

TO: Mayor Gene F. Eriquez and Members of the Common Council

RE: Minutes of the Special Common Council Meeting held October 17, 1994

The meeting was called to order at 8:00 P.M. by Mayor Eriquez. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT: Levy, Scalzo, Falzone, Coladarci, Boynton, Esposito, Gallagher, Machado, Gomez, Beck, Cappiello, Setaro, Trocolla, Valeri

ABSENT: Yamin, Arconti, Dennehy, Outlaw, Charles, Scozzafava

15 Present - 6 Absent

NOTICE OF THE SPECIAL MEETING - To be held on the 17th day of October, 1994 at 8:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the items listed below. Mr. DaSilva made a motion that the call and return of service be accepted. Seconded by Mr. Setaro. Motion carried unanimously.

PUBLIC SPEAKING - There were no members of the public wishing to address the Common Council.

1 - REPORT & ORDINANCE - An Ordinance appropriating \$1,036,000 for Reconstruction and Rehabilitation of and Improvements to the Triangle Street Bridge and Authorizing the Issuance of \$500,000 Bonds and Notes of the City to meet said Appropriation and Pending the Issue thereof the making of Temporary Borrowing for such purpose.

Mr. DaSilva submitted the following report and ordinance:

The Common Council met as a committee of the whole at 7:30 P.M. on October 17, 1994 to review a proposed ordinance regarding the appropriation of \$1,036,000 for the reconstruction and rehabilitation of and improvements to the Triangle Street Bridge and to authorize the issuance of \$500,000 bonds and notes to meet such appropriation.

Director of Finance Dominic Setaro explained that these figures are the outer limits of the costs and that the estimated costs at this time are a \$371,000 loan, a \$220,000 grant and a \$200,000 payment by the City of Danbury. Director of Public Works Jack Schweitzer explained that the bridge is in dire need of repair and the designated construction company is ready to begin.

Mr. Boynton moved to recommend approval of the ordinance as proposed. The motion was seconded by Mr. Falzone and passed unanimously.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$1,036,000 is appropriated for the reconstruction and rehabilitation of and improvements to the Triangle Street Bridge in the City of Danbury, Bridge No. 4073, including planning, design and replacement of the deck and support structure and site work related thereto (the "Project"), and for administrative, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. (a) To meet a portion of said appropriation \$500,000 bonds of the City or so much thereof as shall be necessary for such purpose shall be issued. Said bonds shall bear such rate or rates of interest as shall be determined by the Mayor and shall mature not later than the twentieth year after their date of issue.

(b) To meet the portion of said appropriation which may be financed pursuant to a Project Loan and Project Grant Agreement between the State of Connecticut and the City under the Local Bridge Program of the State of Connecticut, in lieu of the issuance of bonds as provided in Section 2(a) above, a general obligation promissory note or notes of the City shall be issued bearing interest payable as set forth in such agreement. Said note or notes shall be designated "City of Danbury General Obligation Promissory Note", be dated as of the date of issue, and shall bear interest at the local rate then in effect for loans to municipalities under the Local Bridge Program and shall be payable in such amounts and at such time as are set forth in said agreement. The Mayor is hereby authorized and empowered to execute and deliver said Project Loan and Project Grant Agreement and amendments or supplements thereto between the State of Connecticut and the City under the Local Bridge Program, and the Mayor and City Treasurer are hereby authorized to execute and deliver General Obligation Promissory Notes in connection with Project Loans and Supplemental Loans as provided in said Agreement.

(c) The balance of said appropriation shall be met from a Project Grant pursuant to said Project Loan and Project Grant Agreement and from Local Capital Improvement Funds.

Section 3. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount

of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor and the Director of Finance.

Section 4. Said bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. Any of said notes sold to the State of Connecticut pursuant to a Project Loan And/Project Grant Agreement under the Local Bridge Program shall be sold to the State under the terms of the Local Bridge Program and shall not be subject to the requirement of a public sale. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 5. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds or notes. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson &

Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City of Danbury (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this Ordinance in the maximum amount and for the Project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. This Ordinance shall take effect thirty (30) days after adoption and publication, as provided by law and Section 3-10 of the Charter of the City of Danbury, Connecticut.

Mr. Falzone made a motion to receive the report and adopt the Ordinance. Seconded by Mr. Boynton. Motion carried unanimously.

2 & 3 - REPORT & ORDINANCES - Section 16-4 Sewer Connection Charges and Section 21-48 Water Connection Charges

Mr. DaSilva submitted the following report and ordinances:

The Common Council met as a committee of the whole on October 17, 1994 at 7:11 P.M. to review proposed ordinance changes regarding water and sewer connection fees. William Buckley, Superintendent of Public Utilities explained that these changes basically cut the connection charges in half for residential and commercial/industrial water fees and for residential sewer fees.

Mr. Falzone moved to recommend approval of the ordinances as proposed. The motion was seconded by Mr. Boynton. It was explained that the rationale for these proposals were to give an incentive to the building of residential, commercial and industrial buildings. After some discussion the motion carried unanimously.

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

THAT Subsection 16-4(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-4. Connection permits required; connection fee; refunds; penalty for violations.

(b) Connection fee. If no prior sewer assessment established in accordance with the provisions of section 16-50 of the Danbury Code of Ordinances has been paid on the premises to be connected to said sewer, then no permit shall be issued until a connection fee is paid to the City of Danbury according to the following schedule:

(1) Residential: Three Hundred dollars (\$300.00) per unit.

(2) All other (non-residential): One Thousand Dollars (\$1,000.00) plus forty cents (\$0.40) per square foot of building to be connected. Connection fees may be waived by action of the Common Council, providing the City benefits from this connection by permitting future extensions to said connection.

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

THAT Subsection 21-48(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-48. Connection charges.

(a) Connection fee. If no prior water assessment has been paid on the premises to be connected to be Danbury public water system pursuant to section 21-56 et seq. hereof, then no connection permit shall be issued and no actual connection made until a connection fee is paid to the City according to the following table:

<u>Size of Meter</u> <u>(inches)</u>	<u>Connection</u> <u>Charge</u>
5/8.....	\$ 375.00
3/4.....	750.00
1.....	1,500.00
1 1/2.....	3,000.00
2.....	6,000.00
3.....	12,500.00
4.....	25,000.00
6.....	50,000.00
8.....	100,000.00
10.....	200,000.00

Mr. Boynton made a motion to accept the report and adopt the ordinances. Seconded by Mr. Setaro. Motion carried unanimously.

4 - COMMUNICATION - Wilbur Pahaham and William Rogers v. City of Danbury - Settlement of Claim.

At 8:15 P.M. Mr. Levy made a motion to enter into Executive Session. Seconded by Mr. Setaro. Motion carried unanimously.

At 8:58 P.M. the Common Council reconvened in open session. Mr. Levy made a motion to authorize the Corporation Counsel to finalize the settlement. Seconded by Mrs. Coladarci. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made a 9:00 P.M. by Mr. Falzone for the meeting to be adjourned.

Respectfully submitted,

Jimmie L. Samaha
JIMMETTA L. SAMAHA

Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk