



33

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

July 6, 2005

Mayor Mark D. Boughton
Members of the Common Council

Re: **Danbury/Bethel Consolidated Agreement**

The Common Council Committee appointed to review the Danbury/Bethel Consolidated Agreement met on June 27, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Diggs and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Attorney Ted Backer, the petitioner Roy Steiner and Council Members Riley, Teicholz and Urice, ex-officio.

Attorney Gottschalk stated that the Common Council authorized his office and the Engineering Department to negotiate an agreement with the Bethel Consolidated Company, which is a publicly regulated water company within the Town of Bethel. The water mains are near the Danbury water system facility. Their terminus is at the intersection of Payne Road Route 6 in Bethel.

This agreement allows for the interconnection of the two systems. It provides for the provision of potable water, fire protection, maintenance and emergencies. It provides flexibility. It provides that one of the companies can bill the other when there is a draw on either system and it is intended to serve those urgent functions that are necessary in an emergency or routine maintenance. It provides for billing at normal rates in effect for the City of Danbury customers for the size of the meters. The term is for twenty-five years and may be renewed for an additional twenty-five years by execution of written notice from Bethel Consolidated to the City of Danbury or from the City of Danbury to Bethel Consolidated.

Mr. Nolan read a letter from Mr. Buckley stating that he supports the letter and would recommend approval.

Ms. Diggs asked if we could get out of the twenty-five year term if we are unhappy with the agreement? She asked if there was a reason for the

twenty-five year term? Attorney Gottschalk stated that it was the term proposed since it was intended to be a long-term agreement. There is no expense to the City and no disadvantage to either party. Mr. Barry asked if it would provide fire suppression? Mr. Steiner said it would.

Mr. Urice asked if it was correct that after the twenty-five years, either party can give notice and the other party has no recourse? Attorney Gottschalk said that was correct. Mr. Urice asked what would constitute an emergency? Attorney Backer said if there was a main break on the Danbury side, they could turn on the valve so the City would have fire protection. The tank is a 700,000 gallon tank. Mr. Urice asked if it would constitute an emergency if Bethel decided to shut down and cease operation on its own, or in the event they required more water than they could produce? (Mr. Nolan noted that this is not the Town of Bethel water system). Mr. Steiner said there is no thought of shutting down the Bethel system and is used only for emergencies and not meant to be anything other than that. Attorney Gottschalk concurred.

Mr. Barry made a motion to recommend adoption of the Danbury/Bethel Consolidated Agreement. Seconded by Ms. Diggs. Motion carried unanimously.

Respectfully submitted,

VINCENT P. NOLAN, Jr. CHAIR

N. JANE DIGGS

KEVIN BARRY