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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

DENA DIORIO
DIRECTOR OF FINANCE

(203)797-4652
FAX: (203)796-1526

M E M O R A N D U M

TO: Hon. Mark D. Boughton via the Common Council
FROM: Dena Diorio, Director of Finance & Personnel *Dena*
RE: RESOLUTION – HIGHLAND AVENUE PARK
DATE: November 29, 2005

Attached for your review is a revised resolution, regarding a grant from the Department of Environmental Protection for improvements to Highland Avenue Park. The grant award is in the amount of \$60,000, with no local match, and is to be used to enhance recreational facilities at Highland Avenue Park.

The Common Council is requested to consider this resolution at its next meeting.

If you have any questions, or require any further information, please contact my office at (203) 797-4652.

Attach.



RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS the State of Connecticut, Department of Environmental Protection has made available to the City of Danbury a grant for improvements to Highland Avenue Park;

WHEREAS the purpose of this grant is to complete improvements to the park to enhance recreational facilities for use by the public;

WHEREAS the amount of the grant award is \$60,000.00, with no local match, and is to be used to complete the improvements within 5 years of contract execution;

Now, THEREFORE BE IT RESOLVED THAT, Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Environmental Protection for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton, is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

ATTACHMENT B**SCOPE OF WORK**

Purpose: The Contractor, the City of Danbury to be referred to as "Municipality" agrees to complete improvements to a municipally owned, operated and maintained recreational resource known as Highland Avenue Park which is located Highland Avenue within the territorial limits of the City of Danbury.

Description: The City of Danbury will complete improvements to a public park known as Highland Avenue Park. Improvements include:

- ❖ Cover and fill the existing in-ground pool and replace it with a wet pool with spray.
- ❖ Upgrade the baseball field.
- ❖ Install a regulation size basketball court.
- ❖ Replace existing playscape with a modern and accessible playscape.
- ❖ Install fencing.
- ❖ Develop a parking area.
- ❖ Clear brush to Sleepy Hollow Pond and clear out growth in and around the pond.

1. **Design:** The Municipality agrees that the location, design materials and work schedule related to this project are completed with the full knowledge and approval of the local property-managing department and the facility manager. That the design, installation and construction shall comply with all State of Connecticut building codes, the intent of the Americans with Disabilities Act (handicapped accessibility), be of a nature that will minimize maintenance and ensure public safety.
2. **Permits:** The Municipality agrees and that all applicable permits shall be secured prior to construction. Such permits that may need to be secured, include, but are not limited to municipal, regional & state flood & erosion control board(s), inland wetlands, stream channel encroachment, tidal/coastal consistency, Army Corp of Engineers. The approval of this contract/agreement does in no way constitute approval of, or preferential consideration, to any permit that may be required for, or applied for by the Municipality to the Department of Environmental Protection or other State Departments to complete the described project scope as defined above.
3. **Ownership:** The Municipality represents that said Municipality is the record owner of the land and building upon which the project described above is located, ownership shall be the form of fee simple, free from any lien or claim that would prevent such land from being retained and utilized for the use or uses outlined above. Being the recorded owner, the Municipality agrees to maintain the project area after development/improvement properly and efficiently and to provide assurance of such operation and maintenance as may be required by the Commissioner for a period not to exceed the life expectancy, ten years, or full total destruction or degradation by an act of nature whichever comes first.
4. **Accessibility to the Public:** The Municipality shall erect a permanent plaque or sign on said property acknowledging that said property/project is a public recreational facility and that said property received a grant from the State of Connecticut administered through the Department of Environmental Protection. Said property/project is a public area and as such, it shall be open to the public. The public, for purposes of this agreement shall be defined as any resident of any municipality, state, country or nation.
5. **Fees:** Should a parking/patron fee be levied on patrons to use this park, the Municipality agrees not to charge a fee to nonresidents of the Municipality an amount that exceeds twice that charged to residents of the Municipality. Where there is no charge to residents but a fee is charged to nonresidents, nonresident fees cannot exceed those charged at comparable State or local facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents.
6. **Bond Funding:** The Contractor and the State understand and agree that the State Bond Commission on May 28, 2004 approved the funds for this project. Upon approval of this agreement by the Office of the Attorney General, grant funds for the above described project shall be available for release to the Contractor from date of Bond Commission approval, contingent upon the Contractor meeting the terms and conditions of this contract/agreement and by the Commissioners approval.
7. **Submission of Materials:** For the purposes of this contract, all correspondence, summaries, reports, products and extension requests shall be submitted to:

Department of Environmental Protection
 Bureau of Outdoor Recreation
 Land Acquisition & Management Division
 79 Elm Street
 Hartford, CT 06106-5127

1. PREPARE IN QUINTUPLICATE.
2. THE STATE AGENCY AND THE CONTRACTOR AS LISTED BELOW HEREBY ENTER INTO AN AGREEMENT SUBJECT TO THE TERMS AND CONDITIONS STATED HEREIN AND/OR ATTACHED HERETO AND SUBJECT TO THE PROVISIONS OF SECTION 4-98 OF THE CONNECTICUT GENERAL STATUTES AS APPLICABLE.
3. ACCEPTANCE OF THIS CONTRACT IMPLIES CONFORMANCE WITH TERMS AND CONDITIONS STATED ON THE REVERSE SIDE OF THIS SHEET.

(1) ORIGINAL AMENDMENT (2) IDENTIFICATION NO. P.S.

CONTRACTOR (3) CONTRACTOR NAME: **CITY OF DANBURY** (4) ARE YOU PRESENTLY A STATE EMPLOYEE? YES NO

CONTRACTOR ADDRESS: **CITY HALL, 155 DEER HILL AVENUE, DANBURY, CT 06810** CONTRACTOR FEIN/SSN: **06-6001868**

STATE AGENCY (5) AGENCY NAME AND ADDRESS: **DEP - B.O.R. LAND ACQ. & MGMT DIVISION, 79 ELM ST., HARTFORD, CT 06106** (6) AGENCY #: **DEP44420**

CONTRACT PERIOD (7) DATE (FROM) Execution THROUGH (TO) Execution + 5YR. (8) INDICATE MASTER AGREEMENT CONTRACT AWARD NO. NEITHER

CANCELLATION CLAUSE THIS AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT FOR THE ENTIRE TERM OF THE CONTRACT PERIOD STATED ABOVE UNLESS CANCELED BY THE STATE AGENCY, BY GIVING THE CONTRACTOR WRITTEN NOTICE OF SUCH INTENTION (REQUIRED DAYS NOTICE SPECIFIED AT RIGHT). (9) REQUIRED # OF DAYS WRITTEN NOTICE: **30**

(10) CONTRACTOR AGREES TO: (Include special provisions - Attach additional blank sheets if necessary.)

The Contractor, the City of Danbury to be referred to as "Municipality" agrees to complete improvements to a municipally owned, operated and maintained recreational resource known as Highland Avenue Park which is located Highland Avenue within the territorial limits of the City of Danbury.

The work to be completed for this project site is on a two-sided page, attached hereto and incorporated herein as Attachment B.

Additional terms and conditions governing this agreement, and the funds provided under a grant, are identified on the reverse side of this page and on Attachment A, which is incorporated herein and made a part hereof.

(11) PAYMENT TO BE MADE UNDER THE FOLLOWING SCHEDULE UPON RECEIPT OF PROPERLY EXECUTED AND APPROVED INVOICES.

The Commissioner will make payment of any and all funds from this grant-in-aid on a reimbursement basis subject to approval of requests for payment, in his sole discretion. The Municipality is responsible to supply appropriate documentation to the administering agency (agency address, see item # 5), of cost relating to the project.

The maximum amount to be reimbursed to the Municipality under this contract is \$60,000.00.

(12) ACT CD	(13) DOC TYP	(14) COM. TYP	(15) LSE. TYP	(16) ORIG. AGCY 44420	(17) DOCUMENT NO.	(18) COMMIT. AGCY	(19) COMMIT. #	(20) VENDOR FEIN/SSN-SUFFIX
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(21) COMMITTED AMOUNT \$ 60,000.00	(22) OBLIGATED AMOUNT \$	(23) CONTRACT PERIOD (FROM / TO) Execution - 5 year from execution.
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(4) AMOUNT	(25) DEPT.	(26) FUND	(27) SID.	(28) PROGRAM	(29) PROJECT	(30) BUD REF	(31) AGENCY CF1	(32) AGENCY CF2	(33) ACCOUNT
\$60,000.00	DEP44420	13019	41239	64004	DEP_NONPROJECT	2006			55050

Individual entering into a Personal Service Agreement with the State of Connecticut is contracting under a "work-for-hire" arrangement. As such, the individual is an independent contractor, and does not satisfy the characteristics of an employee under the common law rules for determining the employer/employee relationship of Internal Revenue Code section 21(d)(2). Individuals performing services as independent contractors are not employees of the State of Connecticut and are responsible themselves for payment of all State and local income taxes, federal income taxes and Federal Insurance Contribution Act (FICA) taxes.

ACCEPTANCES AND APPROVALS (34) STATUTORY AUTHORITY: **CGS Sec. 22a-6(a)(2) as amended Special Act 1999-242, Section 32(b)(1)**

(5) CONTRACTOR (OWNER OR AUTH. SIGNATURE)	TITLE Mark D. Boughton, Mayor	DATE
(6) AGENCY (AUTHORIZED OFFICIAL)	TITLE David K. Leff, Deputy Commissioner	DATE
OFFICE OF POLICY & MGT./DEPT. OF ADMIN. SERV.	TITLE	DATE
ATTORNEY GENERAL (APPROVED AS TO FORM)		DATE



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



November 15, 2005

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

RECEIVED

NOV 17 2005

RE: Highland Avenue Park CSAP 2005-52

ENGINEERING DEPT.

Dear Mayor Boughton,

At a meeting of the Connecticut Bond Commission, the above referenced project received approval under a Special Act authority. The amount of this grant is \$60,000.00. In order for the City of Danbury to access the funds for this project the enclosed Personal Services Agreements needs to be executed.

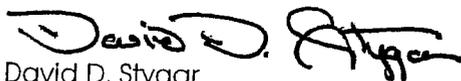
Please follow and include all requested documentation as described below.

- ✓ The CEO must **sign and date** two copies of the Personal Services Agreement.
- ✓ A municipal resolution, with the municipal seal, authorizing the Chief Executive Officer to enter into the agreement needs to be attached to each agreement. The Town/City Clerk must certify this resolution, it must have, **clerks' signature, current date and municipal seal**. The format enclosed incorporates a Certificate of Incumbency, which is also needed.
- ✓ The enclosed Contract Compliance Assurance forms must be completed. The Town/City, as contractor, must fill out or be on the Contract Compliance Vendor's list in order to for the State of Connecticut to process the agreement and reimbursement.
- ✓ Please return all required documents to: Dave Stygar; Department of Environmental Protection; BOR Land Acquisition; 79 Elm Street; Hartford, CT 06106-5127.

Payment of the funds for this project will be made upon approval of the enclosed agreement and submittal of appropriate billing documentation. Upon approval, a copy of the agreement will be forwarded to the City for filing along with a reimbursement package. The reimbursement package will explain the procedures for billing and reimbursement request. Funds will be deposited into a Reich & Tang account, which is an independent accounting firm administering state tax-free bond. The City will have to set up an account with this firm. The City, in a time saving effort may set up the "checkbook" account prior to the receipt of an approved agreement. I do believe that the City does have a "Special Act/Public Act" account set up, if so it may wish to set up a sub-account within this account for accounting purposes. A ten-digit number will be required by Reich & Tang to set up the account. The number for the City of Danbury is **3100-03-0034**. Should Reich & Tang not contact the City feel free to call them at 1-800-221-3079

Should you have any questions, please feel free to contact me at 424-3081.

Sincerely,



David D. Stygar
Environmental Analyst
Municipal Grant-in-Aid Coordinator

**RECEIVED
FINANCE DEPT.
NOV 18 2005**

DDS:dds
enclosures

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<http://dep.state.ct.us>

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