

TO: Honorable Mayor James E. Dyer - City of Danbury, Connecticut.

SUBJECT: Minutes of the Special Meeting of the Common Council held on August 27, 1984.

The Meeting was called to order at 7:15 O'Clock P.M. by the Honorable Mayor, James E. Dyer who led the assembly in the Pledge of Allegiance to the Flag.

The Prayer was offered by Councilman Bernard Gallo.

Roll Call was taken by the City Clerk, Elizabeth Crudginton, with the following members being recorded as:

PRESENT: Council Members - Johnson, Foti, Torcaso, Esposito, Godfrey, Flanagan, Zotos, Chianese, Skoff, McManus, DaSilva, Gallo, Charles, Farah, Torian. Councilman Sollose arrived after Roll Call.
Councilwoman Butera arrived after Roll Call.

ABSENT: Council Members - Cassano, Boynton, Durkin, Eriquez.

17 Members Present - 4 Members Absent.

It was reported that Councilman Eriquez was out of town and Councilman Boynton was working.

NOTICE OF SPECIAL MEETING - to be held on the 27th day of August, 1984, at 7:15 O'Clock P.M. in the Council Chambers at City Hall, for the purpose of acting upon the following:

- 01 - ORDINANCE - AN ORDINANCE APPROPRIATING \$6,610,000 FOR CODE COMPLIANCE WORK IN VARIOUS SCHOOLS AND AUTHORIZING THE ISSUANCE OF \$6,610,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.
- 02 - RESOLUTION - RESOLUTION PROVIDING FOR REFERENDUM AT SPECIAL CITY MEETING.
- 03 - RESOLUTION - RESOLUTION PROVIDING FOR POLLING PLACES AT SPECIAL CITY MEETING ON NOVEMBER 6, 1984.
- 04 - RESOLUTION - BALMFORTH AVENUE/MAPLE AVENUE and FRANKLIN AND OSBORNE STREET ROAD IMPROVEMENT PROJECTS.
- 05 - COMMUNICATION - APPOINTMENT OF A DEPUTY CHIEF - DANBURY FIRE DEPT.

RETURN OF SERVICE - Notices delivered and served by Police Officers of The Danbury Police Department.

A motion was made by Councilman DaSilva and seconded by Councilman Gallo for the Call and Return of Service to be accepted.
Motion carried unanimously.

01 - REPORT & ORDINANCE - An Ordinance appropriating \$6,610,000 for Code Compliance Work in Various Schools and Authorizing the Issuance of \$6,610,000 Bonds of the City to meet said appropriation and pending the issue thereof the making of Temporary Borrowings for such purpose.

Councilwoman McManus submitted a report stating that the Common Council held a public hearing for the proposed bond issue, on August 16, 1984 at 7:30 O'Clock P.M. in the Council Chambers.

The Council met as a committee of the whole following the public hearing and amended the bonding ordinance to include the removal of asbestos at the three school administration buildings provided money is available after all work is completed in the schools themselves. The committee voted unanimously to recommend to the Common Council that the Ordinance be submitted to referendum on November 6, 1984.

Supplementing the Report Mrs. McManus explained that upon advice from Bond Counsel, we would not have time to amend the original Ordinance at this time and recommended rejection of the Report as submitted.

A motion was made by Councilwoman McManus and seconded by Councilman Godfrey for the Report to be rejected and Ordinance adopted as submitted. Motion carried unanimously.

Councilwoman McManus introduced and read the following Ordinance:

AN ORDINANCE APPROPRIATING \$6,610,000 FOR CODE COMPLIANCE WORK IN VARIOUS SCHOOLS AND AUTHORIZING THE ISSUANCE OF \$6,610,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. The sum of \$6,610,000 is appropriated for code compliance work in various schools in the City, including asbestos abatement, fire safety and life safety code compliance work and handicapped, OSHA and health code compliance work, all to be completed in substantial accordance with a report entitled "Code Update Study For 21 Educational Facilities" prepared by Carlin Pozzi Chin, Architects, P.C., of New Haven, Conn., dated May, 1984, and for administrative, printing and legal costs related thereto.

Section 2. To meet said appropriation \$6,610,000 bonds of the City, or so much thereof as shall be necessary for such purpose, shall be issued in one or more series, maturing from not later than the second to not later than the twentieth years after their date in annual installments of principal and interest which shall be substantially equal or shall be so arranged that no principal installment payable in any year shall be less than the amount of any installment payable in any subsequent year, bearing interest payable semiannually. The bonds shall be designated "City of Danbury School Bonds", be issued in bearer form with interest coupons attached, or in fully registered form, be in the denomination of \$1,000 or a whole multiple thereof, be dated as of the first or fifteenth day of the calendar month in which they are issued or as of the first or fifteenth day of a calendar month within the three calendar month period next prior thereto, be payable both principal and interest at a bank or trust company designated by the Mayor, be signed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor, the City Clerk and the City Treasurer, bear the facsimile of the City seal, be certified by a bank or trust company designated by the Mayor pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor upon receipt of bids for the purchase thereof, and the interest coupons attached, if any, shall bear the facsimile signature of the City Treasurer. 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 the interest thereon. The aggregate principal amount of the

bonds to be issued, the annual installments of principal, the designation of the registrar and paying agent, the date, time of issue and sale and other particulars thereof shall be determined by the Common Council.

Section 3. The bonds shall be sold by the Mayor at public sale upon sealed proposals at not less than par and accrued interest on the basis of the lowest net interest cost to the City. A notice of sale describing the bonds and setting forth the terms and conditions of the sale shall be published at least seven 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. Any premium received upon the sale of the bonds, less the cost of preparing, issuing and marketing them, shall be applied to the payment of the principal of the first of the bonds to mature and contributions from other sources for the payment thereof shall be reduced accordingly.

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 payable at a bank or trust company designated by the City Treasurer, be signed by the Mayor, City Clerk and City Treasurer, have the seal of the City affixed, 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, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates not more than two years from the date of issue, but notes issued with shorter maturities may be renewed from time to time by the issue of other notes provided the period from the date of issue of the original note or notes to the date of maturity of the last renewal note or notes shall not be more than two years or, subject to the provisions of Section 7-378a of the General Statutes of Connecticut, as amended, not more than four years. 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 interest 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 said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on said notes or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. This ordinance shall become effective upon its approval at a referendum called by the Mayor for such purpose, pursuant to the revised City Charter.

A motion was made by Councilwoman McManus and seconded by Councilman Godfrey for the Ordinance to be adopted, as introduced and read. Motion carried unanimously.

The Ordinance was approved by the affirmative vote of at least two-thirds of the members of the Common Council.

02 - RESOLUTION - PROVIDING FOR REFERENDUM AT SPECIAL CITY MEETING - NOVEMBER 6, 1984.

City Clerk Elizabeth Crudginton introduced and read the following Resolution:

Resolved by the Common Council of the City of Danbury: That the Ordinance entitled "An Ordinance Appropriating \$6,610,000 For Code Compliance Work In Various Schools And Authorizing The Issuance of \$6,610,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose" be submitted for approval or disapproval at a referendum to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held November 6, 1984, 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 referendum state the question to be voted on as follows: "Shall the ordinance entitled 'An Ordinance Appropriating \$6,610,000 For Code Compliance Work In Various Schools and Authorizing The Issuance of \$6,610,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose,' adopted by the Common Council August 27, 1984, be approved?"

The designation of said question on the ballot label shall read as follows: "For Approval \$6,610,000 Bond Ordinance For Code Compliance Work In Various City Schools, YES - NO," and that the Warning of said referendum state that the full text of said Ordinance is on file open to public inspection at the Office of the Town Clerk.

Councilwoman McManus moved that said Resolution be adopted as introduced and read. The motion was seconded by Councilman DaSilva. Motion carried.

The Resolution was adopted unanimously.

03 - RESOLUTION - PROVIDING FOR POLLING PLACES AT SPECIAL CITY MEETING ON NOVEMBER 6, 1984.

Resolved by the Common Council of the City of Danbury: That the Special City Meeting to be called by the Mayor for the purpose of voting on the question of approving or disapproving the bond issue authorized in an Ordinance entitled "An Ordinance Appropriating \$6,610,000 For Code Compliance Work In Various Schools And Authorizing The Issuance Of \$6,610,000 Bonds Of The City To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", enacted by the Common Council on August 27, 1984, shall be held in conjunction with the election of November 6, 1984, and the polling places for the referendum vote will be located in the seven voting districts of the City and in the City Hall; Electors only shall be entitled to vote on the question at polling places in their respective voting districts and qualified voters only shall be entitled to vote on the question at City Hall.

The polls will be open during the hours between 6:00 O'Clock A.M. and 3:00 O'Clock P.M. (E.S.T.)

Said vote is being held in conjunction with the election of November 6, 1984 and pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury, approved by the electors November 8, 1977.

Councilman DaSilva moved that said Resolution be adopted as introduced and read. The motion was seconded by Councilman Torian. Motion carried.

The Resolution was adopted unanimously.

Mayor Dyer expressed appreciation to Councilman DaSilva and the members of the Public Works Committee for their efforts and to the members of the Common Council for their support of the Bond Issue.

04 - REPORT & RESOLUTION - Property acquisition for Balmforth Avenue/ Maple Avenue and Franklin and Osborne Street Road Improvement Projects.

Councilman DaSilva submitted a report stating that the Public Works Committee studied a proposed Resolution from the Corporation Counsel's Office to acquire the necessary properties to proceed with the Balmforth/Maple Avenue and Franklin/Osborne Street Road Improvement Projects.

As these projects have been approved in referendum by the City and the Common Council, the committee feels these acquisitions are needed. The committee therefore recommends approval of the Ordinance to acquire property for the above mentioned Road Projects.

RESOLUTION - WHEREAS, the Common Council has duly voted to approve the Balmforth Avenue/Maple Avenue and Franklin Street/Osborne Street Road Improvement Projects; and

WHEREAS, the purposes of said projects oblige the City of Danbury to acquire interest in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the several owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in, and to, the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED that the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits against the following named property owners, their successors and assigns and their respective mortgage holders, if any, the affected properties being indicated by Tax Assessor's lot numbers.

A motion was made by Councilman Charles and seconded by Councilman Flanagan for the Report to be accepted and Resolution adopted. Motion carried.

The Resolution was adopted unanimously.

05 - COMMUNICATION - Recommendation from Mayor Dyer of the confirmation of Captain John Murphy as the Fire Department's Deputy Chief.

Mayor Dyer stated that he has reviewed the five applicants and concurs with the Screening Committee's recommendation.

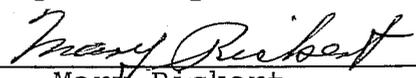
A motion was made by Councilman Gallo and seconded by Councilman Foti for the Communication to be accepted and appointment confirmed. Motion carried unanimously.

Chief Monzillo of the Danbury Fire Department escorted J. Murphy to the podium where Mayor Dyer administered the oath of office for Deputy Chief.

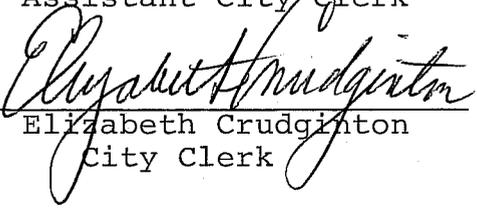
Mayor Dyer then recognized Deputy Chief Murphy's family who were introduced to the assembly.

There being no public speakers and no further business to come before the Common Council, a motion was made by Councilman Godfrey and seconded by Councilwoman B. Johnson for the meeting to be adjourned at 7:35 O'Clock P.M.

Respectfully submitted


Mary Rickert
Assistant City Clerk

Attest:


Elizabeth Crudginton
City Clerk