

COMMON COUNCIL - SPECIAL MEETING
OCTOBER 7, 1982

Meeting is called to order at 7:00 O'Clock P.M. by the Honorable Mayor, James E. Dyer.

PLEDGE OF ALLEGIANCE TO THE FLAG

PRAYER

ROLL CALL

Council Members - Elder, Gallo, McGarry, Foti, Torcaso, Ericquez, Esposito, Repole, Zotos, Eppoliti, McManus, DaSilva, Torian, White, Cassano, Charles, Boynton, Merullo, Butera, Evans, Farah.

1516 Present 65 Absent.

14 yd 2 no -

NOTICE OF SPECIAL MEETING to be held on the 7th day of October, 1982 at 7:00 O'Clock P.M. for the purpose of acting upon the following:

01 - REPORT - Re: Funds for Board of Education.

02 - REPORT - Re: The Loren Group Property - Plumtrees Road.

RETURN OF SERVICE - Notices delivered by Police Officers of the Danbury Police Department.

A motion was made by _____ & seconded by _____ for the Call and Return of Service to be accepted.

01
REPORT ✓

- Funds for Board of Education.

The Report was

02
REPORT ✓

- The Loren Group Property - Plumtrees Road

The Report was

PUBLIC SPEAKING SESSION

There being no further business to come before the Common Council a motion was made by _____ & seconded by _____ for the meeting to be adjourned at _____ O'Clock P.M.

CITY OF DANBURY

To: Common Council - City of Danbury

A special meeting of the Common Council _____ of the City of Danbury will be held on the 7th day of October 19 82 at 7:00 o'clock p.m., at the City Hall in said Danbury.

For the purpose of acting upon the following:

01 - REPORT - Re: Funds for Board of Education.

02 - REPORT - Re: The Loren Group Property - Plumtrees Road.

Dated at Danbury, this ^{6th}~~5th~~ day of October, 19 82.

James Dyer Mayor
Elizabeth Hudgins Clerk

To the sheriff or any policeman of the City of Danbury:

You are hereby required to notify the above named member _____ of the Common Council of the City of Danbury of the special meeting of said board by leaving with or at the usual place of abode or place of business of such member not less than 24 hours before the hour specified for said meeting, a notice in form annexed, and to make due return thereof at the time of said meeting.

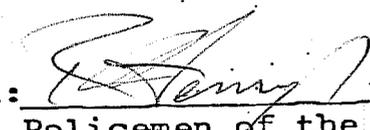
James Dyer Mayor

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

<u>NAME</u>	<u>TIME</u>
1. CONSTANCE McMANUS	21:40 RA MB
2. RICHARD B. ELDER	21:50 RA MB
3. BERNARD P. GALLO	19:16 RA HD
4. JOHN A. McGARRY	20:50 RA MB
5. RUSSELL M. FOTI	19:21 RA HD
6. CAROLE A. TORCASO	19:02 RA MB
7. GENE ERIQUEZ	18:52 RA MB
8. JOHN ESPOSITO	18:50 RA HD RA HD
9. NICHOLAS ZOTOS	18:22 RA MB
10. FRANK REPOLE	16:45/42 RA MB
11. DIANE EPPOLITI	17:45 RA MB Dogs
12. RICHARD M. WHITE	17:34 RA MB
13. ANTHONY J. CASSANO	17:30 RA MB Dogs
14. LOUIS T. CHARLES, JR.	16:55 RA MB
15. ERNEST M. BOYNTON	18:45 RA HD
16. JOSEPH DaSILVA	18:30 RA MB
17. EMANUEL MERULLO JR.	16:46 RA MB
18. THOMAS E. EVANS	17:20 RA MB
19. JANET A. BUTERA	17:10 RA MB
20. EDWARD T. TORIAN	21:29 RA HD
21. MOUNIR FARAH	18:59 RA MB

Each Notice so served upon each ^{ADDRESS} ~~member~~, all having been done by me on this date 10/6/82.

Attest: 
Policemen of the City of Danbury

NOTE: PLEASE RETURN THIS FORM TO THE OFFICE OF THE CITY CLERK AFTER ALL NOTICES (ENVELOPES) HAVE BEEN DELIVERED.

RETURN OF SERVICE

By virtue of the within warning, I have served Notice on each of the members of the Common Council of the City of Danbury, of the Special Meeting of said Board, each Notice duly signed by the Mayor and City Clerk, by leaving such written Notice with each of the following members of said Common Council, to-wit:

<u>NAME</u>	<u>TIME</u>
1. <u>CONSTANCE McMANUS</u>	<u>1930</u>
2. <u>RICHARD B. ELDER</u>	<u>1940</u>
3. <u>BERNARD P. GALLO</u>	<u>1950</u>
4. <u>JOHN A. McGARRY</u>	<u>2000</u>
5. <u>RUSSELL M. FOTI</u>	<u>2030</u>
6. <u>CAROLE A. TORCASO</u>	<u>1940</u>
7. <u>GENE ERIQUEZ</u>	<u>1940</u>
8. <u>JOHN ESPOSITO</u>	<u>1940</u>
9. <u>NICHOLAS ZOTOS</u>	<u>1945</u>
10. <u>FRANK REPOLE</u>	<u>1945</u>
11. <u>DIANE EPPOLITI</u>	<u>2000</u>
12. <u>RICHARD M. WHITE</u>	<u>2134</u>
13. <u>ANTHONY J. CASSANO</u>	<u>1955</u>
14. <u>LOUIS T. CHARLES, JR.</u>	<u>1930</u>
15. <u>ERNEST M. BOYNTON</u>	<u>1950</u>
16. <u>JOSEPH DaSILVA</u>	<u>1930</u>
17. <u>EMANUEL MERULLO JR.</u>	<u>1930</u>
18. <u>THOMAS E. EVANS</u>	<u>1945</u>
19. <u>JANET A. BUTERA</u>	<u>1950</u>
20. <u>EDWARD T. TORIAN</u>	<u>1930</u>
21. <u>MOUNIR FARAH</u>	<u>1930</u>

Each Notice so served upon each member, all having been done by me on this date 10/05/82.

Attest: P.O. McManus
Policemen of the City of
Danbury



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

October 7, 1982

REPORT & RESOLUTION
SCHOOL BOARD LIAISON COMMITTEE

The Common Council School Board Liaison Committee met on Oct. 6, 1982 at 7:30 P.M. in room 432. In attendance were Councilpersons Evans, Eriquez, Torcaso, Torian and Farah. Also, Councilmen Esposito and Boynton and Assistant Comptroller Dom Setaro. The School Board was represented by Mr. Doyle, Mrs. Baker and Superintendent Lober.

After discussion by the committee and school board members, Mr. Eriquez moved that \$28,825 being received by the City from the Board of Education, be returned to the Board of Education to be placed in their General Budget. Motion was seconded by Mrs. Torcaso and carried.

Respectfully submitted

Thomas E. Evans Chairman
Thomas E. Evans

Edward T. Torian
Edward T. Torian

Mounir Farah
Mounir Farah

Carole A. Torcaso
Carole A. Torcaso

Gene Eriquez
Gene Eriquez



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

October 7, 1982 A. D., 19

RESOLVED by the Common Council of the City of Danbury:

THAT the City of Danbury accept \$28,825.00 from the School Lunch Fund; and

THAT the City of Danbury increase the School Budget Account by said \$28,825.00, and increase the City Revenue Account in a like amount; and

THAT it is understood that although the City of Danbury cannot require the expenditure of these funds for any particular purpose, that it is nonetheless the strong desire of the Mayor and the Common Council that the Board of Education apply these funds so as to achieve an increase in staff and a reduction in class size; and

THAT the Mayor convey the expressed desire of the Common Council to the Board of Education.



CITY OF DANBURY

155 DEER HILL AVENUE

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Respectfully submitted

Chairman

Thomas E. Evans

Edward T. Torian

Mounir Farah

Carole A. Torcaso

Gene Eriquez



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

October 7, 1982

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Loren Group Property - Plumtrees Road.

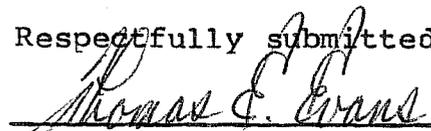
The committee appointed to investigate the exchange of land between the City of Danbury and the Loren Group on Plumtrees Road, met on May 25, 1982 at 7:30 P.M.

In attendance were Members, Evans, Gallo, Repole and Charles. Also present were Jack Schweitzer, D. Garamella, Attorney T. Goldstein representing the City and Messers Grogins, Ryan and Mattikow, representing The Loren Group.

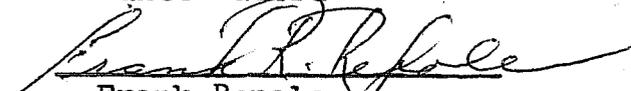
After some discussion the committee felt that the exchange of property was in the best interest of the City, but the ratio being almost 2 to 1 for The Loren Group should be changed. After more discussion, Mr. Gallo moved we accept a revised offer of the exchange of property between the City of Danbury and The Loren Group located off Plumtrees Road, pending approval of Contract between Corporation Counsel and Loren Group. Motion was seconded by Mr. Repole and carried unanimously.

The revised offer has now been agreed to by the City and The Loren Group and the committee recommends that the transfer of property be approved at this time.

Respectfully submitted


Thomas E. Evans Chairman

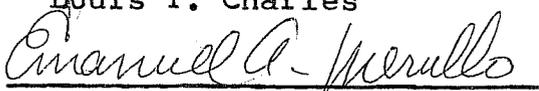
Janet Butera


Frank Repole

Richard White

Bernard Gallo


Louis T. Charles


Emanuel Merullo



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

October 7, 1982

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council
City of Danbury, Connecticut

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The revised offer has now been agreed to by the City and The Loren Group and the committee recommends that the transfer of property be approved at this time.

Respectfully submitted

Chairman

Thomas E. Evans

Janet Butera

Frank Repole

Richard White

Bernard Gallo

Louis T. Charles

Emanuel Merullo



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

THEODORE H. GOLDSTEIN,
CORPORATION COUNSEL

ERIC L. GOTTSCHALK
SANDRA VILARDI LEHENY
THOMAS G. WEST
ASSISTANT CORPORATION
COUNSEL

October 5, 1982

PLEASE REPLY TO:

DANBURY, CT 06810

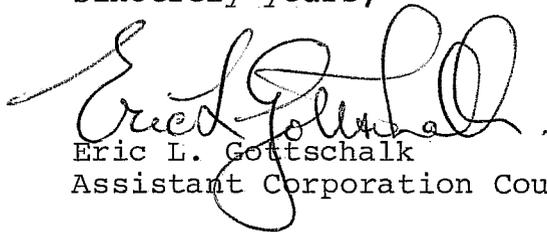
✓ Councilman Thomas E. Evans
Common Council, City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut

Re: Loren Group - Exchange of Property

Dear Councilman Evans:

I have reviewed the attached contract between the City of Danbury and the Loren Group. I believe that it adequately protects the interests of the City of Danbury and is consistent with discussions held by your committee, notably, those held on May 25, 1982. I urge you, however, to review the contract and contact me should you have any questions concerning its contents, so that the matter may be clarified prior to Common Council approval of the exchange.

Sincerely yours,



Eric L. Gottschalk
Assistant Corporation Counsel

ELG:cr

Attachment

THIS AGREEMENT made this day of , 1982,
between the City of Danbury, Connecticut, a municipal corporation
having its territorial limits within Fairfield County, Connecticut;
and The Loren Group, a Connecticut general partnership consisting
of Alfred Mattikow and Morton P. Levy, with a place of business on
Old Sherman Turnpike, Danbury, Connecticut.

WHEREAS, the City of Danbury desires to relocate and widen
Plumtrees Road near its terminus at Connecticut Route 6 in Danbury,
Connecticut;

WHEREAS, The Loren Group is the contract purchaser of a cer-
tain parcel of land located on said Plumtrees Road in Danbury,
Connecticut;

WHEREAS, in order to relocate and widen said Plumtrees Road it
will be necessary for the City of Danbury to obtain two certain
parcels of land more particularly described in the survey attached
hereto, said parcels are now under contract to The Loren Group;

WHEREAS, The Loren Group desires and agrees to convey said
premises to the City for said purposes in consideration for the
conveyance by the City of Danbury to The Loren Group of two parcels
of land now owned by the City of Danbury which are contiguous with
the parcels under contract by The Loren Group. Said parcels to be
conveyed to The Loren Group are more particularly described on the
aforesaid survey attached hereto.

NOW THEREFORE, it is agreed as follows:

1. The Loren Group shall convey to the City of Danbury two certain pieces or parcels of land located on Plumtrees Road in Danbury, Connecticut. Said parcels are more particularly designated as Parcels "A" and "B" on a survey entitled "Map Prepared For The Loren Group - II, Plumtrees Road, Danbury, Connecticut Area - as shown Scale 1" = 40', Date: May 4, 1982 and Revised 8/14/82", Prepared by David L. Ryan, Land Surveying & Site Planning, 16 Shore Rd., Danbury, Connecticut; " attached hereto and made a part hereof.

2. The City of Danbury agrees to convey to The Loren Group two certain pieces or parcels of land in Danbury, Connecticut, the first parcel located on or adjacent to Plumtrees Road, and the second located immediately to the rear of the premises presently under contract to The Loren Group on said Plumtrees Road. Said premises are more particularly designated as Parcels "C" and "D" on the aforesaid survey referred to in No. 1 above.

3. In the event that the City of Danbury notifies the attorney for The Loren Group, David L. Grogins, 158 Deer Hill Avenue, Danbury, Connecticut, on or before December 1, 1982 of the City's failure to approval said transfers, then this agreement at the election of The Loren Group and upon written notice to the City of Danbury shall be null and void and neither party shall be under any further obligation to the other.

4. This contract shall be further contingent upon The Loren Group's closing of title to the contract premises. In the event that The Loren Group is unable to close title to said premises on or before November 1, 1982 then, at the election of The Loren Group and upon written notice to the City of Danbury, this contract shall be null and void.

5. The closing shall take place at a time and place to be mutually agreed upon by the parties hereto but in no event later than two weeks from the last to occur of the approval as aforesaid by the City of Danbury, and the closing of title by The Loren Group to the contract premises. At the closing hereunder each party shall deliver to the other a full covenant Connecticut form of warranty deed duly executed and acknowledged, with the necessary conveyance tax, so as to convey to each other good and marketable title to an indefeasible estate in fee simple in and to the premises to be conveyed.

6. The parties shall be responsible for their respective expenses at closing, except that The Loren Group shall pay all taxes relative to the premises to be conveyed to the City of Danbury up to the date of closing hereunder.

7. If examination of title discloses a valid defect which prevents either party from conveying marketable title in accordance with the standards of title of the Connecticut Bar

Association, and if the conveying party does not within 30 days of written notification by the other party of such defect, cure such defect, the party to whom the premises in question is being conveyed shall elect either:

(a) to receive the conveyance of title as it exists, subject to such defect, or

(b) to rescind this contract in which event neither party shall thereafter have any further duty or liability to the other hereunder.

8. The parties hereto represent that they have not dealt with any broker in connection with this transaction.

9. Neither party hereto shall have the right to assign this contract without the express written consent of the other party which shall not be unreasonably withheld.

10. This written agreement constitutes the entire contract between the parties and no oral statements or promises or any understanding not embodied in this writing shall be valid.

11. It is contemplated by The Loren Group that prior to the closing of title hereunder it will make application to the Planning Commission of the City of Danbury for site plan approval for the construction of a 32,000 square foot office building on the contract premises. The City of Danbury agrees to provide engineering data with regard to the relocation of said Plumtrees Road, and

any and all surveying and/or engineering data which may be available with regard to the parcels to be conveyed hereunder.

12. This contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date hereinabove set forth.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

THE LOREN GROUP

By: _____

THE CITY OF DANBURY

By: _____

STATE OF CONNECTICUT:

ss. Danbury

, 1982

COUNTY OF FAIRFIELD:

On this the _____ day of _____ 1982, before me,

_____, the undersigned officer,
personally appeared _____,

known to me (or satisfactorily proven) to be the person whose name
is subscribed to the within instrument and acknowledged that he/she
executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand.

Notary Public

STATE OF CONNECTICUT:

ss. Danbury

, 1982

COUNTY OF FAIRFIELD:

On this the _____ day of _____ 1982, before me,

_____, the undersigned officer,
personally appeared _____,

known to me (or satisfactorily proven) to be the person whose name
is subscribed to the within instrument and acknowledged that he/she
executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand.

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