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

February 28, 2007

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: Applebees – Federal Road
Request for Consideration for Water/Sewer Fees

Dear Mayor and Council:

This petitioner has requested consideration from you with respect to certain excess water use charges that it claims the City unfairly imposed. There have been a number of (administrative) attempts to discuss and resolve this matter, but to no avail, at least to this point. The petitioner therefore, is seeking a committee to explain its position and seek your assistance in further consideration of its position.

In the event you establish a committee, we are happy to provide you with information necessary regarding this claim. Please do not hesitate to contact us with any questions in the meantime.

Very truly yours,

Laszlo L. Pinter,
Deputy Corporation Counsel

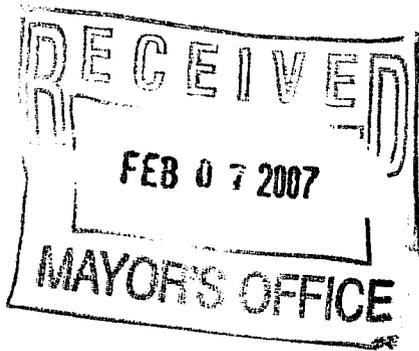
cc: David Day, Superintendent Public Utilities
Charles Kindya, Public Utilities

Llp/applebees

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January 28, 2007

Mayor Mark Boughton
Honorable Members of the Common Council
City of Danbury
155 Dear Hill Avenue
Danbury, CT 06810

RE: WATER BILL & SEWER BILL FOR APPLEBEE'S - FEDERAL ROAD,
DANBURY

Dear Mayor Boughton and Honorable Members of the Common Council:

I opened a brand new Applebee's Neighborhood Grill & Bar at 57 Federal Road in Danbury on October 27, 1997. From that time thru September 1, 2005, a total of almost 8 years, I received a City of Danbury Water Bill from Federal Welding, the Landlord every three months. These bills were paid promptly. After the September 1, 2005 billing which was \$4,747.24 that covered the period of April 11, 2005 thru July 5, 2005, I did not receive another Danbury Water Bill from Federal Welding for 9 months until I received the June 3, 2006 for a total of \$1,918.95 which was promptly paid but way to low for 9 months.

In the mean time my bookkeeper called Federal Welding in February 2006 when she realized that she did not get a bill in December of 2005. When she still did not get a water bill she called the City of Danbury in March of 2006 and was told because of our honesty and the City's mistake I would not be billed for the water usage in arrears. Federal Welding was also told the same thing by the girl answering the phone in the water department. On September 3, 2006 I received a Danbury Water and Sewer Bill for \$14,797.61 for the period March 22, 2006 thru July 27, 2006 which was a little over 3 times my previous September 1, 2005 water.

I was told by Mr. David Day and Mr. Charles Kindras that I must have had a leak or running toilets. The same day that I contacted Mr. Day, and Mr. Kindras, Mr. Day and Mr. Kindras toured my restaurant and found no sinks or toilets leaking. Over the past 8 years we have had a sink faucet drip or a toilet run but we had them fixed promptly. Mr. Kindras stated that my neighbor, All Star Cleaning Supply also had a water spike in his

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bill during the same time that my usage doubled. This was during the construction that was taking place around my Applebee's. During my meeting with Mr. Day and Mr. Kindras I was handed an Account Analysis for an Additional \$18,508.31. These bills of \$1,918.95, \$14,797.61 and \$18,508.31 add up to **\$35,219.87** for water and sewer for a period one year. My highest one year bill for the previous 1 year time period was \$15,992.69. The \$35,219.87 represents an increase of 120.23 %. My daily average water usage during during the previous 8 years was 4,985 gallons per day. During the time that City of Danbury failed to bill for the water and sewer my usage climbed to over 10,000 gallons per day. This corresponded to the demolition of the Yellow Freight Building and the construction of Lowes and the Bridge behind my Applebee's.

In August of 2006 two of my managers caught construction workers running a hose from one of our hose bibs filling up large motorized rollers. They told my managers that they had permission from the owner to take the water. When I was informed of this by my managers, I told them that the construction workers did not have my permission to take the water and that they were to stop. By this time the damage was done. I believe they had been taking my water without my knowledge since the start of the demolition of Yellow Freight. I had no way of knowing my water usage went up for one year until I received the high September 3, 2006 water bill of \$14,797.61. By then it was too late. The construction was complete and now my water usage has gone back down to around 5,000 gallons per day. For the period of September 1, 2005 to September 1, 2006, I only received one water and sewer bill for \$1,918.95.

If I had received the water and sewer bills in a timely fashion, every three months as previously billed, I would have seen my water consumption jump and immediately it would have raised the flag that something was wrong. I would have investigated and I believe I would have found out my water was being taken and I would have locked and/or shut off my exterior hose bibs to stop the theft. I was told by the water department that it was a clerical error and that I would have to pay the entire of \$33,305.92. I have already paid the \$1,918.95. I ask you Mayor, how would you like it if this happened to you and you would have to pay an additional \$19,000 because of a clerical error beyond your control? The City was negligent because it took them one year to get me the Water and Sewer Bills even after we called within three months after we did not receive the December 2005 billing.

I am more than willing to pay for my average usage of 4,985 gallons per day. I feel the City should not bill me for the additional gallons over my average. Since this water was taken for construction use, it never went into the sewer. Since the sewer part is 48.01% of the water bill, the city would not be losing 100% of the cost the additional gallons.

This is a mess that I did not cause. I am the victim here. I did not use these additional gallons. I did not have any leaks and I was never able to determine my water usage for

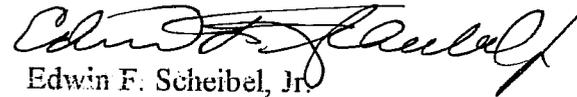
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one year because a city employee made a clerical error. Why did it take so long for the city to correct this problem even after Federal Welding called the Water Department in February of 2006 and we called the Water Department in March of 2006 notifying them Federal Welding our landlord had not received a Water and Sewer bill since September 2005?

I ask your help solve this problem in a fair and equitable way for both my company and the City of Danbury rather than end up in a legal entanglement.

Sincerely,



Edwin F. Scheibel, Jr.
President

cc: Mr. Robert Yamin
Mr. Francis Hodges