



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810  
[www.danbury-ct.gov](http://www.danbury-ct.gov)

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## **PUBLIC HEARING NOTICE**

**Who:** City Council Members

**When:** **7:00 P.M. – Monday, January 23, 2023**

**Where:** 3<sup>rd</sup> Floor Council Chambers  
City Hall, 155 Deer Hill Avenue

**Purpose:** Public Hearing – Ordinance: Water System Assets Bond  
\$115 Million

*\*Agenda Item on file in the Legislative Assistant's Office and on the City website.*

**NOTICE:** Members of the Council will meet as a committee of the whole immediately following the above public hearing.

**cc:** Council Members  
Corporation Counsel  
Antonio Iadarola, Public Works Director & City Engineer  
David Day, Superintendent of Public Utilities  
Mayor's Office

Posted Notices: Town Clerk    Information Board    City Website    The News Times

9. COMMUNICATION - Lease Renewal - 33 Hayestown Road to Danbury Fish & Game Assoc.

*A motion was made by Councilman Knapp, to refer this to an Ad Hoc with Corporation Counsel, Superintendent of Public Buildings, a representative from the Mayor's Office, and a report from the Planning Commission* So Ordered.

The Mayor appointed Councilman Henry in the chair, along with Councilmen Esposito III and Chianese.

10. COMMUNICATION - Ad Hoc Request - to create a Formal Process of Naming & Renaming City Buildings, Parks, Fields, Streets and Property

*A motion was made by Councilman DiGilio, to send this item to an Ad Hoc consisting Corporation Counsel, Superintendent of Public Buildings, the Director of Planning, and a representative from the Mayor's Office.* So Ordered.

The Mayor appointed Councilman Cavo in the chair, along with Councilmen Knapp and Santos.

11. COMMUNICATION - Application for Extension of Water Main - 21 Old Sherman Turnpike

*A motion was made by Councilman Masi, to refer this to the City Engineer, and City Planning Commission.* So Ordered.

12. ORDINANCE - Appointments to Government Entities Review Committee (GERC) 2023

*A motion was made by Councilman Eriquez, seconded by Councilman Rotello, to receive the communication and approve the appointment of Council Members Levy, Rotello, DiGilio; in addition to Danbury citizens Alan Boyce, Mark Chory, to serve on the Government Entities Review Committee (GERC).* The motion carried unanimously.

13. ORDINANCE - Bond Issuance & Ordinance Adoption: Water System Upgrades & Improvements

*A motion was made by Councilman DiGilio, to refer this item to a Public Hearing, followed by a Committee of The Whole.* So Ordered.

14. RESOLUTION - CT DAS HVAC Grant Program - Board of Education

*A motion was made by Councilman Esposito III, seconded by Councilman Palma, to receive the communication and adopt the resolution allowing the Board of Education of the City of Danbury, through the Superintendent of Schools, to file a grant application for state reimbursement funding for HVAC improvements at Danbury High School as presented.* The motion carried unanimously.

Mr. Iadarola explained the maintenance plans for a new HVAC system to Councilman Rotello.

Mr. Spang (BOE Director of Finance) addressed maintenance and operational cost with Councilman Britton. He explained the City's decision to avoid the use of ARPA Funds with Councilman DiGilio.

Mr. Iadarola addressed the City's supervision of a new HVAC system with Councilman Perkins.

CITY COUNCIL MEETING  
December 6, 2022 - 7:30 P.M.

Honorable Mayor, Dean Esposito, called the meeting to order at 7:35 p.m.

**PLEDGE OF ALLEGIANCE & PRAYER**

The Pledge of Allegiance was led by Sean Hatch. Councilman DiGilio led all in prayer.

**ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Buzaid, Cavo, Eriquez, Knapp, Levy, DiGilio, Rotello, Visconti, Esposito, Esposito III, Masi, Palma, Henry, Britton, Perkins, Santos, Cammisa.

**COUNCIL MEMBERS ABSENT:** Halas, Fox, Chianese and Molinaro.

**PRESENT: 17, ABSENT: 4**

**ALSO PRESENT:** Bob Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; Dan Garrick, Assistant Finance Director; and Elisa Etcheto, Legislative Assistant.

**PUBLIC INPUT**

Kate Conetta, Resident, 4 Topfield Rd., commented on items 5 and 21.

Ken Gucker, State Representative & Resident, 89 Padanaram Rd., commented on items 6, 12, 5, 14, 16, and 21.

**MINUTES - Minutes of the Council Meeting held November 2, 2022**

***A motion was made by Councilman DiGilio, and was seconded by Councilman Knapp, to both waive the reading of the Minutes and approve them as presented, as we all have copies and copies are on file in the Legislative Assistant's Office.*** The motion carried unanimously.

**CONSENT CALENDAR**

6. COMMUNICATION - Appointments to Government Entity - Commission on Aging

**Receive the Communication and approve the appointment of Mr. Jean Paul Trudel and Mrs. Patricia Weiner to the Commission on Aging with their term to expire on December 7, 2025.**

7. COMMUNICATION - Appointment to Government Entity - Tarrywile Park Authority

**Receive the Communication approve the appointment of Ms. Julia LaValla to the Tarrywile Park Authority with a term to expire on December 7, 2025.**



## CITY OF DANBURY

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

DEAN ESPOSITO  
MAYOR

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November 28, 2022

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

RE: *March 2023* Municipal Bond and Ordinance Package: Water System Upgrades and Improvements

Dear Council Members,

I am submitting for your consideration and review an ordinance, with related and appropriate documentation, authorizing a request for Danbury electors in *March 2023* to approve \$115M borrowing to fund upgrades and improvements to our Water System.

Existing Water System Assets, Facilities and Infrastructure must be upgraded to continue to comply with established regulatory drinking water standards, as well as new drinking water standards. Improvements, upgrades and rehabilitation includes but is not limited to: (I.) the Lake Kenosia Well Field, the West Lake and Margerie Water Treatment Plants, the raw water supply system, the treated water distribution system and extension of such, and water storage tank rehabilitation and/or replacement; (II.) compliance with EPA's 2021 Lead and Copper Rule; (III.) testing, designing and installation of treatment for Per and Polyfluoroalkyl Substances ("PFAS") in groundwater supply sources, as well as testing and investigating for PFAS in surface water supply sources and studying treatment of surface water supply sources to comply with applicable law including without limitation established action levels and regulatory standards for PFAS in drinking water.

The last major water treatment plant upgrades were performed at the West Lake Water Treatment Plant (WTP) in 1982, 40 years ago, and the Margerie WTP in 1998, almost 25 years ago. Existing WTP facilities, equipment and treatment processes have been identified that are beyond their useful life, and must be replaced or upgraded to ensure the continued treatment and delivery of drinking water in accordance with regulatory requirements, and to ensure future plant operations remain reliable.

Kindly refer the ordinance to a Public Hearing and Committee of the Whole preferably in the month of December so as to allow its return for Council final approval in *January*. This will allow us sufficient time for all approvals, publication and final statutory processes for bonds of this type.

Bond counsel of Robinson and Cole, Hartford, has been retained to guide us through the process and the authorizations and approvals required for the *March 2023* bond presentation.

Sincerely,

  
Dean Esposito  
Mayor



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2022

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

AN ORDINANCE APPROPRIATING \$115,000,000 FOR THE PLANNING, STUDY, DESIGN, ENGINEERING AND CONSTRUCTION OF IMPROVEMENTS, UPGRADES, AND REHABILITATION OF EXISTING WATER SYSTEM ASSETS, FACILITIES, AND INFRASTRUCTURE AND AUTHORIZING THE ISSUANCE OF \$115,000,000 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 \$115,000,000 is appropriated for the planning, study, design, engineering and construction of improvements, upgrades, and rehabilitation to the existing water system assets, facilities, and infrastructure including but not limited to: (i) the Lake Kenosia Well Field, the West Lake and Margerie Water Treatment Plants, the raw water supply system, the treated water distribution system and extension of such, and water storage tank rehabilitation and/or replacement; (ii) completion of a lead service line, inventory to comply with applicable law including, without limitation, EPA's 2021 Lead and Copper Rule Revisions (the "LCRR"); (iii) completion of a lead service line replacement Pilot program in order to comply with EPA's LCRR; (iv) testing, designing and installation of treatment for Per and Polyfluoroalkyl Substances (the "PFAS") in groundwater supply sources, as well as testing and investigating for PFAS in surface water supply sources and studying treatment of surface water supply sources to comply with applicable law including without limitation established action levels and regulatory standards for PFAS in drinking water; and (v) administrative, financing, printing, legal and costs of issuance related thereto; all as may be more fully set forth in those certain reports entitled (a) Water Treatment Plant Evaluations Margerie and West Lake Water Treatment Plants prepared by GHD dated May 3, 2022, (b) Preliminary Design Report prepared by Tata & Howard dated June 29, 2020; and (c) 2016 Water Supply Plan Update prepared by Tata & Howard dated March 2017 as amended from time to time by the City's Annual Capital Improvement Program (collectively, the "Project").

Section 2. To meet said appropriation, \$115,000,000 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, as applicable the estimated amount of State and Federal 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 costs of issuance of such 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 registrar, certifying agent, 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 accordance with the Connecticut General Statutes.

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. The notes 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, 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. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Energy and Environmental Protection and the State of Connecticut Department of Public Health to be eligible for funding under Section 22a-478 *et seq.* of the Connecticut General Statutes, as may be amended from time to time (the "Clean Water Fund Program"), the City is authorized and may issue interim funding obligations in anticipation of project loan obligations and project loan obligations (collectively, "Drinking Water Obligations") in such denominations as the Mayor and the Director of Finance shall determine. Drinking Water Obligations, Project Loan and Grant Agreements, and Project Loan and Subsidy Agreements under the Clean Water Fund Program, and any other instruments, agreements or certificates required under the Clean Water Fund Program shall be executed in the name and on behalf of the City by the manual or facsimile signature of the Mayor and the City Treasurer, and bear the City seal or a facsimile thereof. The aggregate principal amount of the Drinking Water Obligations to be issued, the dated date, final maturity, rate or rates of interest, the date, time of issue and sale and all other terms details and particulars of such Drinking Water Obligations, subject to the provisions of the Clean Water Fund Program, shall be determined by the Mayor and Director of Finance. Each of the Drinking Water Obligations shall recite that every requirement of law relating to its issue has been duly complied with and 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.

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 any time after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, bond anticipation notes, or other obligations ("Tax-Exempt Obligations") authorized to be issued by the City. The Tax-Exempt Obligations 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 expenses of the Project in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

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. The Mayor and the Director of Finance, or either of them, are hereby authorized, in the name and on behalf of the City, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this ordinance.

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 Charter of the City of Danbury.