

To: Mayor Mark D. Boughton and Members of the Common Council

Re: Minutes of the Common Council Committee of the Whole held on November 26, 2007

The meeting of the Committee as a whole was called to order by Council President Joe Cavo at 7:30 pm.

The members were recorded as:

Present - McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Visconti, Chianese, Esposito, Saadi, Cavo, Basso, Rotello, Diggs, Techolz, Curran, Saracino, Seabury and Stanley

Absent: Council Members Riley, Perkins and Taborsak

18 Present - 3 Absent

President Cavo open the discussion on item #1:

Councilwoman Saracino moved to recommend the approval of an ordinance entitled

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING \$16,000,000 FOR ACQUISITION OF OPEN SPACE, IMPROVEMENTS TO CITY RECREATION FACILITIES AND PAVING, DRAINAGE AND THOROUGHFARE BEAUTIFICATION PROJECTS AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

The motion was seconded by Councilman Rotello.

Discussion followed with Mayor Boughton, and Director of Public Works, Antonio Iadarola answering any concerns.

Motion passed unanimously.

Respectfully Submitted,

Mary Foley
Recording Secretary



26-1

ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

AN ORDINANCE MAKING APPROPRIATIONS AGGREGATING \$16,000,000 FOR ACQUISITION OF OPEN SPACE, IMPROVEMENTS TO CITY RECREATION FACILITIES AND PAVING, DRAINAGE AND THOROUGHFARE BEAUTIFICATION PROJECTS AND AUTHORIZING THE ISSUANCE OF \$16,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. (a) The sum of \$6,625,000 is hereby appropriated for the acquisition of land, in fee, or acquisition of any easement, interest or right in land, for open space preservation, recreation, conservation, or agricultural land preservation, including entering into any agreements or covenants with landowners of open space in order to maintain, improve, protect, limit the future use of or conserve open space; and acquiring development rights to agricultural land for the preservation of such land, and for surveys, site tests, environmental remediation, engineering, administrative, printing, legal and financings costs related thereto, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof, said acquisition may include, but is not limited to the following:

1. Terre Haute;
2. Padanaram Road connection to Marjorie Reservoir;
3. Ives Trail acquisition; and
4. West Side Open Space (former Farrington Property)

An allocation of the appropriation for each acquisition made pursuant hereto shall be subject to the approval of the Common Council.

Section 1. (b) The sum of \$4,935,000 is hereby appropriated for improvements to the following park and recreation facilities, including legal, administrative and other related costs, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof:

1. New multipurpose artificial fields at Rogers Park and Kenosia Park
2. Drainage and field improvements – Rogers Park
3. Kenosia Avenue Swamp Boardwalk and bird viewing area feasibility study
4. Sprayscape Park at Kenosia
5. Renovations and refurbishment of Kennedy Park and Maple Avenue and Garamella pocket park
6. Planning and development of Marjorie Trail system
7. Rebuild/Replace bandshell at the Green and upgrade utilities

Section 1. (c) The sum of \$4,440,000 is hereby appropriated the following public improvements including legal, administrative and other related costs, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof:

1. Equipment Maintenance - Public Works and Parks and Recreation
2. Paving and Drainage
3. Thoroughfare beautification, including but not limited to, Plumtrees Road and Main Street

Section 2. To meet the appropriations in subsection (a),(b) and (c) of Section 1, \$16,000,000 bonds of the City or so much thereof as shall be necessary for such purpose shall be issued maturing not later than the twentieth year after their date.

Section 3. The appropriations in subsection (a)(b) and (c) of Section 1 may be expended with the approval of the Mayor and the Director of Finance for any of the projects or purposes set forth therein and the Mayor and the Director of Finance may approve transfers among the appropriations in said subsections upon a finding that any such appropriation or portion thereof is not needed for its respective purpose.

Section 4. The bonds authorized in Section 2 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 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, 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. 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 the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including 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 5. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. 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 6. 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 City Treasurer, be approved as to their legality by Robinson & Cole LLP, 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, may be included as a cost of the improvements in Section 1. 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 7. 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 projects defined in Section 1 herein 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 8. The Director of Finance is hereby authorized, on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories 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 Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. 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.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled "An Ordinance Making Appropriations Aggregating \$16,000,000 For Acquisition Of Open Space, Improvements To City Recreation Facilities And Paving, Drainage And Thoroughfare Beautification Projects And Authorizing The Issuance Of \$16,000,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the ordinance entitled "An Ordinance Appropriating \$2,900,000 For Various School Improvement Projects At Danbury High School And Authorizing The Issuance Of \$2,900,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", 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 February 5, 2008, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.D.T.), that the Warning of said meeting state the questions to be voted on as follows:

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating \$16,000,000 For Acquisition Of Open Space, Improvements To City Recreation Facilities And Paving, Drainage And Thoroughfare Beautification Projects And Authorizing The Issuance Of \$16,000,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held December 4, 2007, be approved?

Shall the ordinance entitled "An Ordinance Appropriating \$2,900,000 For Various School Improvement Projects At Danbury High School And Authorizing The Issuance Of \$2,900,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held December 4, 2007, be approved?

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT



_____ A. D., 200__

RESOLVED by the Common Council of the City of Danbury:

RESOLUTION PROVIDING FOR NOTICE OF SPECIAL CITY MEETING

RESOLVED: That the Mayor be authorized and directed to call a Special City Meeting to be held on February 5, 2008 between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.D.T.) at the several voting districts of the City to consider and take action upon the aforesaid proposed ordinances, and that the notice of said Special City Meeting be in substantially the following form:

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby warned and notified to meet where such persons are entitled to vote on February 5, 2008 between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.D.T.) for the purpose of approving or disapproving the following questions:

1. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating \$16,000,000 For Acquisition Of Open Space, Improvements To City Recreation Facilities And Paving, Drainage And Thoroughfare Beautification Projects And Authorizing The Issuance Of \$16,000,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held December 4, 2007, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating \$16,000,000 For Acquisition Of Open Space, Improvements To City Recreation Facilities And Paving, Drainage And Thoroughfare Beautification Projects And Authorizing The Issuance Of \$16,000,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

- 2.. "Shall the ordinance entitled "An Ordinance Appropriating \$2,900,000 For Various School Improvement Projects At Danbury High School And Authorizing The Issuance Of \$2,900,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held December 4, 2007, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Appropriating \$2,900,000 For Various School Improvement Projects At Danbury High School And Authorizing The Issuance Of \$2,900,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

The vote will be by ballot. Those desiring to vote in favor of the adoption of the ordinances shall fill in the box marked "YES" on the ballot. Those desiring to vote against the adoption of the ordinances shall fill in the box marked "NO" on the ballot.

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than \$1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran or as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

- Ward No. 1 Danbury High School Gym, 43 Clapboard Ridge Road
- Ward No. 2 Pembroke School Gym, 34 Pembroke Road
- Ward No. 3 Broadview Middle School, 72 Hospital Avenue
- Ward No. 4 Shelter Rock School Gym, 2 Crows Nest Lane
- Ward No. 5 Danbury War Memorial, Memorial Drive
- Ward No. 6 Park Avenue School Gym, 82 Park Avenue
- Ward No. 7 Mill Ridge Intermediate School Gym, 1 School Ridge Road

Qualified voters will be entitled to vote in the Voter Registration Office on the second floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.D.T.).

Said vote is being held pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury, approved by the electors November 6, 1990.

The full text of the aforesaid ordinances is on file, open to public inspection, in the office of the City Clerk.

Dated at Danbury, Connecticut, this _____ day of _____, 2007.

Town Clerk

Attest: _____
City Clerk