of Funds**

SUBJECT: Main Street North Streetscape

I hereby certify the availability of funds to support the increased local match for the Main Street North Streetscape project.

The local match for the project will increase by$2,600 bringing the total local match to $235,800. Funds are available from the Vision 21 bond package.

Please feel free to contact me should you require any additional information.

Thank you.

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
(203) 797-4586 (FAX)

September 30, 2003

To: Mayor Mark D. Boughton
Members of Common Council

From: Dennis I. Elpern, Planning Director

Re: Main Street North Streetscape Project
State Project No. 34-302
Federal Aid Project No. TEA-1034(104)

We are submitting for your approval authorization for the Mayor to sign the First Supplemental Agreement to the "Agreement Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance for the Main Street North Streetscape," utilizing Federal funds under the enhancement component of the Surface Transportation Program. The initial agreement was approved by Common Council and dated October 21, 2002. A copy of the supplemental agreement is on file in the Office of City Clerk.

As you recall, this streetscape project is designed to enhance both sides of Main Street from the vicinity of the News-Times Building to North Street by replacing sidewalks and curbs, adding street trees, decorative lighting and handicap ramps, and improving turning radii and driveway curb cuts.

The supplemental agreement increases available funding for program construction costs by $ 13,000 to a total of $1,179,000. The Federal government will reimburse the City 80% of construction costs. The 20% municipal share will be $ 235,800, an increase of $ 2,600 above the original agreement. The additional funding will cover the cost of moving a utility pole at the corner of Rose Street and to make vertical changes to valve covers to the gas line, the necessity for which was revealed during the design phase of the project. Design is now complete.

Funds were originally appropriated for all aspects of the project under the Vision 21 bond package. Sufficient funds are available for the $ 2,600 adjustment.

Copies of the agreement were received from the Department of Transportation on September 12, 2003. They are requesting signed copies to be returned by October 8, 2003. We regret the short time span, but given that factor and the relatively small amount of funds involved, we request this item be placed on the Consent Calendar for expeditious action.

Your cooperation is appreciated.

c: Dena Diorio

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

State Project No.: 34-302

Federal Aid Project No.: TEA-1034(104)

Description: First Supplemental Agreement to the Original Agreement dated October 21, 2002 between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance of the Main Street North Streetscape utilizing Federal funds under the enhancement component of the Surface Transportation Program.

RESOLVED, that Mark D. Boughton, Mayor, be and hereby is, authorized to sign the agreement entitled "First Supplemental Agreement to the Original Agreement Dated October 21,2002 Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of the Main Street North Streetscape Utilizing Federal Funds Under the Enhancement Component of the Surface Transportation Program," together with such other documents as may be necessary for the accomplishment of the purposes thereof.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

State Project No.: 34-302

Federal Aid Project No.: TEA-1034(104)

Description: First Supplemental Agreement to the Original Agreement dated October 21, 2002 between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance of the Main Street North Streetscape utilizing Federal funds under the enhancement component of the Surface Transportation Program.

RESOLVED, that Mark D. Boughton, Mayor, be and hereby is, authorized to sign the agreement entitled "First Supplemental Agreement to the Original Agreement Dated October 21,2002 Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of the Main Street North Streetscape Utilizing Federal Funds Under the Enhancement Component of the Surface Transportation Program," together with such other documents as may be necessary for the accomplishment of the purposes thereof.

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546
Phone:

September 10, 2003

Honorable Mark D. Boughton
Mayor
City of Danbury
City Hall
155 Deer Hill Avenue
Danbury, CT 06810

SEP 12 2003

Dear Mayor Boughton:

Subject: State Project No. 34-302
Federal Aid Project No. TEA-1034(104)

Enclosed are two copies of the first supplemental agreement between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance of the Main Street North Streetscape utilizing Federal funds under the enhancement component of the Surface Transportation Program.

Please note the following items:

1. Your signature and those of two witnesses should be affixed to the two copies of the agreement. Please sign your name as it appears on the signatory page.

2. The witnesses shall sign in the same order on the two copies.

3. The witnesses' names shall be typed beneath their signatures.

4. The City's seal shall be affixed upon all copies of the agreement and the resolution.

5. The council resolution authorizing you, by name, and title, to sign this agreement shall be included. (See enclosed sample resolution). For consistency please see that your name appears in the resolution as shown in the preamble and signatory pages of the agreement.

Please return two signed copies of this agreement, in the enclosed envelope, to Fuss & O'Neill, Inc. by October 8, 2003 so they may continue to process them for State signatures. A fully executed copy of the agreement will be returned to you upon its completion.

Very truly yours,

Sebastian J. Sbalcio
Principal Engineer
Bureau of Engineering and
Highway Design

Enclosures

RECEIVED
SEP 16 2003
CORPORATION COUNSEL

c: Dennis I. Elpern – City of Danbury

An Equal Opportunity Employer
Printed on Recycled or Recovered Paper

Agreement No. 7.31-01(03)

FIRST SUPPLEMENTAL AGREEMENT
TO THE
ORIGINAL AGREEMENT DATED OCTOBER 21, 2002
BETWEEN THE STATE OF CONNECTICUT
AND
THE CITY OF DANBURY
FOR THE
CONSTRUCTION, INSPECTION AND MAINTENANCE
OF THE
MAIN STREET NORTH STREETSCAPE
UTILIZING FEDERAL FUNDS UNDER THE
ENHANCEMENT COMPONENT OF
THE SURFACE TRANSPORTATION PROGRAM

State Project No. 34-302 Federal-Aid Project No. TEA-1034(104)

THIS AGREEMENT, concluded at Newington, Connecticut, this day of , 200 , by and between the State of Connecticut, Department of Transportation, James F. Byrnes, Jr., Commissioner, acting herein by Arthur W. Gruhn, P.E., Chief Engineer, Bureau of Engineering and Highway Operations, duly authorized, hereinafter referred to as the State, and the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, Mayor, hereunto duly authorized, hereinafter referred to as the Municipality.

WITNESSETH, THAT,

WHEREAS, the State and Municipality executed an Agreement, No. 10.16-01(02), entitled "Agreement Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of the Main Street North Streetscape Utilizing Federal Funds under the Enhancement Component of the Surface Transportation Program" dated October 21, 2002, hereinafter referred to as the Original Agreement, and

WHEREAS, due to unanticipated utility costs and an increase in Project costs to reflect the low bid, the total estimated construction cost ($1,166,000) set forth in Article (42) of the Original Agreement has been determined to be insufficient to complete all construction activities required for the Project, and

WHEREAS, both parties hereto agree that the "incidentals to construction" costs incurred by the Municipality in conjunction with this Project will not be reimbursed by the State in contrast to what was previously stated in Article (40) of the Original Agreement, and

WHEREAS, the funds previously earmarked in the Original Agreement for "incidentals to construction" costs incurred by the Municipality shall be re-distributed to "contract items and contingencies", and

WHEREAS, the Municipality has agreed to pay one hundred percent (100%) of its "incidentals to construction" costs with municipal funds, thereby reducing the maximum amount of reimbursement to the Municipality ($887,200) set forth in Article (42) of the Original Agreement, and

WHEREAS, Article (32) of the Original Agreement states that the State and Municipality may enter into a supplemental agreement when the actual expenditures for Items A, B or (C+D) of Article 42 exceeds the funding provided therein by ten percent (10%) or more, and

WHEREAS, the State and the Municipality are authorized to enter into this Agreement pursuant to Section 13a-98i of the General Statutes of Connecticut, as revised.

NOW, THEREFORE, KNOW YE THAT:
THE PARTIES HERETO AGREE AS FOLLOWS:

1. That Article (16) of the Original Agreement is hereby deleted and the following substituted in lieu thereof:

   (16) (a) Deposit with the State, upon demand, the sum of Twelve Thousand Three Hundred Eighty Dollars ($12,380), which sum represents the Municipality's proportionate share of the estimated cost of State-provided services, as shown in Article (42) of this Agreement.

   (b) Deposit with the State, upon demand, the sum of Zero Dollars ($-0-) for the depreciation reserve credit of the municipally-owned utility facility being replaced and the value of any materials salvaged from the existing facility.

   (c) Deposit with the State, upon demand, the sum of Two Thousand Six Hundred Dollars ($2,600), which sum represents the Municipality's proportionate share of the estimated cost of utility-provided services within the State highway right-of-way, as shown in Article (42) of this Agreement.

2. That Article (40) of the Original Agreement is hereby amended by deleting the first paragraph thereof and substituting the following therefore:

   (40) That the State shall reimburse the Municipality for participating contract items and contingencies in accordance with the percentages depicted in Articles (27) and (42) of this Agreement. Reimbursement will be made in the following manner:

3. Article (27) of the Original Agreement is hereby amended by adding the following paragraph thereto:

The State shall use said apportionments made available to the State under the enhancement component of the Federal Surface Transportation Program and the demand deposit funds provided by the Municipality under Article (16)(c) of this Agreement to pay the certified amount invoiced by the Utilities and approved by the State as conforming to the utility construction agreement for services provided within the State highway right-of-way in accordance with the percentages depicted above in Article (42) hereof.

4. That Article (42) of the Original Agreement is hereby deleted and the following substituted in lieu thereof:

(42) That the total estimated cost for the construction phase of the Project is One Million One Hundred Seventy-nine Thousand Dollars ($1,179,000), which includes anticipated expenditures of Zero Dollars ($-0-) for services to be provided by the Municipality and Sixty-one Thousand Nine Hundred Dollars ($61,900) for services to be provided by the State.

The maximum amount of reimbursement to the Municipality under the terms of this Agreement is Eight Hundred Eighty-three Thousand Two Hundred Eighty Dollars ($883,280), unless revised under the provisions of Article (32) of this Agreement.

ESTIMATED CONSTRUCTION COSTS

State Project No. 34-302 Federal-aid Project No. TEA-1034(104)

A.	Contract Items and Contingencies	$1,104,100
B.	Utilities	$13,000
C.	Incidentals to Construction- Municipal Services	$-0-
D.	Incidentals to Construction- State (Material Testing)	$20,600
E.	Incidentals to Construction- State (Oversight)	$41,300
F.	Total Construction Cost (A+B+C+D+E)	$1,179,000
G.	Estimated Federal Proportionate Share of the Total Construction Cost (80% of F)	$943,200
H.	Estimated Municipal Proportionate Share of the Total Construction Cost of Project (20% of F)	$235,800
I.	Maximum Amount of Reimbursement to the Municipality (80% of [A+C])	$883,280
J.	Amount to be deposited by the Municipality in accordance with Article (16)(a) and (c)of this Agreement (20% of [B+D+E])	$14,980
K.	Demand deposit required from the Municipality for depreciation reserve credit in accordance with Article (16)(b) of this Agreement	$0
L.	Total Demand Deposit (J+K)	$14,980
M.	Demand Deposit previously received	$11,400
N.	Additional Demand Deposit required (L-M)	$3,580

5. The State shall, in accordance with Section 13a-126 of the General Statutes of Connecticut, as revised, "issue an appropriate order to the company, corporation or municipality owning or operating" "any public service facility located within, on, along, over or under any land comprising the right-of-way of a State highway or any other public highway" to "readjust, relocate or remove the same," "provided an equitable share of the cost shall be borne by the State." Reimbursable costs shall be apportioned in accordance with Article (27) of this Agreement.

6. That all terms of the Original Agreement not specifically amended or deleted herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year indicated.

WITNESSES:

STATE OF CONNECTICUT
Department of Transportation
James F. Byrnes, Jr., Commissioner

_____
Name:

By: _____(Seal)
Arthur W. Gruhn, P.E.
Chief Engineer
Bureau of Engineering and
Highway Operations

_____
Name:

Date:_____

CITY OF DANBURY

_____
Name:

By: _____(Seal)
Mark D. Boughton
Mayor

_____
Name:

Date:_____

APPROVED AS TO FORM:

_____
Attorney General
State of Connecticut

Date: _____

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

State Project No.: 34-302

Federal Aid Project No.: TEA-1034(104)

Description: First Supplemental Agreement to the Original Agreement dated October 21, 2002 between the State of Connecticut and the City of Danbury for the construction, inspection and maintenance of the Main Street North Streetscape utilizing Federal funds under the enhancement component of the Surface Transportation Program.

RESOLVED, that Mark D. Boughton, Mayor, be and hereby is, authorized to sign the agreement entitled "First Supplemental Agreement to the Original Agreement Dated October 21,2002 Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of the Main Street North Streetscape Utilizing Federal Funds Under the Enhancement Component of the Surface Transportation Program," together with such other documents as may be necessary for the accomplishment of the purposes thereof.

9

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Mayor and Council Members:

Attached please find a resolution regulating the use of cell phones in the Common Council Chambers. This resolution is based on the one that is now effect in the State Capitol, although that one demands that no cell phones be used at all in the Capitol.

I would appreciate your consideration and adoption of this resolution.

Sincerely,

Warren Levy

Warren Levy
Council President

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Common Council meetings and hearings are open to the public; and

WHEREAS, members of the public are encouraged to attend and when appropriate, participate in these important governmental assemblies; and,

WHEREAS, the deliberative process that lies at the heart of such assemblies requires that each speaker be heard and understood without interruption or distraction; and,

WHEREAS, the use of cellular telephones or similar devices, including pagers, in the Common Council chamber by members of the public during Council meetings or public hearings is disruptive, distracting and tends to impair the proper conduct of public business;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the use of cellular telephones or similar devices, including pagers, in the Common Council chamber by members of the public during Council meetings or public hearings shall not be permitted and that appropriate signage shall be posted in the chamber to provide proper notice thereof.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Common Council meetings and hearings are open to the public; and

WHEREAS, members of the public are encouraged to attend and when appropriate, participate in these important governmental assemblies; and,

WHEREAS, the deliberative process that lies at the heart of such assemblies requires that each speaker be heard and understood without interruption or distraction; and,

WHEREAS, the use of cellular telephones or similar devices, including pagers, in the Common Council chamber by members of the public during Council meetings or public hearings is disruptive, distracting and tends to impair the proper conduct of public business;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the use of cellular telephones or similar devices, including pagers, in the Common Council chamber by members of the public during Council meetings or public hearings shall not be permitted and that appropriate signage shall be posted in the chamber to provide proper notice thereof.

10

September 29, 2003

Danbury Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Dear Members of the Common Council:

The Danbury Hospital is currently petitioning the State Regulatory Board to bring angioplasty and open-heart surgery services to the Danbury area. It is our desire that the Common Council present a resolution in support of this request, to be directed to the regulatory board in care of:

Mary Heffernan, Commisioner
Office of Health Care Access
410 Capitol Avenue, 3rd Floor
P.O. Box 340308
Hartford, CT 06134

These additional life-saving services will enhance the quality and longevity of life to our citizens and that of the surrounding community.

We ask that this request be acted upon at the October meeting of the Common Council. A draft resolution accompanies this letter.

Respectfully yours,

Pauline R. Basso – Minority Leader
Vincent P. Nolan, Jr. – Minority Legislative Leader

DRAFT RESOLUTION

Whereas, Danbury Hospital currently provides high quality medical services to the citizens of Danbury and its surrounding communities; and

Whereas, Danbury Hospital has filed a Certificate of Need with the Office of Health Care Access, requesting the ability to provide advanced cardiac care services, including coronary angioplasty, and open heart surgery; and

Whereas, these additional services will further enhance the quality of life and the increased longevity of individuals in Danbury and the surrounding communities.

Now therefore, be it resolved by the Common Council of the City of Danbury, that we do fully support this request to provide additional services by Danbury Hospital and encourage the Office of Health Care Access to act most favorably upon this request.

11

CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

October 1, 2003

Honorable Members of the Common Council
City of Danbury

Dear Council Members:

I hereby submit for your confirmation the appointment of the following individual to the position of Police Officer within the Danbury Police Department:

Roger Hancock
27 Crows Nest Lane, 18K
Danbury, CT 06810

Mr. Hancock is a Danbury native. He graduated from Marist College in Poughkeepsie, New York, in 1996 with a Bachelor of Arts Degree in Communications. He is currently employed as a Sales Representative with Iovino Brothers in Danbury.

Thank you for your consideration of this appointment.

Sincerely,

Mark D. Boughton
Mayor

MDB/ecc

CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

September 17, 2003

Honorable Members of the Common Council
City of Danbury

Dear Council Members:

I hereby submit for your confirmation the appointment of the following individual to the position of Police Officer within the Danbury Police Department:

Glenn J. Utter
6 Union Street, Apt. C
Pawling, NY 12564

Mr. Utter is a New York native. He has worked as a deputy sheriff for the Duchess County (NY) Sheriff's office. He also owns his own business as a heavy equipment mechanic and has been a volunteer firefighter in Pawling, New York. He served in the U.S. Army National Guard from 1992 to 1998 where he attained the rank of Specialist (E-4) as a combat engineer.

Thank you for your consideration of this appointment.

Sincerely,

Mark D. Boughton
Mayor

MDB/ecc

12

CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

September 30, 2003

Honorable Members of the Common Council
City of Danbury

Dear Council Members:

I hereby submit for your confirmation the appointment of the following individual to the position of Police Officer within the Danbury Police Department:

Jason W. Bourdeau
18 Spring Ridge Court
Danbury, CT 06811

Mr. Bourdeau is a Danbury, Connecticut native. He has worked as an Investigative Intern for the U.S. Postal Inspection Service and a Fraud Investigator for SSC Investigations. Mr. Bourdeau graduated from Roger Williams University, Bristol, Rhode Island, with a B.S. Degree in Criminal Justice and also received a Master of Science Degree in Criminal Justice from Northeastern University, Boston, Massachusetts.

Thank you for your consideration of this appointment.

Sincerely,

Mark D. Boughton
Mayor

MDB/ecc

DANBURY LIBRARY
From Text to Technology

13

September 25, 2003

Mayor Mark D. Boughton

Danbury City Hall

Dear Mayor Boughton:

We have received a donation from Woman's Club of Danbury, c/o Kate Henriques, 34 Chimney Point Road, New Milford, 06776, in the amount of $35.00.

Please place this item on the agenda for the October Common Council meeting as this donation needs to be deposited into the LIBRARYFUND.4651 Donations.

Sincerely,

Elizabeth McDonough
Director

c: Common Council - c/o J. Samaha
D. Diorio - Director of Finance

Donate 03-04.DOC

14

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance Dena

DATE: September 23, 2003

SUBJECT: Donations to the Fire and Police Departments

On September 11, 2003, the Boehringer Ingelheim Cares Foundation Inc. and the employees of Boehringer Ingelheim Pharmaceuticals Inc. announced the first of five annual donations to the City of Danbury's Fire and Police Departments. The donation of $911 is to be divided evenly between both departments.

Boehringer Ingelheim wishes to honor the City's police and firefighters that service our community. It is their gift to recognize our heroes who put their lives in danger to protect our citizens.

The Fire and Police Departments would like the funds allocated as follows:

Fire: 2010.5322 – Conferences - $455.50
Police: 2000.5701 – Office Equipment - $455.50

I am requesting that the Common Council consider this donation at its October meeting.

Please feel free to contact me should you require any additional information.

C: Pete Siecienski, Fire Chief
Robert Paquette, Police Chief

Boehringer Ingelheim

RECEIVED
SEP 15 2003

Boehringer Ingelheim
Cares Foundation, Inc.

Honorable Mayor Mark Boughton
155 Deer Hill Avenue
Danbury, CT 06810

September 11, 2003

Dear Honorable Mayor Mark Boughton:

On behalf of the Boehringer Ingelheim Cares Foundation, Inc. – and the employees of Boehringer Ingelheim Pharmaceuticals, Inc. – please accept this donation of $911 to be divided evenly between the City of Danbury's Fire and Police departments.

900 Ridgebury Rd./P.O. Box 368
Ridgefield, CT 06877-0368
Telephone (203) 798-9988

This is the first of five annual donations to honor Danbury's firefighters and police for their service to our community. It is fitting that we honor our local emergency personnel on September 11 because many of those who died that day were first responders. It is a day to recognize the heroes who put their lives in danger to protect us all.

As an additional symbol of our gratitude for their service, Boehringer Ingelheim employee volunteers will once again travel to Danbury on September 11, 2003, to serve lunch to fire and police personnel. It is a privilege for our volunteers to serve those who put their lives on the line each day to serve our community.

Sincerely,

John Tracey

John Tracey
Secretariat

Enclosure

RECEIVED
FINANCE DEPT.
SEP 17 2003

City of Danbury $911.00 09/09/2003 001281

$911.00 1281

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

Boehringer Ingelheim Cares Foundation, Inc.
900 Ridgebury Road
Ridgefield, CT 06877

THE NORTHERN TRUST COMPANY
CHICAGO, IL

2-15
710

001281
1281

VOID VOID

AY: Nine hundred Eleven and 00/100**********

DATE 09/09/2003

AMOUNT $911.00

THE ORDER OF:

City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

BOEHRINGER INGELHEIM CARES FOUNDATION, INC.

MP

MP

AUTHORIZED SIGNATURE

⑈001281⑈ ⑆071000152⑆ 0000018236⑈

BOEHRINGER INGELHEIM CARES FOUNDATION, INC. RIDGEFIELD, CT 06877

citydanbury City of Danbury $911.00 09/09/2003 001281

2903 $911.00 1281

8150LTD ABP, a Global DocuGraphix Company, for Everything Business, 800-225-6199

JESSIE PATTON
PH 203-743-6175
125 PADANARAM RD
DANBURY, CT 06811

817

51-7015/2111
BRANCH 19

Aug 25 -03 DATE

PAY TO THE ORDER OF Danbury Senior Center $ 25.00

Twenty Five 00/xx DOLLARS

Security Features Details on Back.

NewMil Bank

North Street Office
Danbury, Connecticut 06810

FOR Senior Chorus Jessie Patton MP

⑆211170156⑆ 710 003 222⑈ 0817

© HARLAND TREETOPS

002112

DANBURY ASSISTED LIVING, LLC.

UNION SAVINGS BANK 51-7224-2211
MAIN OFFICE

Teo Gardens
8 Glen Hill Rd
Danbury, CT 06811

9/9/2003

PAY TO THE ORDER OF Danbury Senior Center $ **25.00

Twenty-Five and 00/100********** DOLLARS

Danbury Senior Center
80 Main Street
Danbury, CT 06810

MEMO Danbury Senior Chorus - Entertainment

AUTHORIZED SIGNATURE MP

⑈002112⑈ ⑆221172241⑆ 690 023 364⑈

THIS DOCUMENT HAS A VOID PANTOGRAPH

Jan Maria Jagusn of

SCHOOL ACTIVITY FUND OF
THE BETHEL BOARD OF EDUCATION
BETHEL, CONNECTICUT 06801

008968

DATE	CHECK NO.	AMOUNT
27-Aug-2003	8968	$ **100.00

**ONE HUNDRED &.. NO/100

VOID 60 DAYS FROM DATE

UNION SAVINGS BANK
BETHEL, CT 06801

PAY TO THE ORDER OF

DANBURY SENIOR CENTER
00000

Martin S. Kaufman
Gia Stites

⑈008968⑈ ⑆221172241⑆ 699 007 870⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND — THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW.

ALMOST family

9510 Ormsby Station Road, Suite 300
Louisville, KY 40223
(502) 899-5355

Bank One NA
P O Box 1045
Columbus, OH
43271-1045
56-1544 / 441

2453

DATE	9/9/2003
AMOUNT	***25.00

PAY Twenty-Five and 00/100******

Void after 90 days

TO THE ORDER OF DANBURY SENIOR CENTER
DANBURY

William Smith

CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES FLUORESCENT FIBERS. BORDER CONTAINS MICROPRINTING.

⑈245356⑈ ⑆044115443⑆ 616285748⑈

FILOSA CARE CENTER
DBA HANCOCK HALL/OPERATING A/C
31 STAPLES STREET
DANBURY, CT 06810

3748

51-57/119

PAY TO THE ORDER OF Danbury Senior Center

DATE 9/24/03

Twenty five and 00/100 $ 25.00

DOLLARS

Security Features Included Details on Back

Fleet
04718
www.fleet.com
Hartford Office
Hartford, Connecticut 06115

FOR Cellmates

Frank Malone Ph.D.

⑈003748⑈ ⑆011900571⑆ 94175 47678⑈

19

CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

September 30, 2003

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Common Council Members:

The 16th Annual National Youth Service Day is scheduled for April 17, 2004. The Danbury Youth Commission is an ideal group to mobilize Danbury's youth as the future leaders of our community. Youth Service America can help Danbury model national successes for National Youth Service Day in 2004.

National Youth Service Day aims to:

- **Mobilize** youth as leaders to identify and address the needs of their communities through service
- **Encourage** youth to create a lifelong commitment of service and civic engagement
- **Educate** the public, the media and policymakers about the year-round contributions of young people as community leaders.

I am writing to request your support of a grant application to Youth Service America for $2,000 to be used for staff compensation, coalition meetings, and other related planning expenses. The Danbury Youth Commission will serve as lead agency for this grant and there is no local match required.

Thank you for your support of this important youth initiative.

Sincerely yours,

Mark D. Boughton
Mayor

cc: Robert Melillo, Chair - Danbury Youth Commission

RECYCLED

18

Theresa Buzaid
109 Deer Hill Avenue
Danbury, CT 06810
203-790-5387

September 29, 2003

Mr. Warren Levy
President, Common Council
Danbury City Hall
Danbury, CT 06810

Re: Iraqi-town Sponsorship Program
A Proposed Sponsorship Program with Bazgirtan, Iraq

Dear Mr. Levy:

I would like to propose to the Common Council that Danbury sponsor the Iraqi town of Bazgirtan. Lt. Buzaid who is stationed with the 52nd Engineers in Mosul, Iraq has worked with the local Muktar of Bazgirtan in renovating a school and has found him to be very cooperative and appreciative.

Here is Danbury's chance to help rebuild Iraq. By extending a hand of friendship, we can build a bridge of peace in this way. A correspondence can be started with an exchange of letters and pictures. There are many ways we can get involved once we know more about them.

I request that the Common Council consider this matter. Danbury has a wonderful sister program with Portugal. Let's continue this outreach program to a country that has suffered so much under a tyrant for so many years.

Thank you for your consideration in this matter.

Sincerely,

Theresa Buzaid

Theresa Buzaid

19

CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

October 1, 2003

Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Certified Local Government Program

Dear Council Members:

The Certified Local Government ("CLG") program, authorized by the National Historic Preservation Act Amendments 1980, was designed to recognize local preservation planning expertise and to provide communities with a way to participate in federal and state historic preservation programs. In Connecticut, the CLG program encourages local involvement in historic preservation by making grant funds available for projects in cities that establish appropriate local historic district legislation, create historic district commissions and integrate historic preservation into local planning and decision-making processes. Already, more than a score of Connecticut municipalities have qualified for the program.

By participating in the CLG program we can assume a leadership role in the preservation of the city's historic resources. In addition, the city will enjoy a formal role in the National Register of Historic Place nomination process and participate in the formulation of state and regional historic preservation objectives.

In addition, we have had discussions with Westconn about partnering with the university to provide staff and resources for historic preservation. Dr. Laurie Weinstein and her students of the Department of Social Sciences have agreed to work with the city in this worthwhile endeavor.

RECYCLED

In order to explore the possibilities created by the CLG program, I intend to appoint a Common Council committee to evaluate the program and make recommendations concerning any necessary local legislation back to the Council for its consideration. Please contact me if you have any questions regarding this exciting program.

Sincerely,

Mark D. Boughton
Mayor

20

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

DATE: September 30, 2003

CERTIFICATION

SUBJECT: Bear Mountain Hiking Trail

I hereby certify the availability of $6,500 to support the clean up of the hiking trails and three meadows at Bear Mountain Reservation.

The funds will come from the property rentals paid for the Bear Mountain Cottage. The accrued balance in this account is approximately $25,000. The funds will be placed in Parks Department account 7002.5501/Maintain Land & Grounds.

Please feel free to contact me should you require any additional information.

Thank you.

Dreamscapers, L.L.C.
Gleiss[illegible]thers
30 Main [illegible]uite B5
Danbu[illegible]510
Phone: 203-743-716[illegible] [illegible]x: 203-744-5451
Dreamscapersllc@ca.com

Bear Mountain Park Hiking Trail Maintenance Estimate

To: Bob Ryerson

Date: September 26, 2003

2003 Pricing:

The initial clean-up for the hiking trails and three (3) meadows will require additional labor and machinery due to the over abundance of shrubs and grass.

Total Cost - $6,500.00

2004 Pricing:

Hiking trails from park entrance to wood lines will be maintained three (3) times per year before Memorial Day, Fourth of July and Labor Day. Trails may require hedge trimmings to control over growth and mowing of grass.

Total Costs - $1,650.00

Fall 2004 Meadow Mowing:

Once the 2003 meadow mowing is complete, the meadows will be manageable each year.

Total Cost - $3,700.00

21

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

September 19, 2003

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Mayor Mark D. Boughton
Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Public Act 03-177
Sewer Extension Requests

Dear Mayor and Council Members:

During the last session of the General Assembly a public act was adopted which establishes deadlines for the consideration of and action upon certain sewer extension requests. Effective as of October 1, 2003, in all cases in which the applicant proposes to bear the cost of extension, you must make your decision within sixty-five days from the date of receipt.

Subsection 13(a) of the public act provides in part, "[w]henever an application or request is made to a water pollution control authority or sewer district for ... (3) approval of any other proposal for waste water treatment or disposal at the expense of the applicant, the water pollution control authority or sewer district shall make a decision on such application or request within sixty-five days from the date of receipt, as defined in subsection (c) of section 8-7d of the general statutes, as amended by this act, of such application or request. The applicant may consent to one or more extensions of such period, provided the total of such extensions shall not exceed sixty-five days." For our purposes, the date of receipt means the day of the next regularly scheduled council meeting, or thirty-five days after actual submission, whichever is sooner.

Accordingly, we recommend that upon receipt, all requests for permission to extend sewers at the expense of the applicant be sent immediately by the assistant city clerk to the planning commission for a report pursuant to section 8-24 of the Connecticut General Statutes. We further recommend that the council promptly take whatever steps, whether that includes a referral to staff or a committee, it deems necessary to insure that the sixty-five day deadline can be met.

RECYCLED

If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Corporation Counsel Robert J. Yamin
William J. Buckley, Jr., Director of Public Works
Mario Ricozzi, Superintendent of Public Utilities

22

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Hon. Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

DATE: September 23, 2003

SUBJECT: Agreement with Connecticut Light and Power

In early 2003, the City made a request to Connecticut Light and Power (CL&P's) to perform an audit of our streetlights to determine if the current inventory reconciled to the monthly utility bills.

The audit consisted of a physical count of all of the streetlights in the City of Danbury, which was then reconciled to CL&P's billing records. The auditor also identified the type of light on each pole to determine if there were any billing differences. As a result of the audit, CL&P has agreed to reimburse the City of Danbury $133,955.15 for billing discrepancies going back to 1996.

Before the check can be released, CL&P is requiring that the City of Danbury enter into the attached Release and Settlement Agreement. I am requesting that the Common Council consider this agreement at its next meeting.

If you need any additional information, please feel free to contact me. Thank you.

Vincent P. Pace
Legal Department
Northeast Utilities Service Company
107 Selden Street, Berlin, CT 06037
(860) 665-5426 (direct)
(860) 665-5504 (fax)
E-mail: pacevp@nu.com

VIA E-MAIL DISTRIBUTION

September 18, 2003

RECEIVED
FINANCE DEPT.
SEP 2 2 2003

Eric L. Gottschalk, Esq.
Corporation Counsel's Office
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: Release and Settlement Agreement between City of Danbury and CL&P

Dear Attorney Gottschalk:

As we discussed, I have enclosed an execution copy of the Release and Settlement Agreement between the City of Danbury and CL&P ("Agreement"). Please have your client execute the Agreement and return two original signature and acknowledgement pages to me. I will return one signed original signature and acknowledgement page.

In addition, as we discussed, in consideration for CL&P's agreement to remove former Section 3 (Confidentiality) from the Agreement, the City of Danbury has agreed that, unless it is legally required to do so, it will refrain from publicly disclosing any financial analyses, formulas and excel spreadsheets prepared or submitted by CL&P in connection with the above-mentioned because such information is protected from, and exempt from, public disclosure pursuant to Conn. Gen. Stat. § 1-210(b). Moreover, the parties agreed to remove former Section 10 (Waiver of Sovereign and Governmental Immunity) from the Agreement because both parties agree that the City has no sovereign or governmental immunity from a claim by CL&P to enforce or interpret the Agreement.

Sincerely,

/s/
Vincent P. Pace
Counsel
Northeast Utilities Service Company

cc: Patrick D. Foley (CL&P)

cc: Dena Diorio

RELEASE AND SETTLEMENT AGREEMENT

This agreement ("Agreement") is made as of this ___ day of _____, 2003 ("Effective Date"), by and between The Connecticut Light and Power Company ("CL&P"), a specially chartered Connecticut corporation having its principal office in Berlin, Connecticut, and the Municipality of Danbury ("Municipality"), a Connecticut municipal corporation. The Municipality and CL&P are individually referred to hereinafter as a "Party" and collectively as the "Parties."

WHEREAS, CL&P provides electric service to the Municipality, including streetlight service pursuant to CL&P Rate 116;

WHEREAS, CL&P analyzed the Municipality's streetlight Account Nos. 779380519, 797541119, 789065713, 779571811, 780435410, 783831615, 779475617, 780493111, 781101614, and 795883117 (the "Account"), and CL&P and/or the Municipality identified certain billing discrepancies in the Account; and

WHEREAS, CL&P and the Municipality have reviewed those discrepancies and have agreed upon a reconciliation of the Account.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by CL&P and the Municipality, CL&P and the Municipality covenant and agree as follows:

1. Mutual Releases. Effective upon the Effective Date, each Party, for itself, its officers, officials, directors, employees, agents, members, attorneys, parent, subsidiaries, affiliates, successors and assigns, does hereby irrevocably and unconditionally release and forever discharge the other Party, and its officers, officials, directors, employees, agents, members, attorneys, parent, subsidiaries, affiliates, successors and assigns, from and against any and all actions, causes of action, liabilities, suits, demands, damages, costs, expenses, obligations, covenants, controversies, accounts, judgments and all other claims of every kind, nature and description whatsoever, fixed or contingent, accrued and unaccrued, matured and unmatured, choate and inchoate, known and unknown, that concern or relate to the Account, existing from the beginning of time up to and including the Effective Date.

2. No Admission of Liability. It is understood and agreed that this Agreement is given in settlement and compromise of disputed claims and to avoid litigation and is not to be construed as an admission of liability on the part of any Party or its past or present employees, agents or representatives. The Municipality acknowledges receipt of payment from CL&P in full and final satisfaction of any amounts claimed due under the Account up to and including the Effective Date.

3. Breach of Agreement. Should any Party breach this Agreement, the breaching Party will indemnify and hold the other Party harmless from and against any and all loss, costs, damages or expenses including, without limitation, attorneys' fees incurred by the other Party, arising out of any breach of this Agreement by the breaching Party.

4. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Connecticut without taking into account conflict of laws principles.

5. Notices. All notices and correspondence in connection with this Agreement shall be delivered via certified mail or facsimile to:

For CL&P

Legal Department
Northeast Utilities Service Company
107 Selden Street
Berlin, CT 06037
860-665-5000
860-665-5504 (fax)

For Municipality

Eric L. Gottschalk, Esq.
Corporation Counsel's Office
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810
203-797-4518

7. Comprehension of Terms of Agreement. The Parties have been given the opportunity to read, and have in fact read, this entire Agreement and have had all questions regarding its meaning answered satisfactorily. The Parties enter into this Agreement knowingly and voluntarily in exchange for the consideration referred to in this Agreement, and no other representations have been made to CL&P or the Municipality to induce or influence the execution of this Agreement.

8. Entire Agreement. This Agreement contains the entire agreement between the Parties hereto with respect to the Account. All prior communications between the Parties concerning the subject matter hereof, whether oral or written, shall be superseded by this Agreement. This Agreement may be amended only by a writing signed by both Parties hereto

9. Successors and Assigns. This Agreement shall be binding upon and enure to the benefit of the Parties, their successors and permitted assigns.

10. Representations and Warranties. Each Party represents and warrants that:

(a) it has full power and authority to enter into and perform this Agreement and that the person signing this Agreement on its behalf has been duly authorized and empowered to execute and deliver this Agreement on its behalf;

(b) this Agreement constitutes the valid and binding obligations of such Party, enforceable in accordance with its respective terms;

(c) the execution, delivery and performance of this Agreement does not and will not result in any violation of or be in conflict with or cause a default under any provision, term or condition of any organizational document of such Party, or any other agreement or document, judgment, decree, order, statute, rule, regulation, ordinance, franchise, certificate, permit, municipal charter or other authority applicable to that Party; and

(d) no additional consent, order, approval or authorization of, or registration, declaration or filing with any governmental or other public authority, body or agency is required in connection with the execution, delivery and performance of this Agreement.

IN WITNESS WHEREOF, CL&P and the Municipality have caused this Agreement to be signed in their names and on their behalf, respectively, by persons duly authorized as of the Effective Date.

Witnesses:

THE CONNECTICUT LIGHT
AND POWER COMPANY

_____

By_____
James A. Muntz
Vice President – Customer Operations

_____

_____

MUNICIPALITY OF DANBURY

By_____

_____

Name: _____

Title:_____

Date:_____

STATE OF CONNECTICUT)
) ss: Berlin
County of Hartford)

On this the ___ day of _____, 2003, before me, the undersigned officer, personally appeared James A. Muntz, who acknowledged himself to be the Vice President – Customer Operations of The Connecticut Light and Power Company, and that as such officer authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing on behalf of the corporation in such capacity.

In witness whereof I hereunto set my hand.

_____
Notary Public
Date Commission Expires:_____

STATE OF CONNECTICUT)
) ss: _____
County of _____)

On this the ___ day of _____, 2003, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the _____ of the municipality of _____, and that as such officer authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing on behalf of the municipality in such capacity.

In witness whereof I hereunto set my hand.

_____
Notary Public
Date Commission Expires:_____

23

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

September 25, 2003

Mayor Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: Candlewood Terrace Condominium Association

Dear Mayor Boughton and Members of the Common Council:

Earlier this year, you authorized the Public Works Department to move forward with the Candlewood Terrace Condominium Association's request for a drinking water extension consistent with the assessment methodology. Because of health considerations and existing problems with the system, you asked us to make this a top priority within the department. Recently, we have had discussions with the Common Council sub-committee reviewing the assessment methodology and we have been informed that the State statutes governing the assessment process do not require a preliminary public hearing for a drinking water assessment project. We are also in receipt of a letter from the State Department of Health (copy enclosed) informing us of the violations of the Public Health Code and contamination problems with the drinking water well supplying the Candlewood Terrace Condominium Association and requesting our assistance in extending City water to this development in order to correct a serious public health concern.

Based on the above, I respectfully request that you authorize us to proceed with the construction of this project at this time. With your authorization to proceed, we will immediately begin the preparation for construction plans and specifications, and go out to bid for the extension of water to this condominium complex. Additionally, their existing well will be properly abandoned and the condominium buildings will be connected to the newly extended water line. Once we have completed the project, we will report back to you to request the scheduling of a public hearing on the final assessment for the project.

RECYCLED

As always, should you have any questions or concerns regarding this or any other matter related to the Public Works Department, please do not hesitate to contact me.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

cc: William Campbell
Harry Pugner
Henry C. Adams

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

9/16/03

Mr. William Buckley
Danbury City Engineer
City Hall
155 Deer Hill Ave.
Danbury, CT. 06810

RECEIVED
SEP 17 2003
ENGINEERING DEPT.

PUBLIC WATER SYSTEM: Danbury Water Department, Danbury
PWSID: CT0340011

SUBJECT: Status of the interconnection of the Candlewood Terrace Condominium Assn. With Danbury Water Department

Dear Mr. Buckley:

Enclosed for your information is a letter sent to the Candlewood Terrace Condominium Assn. (CTCA) notifying them of their violation of Consent Order No. DWD-02-034-197. CTCA will be in violation of step 5 of the order if they are not interconnected and served by the Danbury Water Department by 9/30/03.

As you know, CTCA has had numerous coliform violations apparently because of contamination of their only well. This system has also had water quantity issues and had to haul in water to prevent an outage from occurring. CTCA also faces future infrastructure problems due to ageing equipment in their pump station and distribution system.

Because of potential health issues from a contaminated source of supply and insufficient supply we appreciate any effort you, Mario Ricozzi and the City council can make to expedite the interconnection of Candlewood Terrace to the Danbury Water department and make them customers of your system.

If I can be of any help in this matter, please contact me at this office.

Sincerely,

Henry C. Adams
Sanitary Engineer 3
Water Supplies Section

cc: William Campbell Danbury Director of Health
Mario Ricozzi Danbury Water Department
Harry Pugner Scalzo Property Management

(860) 509-7333

Phone: 51WAT
Telephone Device for the Deaf: (860) 509-7191
410 Capitol Avenue - MS #_____
P.O. Box 340308 Hartford, CT 06134

CERTIFIED MAIL 7099 3400 0009 5000 8842

Hagel → Cindy
FYI + file
Sep 17

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

CERTIFIED MAIL

RECEIVED
SEP 17 2003
ENGINEERING DEPT.

July 23, 2003

Ms. Margaret Forster, President
Candlewood Terrace Association
18 Candlelight Drive, Unit 18
Danbury, CT 06811

PUBLIC WATER SYSTEM: Candlewood Terrace Condominium Association, Danbury
PWSID: CT0347011

Re: **Violation of Order No. DWD-02-034-197**

Dear Ms. Forster:

Candlewood Terrace Condominium Association is in violation of the following items outlined in the above mentioned Order (attached).

1. Failure to submit to the Department, on or before **February 14, 2003**, and monthly thereafter, weekly meter readings for instantaneous flow rate (gpm) and total quantity of water delivered over the previous week at Well #1 pursuant to Section 19-13-B102(n) of the RCSA.

2. Failure to submit to the Department, on or before **June 30, 2003**, for review and approval the plans and specifications for improvements needed to comply with Sections 19-13-B102(e)(6) and 19-13-B102(p) of the RCSA.

Failure to submit the required information by **August 6, 2003** will lead to further enforcement action through the Office of the Attorney General.

If you have any questions please give me a call at (860) 509-7333.

Sincerely,

Gary Johnson

Gary Johnson
Lead Planning Analyst
Drinking Water Division

cc: Michael Hage, DWD
Harry Pugner, Scalzo Property Management
William J. Campbell-Director of Health-Danbury

Phone: (860) 509-7333
Telephone Device for the Deaf: (860) 509-7191
410 Capitol Avenue - MS # 51WAT
P.O. Box 340308 Hartford, CT 06134

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

RECEIVED

SEP 17 2003

ENGINEERING DEPT.

DRINKING WATER DIVISION

FAX NUMBER (203) 796-1586

DATE 9/17/03 TIME 10:25

TOTAL NUMBER OF PAGES SENT (INCLUDING COVER SHEET) 3

TO: Bill Buckley

AGENCY OR FIRM Danbury

CITY AND STATE Danbury, CT

FROM Hank Adams

REGARDING Candlewood Terrace

COMMENTS Letter ~~to~~ regarding Candlewood Terrace as requested

PLEASE CALL IMMEDIATELY TO CONFIRM RECEIPT OF THIS DOCUMENT OR TO REPORT TRANSMISSION PROBLEMS. THANK YOU.

FAX NUMBER (860) 509-7359

S:\CL\EILEEN\FORMS\FAX

Phone: (860) 509-7333
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 51 WAT
P.O. Box 340308 Hartford, CT 06134

Affirmative Action / Equal Employment Opportunity Employer

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

November 10, 2003

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/October CC Agenda Item 23 – Candlewood Terrace Condominium Association/Water Situation.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the October 15, 2003 meeting, the Planning Commission made a motion to give a positive recommendation for the above referenced request based on the Planning Director's report.

Steve Zaleta
Vice-Chairman

SZ/jr

Attachment

c: Engineering Dept.
Corporation Counsel

24

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:
DANBURY,CT 06810

October 1, 2003

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Lease Agreement/City of Danbury and The United States of America
Danbury Municipal Airport Transmitter/Receiver Outlet

Dear Mayor and Council:

Airport Administrator Paul D. Estefan has forwarded for your review and approval a proposed lease agreement that would permit the FAA to continue to lease a small space in the Administration Building to keep and maintain transmitter and receiver equipment. This proposal intends to renew an existing arrangement for a new term of ten (10) years, through September 30, 2013. The FAA retains an option to terminate with thirty (30) days' notice. We have reviewed the proposal and finds that it conforms to the arrangements already in place.

While there is no monetary compensation presently involved or proposed, the placement of such equipment benefits both parties in the continued safe and efficient operation of the Airport.

In the event you have any questions, please do not hesitate to call us.

Very truly yours,

Laszlo L. Pinter
Assistant Corporation Counsel

cc: Paul D. Estefan, Airport Administrator
Llp/transmitter

RECYCLED

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT
P.O. BOX 2299
DANBURY, CT. 06813-2299

AIRPORT ADMINISTRATOR
PAUL D. ESTEFAN
(203) 797-4624

September 16, 2003

Mayor Mark D. Boughton
Hon. Members of the Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut

Dear Mayor Boughton & Hon Members;
Enclosed is the Lease Renewal agreement between the City of Danbury and the Federal Aviation Administration. The transmitter/receiver outlet has been in the Airport Administration Building since the mid seventies. I have reviewed the enclosed renewal lease and requesting that it be approved.

If you have any questions concerning this matter please feel free to contact me.

Sincerely,

Paul D. Estefan
Airport Administrator

Cc: file
Faa lease

RECYCLED PAPER

RECEIVED
SEP - 9 2003
CORPORATION COUNSEL

U.S. Department
of Transportation
**Federal Aviation
Administration**

Burlington, MA 01803-5299

September 4, 2003

Mr. Laszlo Pinter
City of Danbury
155 Deer Hill Road
Danbury, CT 06810

Dear Mr. Pinter:

Subject: Lease Renewal for Lease No. DTFA12-03-L-40662
Transmitter/Receiver Outlet

Enclosed please find four (4) originals of the above referenced lease for your review and signature. If you concur with the terms and conditions please sign and return all four (4) originals at which time a fully executed copy will be returned for your files.

Please feel free to call me with any questions you may have at 781-238-7688.

Sincerely,

Gail Cook
Realty Specialist

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
NEW ENGLAND REGION
12 NEW ENGLAND EXECUTIVE PARK
BURLINGTON, MASSACHUSETTS

UNITED STATES GOVERNMENT LEASE FOR REAL PROPERTY

LEASE NO: DTFA12-03-L-40662
FACILITY: TRANSMITTER/RECEIVER OUTLET
LOCATION: DANBURY MUNICIPAL AIRPORT
DANBURY, CT

LEASE BETWEEN

THE CITY OF DANBURY
AND
THE UNITED STATES OF AMERICA

THIS LEASE, made and entered into this _____ day of _____ in the year Two Thousand and three by and between **The City of Danbury** whose address is 155 Deer Hill Road, Danbury, CT 06810 , and whose interest in the property described is that of Owner, and who is hereinafter called the Lessor, and **THE UNITED STATES OF AMERICA,** hereinafter called the Government:

WITNESSETH: The parties hereto for the consideration hereinafter mentioned, covenant and agree as follows:

1. The Lessor hereby leases to the Government the following described premises: Approximately 48 square feet of floor space located in the transformer and electrical service room on the first floor of the Maintenance Service Building at the Danbury Municipal Airport.

2. **TO HAVE AND TO HOLD** said Premises with their appurtenances for the **term beginning October 1, 2003 through September 30, 2013;** subject to termination and renewal rights as may be hereinafter set forth.

3. The Government may terminate this Lease at any time by giving at least 30 days notice in writing to the Lessor and no rental shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

4. This lease may, at the option of the Government, be renewed from year to year (October 1 – September 30) and otherwise upon the terms and conditions herein specified. The Government's option shall be deemed exercised and the lease renewed each year for one year unless the Government gives 30 days notice that it will not exercise its option before this lease or any renewal thereof expires; provided that no renewal thereof shall extend the period of occupancy for said premises beyond ten (10) years or the Thirtieth Day of September **2013** .

5. The Government shall have the right during the existence of this lease to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby leased, which fixtures additions, or structures shall be and remain the property of the Government, and may be removed by the Government prior to the expiration or termination of this lease. The Lessor may, upon not less that 30 days written notice to the Government, before expiration of the lease or any renewal thereof, require restoration of the leased premises. In this event, prior to the expiration or termination of this, or prior to relinquishment of possession, whichever first occurs, the Government shall, at its sole election, either:

a. Restore the premises to the same condition as that existing at the time of entering upon the same under this lease, reasonable and ordinary wear and tear and damage by the elements or by circumstances over which the Government has no control excepted, or

b. pay to the Lessor a sum of money representing the actual cost of restoration.

16. The Lessor shall furnish to the Government, as part of the rental consideration, the following:

TOILET FACILITIES: Access to men's and women's lounges, in common with others, adjacent to the leased premises.

PARKING: The Lessor shall provide parking spaces adjacent to the leased premises for Government owned vehicles and privately owned vehicles of the Government's employees.

7. The Lessor shall provide 24-hour-a-day access to the transformer and electrical room by specified Government employees.

8. The Manager, Boston SMO Office, Telephone Number (617) 561-5711, is hereby appointed as the contracting officer's representative for this lease as written. In this capacity he will insure to the Government, that all terms, conditions, and services as written shall be satisfactorily rendered by the Lessor. However, such representative has no authority to revoke, alter, change, or waive any of the contract terms and conditions without written authority from the contracting officer.

9. The Lessor hereby warrants that it has acquired and possess an adequate real estate right in the property described herein and that it is authorized to grant to the Government the rights and interests set forth herein.

10. The Government shall have the right to maintain its VHF antenna on the maintenance service building, and related antenna lead-in wires to its communications equipment in the leased space herein.

11. The Government shall have the right to maintain its telephone service to the area leased at its own expense.

12. The Government shall limit access to its partitioned area to its employees and invitees.

13. Officials Not to Benefit - No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit arising from it. However, this clause does not apply to this contract to the extent that this contract is made with a corporation for the corporation's general benefit.

14. Covenant Against Contingent Fees - The Lessor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of the contingent fee.

15. Anti-Kickback - The Anti-Kickback Act of 1986 (41 U.S.C. 51-58) (the Act), prohibits any person from (1) Providing or attempting to provide or offering to provide any kickback; (2) Soliciting, accepting, or attempting to accept any kickback; or (3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States or in the contract price charged by a subcontractor to a prime Contractor or higher tier subcontractor.

16. This Lease incorporates the following clause attached hereto and made a part hereof;

(a) Protests and Disputes
(b) Warranty of Space

17. This lease cancels and supersedes Lease No. DTFA-92-L-R2059 in its entirety.

18. All notices sent to the parties under this Lease shall be addressed as written below. Written notice will be submitted to the other party when a change in that shown occurs:

TO THE LESSOR:

The City of Danbury
155 Deer Hill Road
Danbury, CT 06810

TO THE GOVERNMENT:

Federal Aviation Administration
New England Region, ANE-56
12 New England Executive Park
Burlington, MA 01803
Attn: Realty Contracting Officer

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written:

THE CITY OF DANBURY	**UNITED STATES OF AMERICA**
BY: _____	**BY:** _____
TITLE: _____	Marilyn Gail Cook **TITLE:** Realty Contracting Officer
DATE: _____	**DATE:** _____

_____

I, _____, certify that I am the City Clerk of the

_____

(State, County, Municipality of other Public Authority)

named in the foregoing agreement; that _____who signed Lease No.DTFA12-03-L-40662 on behalf of City of Danbury was then _____of said _____that said agreement was duly signed for and in behalf of said _____by authority of it governing body, and is within the scope of its powers.

_____

(Signature) (Corporate Seal)

PROTEST AND DISPUTES

Protest And Disputes: (a) All contract disputes arising under or related to this contract shall be resolved through the Federal Aviation Administration (FAA) dispute resolution system at the Office of Dispute Resolution for Acquisition (ODRA) and shall be governed by the procedures set forth in 14C.F.R., Parts 14 and 17, which are hereby incorporated by reference. Judicial review, where available, will be in accordance with 49 U.S.C. 46110 and shall apply only to final agency decisions. A contractor may seek review of a final FAA decision only after its administrative remedies have been exhausted.

(b) The filing of a contract dispute with the ODRA may be accomplished by mail, overnight delivery, hand delivery, or by facsimile. A contract dispute is considered to be filed on the date it is received by the ODRA.

(c) Contract disputes are to be in writing and shall contain:

(1) The contractor's name, address, telephone and fax numbers and the name, address, telephone numbers of the contractor's legal representative(s) (if any) for the contract dispute;

(2) The contract number and the name of the Contracting Officer;

(3) A detailed chronological statement of the facts and of the legal grounds for the contractor's positions regarding each element or count of the contract dispute (i.e., broken down by individual claim item), citing to relevant contract provisions and documents and attaching copies of those provisions and documents;

(4) All information establishing the contract dispute was timely filed;

(5) A request for a specific remedy, and if a monetary remedy is requested, a sum certain must be specified and pertinent cost information and documentation (e.g., invoices and cancelled checks) attached, broken down by individual claim item and summarized; and;

(6) The signature of a duly authorized representative of the initiating party.

(d) Contract disputes shall be filed at the following address:

(e) Office of Disputes Resolution for Acquisition, AGC-70,
Federal Aviation Administration
800 Independence Ave., S.W., Room 323
Washington, D.C. 20591
Telephone: (202) 267-3290
Facsimile: (202) 267-3720; or

(2) other address as specified in 14 C.F.R. Part 17.

(f) A contract dispute against the FAA shall be filed with the ODRA within two (2) years of the accrual of the contract claim involved. A contract dispute by the FAA against a contractor (excluding contract disputes alleging warranty issues, fraud or latent defects) likewise shall be filed within two (2) years after the accrual of the contract claim. If an underlying contract entered into prior to the effective date of this part provides for time limitations for filing of contract disputes with the ODRA, which differ from the aforesaid two (2) year period, the limitation periods in the contract shall control over the limitation period of this section. In no event will either party be permitted to file with ODRA a contract dispute seeking an equitable adjustment or other damages after the contractor has accepted final contract payment, with the exception of FAA claims related to warranty issues gross mistakes amounting to fraud or latent defects.

FAA claims against the contractor based on warranty issues must be filed within the time specified under applicable contract warranty provisions. Any FAA claims against the contractor based on gross mistakes amounting to fraud or latent defects shall be filed with the ODRA within two (2) years of the date on which the FAA knew or should have known of the presence of the fraud latent defect.

(g) A party shall serve a copy of the contract dispute upon the other party, by means reasonably calculated to be received on the same day as the filing is to be received by the ODRA.

(h) After filing the contract dispute, the contractor should seek informal resolution with the Contracting Officer.

(i) The FAA requires continued performance with respect to contract disputes arising under this contract, in accordance with the provisions of the contract, pending a final FAA decision.

(j) The FAA will pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the contract dispute, or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on contract disputes shall be paid at the rate fixed by the Secretary of the Treasury that is applicable on the date the Contracting Officer receives the contract dispute and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary until payment is made.

Additional information and guidance about the ODRA dispute resolution process for contract disputes can be found on the ODRA Website at http://www.faa.gov.

WARRANTY OF SPACE

(a.) Notwithstanding inspection and acceptance by the Government or any provision concerning the conclusiveness thereof, the Lessor warrants that all space leased to the Government under this contract, thereof, the Lessor warrants that all space leased to the Government under this contract, spaces above suspended ceilings in the leased space, air plenums elsewhere in the building which service the leased space, engineering spaces in the same ventilation zone as the leased space, public spaces and common use space (e.g., lobbies hallways) will, at the time of acceptance and during the term of the lease contract, comply with the asbestos containing material (ACM) and polychlorinated biphenyl (PCB) requirements of the Toxic Substance Control Act. The Real Estate Contracting Officer shall notify the Lessor in writing, within 30 days after the discovery, of any failure to comply with the asbestos requirement. With any construction work, Lessor would be required to comply with OSHA regulations for Asbestos and relevant FAA orders.

(b.) The leased premises shall be free of all asbestos-containing material, PCB's, Radon, and other environmentally hazardous substances. If either ACMs or PCBs are found to be in the leased space the Government reserves the right to require the Lessor, at no cost to the Government, to take whatever corrective action as might be required by the Toxic Substance Control Act, EPA regulations and state requirements. All facilities constructed prior to 1981 are to have an asbestos building survey conducted by a qualified inspector including a visual examination and bulk sampling. All ACM survey reports are to be made available to the Real Estate Contracting Officer.

(c.) If the Lessor fails, after receipt of notice, to make correction within the specified period of time, the Government shall have the right to make correction and charge to the Lessor the costs occasioned to the FAA or terminate the lease agreement at no cost to the Government.

(d.) The rights and remedies of the FAA in this clause are in addition to any other rights and remedies provided by the law and under this contract.

Definitions.

(1) "Acceptance", as used in this clause means the act of an authorized representative of the Government by which the Government assumes for itself, or an as agent of another, the leased premises as ready for occupancy or approves a portion of the premises for occupancy in accordance with the provisions of this lease contract.
(2.) "Correction", as used in this clause, means (i) the removal, encapsulation or enclosure of any friable asbestos materials found in the space leased to the Government, spaces above suspended ceilings in the leased space, air plenums elsewhere in the building which service the leased space, public spaces, engineering spaces in the same ventilation zones as the leased space and common use space (e.g., lobbies, hallways). Following such abatement actions, the Lessor shall adhere to the FAA's required post-asbestos-abatement air monitoring program. (ii) With regard to non-friable asbestos materials in good condition, it means the establishment and execution of a special operations and maintenance program and an abatement plan, approved by the Government, to be implemented from the time the materials are discovered through the remainder of the lease term, and (iii) with regard to PCBs, it involves the removal or retrofitting, in accordance with EPA regulations, of any PCB equipment present in building.

Paul Estefan/AIRPORT/COD
09/11/2003 11:24 AM

To Les Pinter/LEGAL/COD@Danbury
cc
bcc
Subject Transmitter/Receiver Outlet

Good Morning Les;
I have reviewed the FAA Lease Renewal No. DTFA12-03-L40662 for the Transmitter/Receiver Outlet and support the renewal of the lease.
If you have any questions concerning this matter please feel free to contact me.
PDE

25

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

October 7, 2003

Members of the Common Council
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Council Members:

Attached is a copy of a lease authorized by the Common Council several months ago. The licensee now wishes to terminate this lease.

After reviewing the lease, I believe that an ad hoc committee is necessary to determine and enact a policy for leasing city-owned dwellings.

Therefore, I request that an ad hoc committee be appointed to address this issue.

Sincerely yours,

Warren Levy

Warren Levy
Council President

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:
DANBURY,CT 06810

October 1, 2003

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Bear Mountain Ranger Cottage

Dear Mayor and Council Members:

Last April, under a license agreement approved by the Common Council, Detective Sergeant Mark Williams began occupancy of the Bear Mountain Ranger Cottage. Over the years a number of City employees have agreed to live in the cottage. Generally, this arrangement has worked quite well for the employees and the city, since the rental rates are very favorable and by their physical presence, the employees keep a watchful eye over the Park. In addition the tenants agree to perform a variety of routine tasks identified in the License Agreement, including but not limited to, maintaining the cottage and grounds, keeping the park gates open during park hours, distributing trail maps and checking the parking lot and other park property.

Due to a change in personal circumstances Detective Williams is unable to remain in the cottage and the city has located a tenant to take his place. Enclosed please find a new proposed license agreement between the city and Lieutenant Shaun J. McColgan who, if you approve, will assume Detective William's role on behalf of the city. Since I have been advised that the Common Council intends to review the licensing procedure with respect to the cottage, we have proposed that the license between the city and Lieutenant McColgan be of short duration, with the understanding that once the Council has completed its deliberations we will modify the license consistent with your findings. If you approve of this arrangement, please authorize the Mayor to execute the license on behalf of the city. If you have any questions please contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

Attachment
cc: Robert Ryerson,
Director of Parks and Recreation (w/copy of attachment)

RECYCLED PAPER

LICENSE AGREEMENT

THIS AGREEMENT is made this _____ day of October 2003, by and between the CITY OF DANBURY, 155 Deer Hill Avenue, Danbury, Connecticut (hereinafter "CITY") and SHAUN J. McCOLGAN, of the City of Danbury, County of Fairfield and State of Connecticut, (hereinafter "LICENSEE");

WHEREAS, CITY is owner of a dwelling known as 19 Bear Mountain Road, Bear Mountain Reservation, known and designated as "existing ranger cottage" on a map attached hereto as "Exhibit A";

WHEREAS, the LICENSEE wishes to occupy said existing ranger cottage subject to the terms and conditions provided for herein;

W I T N E S S E T H

THAT CITY hereby grants a license to said LICENSEE to use the existing ranger cottage as above referenced as a personal residence from the date hereof through January 31, 2004, and from month to month thereafter until terminated by either party, by giving notice, in writing, to the other party not less than ten (10) days prior to the date of termination. As consideration for this license, the LICENSEE shall make monthly payments of four hundred and ninety-five dollars ($495.00) to the CITY on or before the first of each month of the license period, except that the monthly payment for the month of October, 2003, shall be calculated on a pro rata basis.

AND THE CITY covenants with the said LICENSEE that it has good right to grant a license for said premises in the manner aforesaid and that it will suffer and permit said LICENSEE (he keeping all the covenants on his part, as hereinafter contained) to occupy and enjoy said premises during the term aforesaid, without hindrance or molestation from the CITY.

AND THE SAID LICENSEE covenants with the said CITY to use said premises in the manner aforesaid, and to pay the consideration therefor as hereinbefore agreed, that he will commit no waste, nor suffer the same to be committed thereon, nor injure nor misuse the same; and also that he will not assign this license, nor sublicense a part or the whole of said licensed premises, nor make alterations therein, nor use the same for any purpose but that hereinbefore authorized, without written permission form said CITY but will deliver up the same at the expiration or sooner termination of his license in as good condition as they are now in, ordinary wear, fire and other unavoidable casualties excepted.

PROVIDED, HOWEVER, and it is further agreed that if the said monthly payments for said license shall remain unpaid ten (10) days after the same shall become payable as aforesaid, or if the said LICENSEE shall assign this license, or sublicense the whole or any part of said licensed premises, or use the same for any purpose but that hereinbefore authorized, or make any alteration therein without the consent of the CITY in writing, or shall commit waste or suffer the same to be committed on said premises, or injure or misuse the same, then this license shall thereupon, by virtue of this express stipulation expire and terminate, and the CITY may, at any time thereafter, re-enter said premises and resume the use thereof in the manner prescribed by the statute relating to summary process to the extent that said statute is applicable, it being understood that no demand for license payments, and no re-entry for condition broken, as at common law was applicable to leasehold interests, shall be necessary to enable the CITY to resume the use of the premises pursuant to said statute relating to summary process, if applicable, or any other applicable statute, but that all right to any such demand, or any such re-entry is hereby expressly waived by the said LICENSEE.

AND IT IS FURTHER AGREED between the parties hereto, that whenever this license shall terminate either by lapse of time or by virtue of any of the express stipulations herein, the said LICENSEE hereby waives all right to any notice to quit possession, as prescribed by the statute relating to summary process to the extent that said statute may apply to termination of this license.

AND IT IS FURTHER AGREED that in case the said LICENSEE shall, with the written consent of the said CITY endorsed hereon, or on the duplicate hereof, at any time continue to use the said premises beyond the period above specified as the termination of this license, then the said LICENSEE shall continue the use of said premises upon the same terms, and under the same stipulations and agreements as are in this Instrument contained, and no such continued use by said LICENSEE shall operate to renew this license without such written consent of CITY.

AND IT IS FURTHER AGREED between the parties hereto, that the LICENSEE agrees to comply with and to conform to all the laws of the State of Connecticut, and the by-laws, rules and regulations of the City of Danbury within which the premises hereby licensed are situated, relating to health, nuisance, fire, highways and sidewalks, so far as the premises hereby licensed are or may be concerned; and to save the CITY harmless from all fines, penalties and costs for violation of or non-compliance with the same, and that said premises shall be at all times open to the inspection of said CITY and its agents, and for necessary repairs.

AND IT IS FURTHER AGREED that the said LICENSEE is to pay the water rates, or rent, for all water used and consumed on said licensed premises during the term aforesaid, in addition to the consideration hereinbefore provided for.

AND IT IS FURTHER AGREED between the parties to these presents, that in case the building erected on the premises hereby licensed shall be partially damaged by fire or otherwise, the same shall be repaired as speedily as possible at the expense of the said CITY; that in case the damage shall be so extensive as to render the building or premises unusable, the license payments shall cease until such time as the building shall be put in complete repair; but in the case of the total destruction of the premises, by fire or otherwise, the monthly payments shall be paid up to the time of such destruction and then and from thenceforth this license shall cease and come to an end.

If the whole or any part of the premises shall be acquired or condemned by Eminent Domain for any public or quasi-public use or purpose, then and in that event, the term of this license shall cease and terminate from the date of title vesting in such proceeding and LICENSEE shall have no claim against CITY for the value of any un-expired term of said license.

AND LICENSEE further covenants and agrees that no accumulation of boxes, barrels, packages, waste paper, or other articles shall be permitted in or upon the premises.

AND THE LICENSEE covenants that in the event the CITY is required to employ an attorney in order to enforce a provision of this license, the LICENSEE shall pay a reasonable attorney's fee.

AND THE LICENSEE FURTHER AGREES AS FOLLOWS:

1. To pay a security deposit in the amount of one month's license payment which shall be deposited with CITY as security for LICENSEE'S faithful performance of his obligations hereunder.

2. In the event that LICENSEE'S employment is terminated by CITY, notification to LICENSEE of such termination shall operate as thirty (30) days notice of termination of this agreement.

3. LICENSEE shall be responsible for payment of utilities.

4. In addition to the monthly payments for said license agreed upon in this Instrument, LICENSEE agrees, as a part of the consideration of this license to undertake the duties set forth below:

(a) Keep the parking lot gates open during all hours in which the facility is open to the public.

(b) Distribute trail maps and keep pamphlets in the appropriate sign boxes.

(c) Check parking lot, morning and evening.

(d) Check the Bear Mountain Reservation property daily, weather permitting, by walking the trails and/or boundaries.

(e) Report any violations of the rules and regulations to the appropriate enforcement authorities, including police and the Director of the Department of Parks and Recreation.

(f) Call appropriate emergency personnel (fire, ambulance, etc.) as needed to respond to emergency situations.

(g) Maintain the ranger cottage and surrounding grounds in a neat, orderly condition.

(h) Contact and act as a liaison with the Parks and Recreation Department to obtain services approved by the CITY, including mowing, snow plowing, etc.

(i) Provide the Director of the Department of Parks and Recreation with monthly activity reports in the form and content as reasonable requested from time to time by him; attend Parks and Recreation Commission meetings as requested and report on activities at the facility.

(j) Open gates and maintain parking during special events as may be arranged from time to time by the Department of Parks and Recreation or the Parks and Recreation Commission.

(k) Perform other duties as mutually agreed to from time to time.

(l) Notify the Director of the Department of Parks and Recreation when the LICENSEE is going to be away for a period of time in excess of seven (7) days.

In performing the above duties, the use of firearms or other weapons of any type is expressly prohibited.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, and to a duplicate of the same tenor and date, this _____ day of October 2003.

Signed, sealed and delivered
in the presence of:

CITY OF DANBURY

_____

By:_____
Mark D. Boughton, Mayor

_____

LICENSEE

_____

By:_____
Shaun J. McColgan

_____

STATE OF CONNECTICUT)
) ss: Danbury
COUNTY OF FAIRFIELD)

On this the day of October 2003, before me, Eric L. Gottschalk, the undersigned officer, personally appeared Mark D. Boughton, who acknowledged himself to be the Mayor of the City of Danbury, a municipal corporation, and that he as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

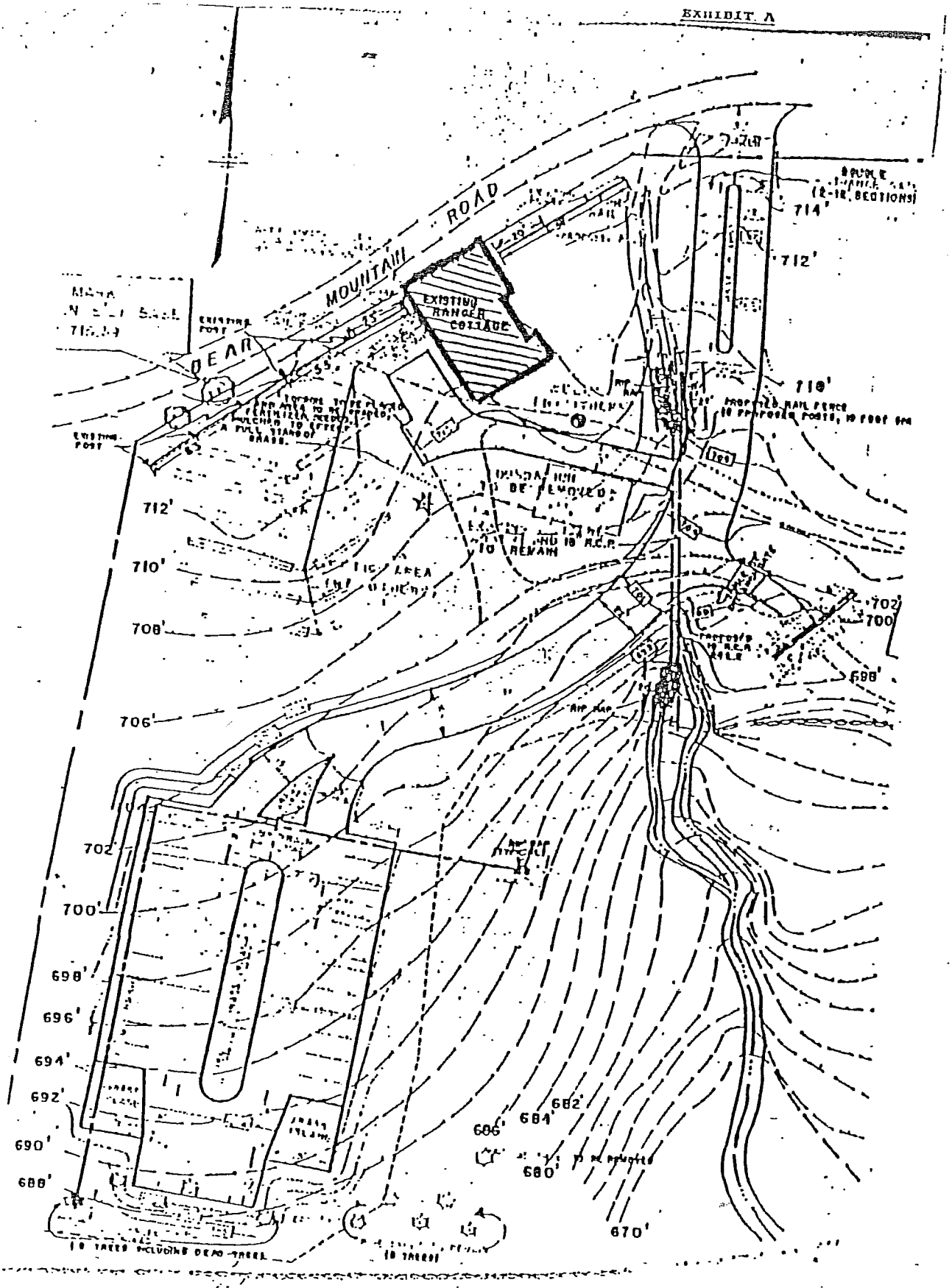
_____
Eric L. Gottschalk
Commissioner of the Superior Court

STATE OF CONNECTICUT)
) ss: Danbury
COUNTY OF FAIRFIELD)

On this the day of October 2003, before me, _____, the undersigned officer, personally appeared Shaun J. McColgan, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

_____
Notary Public
Commissioner of the Superior Court

EXHIBIT A


MOUNTAIN ROAD
DEAN
EXISTING RANGER COTTAGE
714'
712'
710'
708'
706'
702'
700'
698'
696'
694'
692'
690'
688'
686'
684'
682'
680'
670'

CITY OF DANBURY
DANBURY, CONNECTICUT 06810

HEALTH AND HOUSING DEPARTMENT
155 DEER HILL AVENUE

(203) 797-4625
FAX (203) 796-1596

SEP 30 2003

September 30, 2003

26

Honorable Mayor Mark Boughton
Honorable Members Danbury Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

For several years, the Health and Housing Department has been made aware of problems associated with a private sewer line serving homes on Old Farm Road and Southern Boulevard. A listing of the homes served is attached.

In order to evaluate the nature and degree of the problems, a survey form, requesting information about problems associated with the private line, was sent to the homes served by the private sewer line. As of this date, six of fourteen homeowners have responded. Their problems include back up of sewage into their homes and into their back yards. In three instances, the problems occurred more than once.

These problems have created a public health hazard in the area served by the private line. I am requesting that this area be given priority for sewer extension in order to effectively eliminate the public health hazard that is currently present.

Thank you for your consideration of this matter.

Sincerely yours,

William Campbell

William Campbell
Director of Health

Enclosure
C: William J. Buckley, Jr., P.E., Director of Public Works/City Engineer
Mario Ricozzi, P.E., Director of Public Utilities
Sally A. Roscoe

RECYCLED PAPER

Old Farm - Southern Boulevard
Private Sewer

Lot #	Property Location	Owner Name	Sewer Customer
I17008	24 Old Farm Rd	James & Joan Burke	yes
I17009	22 Old Farm Rd	Walter Hartsburg	yes
I17010	20 Old Farm Rd	Gregory Pagel	yes
I17011	18 Old Farm Rd	Sally Roscoe	yes
I17012	16 Old Farm Rd	Paul Atwood	yes
I17013	14 Old Farm Rd	Ramon & Ines Ramos	yes
I17014	12 Old Farm Rd	Norman Zimmer	yes
I17007	164 Southern Boulevard	Eddie & Pamela Sauls	yes
I17006	166 Southern Boulevard	Arthur Civitella	yes
I17005	168 Southern Boulevard	Adrienne & Matthew Conciatore	yes
I17004	170 Southern Boulevard	Jane Ginsburg	yes
H17151	172 Southern Boulevard	Natalie & Celio Enteado	yes
H17152	174 Southern Boulevard	Catherine Conciatore	yes
H17153	176 Southern Boulevard	Douglas Stanzione	yes

all 06810

27

COMMON COUNCIL - CITY OF DANBURY

APPLICATION FOR EXTENSION OF SEWER/WATER

Sewer ✓

Water ✓

Name of Applicant: Baker Residential L.P.

Address: 485 Washington Ave
Pleasantville, NY 10570

Telephone: 914-747-1550

The undersigned submits for consideration an application for extension of sewer and/or water facilities for property

Located at: 1-3 Mannion Lane

Assessors's Lot No. K16119, K16120, K16125, K17027, K16129

Zone: RMF 10

Intended Use:

Retail _____

Office _____

Mixed Use _____

Industrial _____

Single Family Residential _____

Multiple Family Development ✓

Number of Efficiency Units _____

Number of 1 Bedroom Units _____

Number of 2 Bedroom Units _____

Number of 3 Bedroom Units 292

Total Number of Units 292

Rich Howard
40 Old New Milford Rd
Brookfield, Ct
06804

SIGNATURE Design Engineer For Baker Res.

10-1-03
DATE

CONSULTANTS & ENGINEERS, INC.
9 HARMONY STREET, DANBURY, CT 06810
TELEPHONE (203) 748-1442
FAX No. (203) 798-9984

28

September 18, 2003

Mayor Mark D. Boughton
Members of the Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: Eagle Road Shopping Center
Eagle Road, Danbury, CT
Assessor's Lot Nos. L09028, L10022, L10021,
L10020, L10019, L10018

Dear Mayor Boughton and Members of the Common Council:

We are submitting a request to extend municipal water and sanitary sewer on the above-referenced parcel. Please schedule this for subcommittee at your earliest convenience.

Thank you for your attention to this matter. Please call me if you have any additional questions or comments.

Very truly yours,

CONSULTANTS & ENGINEERS, INC.

Jeanne L. Williamson, P.E.
President

JLW/ejk
20037 ltr Comm.Council-Water&Sewer 09-18-03

cc: K. Cartelli

COMMON COUNCIL

CITY OF DANBURY

APPLICATION FOR EXTENSION OF SEWER AND/OR WATER

☒ Sewer

☒ Water

Applicant: Eagle Road Center, LLC & Danbury Investment Company, LLC

Address: 1720 Post Road — 733 Summer Street, Penthouse

Fairfield, CT 06824 — Stamford, CT 06901

Telephone No. (203)256-4000 — (203)326-3266

The undersigned submits for consideration an application for extension of sewer and water facilities for property.

Located at: Eagle Road, Danbury, CT

Assessor's Lot No.: L09028, L10018, L10019, L10020, L10021, L10022, L10024, L10025

Zone in which the Property Lies: CG-20

Intended Use:

☒ Retail

☒ Office

☒ Mixed Use

☐ Industrial

☐ Single Family Residential

☐ Multiple Family Development

_____ Number of Efficiency Units

_____ Number of 1 Bedroom Units

_____ Number of 2 Bedroom Units

_____ Number of 3 Bedroom Units

_____ Total Number of Units

_____ (Signature)

_____ (Date)

COMMON COUNCIL - CITY OF DANBURY

29

APPLICATION FOR EXTENSION OF SEWER/WATER

Sewer ✓

Water ✓

Name of Applicant: Whitehall Properties, LLC

Address: 145 East 50th Street
New York, NY 10022

Telephone: 212-837-4800

The undersigned submits for consideration an application for extension of sewer and/or water facilities for property

Located at: 16-18 Hayestown Road

Assessors's Lot No. I09065, I09078, I09076

Zone: RR-10

Intended Use:

Retail _____

Office _____

Mixed Use _____

Industrial _____

Single Family Residential _____

Multiple Family Development X

Number of Efficiency Units _____

Number of 1 Bedroom Units _____

Number of 2 Bedroom Units 80

Number of 3 Bedroom Units 8

Total Number of Units 88

Vice Pres

SIGNATURE

8 Sept 03

DATE

Proposed Water Ext.
Proposed Crystal Beach Development
Ex. Water
DOYLES POND
KELLNERS POND
LAKE WACHAWANA
WOOSTER CEMETERY
DANBURY HOSPITAL
HIGH SCHOOL HYDROPNEUMATIC TANK 15,000 GAL
OSBORNE ST WELL FIELD
HAYESTOWN
ANCHOR ST
DENVER TERR
ROSE LA
CALLY LA
CANDLELIGHT DR
HADDY LA
OAK LA
EAST HAYESTOWN RD
BEVERLY DR
SHERRY LA
POND RIDGE RD
VALERIE LA
ALISON LA
EDGEWOOD ST
BARCLAY COMMONS
GLEN HILL RD
APPLE BLOSSOM
ROGER DR
TAMARACK AVE
PADANARAM
BREEZE HILL RD
BECKERLE ST
LAWN ST
CROWN COURT
BERKSHIRE DR
WAPLE HOGE RD
CATHERINE ST
GOLDEN HILL AVE
GOLDEN HILL LA
JUNIPER RIDGE
MADISON AVE
COWPERTHWAITE
ARCH ST
FERN ST
PARKER ST
KOHANZA ST
CLAPBOARD RIDGE RD
WALNUT
OAKLAND AVE
SECOND AVE
STRATTON PL
NORTH
ROWAN
THORPE ST
TODLEY LA
MAIN ST
WATER ST
DOWNS ST
STREET
PATCH
BARNUM ST
CLIFTON PL
KNAPPS LA
PRINCE
FRANKLIN
STARR
RAYMOND PL
FARVIEW AVE
ROBINSON AVE
MIDDLE ST
HENRY
JOHN
HOYT ST
MALLORY
MAPLE
UNION
BALMFORTH
ELLSWORTH
GRIFFING
SUMMIT
STEVENS
OSBORNE
ELWELL
ELTON AVE
YOUNG PL
HOSPITAL
CRANE ST
LOCUST AVE
EDGEWOOD DR
DEAN ST
MORAN AVE
VIRGINIA AVE
FORD AVE
HICKORY ST
BEECH ST
BIRCH ST
GROVE PL
FOREST
FIFTH ST
SIXTH ST
NINTH
HAWK
EUGENE
CEDAR ST
CAMP LA
BEACH RD
BOAT RD
CORNELL RD
REYNOLDS RD
ALBERT RD
HEIGHTS
WOOD ST
BROOK
RIDGEWOOD ST
THUMB LA
LEDGE
PINE
JANELITE
CONDOS
E FRANKLIN ST
84
39
37
36

Proposed Crystal Beach Development
Existing Sewer
Proposed Sewer
GREAT MEADOW RD.
TRANQUILITY COURT
WIRTES RD.
TA-AGAN PT. RD.
HIGH VIEW CR
HIGH RISE RD.
BLACKBERRY RD.
ORCHARD
PLEASANT DR.
VALLEY
STREAM DR.
ADELINE DR.
HAWLEY TER.
HAYESTOWN
HAWLEY ROAD EXT.
MOODY DR.
PLAIN ROAD
DIXON RD.
LA MAR
DIAMOND VIEW DR.
DEL CAYE RD.
GREAT
ABBEY RD.
ELIZABETH RD.
COZY HOLLOW RD.
NANCY
DIANA RD.
CAMPBELL LA.
WIXON RD
RIDGESIDE RD.
MEADOW BROOK LA
VALERIE
ALISON
EUGENE LA.
IVY LA.
DENVERITE TER.
ANCHOR ST.
CEDAR ST.
POND RIDGE RD
KELLNERS POND
S. COVE
DOYLES POND
BEVERLY DR
SHERRY LA
APPLE BLOSSOM LA
BARCLAY COMMONS
GLEN HILL RD
EAST HAYESTOWN RD
WOOD ST.
HADDY LA
OAK LA
CALLY LA
CANDLE LIGHT DR
ROSE
HAYESTOWN HEIGHTS
ALBERT ROAD
HUNTER RD.
CORNELL RD.
REYNOLDS RD
MIRIJO RD
ACRE DR.
CEDAR RD
WONDY WAY
HYLO DR
LOVERS LA.
WOODY LA
BEACH RD.
WATERVIEW DR
HILLSIDE RD
OAK LA
MOODY LA.
PT. RD
PT DR.
PINE LEDGE
PEMBROKE
JEANETTE RD
MABEL AVE
NORSESHOE DR
ABANDONED
PADANARAM RD
BROOK
CONDO'S
BREEZE HILL RD
TERRACE ST
BERKSHIRE DR
EZRA RD
GOLDEN HILL
BECKERLE ST
PEMBROKE TER
JOHNSON DR.
STACEY RD.
CANNON DR.
BULLET HILL
EASTWOOD RD.
WYNWOOD DR
DOE WOOD
39
37

COHEN and WOLF P.C.
ATTORNEYS AT LAW

HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
MARTIN F. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
MARTIN J. ALBERT
STEWART I. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD G. KENT
RICHARD SLAVIN
DANIEL S. NAGEL
RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WALSH
DAVID A. BALL
JOCELYN B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
ANN B. MULCAHY
MARNIE J. RUBIN
ARI J. HOFFMAN
BARBARA M. SCHELLENBERG
COURTNEY A. GEORGE
CARRIE L. LARSON

OF COUNSEL
ROBERT J. ASHKINS
STUART A. EPSTEIN
JACK E. MCGREGOR

30

PLEASE REPLY TO DANBURY

September 12 2003

Honorable Warren Levy, President
Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Burton's Bridge – Oil Mill Road

Dear Councilman Levy:

On February 2, 2002 the Common Council met and approved sewer and water extensions for the above referenced project owned by my client Nancy's Farm, Inc. I am writing to request that you extend said approval for an additional 18 months subject to the same terms and conditions as the original approval and specifically items 9 and 10 thereof. I have enclosed a copy of the minutes of approval for the February 5, 2002 meeting for your information.

Very truly yours,

David L. Grogins

DLG/cmc
Cc: William Buckley, City Engineer

1115 BROAD STREET
P.O. BOX 1821
BRIDGEPORT, CT 06601-1821
TEL: (203) 368-0211
FAX: (203) 394-9901

158 DEER HILL AVENUE
DANBURY, CT 06810
TEL: (203) 792-2771
FAX: (203) 791-8149

190 MAIN STREET
WESTPORT, CT 06880
TEL: (203) 222-1034

112 PROSPECT STREET
STAMFORD, CT 06904
TEL: (203) 964-9907
FAX: (203) 576-8504

and running. There are Health Department citations at the Engine 25 site that need to be corrected.

A discussion followed regarding funding options. Mr. Saadi stated that in his opinion that the fire school, the 911 system and Engine 25 are long term projects and correcting Health Department violations at King Street, security at headquarters and making headquarters handicapped accessible are short-term.

Mr. Saadi made a motion to recommend continued usage of LoCIP funds for the fire school and include security for headquarters and handicapped accessibility in the five year capital budget plan and also include remedy for King Street Health Department violations, funding sources to be determined. Mrs. Basso seconded the motion. Motion carried unanimously.

Mr. McAllister made a motion that the report be received and the recommendations adopted. Seconded by Mr. Moore. Motion carried unanimously.

39 – REPORT – Request for Sewer and Water Extension on Oil Mill Road and Abandonment of a Portion of Oil Mill Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Oil Mill Road and the abandonment of a portion of Oil Mill Road met on January 23, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Shuler and Basso. Also in attendance were Director of Public Works William Buckley and Attorney David Grogins and Engineer Michael Mazzuco for the petitioners.

Mr. Mazzuco stated that they had previously been granted the sewer and water extensions, but the eighteen-month period has elapsed. Attorney Grogins stated that the City is interested in eliminating the Hillside Street Pump Station. Regarding the abandonment of a portion of the road, they will give property to the City to from a cul-de-sac. The bridge would be on private property. Mr. Machado noted the positive Planning Commission report.

Mr. Buckley stated that he would recommend approval of the request for sewer and water extensions subject to the required eight steps. He would recommend a ninth step requiring a petition to secure an easement from the Housatonic Railroad which would take the Hillside Pump Station and run a line from the pump station through and within the easement. The easement should include a portion of their property. He would also recommend a tenth step requiring the petitioner to turn over $47,000 as their capital contribution to accomplish abandonment of the Hillside Street Pump Station. He would also recommend abandonment of the road with the understanding that existing utilities are given easements to the City and be consistent with requirements of the Public Works Department.

Mrs. Basso made a motion to recommend approval of the request for sewer and water extensions subject to the required eight steps and subject to a ninth step requiring a petition to secure an easement from the Housatonic Railroad which would take the Hillside Street Pump Station and run a line from the pump station through and within the easement. The easement should include a portion of their property. In addition, a tenth step should be required that the petitioner turn over $47,000 as their capital contribution to accomplish abandonment of the Hillside Street Pump Station. Mrs. Basso also moved to recommend abandonment of the road with the understanding the existing utilities are given easements to the City and meet requirements of the Public Works Department. Seconded by Mr. Shuler and passed unanimously.

The report was received and its recommendations approved on the Consent Calendar.

40 – REPORT – Tisano Realty Lease

2/5/02

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEE

September 15, 2003

Honorable Mark D. Boughton, Mayor
✔Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton:

Burton's Bridge – Oil Mill Road
Sanitary Sewer and Water Main Extensions

We are in receipt of a copy of the September 12, 2003 letter with enclosure sent to the Common Council by Attorney David L. Grogins relative to sanitary sewer and water main extensions to the above noted project.

These sanitary sewer and water main extensions were approved by the Common Council at its February 5, 2002 meeting subject to ten (10) steps which are spelled out in the attachment to Attorney Grogins' letter to you.

The Public Works Department has no problem with the Common Council granting an eighteen months time extension for these sanitary sewer and water main extensions as long as the approval contains the same 10 steps/conditions as the original approval.

If you have any questions, please feel free to give me a call.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/ City Engineer

C: Mario Ricozzi, P.E.
David L. Grogins, Esq.
Anthony DaCunha

RECYCLED PAPER

JOSEPH G. PUTNAM
14 Plumtrees Road
Danbury, CT 06810

31

October 1, 2003

Honorable Mayor Mark Boughton
Honorable Council Members
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: 9 Monarch Road, Danbury/Lot#K06019

Dear Mayor Boughton and City Council Members:

Please accept this letter for the interest I have in purchasing the above mentioned property. It is my understanding the City of Danbury does own this parcel.

It is my intention to assist an employee of mine in the construction of a new home on this property. He is attracted to this location to provide his family education at Stadley Rough School.

I've enclosed a copy of the field card from the Assessor's office and a map indicating the location of this property for your review.

I sincerely appreciate the City's time and consideration in the possibility of this sale.

I can be reached by telephone at (203) 791-8266 or my address is 14 Plumtrees Road, Danbury, CT 06810.

Respectively yours,

Joseph G. Putnam

Joseph G. Putnam

JGP/vc

MAPQUEST.

Send To Printer Back to Map

9 Monarch Rd
Danbury CT
06811-3204 US

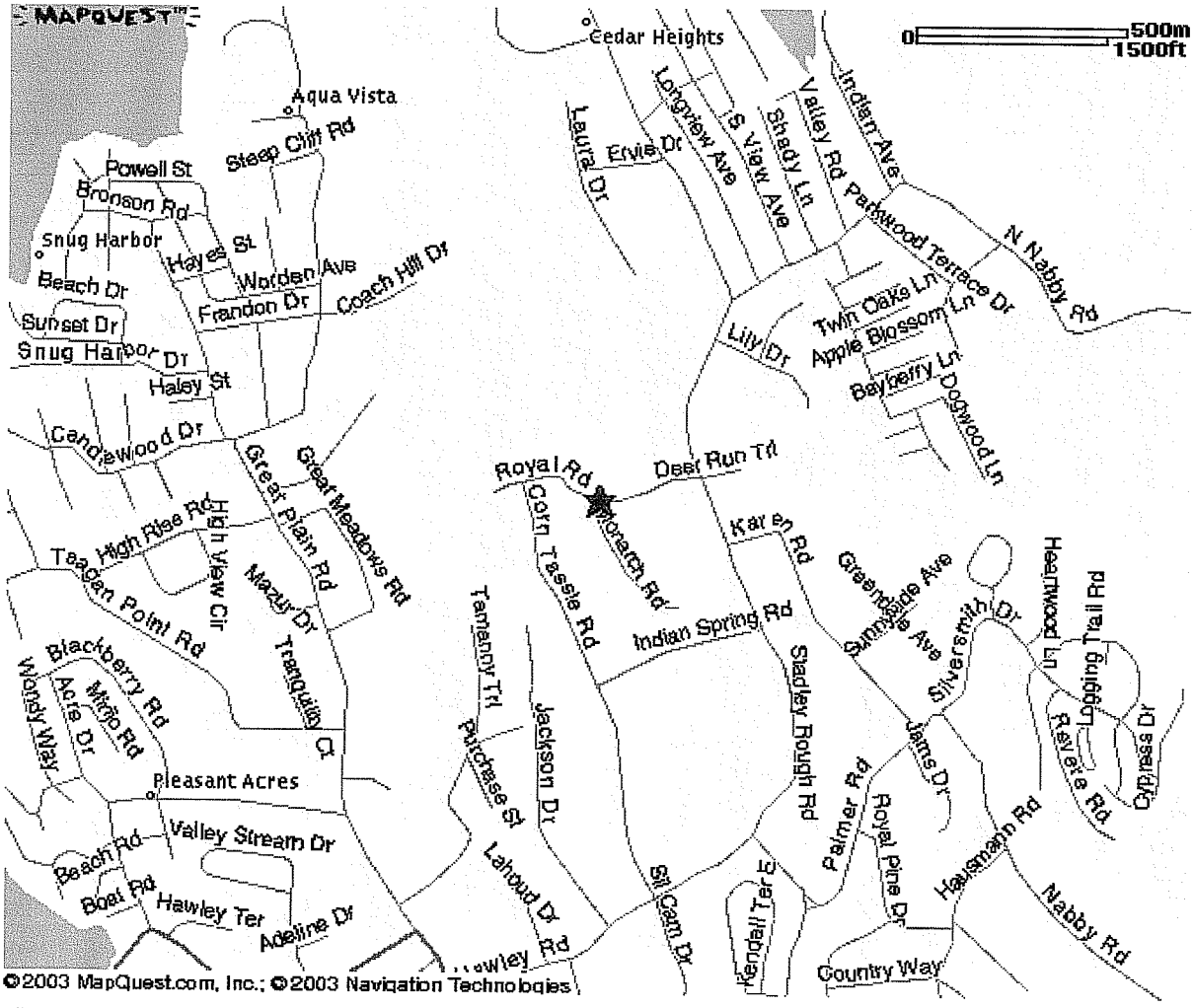
Notes:

Need InK?

Buy printer cartridges:
Save up to 75%
Free UPS 2-day shipping

Buy Now!

www.InkSell.com



This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

Privacy Policy & Legal Notices © 2003 MapQuest.com, Inc. All rights reserved.

Property Location: 9 MONARCH RD
Vision ID: 24092

MAP ID: K06/ / 19/ /
Other ID:

Bldg #: 1 Card 1 of 1 Print Date: 10/01/2003 14:28

CURRENT OWNER

CITY OF DANBURY

155 DEER HILL AVE
DANBURY, CT 06810

TOPO.	UTILITIES	STRT./ROAD	LOCATION
1 Level		1 Paved	

SUPPLEMENTAL DATA

Account #		F/SALE	
TC MAP	4165	VIDEO	
TC LOT	A	Exempt	E
Census Tract	2113	F/SALE	R
F/SALE		F/SALE	
F/SALE			

GIS ID:

CURRENT ASSESSMENT

Description	Code	Appraised Value	Assessed Value
RES.	100	99,200	69,400
	Total	99,200	69,400

6034
DANBURY/2002 REV

VISION

RECORD OF OWNERSHIP

	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
CITY OF DANBURY	0512/0211	03/10/1972			0	

PREVIOUS ASSESSMENTS (HISTORY)

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2002	100	69,400	2001	100	54,200	1999	BAAX	54,20
	Total:	69,400		Total:	54,200		Total:	54,20

EXEMPTIONS

Year	Type/Description	Amount
	Total:	

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm. Int.

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	0
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	99,200
Special Land Value	
Total Appraised Card Value	99,20
Total Appraised Parcel Value	99,20
Valuation Method:	Cost/Market Valuatio
Net Total Appraised Parcel Value	99,200

NOTES

BUILDING PERMIT RECORD

Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments

VISIT/CHANGE HISTORY

Date	ID	Cd.	Purpose/Result
10/29/1998	BA	00	Meas. & Listed

LAND LINE VALUATION SECTION

B#	Use Code	Description	Zone	D	Frontage	Depth	Units		Unit Price	I. Factor	S.I.	C. Factor	Nbhd.	Adj.	Notes- Adj/Special Pricing	Adj. Unit Price	Land Value
1	100	Vacant	RA40				0.86	AC	100,800.00	1.14	7	1.00		1.00			99,200
						Total Card Land Units	37,462.00	SF	Parcel Total Land Area:			37,462 SF				Total Land Value	99,200

32

PETER C. HUNT
ATTORNEY AT LAW
85 NORTH STREET
DANBURY, CONNECTICUT 06810

TELEPHONE: (203) 797-8860
FACSIMILE: (203) 797-9540

EMAIL: PCHUNTLAW @AOL.COM

BY HAND DELIVERY

September 23, 2003

Honorable Mark Boughton
Honorable Members of the
Common Council
City of Danbury
155 Deer Hill Road
Danbury, CT 06810

RE: Drainage Problem - Karen Road

Dear Mayor Boughton and Council Members:

Please be advised that I represent Lore and Clay Pierce, the owners of a vacant lot at 14 Karen Road, Danbury, Connecticut. I have also been in contact with Mark and Heather Paris, the owners of 16 Karen Road.

In order to resolve a long standing drainage problem, my clients and Mr. and Mrs. Paris are requesting that the City of Danbury accept easements intended to divert water away from Karen Road. This will require the purchase of sealed pipe not to exceed two hundred (200) feet by the City. My clients will install the pipe and the catch basin to be supplied by the Public Works department.

Please note that I have discussed this matter with Mr. Bill Buckley, and he has indicated he supports this proposal. If this request is approved, I will work with Assistant Corporation Counsel Eric Gottschalk to prepare and finalize easements that are acceptable to the City of Danbury. Thank you for considering this request. Please contact me if you require additional information.

Sincerely,

Peter C. Hunt

PCH/ch
cc: Lore Pierce and Clay Pierce
Mr. and Mrs. Mark Paris

33

COLLINS, HANNAFIN, GARAMELLA, JABER & TUOZZOLO
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
148 DEER HILL AVENUE, POST OFFICE BOX 440, DANBURY, CONNECTICUT 06813-0440

FRANCIS J. COLLINS
EDWARD J. HANNAFIN
JACK D. GARAMELLA
PAUL N. JABER
JOHN J. TUOZZOLO*
ROBERT M. OPOTZNER**
E. O'MALLEY SMITH
THOMAS W. BEECHER
EVA M. DEFRANCO
CHRISTOPHER K. LEONARD
LAURA A. GOLDSTEIN
GAIL HAMATY MATTHEWS***
GREGG A. BRAUNEISEN**
BRYAN V. DOTO**

*OF COUNSEL
**ALSO ADMITTED IN NEW YORK
***ALSO ADMITTED IN PENNSYLVANIA

TELEPHONE (203) 744-2150
EXTENSION: 3304
FACSIMILE (203) 791-1126

RIDGEFIELD OFFICE:
24 BAILEY AVENUE
RIDGEFIELD, CONNECTICUT 06877
TELEPHONE (203) 438-7403
FACSIMILE (203) 438-7425

INTERNET ADDRESS:
HTTP://WWW.CHGJTLAW.COM
PLEASE RESPOND TO DANBURY OFFICE

September 24, 2003

HAND DELIVER

Honorable Warren Levy
Danbury Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: Conveyance of Parcel B to City of Danbury

Dear Mr. Levy:

Please be advised I represent Diana C. DeFabritis. Ms. DeFabritis is the owner of the property known as Parcel B shown on the attached map, located off of Ironwood Drive, Danbury. Ms. DeFabritis would like to make a gift of said property to the City of Danbury. This property adjoins the Richter Park Golf Course and the Richter Park Authority has already reviewed this proposal and is willing to accept the same. Please advise me at your convenience if the same is acceptable to the City of Danbury.

Yours very truly,

Paul N. Jaber

PNJ:da
cc: Diana DeFabritis

COHEN and WOLF P.C.
ATTORNEYS AT LAW

HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
MARTIN F. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
MARTIN J. ALBERT
STEWART I. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD G. KENT
RICHARD SLAVIN
DANIEL S. NAGEL
RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WALSH
DAVID A. BALL
JOCELYN B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
ANN B. MULCAHY
MARNIE J. RUBIN
ARI J. HOFFMAN
BARBARA M. SCHELLENBERG
COURTNEY A. GEORGE
CARRIE L. LARSON

OF COUNSEL
ROBERT J. ASHKINS
STUART A. EPSTEIN
JACK E. MCGREGOR

34

NEIL R. MARCUS
Please Reply To Danbury
E-mail: nmarcus@cohenandwolf.com

October 1, 2003

Warren Levy, President
Danbury Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: Wooster School – Miry Brook Sewer Extension

Dear Warren:

I have been working with the Wooster School and Bill Buckley, the City Engineer, in developing a sewer line to run from the intersection of Miry Brook Road and Backus Avenue to the intersection of Backus Avenue and Kenosia Avenue where the existing municipal sewer pumping station is located. We have received permission from the Council to extend the line subject to the normal 8-step process which includes design review with the City Engineer.

Though the proposed line is contemplated in the long term sewer plan of the City of Danbury, it now appears that the cost of construction may be too great for the Wooster School to bear on its own. Accordingly, we are requesting that the Common Council accept this petition on behalf of the Wooster School to assess benefits for the municipal construction of the line to be paid by either the Wooster School or a combination of the Wooster School and other property owners to be benefited by same. Since the School is in the process of constructing a building which will be served by this sewer line and since the building is slated to be open in the summer of 2004, I would like to expedite the request by seeking a referral to a subcommittee for consideration during the month of October and report back to the Council hopefully by the November meeting.

I thank you in advance for your anticipated cooperation in this matter.

Yours Truly,

Neil R. Marcus

NRM:pld
cc: John Katz, Wooster School
William Buckley, City Engineer

15 BROAD STREET
O. BOX 1821
IDGEPORT, CT 06601-1821
L: (203) 368-0211
X: (203) 394-9901

158 DEER HILL AVENUE
DANBURY, CT 06810
TEL: (203) 792-2771
FAX: (203) 791-8149

190 MAIN STREET
WESTPORT, CT 06880
TEL: (203) 222-1034

112 PROSPECT STREET
STAMFORD, CT 06904
TEL: (203) 964-9907
FAX: (203) 576-8504

35

MARY JANE BRENC
2 FLIRTATION DRIVE
DANBURY, CONNECTICUT 06810

September 3, 2003

To Whom It May Concern:

We have lived in Danbury for 37 years and our street address has always been ***Flirtation Drive***. Our street sign has always read ***Flirtation Drive*** (a favorite of sign collectors).

The Registrars of Voters has our address as ***Flirtation Drive*** (copy enclosed). The Jury Administration has our address as ***Flirtation Drive*** (copy enclosed), but for some strange reason the Tax Office and the Postal Service has us as ***Flirtation Turn***.

It never bothered me before but now I'm having problems with deliveries trying to explain Turn verses Drive, but more critical is the safety issue in case of fire or ambulance need.

I have canvassed the seven homes on our cul-de-sac and we all go by ***Flirtation Drive*** and would like to have this be our street name. Please take the appropriate action in City Records to get all Departments, including the Postal Service, to reflect the Flirtation cul-de-sac as ***Flirtation Drive***.

Thank you in advance,

Mary Jane Brenc
2 Flirtation Drive
Danbury, CT 06810

Mr. & Mrs. W. Brenc (2 Flirtation Drive)
Mr. & Mrs. A. Nardelli (4 Flirtation Drive)
Mr. & Mrs. A. English (4A Flirtation Drive)
Mr. & Mrs. R. Paltauf (4B Flirtation Drive)
Mr. & Mrs. H. Hall (6 Flirtation Drive)
Mr. & Mrs. J. Mingey (8 Flirtation Drive)
Mr. & Mrs. J. Bonanno (10 Flirtation Drive)

Registrars of Voters
City Hall
155 Deer Hill Avenue
Danbury, Ct. 06810-7769

PRESORTED
FIRST-CLASS MAIL
US POSTAGE
DANBURY, CT
PERMIT NO. 13

BRENC FAMILY
2 FLIRTATION DR
DANBURY CT 06810-

173

3

JUROR ID: DBD -2003-034-2003012139
URY ADMINISTRATION
O BOX 260448
ARTFORD CT 06126-0448

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID ONE OUNCE
PERMIT NO. 3884
HARTFORD, CONN.

2

MARY JANE BRENC
2 FLIRTATION DR
DANBURY, CT 06810

URSTADT BIDDLE PROPERTIES INC.

321 Railroad Avenue, Greenwich, Connecticut 06830
Telephone: 203-863-8200 Fax: 203-861-6755 Web site: UBProperties.com
(New York Stock Exchange Symbols: UBP and UBP.A)

36

September 29, 2003

Danbury Common Council
C/o City Clerk
155 Deer Hill Road
Danbury, CT 06810

Re: UB Danbury, Inc. Lease with City of Danbury
20 Backus Avenue; Lots # F17011-1 & #F17011-2

Dear Council Members:

In March 2002 we purchased the Boston Billiards Shopping Center on Backus Avenue from Tisano Realty. At that time we also assumed two leases with the City of Danbury for adjacent land which provides extra parking for shoppers visiting the center (leases attached). This parking is also used for the adjacent Horseshoe Club. As lessee we are required to pay a monthly rent as set forth in each lease. The Horseshoe Club pays us no rent for use of the parking.

Before we purchased the property we obtained estoppel certificates from the City confirming, among other things, that the leases on the City parcels were not in default (estoppels attached). Relying on the representations in the estoppel, we closed on the purchase of the shopping center and simultaneously assumed the leases.

We also assumed a mortgage that Tisano had placed on the property. The lender required that money be held in escrow to be used to pay real estate taxes on the property. In May 2002 we were surprised to learn that the company that services the mortgage had automatically paid taxes on our behalf in the amount of $2,275.70 for the two leased parcels for the period ending April 30, 2002. Apparently the City had been billing Tisano and/or his lender for these taxes dating back as early as 1995, and the lender had been paying them up until the time of the sale. We instructed them immediately to make no further payments, since the leases contain no requirement for the payment of taxes (and we have no other agreement with the City pertaining to those parcels).

We have always enjoyed a good relationship with the City and as long term investors we have made significant investments in the Boston Billiards Shopping Center and our Danbury Square Shopping Center.

UBP
UBP.A
Listed
NYSE

We would like to reach an amicable settlement whereby the City will have a creditworthy tenant leasing the land on a long-term basis and patrons of the shopping center can be assured of having ample places to park so they can shop (and in turn generate sales tax revenue for the City). Because of the restrictions placed on development by the airport, the land is not useable for anything other than parking.

We would like to propose that the two leases be combined for administrative simplification and extended on the following terms:

	Period	$ / Yr.	$ / Mo.
RENT:	6/1/08 - 5/31/13	$18,840.00	$1,570.00
	6/1/13 - 5/31/18	$20,724.00	$1,727.00
	6/1/18 - 5/31/23	$22,796.40	$1,899.70
	6/1/23 - 5/31/28	$25,076.04	$2,089.67

EXPIRATION: May 31, 2028

RENEWAL OPTIONS: Four 5-year options.

OPTION RENT: Rent shall increase 10% at the beginning of the first Option and shall increase 10% at the beginning of each Option thereafter.

GROSS LEASE: It is understood and agreed that there are no other payments due under the Lease except the Rent as provided above.

TAXES: Urstadt Biddle Properties Inc. and UB Danbury, Inc. shall each waive any claim either may have related to taxes paid on the parcels prior to the Leases being assigned to UB Danbury, Inc.

RIGHT OF FIRST REFUSAL: Should the City wish to sell the parcels, Tenant shall have the right to buy them by matching any bonafide offer.

Please place this matter on the agenda of the October 6 meeting.

Thank you in advance for your cooperation in this matter.

Sincerely,

URSTADT BIDDLE PROPERTIES INC.

John C. Merritt, Jr.
Vice President

Encl.

Cc: Mayor Boughton
Lazlo Pinter
Colleen Velez
Willing Biddle
Raymond Argila

UB DANBURY, INC.
321 Railroad Avenue
Greenwich, CT 06830

Certified Mail, RRR
7001 2510 0004 1524 4758

May 2, 2002

The City of Danbury
Mark Boughton, Mayor
155 Deer Hill Avenue
Danbury, CT 06810

Re: Notice of Exercise of Lease Renewal Option

Dear Mayor Boughton:

UB Danbury, Inc., by its duly authorized officer, hereby serves written notice of the exercise of its option to renew that certain Lease dated July 21, 1995 by and between the City of Danbury, as Lessor and Tisano Realty, Inc.(predecessor in interest to UB Danbury, Inc.), as Lessee recorded in Volume 1123 at Page 0845 in the Office of the Town Clerk of the City of Danbury ("Lease"), in accordance with the terms of the Lease, which Lease was assigned to UB Danbury, Inc. pursuant to an Assignment and Assumption Agreement dated March 12, 2002 by and between The City of Danbury, Tisano Realty, Inc. and UB Danbury, Inc. and recorded March 12, 2002 in Volume 1423, page 0056 in the office of the Danbury Town Clerk. Accordingly, the term of the Lease is renewed and extended to May 31, 2008 in accordance with the terms of the Lease.

Sincerely,

UB DANBURY, INC.

Willing L. Biddle
President

cc: Laszlo L. Pinter
Raymond P. Argila
John Merritt

7001 2510 0004 1524 4258

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

1995)

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

GREENWICH CT GLENVILLE ST
MAY 2 2002
USPS
Postmark Here

Sent To Mayor Boughton, Danbury
Street, Apt. No.; or PO Box No. 155 Deer Hill Avenue
City, State, ZIP+4 Danbury CT 06810

PS Form 3800, January 2001 See Reverse for Instructions

7001 2510 0004 1524 4741

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

GREENWICH CT GLENVILLE ST
MAY 2 2002
USPS
Postmark Here

Sent To Lasgle Pinto, Danbury
Street, Apt. No.; or PO Box No. 155 Deer Hill Avenue
City, State, ZIP+4 Danbury CT 06810

PS Form 3800, January 2001 See Reverse for Instructions

7001 2510 0004 1524 4765

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

GREENWICH CT GLENVILLE ST
MAY 2 2002
USPS
Postmark Here

Sent To Mayor Boughton
Street, Apt. No.; or PO Box No. Danbury, 155 Deer Hill Ave
City, State, ZIP+4 Danbury, CT 06810

PS Form 3800, January 2001 See Reverse for Instructions

UB DANBURY, INC.
321 Railroad Avenue
Greenwich, CT 06830

Certified Mail, RRR
7001 2510 0004 1524 4765

May 2, 2002

The City of Danbury
Mark Boughton, Mayor
155 Deer Hill Avenue
Danbury, CT 06810

Re: Notice of Exercise of Lease Renewal Option

Dear Mayor Boughton:

UB Danbury, Inc., by its duly authorized officer, hereby serves written notice of the exercise of its option to renew that certain Lease dated September 9, 1993 by and between the City of Danbury, as Lessor and Tisano Realty, Inc.(predecessor in interest to UB Danbury, Inc.), as Lessee recorded in Volume 1066 at Page 601 in the Office of the Town Clerk of the City of Danbury ("Lease"), in accordance with the terms of the Lease, which Lease was assigned to UB Danbury, Inc. pursuant to an Assignment and Assumption Agreement dated March 12, 2002 by and between The City of Danbury, Tisano Realty, Inc. and UB Danbury, Inc. and recorded March 12, 2002 in Volume 1423, page 0056 in the office of the Danbury Town Clerk. Accordingly, the term of the Lease is renewed and extended to June 30, 2008 in accordance with the terms of the Lease.

Sincerely,

UB DANBURY, INC.

Willing L. Biddle

Willing L. Biddle
President

cc: Laszlo L. Pinter
Raymond P. Argila
John Merritt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Boughton (1995)
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) T. Dyer
B. Date 5/3/0
C. Signature X
D. Is delivery address different from item 1? ☐ Y
If YES, enter delivery address below: ☐ N

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merch
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label) 7001 2510 0004 1524 4765

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayor Boughton (1995)
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) T. Dyer
B. Date of De 5/3/0
C. Signature X
☐ Agent
☐ Addre
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label) 7001 2510 0004 1524 4758

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Laszlo Pinter
Asst. Corp. Counsel
City of Danbury
155 Deer Hill Ave.
Danbury, CT 06810

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) T. Dyer
B. Date of Delivery 5/3/02
C. Signature X
☐ Agent
☐ Addressee
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from 7001 2510 0004 1524 4741

PS Form 3811, July 1999

ESTOPPEL CERTIFICATE

The undersigned, City of Danbury, a municipal corporation of the State of Connecticut ("Lessor") hereby certifies to URSTADT BIDDLE PROPERTIES INC. ("UBP") UB Danbury, Inc. (a wholly owned subsidiary of UBP) or any other wholly owned subsidiary of UBP which becomes the Lessee under the Lease (hereinafter defined) and their successors and assigns, as follows:

1. Attached to this Certificate as Exhibit A is a true copy of Lessor's lease with Tisano Realty, Inc. ("Lessee") dated as of July 21, 1995, and recorded in Book 1123, Page 0845 in the Office of the Danbury Town Clerk on August 8, 1995 (the "Lease"), for Premises described therein (the "Leased Premises") located adjacent to a shopping center known as 20-30 Backus Avenue, Danbury, Connecticut ("Property").

2. The Lease constitutes the entire agreement between Lessor and Lessee and there are no other agreements, written or oral, between Lessor and Lessee relating thereto. There are no amendments to the Lease.

3. Execution of the Lease by the City of Danbury and its consent to the assignment thereof to UBP, or UB Danbury, Inc. or any other wholly owned subsidiary of UBP has been duly authorized and all appropriate and required actions and approvals required of the City of Danbury have been taken and received.

4. The term of the Lease will expire on May 31, 2003, unless sooner terminated in accordance with the Lease. Lessee has an option to renew the Lease for an additional period of five (5) years as provided in the Lease.

.5. There are no other amounts due and payable from Lessee under the Lease except rent payable in monthly installments. Tenant is presently obligated to pay only the following amounts to Landlord pursuant to the Lease:

(a) Monthly installments of $ 418 through the remainder of the initial term.

(b) Rent during the Renewal term is payable in monthly installments of $456 for the ninth year of the term, $494 for the tenth and eleventh years of the term and $532 for the twelfth and thirteenth years of the term; and there are no other amounts due and payable from Lessee under the Lease except annual rent.

6. Tenant has paid the Rent through the month of March, 2002

7. No rent or other sum has been paid in advance except for the current month.

8. There is no security deposit under the Lease.

9. The Lease has not been amended or modified except as specified in Paragraph 2 above.

10. The Lease is in full force and effect.

11. Neither Lessor nor Lessee is in default in the payment or performance of its obligations under the Lease and there is no condition or event existing which with the passing of time or the giving of notice, or both, would constitute a default or event of default under the Lease.

12. Lessor has no defense, set off or claim with respect to the payment of any rent or other sums or the performance of its other obligations under the Lease.

Lessee acknowledges and agrees that this Estoppel Certificate will be relied upon by Urstadt Biddle Properties Inc., UB Danbury, Inc. or other wholly owned subsidiary of UBP which becomes Lessee under the Lease and their respective successors and assigns, in connection with their acquisition of the Property.

IN WITNESS WHEREOF, Tenant has duly executed this Certificate this 22nd day of February, ~~XXXX~~ 2002.

WITNESS:

LESSOR: **City of Danbury**

Name: Laszlo L. Finter

By: _____

Name: Mark D. Boughton
Title: Mayor

This Indenture,

Made by and between the CITY OF DANBURY, a municipal corporation organized and existing under and by virtue of the laws of the State of Connecticut, acting herein by Gene F. Eriquez, its Mayor, hereunto duly authorized,

Lessor , *and* TISANO REALTY, INC., a Connecticut corporation with its principal place of business at 30 Sweet Briar Court, Stamford, Connecticut 06905,

Lessee , *WITNESSETH: That the Lessor has leased, and does hereby lease to the said Lessee*

SEE ATTACHED SCHEDULE A

for the term of ten (10) years *from the* first *day of* July, *A.D., 1993* , *for the* annual *rent of* * ~~Dollars,~~ ~~payable in~~ ~~payments of~~ ~~Dollars,~~ ~~each, to wit: on the~~ ~~day of~~

* $7,863.24	for years one through five, payable monthly in the amount of $655.27 on the first day of each month;
$8,806.84	for years six through ten, payable monthly in the amount of $733.90 on the first day of each month;
$9,863.66	for the renewal period, if exercised, payable monthly in the amou of $821.97 on the first day of each month.

And the said Lessor *covenants with the said Lessee that* it *has good right to lease said premises in manner aforesaid, and that* it *will suffer and permit said Lessee (it keeping all the covenants on* its *part, as hereinafter contained) to occupy, possess and enjoy said premises during the term aforesaid, without hindrance or molestation from* it *or any person claiming by, from or under* it.

And the said Lessee *covenants with the said Lessor to hire said premises and to pay the rent therefor as aforesaid, that* it *will commit no waste, nor suffer the same to be committed thereon, nor injure nor misuse the same; and also that* it *will not assign this lease nor underlet a part or the whole of said leased premises, nor make alterations therein, nor use the same for any purpose but that hereinbefore authorized, without written permission from said Lessor but will deliver up the same at the expiration or sooner determination of* its *tenancy in as good condition as they are now in, ordinary wear, fire and other unavoidable casualties excepted.*

Provided, however, *and it is further agreed that if the said rent shall remain unpaid* ten (10) *days after the same shall become payable as aforesaid, or if the said Lessee shall assign this Lease, or underlet or otherwise dispose of the whole or any part of said demised premises, or use the same for any purpose but that hereinbefore authorized or make any alteration therein without the consent of the Lessor in writing, or shall commit waste or suffer the same to be committed on said premises, or injure or misuse the same, then this Lease shall thereupon, by virtue of this express stipulation therein expire and terminate, and the Lessor may, at any time thereafter, re-enter said premises, and the same have and possess as of* its *former estate, and without such re-entry, may recover possession thereof in the manner prescribed by the statute relating to summary process; it being understood that no demand for rent, and no re-entry for condition broken, as at common law, shall be necessary to enable the Lessor to recover such possession pursuant to said statute relating to summary process, but that all right to any such demand, or any such re-entry is hereby expressly waived by the said Lessee*

And it is further agreed *between the parties hereto, that whenever this Lease shall terminate either by lapse of time or by virtue of any of the express stipulations therein, the said Lessee hereby waives all right to any notice to quit possession, as prescribed by the statute relating to summary process.*

And it is further agreed *that in case the said Lessee shall, with the written consent of the said Lessor endorsed hereon, or on the duplicate hereof, at any time hold over the said premises, beyond the period above specified as the termination of this Lease, then the said Lessee shall hold said premises upon the same terms, and under the same stipulations and agreements as are in this Instrument contained, and no holding over by said Lessee shall operate to renew this Lease without such written consent of said Lessor*

And it is further agreed *between the parties hereto, that the Lessee* agrees *to comply with, and to conform to all the Laws of the State of Connecticut, and the by-laws, rules and regulations of the City and Town within which the premises hereby leased are situated, relating to Health, Nuisance, Fire, Highways and Sidewalks, so far as the premises hereby leased are, or may be concerned; and to save the Lessor harmless from all fines, penalties and costs for violation of or non-compliance with the same, and that said premises shall be at all times open to the inspection of said Lessor* its *agents, to applicants for purchase or lease, and for necessary repairs.*

~~**And it is further agreed** that the~~ *said Lessee* ~~to pay the water~~ *rates, or rent, for all water used and consumed on said leased premises during the term aforesaid, in addition to the rent hereinbefore provided for.*

And it is further agreed *between the parties to these presents, that in case the building or buildings erected on the premises hereby leased shall be partially damaged by fire or otherwise, the same shall be repaired as speedily as possible at the expense of the said Lessor ; that in case the damage shall be so extensive as to render the building or demised premises untenantable, the rent shall cease until such time as the building shall be put in complete repair; but in the case of the total destruction of the premises, by fire or otherwise, the rent shall be paid up to the time of such destruction and then and from thenceforth this Lease shall cease and come to an end.*

If the whole or any part of the demised premises shall be acquired or condemed by Eminent Domain for any public or quasi public use or purpose, then and in that event, the term of this lease shall cease and terminate from the date of title vesting in such proceeding and Lessee shall have no claim against Lessor for the value of any unexpired term of said lease.

And Lessee *further covenant* s *and agree*s *that no accumulation of boxes, barrels, packages, waste paper, or other articles shall be permitted in or upon the premises.*

And the Lessee *covenants that in the event the Lessor* is *required to employ an attorney in order to enforce a provision of this lease, the Lessee shall pay a reasonable attorney's fee.*

SEE SCHEDULE B ANNEXED HERETO AND MADE A PART HEREOF.

In Witness Whereof, *the parties hereto have hereunto set their hands and seals, and to a duplicate of the same tenor and date, this* 9th *day of* September *A. D. 19* 93.

Signed, Sealed and Delivered in presence of

Laszlo L. Pinter

Svetlana Riccio

Linda Morina

Maureen Hogan

CITY OF DANBURY

By: _____ *LS*
Gene F. Eriquez, its Mayor
Hereunto duly authorized

_____ *LS*

TISANO REALTY, INC. *LS*

By: _____ *LS*
John Tisano

State of Connecticut,
County of FAIRFIELD } **ss.** Danbury

On this the 9th *day of* September *, 19* 93*, before me,* Laszlo L. Pinter *, the undersigned officer, personally appeared* Gene F. Eriquez, Mayor of the City of Danbury, a municipal corporation, *known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.*

In Witness Whereof, *I hereunto set my hand and official seal.*

Laszlo L. Pinter

Laszlo L. Pinter

Commissioner of the Superior Court
Title of Officer

State of Connecticut,
County of FAIRFIELD } **ss.** DANBURY

On this the 25th *day of* August *, 19* 93*, before me,* JOHN TISANO *the undersigned officer, personally appeared* MAUREEN HOGAN *who acknowledged himself to be the* President *of* TISANO REALTY, INC. *, a corporation, and that he as such* , *being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as*

In Witness Whereof, *I hereunto set my hand and official seal.*

Maureen Hogan

MAUREEN HOGAN
~~NOTARY PUBLIC~~
MY COMMISSION EXPIRES MAR. 31, 1998
Title of Officer

SCHEDULE A

A parcel of land described as follows:

Beginning at a point on the southerly right of way line of Backus Avenue said point being the northeasterly corner of property now or formerly of Tisano Realty, Inc., thence N61°-15'-10" E along the southerly right of way line of Backus Avenue a distance of 22.19 feet; thence S21°-11'-30" E thru land of the City of Danbury along the easterly proposed lease line a distance of 451.23 feet; thence S44°-42'-51" W along the southerly lease line a distance of 24.10 feet; thence N 21°-11'-30" W along the westerly lease line a distance of 40.41 feet to the southeasterly corner of the previously mentioned property of Tisano Realty Inc.; thence continuing N21°-11'-30" W a distance of 417.74 feet along the easterly line of property owned now or formerly by Tisano Realty, Inc. to the point of beginning. The area of the described parcel contains 10,003 square feet and is shown on a map entitled "Map Showing Property of Tisano Realty, Inc. Backus Avenue, Danbury, Connecticut", Scale 1"=30', as prepared by Surveying Associates, PC and dated April 17, 1990 with a revision date of March 31, 1993 said map being filed in the Danbury Land Records as Map No. _____.

and conditions [illegible]

SCHEDULE B

AND IT IS FURTHER AGREED that the demised premises shall be used only for parking automobiles and motor vehicles which belong to the Lessee's employees, invitees, occupants or owners, and by the employees, invitees, occupants or owners of the Lessee's tenants in the premises adjoining the demised premises, and such additional limited occasional recreational parking as may be desirable and necessary by and to the City of Danbury Department of Parks and Recreation.

AND IT IS FURTHER UNDERSTOOD AND AGREED that the Lessee shall have the right, after obtaining the prior written approval of Lessor, to fill, grade and pave the demised premises to the extent required for automobile and motor vehicle parking only.

AND IT IS FURTHER UNDERSTOOD AND AGREED that any improvements to the demised premises not specifically called for or permitted above shall only be made after written permission and consent has been obtained from the Lessor. Any and all such improvements made by the Lessee herein as specified in this Lease or hereinafter permitted shall not be removed from he premises but shall become the property of the Lessor. Further, that the leased premises shall be returned to its original condition at the termination of this agreement.

AND IT IS FURTHER UNDERSTOOD AND AGREED that the Lessor may, at any time, relocate the demised premises, provided that the new premises adjoin property owned by the Lessee, its successors or assigns, and provided that the new premises are equivalent in size and quality to the demised premises described herein. In the event of such relocation, all of the terms and conditions of this Lease shall apply to the new demised premises.

THE LESSEE FURTHER AGREES to save and hold harmless the Lessor from any suit or claim for injury to any person or persons or for any damage to property arising out of the use, occupancy or possession of the demised premises by the Lessee or anyone using said property with or without the permission of the Lessee. The Lessee agrees to maintain the leased premises for the period thereof.

THE LESSEE FURTHER AGREES to maintain at all times in full force and effect liability insurance with an insurance company licensed to do business in the State of Connecticut and acceptable to the Lessor. Said liability policy shall name the City of Danbury and the Danbury Aviation Commission as additional insureds and said policy shall provide coverage of not less than $1,000,000.00 for injury to any one person, or any one accident and property damage coverage of a minimum of $1,000,000.00 for any one or more items of property for each accident.

AND IT IS FURTHER UNDERSTOOD AND AGREED that the Lessee shall have the option to renew this Lease upon the same terms and conditions, except as hereinafter stated, for an additional term of five (5) years; provided, however, that the Lessee shall give to the Lessor written notice by certified mail on or before one hundred eighty (180) days prior to the conclusion of the original term. In the event of such a renewal, the rental for the demised term shall be (See Page 1 of Agreement).

All of the terms, covenants and conditions of this lease shall inure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the party hereto.

Lessee's use of the premises shall be subject at all times to the regulations of the City of Danbury Airport Commission and the Federal Aviation Administration and shall conform thereto and shall be further subject to and subordinate to all current existing and future agreements between said City of Danbury and the Federal Aviation Administration.

Lessor further reserves the right to terminate this agreement without compensation to Lessee upon sixty (60) days' prior written notice where Lessor is required to do so by virtue of State of Connecticut or federal requirements or directives.

Lessee specifically agrees to relocate the fencing along the westerly side of the demised premises to the easterly side of the demised premises to be leased in a manner which maintains the utilization of said fence for the purposes originally intended.

27-aug

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

37

August 11, 2003

PLEASE REPLY TO:

DANBURY, CT 06810

Hon. Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Proposed Discontinuance of International Drive
August Agenda Item #27

Dear Mayor and Council Members:

Please accept the following in response to your request for a report in connection with the above. This matter came before you as a result of a letter from attorney Paul N. Jaber, dated July 1, 2003. In that letter Mr. Jaber advised you that his client, Eagle Road Center, LLC, wished to petition for the discontinuance of International Drive together with acceptance of certain easements for water and sewer, all in connection with an application now pending before the Planning Commission for approval to construct a home improvement center. You referred the matter to this office for a report. It is our position that based on pertinent provisions of the Connecticut General Statutes and the Danbury Municipal Charter, the Common Council has the authority to discontinue International Drive and accept the related easements.

We take this position with respect to the highway discontinuance based on the complementary language of Sections 13a-7 of the Connecticut General Statutes and 3-4 of the Danbury Municipal Charter. Section 13a-7 provides specific authority for the Common Council to discontinue highways and Section 3-4 confirms that authority by providing that the Common Council shall, "have all powers granted to municipalities by … the general law or special laws not inconsistent herewith."

Accordingly, should you wish to do so, you may act to discontinue International Drive and accept the related easements. As usual, we will be available to answer any questions that you may have as you proceed with deliberations. Please feel free to contact me earlier should the need arise.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel

RECYCLED PAPER

27 aug

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

August 22, 2003

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/ August CC Agenda Item 27 – Abandonment of International Dr.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the August 20, 2003 meeting, the Planning Commission made a motion to give a positive recommendation because all of the suggestions in the Planning Director's report have been incorporated into the resolution prepared for the approval of this project.

Joseph Justino
Chairman

JJ/jr

Attachment

c: Engineering Dept.
Corporation Counsel

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINE

August 21, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Abandonment of International Drive

At the August 5, 2003 Common Council meeting, the July 1, 2003 letter from Attorney Paul N. Jaber petitioning the Common Council to abandon International Drive was forwarded to our office for a report within 30 days (reference is made to Item 27 of the Common Council meeting minutes).

It is our recommendation that International Drive from the Eagle Road easterly right of way line to the easterly limit of the existing cul-de-sac right of way as shown on the submitted "General Location Survey Showing a Portion of International Drive to be Abandoned by the City of Danbury" dated June 17, 2003 be abandoned by the City with the following conditions:

1. The abandonment is not to be effective until the Special Exception approved by the City of Danbury Planning Commission is filed in the Danbury Land Records.

2. The abandonment is not to be effective until the Subdivision Map approved by the City of Danbury Planning Commission is filed in the Danbury Land Records.

3. The abandonment is not to be effective until sanitary sewer main and water line easement maps and legal documents are satisfactory to the City Corporation Counsel's office and the Engineering Department and are filed in the Danbury Land Records.

RECYCLED PAPER

4. Salvage materials (granite curbing, catch basin tops, etc.) determined to be in acceptable conditions by the City is to be delivered to the Public Works complex on Newtown Road.

If you have any questions or require additional information, please feel free to contact me.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

C: Eric L. Gottschalk, Esq.
Dennis I. Elpern
Ann Klebacha
Frank Cavagna
Paul N. Jaber, Esq.

12-Sept

CITY OF DANBURY

38

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEE

September 5, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Request to Purchase Land
Terrace Street

At the September 3, 2003 Common Council meeting, the August 13, 2003 letter from Attorney Gregg A. Brauneisen requesting that the City deed a strip of land to his clients was forwarded to our office for a report within thirty days (reference Item 12 of the meeting minutes).

The enclosed copy of a section of a Tax Assessor's map shows the location of property owned by Attorney Brauneisen's clients (Tax Parcel number H10019). This parcel is located on Terrace Street adjacent to City owned land that is part of the Danbury High School property.

It is our recommendation that the Danbury High School property be left intact. There is no way to predict whether there will be a future City need (storm drainage, etc.) for the strip of land the City is being asked to sell.

If you have any questions, please feel free to give me a call.

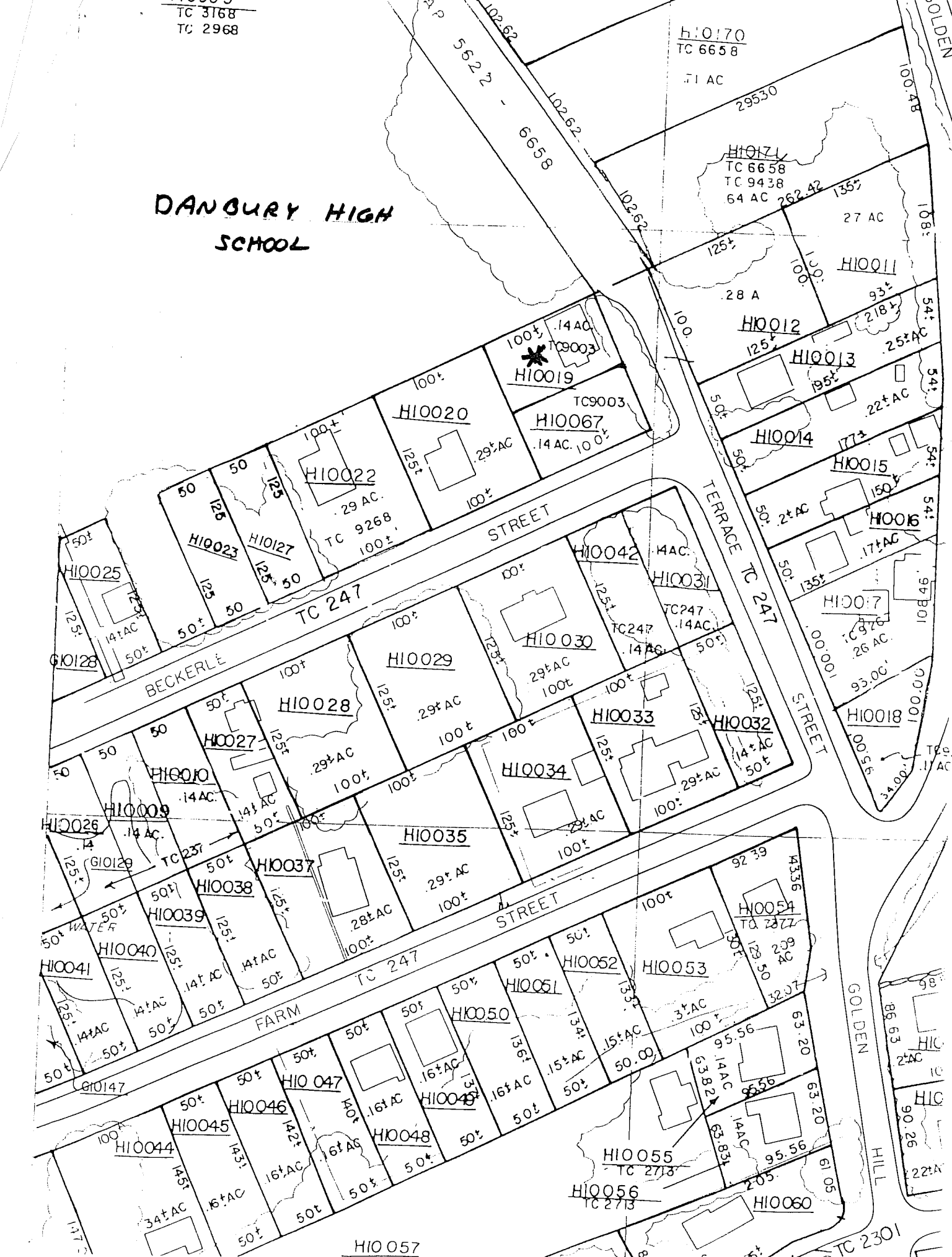
Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq.
Dennis Elpern

RECYCLED PAPER


DANBURY HIGH SCHOOL
TC 3168
TC 2968
5622 - 6658
H10170
TC 6658
.71 AC
29530
H10171
TC 6658
TC 9438
.64 AC
262.42
27 AC
H10011
.28 A
H10012
H10013
.25±AC
H10014
.22±AC
H10015
H10016
.17±AC
H10017
TC 9276
.26 AC
H10018
H10019
TC9003
.14 AC
H10020
.29±AC
H10067
TC9003
.14 AC.
H10022
.29 AC.
TC 9268
H10023
H10127
H10025
.14±AC
G10128
H10042
.14AC.
H10031
TC247
.14AC.
H10030
.29±AC
H10029
.29±AC
H10028
.29±AC
H10027
.29±AC
H10033
H10032
.14±AC
H10034
.29±AC
H10010
.14AC.
H10009
.14 AC.
H10026
.14
G10129
H10035
.29±AC
H10037
.28±AC
H10038
H10039
.14±AC
H10040
.14±AC
H10041
.14±AC
G10147
H10054
TC 2377
.29 AC
H10053
.3±AC
H10052
.15±AC
H10051
.15±AC
H10050
.16±AC
H10049
.16±AC
H10048
.16±AC
H10047
.16±AC
H10046
.16±AC
H10045
.16±AC
H10044
.34±AC
H10055
TC 2713
H10056
TC 2713
H10060
H10057
TC 247
TC 2301
TC 2377
BECKERLE STREET
FARM STREET
TERRACE STREET
GOLDEN HILL
WATER

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

September 19, 2003

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Mayor Mark D. Boughton
Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: September Agenda Item #12
Terrace Street

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report concerning the matter referenced above. This item came before you as the result of a letter dated August 13, 2003, from attorney Gregg A. Brauneisen, who represents Ermina and Mary Cappiello. The Cappiellos wish to acquire a piece of city-owned property located adjacent to their home. The property is formally dedicated to school use, however the Cappiellos have apparently used and maintained a portion of the property for many years.

I am in receipt of a letter to you from Director of Public Works, William J. Buckley, Jr., dated September 5, 2003, in which Mr. Buckley responded to your request for a report from his Department. In his letter Mr. Buckley has recommended that you deny the request based upon his belief that the property may be needed by the city in the future.

If you are inclined to grant the request in spite of Mr. Buckley's recommendation, I suggest that you do so only after having obtained reports from the Board of Education and the Planning Commission. If their reports are positive and you wish to approve the transfer, I suggest that you then obtain information from the Tax Assessor regarding the value of the parcel.

Bear in mind that the transfer of city land requires the affirmative vote of fourteen members of the Council.

If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Corporation Counsel Robert J. Yamin
William J. Buckley, Jr., Director of Public Works
Mario Ricozzi, Superintendent of Public Utilities

RECYCLED PAPER

15-Sept

CITY OF DANBURY

39

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

September 10, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Old Forty Acre Mountain Road

At the September 3, 2003 Common Council meeting, the July 17, 2003 letter from Ernest Adamo and Barbara Suess of 8 Jireh Lane was forwarded to our office for a report within thirty days (reference Item 15 of the meeting minutes).

Mr. Adamo and Ms. Suess request that the City either restrict access to the private portion of Old Forty Acre Mountain Road (the "access road") or pave the private portion of Old Forty Acre Road from the existing cul de sac at the end of Jireh Lane aka Forty Acre Mountain Road to their own driveway.

Enclosed please find a copy of a section of the Tax Assessor's map that shows the relationship of the Adamo and Suess property (Tax Parcel number K03027) to Jireh Lane. Also enclosed is a section of the as-built map received by the City when the improved portion of Jireh Lane was turned over to the City. On this section of the as-built map we have indicated the location of the Adamo and Suess lot.

Jireh Lane is maintained by the City to the end of the paved cul de sac. The portion of private road ("access road") that the City is being asked to maintain is shown as the "gravel road" on the as-built plan. When the City accepted Jireh Lane, a bituminous apron had been installed by the developer at the junction of the "gravel road" and the Jireh Lane cul de sac just as aprons were installed for every driveway along the road. With title to Jireh Lane, the City accepted temporary turnaround easements at the cul de sac. The intent of temporary turnaround easements is to provide the City and the public room to turn around until such time in the future that the road is extended by another developer, at which time the temporary turnaround can be eliminated.

The City does not have any responsibility for maintaining the private gravel portion of Old Forty Acre Mountain Road at the west end of the cul de sac.

RECYCLED PAPER

With respect to the comments relative to the City restricting public access to the private portion of Old Forty Acre Mountain Road, we defer to the Corporation Counsel's office.

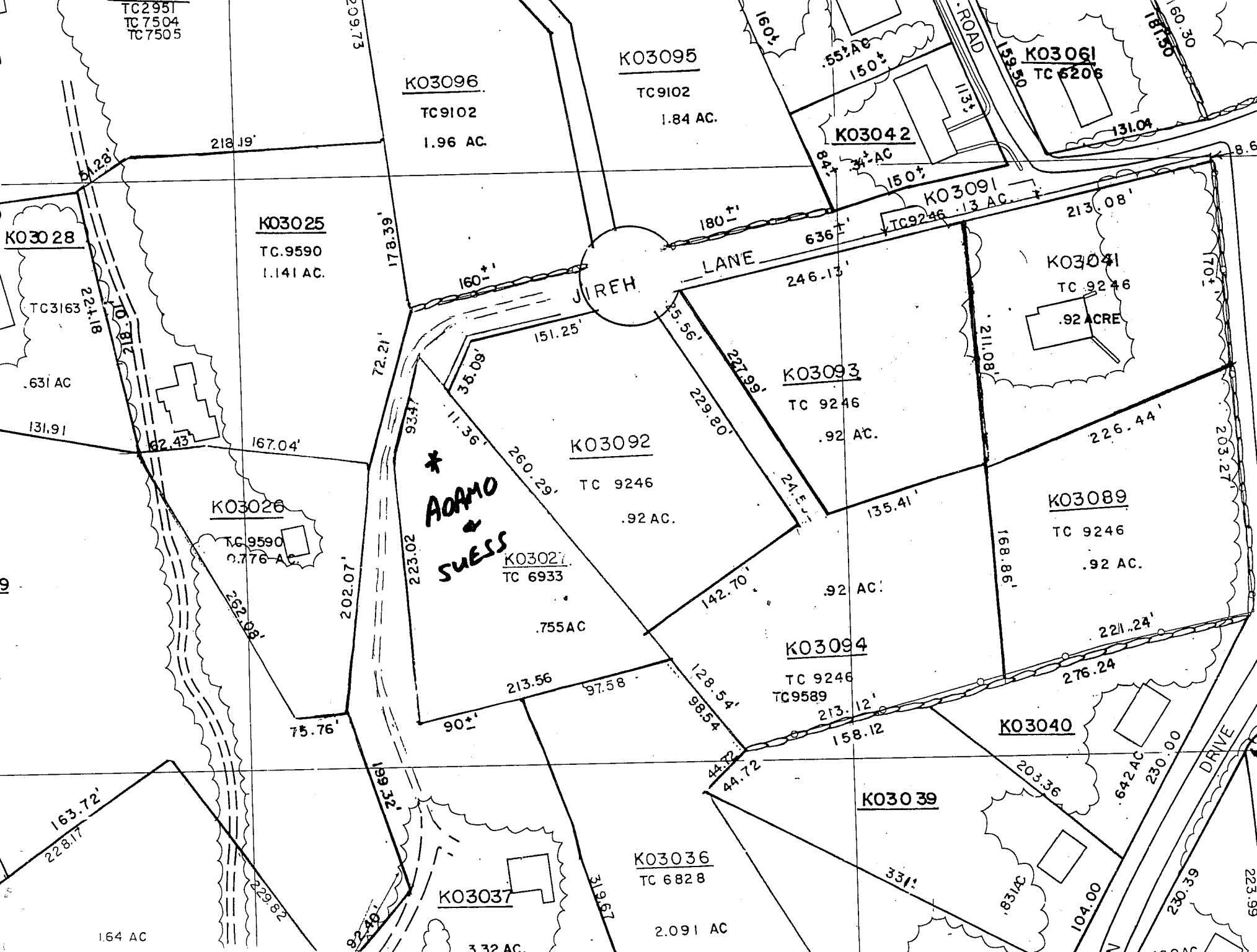
If you have any questions, please feel free to give me a call.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq.
Dennis Elpern


TC2951
TC7504
TC7505
K03096
TC9102
1.96 AC.
K03095
TC9102
1.84 AC.
K03061
TC 6206
K03042
.34± AC
K03091
TC9246
.13 AC.
K03028
TC3163
.631 AC
K03025
TC.9590
1.141 AC.
JIREH LANE
K03041
TC 9246
.92 ACRE
K03093
TC 9246
.92 AC.
K03092
TC 9246
.92 AC.
ADAMO & SUESS
K03026
TC.9590
0.776 AC.
K03027
TC 6933
.755 AC
.92 AC.
K03089
TC 9246
.92 AC.
K03094
TC 9246
TC9589
K03040
.642 AC
K03039
.831 AC
K03036
TC 6828
2.091 AC
K03037
3.32 AC
1.64 AC
DRIVE

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:
DANBURY,CT 06810

October 1, 2003

Honorable Mayor Mark D. Boughton
Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Old Forty Acre Mountain Road
September Agenda Item #15

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report in connection with the item referenced above. This inquiry came to you in the form of letters from Ernest Adamo and Barbara Suess of 8 Jireh Lane and from Jason and Dawn Eriquez of 24 Old Forty Acre Mountain Road. In addition to referring these letters to this office you also forwarded them to the Director of Public Works for a report. I have now had an opportunity to review the responses from William J. Buckley.

As I understand it, these two properties are on opposite ends of what Mr. Buckley has described as a private "gravel road," and which all agree is, in some spots, nearly impassable, except by off-road recreational vehicles. The city has no legal responsibility to maintain private roads, however some limited snow plowing and other maintenance, sufficient to permit the passage of emergency vehicles, when necessary, has occasionally been performed in the past.

In their letter, Ernest Adamo and Barbara Suess suggest that if the city is not inclined to maintain Old Forty Acre Mountain Road, the city should restrict access to it. Assuming that the public works department is correct about its private character, the responsibility for restricting access to the road by others rests with the owners of the road. All remaining questions raised in the two inquiries to you appear to have been satisfactorily addressed by the Director of Public Works.

If you have any questions please let me know.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

RECYCLED PAPER

William J. Buckley, Jr., Director of Public Works

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

October 1, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Old Forty Acre Mountain Road – Eriquez

At the September 3, 2003 Common Council meeting, the August 19, 2003 letter from Jason S. Eriquez and Dawn L. Eriquez relative to Old Forty Acre Montain Road was forwarded to our office for a report within thirty days (reference item 15 of the meeting minutes).

On the attached section of the Tax Assessor's maps, we have indicated the relationship between Old Forty Acre Mountain Road and the driveway that serves the Eriquez property as well as other properties. Please note that from Old Forty Acre Mountain Road the private driveway cuts through a number of private parcels of land (including the Eriquez property).

Old Forty Acre Mountain Road off of Forty Acre Mountain Road is a private road. The section of Old Forty Acre Mountain Road from Forty Acre Mountain Road to the end indicated on the enclosed map has been plowed and has received minor maintenance by the City Public Works Department for several years. This section of Old Forty Acre Mountain Road is one of several private roads that has received minor City maintenance for a number of years. We have no record as to when and how maintenance on this section of road began.

As you may recall, several years ago the Common Council set up a committee to review private roads. The outcome of this committee's work was direction to the Public Works Department to continue the minor maintenance and snow plowing being provided to those private road that historically were maintained but to add no new private roads to the minor maintenance list.

The Highway Department provides minor maintenance to the section of Old Forty Acre Mountain Road indicated on the enclosed map and hires a private company to plow the road in the winter. About five or six years ago, as a result of complaints about the condition of the private driveway after the Eriquez house was constructed, the City twice mistakenly graded the driveway thinking that they were regrading Old Forty Acre Mountain Road itself. (If you make a field visit to the area, you will see how easy it was to make that mistake. Parts of Old Forty Acre Mountain

RECYCLED PAPER

Road itself are barely 10 feet wide and look like a driveway.) Approximately three or four years ago, the Highway Department checked with the Engineering Department who provided mapping for the area which indicated which part of the passway was Old Forty Acre Mountain Road and what was a private driveway. Upon receipt of this information, the Highway Department ceased doing any work on the private driveway.

The Highway Department will make sure that in the future, Highway Department personnel and the private company that provides snowplowing services know where the end of the section of Old Forty Acre Mountain Road receiving minor City maintenance is and that no work on the private driveway is done.

If you have any questions, please feel free to contact me.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric I. Gottschalk, Esq., with encl.
Frank Cavagna, with encl.
Dennis Elpern, with encl.

CITY OF DANBURY
DEPARTMENT OF PUBLIC WORKS

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 797-4537 FAX (203) 796-1586

MAYOR
Honorable Mark D. Boughton

PUBLIC WORKS DIRECTOR
Antonio Iadarola, P.E.

August 15, 2007

Barbara Suess
Ernest Adamo
8 Jireh Lane
Brookfield, CT 06804

Dear Ms. Suess and Mr. Adamo:

Jireh Lane/Old Forty Acre Mountain Road

I am in receipt of your letter (received July 31, 2007) relative to issues pertaining to access to your property off of Jireh Lane.

A search of City Engineering Department files has determined that in 2003 a similar request for the City to improve a portion of the old dirt roadway know as Old Forty Acre Mountain Road, or for the City to restrict access to this dirt roadway to you, was submitted by you to the City of Danbury Common Council.

In his September 10, 2003 letter to Mayor Mark D. Boughton and the Common Council (copy of letter enclosed for your reference), Director of Public Works/City Engineer William J. Buckley, Jr., P.E., stated that the City does not have any responsibility for maintaining the private gravel portion of Old Forty Acre Mountain Road at the west end of the Jireh Lane cul de sac. He also noted that the request that access to the gravel roadway be restricted be addressed by the Corporation Counsel's office.

A copy of the October 1, 2003 letter to the Mayor and the Common Council from Deputy Corporation Counsel Eric L. Gottschalk is enclosed for your reference. According to Attorney Gottschalk, the responsibility for restricting access to the road rests with the owners of the road. A title search of the Danbury Land Records to

determine the ownership of the old roadway seems to be warranted. This title search will not be done by the City.

At the October 7, 2003 Common Council meeting, the reports prepared by Mr. Buckley and by Attorney Gottschalk were accepted by the Common Council and the council voted to take no action at that time. A copy of the Common Council minutes pertaining to this item is attached for your reference.

There is no indication in City files that the status of the old dirt roadway has changed since 2003.

If you have any questions, please feel free to contact me.

Sincerely,

Antonio Iadarola, P.E.
Director of Public Works

Encls.

C: Mayor Mark D. Boughton
Councilman Thomas Saadi
Laszlo L. Pinter, Esq., Deputy Corporation Counsel

16-Sep

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

40

October 1, 2003

PLEASE REPLY TO:
DANBURY,CT 06810

Honorable Mayor Mark D. Boughton
Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: September Agenda Item #16
Sunnyfield Drive

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report concerning the matter referenced above. This item came before you as the result of a letter dated August 4, 2003, from Kimberlee J. Gronwoldt. Ms. Gronwoldt wishes to have the city remove a "Sunnyfield Drive" street sign and to move one reading "Robinhood Road" to a more prominent location. Based on her letter and the map that she attached to it, it appears that she also wishes to have the Sunnyfield portion of the roadway renamed Robinhood Road. Pursuant to relevant provisions of the charter and state law, the Common Council has full power to accomplish this name change.

When this matter was referred to this office it was also sent to the planning department for a report. Assuming that after you receive his report you are inclined to change the name of this roadway you and recommend that the signage be corrected to reflect your action.

If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Corporation Counsel Robert J. Yamin
William J. Buckley, Jr., Director of Public Works

RECYCLED PAPER

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
(203) 797-4586 (FAX)

October 1, 2003

To: Mayor Mark D. Boughton
Members of Common Council

From: Dennis I. Elpern, Director of Planning

Re: Sunnyfield Drive Sign Removal

A rather lengthy cul-de-sac exists off King Street just north of the King Street/Birch Road intersection. According to City records, the first half of this cul-de-sac is officially named Sunnyfield Drive while the latter half morphs into Robinhood Road. That is, one cul-de-sac with two names. This state of affairs apparently came about because two adjacent subdivisions were approved at different times: Sunnyfield Crest and Sherwood Forest (see attached). The former labeled their portion of the cul-de-sac Sunnyfield Drive while the latter selected Robinhood Road for their part.

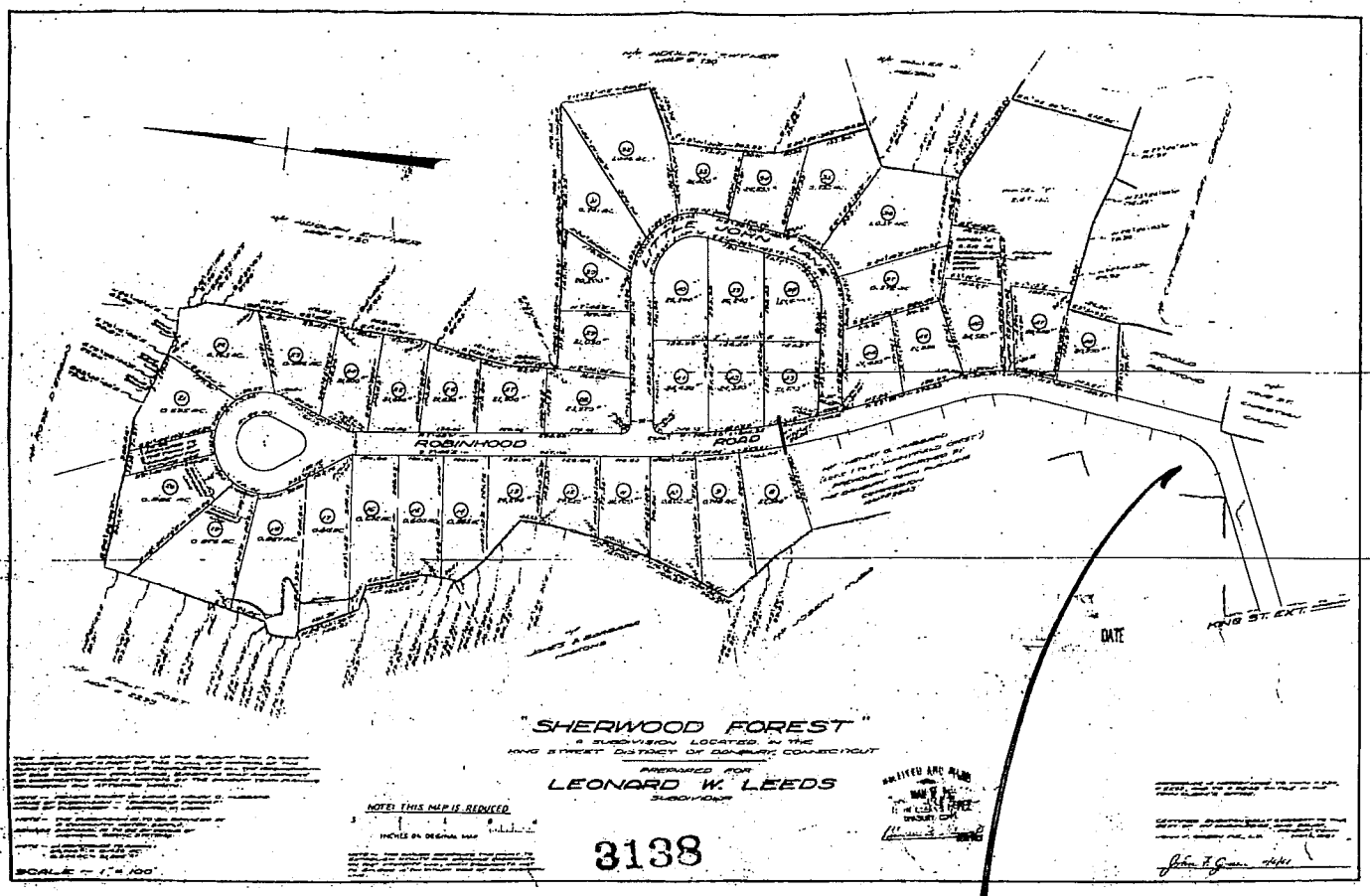
Nevertheless, according to City land records, all the properties on the cul-de-sac carry a Robinhood Road address. Consequently, the Sunnyfield Drive name and street sign appear to serve no purpose except to create confusion.

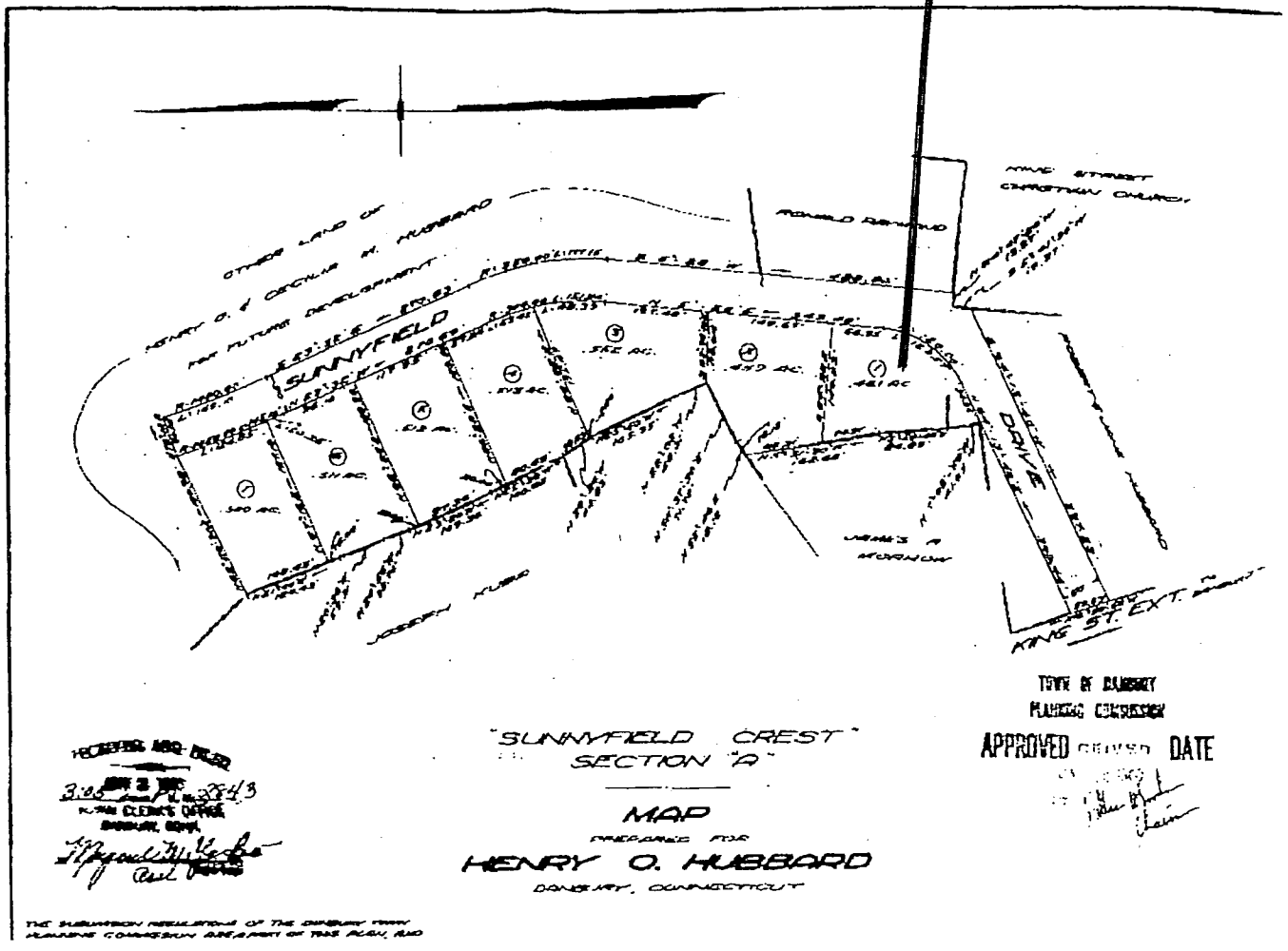
To resolve this muddle, Kimberlee J. Gronwoldt of 6 Robinhood Road has requested that we rename the Sunnyfield Drive portion to Robinhood Road so that the entire cul-de-sac has only one name and then replace the Sunnyfield Drive street sign at King Street with an existing Robin Hood Road street sign.

We concur and recommend that Common Council take such action.

c: William J. Buckley, Jr.

Attachment


ROBINHOOD ROAD
KING ST. EXT.
DATE
"SHERWOOD FOREST"
A SUBDIVISION LOCATED IN THE
KING STREET DISTRICT OF DANBURY, CONNECTIONT
PREPARED FOR
LEONARD W. LEEDS
SUBDIVIDER
NOTE: THIS MAP IS REDUCED
INCHES ON ORIGINAL MAP
SCALE - 1" = 100'
3138


OTHER LAND OF
HENRY O. & CECILIA H. HUBBARD
FOR FUTURE DEVELOPMENT
SUNNYFIELD
KING STREET
CHRISTIAN CHURCH
DRIVE
KING ST. EXT.
JOSEPH HUBB
TOWN OF DANBURY
PLANNING COMMISSION
APPROVED
DATE
"SUNNYFIELD CREST"
SECTION "A"
MAP
PREPARED FOR
HENRY O. HUBBARD
DANBURY, CONNECTICUT
THE SUBDIVISION REGULATIONS OF THE DANBURY TOWN PLANNING COMMISSION ARE A PART OF THIS PLAN, AND

18-Cttg

41

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

September 5, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Request to Lease or Purchase Land
Griffing Avenue

At the September 3, 2003 Common Council meeting, the August 18, 2003 letter from Bernard & Barbara Brabas and Andrew and Tracy Kurjiaka asking to lease or purchase City land at the rear of their properties that front Griffing Avenue was forwarded to our office for a report within thirty days (reference Item 18 of the meeting minutes).

The enclosed copy of a section of a Tax Assessor's map shows the Barabas and Kurjiaka properties (Tax Parcels I12139 and I12140, respectively) and the City land that they would like to lease or purchase (portion of Tax Parcel I12144).

This City land is adjacent to the City's Osborne Street field. It is our recommendation that the City property be left intact. We are generally of the opinion that City land should be preserved for possible future City use. In this particular case, the Osborne Street field property is one of several potential sites that we would like evaluated by the architect and construction manager for the proposed Roberts Avenue replacement school.

If you have any questions, please feel free to give me a call.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq.
Dennis Elpern

RECYCLED PAPER

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

OFFICE OF THE CORPORATION COUNSEL

September 22, 2003

PLEASE REPLY TO:

DANBURY, CT 06810

Honorable Mayor Mark D. Boughton
Honorable Common Council Members
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: September Agenda Item #18
Griffing Avenue

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report concerning the matter referenced above. This item came before you as the result of a letter dated August 18, 2003, from Bernard and Barbara Barabas as well as Andrew and Tracy Kurjiaka. The Barabas and Kurjiaka families wish to acquire a piece of city-owned property located adjacent to their homes.

I am in receipt of a letter to you from Director of Public Works, William J. Buckley, Jr., dated September 5, 2003, in which Mr. Buckley responded to your request for a report from his Department. In his letter Mr. Buckley has recommended that you deny the request based upon his belief that the property may be needed by the city in the future.

If you are inclined to grant the request in spite of Mr. Buckley's recommendation, I suggest that you do so only after having obtained a report from the Planning Commission. If its report is positive and you wish to approve the transfer, I suggest that you then obtain information from the Tax Assessor regarding the value of the parcel.

Bear in mind that the transfer of city land requires the affirmative vote of fourteen members of the Council.

If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Corporation Counsel Robert J. Yamin
William J. Buckley, Jr., Director of Public Works

RECYCLED PAPER

Sept 19

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

42

PLEASE REPLY TO:

DANBURY, CT 06810

September 23, 2003

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Land use Complaints Procedures
September Agenda Item No. 19

Dear Mayor and Council:

The referenced item was directed to this office for a report. In general, when a citizen has a complaint involving an individual health issue, zoning, blight and parking matter (among others), they are initially directed to the department that is charged with handling that issue. If someone sees that additional issues are involved, the department would contact any other department(s) having jurisdiction to make inquiry regarding the other issue(s). Hopefully, in this fashion, all of the issues set forth in the complaint will be handled by the people charged with those responsibilities, and the petitioner will have a response to all (relevant) concerns.

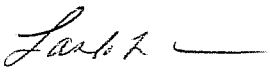
While there is no formal "coordinated" or "multi-departmental" complaint clearinghouse as such, complaints (involving one or more issues) may also find their way initially to the Mayor's office. In that case, that office reviews the issues and may contact the petitioner and the relevant department(s), or may forward the information to the department(s) for review and handling. If there are continuing issues, a complaint may be returned to the Mayor's office for additional review or contact with the petitioner.

Lastly, there is in place a task force for illegal apartments that handles the variety of health and safety concerns that would go along with such a complaint. This type of complaint specifically deals with the variety of issues which Councilman Gogliettino specified in his letter to the Council on August 25. While all of the individual issues may not be resolved at the same *time*, they are reviewed and handled in a coordinated fashion through resolution.

RECYCLED PAPER

We hope this will assist in any further concerns regarding Councilman Golgliettino's inquiry. Please do not hesitate to contact us in the event you need any additional information or have any questions.

Very truly yours,



Laszlo L. Pinter
Assistant Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Eric L. Gottschalk, Deputy Corporation Counsel
Greg Williams, Mayoral Aide

Llp/coordination

43

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **21st Century Danbury Bond Issue**

The Common Council met as a committee of the whole immediately following a public hearing on September 22, 2003 in the Common Council Chambers.

Mr. McAllister made a motion to recommend approval of the 21st Century Danbury Bond Issue. Seconded by Mr. Scozzafava.

Mr. Setaro offered an amendment that the bond issue be divided into two questions, one for the schools portion to include Immanuel Lutheran and the Parks and Recreation portion for work to be done on the schools fields, and the second containing all the remaining items. Seconded by Mrs. Coladarci.

After discussion, Mr. Gogliettino made a motion to move the question. Seconded by Mr. McAllister. Motion carried with Council Members Kelly, Coladarci and Basso voting in the negative.

The amendment to divide the question failed on a 7-7 tie vote with Council Members Null, Kelly, Coladarci, Buzaid, Visconti, Furtado and Setaro voting in the affirmative and Council Members Nolan, McAllister, Scozzafava, Levy, Esposito, Basso and Gogliettino voting in the negative.

Mr. Nolan offered an amendment to add $1,500,000 to the bond package to the Repair/Rebuild Highways & Drainage section. Seconded by Mr. Scozzafava.

After discussion Mr. McAllister made a motion to move the question. Seconded by Mr. Visconti. Motion carried with Council Members Nolan, Basso and Furtado voting in the negative.

The amendment to add $1,500,000 to the bond package for Repair/Rebuild Highways & Drainage failed 4- 10 vote with Council Members Nolan, Visconti, Scozzafava and Basso voting yes and Council Members McAllister, Null, Kelly, Coladarci, Buzaid, Levy, Esposito, Furtado, Gogliettino and Setaro voting no.

Mrs. Basso offered an amendment to add $850,000 to the bond package for the aerial fire truck. Seconded by Mr. Furtado.

After discussion, Mr. Furtado made a motion to move the question. Seconded by Mr. Gogliettino. Motion carried unanimously.

The amendment to add $850,000 to the bond package for the aerial ladder fire truck passed on a 8-6 vote with Council Members Nolan, Buzaid, Visconti, Scozzafava, Basso, Furtado, Gogliettino and Setaro voting yes and Council Members McAllister, Null, Kelly, Coladarci, Levy and Esposito voting no.

The main motion, as amended, carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

21st CENTURY DANBURY

City of Danbury

Proposed Bond Issue

Fiscal Year 2003-2004

REVISED
September 22, 2003

21st Century Danbury Proposed Bond Issue

GENERAL FUND

A) SCHOOL IMPROVEMENTS

1) Roberts Avenue Elementary School

Build a replacement school for Roberts Avenue Elementary School. Includes the cost of property acquisition and related relocation costs if needed. This project has been approved for school construction reimbursement grants by the State of Connecticut. The City is expected to receive 49.3% reimbursement on all eligible construction costs.

2) Addition and Renovations to Broadview Middle School

Reconfigure existing space to facilitate the cluster concept and provide additional classroom space. Renovations to the existing facility may include expansion of the cafeteria and gymnasium; expansion and redesign of the media center; modernization of bathrooms and science labs; and an upgrade of the mechanical infrastructure. This project may be eligible for partial reimbursement from the State of Connecticut.

3) Addition and Renovations to Rogers Park Middle School

Reconfigure existing space to facilitate the cluster concept and provide additional classroom space. Renovations to the existing facility may include modernization of the health clinic, science labs, bathrooms, gymnasium and an upgrade of the mechanical infrastructure. This project may be eligible for partial reimbursement from the State of Connecticut.

4) Selective Renovations and Upgrades

Funds to be used for smaller renovation projects at all buildings. Projects may include bathroom renovations, improved media centers, carpet replacements, and renovations to electrical & mechanical systems. Also includes funds to evaluate the feasibility of constructing a third middle school. These projects may be eligible for partial reimbursement from the State of Connecticut.

B) PUBLIC WORKS

1) Bridge Improvements

These funds will be used to cover the City's share of the design and reconstruction of the West Wooster Street Bridge and the Rose Hill Avenue Bridge. These bridges have been determined by State and City engineers to be in poor condition. These projects will be eligible for partial State Local Bridge Program funding.

2) Traffic Safety Improvements

These funds will be used to design and construct sidewalks in the Hospital Avenue, Osborne Street, Germantown Road area to improve the safety of pedestrians, in particular Broadview Middle School students. In addition, funds will go toward the design and construction of ramps for the handicapped at various intersections around the City to comply with Americans with Disabilities Act.

3) Equipment Replacement

These funds will be used to replace and/or add to the equipment used by the Highway Department for all its various functions. Equipment may include, trucks, sanders, plows, graders, sweepers, rollers, and other construction equipment.

4) Repair/Rebuild Highways & Drainage

These funds will be used to repair and rebuild City streets. Improvements to City streets will include but not be limited to drainage, drainage easement acquisitions (where necessary), curbing, resurfacing, and other work related to the rebuilding and repairing of highways.

C) PUBLIC BUILDINGS

1) Immanuel Lutheran School Acquisition and Upgrading

These funds will be used to acquire and upgrade/renovate the Immanuel Lutheran School on the corner of Foster Street and Bank Street. The school will be upgraded/renovated to house the Head Start program, which serves approximately 210 students within other City school buildings. This project may be eligible for partial reimbursement from the Federal government and the State of Connecticut.

D) PARKS & RECREATION

1) School Field Improvements

Improvements to various elementary and middle school playing fields and playscapes. May also include the replacement of the Osborne Street field.

2) Equipment Replacement

These funds will be used to replace and/or add to the equipment used by the Parks and Recreation Department for all its various functions. Equipment may include, but not be limited to, an aerial lift truck, tractors for mowing, and sidewalk sweepers.

3) Public Restrooms– Rogers Park

These funds will be used to install public restrooms in Rogers Park near the tennis courts and swimming pool.

4) Equipment Replacement- Tarrywile Park

These funds will be used to purchase a tractor and a truck for grounds maintenance.

E) FIRE DEPARTMENT

1) West Side Fire Station

These funds will be used to design and construct a fire station on the west side of Danbury to improve fire protection service in the area.

2) Equipment Replacement

These funds will be used to purchase an aerial platform truck.

F) POLICE DEPARTMENT

1) Police Station

These funds may be used for land acquisition, a feasibility study, design, engineering and site remediation for a new Police Station. Funds for construction will be included in a future bond referendum. Ultimately, this new facility will replace the existing Police Station on Main Street and Boughton Street as well as two other Police Department auxiliary buildings on Boughton Street. The current facilities contain approximately one third of the space recommended for a police force the size of the City of Danbury's.

CITY OF DANBURY
21st CENTURY DANBURY
PROPOSED BOND ISSUE 2003-2004

PROJECT	AMOUNT	10 YEAR BOND	20 YEAR BOND
SCHOOLS			
Roberts Avenue Elementary School	$18,200,000		$18,200,000
Additions/Renovations - Broadview MS	$6,900,000		$6,900,000
Additions/Renovations - Rogers Park MS	$6,900,000		$6,900,000
Selective Renovations & Upgrades	$1,500,000		$1,500,000
TOTAL	**$33,500,000**		**$33,500,000**
PUBLIC WORKS			
Bridge Improvements	$1,540,000		$1,540,000
Traffic Safety Improvements	$550,000		$550,000
Repair/Rebuild Highways & Drainage	$1,000,000		$1,000,000
Equipment Replacement	$1,000,000	$1,000,000	0
TOTAL	**$4,090,000**	**$1,000,000**	**$3,090,000**
PUBLIC BUILDINGS			
Immanuel Lutheran School	$2,500,000		$2,500,000
TOTAL	**$2,500,000**		**$2,500,000**
PARKS & RECREATION			
School Field & Playground Improvements	$900,000		$900,000
Rogers Park Restrooms	$100,000		$100,000
Equipment Replacement – Parks	$200,000	$200,000	0
Equipment Replacement – Tarrywile Park	$75,000	$75,000	0
TOTAL	**$1,275,000**	**$275,000**	**$1,000,000**

CITY OF DANBURY
21st CENTURY DANBURY
PROPOSED BOND ISSUE 2003-2004

PROJECT	AMOUNT	10 YEAR BOND	20 YEAR BOND
FIRE DEPARTMENT			
West Side Fire Station	$900,000		$900,000
Equipment Replacement	$850,000		$850,000
TOTAL	**$1,750,000**		**$1,750,000**
POLICE DEPARTMENT			
Police Station	$3,000,000		$3,000,000
TOTAL	**$3,000,000**		**$3,000,000**
SUBTOTAL	**$46,115,000**	**$1,275,000**	**$44,840,000**
CONTINGENCY	**$2,600,000**	**$70,000**	**$2,530,000**
SHORT TERM INTEREST	**$3,660,000**	**$101,000**	**$3,559,000**
BOND ISSUE EXPENSE	**$955,000**	**$23,000**	**$932,000**
GRAND TOTAL	**$53,330,000**	**$1,469,000**	**$51,921,000**

SEWER FUND

A) SEWER DEPARTMENT

1) Sewer Lines and Pump Stations Upgrades and Replacements

These funds will be used to increase the capacity of existing sanitary sewer lines where the existing capacity is not sufficient to handle flows from the area served. In addition, replacement of sewer lines, including portions of the West Side Sewer Interceptor, where the structural integrity of the existing line has presented severe maintenance and service related problems will be made. Additionally, these funds will be used to upgrade and, where practical, eliminate sewage pump stations. These projects may qualify for Federal Clean Water Fund monies, which are administered by the State of Connecticut Department of Environmental Protection.

WATER FUND

A) WATER DEPARTMENT

1) Revenue Meter Upgrade

These funds will be used to upgrade and replace the existing drinking water metering system. The existing metering system was installed as a result of passage of a water bond issue that was passed in the late 1970's. The meters are in need of upgrade so that they accurately reflect the amount of water used by water customers.

2) West Side High Service Storage Tank

These funds will be used to design and construct a distribution water storage tank on the west side of the City. Plans for the addition of this tank to the water system were made during the late 1970's. This additional tank will provide adequate domestic and fire protection to the west side of the City.

3) General Water Main Replacement Program

These funds will be used to replace and upgrade piping in areas of the City where existing water mains are not able to provide adequate quality and quantity of water because of their size or age. This upgrade, in addition to replacing mains, will include replacing fire hydrants in areas of the City where existing fire hydrants are unable to provide adequate flow reliably and dependably because of their age.

CITY OF DANBURY
21st CENTURY DANBURY
PROPOSED BOND ISSUE 2003-2004

PROJECT	AMOUNT	10 YEAR BOND	20 YEAR BOND
SANITARY SEWERS			
Sewer Lines and Pump Station Upgrades	$4,400,000		$4,400,000
TOTAL	**$4,400,000**		**$4,400,000**
WATER DEPARTMENT			
Revenue Meter Upgrade	$1,500,000		$1,500,000
Westside High Service Storage Tank	$2,500,000		$2,500,000
General Water Main Replacement	$1,000,000		$1,000,000
TOTAL	**$5,000,000**		**$5,000,000**
SUBTOTAL	**$9,400,000**		**$9,400,000**
CONTINGENCY	**$515,000**		**$515,000**
SHORT TERM INTEREST	**$750,000**		**$750,000**
BOND ISSUE EXPENSE	**$15,000**		**$15,000**
GRAND TOTAL	**$10,680,000**		**$10,680,000**

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $53,330,000 FOR VARIOUS PUBLIC IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $53,330,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. (a) The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof, respectively, including costs of surveys, borings, easement acquisitions, engineering, construction, equipment, legal, administrative and other related costs, each of said appropriations to be inclusive of any and all Federal and State grants-in-aid thereof:

Project	Amount	
Public Works:		
Equipment Replacement	$ 1,000,000	
Parks and Recreation:		
Equipment Replacement – Parks	200,000	
Equipment Replacement – Tarrywile Park	75,000	
Sub-Total Ten Year Projects		$ 1,275,000

Section 1. (b) The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof, respectively, including costs of surveys, borings, easements, acquisitions, engineering, construction equipment, legal, administrative and other related costs, each of said appropriations to be inclusive of any and all Federal and State grants-in-aid thereof:

Project	Amount
Schools:	
Roberts Avenue Elementary School	18,200,000
Additions/Renovations – Broadview Middle School	6,900,000
Additions/Renovations – Rogers Park Middle School	6,900,000
Selective Renovations and Upgrades Various Buildings	1,500,000

Public Works:			
Bridge Improvements	$ 1,540,000		
Traffic Safety Improvements	550,000		
Repair/Rebuild Highways & Drainage	1,000,000		
Public Buildings:			
Immanuel Lutheran School	2,500,000		
Parks and Recreation:			
School Field and Playground Improvements	900,000		
Rogers Park Restrooms	100,000		
Fire Department:			
West Side Fire Station	900,000		
Equipment Replacement	850,000		
Police Department:			
Police Station	3,000,000		
Sub-Total Twenty Year Projects		$ 44,840,000	
TOTAL ALL PROJECTS			$ 46,115,000
Section 1. (c) Appropriation for contingency, interest, legal and administrative costs:			$ 7,215,000
AGGREGATE APPROPRIATIONS			$ 53,330,000

Section 2. (a) To meet the appropriations for the various public improvements included in subsection (a) of Section 1, and any portion of the appropriation for contingency, interest, legal and administrative costs allocated to such projects, bonds of the City shall be issued maturing not later than the tenth year after their date.

Section 2. (b) To meet the appropriations for the various public improvements included in subsection (b) of Section 1, and any portion of the appropriation for contingency, interest, legal and administrative costs allocated to such projects, bonds of the City shall be issued maturing not later than the twentieth year after their date.

Section 3. (a) The appropriations in subsection (a) of Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations

in said subsection upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 3. (b) The appropriations in subsection (b) of Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said subsection upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 3. (c) The appropriation in subsection (c) of Section 1 may be expended, with the approval of the Mayor and the Director of Finance in the discretion of the Mayor and the Director of Finance for the portion of such expenses allocated to any of the projects or purposes set forth in subsections (a) and (b) of Section 1.

Section 4. The bonds authorized in subsection (a) and (b) of Section 2 may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance in the best interest of the City.

Section 5. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 6. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 8. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Enacted by the Common Council: _____

Approved by the Mayor: _____ Date:_____

Operative And In Effect: _____

(TO BE ADOPTED BY THE COMMON COUNCIL)

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held _____ between the hours of _____ o'clock A.M. and _____ o'clock P.M. (E._.T.), that the Warning of said meeting state the questions to be voted on as follows:

> Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held _____, 2003, be approved?
>
> Shall the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held _____, 2003, be approved?
>
> Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting _____, 2003, be approved?

29

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

September 3, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **21st Century Danbury Bond Issue**

The Common Council Committee appointed to review the 21st Century Danbury Bond Issue met twice, first on July 17, 2003 at 7:00 P.M. and again on August 19, 2003 at 7:00 P.M. In attendance at the July 17th meeting were committee members Levy, Esposito, Saadi, Nolan and Basso. Also in attendance were Mayor Mark Boughton, Corporation Counsel Robert Yamin, Director of Finance Dena Diorio, Deputy Police Chief Mark Rosato, Matt McNally from the Police Department, Council Members Gogliettino and Setaro and members of the public. Councilman Setaro left the meeting after the first quarter. In attendance at the August 19th meeting were committee members Levy, Esposito, Saadi, Nolan and Basso. Also in attendance were Director of Finance Dena Diorio, Director of Parks and Recreation Robert Ryerson, Fire Chief Peter Siecienski, Director of Public Works William Buckley, Council Member Paul McAllister, ex-officio and members of the public.

At the July 17th meeting, Mayor Boughton stated that the bond issue is his vision of where he thinks the City should go. More than 60% of the bonding will go for schools. It is critical to move something forward in this bond issue for the police headquarters. Mr. Levy said the committee would address the bond issue one item at a time. After discussion, the committee asked for the following information:

Drainage Improvements – Mr. Saadi asked Mr. Buckley to confirm what is left from a previous bond package regarding the East Ditch. Mr. Levy asked for a breakdown of what has been expended in these areas.

Parks and Recreation – Mr. Levy requested a list of the improvements that will be done on these fields.

Highland Avenue Playground – Mr. Levy asked for a list of items still remaining from previous bond issues. Mr. Saadi asked for a list of items in the capital improvement plan that is part of the proposed bond package.

Rogers Park Land Acquisition – Mr. Buckley said he would submit a site plan.

West Side Fire Station – Mr. Levy asked for a report on staffing.

Police Department – Mr. Levy said he would like to see a report regarding appraisals for the other buildings on Boughton Street.

Mr. Saadi made a motion to continue the committee at the call of the Chair. Seconded by Mr. Esposito. Mr. Nolan offered an amendment to have the requested information submitted within one week and have the committee meet again before the end of the month. The motion to amend failed with committee members Levy, Esposito and Saadi voting no and committee members Nolan and Basso voting yes. Main motion carried unanimously.

The August 19th meeting convened at 7:00 P.M. Mr. Ryerson started with an explanation of his department request listed as School Field Improvements. He explained that of the 1.3 million dollars, $300,000 would be used for elementary school field improvements and one million would be used to relocate the Pop Warner football field to Broadview Middle School. $200,000 requested for the replacement of Rogers Park Tennis Court lighting is due to the fact that the lights are old and costly to maintain. He stated that $300,000 for acquisition of property at Rogers Park would be used for parking.

Chief Siecienski explained the need for the West Side Fire Station. He also explained the request for $850,000 to replace the 1981 aerial platform truck. The truck failed on 16 points at its last annual ladder test.

Mr. Levy provided the committee members and the Director of Finance with a list of possible modifications. The approved proposal is attached. The committee agreed to include the request of $1,540,000 for bridge improvements. The next recommendation adopted was to add Drainage Improvements and Repair/Rebuild Highways together at a funding level of $1,000,000. The committee also agreed to remove the $1,500,000 for an added level and a half to the parking garage. The Palace Theatre acquisition at a funding level of $2,500,000 was deleted. The recommendation to join the School Field Improvements and the Highland Avenue Playground together in the bond package with the School Field and Playground Improvements at a funding level of $900,000 was approved. The Rogers Park Tennis Court Lighting funding request of $200,000 was deleted, as was the Rogers Park Land Acquisition funding request of $300,000. The request for $200,000 to build a picnic pavilion at Tarrywile Park was deleted. The Fire Department request for $850,000 for a replacement aerial platform truck was deferred at this time.

The Director of Finance was asked for an explanation as to why the request for the Roberts Avenue replacement school was $18,200,000 but the State authorization for the school replacement was $16,816.00. She said the increased amount was needed for land acquisition and related location costs. The committee decided to reduce the Selective Renovations & Upgrades by an amount of $1,000,000 to offset the school

increase. The committee instructed the Director of Finance to reduce the Contingency, Short Term Interest and Bond Issue Expense to reflect this change in the Bond Package.

Mr. Saadi made a motion to recommend approval of the Modified 21st Century Danbury Bond Issue as amended by the committee and defer it to public hearing. Seconded by Mr. Nolan. The motion carried unanimously.

Respectfully submitted,

WARREN LEVY, Chairman

JOHN ESPOSITO

THOMAS SAADI

VINCENT NOLAN

PAULINE BASSO

Proposed Projects for Bond Referendum
REVISED 8/20/2003

	Total
Schools	
Roberts Avenue Replacement	18,200,000
Broadview Addition	6,900,000
Rogers Park Addition	6,900,000
Selective Renovations & Upgrades	1,500,000
Subtotal	**33,500,000**
TOTAL SCHOOLS	**33,500,000**
Public Works	
Bridges	
West Wooster Street Bridge	240,000
Rose Hill Bridge	1,300,000
Subtotal	**1,540,000**
Traffic	
Locust - Hospital Aves Sidewalks	400,000
ADA Sidewalk Improvements	150,000
Subtotal	**550,000**
Highways	
Equipment Replacement	1,000,000
Repair/Rebuild Highways & Drainage	1,000,000
Subtotal	**2,000,000**
TOTAL PUBLIC WORKS	**4,090,000**
Public Buildings	
Immanual Lutheran	2,500,000
Subtotal	**2,500,000**
TOTAL PUBLIC BUILDINGS	**2,500,000**
Parks & Recreation	
School Field & Playground Improvements	900,000
Rogers Park Restrooms	100,000
Equipment Replacement - Parks	200,000
Equipment Replacement - Tarrywile	75,000
Subtotal	**1,275,000**
TOTAL PARKS & REC	**1,275,000**
Fire	
West Side Fire Station	900,000
Subtotal	**900,000**
TOTAL FIRE	**900,000**

Proposed Projects for Bond Referendum
REVISED 8/20/2003

Police					
Police Station					3,000,000
Subtotal					**3,000,000**
		TOTAL POLICE			**3,000,000**
TOTAL					**$ 45,265,000**
Contingency					**2,500,000**
Short Term Interest					**3,620,000**
Bond Issuance Expense					**815,000**
Grand Total					**$ 52,200,000**

CITY OF DANBURY
21st CENTURY DANBURY
PROPOSED BOND ISSUE 2003-2004

PROJECT	AMOUNT	5 YEAR BOND	10 YEAR BOND	20 YEAR BOND
SANITARY SEWERS				
Sewer Lines and Pump Station Upgrades	$4,400,000			$4,400,000
TOTAL	**$4,400,000**			**$4,400,000**
WATER DEPARTMENT				
Revenue Meter Upgrade	$1,500,000			$1,500,000
Westside High Service Storage Tank	$2,500,000			$2,500,000
General Water Main Replacement	$1,000,000			$1,000,000
TOTAL	**$5,000,000**			**$5,000,000**
SUBTOTAL	**$9,400,000**			**$9,400,000**
CONTINGENCY	**$515,000**			**$515,000**
SHORT TERM INTEREST	**$750,000**			**$750,000**
BOND ISSUE EXPENSE	**$15,000**			**$15,000**
GRAND TOTAL	**$10,680,000**			**$10,680,000**

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

MEMORANDUM

TO: Mayor Mark D. Boughton via the Common Council

FROM: Dena Diorio, Director of Finance

DATE: September 26, 2003

SUBJECT: Ordinance for Proposed Bond Issue

Attached please find, the narratives, the required ordinance and related documentation for the proposed bond package as revised by the Common Council at its public hearing held September 22, 2003

Included in the package are the narrative descriptions for all proposed projects; an ordinance making appropriations aggregating $53,330,000 for various public improvements; and related documentation.

I request that the Common Council include these items on the October agenda.

Please feel free to contact me should you require any additional information. Thank you.

ROBINSON & COLE LLP

S. FRANK D'ERCOLE

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
sdercole@rc.com
(860) 275-8246

September 25, 2003

VIA FEDERAL EXPRESS

Mark D. Boughton
Mayor
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Dear Mayor Boughton:

Enclosed please find the captioned ordinance which has been revised at the request of the Council to include an additional appropriation for equipment replacement (aerial platform truck for the Fire Department) and increases to contingency, interest, legal and administrative costs, thereby increasing the aggregate appropriations and bond authorizations set forth therein from $52,200,000 to $53,330,000.

We have previously sent to you under cover letter of June 20, 2003, two bond ordinances for water system improvements and sewer projects, respectively, which have not been revised and are not being resent. However, you will note that the revised set of proceedings we are sending you today include all three ordinances. Please substitute the enclosed set of proceedings for the package sent under cover of August 22, 2003.

By copy of this letter, I am requesting the City Clerk to send me three certified copies of all the proceedings as they appear in the City Record Book, and two newspaper affidavits of the publication of the Notice of Public Hearing, the Notice of the Special City Meeting and the Notice of Enactment of Ordinances.

Law Offices
BOSTON
HARTFORD
NEW LONDON
STAMFORD
GREENWICH
NEW YORK
www.rc.com

If you should have any questions, please call me.

Very truly yours,

Frank (sk)

S. Frank D'Ercole

SFD/krj
Encl.
cc: Dena Diorio, Director of Finance
Eric L. Gottschalk, Corporation Counsel
Helena M. Abrantes, City Clerk
Susan Kreutzer

CITY OF DANBURY

NOTICE OF PUBLIC HEARING TO BE HELD BY
COMMON COUNCIL

NOTICE IS HEREBY GIVEN that the Common Council of the City of Danbury will hold a public hearing in the Council Chambers in the City Hall on _____, at _____ o'clock P.M. (E.D.T.), with respect to the following proposed ordinances:

An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

The full text of the proposed bond ordinances is on file, open to public inspection, in the office of the City Clerk.

Dated at Danbury, Connecticut, this _____ day of _____, 2003.

_____
Mayor

Attest:

_____
City Clerk

Excerpt for Minutes of
Public Hearing of
the Common Council
of the City of Danbury
to be held _____, 2003

The Chairman declared open the public hearing by the Common Council.

* * *

Mr. _____ read the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

[Here Insert Brief Summary of Hearing]

* * *

Mr. _____ read the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

[Here Insert Brief Summary of Hearing]

* * *

Mr. _____ read the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

[Here Insert Brief Summary of Hearing]

* * *

After comments from the public, the Chairman thereupon declared the public hearing on said proposed ordinances closed.

* * *

Excerpt for Minutes of
Common Council of the City of Danbury
Acting as a Committee of the Whole

The Chairman opened the meeting of the Common Council of the City of Danbury acting as a Committee of the Whole with respect to the proposed bond ordinances introduced and read at the public hearing preceding the meeting.

* * *

After discussion, Mr. _____ moved that the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" be recommended to the Council for adoption in the form introduced and read at the public hearing preceding the meeting. The motion was seconded by _____. Motion carried.

* * *

NOTE TO CLERK:

Please publish the entire text of the Bond Ordinances, as indicated below:

CITY OF DANBURY

NOTICE OF ENACTMENT OF ORDINANCES

The following Ordinances were enacted at a meeting of the Common Council held _____, 2003, and approved by the Mayor _____, 2003.

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $53,330,000 FOR VARIOUS PUBLIC IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $53,330,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

[Here Copy Body of Ordinance in Full]

AN ORDINANCE APPROPRIATING $5,000,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SEWER LINES AND PUMP STATION UPGRADES AND REPLACEMENT AND AUTHORIZING THE ISSUANCE OF $5,000,000 BONDS OR NOTES OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

[Here Copy Body of Ordinance in Full]

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $5,680,000 FOR WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $5,680,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

[Here Copy Body of Ordinance in Full]

Dated: _____, 2003.

_____
City Clerk

Excerpt for Minutes of Meeting
of Common Council

* * *

Councilman _____ introduced and read the following ordinance:

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $53,330,000 FOR VARIOUS PUBLIC IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $53,330,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. (a) The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof, respectively, including costs of surveys, borings, easement acquisitions, engineering, construction, equipment, legal, administrative and other related costs, each of said appropriations to be inclusive of any and all Federal and State grants-in-aid thereof:

Project	Amount	
Public Works:		
Equipment Replacement	$ 1,000,000	
Parks and Recreation:		
Equipment Replacement – Parks	200,000	
Equipment Replacement – Tarrywile Park	75,000	
Sub-Total Ten Year Projects		$ 1,275,000

Section 1. (b) The sums set opposite the public improvements hereinafter listed are hereby appropriated to meet the costs thereof, respectively, including costs of surveys, borings, easements, acquisitions, engineering, construction equipment, legal, administrative and other related costs, each of said appropriations to be inclusive of any and all Federal and State grants-in-aid thereof:

Project	Amount
Schools:	
Roberts Avenue Elementary School Additions/Renovations –	18,200,000

Broadview Middle School	6,900,000		
Additions/Renovations – Rogers Park Middle School	6,900,000		
Selective Renovations and Upgrades Various Buildings	1,500,000		
Public Works:			
Bridge Improvements	$ 1,540,000		
Traffic Safety Improvements	550,000		
Repair/Rebuild Highways & Drainage	1,000,000		
Public Buildings:			
Immanuel Lutheran School	2,500,000		
Parks and Recreation:			
School Field and Playground Improvements	900,000		
Rogers Park Restrooms	100,000		
Fire Department:			
West Side Fire Station	900,000		
Equipment Replacement	850,000		
Police Department:			
Police Station	3,000,000		
Sub-Total Twenty Year Projects		$ 44,840,000	
TOTAL ALL PROJECTS			$ 46,115,000
Section 1. (c) Appropriation for contingency, interest, legal and administrative costs:			$ 7,215,000
AGGREGATE APPROPRIATIONS			$ 53,330,000

Section 2. (a) To meet the appropriations for the various public improvements included in subsection (a) of Section 1, and any portion of the appropriation for contingency, interest, legal and administrative costs allocated to such projects, bonds of the City shall be issued maturing not later than the tenth year after their date.

Section 2. (b) To meet the appropriations for the various public improvements included in

subsection (b) of Section 1, and any portion of the appropriation for contingency, interest, legal and administrative costs allocated to such projects, bonds of the City shall be issued maturing not later than the twentieth year after their date.

Section 3. (a) The appropriations in subsection (a) of Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said subsection upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 3. (b) The appropriations in subsection (b) of Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said subsection upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 3. (c) The appropriation in subsection (c) of Section 1 may be expended, with the approval of the Mayor and the Director of Finance in the discretion of the Mayor and the Director of Finance for the portion of such expenses allocated to any of the projects or purposes set forth in subsections (a) and (b) of Section 1.

Section 4. The bonds authorized in subsection (a) and (b) of Section 2 may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance in the best interest of the City.

Section 5. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 6. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 8. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities

information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

* * *

Councilman _____ moved that said ordinance be adopted as introduced and read, and the motion was seconded by Councilman _____. Motion carried. The ordinance was approved by the affirmative vote of at least two-thirds of all the members of the Common Council.

* * *

Councilman _____ introduced and read the following ordinance:

AN ORDINANCE APPROPRIATING $5,000,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SEWER LINES AND PUMP STATION UPGRADES AND REPLACEMENT AND AUTHORIZING THE ISSUANCE OF $5,000,000 BONDS OR NOTES OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of $5,000,000 is appropriated for the planning, acquisition and construction of sewer lines and pump station upgrades and replacement, including but not limited to replacement of sewer lines including portions of the West Side Sewer Interceptor, and for the upgrade and, where practical, elimination of sewage pump stations, and for engineering, administrative, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof and of third party payments.

Section 2. To meet said appropriation:

(i) bonds of the City may be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the

Director of Finance in the amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of the State and Federal grants-in-aid of the Project and amounts paid to the City by third parties to complete the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of the State of Connecticut, as amended; or

(ii) temporary notes of the City may be issued pursuant to Section 7-264a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Mayor and Director of Finance, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. Said notes shall be secured by the full faith and credit of the City and may be further secured in any other manner set forth in Section 7-264a, aforesaid, as determined by the Mayor and the Director of Finance; or

(iii) sewer assessment notes of the City may be issued pursuant to Section 7-269a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Mayor and Director of Finance, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. If the receipts and other revenues pledged to the repayment of such notes shall be insufficient to pay the principal of and interest on such notes at the time prescribed by Section 7-269a, aforesaid, or if the Mayor and Director of Finance shall deem it advisable to pay such notes prior to the end of any period, the Mayor and the Director of Finance are hereby authorized to issue and sell bonds of the City under the authority of subparagraph (i) of this Section, in an amount sufficient to pay any such notes; or

(iv) any combination of bonds, temporary notes, or sewer assessment notes may be issued, provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed $5,000,000.

Section 3. Said bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Mayor, City Treasurer and Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds or notes. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds or notes, shall be included as a cost of the Project. Upon the sale of said bonds or notes the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the City with engineers, contractors and others. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program"), the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor and Director of Finance shall determine. The Mayor and the Director of Finance are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and the Mayor, City Treasurer and Director of Finance are authorized to execute and deliver the same. Said obligations shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to

execute and deliver to the State in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The Director of Finance is hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

* * *

Councilman _____ moved that said ordinance be adopted as introduced and read, and the motion was seconded by Councilman _____. Motion carried. The ordinance was approved by the affirmative vote of at least two-thirds of all the members of the Common Council.

* * *

Councilman _____ introduced and read the following ordinance:

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $5,680,000 FOR WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $5,680,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sums set opposite the water system improvements hereinafter listed are hereby appropriated to meet the estimated costs thereof, respectively, including costs of surveys, borings, easement acquisitions, engineering, construction, equipment, legal, administrative and other related costs:

Project	Amount
Upgrade and Replace Revenue Meters	$ 1,500,000
Design and Construct West Side High Service Storage Tank	$ 2,500,000
General Water Main Replacement Program	1,000,000
Contingency, interest, legal and administrative costs:	680,000
AGGREGATE APPROPRIATION	$ 5,680,000

Section 2. To meet said appropriations $5,680,000 bonds of the City shall be issued maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance in the best interest of the City.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The appropriations in Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said Section upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The appropriations in Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said Section upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty

days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 7. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

* * *

Councilman _____ moved that said ordinances be adopted as introduced and read, and the motion was seconded by Councilman _____. Motion carried. The ordinance was approved by the affirmative vote of at least two-thirds of all members of the Common Council.

* * *

Councilman _____ introduced and read the following resolution:

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held _____ between the hours of _____ o'clock A.M. and _____ o'clock P.M. (E._.T.), that the Warning of said meeting state the questions to be voted on as follows:

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held _____, 2003, be approved?

Shall the ordinance entitled "An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held _____, 2003, be approved?

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Common Council at its meeting held _____, 2003, be approved?

* * *

A motion was made by Councilman _____, seconded by Councilman _____, that the Mayor be authorized and directed to call a Special City Meeting to be held on _____ between the hours of ____ o'clock A.M. and _____ o'clock P.M. (E._.T.) at the several voting districts of the City to consider and take action upon the aforesaid proposed ordinances, and that the notice of said Special City Meeting be in substantially the following form:

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby warned and notified to meet where such persons are entitled to vote on the _____ _____ between the hours of ____ o'clock A.M. and ____ o'clock P.M. (E.S.T.) for the following purpose of approving or disapproving the following questions:

1. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose,' adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

2. "Shall the ordinance entitled 'An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

3. "Shall the ordinance entitled 'An Ordinance Making Appropriations

Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

* * *

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the ordinances shall place the pointer over the question on the voting machine at "YES". Those desiring to vote against the adoption of the ordinances shall place the pointer over the question on the voting machine at "NO".

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than $1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran of as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

Ward No. 1: Danbury High School, 1 Clapboard Ridge Road
Ward No. 2: Pembroke School, 34Pembroke Road
Ward No. 3: Broadview Middle School, 72 Hospital Avenue
Ward No. 4: South Street School, 129 South Street
Ward No. 5: Rogers Park Middle School, 21 Memorial Drive
Ward No. 6: Park Avenue School, 82 Park Avenue
Ward No. 7: Morris Street School, 28 Morris Avenue

Qualified voters will be entitled to vote at the polling place in the Common Council Chambers on the third floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between _____ o'clock A.M. and _____ o'clock P.M. (E._.T.).

Said vote is being held pursuant to Section 7-10(a) of the Revised Charter of the City of

Danbury, approved by the electors November 6, 1990.

The full text of the aforesaid ordinances is on file, open to public inspection, in the office of the City Clerk.

Dated at Danbury, Connecticut, this _____ day of _____, 2003.

_____
Town Clerk

Attest:

_____
City Clerk

Councilman _____ moved that said resolution be adopted as introduced and read and the motion was seconded by Councilman _____. Motion carried. The resolution was adopted unanimously.

* * *

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby warned and notified to meet where such persons are entitled to vote on the _____ _____, between the hours of ____ o'clock A.M. and ____ o'clock P.M. (E.S.T.) for the following purpose of approving or disapproving the following questions:

1. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose,' adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

2. "Shall the ordinance entitled 'An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

3. "Shall the ordinance entitled 'An Ordinance Making Appropriations

Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held _____, 2003, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

* * *

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the ordinances shall place the pointer over the question on the voting machine at "YES". Those desiring to vote against the adoption of the ordinances shall place the pointer over the question on the voting machine at "NO".

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than $1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran of as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

Ward No. 1: Danbury High School, 1 Clapboard Ridge Road
Ward No. 2: Pembroke School, 34Pembroke Road
Ward No. 3: Broadview Middle School, 72 Hospital Avenue
Ward No. 4: South Street School, 129 South Street
Ward No. 5: Rogers Park Middle School, 21 Memorial Drive
Ward No. 6: Park Avenue School, 82 Park Avenue
Ward No. 7: Morris Street School, 28 Morris Avenue

Qualified voters will be entitled to vote at the polling place in the Common Council Chambers on the third floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between _____ o'clock A.M. and _____ o'clock P.M. (E._.T.).

Said vote is being held pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury, approved by the electors November 6, 1990.

The full text of the aforesaid ordinances is on file, open to public inspection, in the office of the City Clerk.

Dated at Danbury, Connecticut, this _____ day of _____, 2003.

_____
Town Clerk

Attest:

_____
City Clerk

CITY OF DANBURY
RESULTS OF SPECIAL CITY MEETING

At a Special City Meeting held on _____, 2004, in the City of Danbury, Connecticut, the following vote was taken on the following question:

"Shall the Ordinance entitled 'An Ordinance Making Appropriations Aggregating $53,330,000 For Various Public Improvements And Authorizing The Issuance Of $53,330,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' adopted by the Common Council at its meeting held _____, 2003, be approved?"

YES_____ NO_____

"Shall the Ordinance entitled 'An Ordinance Appropriating $5,000,000 For The Planning, Acquisition And Construction Of Sewer Lines And Pump Station Upgrades And Replacement And Authorizing The Issuance Of $5,000,000 Bonds Or Notes Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' adopted by the Common Council at its meeting held _____, 2003, be approved?"

YES_____ NO_____

"Shall the Ordinance entitled 'An Ordinance Making Appropriations Aggregating $5,680,000 For Water System Improvements And Authorizing The Issuance Of $5,680,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' adopted by the Common Council at its meeting held _____, 2003, be approved?"

YES_____ NO_____

_____
Town Clerk

44

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Repeal of Tree Advisory Committee**

The Common Council met as a committee of the whole immediately following a public hearing on September 22, 2003 in the Common Council Chambers.

Ms. Coladarci made a motion to recommend adoption of the ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

October 7, 2003

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by repealing section 2-56.15, entitled, "Tree advisory commission." Said repeal shall be effective on June 3, 2004.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and section 3-10 of the Charter of the City of Danbury.

Adopted by the Common Council - October 7, 2003
Approved by Mayor Mark D. Boughton - October 9, 2003

ATTEST: Warren Levy
WARREN LEVY
Council President

45

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Delinquent Motor Vehicle Tax**

The Common Council met as a committee of the whole immediately following a public hearing on September 22, 2003 in the Common Council Chambers.

Mr. McAllister made a motion to recommend adoption of the ordinance. Seconded by Mr. Gogliettino. Motion carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

October 7, 2003

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-31, which said section reads as follows:

Sec. 18-31 Delinquent motor vehicle property tax fee.

Any person who was delinquent in the payment of any property tax or installment on any motor vehicle and who the City of Danbury reported to the Commissioner of Motor Vehicles as delinquent under the provisions of section 14-33 of the Connecticut General Statutes, as amended, shall pay a fee of five dollars.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and section 3-10 of the Charter of the City of Danbury.

Adopted by the Common Council - October 7, 2003
Approved by Mayor Mark D. Boughton - October 9, 2003

ATTEST: Warren Levy
WARREN M. LEVY
Council President

46

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Schedule of Termination of Government Entities**

The Common Council met as a committee of the whole immediately following a public hearing on September 22, 2003 in the Common Council Chambers.

Mr. McAllister made a motion to recommend adoption of the ordinance. Seconded by Mrs. Coladarci. Motion carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

October 7, 2003

Be it ordained by the Common Council of the City of Danbury:

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-176. Schedule of termination of government entities.

(a) The following governmental entities are terminated, effective June 30, 2004, unless re-established in accordance with the provisions of section 2-184:

(1) The City of Danbury Cultural Commission.

(2) The Commission on Aging.

(3) The Parking Authority of the City of Danbury.

(b) The following governmental entities are terminated, effective June 30, 2005, unless re-established in accordance with the provisions of Section 2-184:

(1) The Redevelopment Agency of the City of Danbury.

(2) The Housing Site Development Agency.

(3) The Flood and Erosion Control Board of the City of Danbury.

(4) The Tarrywile Park Authority.

(c) The following governmental entities are terminated, effective June 30, 2006, unless re-established in accordance with the provisions of Section 2-184:

(1) The Danbury Parks and Recreation Commission.

(2) The Danbury Housing Partnership.

(3) The Aviation Commission.

(4) The Commission on the Status of Women.

(5) The Lake Kenosia Commission.

(6) The Economic Development Commission.

(7) The Youth Commission.

(d) The following governmental entities are terminated, effective June 30, 2007, unless re-established in accordance with the provisions of Section 2-184:

(1) The Commission for Persons with Disabilities.

(2) The Danbury Aquifer Protection Agency.

(3) The Fair Rent Commission.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

(4) The Board of Ethics.

(e) The following governmental entities are terminated, effective June 30, 2008, unless re-established in accordance with the provisions of Section 2-184:

(1) The Stanley Lasker Richter Memorial Park Authority.

(2) The Conservation Commission.

(3) The Environmental Impact Commission.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and section 3-10 of the Charter of the City of Danbury.

Adopted by the Common Council - October 7, 2003
Approved by Mayor Mark D. Boughton - October 9, 2003

ATTEST: Warren Levy
WARREN M. LEVY
Council President

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-176. Schedule of termination of government entities.

~~(a) The following governmental entities are terminated, effective June 30, 2003, unless re-established in accordance with the provisions of section 2-184:~~

~~(1) The Stanley Lasker Richter Memorial Park Authority.~~

~~(2) The Conservation Commission.~~

~~(3) The Environmental Impact Commission.~~

~~(4) The Tree Advisory Commission.~~

~~(5) The Lake Kenosia Commission.~~

~~(6) The Economic Development Commission.~~

~~(7) The Youth Commission.~~

(A~~b~~) The following governmental entities are terminated, effective June 30, 2004, unless re-established in accordance with the provisions of section 2-184:

(1) The City of Danbury Cultural Commission.

(2) The Commission on Aging.

(3) The Parking Authority of the City of Danbury.

(B~~c~~) The following governmental entities are terminated, effective June 30, 2005, unless re-established in accordance with the provisions of Section 2-184:

(1) The Redevelopment Agency of the City of Danbury.

(2) The Housing Site Development Agency.

(3) The Flood and Erosion Control Board of the City of Danbury.

(4) The Tarrywile Park Authority.

(C~~d~~) The following governmental entities are terminated, effective June 30, 2006, unless re-established in accordance with the provisions of Section 2-184:

(1) The Danbury Parks and Recreation Commission.

(2) The Danbury Housing Partnership.

(3) The Aviation Commission.

(4) The Commission on the Status of Women.

(5) THE LAKE KENOSIA COMMISSION.

(6) THE ECONOMIC DEVELOPMENT COMMISSION.

(7) THE YOUTH COMMISSION.

(D~~e~~) The following governmental entities are terminated, effective June 30, 2007, unless re-established in accordance with the provisions of Section 2-184:

(1) The Commission for Persons with Disabilities.

(2) The Danbury Aquifer Protection Agency.

(3) The Fair Rent Commission.

(4) The Board of Ethics.

(E) THE FOLLOWING GOVERNMENTAL ENTITIES ARE TERMINATED, EFFECTIVE JUNE 30, 2008, UNLESS RE-ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2-184:

(1) THE STANLEY LASKER RICHTER MEMORIAL PARK AUTHORITY.

(2) THE CONSERVATION COMMISSION.

(3) THE ENVIRONMENTAL IMPACT COMMISSION.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

47

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Architectural Review Board**

The Common Council Committee appointed to review an architectural review board met twice, first on October 30, 2002 and again on September 10, 2003. In attendance at the October meeting were committee members Buzaid, Moore and Nolan. Also in attendance were Director of Planning Dennis Elpern, Assistant Corporation Counsel Dan Casagrande, and Council President Warren Levy, ex-officio. In attendance at the September meeting were committee members Buzaid and Nolan.

After discussion at the October meeting Mr. Nolan made a motion that Mr. Elpern and Attorney Casagrande develop a proposal to promote positive design in Danbury and report back to the committee. Seconded by Mr. Moore. Motion carried unanimously.

At the September meeting, Mr. Buzaid reported that there has been action on the proposal.

Mr. Nolan made a motion to take no action without prejudice. Seconded by Mr. Buzaid. Motion carried unanimously.

Respectfully submitted,

EMILE BUZAID, Chairman

MICHAEL MOORE

VINCENT NOLAN

48

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Request for Water Extension – 22 Second Avenue**

The Common Council Committee appointed to review the request for water extension at 22 Second Avenue met on September 10, 2003 at 7:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Buzaid and Gogliettino. Also in attendance were Director of Public Works William Buckley, Ben Doto, the engineer for the petitioner, Lynn Morse of Covenant Construction and Council Members Levy and Basso, ex-officio.

Mr. Buzaid noted the positive recommendation from the Planning Commission. Mr. Buckley said there is not adequate fire flow. The petitioner will replace the water line with an eight-inch pipe. The City will give the petitioner the materials and the petitioner will design and install it. The petitioner will pay for the engineering and installation costs. The length of the line is not to exceed 750 feet and the City will provide the eight-inch pipe, not to exceed 750 feet. This will require a ninth step.

Mr. Gogliettino made a motion to recommend approval of the water extension, subject to the required eight steps and a ninth step providing up to 750 feet of eight-inch pipe. Seconded by Mr. Buzaid. Motion carried unanimously.

Respectfully submitted,

EMILE BUZAID, Chairman

John C. Gogliettino

JOHN GOGLIETTINO

JOSEPH SCOZZAFAVA

49

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: Request for Sewer and Water Extensions – Mountainview Terrace

The Common Council Committee appointed to review the request for sewer and water extensions on Mountainview Terrace met on September 4, 2003 at 7:00 P.M. in the Common Council Chambers in City Hall. In attendance were committee members Esposito and Saadi. Also in attendance were Assistant City Engineer Patricia Ellsworth, Attorney Paul Jaber representing the petitioner, Doug DeVesta from Consultants and Engineers and Sharon Calitro.

Mr. Esposito noted the positive recommendation from the Planning Commission. Ms. Ellsworth said that the project conceptually meets the City standards and pointed out the project on a site map. Attorney Jaber said he is interested in phasing in this project. Mr. Saadi said that could be done by adding a ninth step allowing phase-in.

Mr. Saadi made a motion to approve the request for sewer and water extensions, subject to the required eight steps, and adding a ninth step allowing the project to be accepted in phases. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

JOHN ESPOSITO, Chairman

THOMAS SAADI

PAULINE BASSO

50

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Traffic Problems on Wooster Heights Road**

The Common Council Committee appointed to review traffic problems on Wooster Heights Road met on September 18, 2003 at 6:40 P.M. in Conference Room 3C in City Hall. In attendance were committee members Moore, Rotello and Basso. Also in attendance were Council Member Val Machado, ex-officio and residents of the Wooster Heights area.

Mr. Moore noted that Police Captain Daniel Mulvey submitted a letter outlining the history of the complaints and said again that a stop sign was not warranted. The letter stated that this issue is closed, but the Police Department will continue to periodically enforce traffic laws on Wooster Heights Road. Mr. Moore noted that the Chief of Police is the traffic authority and has complete control over signage and traffic lights.

Mr. Rotello made a motion to suspend Robert's Rules of Order to allow residents to speak. Seconded by Mrs. Basso. Motion carried unanimously. Several residents addressed the committee outlining experiences that have had with the amount of traffic and speeding in this neighborhood.

Mrs. Basso made a motion to receive the report, have the police department look into signage and also use the new speed machine in the area and look into the possibility of a blinking light. Seconded by Mr. Rotello. Motion carried unanimously.

Respectfully submitted,

MICHAEL MOORE, Chairman

PAUL ROTELLO

PAULINE BASSO

51

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Request for Sewer Extension – 56 Benson Drive**

The Common Council Committee appointed to review the request for water extension at 56 Benson Drive met on September 17, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Rotello and Basso. Also in attendance were the Director of Public Works William Buckley and the petitioner, Timothy Nolan.

Mr. Machado noted the positive recommendation by the Planning Commission. Mr. Buckley noted that a request at 52 Benson Drive was recently approved and he recommends approval of this request subject to the required eight steps.

Mrs. Basso made a motion to recommend approval of the request for sewer extension at 56 Benson Drive subject to the required eight steps. Seconded by Mr. Rotello. Motion carried unanimously.

Respectfully submitted,

VAL MACHADO, Chairman

PAUL ROTELLO

PAULINE BASSO

52

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Lake Waubeeka Water System**

The Common Council Committee appointed to review the request for the City to take over the Lake Waubeeka Water System met on September 18, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore and Machado. Also in attendance were Director of Public Work William Buckley and the petitioner, Herb Krate.

Mr. Moore pointed out that this is the second time this issue is being considered. The Planning Commission issued a negative recommendation both times. The previous committee recommended funding a feasibility study. The reason for the negative recommendations from the Planning Commission is that the system is outside the water service area.

Mr. Buckley said that his recommendation is the same; that he be authorized to conduct a study of the water system and report back to the Common Council. The study will determine what is right or wrong with the system. Questions regarding this system are premature. The evaluation will cost $10,500 and funding will come from the water department budget. He will not use all the funds appropriated for pumping this year. Mr. Krate said that the State bureaucracy is getting very complicated and new regulations force them to hire engineers.

Mr. Machado made a motion to authorize the feasibility study on the Lake Waubeeka Water System with the funding to come from the Water Department Budget. Seconded by Mr. Moore. Motion carried unanimously.

Respectfully submitted,

MICHAEL MOORE, Chairman

VAL MACHADO

CHRISTIAN DITTRICH

Lake Waubeeka #50

COMMON COUNCIL ROLL CALL

NAME	YES	NO
VINCENT NOLAN	N	
PAUL McALLISTER	N	
WARREN NULL	N	
JAMES KELLY	N	
EILEEN COLADARCI	Y	
EMILE BUZAID	N	
~~DEAN ESPOSITO~~ Visconti	Y	
VALDEMIRO MACHADO	Y	
~~CONNIE SHULER~~ Rotello	N	
JOSEPH SCOZZAFAVA	N	
WARREN LEVY	N	
JOHN ESPOSITO	N	
THOMAS SAADI	N	
CHRISTIAN DITTRICH	N	
PAULINE BASSO	N	
JEAN DARIUS	Y	
MANNY FURTADO	Y	
JOHN GOGLIETTINO	Y	
MICHAEL MOORE	Y	
SHERRI NEPTUNE	Y	
CHRIS SETARO	Y	

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 10-86 of the Code of Ordinances of Danbury, Connecticut is hereby amended by modifying the title and adding new subsections (d) and (e) as follow:

Sec. 10-86. Authority for fines; enforcement, appeal and hearing procedure; lien on property~~.~~; WAIVER OF FINES AND RELEASE OF LIEN UPON REMEDIATION BY NEW BUYER; TAX ASSESSMENT INCREASE DEFERRAL FOR OTHER THAN PRESENT OWNER.

(a) In accordance with authority set forth in Connecticut General Statutes section 7-148(c)(7)(H) as may be amended from time to time, a fine of one hundred ($100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 10-85 hereof.

(b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.

(c) In accordance with authority set forth in Connecticut General Statutes section 7-148aa, may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

(d) AS AN INCENTIVE TOWARD THE FULL REMEDIATION OF RESIDENTIAL PROPERTY DESIGNATED BLIGHTED BY THE BLIGHT INSPECTOR, A PURCHASER OR A PROSPECTIVE PURCHASER OF SUCH BLIGHTED PROPERTY MAY MAKE APPLICATION TO THE CITY OF DANBURY FOR A WAIVER OF FINES AND RELASE OF LIEN IMPOSED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SAID APPLICATION SHALL SPECIFY THE TIME FRAME OF THE SALE AND THE PROPOSED REMEDIATION. THE APPLICANT, ONCE APPROVED FOR THIS PROGRAM, SHALL AGREE TO EXECUTE AN AGREEMENT WHICH SHALL SPECIFY THE TIME FRAME FOR REMEDIATION (WHICH REMEDIATION SHALL OCCUR WITHIN SIX MONTHS OF CLOSING OF TITLE), THE SPECIFIC IMPROVEMENTS TO BE MADE, THAT THE APPLICANT SHALL MAINTAIN THE PROPERTY AS OWNER OCCUPIED FOR A TERM OF AT LEAST THREE (3) YEARS FROM THE DATE OF REMEDIATION APPROVAL AND THAT THE APPLICANT UNDERSTANDS THAT SUCH WAIVER OR RELEASE SHALL ONLY OCCUR UPON FULL REMEDIATION AND APPROVAL OF SAME BY THE BLIGHT INSPECTOR.

(e) IN ADDITION TO THE INCENTIVE PROPOSED IN SUBSECTION (D) HEREOF, A PURCHASER OR PROPOSED PURCHASER OF RESIDENTIAL PROPERTY, MAY AVAIL THEMSELVES OF THE TAX DEFERRAL BENEFITS SET FORTH IN CITY OF DANBURY ORDINANCE SECTION 18-25, AS MAY PERTAIN TO BLIGHTED RESIDENTIAL PROPERTY, EXCEPT THAT THE REQUIREMENT OF OWNER OCCUPANCY NEED NOT BE REQUIRED WHERE SAID PURCHASER OR PROSPECTIVE PURCHASER IS ELIGIBLE FOR AND EXECUTES AN AGREEMENT QUALIFYING FOR TAX DEFERRAL BENEFITS PURSUANT TO SAID ORDINANCE SECTION 18-25.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

Sec. 10-86. Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.

(a) In accordance with authority set forth in Connecticut General Statutes section 7-148(c)(7)(H) as may be amended from time to time, a fine of one hundred ($100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 10-85 hereof.

(b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.

(c) In accordance with authority set forth in Connecticut General Statutes section 7-148aa, may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

(d) As an incentive toward the full remediation of residential property designated blighted by the blight inspector, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur with six months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the blight inspector.

(e) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in City of Danbury Ordinance section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Ordinance section 18-25.

COPY SHOWING DELETIONS AND NEW LANGUAGE:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the repeal of section 18-25 and the substitution of the following in lieu thereof:

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b of the Connecticut General Statutes; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with section 12-65b of the Connecticut General Statutes, the City does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.

(b) Application and eligibility. An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, upon receipt of a report from the Planning Department, the Common Council must find that:

(1) The applicant proposes to use the construction or improvements to real property (or property subject to air rights) for PERMANENT RESIDENTIAL USE FOR PROPERTY DESIGNATED BLIGHTED PURSUANT TO SECTIONS 10-81 ET SEQ. OF THIS CODE, office, manufacturing, or for warehouse, storage or distribution use or, if the real property is located within the Danbury Downtown Redevelopment Area, the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for PERMANENT RESIDENTIAL USE FOR PROPERTY DESIGNATED BLIGHTED PURSUANT TO SECTIONS 10-81 ET SEQ. OF THIS CODE, office, manufacturing, retail or for warehouse, storage or distribution use;

(2) The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application;

(2) The applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided for herein and therein.

(c) Application procedure.

(1) All applications shall be submitted to the Danbury Planning Department on forms supplied by such Department. Each such application shall include the applicant's estimate of the cost of the construction or improvements subject to deferred assessment hereunder.

(2) The Planning Department shall review each application submitted to it and shall forward each such application to the Common Council within 30 days of receipt together with the Department's report concerning whether or not the application meets the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Planning Department, the Common Council shall either approve the application, reject the application, or return the application to the Department for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Planning Department which addresses the reasons for rejection by the Common Council.

(4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner or lessee of the property, as specified herein.

(d) Assessment deferral agreement.

(1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the Common Council, shall reflect the assessment on the property immediately prior to the commencement of construction, and shall specify the period of deferral which shall begin EITHER with the issuance of a certificate of occupancy for the improvements to be constructed OR ON THE FOLLOWING OCTOBER FIRST.

(2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the Planning Department, as hereinafter set forth, and upon issuance of the certificate of occupancy, the increase in the assessment on the property due to such construction or improvements shall be deferred in accordance with one of the following schedules, as determined by the Common Council:

a. For proposed construction or improvements which value three million dollars ($3,000,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For proposed construction or improvements which value five hundred thousand dollars ($500,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For proposed construction or improvements which value not less than TWENTY FIVE THOUSAND DOLLARS ($25,000.00) ~~one hundred thousand dollars ($100,000.00)~~, fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years~~;~~ INCLUDING BUT NOT LIMITED TO PERMANENT RESIDENTIAL USE PROPERTY, WHICH PROPERTY HAS BEEN DESIGNATED BLIGHTED PURSUANT TO SEC. 10-81 ET SEQ. OF THIS CODE.

~~d. For proposed construction or improvements which value not less than one hundred thousand dollars ($100,000.00), twenty (20) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;~~

~~e. For proposed construction or improvements which value not less than five hundred thousand dollars ($500,000.00), thirty (30) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years;~~

~~f. For proposed construction or improvements which value not less than three million dollars ($3,000,000.00), twenty (20) percent of the increased assessment may be deferred each year for a period of not less than five (5) years but no more than seven (7) years; or,~~

~~For proposed construction or improvements which value not less than five million dollars ($5,000,000.00), thirty (30) percent of the increased assessment may be deferred each year for a period not to exceed seven (7) years.~~

(3) Deferred assessments shall not apply to taxes levied under section 19B-3 of the Danbury Code of Ordinances applicable to Downtown Special Services District taxes.

(4) The assessment deferral agreement shall provide that such construction or improvements shall be completed by a date fixed in such assessment deferral agreement. In the event that on the date so fixed for completion, the Planning Department has denied certification that the construction or improvements have been performed in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment deferral agreement, or at any time if the Planning Department determines that the owner or lessee or the property is in default under the terms of said agreement, and has failed
to cure said default after notice and an opportunity to do so, the agreement shall terminate UPON WRITTEN NOTICE, VIA CERTIFID MAIL, TO SUCH OWNER OR LESSEE. In the event of such termination, OTHER THAN FOR FAILURE TO COMPLETE CONSTRUCTION OR IMPROVEMENTS HAVING A VALUE EQUAL TO OR GREATER THAN THE MINIMUM ESTABLISHED IN SUBSECTION (d)(2) HEREOF AND IN THE AGREEMENT, THE OWNER OR LESSEE OF THE PROPERTY, AS HEREIN PROVIDED SHALL, COMMENCING WITH THE DATE OF NOTICE OF TERMINATION, BE LIABLE FOR ANY INCREASE IN TAXES FOR WHICH HE WOULD HAVE BEEN LIABLE N ABSENCE OF SUCH AGREEMENT. IN THE EVENT OF SUCH TERMINATION FOR FAILURE TO COMPLETE CONSTRUCTION OR IMPROVEMENTS HAVING A VALUE EQUAL TO OR GREATER THAN THE MINIMUM ESTABLISHED IN SUBSECTION (d)(2) HEREOF AND IN THE AGREEMENT, the owner or lessee of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Planning Department for an extension of time in which to complete the construction or improvements which, for good cause shown, the Planning Department may approve, but in no event shall such extension of time exceed a period of one (1) year.

(5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:

a. That, in addition to the certification requirement of subsection (e)(3) of this section, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the Zoning Regulations, as required;

b. The assessment deferral shall continue only as long as the use of the property remains a use authorized by subsection (b)(1) of this section;

c. That the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and

d. That the assessment deferral shall cease upon the sale or transfer of the improvements unless the new owner or lessee, as the case may be, of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) Miscellaneous provisions.

(1) The Assessor shall have the sole responsibility for determining the cost and value of the construction or improvements subject to a deferral of assessment increases hereunder.

(2) A copy of any assessment deferral agreement entered into pursuant to the provisions of this section shall be forwarded to the Assessor, who shall adjust his records accordingly.

(3) The Planning Department shall forward a copy of its certification that the construction or improvements has been completed in accordance with the assessment deferral agreement to the Assessor. In the event that the Planning Department denies such certification, it shall send a copy of its denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.

(5) The Planning Department is authorized to establish written procedures and technical specifications for the administration of this section.

(6) Properties upon which construction or improvements commenced prior to the adoption of this section, but which have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section, provided that they meet the requirements of and apply in accordance with the provisions of this section.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
OFFICE OF THE CORPORATION COUNSEL

(203) 797-4518
(203) 796-8043 FAX

October 3, 2003

PLEASE REPLY TO:

DANBURY,CT 06810

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Tax Deferral Ordinance Amendments
Code Section 18-25

Dear Mayor and Council:

The proposed, amended ordinance (Section 18-25 attached) pertaining to deferral of tax assessment increases incorporates four (4) changes. Three of the changes are essentially clerical in nature, and the other is a change recommended by Councilman Tom Saadi's committee dealing with blight remediation incentives (in addition to this ordinance, you also have a proposed amendment to the Blight ordinance itself – Sec. 10-86).

The first (substantive) change (C/O subsection 18-25 (d) (2) c. and 18-25 (b) (1) has to do with the committee's suggestion and Mayoral recommendation, that new owners of property that has been declared blighted by the blight official be allowed to take advantage of a residential use property tax assessment deferral newly available through State enabling legislation. In essence, and as subsection (d) (2) c. describes, someone who purchases such blighted property (from a prior owner who had the property during its blighted state) could apply for a deferral of fifty (50%) of the assessment for at least $25,000.00 worth of remedial construction for a period of up to three (3) years.

The second (clerical) change reflects the above mentioned changes in the State law (CGS Sec. 12-65b) which now provides for tax assessment deferral benefits to owners of permanent residential use property. The statutory change also revises and shortens the number of options available within the general assessment deferral classifications. This is reflected in subsection (d) (2) of Sec. 18-25 (attached) where the categories have been revised from "a" through "g" to just "a through "c". Presumably, the Legislature wanted to simplify the classifications.

The third (clerical) change is reflected in Sec. 18-25 (d) (1) wherein the specified date for the deferral period to commence would be changed from the date of issuance of a certificate of occupancy to *either* that date or the following October 1. In this way, an applicant can be assured of receiving a full, calculable assessment deferral benefit in accordance with the provisions of the law.

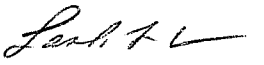
RECYCLED PAPER

The final change is set forth in Sec. 18-25 (d) (4) wherein the main intent is to recover deferral benefits from property owners who, after having obtained them, fail to comply with the terms and conditions of the assessment agreement. In addition, the City would notify such party(ies) of such default by certified mail (there is no such requirement in the present ordinance).

We will shortly be providing you, for informational purposes, with a proposed revised assessment deferral application reflecting some of the changes proposed.

Please call if you have any questions.

Very truly yours,



Laszlo L. Pinter
Assistant Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Eric L. Gottschalk, Deputy Corporation Counsel
Tom Saadi, Councilman

Llp/deferralamends

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the repeal of section 18-25 and the substitution of the following in lieu thereof:

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.

(a) Preamble, general findings and authority. Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b of the Connecticut General Statutes; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with section 12-65b of the Connecticut General Statutes, the City does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.

(b) Application and eligibility. An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, upon receipt of a report from the Planning Department, the Common Council must find that:

(1) The applicant proposes to use the construction or improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to sections 10-81 et seq. of this Code, office, manufacturing, or for warehouse, storage or distribution use or, if the real property is located within the Danbury Downtown Redevelopment Area, the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to sections 10-81 et seq. of this Code, office, manufacturing, retail or for warehouse, storage or distribution use;

(2) The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application;

(2) The applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided for herein and therein.

(c) Application procedure.

(1) All applications shall be submitted to the Danbury Planning Department on forms supplied by such Department. Each such application shall include the applicant's estimate of the cost of the construction or improvements subject to deferred assessment hereunder.

(2) The Planning Department shall review each application submitted to it and shall forward each such application to the Common Council within 30 days of receipt together with the Department's report concerning whether or not the application meets

the eligibility criteria contained in this section. Such report shall include specific reasons in support of the findings expressed therein.

(3) Upon receipt of an application and report from the Planning Department, the Common Council shall either approve the application, reject the application, or return the application to the Department for further information. If an application is rejected, the Common Council shall state its reasons for rejection upon the record. The applicant may file a revised application with the Planning Department which addresses the reasons for rejection by the Common Council.

(4) In the event of approval, the Common Council shall adopt a resolution authorizing the Mayor to enter into an agreement with the owner or lessee of the property, as specified herein.

(d) Assessment deferral agreement.

(1) The assessment deferral agreement to be signed by the applicant and the Mayor on behalf of the City shall refer to and incorporate the application as approved by the Common Council, shall reflect the assessment on the property immediately prior to the commencement of construction, and shall specify the period of deferral which shall begin either with the issuance of a certificate of occupancy for the improvements to be constructed or on the following October first.

(2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the Planning Department, as hereinafter set forth, and upon issuance of the certificate of occupancy, the increase in the assessment on the property due to such construction or improvements shall be deferred in accordance with one of the following schedules, as determined by the Common Council:

a. For proposed construction or improvements which value three million dollars ($3,000,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years;

b. For proposed construction or improvements which value five hundred thousand dollars ($500,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;

c. For proposed construction or improvements which value not less than twenty five thousand dollars ($25,000.00), fifty (50) percent of the increased assessment may be deferred each year for a period not to exceed three (3) years including but not limited to permanent residential use property, which property has been designated blighted pursuant to Sec. 10-81 et seq. of this code.

(3) Deferred assessments shall not apply to taxes levied under section 19B-3 of the Danbury Code of Ordinances applicable to Downtown Special Services District taxes.

(4) The assessment deferral agreement shall provide that such construction or improvements shall be completed by a date fixed in such assessment deferral agreement. In the event that on the date so fixed for completion, the Planning Department has denied certification that the construction or improvements have been

Be it ordained by the Common Council of the City of Danbury:

performed in accordance with the eligibility criteria as set forth in this section and in accordance with the terms of the assessment deferral agreement, or at any time if the Planning Department determines that the owner or lessee or the property is in default under the terms of said agreement, and has failed to cure said default after notice and an opportunity to do so, the agreement shall terminate upon written notice, via certified mail, to such owner or lessee. In the event of such termination, other than for failure to complete construction or improvements having a value equal to or greater than the minimum established in subsection (d)(2) hereof and in the agreement, the owner or lessee of the property, as herein provided shall, commencing with the date of notice of termination, be liable for any increase in taxes for which he would have been liable in absence of such agreement. In the event of such termination for failure to complete construction or improvements having a value equal to or greater than the minimum established in subsection (d)(2) hereof and in the agreement, the owner or lessee of the property, as herein provided, shall be liable for any increase in taxes for which he would have been liable in the absence of such agreement. The agreement shall further provide that a property owner or lessee, as herein provided, may apply to the Planning Department for an extension of time in which to complete the construction or improvements which, for good cause shown, the Planning Department may approve, but in no event shall such extension of time exceed a period of one (1) year.

(5) The assessment deferral agreement shall further provide that the agreement is contingent upon the following conditions:

a. That, in addition to the certification requirement of subsection (e)(3) of this section, the property shall be subject to inspection and certification by the Building Inspector and Health Director, as being in conformance with such provisions of the state building and health codes and local housing codes as may apply, and by the Zoning Enforcement Officer to ensure conformance with the Zoning Regulations, as required;

b. The assessment deferral shall continue only as long as the use of the property remains a use authorized by subsection (b)(1) of this section;

c. That the assessment deferral shall cease if there is any delinquency in the payment of taxes on the property; and

d. That the assessment deferral shall cease upon the sale or transfer of the improvements unless the new owner or lessee, as the case may be, of such property shall enter into a new contract with the City incorporating all the terms of the agreement with the former owner or lessee, as herein provided.

(e) <u>Miscellaneous provisions.</u>

(1) The Assessor shall have the sole responsibility for determining the cost and value of the construction or improvements subject to a deferral of assessment increases hereunder.

(2) A copy of any assessment deferral agreement entered into pursuant to the provisions of this section shall be forwarded to the Assessor, who shall adjust his records accordingly.

(3) The Planning Department shall forward a copy of its certification that the construction or improvements has been completed in accordance with the assessment deferral agreement to the Assessor. In the event that the Planning Department denies such certification, it shall

Be it ordained by the Common Council of the City of Danbury:

send a copy of its denial to the Assessor, who shall readjust his tax records in accordance with the provisions of this section.

(4) Any agreement entered into under the provisions of this section shall be recorded on the land records of the City.

(5) The Planning Department is authorized to establish written procedures and technical specifications for the administration of this section.

(6) Properties upon which construction or improvements commenced prior to the adoption of this section, but which have not yet received a certificate of occupancy, may be eligible for the benefits set forth in this section, provided that they meet the requirements of and apply in accordance with the provisions of this section.

ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

18-25. Deferral of assessment increase attributable to construction or improvements.

(b) (1) The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, office, manufacturing, or for warehouse, storage or distribution use or, if the real property is located within the Downtown Redevelopment Area, the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, office, manufacturing, retail, or for warehouse, storage or distribution use.

(d) (2) h. For proposed construction or improvements to permanent residential use property, which property has been designated blighted pursuant to Sec. 10-81 et seq. of this Code, which value not less than twenty five thousand dollars ($25,000.00), not more than fifty (50%) percent of such increased assessment maybe deferred for a period of not more than three (3) years.

COPY SHOWING DELETIONS AND NEW LANGUAGE:

THAT Sec. 18-25 (b) (1) of the Code of Ordinances of Danbury, Connecticut be amended as follows:

Sec. 18-25 (b) (1) The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for PERMANENT RESIDENTIAL USE FOR PROPERTY DESIGNATED BLIGHTED PURSUANT TO SEC. 10-81 ET SEQ. OF THIS CODE, office, manufacturing, or for warehouse, storage or distribution use or, if the real property is located within the Downtown Redevelopment Area, the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for PERMANENT RESIDENTIAL USE FOR PROPERTY DESIGNATED BLIGHTED PURSUANT TO SEC. 10-81 ET SEQ. OF THIS CODE, office, manufacturing, retail, or for warehouse, storage or distribution use.

THAT Sec. 18-25 (d) of the Code of Ordinances of Danbury, Connecticut be amended by the addition of subsection (2) h. as follows:

Sec. 18-25 (d) (2)*H. FOR PROPOSED CONSTRUCTION OR IMPROVEMENTS TO PERMANENT RESIDENTIAL USE PROPERTY, WHICH PROPERTY HAS BEEN DESIGNATED BLIGHTED PURSUANT TO SEC. 10-81 ET SEQ. OF THIS CODE, WHICH VALUE NOT LESS THAN TWENTY FIVE THOUSAND DOLLARS ($25,000.00), NOT MORE THAN FIFTY (50%) PERCENT OF SUCH INCREASED ASSESSMENT MAY BE DEFERRED FOR A PERIOD OF NOT MORE THAN THREE (3) YEARS.*

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts.~~

54

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Sewer and Water Assessment Process**

The Common Council Committee appointed to review the sewer and water assessment process met twice, first on August 27, 2003 and again on September 23, 2003. In attendance at both meetings were committee members Coladarci, Furtado and Nolan. Also in attendance at both meeting were Director of Public Works William Buckley, Director of Public Works Dena Diorio and Deputy Corporation Counsel Eric Gottschalk. In attendance at the August 27th meeting were Council Members Levy, McAllister, Kelly, Gogliettino and Saadi, ex-officio. In attendance at the September 23rd meeting were Council Members Levy and Gogliettino, ex-officio.

At the August 27th meeting Ms. Coladarci asked Mr. Buckley for his suggestions. Mr. Buckley said that a problem occurs when a petition for sewers is denied, but the people can petition a week later and get back on the list. It does not go anywhere, but gets ahead of someone who really needs sewers. It should be a rule that if the answer is no, they cannot come back the next day. After the preliminary public hearing, if the Council approves the project, it goes out to bid, the sewer line is constructed and the final assessments calculated. The time between the preliminary public hearing and the final can be as much as four years.

Mr. Buckley said he would like to try a few test cases. The Common Council added the mail survey in 1980. State Statute or City Ordinance does not require it. A required informational meeting would prolong the process. He would like to see the Common Council take the quality of the estimate that his department does for the mail survey and go right to a preliminary public hearing. They would do the quality of the design and the estimate that goes into the mail survey and then make a decision.

Mr. Furtado asked if the Common Council could prohibit people from getting back on the list. Attorney Gottschalk said that the Common Council could do this. He stated that both sewer and water extensions require a public hearing prior to the adoption of the assessments. Property owners must be notified. A public hearing is not

required before preliminary assessments for water, but is required for sewer. There is no requirement for a mail survey or an informational meeting.

Mr. Buckley said he would like the Common Council to consider using Nancy Drive and Candlewood Terrace as test cases. Mr. Nolan said Nancy Drive would be a good test case for sewer assessment, but Candlewood Terrace would be a terrible test case because it is under State Health Department order. Mr. Nolan said he is not clear how, prior to a public hearing, the public is informed of the cost. If individuals do not understand the implications of not coming to the public hearing, they miss the opportunity to be heard. Mr. Buckley said that the informational sheet would explain the technical part. They could send in the survey return form and/or come to the public hearing.

Mr. Furtado asked if the committee should table this until the test case is done or should a recommendation be made now? Mr. Nolan said that we need more information, not less. Mr. Nolan made a motion to continue the meeting at the call of the Chair.

The Committee was called to order at 7:35 P.M. on September 23, 2003. Mr. Buckley handed out a draft of an information letter. Ms. Coladarci asked if we could make a motion that this will be a permanent procedure or a test procedure? Mr. Buckley went over the two test cases, Nancy Drive and Candlewood Terrace. He would like to bypass the first public hearing for water assessment projects since State Statute or City Ordinance does not require it. Mr. Buzaid said the committee could authorize Mr. Buckley to go forward with the Olive Street and Tilden Road sanitary sewer project. The question was asked if Candlewood Terrace should go back on the Council agenda? It would be cleaner to send it back to the Council.

Mr. Nolan asked if the committee were to authorize this procedure change, how would the Common Council know what it has? How would we assess the outcome? Mr. Buckley said the Common Council would see the outcome at the public hearing and, if the Council would like, he would report back to them 60 days after the public hearing, the outcome of the test process. Attorney Gottschalk said that after the Common Council authorizes the project to commence, everything is the same. All changes have occurred.

Mr. Nolan made a motion to recommend adoption of the revised procedure of assessment notification, combining the mail survey, with the public hearing as a test case, and eliminating the steps between the mail survey and public hearing. The combined mail survey results would be presented at the committee of the whole meeting immediately following the public hearing. Seconded by Mr. Furtado. Motion carried unanimously.

Respectfully submitted,

EILEEN COLADARCI, Chairman

MANNY FURTADO

VINCENT NOLAN

CITY OF DANBURY

DRAFT

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

Mr. and/or Mrs.
Address

RE: Sanitary Sewer Assessment Project

Dear Homeowner:

As you may be aware, some of your neighbors have petitioned the Common Council requesting that municipal sanitary sewer service be provided to your neighborhood. The council has directed the Public Works Department to prepare a preliminary design and cost estimate for providing public sanitary sewer to your neighborhood. The way this is accomplished within the City of Danbury is to assess the cost of the project to the properties that benefit from the sanitary sewer. The code of ordinances of the City of Danbury defines a benefiting property as any property that either fronts on or has access to (an interior lot) the sanitary sewer line.

Your property is one that we have determined would benefit from the proposed sanitary sewer assessment project, therefore, we have included service to your home in the project scope. We have also calculated the estimated cost, consistent with the code of ordinances, that your property would be assessed. The projected assessment for your property is included in one of the enclosures with this letter.

The other enclosure with this letter is a detailed informational packet that discusses various aspects of assessment projects. The general information sheets provide information as to the procedure, the computation of the assessments referenced above, financial terms for paying off the assessments on your property, legal ramifications of the assessment on your property, and miscellaneous information relative to projects themselves. Keep in mind that not every item in the informational packet will apply to your specific property, however, the packet was put together to provide a general idea as to various aspects of these types of projects and in an attempt to respond to the most commonly asked questions concerning assessment projects.

The Common Council has scheduled a public hearing on _____ at which time you will be allowed to speak for or against this assessment project. If you cannot

RECYCLED PAPER

attend the public hearing but would like your opinion known, please complete the mail survey form at the bottom of this letter and return it to the Common Council by _____2003 in order for the Common Council to have as much feedback relative to this project as possible.

If you have any questions that you feel are specific to your property or that have not been addressed in the information packet, please do no hesitate to contact me and I will attempt to respond to your questions.

Very truly yours,

_____
William J. Buckley, Jr., P.E.
Director of Pubic Works/City Engineer

WJB/sd

.....

(Detach Here)

_____ In favor of proposed sewer line.

_____ Not in favor of proposed sewer line.

Lot Number_____ Your Name_____

Your Address_____

SS

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Request for Sewer and Water Extension on Crows Nest Lane**

The Common Council Committee appointed to review the request for sewer and water extension on Crows Nest Lane met on October 6, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Esposito, Saadi and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner, Tony Lucera.

Mr. Esposito noted the positive recommendation from the Planning Commission. Mr. Buckley stated that he would recommend approval subject to the required eight steps.

Mr. Saadi made a motion to recommend approval of the request for sewer and water extensions on Crows Nest Lane subject to the required eight steps. Seconded by Mrs. Basso. Motion carried unanimously.

Respectfully submitted,

JOHN ESPOSITO, Chairman

THOMAS SAADI

PAULINE BASSO

56

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: An Ordinance Appropriating $5,000,000 for the Planning, Acquisition and Construction of Sewer Lines and Pump Station Upgrades and Replacement And Authorizing the Issuance of $5,000,000 Bonds or Notes of the City to Meet said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

The Common Council met as a committee of the whole immediately following a public hearing on October 7, 2003 in the Common Council Chambers.

Mr. McAllister made a motion to receive the report and recommend adoption of the ordinance. Seconded by Mr. Nolan. Motion carried with Mr. Kelly voting in the negative.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

AN ORDINANCE APPROPRIATING $5,000,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SEWER LINES AND PUMP STATION UPGRADES AND REPLACEMENT AND AUTHORIZING THE ISSUANCE OF $5,000,000 BONDS OR NOTES OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of $5,000,000 is appropriated for the planning, acquisition and construction of sewer lines and pump station upgrades and replacement, including but not limited to replacement of sewer lines including portions of the West Side Sewer Interceptor, and for the upgrade and, where practical, elimination of sewage pump stations, and for engineering, administrative, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof and of third party payments.

Section 1. To meet said appropriation:

(i) bonds of the City may be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of the State and Federal grants-in-aid of the Project and amounts paid to the City by third parties to complete the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the

rate or rates of interest, shall be determined by the Mayor and the Director of Finance in accordance with the General Statutes of the State of Connecticut, as amended; or

(ii) temporary notes of the City may be issued pursuant to Section 7-264a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Mayor and Director of Finance, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. Said notes shall be secured by the full faith and credit of the City and may be further secured in any other manner set forth in Section 7-264a, aforesaid, as determined by the Mayor and the Director of Finance; or

(iii) sewer assessment notes of the City may be issued pursuant to Section 7-269a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Mayor and Director of Finance, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. If the receipts and other revenues pledged to the repayment of such notes shall be insufficient to pay the principal of and interest on such notes at the time prescribed by Section 7-269a, aforesaid, or if the Mayor and Director of Finance shall deem it advisable to pay such notes prior to the end of any period, the Mayor and the Director of Finance are hereby authorized to issue and sell bonds of the City under the authority of subparagraph (i) of this Section, in an amount sufficient to pay any such notes; or

(iv) any combination of bonds, temporary notes, or sewer assessment notes may be issued, provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed $5,000,000.

Section 2. Said bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Mayor, City Treasurer and Director of Finance.

Section 3. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds or notes. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the

City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds or notes, shall be included as a cost of the Project. Upon the sale of said bonds or notes the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 4. The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the City with engineers, contractors and others. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program"), the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor and Director of Finance shall determine. The Mayor and the Director of Finance are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and the Mayor, City Treasurer and Director of Finance are authorized to execute and deliver the same. Said obligations shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver to the State in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 5. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Director of Finance is hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of

the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Enacted by the Common Council: _____

Approved by the Mayor: _____ Date:_____

Operative And In Effect: _____

57

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: An Ordinance Making Appropriations Aggregating $5,680,000 for Water System Improvements and Authorizing the Issuance of $5,680,000 Bonds of the City To Meet Said Appropriations and Pending the Issuance Thereof the Making **Of Temporary Borrowings for such Purpose**

The Common Council met as a committee of the whole immediately following a public hearing on October 7, 2003 in the Common Council Chambers in City Hall.

Mr. Nolan made a motion to receive the report and recommend adoption of the ordinance. Seconded by Mrs. Basso. Motion carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING $5,680,000 FOR WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF $5,680,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sums set opposite the water system improvements hereinafter listed are hereby appropriated to meet the estimated costs thereof, respectively, including costs of surveys, borings, easement acquisitions, engineering, construction, equipment, legal, administrative and other related costs:

Project	Amount
Upgrade and Replace Revenue Meters	$ 1,500,000
Design and Construct West Side High Service Storage Tank	2,500,000
General Water Main Replacement Program	1,000,000
Contingency, interest, legal and administrative costs:	680,000
AGGREGATE APPROPRIATION	$ 5,680,000

Section 2. To meet said appropriations $5,680,000 bonds of the City shall be issued maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of $1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their

legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance in the best interest of the City.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. The bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, may be included as a cost of the improvements in Section 1. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The appropriations in Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said Section upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days

prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 herein with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 7. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

Enacted by the Common Council: _____

Approved by the Mayor: _____ Date:_____

Operative And In Effect: _____

58

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

October 7, 2003

Mayor Mark D. Boughton
Members of the Common Council

Re: **Water Main Extension aka Robin Hill and Deer Ridge**

The Common Council met as a committee of the whole immediately following a public hearing on October 7, 2003 in the Common Council Chambers.

Mr. McAllister made a motion to receive the report and recommend adoption of the final assessments. Seconded by Mr. Gogliettino. Motion carried unanimously.

Respectfully submitted,

Warren Levy

WARREN LEVY, Chairman

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

September 22, 2003

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Water Main Extension
Spring Ridge aka Robin Hill and Deer Ridge
Final Assessments - Project No. 97-29

The above noted project has been completed. There are only two properties involved. Each property has agreed to be assessed based on the proportionate number of units in each complex (Deer Ridge – 35 units and Spring Ridge – 138 units). Therefore, the final assessments are as follows:

Tax Assessor Lot No.	Property Owner/Mailing Address	Final Assessment
K17015	Deer Ridge Condominium Association, Inc. 104 Coal Pit Hill Road Danbury, CT 06810	35/173 X $402,750.00 = $81,481.21
K17019	BRT Spring Ridge Limited Partnership C/o/ Greystone Service Corp. Inc. 98 Alexandria Pike, 4th Floor Warrenton, VA 20186	138/173 X $402,750.00 = $321,268.79

Would you please proceed with the arrangements for a public hearing concerning this final assessment as per Charter requirements.

If you have any questions, please feel free to contact this office.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

C: Dena R. Diorio
Eric L. Gottschalk, Esq.
Mario Ricozzi, P.E.

RECYCLED PAPER

60

SEPT. 2I, 2003.

I Fairfield Ave.

Danbury, CT. 068I0.

MR. JOHN ESPOSITO-& THOMAS SAADI:

4th Ward common council members

c/o I4I Shelter Rock Road

Danbury, CT. 068I0.

MR JOHN ESPOSITO & THOMAS SAADI:

I would appreciate it very much if one of you would forward this letter at your next common council meeting.

I, Madeline Wochek, reside and own property at I Fairfield Ave., and would like to know if the city of Danbury or the housing authority is interested in buying part of my land, that is in the rear of the first two houses in Fairfield Ridge-off Morton ST.

I sent letters toMr. Fritzpatrick at the Mill Ridge Office and called several times , he didnot return my calls nor telephone calls. Any imput on this matter would be highly appreciated ; you can call me at 203-792-4269. thank you.

SINCERely YOURS

Madeline Wochek

Madeline Wochek

I Fairfield. Ave.

DAnbury Ct.068I0.