

To: Mayor Joseph H. Sauer and Members of the Common Council.

Re: Minutes of the Special Common Council Meeting held October 17, 1989.

The meeting was called to order at 8:00 P.M. by Mayor Sauer who led the assembly in the Pledge of Allegiance. Councilman Esposito offered the Prayer. Roll call was taken with the members being recorded as:

Present - Connell, Gallo, Moran, Renz, Esposito, Farah, Flanagan, Zotos, Cresci, Nimmons, Fazio, Charles, Bundy, DaSilva, Eriquez, Regan.

Absent - Bourne, Shaw, Cassano, Butera, Danise.

Mrs. Bourne and Mrs. Danise are out of the Country, Mr. Shaw is away on business and Mrs. Butera was in New York attending a reception for the President of Italy.

NOTICE OF THE SPECIAL MEETING - To be held on the 17th day of October, 1989 in the Common Council Chambers in City Hall for the purpose of acting upon the following:

1. REPORT & ORDINANCE - Appropriations and Bonding for improvements to the Wastewater Treatment System.
2. REPORT & RESOLUTION - Hillandale Sewer Assessments.
3. RESOLUTION - Women, Infants, Children Supplemental Nutrition Program.

Mr. Fazio made a motion to accept the call. Seconded by Mr. Cresci. Mr. Renz asked why this meeting was called; was it an emergency? Mayor Sauer explained that time is getting close to the November 10th deadline for item 1; that the Hillandale Sewer Assessments have been ready for billing for several months and that the WIC program was an emergency because it needs to be done by the end of the month. Mr. Renz stated that in the November minutes Mr. Gottschalk stated that item 1 would be acted on in November.

Motion carried unanimously.

1. REPORT & ORDINANCE - Mr. Nimmons submitted the following report:

The Common Council met as a Committee of the Whole on October 2, 1989 at 7:00 P.M. in City Hall regarding the above captioned matter.

The Chair advised the committee that since the State would not assist in financing unrelated items the Ordinance figure of \$80 million would have to be amended to \$78,300,000. This was in reference to a building not required within the expansion program.

Mr. Buckley was questioned by several Council Members who felt the contingency fund was high. Mr. Buckley advised the committee that it would be reduced by State requirements once real costs were in place. Other members questioned the bidding process. Mr. Buckley explained the bidding process is national in scope and includes advertising in proper trade publications. At this point he had no idea how many bids would come in.

Mr. DaSilva made a motion to amend the Ordinance to \$78,300,000. Seconded by Mr. Eriquez. Motion carried with Mr. Moran abstaining.

Mr. Connell made a motion to recommend to the full Common Council the adoption of the Ordinance as amended. Seconded by Mr. Eriquez. Motion carried with Mr. Moran abstaining.

Mr. Connell moved that the report be approved. Seconded by Mr. Cresci. Mr. Renz asked for clarification of the motion. Mr. Gottschalk explained the way motions should be used in accepting reports. Mr. Connell withdrew his motion and Mr. Cresci withdrew his second. Mr. Nimmons made a motion to accept the committee report and reduce the ordinance figure from 80,000,000 to 78,300,000. Seconded by Mr. Charles. Upon advice of Corporation Counsel, Mr. Nimmons withdrew his motion and Mr. Charles withdrew his second.

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

Section 1. Section 1 of an Ordinance entitled "An Ordinance Appropriating \$44,600,000 For Improvements To The Wastewater Treatment System And Authorizing The Issuance Of Not Exceeding \$44,600,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" is deleted and the following is substituted in lieu thereof"

"Section 1. Pursuant to Connecticut General Statutes Section 22a-458 and an order of the Connecticut Superior Court, Judicial District of Hartford, modifying the stipulated judgment in the matter of Stanley Pac, Commissioner of Environmental Protection v. City of Danbury (Docket No. CV-86-03223355) entered on October, 1989, the sum of \$ 76,450,000 is appropriated for the planning, design, acquisition, construction and equipping of improvements to the Danbury Regional Wastewater Treatment system, including but not limited to (a) renovations to the Danbury Wastewater Treatment Plant to add activated sludge nitrification tanks, upgrade buildings and roads and make further related improvements; (b) construction of a pumping station in Bethel; (c) construction of a force main in Bethel and Danbury and (d) related maintenance and operations facilities, all in accordance with the "Update To The Wastewater Management Facilities Plan, Danbury and Bethel Area, Connecticut" dated March 1989, prepared by Metcalf & Eddy Services, Inc., as the same shall be amended from time to time (herein referred to as the "Project"), and for administrative, printing and legal costs related thereto, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof and payments received from the Town of Bethel and any other municipality pursuant to an interlocal agreement with the City regarding use of the Project.

Section 2. The first sentence of Section 2 of said Ordinance is deleted and the following is substituted in lieu thereof:

"Section 2. Pursuant to Connecticut General Statutes Section 22a-458 and an order of the Connecticut Superior Court, Judicial District of Hartford, modifying the stipulated judgment in the matter of Stanley Pac, Commissioner of Environmental Protection v. City of Danbury (Docket No. CV-86-03223355) entered on October, 1989, to meet said appropriation not exceeding \$76,450,000 bonds of the City, or so much thereof as shall be necessary for such purpose, shall be issued, in one or more series, maturing not later than the twentieth year after their date."

Section 3. Section 5 of said Ordinance is deleted and the following is substituted in lieu thereof:

"Section 5. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Sections 22a-475 to 22a-483 of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program") the City may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor shall determine. The Mayor is hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute, sell and deliver the same. Said obligations shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver in the name of and on behalf of the City Project Loan and Project Grant Agreements under the Clean Water Fund Program to the State.

Section 4. Section 6 of said Ordinance is deleted in its entirety.

Mr. Flanagan moved that the ordinance be adopted as read. Seconded by Mr. Charles.

Mr. Bundy offered an amendment, seconded by Mr. Moran, reducing the amount of bonding. Said amendment was subsequently withdrawn.

Much discussion followed. Full text of the discussion is on tape which is on file in the office of the City Clerk for public inspection.

Mr. Gottschalk explained that there has been a timetable established by the Court which allows bids to be submitted up to January 16, 1990. The State then has one month to review the bids and the City then has until February 28, 1990 to award the bid. Mr. Gottschalk explained that it is not impossible to amend between deadlines but would need 1, perhaps 2, Special Meetings.

Mr. Bundy submitted the following amendment:

"I propose and recommend that the Common Council amend the Ordinance amounts in Section 1 and Section 2 to a figure of \$73,475,000 which represents a reduction in the construction contingency from 15% to 5% and exclusion of the construction of the proposed Department of Public Works Building." Seconded by Mr. Moran. Motion to amend fails with the members voting as follows:

Yes - Connell, Moran, Esposito, Farah, Fazio, Charles, Bundy.

No - Gallo, Renz, Flanagan, Zotos, Cresci, Nimmons, DaSilva, Eriquez, Regan.

7 Yes - 9 No.

Mr. DaSilva offered an amendment to delete the sum of \$80,000,000 and insert the sum of \$78,300,000. Seconded by Mr. Renz. Motion to amend carried with Mr. Connell, Moran, Fazio and Bundy voting in the negative.

The original motion as amended failed with Mr. Connell, Moran, Fazio and Bundy voting in the negative.

Mr. Bundy made a motion to delete the sum of \$80,000,000 from the Ordinance and insert the sum of \$76,450,000. Seconded by Mr. Moran. Motion carried with Mr. Flanagan voting in the negative.

2 - REPORT & RESOLUTION - Hillandale Sewer Assessments.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole on October 17, 1989 in the Common Council Chambers regarding the Hillandale Sewer Assessments. Mr. DaSilva made a motion to approve the assessments. Seconded by Mr. Charles. Motion carried unanimously.

RESOLUTION - Resolved by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be constructed known as the Hillandale Road Area Project; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes § 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before December 1, 1989, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Hillandale Road Area Project:

1. The payment of any benefits by installments hereunder shall be in not more than fourteen (14) equal annual payments.

2. The minimum annual installment payment shall be ONE HUNDRED AND EIGHTY (\$180) DOLLARS.

3. The interest on any deferred payments hereunder shall be due at a rate per annum which shall be the rate of interest the City is obligated to pay on its sewer bonds issued for the cost of such improvement. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.

4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as follows:

CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT
OF ASSESSMENT OF BENEFITS

The undersigned Tax Collector of the City of Danbury in the County of Fairfield, State of Connecticut hereby certifies from the date hereof an installment payment plan is in effect for payment of an assessment of benefits for the installation of a sewerage system, in favor of the City of Danbury, upon real property situated in said City, which real property is more fully described in the City Land Records in:

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The notice of such assessment of sewerage benefits herein certified is to _____ (owner of property), the principal of which is \$ _____ due to said City of Danbury, together with legal interest fees and charges thereon assessed on October 17, 1989 in the name of _____ and the same becomes due on December 1, 1989 and may be paid in annual installment payments of \$ _____ each plus interest at the rate of 6.5592 per cent on the unpaid balance and continuing to _____.

This certificate is filed pursuant to § 7-253 of the General Statutes, as amended.

The property assessed is:

Lot _____

Street _____

Item No. _____

Tax Collector

Received _____, 19__

At _____ M.

Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessments of Benefits by virtue of the construction of the sewer project are hereby fixed as follows:
(list attached)

Mr. Moran made a motion to approve the report and resolution. Seconded by Mr. Cresci. Motion carried unanimously.

3 - RESOLUTION - Women, Infants and Children Supplemental Nutrition Program.

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1989 through September 30, 1990 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

WHEREAS, the City of Danbury through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

WHEREAS, a grant award of up to \$136,130.00 has been processed by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved the grant proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Danbury Health Department in applying for the said grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT to accomplish said program the Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services.

Mr. Gallo made a motion that the Resolution be adopted. Seconded by Mr. Connell. Motion carried unanimously.

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

There being no further business to come before the Common Council, a motion was made by Mr. Moran for the meeting to be adjourned at 9:05 P.M.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk