

(15)

**City Council Committee Meeting as a Whole**  
**DANBURY CITY COUNCIL**  
**BOND ORDINANCE - Public Improvements**  
**July 25, 2016**

Honorable Mayor Mark D. Boughton  
Members of the City Council

President Cavo called the Committee meeting to order at 8:04 p.m.

**COUNCIL MEMBERS PRESENT:** Philip D. Curran, Michael J. Esposito, Warren Levy, Colleen Stanley, Gregg Seabury, Andrew Wetmore, Irving M. Fox, John Priola, Joe Cavo, Christopher J. Arconti, John J. Esposito, Duane Perkins, Ben Chianese, Nancy Cammisa, Paul T. Rotello, and Joseph Scozzafava.

**COUNCIL MEMBERS ABSENT:** Christina Chieffalo recently had a baby; Vincent DiGilio is out of town on business; Thomas Saadi is attending to business; and Fred Visconti and Elmer Palma are at family functions.

**PRESENT: 16 ABSENT: 5.**

**ALSO PRESENT:** Laszlo L. Pinter, Deputy Corporation Counsel; Robert J. Yamin, Corporation Counsel; David St. Hilaire, Director of Finance; Sharon Calitro, Planning Director; and Antonio Iadarola, Public Works Director.

**BOND ORDINANCE - An Ordinance Appropriating \$10,000,000 For Various Public Improvements And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose**

**A motion was made by Duane Perkins to divide all six items into separate items. The motion failed 10-6.**

Mr. Boughton responded to Mr. Perkins', Mr. Fox's, and Rotello's questions regarding specific streets, recreation including basketball courts, fields, track, lighting, and Ms. Stanley's questions regarding sidewalk improvements. Mr. Chianese inquired regarding Richter monies for the mansion and where remaining monies would go.

Ms. Calitro discussed Tarrywile at Mr. Levy's request including stabilization plans and responded to Mr. Rotello as well. Mr. Boughton also commented on the area as well. Mr. Iadarola discussed the scope of the project.

Mr. Rotello suggested the question be bifurcated next week if possible; Mr. Pinter commented on the effect that could have on timing and discussed flexibility.

**A motion was made by Christopher Arconti, seconded by Gregg Seabury, to recommend as the Committee of the Whole, the approval of an Ordinance Appropriating \$10,000,000 for Various Public Improvements and Authorizing the Issuance Of \$10,000,000 Bonds of The City to meet said Appropriation and pending the issuance thereof the making of Temporary Borrowings for such purpose together with the adoption of a Resolution providing for a special City meeting of electors on November 8, 2016. The motion carried 13-2, Paul Rotello and Duane Perkins dissenting, Ben Chianese abstaining.**

Adjournment

15-1.

There being no further business before the Committee, a motion was made by Duane Perkins, and seconded by Christopher Arconti, to adjourn. The motion carried unanimously. The meeting ended at 8:45 p.m.

Respectfully submitted,

Lori Goor  
Recording Secretary

Attest,  
Mark D. Boughton, Mayor

15-2



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT  
CITY COUNCIL

\_\_\_\_\_ A.D. 2016

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

AN ORDINANCE APPROPRIATING \$10,000,000 FOR VARIOUS PUBLIC IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

**RESOLVED:**

Section 1. The sum of \$10,000,000 is hereby appropriated to meet the estimated costs of the various public improvements set forth below as the same may be more fully set forth in the City of Danbury multi-year Capital Improvement Plan, as described within the City of Danbury annual adopted budget for the fiscal year then ending (collectively, the "Projects"), said appropriation to be inclusive of any administrative, financing, printing, legal and costs of issuance related thereto, and said appropriation to be exclusive of any and all State and federal grants-in-aid thereof.

**Street Infrastructure Improvements**

Sidewalk repair and replacement at strategic locations within the downtown, including without limitation, planning, design, acquisition and construction of sidewalk repairs, improvements and replacement. \$1,100,000

**Street Paving, Drainage and Bridge Repairs**

The continued Road Reconstruction Program, including without limitation, the planning, design, acquisition and construction of the rebuilding, paving, drainage remediation, easement acquisition, cross culvert repair and replacement, curbing, guardrail, resurfacing, lighting, installation of sprinklers in median and islands, thoroughfare beautification and significant repairs related to City streets, parking lots and bridges and within associated easements. 4,350,000

**Recreational Improvements**

Recreation Improvements, including without limitation, updated and improved surfaces, fencing, enhancements, upgrades and associated amenities for continued and safe use to selected playing fields and courts including, but not limited to, Westerner's Baseball Field and Rogers Park Tennis Courts. 1,050,000

**Richter Park Improvements**

Richter Park Improvements, including without limitation, maintenance, repairs and improvements to the Richter Park golf course and rehabilitation and renovations to the Richter House mansion including, but not limited to, structural, environmental, utility and code-related issues. 950,000

Tarrywile Park Improvements

1,600,000

Tarrywile Park Improvements, including without limitation, preparation of detailed design and construction plans for the creation of a walled garden at Hearthstone Castle, removal of all contaminated debris, stone removal, and stabilization of adjacent rock retaining walls.

New Animal Control Facility

950,000

New Animal Control Facility, including without limitation, planning, design and construction of a new building and associated site improvements.

TOTAL: \$10,000,000

Section 2. To meet said appropriation \$10,000,000 bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the City's share of the cost of the project determined after considering the estimated amount of the State grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Mayor and the Director of Finance, in the best interest of the City.

Section 3. The bonds shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Mayor, the City Treasurer and the Director of Finance.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the Mayor, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or

trust company designated by the City Treasurer pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut 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 5. The Mayor is authorized in the name and on behalf of the City to apply for and accept any and all federal and state loans and/or grants-in-aid for the project and is further authorized to expend said funds in accordance with the terms thereof.

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

Section 7. The Director of Finance is hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. This ordinance shall become effective upon its approval at a Special City Meeting called by the Mayor for such purpose, pursuant to the revised City Charter.

15-5



# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A.D. 2016

**RESOLVED** BY THE CITY COUNCIL OF THE CITY OF DANBURY

## RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Appropriating \$10,000,000 For Various Public Improvements And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Council on \_\_\_\_\_, be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held in conjunction with the general election on November 8, 2016, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.), that the warning of said meeting states the question to be voted on as follows:

1. Shall the ordinance entitled "An Ordinance Appropriating \$10,000,000 For Various Public Improvements And Authorizing The Issuance Of \$10,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the City Council at its meeting held \_\_\_\_\_, 2016, be approved?

The ballot label for said question shall read as follows:

Shall the \$10,000,000 appropriation and bond authorization for various public improvements be approved?

YES \_\_\_\_\_

NO \_\_\_\_\_

The warning shall also state that the full text of the aforesaid ordinance is on file, open to public inspection, in the Office of the Town Clerk, that the vote on the aforesaid bond ordinance is taken under the authority of Section 7-10(a) of the Revised Charter of the City of Danbury and Chapters 90 and 152 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with law in the Office of the Town Clerk.