

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 - Johnson, Sollose, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Chianese, Skoff, McManus, DaSilva, Gallo, Cassano, Charles, Boynton, Butera, Durkin, Ericquez, Farah, Torian.

14 Present 7 Absent

NOTICE OF SPECIAL MEETING - To be held on the 26th day of June, 1985 at 7:00 O'Clock P.M. in the Council Chambers at City Hall, for the purpose of acting upon the following:

- 01 - REPORT - Re: Sunset Laws.
- 02 - REPORT - Re: Request from Norwalk Savings Society to waive interest charge on delinquent tax payments.
- 03 - REPORT - Re: Danbury Orthopedic Association Delinquent Tax bills.

RETURN OF SERVICE - Notices delivered and served by Police Officers of the City of Danbury.

Motion made by _____ and seconded by _____ for the Call and Return of Service to be accepted.

01
REPORT ✓ Re: Sunset Laws - proposed termination, modification, consolidation or re-establishment of governmental entities.

The Report was

02
REPORT ✓ Re: Request from Norwalk Savings Society to waive interest charge on delinquent tax payments.

The Report was

03
REPORT ✓ Re: Danbury Orthopedic Association Delinquent Tax Bills.

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

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

JAMES E. DYER, MAYOR

June 26, 1985

REPORT

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Sunset Review.

The Common Council held a public hearing on the Sunset review of the following governmental entities:

1. Aviation Commission
2. Redevelopment Agency
3. ~~Housing Site Development Agency~~
4. Danbury Community Development Plan Agency
5. Economic Development Commission.

Said public hearing was held on June 24, 1985 at 9:00 O'Clock P.M. in the Council Chambers at City Hall.

The Common Council met as a committee of the whole following the public hearing and recommends that the Danbury Community Development Agency, Danbury Redevelopment Agency and Aviation Commission be re-established.

Further, the committee recommends that the legal powers of the Housing Site Authority and the Economic Development Commission be transferred to the Common Council when those two entities are terminated. If this action is not taken, those powers will revert to the State.

Respectfully submitted

Constance McManus

Constance McManus
Common Council President

LAW OFFICES

NAHLEY & SULLIVAN, P. C.

RICHARD L. NAHLEY
RONALD M. SULLIVAN
ROBERT C. STEARNS, JR.

46 MAIN STREET
P. O. BOX 974
DANBURY, CONNECTICUT 06810
TELEPHONE (203) 744-4720

June 25, 1985

Honorable Carole Torcaso,
Councilman
3 Grove Street
Danbury, Connecticut 06810

Dear Councilman Torcaso:

I wish to advise you that I am Counsel for the Housing Site Development Agency of the City of Danbury. Sometime ago, the Executive Director instructed me to comply with the questionnaire which you sent the agency.

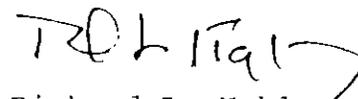
I am sure you recall that we had a telephone conversation concerning the matter. I was under the impression that I would be called before the Committee and I had planned to bring the questionnaire with me at that time. I apologize to you and the Council for the misunderstanding.

I respectfully request, however, that the Council continue the Agency's existence for the essential reason there is pending in Superior Court, Bridgeport, several lawsuits affecting the Beaver Street Housing Project, lawsuits which could be jeopardized by termination of the Agency. This is particularly true should an appeal be necessary. In addition, the Housing Site Development Agency is working with the Non-Profit Housing Corp. for rehabilitation of New Street and other housing opportunities are anticipated for low and moderate income families.

I would be pleased to discuss the matter further with you and your committee. I also wish to reiterate that it was not the Agency's intention to ignore you or the Common Council. The fault, if any, lies with the undersigned.

My Best Personal Regards.

Very truly yours,


Richard L. Nahley

RLN:mep

HAND DELIVERED

§ 7-136. Municipal economic development commissions

(a) Any town, city or borough, by ordinance, may accept the provisions of this section and may establish an economic development commission for the promotion and development of the economic resources of such municipality. The ordinance shall specify (1) the number of members of such commission, which shall be not less than five or more than fifteen, and the number of alternates, if any, (2) whether the members and alternates

shall be elected or appointed by the chief executive authority of the municipality and (3) the terms of the members and alternates, which shall not exceed five years and shall be so fixed that the terms of approximately one-fifth of the members shall expire each year. Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the chief executive authority. Any such alternate members shall, when seated, have all the powers and duties of a member of the commission. In any case in which the members of the commission or alternates are appointed by the chief executive authority, any member or alternate may be removed by such authority for cause and, on request of such member or alternate, after public hearing. The members and alternates of the commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties. The commission may appoint employees necessary for the discharge of its duties.

[See main volume for text of subsecs. (b) to (d)]

(1982, P.A. 82-55, § 1, eff. July 1, 1982.)

1982 Amendment .

1982, P.A. 82-55, § 1, added, at the end of subd. (1) of the second sentence of subsec. (a), "and the number of alternates, if any,."; inserted, in subds. (2) and (3) of the second sentence of subsec. (a), "and alternates" following "the members"; inserted, in subsec. (a), the fourth sentence; amended the fifth sentence of subsec. (a) by inserting "or alternates" following "members of the commission" and by inserting "or

alternate" following "any member" and "such member"; and inserted "and members" following "The members" in the sixth sentence of subsec. (a).

1982, P.A. 82-55, § 3, provided:

"This act shall take effect July 1, 1982."

Cross References

Amusement tax, exemptions, see § 12-541.

(b) The commission shall conduct research into the economic conditions and trends in its municipality, shall make recommendations to appropriate officials and agencies of its municipality regarding action to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purposes.

(c) The commission shall annually prepare and transmit to the legislative body of its municipality a report of its activities and of its recommendations for improving such economic conditions and development.

(d) Any municipality which establishes an economic development commission may annually appropriate for its purposes a sum not exceeding one-twentieth of one per cent of the last-completed grand list of taxable property.

(1955, Supp. § 263d; 1965, P.A. 245, § 1.)

Historical Note

1965, P.A. 245, § 1, substituted, in the first sentence of subsec. (a) and in subsec. (d), "economic development commission" for "development and industrial commission" and substituted "economic" for "business and industrial" following "promotion and development of the"; and redefined, in subsec. (b), the commission's duties and added the provisions for transmission of recommendations and for annual reports.

Cross References

Municipal planning commission, generally, see § 8-18 et seq.

Library References

Municipal Corporations \Leftrightarrow 213.
Towns \Leftrightarrow 27.

C.J.S. Municipal Corporations § 679
et seq.
C.J.S. Towns § 60.

LAW OFFICES

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46 MAIN STREET
P. O. BOX 974
DANBURY, CONNECTICUT 06810
TELEPHONE (203) 744-4720

June 26, 1985

HAND DELIVERED

Mrs. Mary Rickert
Assistant City Clerk
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Re: HOUSING SITE DEVELOPMENT AGENCY

Dear Mary:

As per our telephone conversation, enclosed please find Sunset Review Report regarding Housing Site Development Agency.

Carole Torcaso has asked that you make the necessary copies for the meeting of the Council.

Many thanks for your cooperation in this matter.

Very truly yours,

Richard L. Nahley
Richard L. Nahley *eyl*

RLN:mep
Encl:

SUNSET REVIEW REPORT

ENTITY BEING REVIEWED HOUSING SITE DEVELOPMENT AGENCY ("HSDA")

SCHEDULED TERMINATION DATE June 30, 1985

CHAIRPERSON/PERSON FILING REPORT RICHARD L. NAHLEY, COUNSEL TO HSDA

Under the Code of Ordinances of Danbury, Connecticut, Section 2-175 through 2-187, the entity being reviewed under the "Sunset Ordinance" bears the burden of demonstrating a public need sufficient to justify its continued existence. As part of this review, you are requested to provide the review committee with the following information - (use additional sheets if necessary):

- 1) A statement of the powers, duties, and functions of the governmental entity and authority under which it operates;

Purpose is to undertake a housing site development project for the purpose of developing real property for housing predominantly for low or moderate income persons or families. See Section 8-213, Conn. General Statutes

- 2) A statement of the number and type of persons served by the governmental entity and a summary of its performance and accomplishments;

HSDA does not "serve" persons as such; it is a developmental agency in the construction, erection and rehabilitation of low and moderate income housing. Additionally, it only functions when needed to comply with state statutes. This year, its only role is the New Street Rehabilitation program.

- 3) A statement of the budgetary costs incurred by, the number and cost of personnel employed by, and the sources of funding of the governmental entity during the last completed fiscal year;

Its sources of funding in 1985 was the State of Connecticut. Total Budget: \$60,000.00; No permanent employees. Executive Director of Housing Authority bills for services performed. Anytime there is funding, 2/3 is from the State of Connecticut, 1/3 in kind from the City of Danbury.

- 4) A summary of the budget and program of the governmental entity for the current fiscal year and its budget projections for the next succeeding year, if it were to continue existence;

See #3. No new programs contemplated this year. State Funds not readily available.

- 5) A statement of any powers, duties, or functions being duplicated by another entity together with any recommendations for the elimination of any such duplication of effort;

The agency was established to comply with state statutes. No city or town can undertake the development of low or moderate income housing projects without HSDA.

- 6) An analysis of the services to be provided and programs to be pursued if the governmental entity continues existence;

See #5.

- 7) Any other information or documentation that the committee may require to carry out duties;

HSDA undertook the development of the Beaver Street housing project 10 years ago. There is still pending litigation affecting the project.



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

JAMES E. DYER, MAYOR

REPORT

July 2, 1985

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Request of Norwalk Savings Society for a tax rebate.

The Common Council committee appointed to review the above request met on June 13, 1985 at 8:15 P.M. in Room 432 at City Hall.

Committee members present were Chairman E. Boynton, A. Cassano and J. Esposito. Also present were City Tax Collector C. Skurat, Corporation Counsel T.H. Goldstein. Also present representing the Norwalk Saving Society were, Attorney William Allen, Jack Galar, Sr. Vice President Richard Stunp Asst. Vice President and Deborah Capozzi of N.S.S.

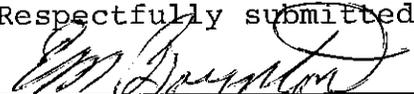
At issue is a check in the amount of \$27,452.08 issued on 1/18/85 covering Jan. 1, 1985 Tax payment for 92 Norwalk Saving Society customers who are Danbury Taxpayers, which was never received by the City of Danbury Tax Collector. The request of NSS is for a rebate of \$747.82 in interest charges caused by a late payment to cover the missing check.

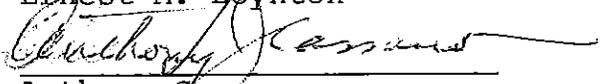
Atty. Goldstein outlined Connecticut General Statutes 12-129 "Refund of Excess Payments".

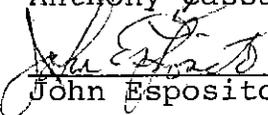
After much discussion regarding the problem of "Proof of Payment" vs "Proof of Intent" by both parties to the meeting, the committee voted to recommend, on a motion made by A. Cassano and seconded by J. Esposito, that the Council deny the request of the Norwalk Saving Society for a "Refund of Excess Payment."

The reason for this recommendation is due to the fact that this request was not justified under Connecticut General Statutes 12-129 and no proof was presented to indicate the City received said January check in the amount of \$27,452.08.

Respectfully submitted


Ernest M. Boynton


Anthony Cassano


John Esposito

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✓ccj
6/20/85

SANTANIELLO & ALLEN

ATTORNEYS AT LAW

ALFRED SANTANIELLO
WILLIAM D. ALLEN
ALFRED SANTANIELLO, JR.

CARL S. BACK*
WILLIAM A. PELLETREAU

*MEMBER ALSO OF FLORIDA BAR

1 MOTT AVENUE
P.O. BOX 756
NORWALK, CT 06852

(203) 838-5576
(203) 853-1601

June 17, 1985

City of Danbury
Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Attn: City Clerk

Dear Sir/Madam:

On June 13, 1985, a meeting was held before a subcommittee of your Council. This meeting was in reference to a request to waive the interest that the Norwalk Savings Society was forced to pay as a result of the January installment not reaching the tax office by January 31, 1985. The Bank, in fact, mailed their check in a timely manner on the 18th of January, 1985. The check that was sent was in the amount of \$27,452.08 and represented tax payments on 92 different parcels. The Bank received no direct notice from the tax office that the payment was, in fact, not received. This fact was discovered by the Bank when numerous customers called to inform them that they were notified by the Tax Collector that their taxes were in default.

One member of the subcommittee informed me at the meeting that the Town had neither a legal or moral obligation to notify the Bank. I agreed that there was not a legal obligation, however, there certainly was a moral obligation in that the Bank had been sending timely payments for some 2-1/2 years and by escrowing taxes, we are providing a service to the Town. The Councilmen disagreed and stated that banks, by escrowing, provided no service whatsoever to the Town. I find it incomprehensible that it is of no service to a City when as a result of a bank escrowing they only have to send one (1) set of bills out to the bank and four receipts as contrasted with mailing out 92 tax bills and up to 92 receipts four times a year thereafter for all tax payers who mail in their tax payments. Furthermore, each taxpayer sent an authorization to the Tax Collector informing them that all tax bills were to go to the Bank. It would, therefore, seem that the Bank was entitled to at least the courtesy of a notification that no payments were received. I might

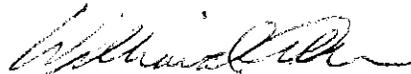
WDA to City of Danbury Council
June 17, 1985
Page 2

point out that the Bank has received notice from other towns if they had not received the bank check as the end of the payment month neared.

As a result of this mixup, the Bank sent the April installment by certified mail. Due to a mixup by the Bank handling the post office box for the City, again the Town did not receive a check until the middle of May. Despite the problems that arose from the January situation, the Tax Collector again directly sent out tax liens to each of the 92 taxpayers with no notification to the Bank. It seems to me that in light of this mixup in the handling of the tax bill in April, that the tax payment was undoubtedly lost by the Tax Collector's agent in January and it was based upon this probability that the Bank made their request for rebate of interest. The whole situation with the handling of these tax payments has caused numerous problems to the Bank as they had been bombarded with telephone calls from irate customers concerning the tax payments. The most damaging statement that came out of the tax office was that one of our customers was told that the reason the taxes were not paid was one of the Norwalk Savings Society branches closed.

In light of all the facts raised and equities involved, we respectfully request that the Council reject the recommendation of the subcommittee and refund to the Bank the interest that they paid.

Very truly yours,



WILLIAM D. ALLEN

Attorney for Norwalk Savings Society

WDA:mmp



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

June 26, 1985

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Request from Danbury Orthopedic Association.

The Committee to which was referred a request from the Danbury Orthopedic Association, having considered the same, respectfully reports.

The committee met on June 19, 1985 with the following persons in attendance: Mrs. Mary Jo Douglas, Assistant Tax Collector; Mrs. Evelyn Ellis, Administrator for Danbury Orthopedics; Ms. Rebecca Annunziata, Mrs. Ellis's assistant; Committee Members, Boynton, Charles and Skoff.

The committee reconvened on June 24, 1985 with Attorney Goldstein, Mrs. Cathy Skurat, Tax Collector; Mrs. Ellis, Mrs. Annunziata, and all committee members present.

At the initial meeting the committee chairwoman reviewed the charge of the committee and read a letter of recommendation from Mrs. Skurat.

Mrs. Ellis was asked to present her information. Mrs. Ellis stated that on May 1st, 1985 she realized that in the busy schedule of moving her office that the taxes to the City of Danbury had not yet been paid. She instructed her assistant to mail the check. Consequently, Danbury Orthopedic was notified of interest charges due on late tax payments. Mrs. Ellis stated that she brought this matter before the Council since she knew she was right, that the check had been mailed on May 1st and that through an unintentional handling the envelope had been marked May 12th by Danbury Orthopedic's postal meter.

There was then lengthy discussion about the method of collection of the City of Danbury Tax Office, that being a lock box system of City Trust. Councilman Boynton mentioned that he had asked for a copy of this lock box agreement.

The State Statutes governing this case were reviewed by the committee. Mr. Boynton moved to table the issue until such time as a copy of the lock box agreement would be made available to the committee. This motion passed.



CITY OF DANBURY

155 DEER HILL AVENUE

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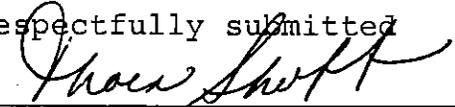
COMMON COUNCIL

Upon reconvening, the charge of the committee was reviewed. Attorney Goldstein was asked for a presentation of State Statutes (see attached) The State Statutes call for the postmark date to be the verification of timely payment.

Mrs. Cathy Skurat, Tax Collector, was asked to make a presentation outlining this issue from the beginning of the problem. She stated that the Danbury Orthopedic envelope did not come through the lockbox system as it arrived after the last day for lockbox pick-up. The envelope, according to Mrs. Skurat was postmarked May 12 and arrived with mail postmarked May 3, 4 and 5. Mrs. Skurat explained how all taxpayers are treated equally with respect to postmark procedure.

Following additional discussion, Mr. Boynton moved to deny the request to relinquish the tax assessment. He stated he did so with reluctance. Mr. Charles seconded the motion, also with reluctance. The motion passed unanimously, therefore the committee recommends to the Common Council that the challenge of bill by Danbury Orthopedic be denied.

Respectfully submitted



Thora Skoff - Chairperson



Ernest Boynton



Louis T. Charles, Jr.

§ 12-146. Tax, when delinquent. Interest

Unless the context otherwise requires, wherever used in this section, "tax" includes each property tax and each instalment and part thereof due to a municipality as it may have been increased by interest, fees and charges. If any tax due in a single instalment or if any instalment of any tax due in two or more instalments is not paid in full on or before the same date of the next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such instalment as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent instalment. Except for unpaid real estate taxes the collection of which was, or is, deferred under the provisions of section 12-174, and any predecessor and successor thereto, which unpaid real estate taxes continue to be subject to the provisions of such deferred collection statutes, the delinquent portion of the principal of any tax shall be subject to interest at the rate of eighteen per cent per annum from the time when it became due and payable until the same is paid, subject to a minimum interest charge of two dollars which any municipality, by vote of its legislative body, may elect not to

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impose, and provided, in any computation of such interest, under any provision of this section, each fractional part of a month in which any portion of the principal of such tax remains unpaid shall be considered to be equivalent to a whole month. Each addition of interest shall become, and shall be collectible as, a part of such tax. Interest shall accrue at said rate until payment of such taxes due notwithstanding the entry of any judgment in favor of the municipality against the taxpayer or his property. Except as hereinafter specified for taxes representing two or more items of property, the collector shall not receive any partial payment of a delinquent tax which is less than the total accrued interest on the principal of such tax up to the date of payment and shall apply each partial payment to the wiping out of such interest before making any application thereof to the reduction of such principal; provided, whenever the first partial payment is made after delinquency, interest from the due date of such delinquent tax to the date of such partial payment shall be figured on the whole or such part of the principal of such tax as is unpaid at the beginning of delinquency and provided, whenever a subsequent partial payment of such tax is made, interest shall be figured from the date of payment of the last-preceding, to the date of payment of such subsequent, partial payment on the whole or such balance of the principal of such tax as remains unpaid on the date of the last-preceding partial payment. If any tax, at the time of assessment or because of a subsequent division, represents two or more items of property, the collector may receive payment in full of such part of the principal and interest of such tax as represents one or more of such items, even though interest in full on the entire amount of the principal of such tax has not been received up to the date of such payment; in which event, interest on the remaining portion of the principal of any such tax shall be computed, as the case may be, from the due date of such tax if no other payment after delinquency has been made or from the last date of payment of interest in full on the whole amount or unpaid balance of the principal of such delinquent tax if previous payment of interest has been made. Each collector shall keep a separate account of such interest and the time when the same has been received and shall pay over the same to the treasurer of his municipality as a part of such tax. No tax or instalment thereof shall be construed to be delinquent under the provisions of this section if the envelope containing the amount due as such tax or instalment, as received by the tax collector of the municipality to which such tax is payable, bears a postmark showing a date within the time allowed by statute for the payment of such tax or instalment. Any municipality may, by vote of its legislative body, require that any delinquent property taxes applicable with respect to a motor vehicle shall be paid only in cash or by certified check or money order. Any municipality adopting such requirement may provide that such requirement shall only be applicable to delinquency exceeding a certain period in duration as determined by such municipality.

(1983, P.A. 83-361, § 1, eff. July 1, 1983; 1984, P.A. 84-257, § 1, eff. May 29, 1984; 1984, P.A. 84-282, § 3.)

1983 Amendment

1983, P.A. 83-361, § 1, eff. July 1, 1983, deleted ", if any," following "fractional part of a month" and inserted "in which any portion of the principal of such tax remains unpaid", and deleted "except that, in case of two or more partial payments of a delinquent tax within any period of thirty-one days, no more interest shall be charged than would have been due if all of such partial payments had been made in one lump sum on the date of the last such payment" following "equivalent to a whole month" in the third sentence.

1983, P.A. 83-361, § 3 provides:

"This act shall take effect July 1, 1983 and section 1 shall be applicable to any determination of interest on delinquent property taxes on or after said date and section 2 shall be applicable with respect to the assessment year in any municipality commencing October 1, 1983, and each assessment year thereafter."

1984 Amendments

1984, P.A. 84-257, § 1, eff. May 29, 1984, added the tenth and eleventh sentences.

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TAXATION

1984, P.A. 84-282, § 3, inserted the fifth sentence.

Notes of Decisions

1. Interest

Fixed 18 percent interest rate established by this section had no apparent relationship to current market conditions and therefore did not establish appropriate interest rate for debtor's payment of interest on town's priority tax claim pursuant to reorganization plan. In re Roxbury Residential Associates, Inc. (Bkrcty.1983) 35 B.R. 348.

Rejection of Connecticut's fixed 18 percent interest rate statute, this section, as establishing appropriate rate for payment of interest on town's tax claim was not equivalent of approval of debtor's plan to pay town 8 percent interest, and debtor was therefore instructed to timely file amended plan or order would be entered denying confirmation of plan; since it is neither appropriate nor prudent for court to cure defective elements in debtor's plan, debtor's invitation for court to actively participate in drafting plan was declined. In re Roxbury Residential Associates, Inc. (Bkrcty.1983) 35 B.R. 348.