

COMMON COUNCIL MEETING

January 3, 1989

Meeting to be called to order at 8:00 P.M. by the Honorable Mayor Joseph H. Sauer.

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

Bourne, Connell, Gallo, Moran, Renz, Esposito, Godfrey, Flanagan, Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Bundy, Butera, Danise, DaSilva, Eriquez, Regan.

19 Present 2 Absent

CONSENT CALENDAR

The Consent Calendar was

MINUTES of the Special Common Council Meeting held November 30, 1988, the Common Council Meeting held December 6, 1988 and the Special Common Council Meeting held December 13, 1988. The Minutes were

1 RESOLUTION - Financial Assistance to Municipalities to improve municipal assessment and tax collection practices. The Resolution was

2 COMMUNICATION & CERTIFICATION - Request for funds for Ordinance Books The Communication and Certification were

3 COMMUNICATION - Request to Dedicate the Greenhouse at Tarrywile Park in Honor of Bryon Johnson The Communication was

4 COMMUNICATION - Donation to the Library The Communication was

5 COMMUNICATION - Grant from Western Connecticut Area Agency on Aging to operate Interweave The Communication was

6 COMMUNICATION - Request for grant for Lake Kenosia Studies The Communication was

7 COMMUNICATION - Aerial Ladder Proposal The Communication was

8 COMMUNICATION - Petition regarding potholes on Pond Crest Road The Communication was

9 COMMUNICATION - State Project No. 34-185 Construction Change Order Water Main Installation The Communication was

10 COMMUNICATION - Request for Intermunicipal Committee to renegotiate Contractual Agreement with the Town of Bethel The Communication was

✓11 **COMMUNICATION** - Redevelopment Agency of the City of Danbury vs. Union Savings Bank et al
The Communication was

✓12 **COMMUNICATION** - Airport Landing Fees
The Communication was

✓13 **COMMUNICATION** - Conflict with the Water Department
The Communication was

✓14 **COMMUNICATION** - Driftway Ridge Subdivision, Driftway Road
The Communication was

✓15 **COMMUNICATION** - Property of Stanley Bernstein, Mountainville Avenue - Easement
The Communication was

✓16 **COMMUNICATION** - Danbeth Partners, Sewer Extension
The Communication was

✓17 **COMMUNICATION** - Request for Sewer and Water Extension, 20 and 22 Virginia Avenue
The Communication was

✓18 **COMMUNICATION** - Sunrise Lake Association, Boulevard Drive, Acceptance of Land
The Communication was

✓19 **DEPARTMENT REPORTS** - Water Department, Parks and Recreation, Airport, Fire Chief, Fire Marshall
The Department Reports were

✓20 **REPORT & ORDINANCE** - Payment of Delinquent Taxes
The Report and Ordinance were

✓21 **REPORT & RESOLUTION** - Reconstruction of East Franklin Street Bridge
The Report and Resolution were

✓22 **REPORT & RESOLUTIONS** - Agreement between the City and SP Development Company
The Report & Resolutions were

✓23 **REPORT** - Danbury Brass Band
The Report was

✓24 **REPORT** - Procedures to Defray Costs of Ambulance Service
The Report was

✓25 **PROGRESS REPORT** - Combining Engines 23 and 7
The Progress Report was

✓26 **PROGRESS REPORT** - Request for Funds for Overtime Account - Fire Department
The Progress Report was

✓27

PROGRESS REPORT - Errichetti Downtown Redevelopment Project
The Progress Report was

✓28

PROGRESS REPORT - Tarrywile Park Authority
The Progress Report was

PUBLIC SPEAKING SESSION

There being no further business to come before the Common Council a motion was made by _____ at _____ for the meeting to be adjourned.

✓29 all committees of the Common Council

✓30 Communication - offer of land Hampton Court

✓31 Communication & Resolution - Social Section Block

✓32 Communication Site for Trash Incinerator

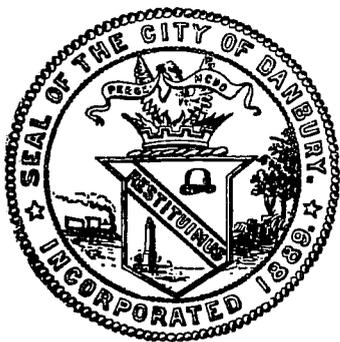
✓33 Communication - Garcia City / City of Danbury

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19

RESOLVED by the Common Council of the City of Danbury:



WHEREAS, the State of Connecticut Office of Policy and Management pursuant to Public Act No. 88-348 has established a state-wide program of financial assistance to municipalities to improve municipal assessment and tax collection practices; and

WHEREAS, said financial assistance is available in the amount of \$50,000 to the City of Danbury; and

WHEREAS, the City of Danbury through the utilization of such grant-in-aid funds would be able to develop or modify a state certified computer assisted mass appraisal system for the purpose of revaluation; and

WHEREAS, such a program would be of substantial benefit to the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Joseph H. Sauer, Jr. be and hereby is authorized to make application for said funds and to take any additional actions necessary to accomplish the purposes hereof.



CITY OF DANBURY

OFFICE OF THE CITY CLERK

ELIZABETH CRUDGINTON
CITY CLERK

DANBURY, CT 06810

December 21, 1988

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

Dear Council Members:

I hereby request that the sum of \$1,500 be transferred from the General Fund into the Ordinances account. Our supply of ordinance books and binders has been depleted and we have 25 of each on order. Please note that when these books and/or binders are purchased by the public, the funds collected go back into the general fund.

Sincerely,

Elizabeth Crudginton
City Clerk



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT
OF FINANCE**

December 23, 1988

Certification #14

TO: Common Council via
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/
Comptroller

We hereby certify the availability of \$1,500.00 to be transferred from the General Fund fund balance to the Ordinance Account #02-01-112-022000, Printing and Binding.

Estimated Balance of G.F. Fund Balance	\$385,656.00
Less this request	1,500.00
	<u>\$384,156.00</u>



Dominic A. Setaro, Jr.

DAS/af



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**PUBLIC WORKS
(203) 797-4537**

**DANIEL J. MINAHAN
DIRECTOR OF PUBLIC WORKS**

December 14, 1988

DJM TO: MAYOR JOSEPH H. SAUER JR. & MEMBERS OF THE COMMON COUNCIL
FROM: D.J. MINAHAN, DIRECTOR OF PUBLIC WORKS

I ask that you consider the dedication of the Greenhouse at Tarrywile Park in the memory of the late Byron T. Johnson.

cc: City Clerk
file

December 5, 1988

Mayor Joseph Sauer, Jr.

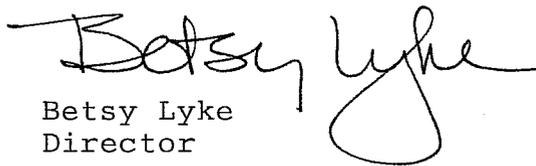
City Hall

Dear Mayor Sauer:

The Junior Library has received a donation of \$10.00 to be used for storytime activities. I would like to add this amount to the Library's Office Supplies line-item #02-07-101-040100 to support this program.

Would you place this on the agenda for the January Common Council meeting.

Sincerely,



Betsy Lyke
Director

cc: Dom Setaro
City Clerk



CITY OF DANBURY

DANBURY, CONNECTICUT 06810

DEPARTMENT OF ELDERLY SERVICES
COMMISSION ON AGING

Danbury Senior Center
80 Main Street
(203) 797-4686

Municipal Agent
80 Main Street
(203) 797-4687

**'Interweave'
Adult Day Care Center**
198 Main Street
(203) 792-4482

December 28, 1988

Mayor Joseph H. Sauer, Jr. and
Members of the Danbury Common Council
City Hall - 155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Mayor Sauer and Members of the Common Council:

The Department of Elderly Services/ City of Danbury has been awarded a Title III-B grant by the Western CT Area Agency on Aging to operate the Danbury Adult Day Care Center - Interweave, for the period of January 1, 1989 - December 31, 1989.

The amount of the grant is \$28,000.

This department requests that said grant award be accepted by you in order that we might be enabled to continue serving some of Danbury's older "at risk." citizens.

Respectfully,

Leo McIlrath, Director
Department of Elderly Services
City of Danbury



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

Lake Kenosia Commission

December 22, 1988

The Honorable Mayor Joseph Sauer
The Honorable Members of the Common Council
155 Deer Hill Avenue
Danbury
Connecticut 06810

Ladies and Gentlemen:

After a late start, the newly-formed Lake Kenosia Commission has finally started to get rolling.

At our first meeting (October 24, 1988) it was determined that we would have to get baseline studies on the lake with Spring and Summertime samplings and testings of the water.

A baseline study has to be submitted to the State first before grant money is considered. The baseline study will give us a priority ranking and this study is 100% locally funded.

All applications for the state grant have to be submitted by August of this year.

We estimate that we would need approximately \$10,000 to get the project moving. We are eager to start implementing procedures for what the Commission was set up to accomplish, and look forward to your cooperation.

Cordially yours,

Janet Gershwin
Janet Gershwin

Co-Chairman

Philip D. Hadley
Philip Hadley
Co-Chairman



CITY OF DANBURY
DANBURY, CONNECTICUT 06810

FIRE DEPARTMENT
19 NEW STREET

CHARLES J. MONZILLO, CHIEF
(203) 796-1550

December 20, 1988

To: Mayor Joseph H. Sauer, Jr.
From: Charles J. Monzillo, Chief Fire Executive
Subject: Aerial Ladder Proposal

As per my memo to you dated 11/22/88, regarding the serious condition of our Fire Fighting Aerial Ladder equipment, I am pleased to inform you that our personnel, through their contacts, have located an A-1, 100 ft. Aerial Ladder Unit which will fill the gap left by our current broken-down Aerial.

The cost to repair and refurbish our current older Aerial Ladder runs from \$70,000.00 to \$200,000.00. I do not recommend that this refurbishing be considered. My suggestion is that the Maxim Aerial Ladder now stationed in Tarrytown, New York, be considered for purchase. The Unit is a 100', refurbished Aerial, complete with all portable ladders which were purchased in 1984, high sides, and in very good condition, with only 16,000 miles on the odometer. The unit was tested by our Department Mechanic. It was driven, inspected, and the aerial was raised. A discussion with the Tarrytown representative indicated that they would be willing to take a deposit on a contingency, which would include a further mechanical examination and an Underwriters Laboratory Aerial Test.

It is our understanding that an option is now held by an apparatus salesman who has not taken up that option. He has until December 23, 1988 to decide. If he fails to purchase the unit by the 23rd of December, the unit will be available.

It is an excellent buy - \$28,500.00

The Unit has a stick shift. If we were to purchase this ladder and replaced the transmission with an automatic, the cost would be somewhat around \$50,000.00 maximum - This cost is still less than the \$70,000.00 estimated to fix our older Aerial and certainly, much less than the \$200,000.00 for refurbishing.

The Unit now in the Department is an open cab - Fire Fighters must ride the side in a dangerous position and certainly, the negative effect of winter weather on our personnel is obvious.

The proposed Unit has a five-man, protective cab, which removes the above situation.

In speaking with Councilman Bernard Gallo, he suggested purchasing a new Unit under a lease purchase system. However, that will take at least a year and a half to accomplish. It does not address the current, unsafe condition.

I suggest you give this proposal immediate positive consideration. Then, if the City agrees with the purchase of a new aerial, you have a safer situation between the period of purchasing an older Unit and the purchasing of the new Aerial, as suggested by Mr. Gallo.

Sincerely,


Charles J. Monzillo
Chief Fire Executive

CJM:mw
3baer

c:D. Setaro, Comptroller

Enclosure: Photographs

We the undersigned residents of Pond Crest Road, Danbury are petitioning the City of Danbury to fill the pot holes on our road for 1988, and consideration on pavement for 1989 projects.

Name

Address

Phone #

Stephen M. Burns

12 Pond Crest Rd

746-1832

Paul J. Belot

34 Pond Crest Rd

746-4711

Don Odentick

36 Pond Crest Rd

746-4398

Louise Odentick

36 Pond Crest Rd

746-4398

Michael S. Zolt

14 Pond Crest

746-9184

Patricia A. Sullivan

42 Pond Crest

746-3555

Barbara E. Cunningham

22 Pond Crest

746-9792

Maryann Darnell

46 Pond Crest Rd

746-2559

Johnna D. Darnell

45 Pond Crest Rd

746-5722

Jannie Darnell

15 Pond Crest Rd

746-1086

Paul Paquette

17 Pond Crest Rd.

746-0471

Aaron Paquette

17 Pond Crest Rd

746-0471

BOB PARSONS

35 POND CREST RD

746-5879

Dianne Parsons

35 Pond Crest Road

746-5879

Glorie Calvanico

44 Pond Crest Rd

746-5301

Sal Calvanico

44 Pond Crest Rd

746-5301

Jamie & Daryl Williamson

26 Pond Crest Rd

746-5158

Richard Castonguay

18 Pond Crest Rd

746-6139

Ellen Turner

12 Pond Crest Rd

746-1832

Bob McAllister

13 Pond CREST RD.

746-5548

Pete Malin

24 Pond CREST rd

746 5053

Rita - I. K. Lewis

3 Pond Crest rd

746-5297

Anna Notaro
24 Pond Crest Road
Danbury, CT 06811

November 18, 1988

Michael Fazio
Lovie Bourne
City Hall, City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mr. Fazio and Ms Bourne:

As per a recent conversation regarding the condition of Pond Crest Road, please find enclosed a signed petition from residents of Pond Crest Road. We would appreciate any consideration you might be able to give us. I have personally made several calls to City Hall stating the problems we had with pot holes being filled and not being pressed down firmly, which actually the work performed was worse then the actual problem. Also we are long overdue for repavement of the entire road.

I would appreciate your cooperation in the matter. Please feel free to call me if you have any questions.

Thanking you in advance, I remain

Sincerely,



Anna Notaro

FGA SERVICES, INC.

830 MAPLE AVENUE
HARTFORD, CT 06114
(203) 249-2525
FAX (203) 249-0079

December 21, 1988

Mr. Jack Schweitzer, P.E.
City Engineer
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

RE: State Project No. 34-185
Construction Change Order
Water Main Installation

Dear Mr. Schweitzer:

Enclosed are two sets of 40-scale plans showing the proposed installation of an 8" ductile iron pipe to extend the water main from Old Ridgebury Road to the existing rest room building and the truck weighing station.

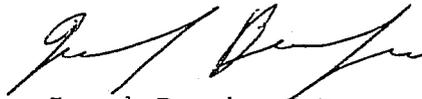
Presently these two buildings withdraw their water requirements from a well within the site. However, this well in several occasions has proven to be insufficient and unable to fulfill the water needs of the station.

The Connecticut DOT to offset this inadequacy has determined that a construction order is necessary to abandon the existing well and provide a more continuous and reliable water supply system to the truck weighing station and to the rest room building.

Please review the enclosed plans as required and forward one set to the City of Danbury Common Council for their approval.

If you have any questions regarding this matter please feel free to contact me at (203)249-2525.

Very Truly Yours,



Joseph Burgio, P.E.

JB:cm
Dot.21

Enclosure

cc: Mr. James Ninnon, President of Common Council



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

(203) 797-4511

January 3, 1988

Honorable Members of the Common Council
City of Danbury
Connecticut

Dear Council Members:

I request the Common Council establish an intermunicipal committee to re-negotiate our contractual agreement with the Town of Bethel. Based on the State's recent directive ordering us to increase the design flow rate of the treatment plant, it is only fair for Bethel to adjust their proportionate percentage of capital contribution to the project.

I recommend the following people serve on the committee: Dominic Setaro, Eric Gottschalk, Dan Minahan, Jack Schweitzer and Paul Galvin.

Sincerely yours,

Joseph H. Sauer, Jr.
Mayor

JHS:l
Enclosure



received
12/15/88

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

WATER AND SEWER DEPARTMENTS
797-4539

WILLIAM J. BUCKLEY JR., P.E.
SUPERINTENDENT OF PUBLIC UTILITIES

December 12, 1988

TO: Mayor Joseph H. Sauer, Jr.
FROM: Mr. William J. Buckley, Supt. of Public Utilities

I respectfully request that you secure the approval of the Common Council in establishing an intermunicipal committee to renegotiate our contractual agreement with the Town of Bethel. Based on the State's recent directive ordering us to increase the design flow rate of the treatment plant, it is only fair to Bethel to adjust their proportionate percentage of capital contribution to the project.

I have provided you with copies of two previous letter, one I wrote to our Engineer, Hank Langstroth, and the other I wrote to the Director of Public Works of Bethel, Hem Khona, both of these support my request to establish the committee. I would recommend that the committee consist of Mr. Dominic Setaro, Mr. Rick Gottschalk, Mr. Dan Minahan, Mr. Jack Schweitzer and Mr. Paul Galvin.

WJB:bds

- cc: Mr. Dan Minahan
- Mr. Dom Setaro
- Mr. Jack Schweitzer
- Mr. Rick Gottschalk
- Mr. Hank Langstroth
- Mr. Hemraj Khona
- Ms. Kathleen Foster

ENCLOSURES



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

CITY OF DANBURY

PUBLIC UTILITIES

DEC 14 1988

Disposal Date.....
Folio Number.....
File Code.....

WATER AND SEWER DEPARTMENTS
797-4539

WILLIAM J. BUCKLEY JR., P.E.
SUPERINTENDENT OF PUBLIC UTILITIES

December 12, 1988

Town of Bethel
Town Hall
Mr. Hemraj Khona
Public Works Director
5 Library Place
Bethel, CT. 06801

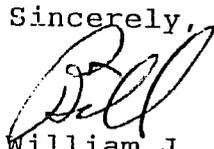
RE: DANBURY WASTEWATER TREATMENT PLANT UPGRADING AND RENOVATION

Dear Hem:

Attached for your information is a copy of a December 2, 1988 letter I received from Mr. Richard Barlow at the State DEP. As you can see the letter directs us to increase the design flow of the plant from 14.5 to 15.5 million gallons a day. Inasmuch as our intermunicipal agreement between our two communities, reflected a capital contribution by Bethel which was calculated based on the proportionate amount of your flow to the total flow of the plant, I see that there is a need to renegotiate that item. As you realize, the percent that we used was 13.79 which was based on 2.0 divided by 14.5. It seems only fair to us at this time to make an adjustment to that 13.79 percent in favor of the Town of Bethel.

I will be recommending to the Mayor that the intermunicipal committee, which was established to negotiate with you, be re-established and I respectfully request that you make a similar request of your executive officer so that we can arrange to make the proper adjustments to the contractual agreement between our two communities.

Please advise me as soon as the committee has been established and hopefully by then we will have done the same and we can arrange a meeting.

Sincerely,


William J. Buckley
Supt. of Public Utilities

WJB: bds

- cc: Mayor Joseph H. Sauer, Jr.
- Mr. Dan Minahan
- Mr. Dom Setaro
- Mr. Jack Schweitzer
- Mr. Rick Gottschalk
- Mr. Hank Langstroth
- Ms. Kathleen Foster

ENCLOSURE



CITY OF DANBURY	
PUBLIC UTILITIES	
DEC 13 1988	
Elapsed Date
Personnel
File Code

CITY OF DANBURY

155 DEER HILL AVENUE
 DANBURY, CONNECTICUT 06810

WATER AND SEWER DEPARTMENTS
 797-4539

WILLIAM J. BUCKLEY JR., P.E.
 SUPERINTENDENT OF PUBLIC UTILITIES

December 12, 1988

Metcalf & Eddy Services, Inc.
 Mr. Hank Langstroth
 PO BOX 4043
 Woburn, MA. 01888-4043

RE: DANBURY WASTEWATER TREATMENT PLANT UPGRADING & RENOVATION

Dear Hank:

Attached for your information, review, and subsequent action, is a December 2, 1988 letter addressed to me from Mr. Richard Barlow, Director of the Water Compliance Unit of the State DEP. The letter directs us to increase the design flow rate on the above referenced project from 14.5 to 15.5 million gallons a day. It further directs us to prepare an amendment to the facility plan to reflect this revised flow rate.

As you are aware, we have met internally within the City of Danbury and have decided to comply with this directive once it was received. You are aware that we had received advanced notice that we were going to be directed to increase this flow rate. This letter will serve to confirm our telephone conversation of December 8, 1988 during which I instructed you to proceed with the design as of that date on a basis of 15.5 million gallons a day. I further requested and authorized you to proceed with the drafting of an amendment to our facility plan to reflect that revised flow rate.

Along with all these changes associated with the flow rate, there will be additional costs incurred by the City of Danbury. As we

discussed, I would ask that you keep separate account of those additional costs regardless of what they maybe. Once we have completed the design and we are ready for bidding for construction purposes, I wish to identify the components of the plant which were necessitated by the change in the flow rate. This way I will be able to accurately reflect the cost to the City of Danbury of the change.

Should you have any questions or care to discuss the matter in further detail, do not hesitate to contact me.

Sincerely,



William J. Buckley
Supt. of Public Utilities

WJB:bds

- cc: Mayor Joseph H. Sauer, Jr.
- Mr. Dan Minahan
- Mr. Dom Setaro
- Mr. Jack Schweitzer
- Mr. Rick Gottschalk
- Mr. Hem Khona
- Ms. Kathleen Foster

ENCLOSURE

ANDERSEN & FERLAZZO, P.C.
ATTORNEYS AT LAW
72 NORTH STREET
DANBURY, CONNECTICUT 06810

(203) 744-2260

DIANNE M. ANDERSEN
JEAN S. FERLAZZO
RICHARD J. KILCULLEN*
MELISSA A. GRAUEL

*Also Admitted In
New York and Florida

TELECOPIER: (203) 790-4776

December 28, 1988

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

Re: Redevelopment Agency of the City of Danbury
v. Union Savings Bank et al

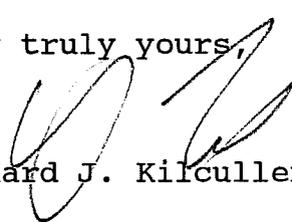
Dear Sirs:

On July 6, 1988 the Common Council by a vote of 15 to 1 approved the Redevelopment Agency's request to condemn a 15 by 500 foot strip of land running from Ives Street to Patriot Drive. The condemnation action is almost complete. However, it will not be accomplished within six months of the Council's vote as is required by State law.

Consequently, as special Council and on behalf of the Agency, I would request that the Council vote to extend the time to complete the condemnation for an additional six months.

Thank you for your cooperation.

Very truly yours,



Richard J. Kilcullen

RJK/aa



12

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
LASZLO L. PINTER
JOHN JOWDY
GEORGE S. SAKELLARES
ASSISTANT CORPORATION
COUNSEL

PLEASE REPLY TO:

DANBURY, CT 06810

January 3, 1989

Hon. Joseph H. Sauer, Jr., Mayor
Hon. Members of the Common Council
City of Danbury
Danbury, Connecticut

Re: Airport Landing Fees

Dear Mayor and Council Members:

This will respond to the question of whether the Common Council or the Aviation Commission of the City of Danbury establish landing fees. Incidentally, this response is in line with a formal opinion rendered by this office earlier in 1988.

A review of State laws, the enabling legislation concerning the Aviation Commission of the City of Danbury and local law indicates that the Aviation Commission is responsible for proposing and promulgating as well as the administration of landing fees. This is primarily due to apparent authority granted to the Aviation Commission under said enabling legislation, as well as implied authority by omission of direct responsibility in this area. However, once proposals for said fees and procedures for administration are set forth by the Aviation Commission, the proposal should be sent to the committee of the Common Council established to review this matter and to subsequent public hearing on what would eventually be an ordinance establishing landing fees.

The reason for this dual procedure is: (1) that some case law indicates challenges to landing fees promulgated by administrative bodies, and (2) this has a broad impact on both inter and intra-state air traffic which may best be handled at both administrative and legislative levels.

Re: Airport Landing Fees

January 3, 1989

12
- 2 -

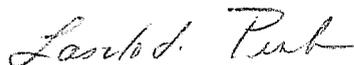
An alternative to the above would be for the Common Council to pass an ordinance which would empower the Aviation Commission directly to establish, set and administer landing fees at the airport. This may be the preferable option in order not only to establish the present fees but to set policy for the future in this area.

Once the committee of the Common Council established to discuss this matter finishes its deliberations, a choice of the above options may be made.

In summary, both of these parties are involved at different stages with the Aviation Commission given primary authority to initiate, develop and propose a landing fees program and the Common Council, utilizing the ordinance method, formalizing the establishment of landing fees after the appropriate public hearing and notice process. This dual procedure is necessary due to the lack of clear authority provided to the Aviation Commission (or any administrative body for that matter) to establish what could be perceived as a revenue enhancing program.

Should you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,



Laszlo L. Pinter
Assistant Corporation Counsel

LLP:cr

c: Robert T. Resha, Esq.
Corporation Counsel

Paul D. Estefan
Airport Administrator

Danbury Aviation Commission

Dominic A. Setaro, Jr.
Acting Director of Finance-Comptroller

17 December 1988

The Honorable Mayor
Mr. Joseph Sauer
City Hall
Danbury, CT 06810

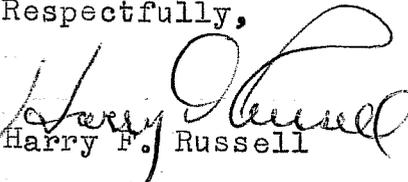
received
12/28

Dear Mayor Sauer:

Reference our conversation of 1 November 1988 held in your office and several phone conversation thereafter as well as my letter to you of 8 November 1988 regarding the problem that I have encountered with the City Water Department concerning a bill which I have received from them for the work performed by their department on 28 October 1988.

A recent letter from Mr. William Buckley Superintendent of Public Utilities regarding my problem does not specifically refer to the basic situation which I have brought to your attention concerning this bill. Therefore, I am requesting an Ad Hoc Committee meeting of the Common Council regarding this problem.

Respectfully,


Harry F. Russell

CC: Mr. Gary D. Renz, 3rd Ward
Mr. Henry J. Moran 3rd Ward



REAL ESTATE

The Charles H. Greenthal Group

18 East 48th Street • New York, NY 10017

(212) 754-9300

December 12, 1988

Common Council
c/o City Clerk Office
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Property of Stanley Bernstein
Mountainville Avenue
Danbury, Connecticut

Dear Sir:

We would appreciate your advising as to when we may come in front of the Council to discuss an easement for access to the above-captioned property, reference map of which is attached for your convenience.

Your kind attention would be most appreciated.

Thanking you, we remain,

Very truly yours,

William West

WW:ik

cc: Stanley Bernstein
Dan Mitchell
Bernard West



received
12788

14

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

December 5, 1988

ENGINEERING DEPARTMENT
(203) 797-4641

JOHN A. SCHWEITZER, JR.
CITY ENGINEER

MEMO TO: Honorable Joseph H. Sauer, Jr., Mayor
Honorable Members of the Common Council

FROM: John A. Schweitzer, Jr.
City Engineer

SUBJECT: Danbeth Partners, Inc. - Sewer Extension

Dear Mayor Sauer and Council Members:

We have reviewed Attorney Gottschalk's November 17, 1988 letter to you regarding the above referenced subject. We concur with his opinion that the Common Council should act to formalize the conditions with which this sewer extension may take place.

If you have any questions regarding this matter, please contact me.

Very truly yours,



John A. Schweitzer, Jr.
City Engineer

JAS/gw

c: Eric L. Gottschalk



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
LASZLO L. PINTER
JOHN JOWDY
GEORGE S. SAKELLARES
ASSISTANT CORPORATION
COUNSEL

PLEASE REPLY TO:

DANBURY, CT 06810

December 19, 1988

MEMO TO: Betty Crudginton, City Clerk
Jimmetta Samaha, Assistant City Clerk

FROM: Eric L. Gottschalk, Assistant Corporation Counsel

RE: Danbeth Partners - Sewer Extension

Attached is copy of Item No. 30 from the December 1988 Council agenda which was withdrawn. I am resubmitting it for the January, 1989 Council agenda together with a copy of a memo to me from Jack Schweitzer dated December 5, 1988.



ELG

ELG:cr

Attachment



ble

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA
CORPORATION COUNSEL

PLEASE REPLY TO:

ERIC L. GOTTSCHALK
LASZLO L. PINTER
JOHN JOWDY
GEORGE S. SAKELLARES
ASSISTANT CORPORATION
COUNSEL

November 17, 1988

DANBURY, CT 06810

Hon. Joseph H. Sauer, Jr., Mayor
Hon. Members of the Common Council
City of Danbury
Connecticut

Re: Danbeth Partners, Inc. - Sewer Extension

Dear Mayor and Council Members:

In 1985 the City of Danbury entered into an Interlocal Agreement with the Town of Ridgefield, attached as Exhibit A. Under the terms of that agreement the City agreed to provide capacity in its sewer system to serve a specific site located on Turner Road in Ridgefield. That site contains 98.433 acres and is currently owned by Danbeth Partners, Inc. Danbeth would now like to construct the necessary sewer extension and serve their site.

Since the decision to provide sewer service to this Ridgefield site has already been made, the Common Council cannot refuse to grant Danbeth authority to construct the sewer extension which is necessary to connect the site to the City's system. The Common Council does, however, have a responsibility to establish the conditions under which such an extension will be undertaken. Accordingly, it is the recommendation of this office that the Common Council act to formalize the conditions of this extension authorization. A copy of the conditions which are usually imposed by the Common Council upon those seeking to construct sewer extensions is attached hereto as Exhibit B. If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Assistant Corporation Counsel

ELG:cr

Attachments

AGREEMENT

THIS AGREEMENT, made this 19th day of April, 1985, by and between the City of Danbury, Connecticut, (hereinafter referred to as "Danbury") and acting herein by James E. Dyer, its Mayor, hereunto duly authorized by action of the Common Council of said City on September 26, 1984 and the Town of Ridgefield, Connecticut, (hereinafter referred to as "Ridgefield") and acting by, Elizabeth M. Leonard, its First Selectman, hereunto duly authorized by action of its Board of Selectmen on March 6, 1985.

WITNESSETH

1. This Agreement is made pursuant to the authority contained in Section 7-273 of Chapter 103 of the General Statutes of the State of Connecticut, (1958 Rev.) as amended.
2. In consideration of the mutual promises contained herein, the respective parties, and their successors hereby agree as follows:
3. Danbury agrees to provide to Ridgefield sufficient capacity in its trunk sewers, pumping stations and sewage treatment plant (hereinafter referred to as the "facilities", which term shall not include "the line" as hereinafter described) for conveyance, treatment and disposal of an average daily flow of sewage from property located at Turner Road in the Town of Ridgefield in the amount of 20,000 gallons, said average daily flow of sewage to be determined on an annual basis as set forth herein.
4. Danbury further agrees that said facilities shall at all times be of a capacity sufficient to receive and treat a peak rate of flow from Ridgefield of two and one-quarter times the average daily flow, and Danbury agrees to accept and treat said peak flow quantities from Ridgefield from time to time throughout the term of this Agreement and any extension of same. If peak rates of flow from Ridgefield exceed two and one-quarter (2 1/4) times the average daily flow, then Ridgefield agrees to pay for any and all costs or damages incurred because of this flow in excess of permitted peak flow, and further agrees that if said flow in excess of the permitted peak flow cannot be curtailed within a period of ten (10) days or within an extended

16
period approved by Danbury, then any additional facilities required to handle such excess flow shall be installed or constructed at Ridgefield's cost, but if the parties are unable to agree as to the type or size of such additional facilities and cost and method of financing same, then this contract shall be reopened and renegotiated as indicated in Paragraph 11 hereof.

5. It is understood that the sewage to be conveyed, treated and disposed of under the terms of this Agreement shall only be from a sewer line serving land now or formerly of Richardson Vicks, Inc. located on Turner Road, Town of Ridgefield, containing 98.433 acres more or less (hereinafter referred to as "the line").

6. No other connection within the Town of Ridgefield to Danbury's sewage facilities other than that authorized in Paragraph 5 (and other than that authorized in Agreement of October 21, 1975) is hereby authorized without the express written consent of the City of Danbury by any other person, firm or corporation (including any other municipal corporation), and neither Ridgefield nor any agency, board, commission or subdivision of said Ridgefield shall authorize any other sewer connection or tie-in to the line to be constructed or installed within Ridgefield from the Richardson Vicks, Inc. premises to Danbury. Any connection not authorized by Danbury shall immediately breach this Agreement and all of the rights and privileges granted hereunder shall be null and void and this Agreement shall cease and be of no effect. Ridgefield shall, however, have the right to petition for further connections from said premises to the City of Danbury at any time whatsoever, it being understood that the decision on further connections is not arbitrable.

7. Danbury shall have no right, title or interest in or to the line or any sewage facilities located in Ridgefield. Ridgefield shall have no right, title or interest in or to any facilities located in Danbury.

8. Ridgefield shall pay to Danbury a sum of money based upon the actual metered flow of sewage from the 98.433 acre parcel of property on Turner Road to Danbury as more fully set forth herein, and shall also be financially responsible for any necessary expansion to the pumping station which might be required in order to accommodate the Ridgefield sewage flow.

16

9. As part of the initial construction of the line Ridgefield shall install at its cost a recording and totalizing flow meter so that the annual flow from the 98.433 acre parcel of property on Turner Road to Danbury can be metered. Said meter shall be installed in a location mutually agreeable to the City of Danbury and to the Town of Ridgefield. Ridgefield and Danbury shall both have access to the readings of said meter at all times. Ridgefield shall pay to Danbury each year its proportionate share of the costs of the operation of the pumping stations and the sewage treatment plant. Said proportionate share shall be computed by multiplying the total annual operating cost to Danbury for said facilities, which costs shall be separately tabulated, by the percentage of the total annual flow of sewage into said facilities which is attributable to Ridgefield. At the beginning of each fiscal year in Danbury, the Danbury City Engineer shall estimate Ridgefield's proportionate share for said ensuing fiscal year, and shall certify said estimate to both Danbury and Ridgefield, and Ridgefield shall pay said estimated share to Danbury on a quarterly payment schedule commencing on the first day of the Danbury fiscal year. At the end of the Danbury fiscal year, the sum due Danbury from Ridgefield for the preceding year's use shall be determined on the basis of the actual metered flow of sewage from Ridgefield into Danbury, and any balance thus determined to be owing by Ridgefield shall be promptly paid by it to Danbury. In the event Ridgefield shall have paid more than its proper share for the preceding year as thus determined, the amount of such overpayment shall be credited against payments next becoming due from Ridgefield to Danbury.

10. Ridgefield shall assume the responsibility for normal and routine inspection of the line.

11. This Agreement may be re-opened and renegotiated at the request of either municipality if the operating costs are increased as the result of (a) a request by Ridgefield for a greater capacity or (b) a change in process or design required by the State of Connecticut or the United States of America. In the event the parties are unable to agree as to some or all of the matters requiring agreement in connection with such renegotiation, the matters in dispute shall be subject to binding arbitration in the manner set forth in

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paragraph 16 below. The question of additional connections or tie-in's shall not be subject to binding arbitration.

12. All materials and wastes discharged by Ridgefield into said sewerage facilities must conform in all respects and adhere to the ordinances of Danbury and any amendments thereto, statutes and regulations of the State of Connecticut and the laws and regulations of the United States. Sampling and testing procedures shall conform to the latest edition of the Standard Methods for Testing of Water and Wastewater, as published by the American Public Health Association or equivalent or similar publications. If tests indicate that Ridgefield's wastes do not adhere to said ordinances, then:

a. Ridgefield shall pay for all damages and costs incurred because of such discharge;

b. Danbury may require that Ridgefield pretreat its wastes to acceptable levels, or Danbury may impose surcharges for the costs of handling wastes which do not adhere to said ordinances, including those wastes which have concentrations that exceed 350 milligrams per liter of suspended solids or 300 milligrams per liter of biochemical oxygen demand; and

c. Ridgefield agrees to be bound by any reasonable regulations promulgated by the sewer authorities of Danbury.

13. This Agreement shall not be effective until it has been executed by the Mayor of the City of Danbury and the First Selectman of the Town of Ridgefield, as authorized by the Board of Selectmen. The term of this Agreement shall be twenty (20) years from the effective date. At the end of said twenty (20) years, Ridgefield shall have the option to renew this Agreement for a further period of twenty (20) years upon such terms and conditions as are agreed to between the municipalities. In the event that Ridgefield exercises its option to renew this Agreement, but some or all of the terms and conditions cannot be agreed upon, the matters in dispute shall be subject to binding arbitration in the manner set forth in paragraph 16 below.

14. In the event that Ridgefield fails to make the payments required under this Agreement, Danbury, in addition to the legal and equitable remedies which are available to it, and in addition to the right of arbitration as provided for herein, shall have the right to terminate the flow of sewage from Ridgefield into Danbury upon six months' written notice.

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15. In the event that Danbury fails to provide Ridgefield with the capacity or service which is required under this Agreement, Ridgefield, in addition to legal and equitable remedies which are available to it, and in addition to the right of arbitration as provided for herein, shall have the right to suspend payments until the required service or capacity is restored.

16. All claims, demands, disputes, differences, controversies and misunderstandings that may arise between Ridgefield and Danbury under this Agreement, except as to tie-in's and connections, shall be submitted to and be determined and settled by arbitration, in the manner hereinafter set forth, to wit:

Either municipality may by written notice appoint an arbitrator. Thereupon, within ten (10) days after the giving of such notice, the other municipality shall by written notice to the former, appoint another arbitrator, and in default of such second appointment, the arbitrator first appointed shall be the sole arbitrator. When any two arbitrators have been appointed as aforesaid, they shall agree upon a third arbitrator and shall appoint him by notice, in writing, signed by both of them in triplicate, one of which triplicate notices shall be given to each municipality hereto. Upon appointment of the third arbitrator the three arbitrators shall meet and shall give opportunity to each municipality hereto to present its case and witnesses, if any, in the presence of the other, and shall then make their award; and the award of the majority of the arbitrators shall be binding upon the municipalities hereto and judgment may be entered thereon in any court having jurisdiction. Such award shall include the fixing of the expense of the arbitration and assessment of same against either or both municipalities.

17. In the event that there shall be a final adjudication that any provision or provisions of this Agreement is or shall be invalid, illegal or contrary to public policy, such adjudication shall not affect any of the other provisions of this Agreement which other provisions will continue in full force and effect, unless the provision or provisions so adjudicated are so essential to the Agreement as to render performance of the Agreement impossible in their absence.

18. This Agreement shall stand separate and apart from the October, 1975 Agreement between Ridgefield and Danbury pertaining to the Boehringer-Ingelheim property and shall in no way affect or modify that Agreement either directly or by implication.

IN WITNESS WHEREOF, the parties hereto have herunto set their hands and seals the date and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Eric L. Gottschalk
Eric L. Gottschalk
Rose Ann Kruse
Rose Ann Kruse

CITY OF DANBURY
By: James E. Dyer
James E. Dyer, its Mayor
Hereunto duly authorized

Nancy J. Servadio
Nancy J. Servadio
Jeanne M. Hofmann
Jeanne M. Hofmann

TOWN OF RIDGEFIELD
By: Elizabeth M. Leonard
Elizabeth M. Leonard
its First Selectman
Hereunto duly authorized

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD) ss. Danbury

On this the 15th day of March, 1985, personally appeared James E. Dyer, Mayor of the City of Danbury, signer and sealer of the foregoing instrument, he being thereunto duly authorized, who acknowledged that he executed the same in the capacity and for the purpose therein stated, and that the same is his free act and deed, as Mayor, before me.

Eric L. Gottschalk
Eric L. Gottschalk
Commissioner of the Superior Court

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD) ss. Ridgefield

On this the 19th day of April, 1985, personally appeared Elizabeth M. Leonard, First Selectman of the Town of Ridgefield, signer and sealer of the foregoing instrument, she being thereunto duly authorized, who acknowledged that she executed the same in the capacity and for the purpose therein stated, and that the same is her free act and deed, as First Selectman, before me.

Nancy J. Servadio
Nancy J. Servadio
Notary Public
Commissioner of the Superior Court
Commission Expires April 1987

- 14
1. The petitioner shall bear all costs relative to the installation of said sewer & water line.
 2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.
 3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
 4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City of Danbury, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
 5. That upon completion of installation, title to said sewer & water line within City Streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
 6. The petitioner shall convey ownership of and easements to all or such portions of the sewer & water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
Should another, other than the petitioner hold title to any land involved in the approval, then consent prior to any installation or hook-up shall be furnished in a form satisfactory to the City Engineer and Corporation Counsel.
 7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer & water lines.

11
WAYNE A. BAKER
ATTORNEY AT LAW
FIREHOUSE COURT
7 NATIONAL PLACE
P. O. BOX 377
DANBURY, CONNECTICUT 06813

(203) 792-6008

December 20, 1988

Common Council
City of Danbury
c/o City Clerk
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Aracy Freitas
Request for Sewer Extension at 20 Virginia Avenue

Gentlemen:

Enclosed please find Application for Extension of Sewer/Water with regard to property located at 20 and 22 Virginia Avenue. The original application approved by the Common Council April 7, 1987 has expired and an extension is requested by my client, Aracy Freitas, at this time in order to proceed with construction.

Thank you for your consideration and if you should have any questions, please feel free to contact me.

Very truly yours,



Wayne A. Baker

WAB:dle

Enclosure



received
12/7/88

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

December 2, 1988

ENGINEERING DEPARTMENT
(203) 797-4641

JOHN A. SCHWEITZER, JR.
CITY ENGINEER

Mayor Joseph H. Sauer, Jr.
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, Ct. 06810

Dear Mayor Sauer and Common Council Members:

Sunrise Lake Associates
Boulevard Drive
Acceptance of Land

During the November 1, 1988 Common Council meeting, it was requested (Item No. 21) that a report from this office be issued relative to the petition that the City of Danbury accept land at the intersection of Boulevard Drive and Kenosia Avenue from Sunrise Lake Associates.

For your reference enclosed please find a copy of a September 27, 1984 map from our files which shows the 4,652 square feet in question.

This parcel of land was offered to the City and accepted by the Common Council once before. Enclosed please find copies of Attorney David L. Grogins' November 8, 1984 letter and of the section of the Common Council's February 5, 1985 meeting minutes accepting the land.

It is still our recommendation that this land be accepted by the City.

If you have any questions, please contact our office.

Very truly yours,


John A. Schweitzer, Jr.
City Engineer

JAS/PAE/gw
Enclosures

c: Lazlo Pinter

COHEN AND WOLF, P. C.

AUSTIN K. WOLF
MARTIN F. WOLF
ROBERT J. ASHKINS
STUART A. EPSTEIN
BARRY WAXMAN
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
MARTIN J. ALBERT
STEWART I. EDELSTEIN
NEIL R. MARCUS
DAVID L. GROGINS
EMIL H. FRANKEL

ROBERT B. ADELMAN
MICHAEL S. ROSTEN
GRETA E. SOLOMON
ROBIN A. KAHN
JORAM HIRSCH
RICHARD L. NEWMAN
PATRICK J. LAPERA
RICHARD SLAVIN
JUDY A. RABKIN
MARC F. JOSEPH
LINDA LEDERMAN
WILLIAM F. ASKINAZI
CAROLYN K. LONGSTRETH

HERBERT L. COHEN
(1928-1983)

LAW OFFICES

1115 BROAD STREET
P. O. BOX 1621
BRIDGEPORT, CONNECTICUT 06601
(203) 368-0211

158 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810
(203) 792-2771

ONE ATLANTIC STREET
STAMFORD, CONNECTICUT 06901
(203) 864-9907

Danbury

PLEASE REPLY TO _____

RECEIVED
NOV 13 1984
Engineering Dept.

November 8, 1984

The Honorable James E. Dyer, Mayor
City of Danbury
158 Deer Hill Avenue
Danbury, Connecticut 06810

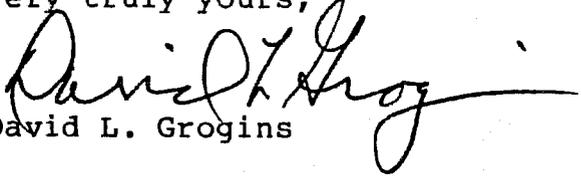
Re: Acceptance of Land for the Reconstruction of Boulevard Drive
from Sunrise Lake Associates

Dear Mayor Dyer:

I am writing to request consideration by your office and the Common Counsel of the acceptance of a small parcel of land more particularly described in a map entitled "Map Showing Land to be Conveyed to City of Danbury by Sunrise Lake Associates, Boulevard Drive, Kenosia Avenue Danbury, Connecticut Scale 1"-40' September 27, 1984", for the purpose of realigning the intersection of Boulevard Drive with Kenosia Avenue. The map is on file in the engineering office and with the office of the corporation counsel.

Your prompt consideration of this matter would be appreciated.

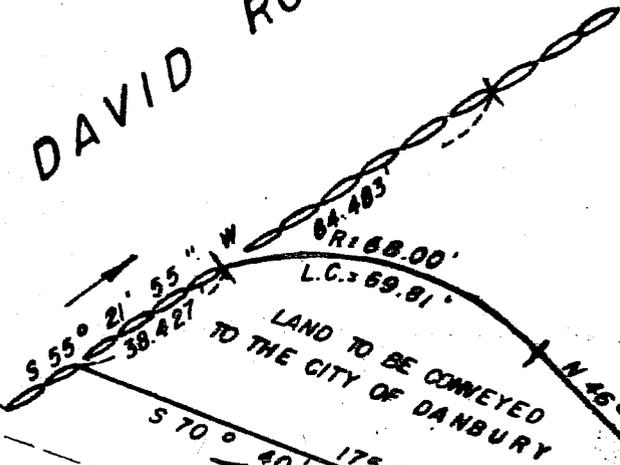
Very truly yours,


David L. Grogins

DLG/cab

DAVID ROBINSON

OTHER LAND OF
SUNRISE LAKE ASSOCIATES



LAND TO BE CONVEYED
TO THE CITY OF DANBURY

S 70° 40' 45" E
175.00'

N 46° 58' 53" W
93.85'

742.49' TO PROPERTY CORNER

PHENOSIA AVENUE

BOULEVARD DRIVE

AVENUE

OTHER LAND OF
SUNRISE LAKE
ASSOCIATES

POLE NO. 4623

POLE NO. 1870

HYDRANT

CONNECTICUT GRID NORTH

NOTE: REFERENCE MADE TO MAP NO. 6598
OF THE DANBURY LAND RECORDS

Feb. 5, 1985

034 - REPORT -Acceptance of Land on Boulevard Drive.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a request from Sunrise Lake-Merrimac Associates to accept a parcel of property on Boulevard Drive. This Property will contain a newly built road that will replace the present section of Boulevard Drive in that area.

An on-site inspection of the property was conducted by the committee. Public Works Department personnel reported that the proposed new section of road will be of benefit to the City as it improves the intersection of Boulevard Drive and Kenosia Avenue. The new roadway intersects at almost a 90 degree angle as opposed to the present very sharp angle necessary for a left turn. This provides a higher safety factor for traffice in this area.

The Public Works Committee recommends acceptance of the land proposed on the map submitted dated 9/27/1984. This acceptance to be contingent of the completion of the new roadway in a manner acceptable to the Public Works Department and the proper landscaping of the existing roadway which will no longer be in use.

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



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

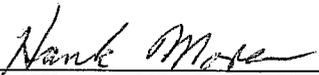
Re: Payment of Delinquent Taxes

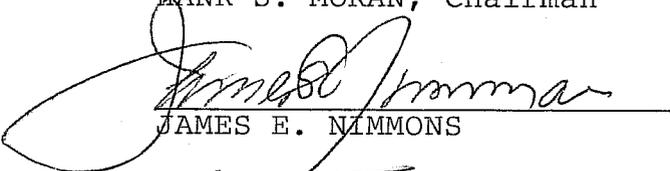
The Common Council Committee appointed to review the payment of delinquent taxes met on Monday, December 19, 1988 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Moran, Nimmons and Charles. Also present were Comptroller Dominic Setaro, Assistant Corporation Counsel Eric Gottschalk and Council Member John Esposito, ex-officio.

Mr. Setaro explained the need for a procedural change in collecting payment of delinquent taxes on automobiles. He stated that in some case, personal checks were bad and although the numbers were not great, they are substantial enough to warrant a change in procedure.

After a brief discussion, Mr. Charles made a motion to recommend to the Common Council that the Corporation Counsel be authorized to draft an ordinance requiring that all automotive delinquent taxes be paid by cash, bank check, money order or credit card only. Seconded by Mr. Nimmons. Motion carried unanimously.

Respectfully submitted,


HANK S. MORAN, Chairman


JAMES E. NIMMONS


LOUIS T. CHARLES



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 18-21, which said section reads as follows:

The Tax Collector of the City of Danbury shall not accept payment of any delinquent motor vehicle personal property tax unless said payment is made in cash or by bank check, money order or through the use of a credit card which has been approved by the said Tax Collector.



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1988

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Reconstruction of the East Franklin Street Bridge

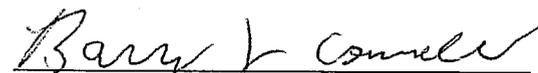
The Common Council Committee appointed to review the reconstruction of the East Franklin Street Bridge met in Room 432 on December 19, 1988 at 6:45 P.M. in City Hall. In attendance were committee members Moran, Connell and Esposito. Also present were Comptroller Dominic Setaro, Assistant Corporation Counsel Eric Gottschalk and City Engineer Jack Schweitzer.

Mr. Setaro stated that on August 5, 1986, the Common Council approved a resolution for reconstruction of the East Franklin Street Bridge at a cost of \$483,550. The eligible grant from the State was 29.9% or \$144,581. Since that time, the cost has risen to \$502,000 without a pumping station that was required in the original proposal. This is no longer required as stated by Mr. Schweitzer. The State's share is now at 30.48% or \$147,000 leaving the City's share at \$355,000. Mr. Setaro stated that the City has the money to do this work in two (2) separate accounts. There is \$199,000 in one account and \$192,000 in the other for a total of \$391,000.

Mr. Esposito made a motion that this committee recommend to the Common Council that it adopt a resolution with the modification of new figures and that the funds be appropriated. Seconded by Mr. Connell. Motion carried unanimously.

Respectfully submitted,


HANK S. MORAN, Chairman


BARRY J. CONNELL


JOHN J. ESPOSITO



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1988

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Reconstruction of the East Franklin Street Bridge

The Common Council Committee appointed to review the reconstruction of the East Franklin Street Bridge met in Room 432 on December 19, 1988 at 6:45 P.M. in City Hall. In attendance were committee members Moran, Connell and Esposito. Also present were Comptroller Dominic Setaro, Assistant Corporation Counsel Eric Gottschalk and City Engineer Jack Schweitzer.

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Mr. Esposito made a motion that this committee recommend to the Common Council that it adopt a resolution with the modification of new figures and that the funds be appropriated. Seconded by Mr. Connell. Motion carried unanimously.

Respectfully submitted,

HANK S. MORAN, Chairman

BARRY J. CONNELL

JOHN J. ESPOSITO

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation through its Local Bridge Program has made funds available to municipalities; and

WHEREAS, the East Franklin Street Bridge is in need of reconstruction; and

WHEREAS, the total cost of such reconstruction is in the estimated amount of \$502,000.00; and

WHEREAS, on August 25, 1983 a bond authorization was adopted by the Common Council and was subsequently approved through referendum on November 8, 1983 with a then local match for the reconstruction project in the amount of \$338,969.00; and

WHEREAS, the grant from the State of Connecticut is 30.48% of the eligible total cost of said reconstruction resulting in a state project grant of \$147,000.00 leaving a total estimated required local share of \$355,000.00;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Joseph H. Sauer, Jr. be and hereby is authorized to make application and contract for said funds and to take any additional actions necessary to accomplish the purposes hereof.

22

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury desires to install and maintain a sewer line in the area of Federal Road and Beaver Brook Road on property owned by The Consolidated Rail Corporation; and

WHEREAS, the petitioner, SP Development Company desires access to said line; and

WHEREAS, the City of Danbury is required to execute a License Agreement with The Consolidated Rail Corporation in order to install said line, maintain same, and occupy said property;

NOW, THEREFORE, BE IT RESOLVED THAT Joseph H. Sauer, Jr., Mayor of the City of Danbury, be and hereby is authorized to execute the attached License Agreement between the City of Danbury and The Consolidated Rail Corporation.

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19



RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to install and maintain a sewer line in the area of Federal Road and Beaver Brook Road on property owned by The Consolidated Rail Corporation; and

WHEREAS, the petitioner, SP Development Company desires access to said line; and

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

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

WHEREAS, the petitioner, SP Development Company, is willing to reimburse the City of Danbury for all costs incurred pursuant to the License Agreement and otherwise protect the City of Danbury from liability arising by virtue of said license;

NOW, THEREFORE, BE IT RESOLVED THAT Joseph H. Sauer, Jr., Mayor of the City of Danbury, be and hereby is authorized to execute the attached agreement between the City of Danbury and the petitioner, SP Development Company.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Agreement between the City and SP Development
Company

The ad hoc committee appointed to review an agreement between the City of Danbury and SP Development Company for construction of a sewer line through properties of Consolidated Rail Corp. met on December 22, 1988 at 10:00 a.m. in the Engineering Department in City Hall. In attendance were committee members Regan and Bundy. Also present were Jack Schweitzer, City Engineer and Assistant Corporation Counsel Eric Gottschalk.

Mr. Regan stated that the Planning Commission voted a positive recommendation for this agreement at its December 7, 1988 meeting. Mr. Schweitzer stated that the sewer extension that this easement is needed for has already been approved and all that is needed is approval of the agreement to go ahead with the project. Mr. Gottschalk explained that the railroad will not enter into agreements designed to permit construction within the railroad right of way with anyone but the City. What the City has done in the past is to enter into agreements with both the railroad and the ultimate user. The City agrees to be the "licensee" and the petitioner agrees to reimburse the City for any costs. Attached are two resolutions doing this.

Mr. Bundy made a motion to recommend to the Common Council that the Resolutions and Agreement be accepted and executed. Seconded by Mr. Regan. Motion carried unanimously.

Respectfully submitted,

ARTHUR D. REGAN

ROGER M. BUNDY

JANET D. BUTERA



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Danbury Brass Band

The Common Council Committee appointed to review the request of the Danbury Brass Band to be considered the "official" band of Danbury met on December 28, 1988 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Bundy. Also attending were Thomas Fabiano, Risk Manager of the City of Danbury, Alan Raph and Cordalie Benoit from the Danbury Brass Band.

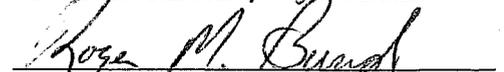
Mr. Raph stated that the Danbury Brass Band had received a one million dollar liability policy also naming the City of Danbury as insured and that the Band would sign a hold harmless agreement with the City.

Mr. Fabiano stated that with the approved insurance policy and hold harmless agreements he had no objection to the band being considered Danbury's "official" band.

Mr. Bundy made a motion to recommend to the Common Council that the Danbury Brass Band be considered Danbury's "official" Band subject to the Corporation Counsel's approval of the insurance certificate and hold harmless agreements. Seconded by Mr. Regan and passed.

Respectfully submitted,


ARTHUR REGAN, Chairman


ROGER BUNDY


LOUIS CHARLES



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Danbury Brass Band

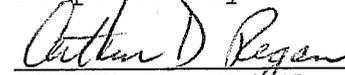
The Common Council Committee appointed to review the request of the Danbury Brass Band to be considered Danbury's official brass band met on December 15, 1988 at 7:00 P.M. in the Fourth Floor lobby in City Hall. In attendance were committee members Regan and Charles. Also attending were Risk Manager Tom Fabiano and the Musical Director of the Brass Band, Alan Raph.

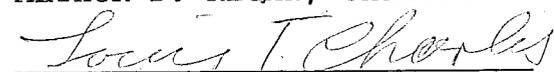
Mr. Regan stated that in a letter from the Corporation Counsel it was stated that since the title "official" was to be an honorary title without any financial obligation or risk to the City that through the use of insurance, together with appropriate release and hold harmless agreements, the City could be amply protected against a claim.

Mr. Fabiano said that his concerns are putting the City at risk if there is an association with anyone and they are sued. The City could also be sued. Even if no judgement were rendered against the City there would still be defense costs related to the suit. Mr. Fabiano stated that if the Danbury Brass Band had a liability insurance policy of 1 million dollars also naming the City as an insured that would be enough coverage for him to approve the request.

Mr. Raph listed all the reasons he would like the "official" title for the band (see attached) and said he would look into obtaining the insurance and get back to the committee. Mr. Regan made a motion to postpone making a decision until all information is received regarding the insurance. Seconded by Mr. Charles. Motion carried unanimously.

Respectfully submitted,


ARTHUR D. REGAN, Chairman


LOUIS T. CHARLES


ROGER M. BUNDY



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

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Respectfully submitted,

ARTHUR REGAN, Chairman

ROGER BUNDY

LOUIS CHARLES



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

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Respectfully submitted,

ARTHUR D. REGAN, Chairman

LOUIS T. CHARLES

ROGER M. BUNDY



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ROBERT T. RESHA
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
LASZLO L. PINTER
JOHN JOWDY
GEORGE S. SAKELLARES
ASSISTANT CORPORATION
COUNSEL

PLEASE REPLY TO:

DANBURY, CT 06810

December 14, 1988

Councilman Arthur Regan
City Hall
155 Deer Hill Avenue
Danbury, CT 06810

Re: The Danbury Brass Band

Dear Councilman:

Please accept this letter in response for your request for a report regarding the above referenced topic. It appeared on the December Common Council agenda as item number 24. The request of the Danbury Brass Band was to be named as the "official" brass band of the City of Danbury. The letter from the band indicated that it was their wish to obtain that title in a honorary capacity only without financial obligation or risk to the City.

On that basis, I believe that through the use of insurance together with appropriate release and hold harmless agreements, the City could be amply protected against a claim that the actions or inactions of the band could in any way be attributed to the City. Assuming that the band and its members are willing to sign the necessary documents, this office would have no objection to the proposal. It should be made clear however that the action of the Council is honorary only, and as such, entails no right to funding or to bind the City with respect to any responsibilities or liabilities of the band.

By copy of this letter I have requested that the City's Risk Manager, Mr. Thomas Fabiano, review this matter with our insurance carriers to determine how best to protect the interests of the City from an insurance perspective.

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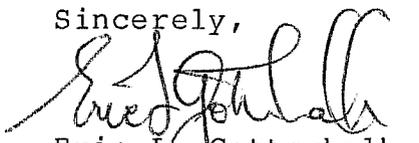
Councilman Arthur D. Regan
Re: The Danbury Brass Band

December 14, 1988

- 2 -

Once I have received a response from Mr. Fabiano I will forward it to you with whatever comments are appropriate.

Sincerely,



Eric L. Gottschalk
Assistant Corporation Counsel

ELG:g

c: Thomas Fabiano, Jr.
Risk Manager

PROPOSAL: Danbury's 'Official' Band ... Questions & Answers**1. Why the 'Official' Band designation?**

Along with Danbury's present growth and expansion is a cultural history that is quite unique. The Ives family was a direct product of the 'American Band Movement' and BRASS bands were the order of the day.

An 'official' band is not a new concept, other cities have them (Jacksonville, Detroit...). It is an excellent means of enhancing a city's visibility. How many moderately sized cities are thought of in a special way through their teams (Green Bay, Edmonton) their colleges (Princeton, South Bend) or even through a song (Chatanooga, Kalamazoo)?

An 'official' band is a representative of its city wherever it plays.

2. Why the Danbury Brass Band?

The Danbury Brass Band is a local product which has attained world-class status ... much like the Danbury Fair or Danbury's famous hats of earlier days.

The Danbury Brass Band is dedicated to presenting FREE concerts to the people of the area. It is well known for the high musical quality of its programs.

The band travels:

... Recently gaining acclaim at the North American Brass Band Association (NABBA) Championships (April 9, 1988). ... Invited to perform at the New York City Brass Conference (Roosevelt Hotel April 2, 1989). ... Presently arranging an exchange concert series with the BERMUDA Regiment Band for next July (1989).

3. What will the band gain from 'official' status?

Identity! We live and work here. We feel a pride in our music and our location which we seek to share with friends and neighbors.

Official recognition by the city will give the band additional purpose and direction thereby increasing its service to the community, while instilling a pride among its members.

4. What about Danbury's other musical organizations?

The Danbury Music Center ensembles and the Drum and Bugle Corps. and other groups are all fine community serving groups. The Danbury Brass Band is however a PROFESSIONAL ensemble and the only one in town which meets on a regular basis for the sole purpose of self-improvement and expanding its repertoire. Every Wednesday evening finds the band working at Hancock Hall from 7:30 to 10:00 to achieve this.

The Danbury Brass Band is community-serving and professional it represents the finest in musical quality.

5. How much will it cost the city?

Nothing! Our funding comes from individual memberships; cultural, business, and corporate grants; and from payment for concerts from the sponsoring organizations.

All we ask from the city is a 'designation'.

6. What about city-liability?

We are a non-profit organization performing for the people of the Danbury area. Whether or not we have an official-band designation our liability factors are the same as any other group giving a free concert on city or private property.

SUMMARY - Danbury is called the number-one city in America
the Danbury Brass Band has emerged from this city
and can be a fine representative.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Procedures to Defray Costs of Ambulance Services

The Common Council Committee appointed to review procedures to defray costs of ambulance services met in Room 432 in City Hall on December 19, 1988 at 7:00 P.M. Present were committee members Moran, Connell and Gallo. Also present were Fire Chief Charles Monzillo, Tony Lagarto and Michael Esposito from the Fire Department. Council Members Charles, Esposito, Shaw and Renz attended ex-officio.

Chief Monzillo gave an overview of his ambulance service report and proposal stating that if a provider such as Danbury Ambulance Service or Ace were used, they would charge 100% of the maximum allowable by the State. This year, as of December 18, 566 calls have been given to providers because A-2 was unable to respond. Using a base rate of \$135.20 per call, 342 calls represents a loss to the City of \$46,238.40 and 224 nightcalls (7 p.m. to 7 a.m.) represents a loss of \$36,243.20 for a total of \$82,481.60. Chief Monzillo estimated a gross of between \$775,000 and \$800,000 could be realized by the City and with a 66% collectible, the total net to the City could be \$511,000. He suggested a one year trial period for this proposal. He also stated that this would be a one time billing to the patient's insurance company and no bill would be sent to the patient.

Mr. Connell asked if time would be lost responding to another call while doing paperwork at the hospital. Mr. Esposito said that the paperwork would be done by the hospital and a copy sent to the Fire Department. Mr. Renz stated that the timing may not be right and the public may not receive it well. Mr. Setaro said that a separate line item could be established to control this procedure. Mr. Gottschalk said that this procedure was legal and could be done.

Mr. Connell made a motion that the committee recommend to the Common Council that the ambulance service continue in the same manner as present. Seconded by Mr. Gallo. Motion carried unanimously.

Respectfully submitted,

BERNARD P. GALLO

HANK S. MORAN, Chairman

BARRY J. CONNELL



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Combining Engines 23 and 7

The ad hoc committee appointed to study combining Engine Company 23 and Engine Company 7 met on December 8, 1988 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Connell, Gallo and Cresci. Also present were Council Members Shaw, Bundy and Bourne, ex-officio, Dominic Setaro, Deputy Fire Chief Jack Murphy and Chief Anthony Lagarto, Dr. Singe, John Pepe and members of the Water Witch Hose Company.

Discussion determined that property was made available by the Board of Education. Said property is located to the left of the entrance to Broadview Junior High School. This property was further accepted by the Fire Department as being suitable to facilitate the proposed merger of the two engine companies. It was further determined that the Engineering Department studied said property and made a recommendation as to its adaptability for use as proposed. Also Corporation Counsel should be involved in as much as the property must be transferred from the Board of Education to the City.

Mr. Cresci made a motion that the committee refer this matter to the Engineering Department for a feasibility study with a report back in thirty days and that an upgraded appraisal be done on both Engine Company 7 and Engine Company 23. The appraisals are to be done for a two bay and a four bay facility. Seconded by Mr. Gallo. Motion carried unanimously. The Board of Education agreed to provide a report back to the committee as soon as possible.

Respectfully submitted,

GARY D. RENZ

BARRY J. CONNELL

JOHN J. ESPOSITO

BERNARD P. GALLO

ARTHUR T. CRESCI



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Request for Funds for Overtime Account - Fire
Department

The ad hoc committee appointed to review the request for funds for the overtime account for the Fire Department met on December 19, 1988 at 7:45 P.M. in Room 432 in City Hall. In attendance were committee members Connell, Esposito and Renz. Also in attendance were Fire Chief Monzillo, Chief Designate Lagarto, Comptroller Dominic Setaro, Personnel Director Manny Merullo, Louis DeMici and Louis Report from the Fire Union.

Mr. Renz voiced a concern about a possible conflict of interest regarding a committee member who has relatives employed by the Fire Department. Mr. Renz requested an opinion from the Corporation Counsel. Mr. Connell invited Assistant Corporation Counsel Eric Gottschalk into the meeting. Mr. Gottschalk advised that he would have to study the matter and respond at a later date.

Mr. Renz made a motion to table discussion until Mr. Gottschalk could respond as to whether or not there is a conflict of interest specifically regarding a member of the committee who has relatives employed by the Fire Department. Seconded by Mr. Connell. Mr. Renz and Mr. Connell voted in the affirmative, Mr. Esposito in the negative. Motion carried. Mr. Connell agreed to make the request called for in the motion and upon receiving an answer will schedule another meeting.

Respectfully submitted,

BARRY J. CONNELL, Chairman

GARY D. RENZ

JOHN J. ESPOSITO



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Errichetti Downtown Redevelopment Project

The Committee appointed to study the Downtown Redevelopment Project met on December 21, 1988 at 7:00 P.M. in Room 432 in City Hall. In attendance were committee members Bundy, Connell, DaSilva and Flanagan. Also in attendance were Robert T. Resha, Corporation Counsel, Assistant Corporation Counsel Eric Gottschalk and Dr. Robert Fand.

The discussion focused on what authority, if any, the Common Council has as regards the Erichetti Project, keeping in mind that the Council did indeed approve two resolutions. The first was on February 5, 1985 wherein the City entered into a Master Agreement with Erichetti Associates and the second on June 3, 1986 which contained three provisions:

1. Development Plan which granted approval for plans regarding parcel A.
2. Mayor and Redevelopment Agency (RDA) grant and convey land to Errichetti.
3. Mayor and RDA can execute all necessary deeds.

All three of the aforementioned provisions were and are subject to the terms and conditions of the Master Agreement and were to be adhered to before any development took place. What happened was Mr. Errichetti began making improvements to the property before the conditions of the June 3, 1986 resolution were met. Errichetti has not yet taken title to the property nor has the City or RDA taken delivery of a performance and payment bond or letter of credit as required in the Master Agreement.

The Phase Agreement for construction was to be implemented within ninety (90) days of the June 3, 1986 resolution and as of this date has still not been done. This is so because a pre-condition of the Phase Agreement is that the City be in receipt of either a bond or letter of credit as described in the Master Agreement.

The committee and Corporation Counsel agreed that the following is an accurate accounting of the chain of events leading to a possible breach of the Master Agreement:

1. Construction and improvements did take place before the provisions of the June 3, 1986 resolution were met which is a violation of the Master Agreement. A question arises as to whether permission was granted from proper authorities that allowed Errichetti to proceed for some reason. If that is the case, who granted the permission and why.

2. The City still does not have a required bond or letter of credit that meets the terms of the Master Agreement.

3. No transfer of property has taken place.

As far as the Council's authority is concerned, it would seem that as long as the two Resolutions and the Master Agreement are not changed in any way, the RDA is the responsible authority to determine whether or not the redeveloper (Errichetti) is in breach or not and, is responsible for acceptance or rejection of the proposed bond.

The committee asked Corporation Counsel to respond in writing as regards the following:

1. The two items found in the December 14, 1988 letter from Councilman Bundy to Attorney Resha (attached).

2. Find and report the approval (either in writing or as contained in any minutes of an RDA meeting) which gave Errichetti the right to begin improvements on the property before meeting the terms of the June 3, 1986 resolution and Master Agreement.

3. A conclusive assessment as to whether or not the bond offered meets the terms of the Master Agreement.

4. Determine whether there is evidence which shows that Errichetti attempted to secure a letter of credit.

This committee will reconvene in January, 1989 after receiving Corporation Counsel's response. However, since it is apparent that there are discrepancies between the intent of the two resolutions and what actually took place, it is the intent of the committee to urge Mayor Sauer to act regarding RDA's planned acceptance of what may be an inferior bond (not meeting the Master Agreement's specifications) and transfer of City owned land to Mr. Errichetti. The committee urges that the Mayor do all he possibly can to protect the rights of our municipality until Corporation Counsel answers our questions.

Respectfully submitted,

STEPHEN T. FLANAGAN

ROGER M. BUNDY, Chairman

GARY D. RENZ

BARRY J. CONNELL

JOSEPH DaSILVA



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

December 14, 1988

Robert T. Resha, Esq.
City Hall
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Committee to Study Downtown Redevelopment Project
(Erichetti)

Dear Bob:

This letter serves as a formal request for a legal opinion regarding the following:

1. Can the Danbury Common Council nullify and/or declare null and void the resolutions of June 3, 1986 and February 5, 1985 regarding the Downtown Redevelopment Project.
2. Can the Danbury Common Council approve and enact legislation specifically as proposed by me at the December 6, 1988 Danbury Common Council meeting which was:

"Based on the report from the Corporation Counsel, I and Councilman Stephen Flanagan would like to make a motion to recommend that the Mayor declare John A. Erichetti in default under the Pre-Development/Master Agreement and direct the Corporation Counsel to take appropriate steps to terminate said agreement and pursue whatever remedies are available to compensate the City for the damages it has sustained as a result of the redeveloper's breach of contract."

Bob, I would like an opinion and statement of fact from you in writing before I hold a formal committee meeting to study the issue.

Sincerely,

Roger M. Bundy
Council Member at Large

cc: Common Council Members
Mayor Joseph H. Sauer

redevelopment incidental to the foregoing, the exercise of powers by municipalities acting through agencies known as redevelopment agencies as herein provided, and any assistance which may be given by any public body in connection therewith, are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions of this chapter is hereby declared as a matter of legislative determination.

(1949 Rev., S. 988; 1953, S. 483d; November, 1955, S. N30; 1959, P.A. 397, S. 1.)

History: 1959 act added word "deteriorating."

Inclusion within area of certain properties which are not substandard does not constitute unreasonable or arbitrary action because it is condition obtaining as to entire area and not as to individual properties which is determinative. 147 C. 321. Addition of word "deteriorating" indicates legislative intent that section is to be liberally construed. Id. In determination whether property which is not substandard is essential to plan of redevelopment, condition obtaining as to entire area and not as to individual properties is determinative. Condition of plaintiffs' buildings and use to which they are devoted have significance on question whether they could not be successfully integrated into overall plan for area in order to achieve its objective. If they could not be, then acquisition of property was essential to complete an adequate unit of development, even though the property was not, in itself, substandard. 150 C. 42. Cited. 162 C. 531.

Sec. 8-125. Definitions. As used in this chapter.

(a) "Redevelopment" means improvement by the rehabilitation or demolition of structures, by the construction of new structures, improvements or facilities, by the location or relocation of streets, parks and utilities, by replanning or by two or more of these methods;

(b) "Redevelopment area" means an area within the state which is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community. An area may consist partly or wholly of vacant or unimproved land or of land with structures and improvements thereon, and may include structures not in themselves substandard or insanitary which are found to be essential to complete an adequate unit of development, if the redevelopment area is deteriorated, deteriorating, substandard or detrimental. An area may include properties not contiguous to each other. An area may include all or part of the territorial limits of any fire district, sewer district, fire and sewer district, lighting district, village, beach or improvement association or any other district or association, wholly within a town and having the power to make appropriations or to levy taxes, whether or not such entity is chartered by the general assembly;

(c) A "redevelopment plan" shall include: (1) A description of the redevelopment area and the condition, type and use of the structures therein; (2) the location and extent of the land uses proposed for and within the area, such as housing, recreation, business, industry, schools, civic activities, open spaces or other categories of public and private uses; (3) the location and extent of streets and other public utilities, facilities and works within the area; (4) schedules showing the number of families displaced by the proposed improvement, the method of temporary relocation of such families and the availability of sufficient suitable living accommodations at prices and rentals within the financial reach of such families and located within a reasonable distance of the area from which they are displaced; (5) present and proposed zoning regulations in the redevelopment area; (6) any other detail including financial aspects of redevelopment which, in the judgment of the redevelopment agency authorized herein, is necessary to give it adequate information.

(d) "Planning agency" means the existing city or town plan commission or, if such agency does not exist or is not created, the legislative body or agency designated by it.

DEPARTMENT OF HOUSING:
REDEVELOPMENT AND URBAN RENEWAL.
DEPARTMENT OF ECONOMIC DEVELOPMENT:
FEDERAL AID

(e) "Redeveloper" means any individual, group of individuals or corporation or a municipality or other public agency including any housing authority established pursuant to chapter 128;

(f) "Real property" means land, subterranean or subsurface rights, structures, and all easements, air rights and franchises and every estate, right or interest therein

(1949 Rev., S. 979; 1953, 1955, S. 484d; 1957, P.A. 13, S. 51; 1959, P.A. 397, S. 2; 1967, P.A. 880; 1972, P.A. 99, S. 1.)

History: 1959 act added "deteriorating" in Subdiv. (b); 1967 act amended Subsec. (b) to allow inclusion of all or parts of listed types of districts and associations and others in areas whether or not such districts and associations are chartered by general assembly; 1972 act added Subsec. (f) defining "real property".

Subsec. (b):

Inclusion within area of certain properties which are not substandard does not constitute unreasonable or arbitrary action because it is condition obtaining as to entire area and not as to individual properties which is determinative. 147 C. 321. Addition of word "deteriorating" indicates legislative intent that subsection is to be liberally construed. Id. Cited. 148 C. 517. In determination whether property which is not substandard is essential to plan of redevelopment, condition obtaining as to entire area and not as to individual properties is determinative. Condition of plaintiffs' buildings and use to which they are devoted have significance on question whether they could be successfully integrated into overall plan for area in order to achieve its objective. If they could not be, then acquisition of the property was essential to complete an adequate unit of development even though the property was not, in itself, substandard. 150 C. 42.

Subsec. (f):

Real property for purpose of taking includes every structure affixed to the soil so as to become part of real estate. 173 C. 525, 534.

Sec. 8-126. Redevelopment agency. The legislative body of any municipality may designate as a redevelopment agency the housing authority of the municipality or the Connecticut housing authority, or may create a new redevelopment agency to consist of electors resident therein. The members of any redevelopment agency so created shall be appointed by the chief executive of a city or borough or by the board of selectmen of a town with the approval of the legislative body. Those first appointed shall be designated to serve for one, two, three, four and five years, respectively, and thereafter members shall be appointed annually to serve for five years. Each member shall serve until his successor is appointed and has qualified and any vacancy shall be filled for the unexpired term. Action by any redevelopment agency shall be taken only on the majority vote of all the members. A redevelopment agency shall select from among its members a chairman and a vice-chairman, and may employ a secretary and such other officers, agents, technical consultants, legal counsel and employees as it requires. The members shall serve without compensation but may be reimbursed for necessary expenses.

(1949 Rev., S. 980; 1957, P.A. 13, S. 52; 125, S. 1; 1961, P.A. 224; 1967, P.A. 522, S. 8; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-598, S. 3, 4, 10; P.A. 86-281, S. 9.)

History: 1961 act added provision member to serve until successor appointed and qualified; 1967 act substituted commissioner of community affairs for public works commissioner; P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 86-281 replaced "commissioner of housing or other appropriate state agency" with "Connecticut housing authority".

Under municipal ordinance members of redevelopment agency were appointed by board of selectmen but ordinance did not require approval of legislative body; held appointments were not valid as statute had not been followed. 148 C. 517. Cited. 158 C. 367, 522.

When power to appoint has been validly exercised, subsequent action by appointing authority to reconsider such appointment held void. 21 CS 123. Mayor cannot remove member appointed hereunder except for legal cause since appointment is for a definite term and statute does not provide for power of removal. 25 CS 392-398.

Sec. 8-126a. Agency employees not to promote political parties or members. No person shall cause any employee of a redevelopment agency to promote any political party or member thereof.

the purpose of promoting a political party or any member thereof.

(February, 1965, P.A. 541, S. 4.)

Sec. 8-127. Initiation and approval of redevelopment plan. The redevelopment agency may prepare, or cause to be prepared, a redevelopment plan and any redeveloper may submit a redevelopment plan to the redevelopment agency, and such agency shall immediately transmit such plan to the planning agency of the municipality for its study. The planning agency may make a comprehensive or general plan of the entire municipality as a guide in the more detailed and precise planning of redevelopment areas. Such plan and any modifications and extensions thereof shall show the location of proposed redevelopment areas and the general location and extent of use of land for housing, business, industry, communications and transportation, recreation, public buildings and such other public and private uses as are deemed by the planning agency essential to the purpose of redevelopment. Appropriations by the municipality of any amount necessary are authorized to enable the planning agency to make such comprehensive or general plan. The redevelopment agency shall request the written opinion of the planning agency on all redevelopment plans prior to approving such redevelopment plans. Before approving any redevelopment plan, the redevelopment agency shall hold a public hearing thereon, notice of which shall be published at least twice in a newspaper of general circulation in the municipality, the first publication of notice to be not less than two weeks before the date set for the hearing. The redevelopment agency may approve any such redevelopment plan if, following such hearing, it finds that: (a) The area in which the proposed redevelopment is to be located is a redevelopment area; (b) the carrying out of the redevelopment plan will result in materially improving conditions in such area; (c) sufficient living accommodations are available within a reasonable distance of such area or are provided for in the redevelopment plan for families displaced by the proposed improvement, at prices or rentals within the financial reach of such families; and (d) the redevelopment plan is satisfactory as to site planning, relation to the comprehensive or general plan of the municipality and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out. No redevelopment plan for a project which consists predominantly of residential facilities shall be approved by the redevelopment agency in any municipality having a housing authority organized under the provisions of chapter 128 except with the approval of such housing authority. The approval of a redevelopment plan may be given by the legislative body or by such agency as it designates to act in its behalf.

(1949 Rev., S. 981; 1951, 1953, S. 485d; 1957, P.A. 13, S. 53.)

What constitutes fair opportunity to be heard at public hearing. 147 C. 321. Strict compliance with procedure set out by statute is necessary in order to validly adopt a redevelopment plan. 148 C. 517. Plan not valid since it was not first submitted to planning commission and no meeting or hearing on it was ever held. Id. General assembly has delegated to the agency power to prepare a redevelopment plan within prescribed limits. Such authority having been reposed in the agency, its decision is conclusive unless, on judicial review, it is found to be unreasonable, or the result of bad faith, or an abuse of power conferred. 150 C. 42. Taking of land by Hartford for redevelopment was for a public purpose, although individuals might benefit thereby and was constitutional. 156 C. 521. Due process was satisfied when plaintiff whose property was taken for redevelopment attended hearing and his questions regarding project were answered. Id. Cited. 158 C. 522. Modification of plan adopted under this section subject only to procedures of section 8-136. 159 C. 116. Cited. 161 C. 234.

Sec. 8-128. Acquisition or rental of real property in redevelopment area. Within a reasonable time after its approval of the redevelopment plan as hereinbefore provided, the redevelopment agency may proceed with the acquisition or rental of real property by purchase, lease, exchange or gift. The redevelopment agency may acquire real property by eminent domain with the approval of the legislative body of the

municipality and in accordance with the provisions of sections 8-129 to 8-133, inclusive, and this section. Real property may be acquired previous to the adoption or approval of the project area redevelopment plan, provided the property acquired shall be located within an area designated on the general plan as an appropriate redevelopment area or within an area whose boundaries are defined by the planning commission as an appropriate area for a redevelopment project, and provided such acquisition shall be authorized by the legislative body. The redevelopment agency may clear, repair, operate or insure such property while it is in its possession or make site improvements essential to preparation for its use in accordance with the redevelopment plan.

(1949 Rev., S. 982; 1955, S. 486d; November, 1955, S. N31; 1957, P.A. 13, S. 54.)

Cited. 141 C. 135. Acquisition of property must be for a public purpose and decision of condemnor, while conclusive, is open to judicial review as to abuse of power. 146 C. 237. Redevelopment agency has no right to acquire riparian rights by eminent domain under this section prior to legal adoption of general redevelopment plan. 148 C. 517. Redevelopment agency not authorized to take property already devoted to public use. 155 C. 202, 203. Damages for loss of a business cannot be included in damages, but could affect valuing of property in eminent domain proceedings. 158 C. 37. Cited. 160 C. 492. Cited. 1 CA 20, 21.

Sec. 8-129. Agency to determine compensation and file with superior court and town clerks; notice to owners and interested parties. Possession of land. Certificate of taking. The redevelopment agency shall determine the compensation to be paid to the persons entitled thereto for such real property and shall file a statement of compensation, containing a description of the property to be taken and the names of all persons having a record interest therein and setting forth the amount of such compensation, and a deposit as provided in section 8-130, with the clerk of the superior court for the judicial district in which the property affected is located. Upon filing such statement of compensation and deposit, the redevelopment agency shall forthwith cause to be recorded, in the office of the town clerk of each town in which the property is located, a copy of such statement of compensation, such recording to have the same effect as and to be treated the same as the recording of a lis pendens, and shall forthwith give notice, as hereinafter provided, to each person appearing of record as an owner of property affected thereby and to each person appearing of record as a holder of any mortgage, lien, assessment or other encumbrance on such property or interest therein (a), in the case of any such person found to be residing within this state, by causing a copy of such notice, with a copy of such statement of compensation, to be served upon each such person by a sheriff, his deputy or a constable or an indifferent person, in the manner set forth in section 52-57 for the service of civil process and (b), in the case of any such person who is a nonresident of this state at the time of the filing of such statement of compensation and deposit or of any such person whose whereabouts or existence is unknown, by mailing to each such person a copy of such notice and of such statement of compensation, by registered or certified mail, directed to his last-known address, and by publishing such notice and such statement of compensation at least twice in a newspaper published in the judicial district and having daily or weekly circulation in the town in which such property is located. Any such published notice shall state that it is notice to the widow or widower, heirs, representatives and creditors of the person holding such record interest, if such person is dead. If, after a reasonably diligent search, no last-known address can be found for any interested party, an affidavit stating such fact, and reciting the steps taken to locate such address, shall be filed with the clerk of the superior court and accepted in lieu of mailing to the last-known address. Not less than twelve days nor more than ninety days after such notice and such statement of compensation have been so served or so mailed and first published, the redevelopment agency shall file with the clerk of the

superior court a return of notice setting forth the notice given and, upon receipt of such return of notice, such clerk shall, without any delay or continuance of any kind, issue a certificate of taking setting forth the fact of such taking, a description of all the property so taken and the names of the owners and of all other persons having a record interest therein. The redevelopment agency shall cause such certificate of taking to be recorded in the office of the town clerk of each town in which such property is located. Upon the recording of such certificate, title to such property in fee simple shall vest in the municipality, and the right to just compensation shall vest in the persons entitled thereto. At any time after such certificate of taking has been so recorded, the redevelopment agency may repair, operate or insure such property and enter upon such property, and take whatever action is proposed with regard to such property by the project area redevelopment plan. The notice referred to above shall state (a) that not less than twelve days nor more than ninety days after service or mailing and first publication thereof, the redevelopment agency shall file, with the clerk of the superior court of the judicial district in which such property is located, a return setting forth the notice given, (b) that upon receipt of such return such clerk shall issue a certificate for recording in the office of the town clerk of each town in which such property is located, (c) that upon the recording of such certificate, title to such property shall vest in the municipality, the right to just compensation shall vest in the persons entitled thereto and the redevelopment agency may repair, operate or insure such property and enter upon such property and take whatever action may be proposed with regard thereto by the project area redevelopment plan and (d) that such notice shall bind the widow or widower, heirs, representatives and creditors of each person named therein who then or thereafter may be dead. When any redevelopment agency acting in behalf of any municipality has acquired or rented real property by purchase, lease, exchange or gift in accordance with the provisions of this section, or in exercising its right of eminent domain has filed a statement of compensation and deposit with the clerk of the superior court and has caused a certificate of taking to be recorded in the office of the town clerk of each town in which such property is located as herein provided, any judge of such court may, upon application and proof of such acquisition or rental or such filing and deposit and such recording, order such clerk to issue an execution commanding the sheriff of the county or his deputy to put such municipality and the redevelopment agency, as its agent, into peaceable possession of the property so acquired, rented or condemned. The provisions of this section shall not be limited in any way by the provisions of chapter 832.

(1955, S. 489d; November, 1955, S. N32; 1957, P.A. 270, S. 1; 1959, P.A. 397, S. 3; 1961, P.A. 231, S. 1; 1969, P.A. 226, S. 1; P.A. 78-280, S. 15, 127.)

History: 1959 act added maximum period of ninety days after notice and statement of compensation served for agency to file return of notice, authorized agency to repair, operate or insure property, added property acquired or rented as well as condemned to provisions of section and exempted section from limitation by provisions of chapter 922; 1961 act set out procedure where last-known address of party to be notified is unknown; 1969 act deleted all references to bonds posted by development agencies; P.A. 78-280 replaced "county" with "judicial district" throughout section.

Section failing to provide owner with opportunity to contest taking, plaintiff, being without adequate remedy at law was entitled to equitable relief to obtain review of taking. 146 C. 237. Compensation may take into consideration moving expenses if these affect fair market value. 147 C. 362. Cited. 150 C. 44, 50; 152 C. 139, 140. Equitable relief indicated to review agency's taking of property as no adequate remedy exists at law to contest taking. 154 C. 446. Only factors in existence on date of taking land may be considered in determining just compensation; where plaintiff completed move from building prior to date of taking, moving costs not a factor. 155 C. 89, 102. On date of recording of certificate of taking of defendant's property, title vested in municipality and, where possession was withheld by defendant for ten months thereafter, municipality was entitled to the reasonable value of defendant's use and occupation. 155 C. 397. As no single method of valuation was controlling, referee rightly selected most appropriate one for facts he found. 158 C. 37. City's postponement in applying for certificate of taking until determination of plaintiff condemnee's application for temporary injunction was proper and certificate was validly issued to city thereafter, although more than ninety days after statement of compensation filed. 158 C. 522. Cited. 160 C. 492, 519. Cited. 162 C. 527. Valuation of special use when no comparable sales exist. 164 C. 254. Valuation of restrictive covenant owned in gross, for nonpecuniary charitable purpose. 164 C. 337. Cited. 168 C. 135. Cited. 173 C. 525, 528. Cited. 175 C. 265-267. Cited. 179 C. 293, 308; 181 C. 217, 218.

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Cited. 1 CA 20, 21. Cited. 2 CA 355, 358. Cited. 4 CA 271, 274. Cited. 7 CA 485, 486.
Despite terms of lease whereby lessee's rights terminated with eminent domain taking, held that lessee may be entitled to part of condemnation award for trade fixtures which added to value of leasehold. 21 CS 140. Tenant may, by agreement, relinquish to his landlord all rights he may have for any damage due to land-taking. 21 CS 404. Cited. 35 CS 157, 166.

Sec. 8-129a. Apportionment and abatement of taxes on acquisition of property.
In any case where a redevelopment agency acquires real property, municipal taxes on such property may be apportioned in accordance with prevailing local practice in the transfer of property as of the date title vests in the grantee and the authority authorized under the provisions of section 12-124 to abate taxes in the municipality wherein such real property is situated may abate the taxes on such property from the date title so vests.

(February, 1965, P.A. 571, S. 1.)

Cited. 155 C. 399. Cited. 168 C. 135.
Cited. 1 CA 20, 21. Cited. 2 CA 355, 358. Cited. 4 CA 271, 274.
Cited. 35 CS 157, 166.

Sec. 8-130. Deposit filed with superior court clerk. Withdrawal of agency from proceeding. Whenever any redevelopment agency files a statement of compensation as provided for in section 8-129, it shall deposit with the clerk of the superior court a sum of money equal to the amount set forth in the statement of compensation to the use of the persons entitled thereto. The redevelopment agency, at any time prior to the issuance by the clerk of the superior court of a certificate of taking, as provided for in section 8-129, may withdraw any condemnation proceeding by filing with the clerk of the superior court a withdrawal, which shall state that all persons having a record interest therein have been given notice of the withdrawal in the same manner as provided in section 8-129 for giving notice of the filing of a statement of compensation. Upon the filing of such a withdrawal the clerk of the superior court shall return to the redevelopment agency any moneys deposited in court without charge of any fee. The redevelopment agency shall cause a copy of such withdrawal to be recorded in the office of the town clerk of each town in which the property which is the subject of the condemnation proceeding is located so as to remove the lis pendens as provided in section 8-129. If the amount of compensation is finally determined through the filing of an amended statement of compensation which is thereafter accepted by the owners and all other persons having a record interest therein as provided for in section 8-131, the redevelopment agency shall deposit with such amended statement an additional sum of money representing the excess over the amount appearing in the original statement of compensation. Interest shall not be allowed in any judgment on so much of the amount as has been deposited in court. Upon the application of any person claiming an interest therein the superior court, or any judge thereof, after determining the equity of the applicant in the deposit, shall order that the money so deposited or any part thereof be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the total amount of money so deposited or received by any person or persons entitled thereto, the court shall enter judgment against the municipality for the amount of the deficiency.

(1957, P.A. 270, S. 3; 1959, P.A. 397, S. 4; 1961, P.A. 231, S. 2; 1969, P.A. 226, S. 2.)

History: 1959 act specified "superior" court "or any judge thereof"; 1961 act added withdrawal procedure; 1969 act deleted provision concerning bond to be posted by development agency.

Cited. 153 C. 119; 155 C. 86; 158 C. 38; 160 C. 492. Cited. 168 C. 135. Cited. 179 C. 293, 295.
Cited. 1 CA 20, 21. Cited. 2 CA 355, 358. 4 CA 271, 274.
Cited. 35 CS 157, 166.

Sec. 8-131. Acceptances to be filed. Approval by state referee. After the statement of compensation provided for in section 8-129 has been filed with the clerk of the superior court, the property owner affected and all other persons having a record interest therein may file with said clerk his or their written acceptance thereof. Said clerk shall thereupon notify the redevelopment agency of such acceptance. If the amount to be paid by the redevelopment agency or the municipality for such property does not exceed ten thousand dollars, said clerk shall send a certified copy of the statement of compensation and the acceptance thereof to the redevelopment agency, and the court shall order the deposit or any balance remaining thereon not disbursed by order of the court in accordance with the procedure set forth in section 8-130 to be paid to the persons entitled thereto in accordance with their equities upon application made by such persons. If the amount of such compensation exceeds ten thousand dollars, said clerk shall not certify the same until the compensation has been approved as reasonable in amount by a state referee. If such state referee approves such compensation, said clerk shall thereupon send a certified copy of the statement of compensation and the acceptance thereof to the redevelopment agency, and the court shall order the deposit or any such balance remaining on deposit to be paid to the persons entitled thereto in accordance with their equities upon application made by such persons. If such state referee does not approve such statement of compensation, said clerk shall notify the redevelopment agency and the latter may file an amended statement of compensation.

(1955, S. 488d; 1957, P.A. 270, S. 4.)

Cited. 160 C. 492. Cited. 168 C. 135.

Cited. 1 CA 20, 21. Cited. 2 CA 355, 358. Cited. 4 CA 271, 274.

Cited. 35 CS 157, 166.

Sec. 8-132. Appeal by owner. Any person claiming to be aggrieved by the statement of compensation filed by the redevelopment agency may, at any time within six months after the same has been filed, apply to the superior court for the judicial district in which such property is situated, or, if said court is not in session, to any judge thereof, for a review of such statement of compensation so far as the same affects such applicant, and said court or such judge, after causing notice of the pendency of such application to be given to said redevelopment agency, shall appoint a state referee to make a review of the statement of compensation. Such referee, having given at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and said redevelopment agency, shall view the property and take such testimony as such referee deems material and shall thereupon revise such statement of compensation in such manner as he deems proper and forthwith report to the court. Such report shall contain a detailed statement of findings by the referee, sufficient to enable the court to determine the considerations upon which the referee based his conclusions. Such report may be rejected for any irregular or improper conduct in the performance of the duties of such referee. If the report is rejected, the court or judge shall appoint another referee to make such review and report. If the report is accepted, such statement of compensation shall be conclusive upon such owner and the redevelopment agency. If no appeal to the appellate court is filed within the time allowed by law, or if one is filed and the proceedings have terminated in a final judgment finding the amount due the property owner, the clerk shall send a certified copy of the statement of compensation and of the judgment to the redevelopment agency, which shall, upon receipt thereof, pay such property owner the amount due him as compensation. The pendency of any such application for review shall not prevent or delay whatever action is proposed with regard to such property by the project area redevelopment plan.

(1955, S. 490d; 1972, P.A. 148, S. 1; P.A. 78-280, S. 2, 127; June Sp. Sess. P.A. 83-29, S. 20, 82.)

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History: 1972 act added sentence specifying nature of referee's report to court; P.A. 78-280 replaced "county" with "judicial district"; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof.

Cited. 147 C. 321. Compensation may take into consideration moving expenses if these affect fair market value. 147 C. 362. Referee is not bound by opinion of experts; such opinions only aid trier to arrive at his own conclusion which is reached by weighing such opinions in light of all other relevant circumstances and his own general knowledge. 148 C. 513. Statute permits, and indeed requires, referee to raise, lower or leave unchanged the assessment of damages and there was no reason for precluding referee from revising assessment downward. 152 C. 141. Cited. 153 C. 119; 160 C. 492. Cited. 168 C. 135. Cited. 179 C. 293, 295. Referee did not err in finding that the unique characteristics and special business use of the property were factors enhancing its fair market value. 180 C. 579, 580. Cited. 181 C. 217, 218. Cited. 184 C. 444, 446, 448. Cited. 1 CA 20, 21. Cited. 2 CA 351, 352. Cited. Id., 355, 358. Cited. 4 CA 271, 274. Cited. 7 CA 485, 486. Cited. 35 CS 157, 166.

Sec. 8-132a. Determination of equities of parties in deposit or compensation. Any person making application for payment of moneys deposited in court as provided for by section 8-130 or claiming an interest in the compensation being determined in accordance with section 8-132 may make a motion to the superior court for the judicial district in which the property that is the subject of the proceedings referred to is located, or if said court is not in session to any judge thereof, for a determination of the equity of the parties having an interest in such moneys. Said court or judge upon such motion or upon its or his own motion may appoint a state referee to hear the facts and to make a determination of the equity of the parties in such moneys. Such referee, having given at least ten days' notice to the parties interested of the time and place of hearing, shall hear the applicant and any parties interested, take such testimonies as such referee deems material and determine the equities of the parties having a record interest in such moneys and forthwith report to the court or judge. Such report shall contain a detailed statement of findings by the referee, sufficient to enable the court to determine the considerations upon which the referee based his conclusions. The report may be rejected for any irregular or improper conduct in the performance of the duties of such referee. If the report is rejected, the court or judge shall appoint another referee to make such determination and report. If the report is accepted, such determination of the equities shall be conclusive upon all parties given notice of such hearing, subject to appeal to the appellate court. If no appeal to the appellate court is filed within the time allowed by law, or if one is filed and the proceedings have terminated in a final judgment determining the amount due to each party, the clerk shall send a certified copy of the statement of compensation and of the judgment to the redevelopment agency, which shall, upon receipt thereof, pay such parties the amount due them as compensation. The pendency of any such application for review shall not prevent or delay whatever action is proposed with regard to such property by the project area redevelopment plan.

(1961, P.A. 231, S. 3; 1972, P.A. 148, S. 2; P.A. 78-280, S. 2, 127; June Sp. Sess. P.A. 83-29, S. 21, 82.)

History: 1972 act specified nature of referee's report to court; P.A. 78-280 replaced "county" with "judicial district"; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof.

Cited. 155 C. 46. Cited. 163 C. 12. Cited. 168 C. 135.

Cited. 1 CA 20, 21. Cited. 4 CA 271, 274.

Cited. 35 CS 157, 166.

Sec. 8-133. Costs taxable against agency. If, as the result of any review under the provisions of section 8-132, the applicant obtains an award from the court greater than the amount determined as compensation by the redevelopment agency, costs of court, including such appraisal fees as the court determines to be reasonable, shall be awarded to the applicant and taxed against the redevelopment agency in addition to the amount fixed by the judgment.

(1955, S. 491d; February, 1965, P.A. 285.)

History: 1965 act authorized awarding of appraisal fees.

Cited. 160 C. 492. Cited. 168 C. 135.

Cited. 1 CA 20, 21. Cited. 2 CA 355, 358. Cited. 4 CA 271, 274.

What costs of court include is determined by section 52-257. 24 CS 390. Cited. 35 CS 157, 166.

Sec. 8-133a. Relocation or removal of public service facilities from streets closed as part of project. As used in this section, "public service facility" includes any sewer, pipe, main, conduit, cable, wire, pole, tower, building or utility appliance owned or operated by an electric, gas, telephone, telegraph, water or community antenna television service company. Whenever a redevelopment agency determines that the closing of any street or public right-of-way is provided for in a redevelopment or renewal plan adopted and approved in accordance with section 8-127, or where the carrying out of such a redevelopment or renewal plan, including the construction of new improvements, requires the temporary or permanent readjustment, relocation or removal of a public service facility from a street or public right-of-way, the agency shall issue an appropriate order to the company owning or operating such facility, and such company shall permanently or temporarily readjust, relocate or remove the same promptly in accordance with such order, provided an equitable share of the cost of such readjustment, relocation or removal of said public service facility located within the redevelopment area, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the redevelopment agency. Such equitable share shall be fifty per cent of such cost after the deductions hereinafter provided. In establishing the equitable share of the cost to be borne by the redevelopment agency, there shall be deducted from the cost of the readjusted, relocated or removed facilities a sum based on a consideration of the value of materials salvaged from existing installations, the cost of the original installation, the life expectancy of the original facility and the unexpired term of such life use. For the purposes of determining the equitable share of the cost of such readjustment, relocation or removal, the books and records of the company shall be available for the inspection of the redevelopment agency. When any facility is removed from a street or public right-of-way to a private right-of-way, the redevelopment agency shall not pay for such private right-of-way. If the redevelopment agency and the company owning or operating such facility cannot agree upon the share of the cost to be borne by the redevelopment agency, either may apply to the superior court for the county within which the street or public right-of-way is situated, or, if the court is not in session, to any judge thereof, for a determination of the cost to be borne by the redevelopment agency, and such court or such judge, after causing notice of the pendency of such application to be given to the other party, shall appoint a state referee to make such determination. Such referee, having given at least ten days' notice, to the parties interested, of the time and place of the hearing, shall hear both parties, shall take such testimony as such referee may deem material and shall thereupon determine the amount of the cost to be borne by the redevelopment agency and forthwith report to the court. If the report is accepted by the court, such determination shall, subject to right of appeal as in civil actions, be conclusive upon such parties.

(1959, P.A. 73, S. 1; 1961, P.A. 469; 1969, P.A. 381; P.A. 75-130.)

History: 1961 act removed facilities owned by municipal government; 1969 act made minor changes in wording; P.A. 75-130 included material of community antenna television service companies in definition.

Cited. 161 C. 234.

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Sec. 8-133b. Payments in lieu of taxes. The redevelopment agency or municipality shall make payments in lieu of taxes to such municipality on all property acquired by such agency in accordance with any redevelopment or urban renewal plan to the extent that such payments qualify as part of the gross project cost as provided by the Federal Housing Act of 1949, as amended and as it may be amended, except that such municipality, by ordinance, may provide for the use of tax credits instead of such payments as permitted by said federal act.

(1967, P.A. 447.)

Sec. 8-134. Bonds, authorization, definition. Terms, security, method of payment. For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this chapter, a municipality, acting by and through its redevelopment agency, is hereby authorized, without limiting its authority under other provisions of law, to issue from time to time bonds of the municipality which are payable solely from and secured by: (a) A pledge of and lien upon any or all of the income, proceeds, revenues and property of redevelopment projects, including the proceeds of grants, loans, advances or contributions from the federal government, the state or other source, including financial assistance furnished by the municipality or any other public body pursuant to section 8-135; (b) taxes, in whole or in part, allocated to and paid into a special fund of the municipality pursuant to the provisions of section 8-134a; or (c) a combination of the methods in subsections (a) and (b) of this section. Any bonds payable and secured as provided in subsection (b) or (c) of this section shall not be issued without the approval of the local legislative body and such bonds may provide for the deferral of principal payments for a period not in excess of five years from the date of issuance of such bonds. Bonds issued under this section shall be in such form, mature at such time or times, bear interest at such rate or rates, be issued and sold in such manner and contain such other terms, covenants and conditions as the redevelopment agency, by resolution, determines. Such bonds shall be fully negotiable, shall not be included in computing the aggregate indebtedness of the municipality, and shall not be subject to the provisions of any other law or charter relating to the issuance or sale of bonds, provided if such bonds are made payable, in whole or in part, from funds contracted to be advanced by the municipality, the aggregate amount of such funds not yet appropriated for such purpose shall be included in computing the aggregate indebtedness of the municipality. As used in this section, "bonds" means any bonds, including refunding bonds, notes, interim certificates, debentures or other obligations.

(1953, S. 492d; September, 1957, P.A. 11, S. 11; P.A. 74-319, S. 1.)

History: P.A. 74-319 allowed issuance of bonds payable from and secured by taxes or by combination of taxes and lien on assets of redevelopment projects if approved by local legislative body and allowed deferral of principal payment for up to five years.

Prior rejection of bond issue for redevelopment project by voters does not restrict legislative body from again considering matter and calling second referendum. 21 CS 212.

Sec. 8-134a. Allocation of taxes on real property in a redevelopment project. Any redevelopment plan authorized under this chapter may contain a provision that taxes, if any, levied upon taxable real property in a redevelopment project each year by or for the benefit of any municipality, district, or other public taxing agency after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows: (1) That portion of the taxes which would be produced by applying the then current tax rates of each of the taxing agencies to the total sum of the assessed value of the taxable property

in the redevelopment project on the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid; and (b) that portion of the assessed taxes each year in excess of the amount referred to in subdivision (a) of this section shall be allocated to and when collected shall be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by such municipality to finance or refinance in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last assessment list, referred to in subdivision (a) of this section, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(P.A. 74-319, S. 2.)

Sec. 8-135. Acceptance of funds. Financing. For the purpose of carrying out or administering a redevelopment plan or other functions authorized under this chapter, a municipality, acting by and through its redevelopment agency, may accept grants, advances, loans or other financial assistance from the federal government, the state or other source, and may do any and all things necessary or desirable to secure such financial aid. To assist any redevelopment project located in the area in which it is authorized to act, any public body, including the state, or any city, town, borough, authority, district, subdivision or agency of the state, may, upon such terms as it determines, furnish service or facilities, provide property, lend or contribute funds, and take any other action of a character which it is authorized to perform for other purposes, to include entering into a written agreement fixing the assessment of real estate to be used for a rental housing project to be constructed in a redevelopment or urban renewal area, pursuant to section 12-65. To obtain funds for the temporary and definitive financing of any redevelopment project, a municipality may, in addition to other action authorized under this chapter or other law, levy taxes and issue and sell its temporary loan notes, bonds or other obligations. Such temporary loan notes shall be issued for a period of not more than three years, but notes issued for a shorter period of time may be renewed by the issue of other notes, provided the period from the date of the original notes to the maturity of the last notes issued in renewal thereof shall not exceed three years, and the provisions of section 7-373 shall be deemed to apply thereto. Any such bonds or other obligations issued by a municipality pursuant to this section shall be in accordance with such statutory and other legal requirements as govern the issuance of obligations generally by the municipality.

(1949 Rev., S. 983, 986; 1949, S. 250b; 1953, S. 493d; November, 1955, S. N33; 1961, P.A. 517, S. 91; 1963, P.A. 615, S. 4.)

History: 1961 act removed obsolete reference to counties; 1963 act included authority to enter into agreement fixing assessments on rental housing projects.

Nothing herein authorizes redevelopment agency to condemn property already devoted to public use. 155 C. 202, 203.

Sec. 8-136. Modification of redevelopment plan. A redevelopment plan may be modified at any time by the redevelopment agency, provided, if modified after the lease or sale of real property in the redevelopment project area, the modification must be

consented to by the redeveloper or developers of such real property or his successor or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the legislative body, the modification must similarly be approved by the legislative body.

(1949 Rev., S. 985; 1953, S. 494d.)

Cited. 158 C. 522. Submission of proposed modification of redevelopment plan to include plaintiff's property to Stamford legislative body is sufficient compliance with law. 159 C. 116. Cited. 174 C. 160, 162, 165.
Cited. 26 CS 249.

Sec. 8-137. Transfer, sale or lease of real property in a redevelopment area. The redevelopment agency, for the purpose of this chapter, may sell, lease or otherwise transfer for such sums as are agreed upon the whole or any part of the real property within a redevelopment area to the redeveloper or, if the real property is to be used for public purposes, to an appropriate public agency. Such sale, lease or transfer may include easements or other interests in, above or below any street, highway or other public right-of-way, existing or proposed, to the centerline thereof, other than the right-of-way of a state highway as defined in section 13a-1; provided adequate provision is made for the safe and convenient public use of the street, highway or other public right-of-way and for the protection of adjacent land users; and provided further, such sale, lease or transfer is made to or with the consent of the owner of the real property abutting that portion of the street, highway or other public right-of-way in, above or below which such easements or other interests are sold, leased or transferred unless the right or interest of the owner of such abutting real property in or to the easements or other interests in, above or below such street or other public right-of-way has been acquired by the municipality, or unless the owner of such abutting real property has no real property interest in or to such street, highway or other public right-of-way. The sale, lease or transfer of easements or other interests in, above or below the portion of a street, highway or other public right-of-way lying to one side of the centerline thereof, shall not prevent the sale, lease or transfer of easements or other interests in, above or below the portion lying on the other side of such centerline, unless the terms of the initial sale, lease or transfer so provide. The consideration paid for the sale, lease or other transfer of the real property shall be determined by the redevelopment agency, provided, if the cost or carrying charges of such real property to the redevelopment agency are greater than such consideration, the redevelopment agency shall first have specific authorization from the legislative body of the municipality for the sale, lease or other transfer at any lesser consideration, and the municipality may appropriate and authorize the expenditure of money to compensate for any portion of the difference between the acquisition cost of such real property and such sale, lease or other transfer price of such real property at a lesser consideration to a redeveloper, but in no case shall such sale, lease or other transfer price be lower than the use value of such real property. Each contract for sale, lease or other transfer to a redeveloper shall provide, among other things, (a) that the real property transferred shall be developed and used in accordance with the redevelopment plan or such plan as modified with the approval of the redevelopment agency; (b) that the building of the improvements shall begin within a period of time which the redevelopment agency fixes as reasonable; and (c) that all transfers of real property by the redeveloper shall, until the original construction thereon is completed and approved by the redevelopment agency, be subject to the consent of the redevelopment agency; except that the requirements of subdivisions (b) and (c) above may be waived by the redevelopment agency with respect to any bona fide mortgage placed upon the real

Sec. 8-139. Joint action by two or more municipalities. By concurrent action the legislative bodies of two or more municipalities: (a) May create a regional or metropolitan planning agency and may authorize such agency or the planning agency of any of such municipalities to make a comprehensive or general plan of the area included within such municipalities as described in section 8-127, and (b) may exercise the powers granted in this chapter to the legislative body of any municipality. In all matters under this chapter requiring the approval of the legislative body, such approval shall be by the legislative body of each municipality only as to the portions of the redevelopment plan situated in such municipality.

(1949 Rev., S. 987; 1957, P.A. 13, S. 56.)

See Sec. 7-137 re regional economic development commissions.

PART II*

URBAN RENEWAL

*Cited. 4 Conn. Cir. Ct. 241 (fn).

Sec. 8-140. Policy concerning slum areas. In addition to the findings and declarations made in section 8-124, which findings and declarations are incorporated herein and made a part of this section, it is further found and declared that (a) certain insanitary, deteriorated, deteriorating, slum or blighted areas, or portions thereof, may require acquisition and clearance, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (b) all powers conferred by this part are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of this part is hereby declared as a matter of legislative determination. A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

(1955, S. 497d; 1959, P.A. 397, S. 5.)

History: 1959 act added word "deteriorating" to subdivision (a).

Sec. 8-141. Urban renewal projects authorized. In addition to its authority under other provisions of this chapter, a redevelopment agency is authorized to plan and undertake urban renewal projects. As used in this part, an urban renewal project may include undertakings and activities for the elimination, and for the prevention of the development or spread, of slums or substandard, insanitary, blighted, deteriorated or deteriorating areas, and may involve any work or undertaking for such purpose

property by the redeveloper in order to obtain financing for the project. Any such mortgage, with the approval of the agency, shall be free of the requirements of said subdivisions (b) and (c). Any contract for sale, lease or other transfer shall be approved by the legislative body before its final approval by the redevelopment agency. Any contract for sale, lease or other transfer to a redeveloper may provide, among other things, (a) that the real property in the redevelopment area shall be maintained in accordance with the redevelopment plan; (b) that the redevelopment agency shall have the right of inspection; (c) that the redeveloper, as security for its fulfillment of the contract, shall make a cash deposit or give a bond with such surety as the contract may provide or make such other guarantee as the redevelopment agency deems necessary in the public interest; and that, if the redevelopment agency finds that the real property in the redevelopment area is not being maintained in accordance with the contract terms and conditions, it shall notify the redeveloper or its successor in title in writing of the work which shall be done to meet the standards of maintenance agreed upon. Unless the redeveloper or its successor in title complies within ninety days with the requirements of the redevelopment agency as stated in such notice, the redevelopment agency may cause such work to be done, and the cost of the work shall be paid by the redevelopment agency out of the deposit herein provided for; and that, if a redevelopment agency, pursuant to this subsection, causes any work to be paid for out of such deposit, the redeveloper shall, within thirty days thereafter, pay an equivalent amount to the redevelopment agency in order to replenish the deposit; and that, if the redeveloper fails to make such payment within thirty days after being notified by the redevelopment agency to do so, it shall be liable to such agency in the penal sum of twice the amount of the cost of the work, which sum may be recovered in a civil action; (d) that any municipality may contract to retain or accept, close, relocate, construct, reconstruct and maintain specified streets, playgrounds, parks or other public facilities within the area of the proposed redevelopment. Upon consummation of the contract for sale, lease or other transfer of a site to a redeveloper, any municipality may provide for the extension of such streets, sidewalks and public utilities as are necessary to its use for residential, commercial or public purposes.

(1949 Rev., S. 984; 1957, P.A. 13, S. 55; 648; 1972, P.A. 99, S. 2.)

History: 1972 act specified sale, lease or other transfer of real property, added provisions concerning sale, lease etc. of easements, required consent of redevelopment agency for transfers only if original construction not completed and approved and allowed municipality to extend services necessary for commercial and public purposes as well as for residential purposes.

Cited. 141 C. 135. There must be a legally established redevelopment plan before agency enters into contract for sale under this section. 148 C. 517. Redevelopment is constitutional where taking of plaintiff's property was for public purpose and not for private interests. 156 C. 521. Cited. 158 C. 381. Subsequent resale of plaintiff's property, condemned for redevelopment, to church retained in area, was not taking for private use. 159 C. 116.

Sec. 8-137a. Other authority re transfer unaffected. Nothing in section 8-137 shall be deemed to diminish or restrict in any way authority concerning the sale, lease or transfer of any easements or other interests in, above or below any street, highway or other public right-of-way which any municipality or redevelopment agency thereof may have by virtue of any special act or otherwise.

(1972, P.A. 99, S. 3.)

Sec. 8-138. Bonds and title to land to be in name of municipality. Any redevelopment agency shall exercise its powers in the name of the municipality, except that all bonds issued under section 8-134 shall be issued solely in the name of the municipality and that title to land taken for redevelopment purposes shall be solely in the name of the municipality.

(1949, S. 496d.)



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

PROGRESS REPORT

January 3, 1989

Honorable Mayor Joseph H. Sauer
Honorable Members of the Common Council

Re: Tarrywile Park Authority

The ad hoc committee appointed to review the Tarrywile Park Authority met on December 19, 1988 at 8:00 P.M. in the Fourth Floor Lobby in City Hall. In attendance were committee members Regan and DaSilva. Also present were Assistant Corporation Counsel Eric Gottschal Planning Director Dennis Elpern, Robert Ryerson, Dick Murray and Tom Evans, Paulette Pepin, Chairman of the Mayor's Task Force on Tarrywile and Council Members Steve Flanagan and Louis Charles, ex-officio.

Mr. Ryerson spoke against the creation of an Authority. He stated that only two parks in the State are set up like this, one being Richter Park. He stated that he was concerned that the Authority would cater to special interests groups rather than to all the citizens of Danbury. Mr. Ryerson also stated that he could not handle the work load if it was assigned to the Parks and Recreation Department. Mr. Evans stated that control should be left with the Parks and Recreation Department. It controls Hatters Park and brings in \$30,000 per year and is rented full time. Parks and Recreation should develop the land into park. Mr. Evans stated that he was disappointed that no one from the Parks and Recreation Department had been invited to the Task Force Meeting.

Mr. DaSilva questioned where the Authority would get expense money for improvements. He suggested that Mr. Ryerson should be on the Authority in order to have a say in the running of the Park and to insure that all citizens are considered in the decisions of the Authority. Mrs. Pepin stated that the Task Force was working on a budget for next year, but that \$100,000 had been raised in six weeks at the Show House last year and \$3,000 in one day at a tea. These are indications of what is possible.

Mr. Flanagan spoke in favor of an Authority and said that Richter Park is a good example of an Authority becoming self-sufficient. He stated that a lot of damage would not have occurred if one person is in charge and that no Department Head could handle all the work along with all his or her other responsibilities. Another benefit of an Authority would be that it would move the decisions regarding the Park beyond the whim of the Mayor to set priorities. The way the Ordinance is written a lot of power and responsibilities are reserved for the Common Council.

Mr. DaSilva moved to recess until the Task Force has additional information on funding and the proposed changes in the Ordinance are submitted. Seconded by Mr. Regan. Motion carried un-animously.

Respectfully submitted,

ARTHUR D. REGAN

JOSEPH DaSILVA

ROGER M. BUNDY



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

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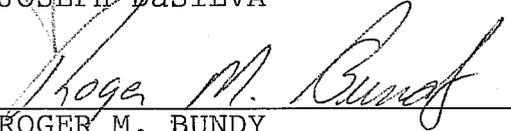
Respectfully submitted,



ARTHUR D. REGAN



JOSEPH DaSILVA



ROGER M. BUNDY



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

November 1, 1988

TO: Honorable Mayor Joseph Sauer
Honorable Members of the Common Council

RE: Danbury Code of Ordinance Section 2-95 - Committee

Sec. 2-95 states that, "All committees of the Common Council shall be appointed by the presiding officer. Said appointments shall be made during that session of the Common Council."

I respectfully request that the Council review changing this ordinance so that committees can be appointed by the Council leadership.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Fazio".

Michael Fazio
Majority Leader



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT
OF FINANCE**

January 4, 1989

Certification #16

TO: Common Council via
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/
Comptroller

Per Common Council approval, we hereby certify the availability of \$15,765.16 to be transferred from the General Fund fund balance to the Capital Land Acquisition Account #02-11-000-890015.

The above request for funds was approved by the Common Council on January 3, 1989 pending this certification.

Estimated Balance of G.F. Fund Balance	\$354,156.00
Less this request	15,765.16
	<u>\$338,390.84</u>



Dominic A. Setaro, Jr.

DAS/af



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT
OF FINANCE**

December 30, 1988

TO: Common Council via
Mayor Joseph H. Sauer

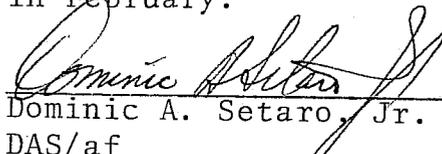
FROM: Dominic A. Setaro, Jr., Acting Director of Finance/
Comptroller

RE: Offer of Land - Hampton Court

Please be advised that at the December Common Council meeting item #55 on that agenda requesting the acceptance of the offer of land on Hampton Court as a donation to the City of Danbury for abatement of taxes and interest was approved.

After discussion with Assistant Corporation Counsel Eric Gottschalk, he suggested that I send this memo to you to be placed on the agenda of the next meeting of the Common Council whereby the Common Council in order to complete this transaction would be required to appropriate \$15,765.16 for the payment of taxes plus interest that are due to the city on this property. It is my understanding that the owner of this property offered it to the city in lieu of payment of taxes that were due on the property. Therefore, I have attached copies of statements from the Tax Collector indicating the amount that would be due through January 1989. An appropriation must be made so that these funds can be transferred to the Tax Collector for payment of taxes. As discussed with Eric Gottschalk, he indicated to me that he was unaware of any statutory authority which would allow the Common Council to abate these taxes, therefore we are required to pay the taxes in order to complete this transaction.

Once again, I suggest that you place this item on the Common Council agenda for its approval. I will provide a certification after the Common Council takes action on this memo since the amount of taxes plus interest may change if this is not approved at the January meeting. The amount would be \$15,915.26 if approved in February.



Dominic A. Setaro, Jr.
DAS/af
Attachments

30

BRE
 LOT# B10004 REAL ESTATE BACK TAX BALANCES
 NAME RALTO DEVELOPERS INC
 ADDRESS 151 SHELTER ROCK ROAD
 CITY DANBURY, CONN.

12 08 81

PROPERTY-LOCATION		AUNT HACK HILL RD				
YR	LIST	TAX BILLED	TAX DUE	LIEN	INT	TOTAL DUE
80	14396	1,095.36	547.68	12.50	675.01	1,235.19
81	14659	1,095.36	1,095.36	14.00	1,204.89	2,314.25
82	14730	1,160.44	1,160.44	14.00	1,087.91	2,262.35
83	14944	1,229.84	1,225.90	14.00	922.49	2,162.39
84	15224	1,296.44	1,296.44	14.00	748.69	2,059.13
85	15669	1,387.32	1,387.32	14.00	551.46	1,952.78
86	16919	1,385.48	1,385.48	14.00	301.31	1,700.79
87	16783	724.68	724.68		29.89	754.57
TOTALS DUE			8,823.30	96.50	5,521.65	14,441.45

INTEREST FIGURES THRU JANUARY, 1989

BRE
 LOT# B10004 REAL ESTATE BACK TAX BALANCES
 NAME RALTO DEVELOPERS INC
 ADDRESS 151 SHELTER ROCK ROAD
 CITY DANBURY, CONN.

12 08 81

PROPERTY-LOCATION		AUNT HACK HILL RD				
YR	LIST	TAX BILLED	TAX DUE	LIEN	INT	TOTAL DUE
80	14396	1,095.36	547.68	12.50	683.23	1,243.41
81	14659	1,095.36	1,095.36	14.00	1,221.32	2,330.68
82	14730	1,160.44	1,160.44	14.00	1,105.32	2,279.76
83	14944	1,229.84	1,225.90	14.00	940.88	2,180.78
84	15224	1,296.44	1,296.44	14.00	768.14	2,078.58
85	15669	1,387.32	1,387.32	14.00	572.27	1,973.59
86	16919	1,385.48	1,385.48	14.00	322.09	1,721.57
87	16783	724.68	724.68		40.77	765.45
TOTALS DUE			8,823.30	96.50	5,654.02	14,573.82

INTEREST FIGURES THRU FEBRUARY, 1989

BRE
 LOT# B11007 REAL ESTATE BACK TAX BALANCES
 NAME RALTO DEVELOPERS INC
 ADDRESS 151 SHELTER ROCK ROAD
 CITY DANBURY CONN

06 81 07

PROPERTY-LOCATION			RALTO COURT			
YR	LIST	TAX BILLED	TAX DUE	INT	LIEN	TOTAL DUE
85	15670	194.28	97.14	34.24	14.00	145.38
86	16920	194.04	194.04	42.20	14.00	250.24
87	16785	891.32	891.32	36.77		928.09
TOTALS DUE			1,182.50	113.21	28.00	1,323.71

INTEREST FIGURES THRU JANUARY, 1989

30

BRE
LOT# B11007 REAL ESTATE BACK TAX BALANCES
NAME RALTO DEVELOPERS INC
ADDRESS 151 SHELTER ROCK ROAD
CITY DANBURY CONN

06 81 07

PROPERTY-LOCATION		RALTO COURT		INT	LIEN	TOTAL DUE
YR	LIST	TAX BILLED	TAX DUE			
85	15670	194.28	97.14	35.70	14.00	146.84
86	16920	194.04	194.04	42.20	14.00	253.15
87	16785	891.32	891.32	36.77		941.45
TOTALS DUE			1,182.50	113.21	28.00	1,341.44

INTEREST FIGURES THRU FEBRUARY, 1989



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

(203) 797-4511

January 3, 1989

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

Re: Social Service Block Grant Training

Dear Council Members:

The City of Danbury has been invited by the State Department of Human Resources to apply for Social Service Block Grant Training Funds. These funds are being offered for the training and staff development needs of municipal employees.

The Danbury Police Department has instituted Human Relations Training for the force and this grant will allow us to continue the offering and include other departments.

Due to the late receipt of this application and the need to submit it quickly, I ask that you approve and pass the enclosed resolution for this grant action.

Sincerely yours,

Joseph H. Sauer, Jr.
Mayor

JHS:cjz



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State in such amounts as may be made available for undertaking a Social Service Block Grant Training Program and to execute a Grant Action Request therefor;

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

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program.
3. That the filing of an application by the City of Danbury is hereby approved and that the Mayor of the City of Danbury and Training Officer of the Danbury Police Department are hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representatives of the City of Danbury.

I would appreciate it if the
Common Council would consent
to adding the following item
to the January 3, 1988 agenda:

I respectfully request that the
Committee assigned to examine
Alternatives to Municipal Solid
Waste Management be reformed
with the following as its objective

Since Mayor Sauer has decided
to proceed with the incineration
technology the committee will be
charged with identifying a suitable
site that meets or exceeds the
specifications called for, exclusive
of Danbury.

Respectfully Submitted,

Roger M. Bundy



CITY OF DANBURY

OFFICE OF THE MAYOR

DANBURY, CONNECTICUT 06810

(203) 797-4511

January 3, 1989

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

Re: Garcia/City of Danbury

Dear Council Members:

I am requesting that we meet in Executive Session to discuss all matters regarding the pending litigation of George Garcia.

Sincerely yours,

Joseph H. Sauer, Jr.
Mayor

JHS:cjz



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

**DEPARTMENT
OF FINANCE**

January 4, 1989

Certification #15

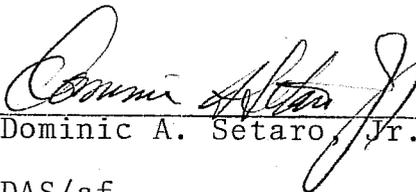
TO: Common Council via
Mayor Joseph H. Sauer

FROM: Dominic A. Setaro, Jr., Acting Director of Finance/
Comptroller

Per Common Council approval, we hereby certify the availability of \$30,000.00 to be transferred from the General Fund fund balance to the Claims Account #02-09-110-073500.

The above request for funds was approved by the Common Council on January 3, 1989 pending this certification.

Estimated Balance of G.F. Fund Balance	\$384,156.00
Less this request	30,000.00
	<u>\$354,156.00</u>



Dominic A. Setaro, Jr.

DAS/af

STATE OF CONNECTICUT

In the matter of.....:
CITY OF DANBURY :
-and- :
GEORGE GARCIA :
..... :

Case No. MPP-11,684

SETTLEMENT AGREEMENT

In full and final settlement of this and any other disputes which have arisen or may have arisen between George Garcia (the Complainant) and the City of Danbury (the City), the parties agree as follows:

1. Subject to approval of the City's Common Council, the City shall pay the Complainant thirty thousand dollars (\$30,000) to be treated as a settlement in lieu of damages.
2. The City's representatives shall fully support and recommend this settlement to the Council at its next regular meeting.
3. Between this date and the Council meeting, all parties, including the representatives of the Connecticut State Board of Labor Relations, shall not divulge any information concerning the proposed agreement.
4. Upon Council approval, George Garcia shall tender his resignation and it shall be deemed accepted.
5. Upon Council approval, the City shall arrange for prompt payment to Complainant but in no event later than January 31, 1989, at which time the Complainant will deliver a general release to the City.

STATE OF CONNECTICUT

In the matter of.....:
CITY OF DANBURY :
-and- :
GEORGE GARCIA :
.....

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