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CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@danbury-ct.gov

November 1, 2012

Hon. Members of the City Council
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Public Health and Safety/Debris Storage/BRT Property-Kennedy Avenue
Storm Sandy

Dear Council Members:

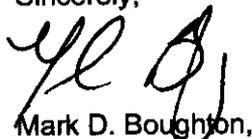
As you are aware, City departments have been engaged in a variety of emergency measures to deal with this newest storm wreaking havoc on our neighborhoods. While this year, unlike with Storm Alfred, we are handling debris removal and storage solely with City forces, Director of Public Works Iadarola advises that he needs a temporary site on which to store storm debris. BRT has graciously consented to, again, make the Kennedy Avenue site available to us for this interim period.

In order to effectuate this plan, I am asking you to adopt the attached resolution, which authorizes:

1. The use by agreement, of the site for purposes as indicated in a basic license agreement to be executed upon your approval of the concept.
2. The provision of insurance coverage and indemnification as required by the property owner.
3. Additional authorization for those related measures needed to accomplish these measures, on this site.

Thank you in advance for your approval of this request and these measures to make our City safe, secure and open for public and private business.

Sincerely,


Mark D. Boughton,
Mayor

Attachment

cc: Antonio Iadarola, P.E., Director of Public Works
Paul Estefan, Director of Civil Preparedness



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2012

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

WHEREAS, due to the emergency needs created by Storm Sandy, the City of Danbury needs to secure a site for the deposit, storage and other related use for storm debris; and

WHEREAS, BRT General Corporation has made available a site on Kennedy Avenue that has been used for such purposes before; and

WHEREAS, the parties desire to engage in an agreement for site use, including appropriate assurances of safety and coverages for indemnification and insurance protection; and

WHEREAS, it is in the best and highest interests of the City of Danbury to so engage, in order to secure the safety, and passage of persons and vehicles throughout the City.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to execute an agreement for the use of the open site at Kennedy Boulevard for the purposes of storage and other handling of storm debris and to perform such other and related actions as may be required in furtherance thereof.



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November 1, 2012

City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: Use of One Kennedy Avenue for Processing Wood Damage From Storm Sandy

Dear City of Danbury:

BRT hereby agrees to allow the City of Danbury to use our property at Kennedy Avenue, Danbury, Connecticut for the period beginning November 1, 2012 – February 28, 2013, for processing wood and brush from storm damage. This period may not be extended without written permission from BRT.

City of Danbury shall indemnify and hold harmless BRT from and against all claims, losses, liabilities, and expenses, including attorney's fees, arising out of or in any manner caused by, connected with or resulting from the use of or employees and/or agents at the construction site, regardless of whether such claim, damages, loss, liability, or expense is caused in full or in part by a party indemnified hereunder. The City of Danbury shall provide BRT with a certificate of liability insurance listing BRT General Corporation and BRT Kennedy, LLC as an additional insureds.

If you have any questions regarding the foregoing, please contact me.

Very truly yours,
BRT GENERAL CORPORATION

Dianne Fleischer
Vice President & Treasurer

AGREED TO AND ACCEPTED BY
City of Danbury

By: _____

Date: _____

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