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**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

September 24, 2014

Honorable Mayor Mark D. Boughton  
Honorable Members of the City Council  
City Hall  
155 Deer Hill Avenue  
Danbury, Connecticut 06810

Re: Danbury-Brookfield Sewer Agreement Renewal

Dear Mayor and Council Members:

For the past forty years the City of Danbury has provided sewage treatment services to the Town of Brookfield according to the terms of an "Interlocal Agreement" signed by Mayor Charles A. Ducibella on April 3, 1974. That Agreement was amended on April 9, 1992, primarily to deal with the impact that federally required modifications to the wastewater treatment plant would have on the municipalities. The amended Agreement ran for a period of twenty (20) years through April 2012 and gave the parties the opportunity to extend the Agreement for an additional twenty (20) years through April 2032 upon such terms as the municipalities agreed.

We have recently been advised that the Town of Brookfield wishes to extend the term of the Agreement through April of 2032, on substantially the same terms and conditions as now exist. A copy of the draft extension agreement is attached for your review and consideration. If you approve, please adopt the attached resolution, acting in your capacity as the city's Water Pollution Control Authority, authorizing the Mayor to sign the agreement on behalf of the city.

If you have any questions, please contact me.

Sincerely,

Laszlo L. Pinter  
Deputy Corporation Counsel

**Attachments**

cc: Antonio Iadarola, Director of Public Works  
David Day, Superintendent of Public Utilities

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# RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

\_\_\_\_\_ A.D. 2014

**RESOLVED** BY THE CITY COUNCIL OF THE CITY OF DANBURY

**WHEREAS**, on April 3, 1974, the City of Danbury and the Town of Brookfield entered into an Agreement establishing the terms and conditions under which Danbury agreed to provide sewage treatment capacity within its existing treatment facilities thereby allowing Brookfield an average daily flow to Danbury of 500,000 gallons; and

**WHEREAS**, on April 9, 1992, the aforesaid Agreement was amended to address issues relating primarily to wastewater treatment plant upgrades and associated improvements, which the city was required to construct in order to meet newly imposed state and federal effluent standards; and

**WHEREAS**, the Agreement, as amended, ran for a period of twenty (20) years and gave the Town of Brookfield the option to extend the Agreement for an additional twenty (20) years upon such terms and conditions as the City of Danbury and the Town of Brookfield agreed; and

**WHEREAS**, the Town of Brookfield, acting through its Water Pollution Control Authority, now wishes to extend the term of the Agreement, as amended, upon the same terms and conditions, for a period of twenty (20) years, or until April 9, 2032.

**NOW THEREFORE BE IT RESOLVED THAT** the City Council of the City of Danbury, acting as the Danbury Water Pollution Control Authority, does hereby authorize Mayor Mark D. Boughton to execute an Extension Agreement with the Town of Brookfield, acting through its Water Pollution Control Authority, extending the term of the underlying Agreement, as amended, through April 9, 2032.

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**EXTENSION AGREEMENT  
DANBURY – BROOKFIELD  
INTERLOCAL SEWER SERVICE AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Danbury (“Danbury”), a municipal corporation organized and existing under the laws of the State of Connecticut and having an office and place of business at 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, its Mayor, hereunto duly authorized by action of the City Council acting as the Danbury Water Pollution Control Authority, and the Town of Brookfield (“Brookfield”), a municipal corporation organized and existing under the laws of the State of Connecticut and having an office and place of business at 100 Pocono Road, Brookfield, Connecticut 06804, acting herein by Nelson Malwitz, Chairman of its Water Pollution Control Authority, hereunto duly authorized;

W I T N E S S E T H:

WHEREAS, the City of Danbury and the Town of Brookfield entered into an Interlocal Agreement dated April 3, 1974, hereinafter designated as the “Interlocal Agreement”, which defined the rights and responsibilities of the City of Danbury and the Town of Brookfield with respect to the treatment by Danbury of an annualized average daily flow of sewage generated in Brookfield of up to 500,000 gallons per day; and

WHEREAS, the City of Danbury and the Town of Brookfield amended said Interlocal Agreement by an agreement entitled, “Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement,” dated April 9, 1992; and

WHEREAS, the Interlocal Agreement, as amended by Section 5 of said Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement, ran for a term of twenty (20) years from April 9, 1992, and provided further, that at the end of said twenty (20) year term, the Town of Brookfield had the option to renew said Interlocal Agreement, as amended, for an additional term of twenty (20) years; and

WHEREAS, the Brookfield Water Pollution Control Authority, acting on behalf of the Town of Brookfield pursuant to its statutory powers under Section 7-247 of the Connecticut General Statutes, desires to exercise said option and to extend said Interlocal Agreement, as amended, for an additional term of twenty (20) years, or until April 9, 2032, and has authorized Chairman Nelson Malwitz to execute this Extension Agreement with Danbury, and

WHEREAS, the Danbury City Council acting as the Danbury Water Pollution Control Authority on behalf of the City of Danbury pursuant to its statutory powers under Section 7-247 of the Connecticut General Statutes, has authorized Mayor Mark D Boughton to execute this Extension Agreement with Brookfield.

NOW THEREFORE, in consideration of the covenants therein contained and for a good and valuable consideration, the City of Danbury and the Town of Brookfield, acting by approval of their Water Pollution Control Authorities, agree that said Interlocal Agreement, dated April 3, 1974, as amended by said Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement, dated April 9, 1992, shall continue in force for an additional term of twenty (20) years to April 9, 2032, upon the same terms and conditions as contained in said Interlocal Agreement, as amended by said Amendment to Danbury – Brookfield Interlocal Sewer Service Agreement.

IN WITNESS WHEREOF, the Municipalities have caused this Extension Agreement to be executed by their duly authorized officers as of the date first above written.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_

CITY OF DANBURY acting by  
authority of its WATER  
POLLUTION CONTROL  
AUTHORITY

\_\_\_\_\_

By: \_\_\_\_\_  
Mark D. Boughton, Mayor

\_\_\_\_\_

TOWN OF BROOKFIELD,  
acting by its WATER  
POLLUTION CONTROL  
AUTHORITY

\_\_\_\_\_

By: \_\_\_\_\_  
Nelson Malwitz, Chairman