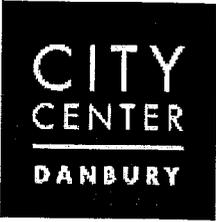


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Andrea Gartner  
Executive Director

CityCenter Danbury  
Board of Commissioners:

Tom Devine  
Two Steps Downtown  
Grille  
Chairman

John Farley  
ACF Properties  
Vice-Chairman

Patricia Orsino  
Savings Bank of Danbury  
Treasurer

Darryl Ohrt  
Humongo  
Secretary

Sonny Usher  
City of Danbury - Police

Dan Bertram  
BRT Realty

Ted Cutsumpas  
City of Danbury  
Office of the Mayor  
Ex-Officio

Dennis Elpern  
City of Danbury - Planning  
Ex-Officio

Matt Longcore  
Naugatuck Valley CC

Karl Olson  
Polish American Club

Marie O'Neill  
Union Savings Bank

Debbie Pacific  
Danbury Parking Authority

Augie Ribeiro  
Ventura, Ribeiro & Smith

Perry Salvagne  
Hodge Insurance

Robert Steinberg  
Property Owner

Paul Steinmetz  
Western Connecticut  
State University

July 25, 2011

Honorable Mark Boughton  
Mayor, City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mr. Mayor and City Council Members:

On behalf of the CityCenter Board of Commissioners, we respectfully request City Council approval at the August 2, 2011 meeting for 1) CityCenter Danbury to retain legal counsel in the matter of expanding the District and 2) approval of the ordinance amendment to include Map/lot H14/356 at Kennedy Avenue into the Danbury Special Services District.

The following is written to provide background information, the procedural background information leading to this request, letter requesting retention of counsel in this matter, and letter requesting the expansion of the district.

**Background Information**

The Danbury Downtown Special Services District ("DSSD"; the District) was formed in 1987 by ordinance (Chapter 19B enacted by the then Common Council with the purpose and intent of revitalizing downtown). Ordinance No.353 is included in this packet for reference.

Since 2008, there have been informal and ongoing discussions with CityCenter Danbury Board of Commissioner members and the Executive Director about ways to garner more resources for CityCenter Danbury to operate at a higher administrative capacity. Discussions have included increasing corporate sponsorships in the community, requesting more funding from the City's budget, holding fundraising events, and expanding tax revenues. Pursuant to these conversations, CityCenter has in the last three years maintained solid corporate sponsorship, engaged in fundraising efforts and raised property owners' mil rate each year to increase the annual budget.

One topic proposed was to expand the Danbury Downtown Special Services District to incorporate additional property into the District. Additional property in the District would contribute to additional taxes levied by the City and redistributed to CityCenter Danbury.

In 2009, there were informal conversations about including Tower and Terrace Place properties that did not get beyond the research stage. Additional revenues with inclusion of these properties were projected at approximately \$12,000.

In conjunction with the current efforts underway from the Mayor's office in downtown revitalization and looking to the future development of the parcel

into multiple housing units, Dan Bertram, principal in BRT Kennedy Place, LLC, in early 2011 suggested inclusion of the BRT parcel currently not part of the District. This is Map/lot H14/356 at Kennedy Avenue. The incorporation of this parcel into the District will increase tax revenues \$15,000 to \$18,000 per year and add that directly to the CityCenter bottom line. As a new CityCenter Board Commissioner and sole property owner of this parcel, Mr. Bertram's suggestion was met with positive feedback and appreciation as a gesture of progress and cooperation. The potential to increase and sustain CityCenter administrative capacity with the inclusion of this parcel is very real.

**Procedural Background**

In an email dated January 26, 2011, the idea to expand the district by this one-lot, one-property owner parcel was brought to City Hall. Mayor Boughton, Les Pinter, Dennis Elpern and Ted Cutsumpas were copied on this request as were Tom Devine, Chairman of CityCenter Danbury and Dan Bertram, property owner. This email correspondence is included in the packet.

Mr. Pinter followed up with recommendations on how to proceed in an email dated February 2, 2011. In that email, he directed CityCenter to "have the Board of Commissioners take a vote to 'adopt' BRT into the membership (majority vote) and if it is favorable, forward the results to and ask the City Council to amend Chapter 19B to include an amended Schedule A."

The monthly CityCenter Board of Commissioners meeting on Wednesday, April 6, 2011, that motion was approved unanimously (agenda and minutes are included in packet).

Since the April 6th Board meeting, CityCenter has been in communication with Les Pinter of Corporation Counsel and followed his recommendations of engaging legal counsel and writing a letter on behalf of the DSSD to the Council. On June 24<sup>th</sup>, CityCenter represented by Tom Devine and Andrea Gartner, met with Catherine Cuggino of Chipman, Mazzucco, Land & Pennarola LLC to continue to pursue CityCenter's request for an ordinance amendment.

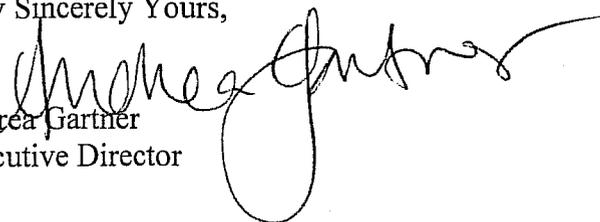
Attorney Cuggino brought to CityCenter's attention that a request to the City Council must be made in order to retain legal counsel. A letter for that request is included in the packet.

Additional items in this packet include a letter requesting the expansion of the district, old 'Schedule A', and new 'Schedule A' as an ordinance amendment to the current district map.

**Recommendation**

On behalf of the CityCenter Board of Commissioners, we respectfully request City Council approval at the August 2, 2011 meeting for 1) CityCenter Danbury to retain legal counsel in the matter of expanding the District and 2) approval of the ordinance amendment to include Map/lot H14/356 at Kennedy Avenue into the DSSD. We hope that given the simple scenario and confluence of circumstances: one parcel, one property owner; inclusion in the District at the owner's suggestion; ongoing communication with Corporate Counsel; the background information provided; and additional supporting documents that these matters can be voted on and resolved at this meeting.

Very Sincerely Yours,

  
(Andrea Gartner  
Executive Director



CITYCENTER DANBURY  
BOARD OF COMMISSIONERS MEETING  
Wednesday, April 6, 2011 / 8:30 a.m.  
CITYCENTER Offices

8-2

A G E N D A

CALL TO ORDER

MINUTES – Approval of February 2011 minutes (no quorum for March Meeting, informational minutes only)

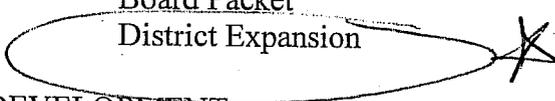
TREASURER’S REPORT

Approval of February & March Financial Reports  
Danbury Downtown Council  
Downtown Special Services District

PERSONNEL REPORT

ORGANIZATION

Executive Director’s Report  
Board Packet  
District Expansion



BUSINESS DEVELOPMENT

Danbury Main Street Partnership – Update – Tom Devine  
Post Office – Next Steps  
Paul Mitchell School  
Danbury Fair Farmers’ Market

PHYSICAL ENVIRONMENT & DESIGN

Community Parks and Gardens  
Architectural Advisory Committee (AAC)

EVENTS

First Night Update and Issues  
CT Film fest – April 6-10  
Memorial Day 5K – Monday, May 30  
Danbury Symphony Orchestra – Saturday, June 18  
Downtown Rocks! – Friday, June 24<sup>th</sup>  
CityCenter Danbury Farmers’ Market - begins Friday, July 8th  
-Discussion about Elite Farmer's Markets  
Summer Series – begins Friday, July 8th

OTHER BUSINESS

ADJOURN - Next meeting: Wednesday, May 4, 2011 8:30AM CityCenter office

Museum in the Streets has thirteen more commitments, and a meeting will be held soon. The second phase, running from West Street to Deer Hill, coming down Wooster, and ending at the Old Jail, is planned for unveiling on the Thursday before Taste of Danbury. The third phase, running from Liberty to Delay to Ives to White, will hopefully be unveiled at the end of the year. 8-3

The meeting with the Paul Mitchell School went great, they're staying Downtown, and hope for a 200 student capacity (up from 110).

A film production studio is interested in 261 Main Street.

The Memorial 5K prior to the parade on Monday, May 30<sup>th</sup> is going to split the first \$10,000 between CityCenter and the Wounded Warrior Project, and after that, all the proceeds will go to Wounded Warrior.

First Night owes some fees to First Night USA, which has prompted talk about negotiation as well as a name change. Darryl said that \$450 is absolutely worth it to keep the name brand recognition.

CityCenter is doggedly searching for the main act for Taste of Danbury.

The Danbury Downtown Council is up to \$6100 at sixty members, 51% of which are new. The members that have not yet renewed will be re-invoiced.

#### **Physical Development and Design:**

##### **Other Business:**

Anthony Gentile, Union representative for the Postal Workers' Union, came to speak with the board in regards to the possible closing of the Downtown Branch. One of the things he mentioned was the survey the Post Office sent out was only in English, and it was suggested that CityCenter make local groups aware of that, as well as requesting a meeting with the postmaster to hear both sides of the story.

Expanding the district to include Lot H14/356 at Kennedy Avenue was brought up and the motion to incorporate it was carried unanimously. \*

With no other business before the commission, Bob Steinberg made a motion to adjourn; Karl Olsen seconded. Motion carried and the meeting was adjourned at 9:55 AM. The next monthly meeting will be May 4th, 2011.

8-4

SCHEDULE A

ALL those certain pieces or parcels of land situate in the City of Danbury, County of Fairfield and State of Connecticut lying within the following perimeters:

Commencing at a point on the easterly side of Main Street, which point marks the intersection of said easterly side of Main Street with the southerly side of land now or formerly of the New York, New Haven and Hartford Railroad Company; thence running in an easterly direction along the southerly line of said land now or formerly of the New York, New Haven and Hartford Railroad Company to its intersection with the westerly side of Balmforth Avenue; thence running along the westerly side of Balmforth Avenue in a southerly direction across White Street to Patriot Drive; thence continuing in a southerly direction along the westerly side of Patriot Drive across Liberty Street to the southerly side of Liberty Street; thence continuing in a southerly direction along the westerly side of Liberty Street to its intersection with Keeler Street; thence across Keeler Street in a straight line to the northeast corner of Parcel I14372 as shown on the Assessor's Map Sheet No. I14; thence running southerly along the easterly boundary of said Lot I14372 147' more or less; thence turning and running in a westerly direction along the southerly boundary of said Lot I14372 until the intersection of the easterly boundary of Lot I14383 as shown on said Assessor's Map with the southerly boundary of Lot I14372; thence turning and running in a southerly direction until said easterly boundary of Lot I14383 intersects with the northerly side of Center Street; thence running along the northerly side of Center Street to Main Street; thence running across Main Street in a straight line to the northerly side of Boughton Street; thence running along the northerly side of Boughton Street to Foster Street; thence turning and running along the easterly side of Foster Street to West Street; thence running across West Street in a straight line to the southwest corner of Lot I14148 as shown on said Assessor's Map; thence running along the westerly boundary of said Lot I14148 145' more or less; thence turning and running along the northerly boundary line of Lot I14148 and Lot I14147 on said Assessor's Map to the intersection of the westerly boundary line of Lot I14174 with the northerly boundary line of Lot I14147 as shown on said Assessor's Map; thence turning and running along the westerly boundary lines of Lot I14174, Lot I14172, Lot I14171 and Lot I14170 to the intersection of the southerly boundary line of Lot I14169 with the westerly boundary line of Lot I14170 as shown on said Assessor's Map; thence turning and running in a westerly direction along the southerly boundary line of said Lot I14169 to the westerly boundary line of said Lot I14169; thence running in a northerly direction along the westerly boundary line of said Lot I14169 to the northerly boundary line of Lot I14169; thence running in an easterly direction along the northerly boundary line of said Lot I14169 to the intersection of the westerly boundary line of Lot I14162 with the northerly boundary line of Lot I14169; thence running in a northerly direction along the westerly boundary line of Lot I14162 to Library Place; thence running across Library Place in a straight line to the southwest corner of Lot I14016; thence running in a northerly direction along the westerly boundary line of Lot I14016 to the northerly boundary line of said Lot I14016; thence turning and running in an easterly direction along the northerly boundary line of Lot I14016 to the intersection of the westerly boundary line of Lot I14015 with the northerly boundary line of Lot I14016; thence running in a northerly direction along the westerly boundary lines of Lot I14015, Lot I14014, Lot I14013, Lot I14274 and Lot I14012 to the intersection of the westerly boundary line of said Lot I14012 with the southerly boundary line of Lot I14001; thence running in a

BOROFKY, CHAN, MITCHELL & STELLJES

LAW PARTNERS

2 MAIN STREET

DANBURY, CT 06810

JONES, DAMIA, KAUFMAN, WELLMAN,  
BOROFSKY, CHAN, MITCHELL & STELLIES

LAW PARTNERS

2 MAIN STREET

DANBURY, CT 06810

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westerly direction along the southerly boundary line of Lot I14011 to the westerly boundary line of said lot I14011; thence turning and running in a northerly direction along the westerly boundary line of Lot I14011; Lot I14010 and Lot I14009 to the intersection of the westerly boundary line of said Lot I14009 with the southerly boundary line of Lot I14007; thence turning and running in a westerly direction along the southerly boundary lines of Lot I14007, Lot I14004, Lot I14003 and Lot I14002 to the westerly boundary line of said Lot I14002; thence turning and running in a northerly direction along the westerly boundary of said Lot I14002 to Elm Street; thence running across Elm Street in a straight line to the southwest corner of Lot H14356 as shown on Assessor's Map Sheet No. H-14; thence running in a northerly direction along the westerly boundary of said Lot H14356 to the easterly side of the Still River; thence running in a northerly direction along the easterly side of the Still River to Rose Street; thence running in an easterly direction along the southerly side of Rose Street to Main Street; thence running across Main Street in a straight line to the point or place of beginning.



8-6

**SURVEYING ASSOCIATES, P.C.**  
REGISTERED LAND SURVEYORS

**Revised Schedule A**  
**Proposed Downtown Special Services District**  
**Boundary**

All those certain pieces or parcels of land situate in The City of Danbury, county of Fairfield and State of Connecticut lying within the following perimeter description

Commencing at a point on the easterly highway line of Main Street, which point marks the intersection of said easterly highway line of Main Street with the southerly boundary line of land now or formerly of New York, New Haven and Hartford Railroad Company; said point being the point of beginning.

Thence running in an easterly direction along said southerly boundary line of land now or formerly of the New York, New Haven and Hartford Railroad company across Maple Avenue to its intersection with the westerly highway line of Balmforth Avenue;

Thence running along said westerly highway line of Balmforth Avenue in a southerly direction across White Street to the westerly highway line of Patriot Drive;

Thence continuing in a southerly direction along said westerly highway line of Patriot Drive across Independence Way and across Liberty Street to the southerly highway line of Liberty Street;

Thence running in a southerly direction along the westerly highway line of said Liberty Street to its intersection with the northerly highway line of Keeler Street;

Thence running across Keeler Street in a straight line to the northeast corner of parcel I14372 as shown on the Tax Assessor map, sheet I 14;

Thence running southerly along the easterly boundary line of said lot I14-372, 59' more or less to a point;

Thence turning and running in a westerly direction along the southerly boundary line of said lot I14-372 to a point;

Thence turning and running along the easterly boundary line of said lot I14-372 to a point lying along the northerly boundary line of lot I14-385 as shown on said Tax Assessor map I14;

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Thence turning and running along the southerly boundary line of said lot I14-372 to the northeasterly corner of lot I14-383 as shown on said Tax Assessor map I14;

Thence turning and running along the easterly boundary line of said Lot I14-383 to the northerly highway line of Center Street;

Thence turning and running along said northerly highway line of Center Street to its intersection with the easterly highway line of Main Street;

Thence running in a southwesterly direction in a straight line across Main Street to the intersection of the westerly highway line of said Main Street with the northerly highway line of Boughton Street;

Thence running along said northerly highway line of Boughton Street to its intersection with the easterly highway line of Foster Street;

Thence turning and running along said easterly highway line of Foster Street to its intersection with the southerly highway line of West Street;

Thence running across West Street to the intersection of the northerly highway line of said West Street with the easterly boundary line of Terrace Place, being the southwesterly corner of Tax Assessor lot I14-148 as shown on said Tax Assessor map I14;

Thence running along said easterly boundary line of Terrace Place, along the westerly boundary line of said lot I14-148, 156' more or less to the northwesterly corner of said lot I14-148 and the southwesterly corner of lot I14-149 as shown on said Tax Assessor map I14;

Thence turning and running along the northerly boundary line of said lot I14-148 to the northeasterly corner of said lot I14-148 lying along the westerly boundary line of Tax Assessor lot I14-147 as shown on Tax Assessor map I14;

Thence running across said lot I14-147 to the southwesterly corner of Tax Assessor lot I14-174;

Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-174 to the southerly boundary line of Tax Assessor lot I14-150 as shown on said Tax Assessor map I14;

Thence turning and running in an easterly direction along said southerly boundary line of said lot I14-150, 10' more or less to the southwesterly corner of Tax Assessor lot I14-172;

Thence turning and running along the westerly boundary line of said lot I14-172 to the northwesterly corner of said lot I14-172 lying along the southerly boundary line of Chapel Place;

Thence running across said Chapel Place to the southwesterly corner of Tax Assessor lot I14-170 as shown on Tax Assessor map I14;

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Thence running along the westerly boundary line of said lot I14-170 to the northwesterly corner of said lot I14-170 lying along the southerly boundary line of Tax Assessor lot I14-164;

Thence turning and running in a westerly direction along the southerly boundary line of said lot I14-164 to the southwesterly corner of said lot I14-164;

Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-164 to a northwesterly corner of said lot I14-164 and the southwesterly corner of Tax Assessor lot I14-161;

Thence turning and running in an easterly direction along a northerly boundary line of said lot I14-164 to the southeasterly corner of said lot I14-161;

Thence turning and running along a westerly boundary line of said lot I14-164, being the easterly boundary line of said lot I14-164 to the southerly boundary line of Library Place;

Thence turning and running along said southerly boundary line of Library Place to a point opposite the southwesterly corner of Tax Assessor Lot I14-016 as shown on Tax Assessor map I14;

Thence turning and running across said Library place to said southwesterly corner of lot I14-016;

Thence running along the westerly boundary line of said lot I14-016 to the northwesterly corner of said lot I14-016;

Thence turning and running in an easterly direction along the northerly boundary line of said lot I14-016 to a point where the most westerly boundary line of Tax Assessor lot I14-015 intersects with said northerly boundary line of said lot I14-016;

Thence turning and running in a northerly direction along said westerly boundary line of lot I14-015 to the northwesterly corner of said lot I14-015;

Thence turning and running in an easterly direction 7' more or less along the northerly boundary line of said Tax Assessor lot I14-015 to the southwesterly corner of Tax Assessor lot I14-014 as shown on Tax Assessor map I14;

Thence turning and running along the westerly boundary lines of Tax Assessor lots I14-014, I14-013, I14-274 and I14-012 all as shown on Tax Assessor map I14 to the northwesterly corner of said lot I14-012 lying along the southerly boundary line of Lot I14-011;

8-9  
Thence turning and running in a westerly direction along said southerly boundary line of lot I14-011 to the easterly boundary line of Tower Place, being the southwesterly corner of said lot I14011;

Thence turning and running in a northerly direction along the said easterly boundary line of Tower Place being the westerly boundary line of said lot I14-011 and the westerly boundary line of Tax Assessor lot I14-010 to a point marking the northeasterly terminus of said Tower Place and the southwesterly corner of Tax Assessor lot I14-009;

Thence running in a northerly direction along the westerly boundary line of said lot I14-009 to the southerly boundary line of Tax Assessor lot I14-007, being the northwesterly corner of said lot I14-009;

Thence turning and running in a westerly direction along the southerly boundary lines of Tax Assessor lots I14-007, I14-004, I14-003 and I14-002 to the southwesterly corner of said lot I14-002;

Thence turning and running in a northerly direction along the westerly boundary line of said lot I14-002 to the southerly highway line of Elm Street, being the northwesterly corner of said lot I14-002;

Thence running in a northwesterly direction across Elm Street to the southwesterly corner of Tax Assessor lot H14-356 as shown on Tax Assessor map H13 said point being the intersection of the northerly highway line of Elm Street with the northerly highway line of Kennedy Avenue;

Thence running in a northwesterly direction along said northerly highway line of Kennedy Avenue, being the southerly boundary line of said tax lot H14356 to the intersection of the northerly highway line of Kennedy Avenue with the southerly highway line of Rose Street said point being the northwesterly corner of said lot H14-356;

Thence running along said southerly highway line of Rose Street, being the northerly boundary line of Lot H14-356 to the northeasterly corner of said lot H14-356 and the northwesterly corner of a parcel labeled UNK 1.358A on Tax Assessor map H13;

Thence continuing along said southerly highway line of Rose Street along the northerly boundary of said Parcel labeled UNK 1.358A to its northeasterly corner and the northwesterly corner of Tax Assessor lot H13-289 as shown on Tax Assessor map H13;

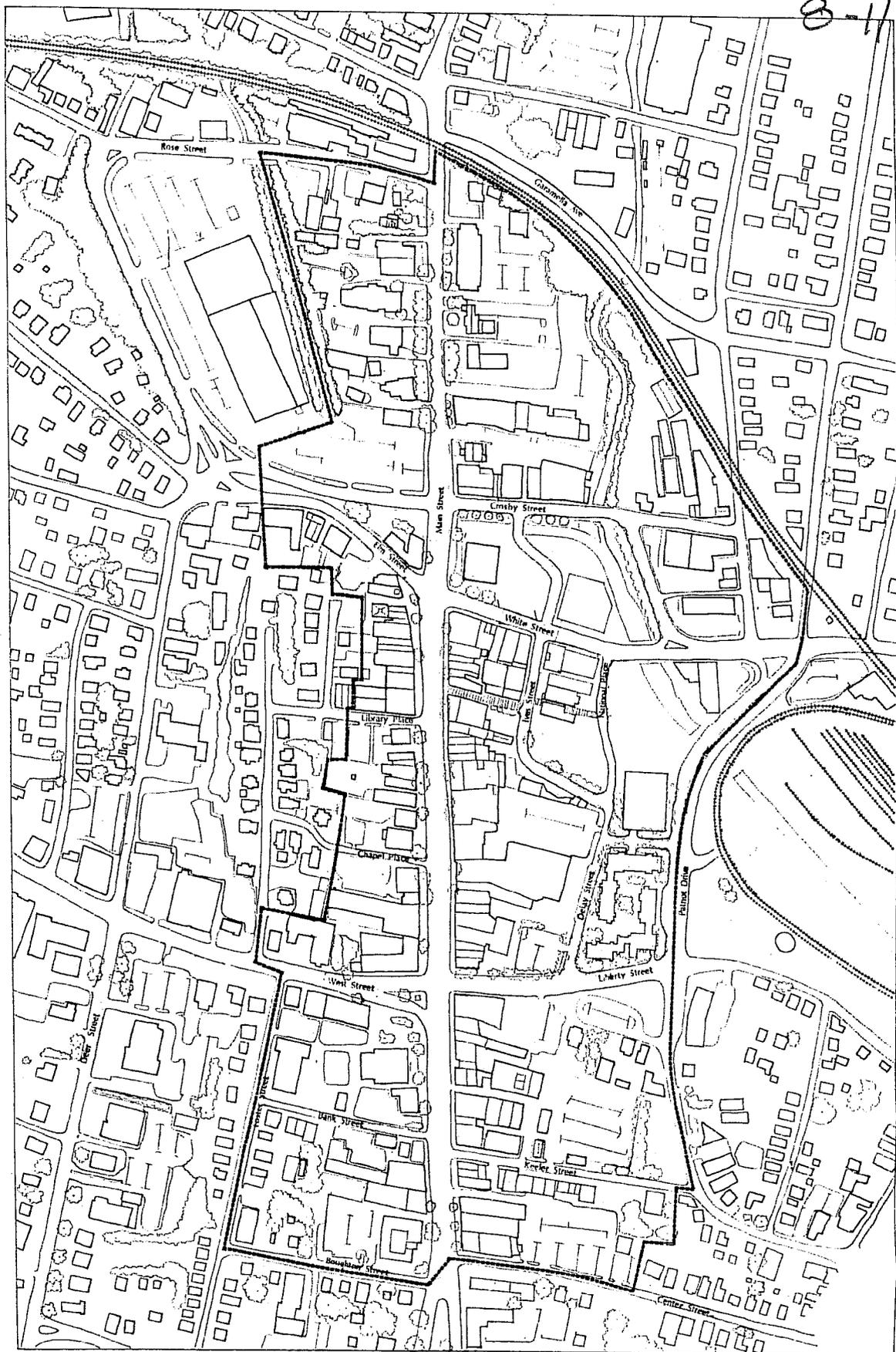
Thence continuing along said southerly highway line of Rose Street along said lot H13-289 to the northeasterly corner of lot H13-289 lying along a westerly boundary line of Tax Assessor lot H13-290;

8-10

Thence turning and running along a jog in the said southerly highway line of Rose Street, along said lot H13-290 to the northwesterly corner of said lot H13-290;

Thence turning and continuing along said southerly highway line of Rose Street along the northerly boundary line of said lot H13-290 and H13-294 to the westerly highway line of the aforementioned Main Street, said point being the northeasterly corner of lot H13-294;

Thence running diagonally across said Main Street to the point of beginning.



# Downtown Plan Danbury, Connecticut

Buckhurst Fish Hutton Katz Inc.

