

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, DECEMBER 20, 2011
TOWN OFFICE BUILDING ~ 5:30 P.M.**

Call to Order: First Selectman Leo Paul, Jr. called the meeting to order at 5:30 p.m. Also present were Selectmen Jeffrey Zullo, Diane Knox and R. Christopher Blake. Paul Parsons was absent.

Approval of Minutes: Regular December 6, 2011: C. Blake was not present for the meeting but pointed out that under Reappointments b), "L. Cleveland" should be "L. Cleveland Fuessenich." All agreed with the correction. **Motion:** D. Knox moved to approve the minutes of the 12/6/11 meeting as corrected and L. Paul seconded. Upon voting D. Knox and L. Paul voted aye and C. Blake and J. Zullo both abstained because of absence.

Public Requests/Comments: Barbara Putnam mentioned the failure of some of the Town boards to be familiar with Robert's Rules and that procedural errors could cause problems.

Selectmen's Requests: Mr. Paul congratulated Jeffrey Zullo for his successful run for the Board of Selectmen and welcomed him. He also congratulated the other successful selectmen, Chris Blake and Diane Knox. He mentioned the "read file" which is office information for the Selectmen's perusal, as well as the Selectmen's mail file.

Resignations: David W. Geiger from Pension Commission effective 12/14/11: Received and noted.

Interviews, Appointments & Reappointments: None

Liaison Reports/Commission-Committee Minutes: 12/8/11 WPCA minutes; 11/30/11 Special BOE minutes (draft); 10/4/11 ZBA minutes

Vacancies: The list of current appointed vacancies with term expirations is as follows:

Beautification Commission: 2 regular members 2/2012, 2/2014; 1 alternate 2/2013
Bridge Committee: 1 member, P&Z Liaison
Cable Television Advisory Council: One member 6/2013
Economic Development Commission: One regular member 6/2013; 1 alternate 6/2013
Inland Wetlands Commission: 1 regular member 6/2014
Milton Historic District Commission: 2 alternate members 1/2012
Park & Recreation: 2 alternate members: 6/2013, 6/2014
Pension Commission: 1 regular member; 1 alternate member 3/2013
Recycling Committee: 3 members, 2/2012, 2/2013, 2/2014
Veteran's Advisory Committee: 1 regular member 8/2012; 2 alternate members 8/2012
Water Pollution Control Authority: 1 regular member 1/2013

Tax Refunds: Motion: C. Blake moved to approve the 8 tax refunds, for a total of \$831.31 in accordance with the Tax Collector's memo of 12/16/11. D. Knox seconded, all voted aye and the motion carried.

Transfers: None

Old Business: None

New Business

a) **Award Bid for Sandy Beach Septic Project: Motion:** C. Blake moved to award the bid to low bidder HLC Excavation for \$87,140 in accordance with Jack Healy's memo of 12/12/11. D. Knox seconded. L. Paul said the reason this bid award has taken so long is that there was a question of HLC's ability to do this work. J. Healy said a favorable reference was subsequently withdrawn, causing him to talk to HLC and ask for additional references. The additional references were all favorable. Upon voting all voted aye and the motion carried.

b) Approve Use of Roads for Milton Resolution Road Race 1/1/12: Motion: C. Blake moved to approve the use of the roads for the race as above in accordance with John Baker's letter dated 12/5/11. D. Knox seconded, all voted aye and the motion carried.

c) Adopt Resolution entitled: "Resolution Appropriating \$1,350,000 for the Town of Litchfield 2011-2012 Capital Improvement Program, Including School, Fire Vehicles, Public Works and Recreation Improvements and Authorizing the Issue of \$1,350,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose"

Motion: R. Christopher Blake moved to waive the reading of the entitled resolution and incorporate its full text into the minutes of the meeting. Diane Knox seconded the motion. Hearing no discussion, D. Knox, R. Christopher Blake, Jeffrey Zullo and Leo Paul, Jr. voted aye and the motion passed. L. Paul explained that the Board of Finance made an adjustment at its last meeting, adding \$60,000 that was taken from pay-as-you-go for Center School stairs and walkways. This brought the total to \$1,350,000. J. Zullo asked what is in the Capital Non-recurring Fund, and Finance Director Karl Fisher replied that there is about \$440,000. Mr. Zullo said he would have liked the amount bonded over 15 years to be lower, possibly by using Capital Non-recurring.

Motion: R. Christopher Blake moved to adopt the resolution, and Diane Knox seconded. Hearing no discussion, R. Christopher Blake, Diane Knox, Jeffrey Zullo and Leo Paul, Jr. voted aye and Mr. Paul declared the resolution adopted. The entire resolution is incorporated into these minutes as Attachment A.

d) Set Annual Town Meeting for 1/10/12: Motion: R. Christopher Blake moved and Diane Knox seconded a motion to warn the Annual Town meeting to be held on January 10, 2012, at 7:00 o'clock p.m. at the Litchfield Firehouse to consider and act upon the 2011-2012 Capital Improvement Program bond resolution; as well as a second item to authorize the Board of Selectmen to borrow money temporarily in anticipation of taxes and other municipal revenues, to enable the town to pay budgeted expenditures as they fall due, provided, however, that any funds for the cost of such borrowing shall also have been duly appropriated.

There was no discussion, so upon voting D. Knox, R. Christopher Blake, Jeffrey Zullo and Leo Paul, Jr. voted aye and Mr. Paul declared the motion adopted.

e) Adopt 2012 BOS Meeting Schedule: Motion: C. Blake moved the proposed 2012 meeting schedule as presented with all meetings beginning at 5:30 p.m. D. Knox seconded, all voted aye and the motion carried. Mr. Paul noted that both meetings in January will be specials, as the schedule must be filed with the Clerk 30 days ahead for regular meetings.

Correspondence: None

Motion: C. Blake moved and D. Knox seconded a motion to adjourn at 5:53 p.m. All voted aye and the motion carried.

Leo Paul, Jr., First Selectman

RESOLUTION APPROPRIATING \$1,350,000 FOR THE TOWN OF LITCHFIELD 2011-2012 CAPITAL IMPROVEMENT PROGRAM, INCLUDING SCHOOL, FIRE VEHICLES, PUBLIC WORKS, AND RECREATION IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$1,350,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$1,350,000 is appropriated for the planning, acquisition and construction of the Town of Litchfield Capital Improvement Program 2011-2012, consisting of:

Schools:

Center School – Flooring \$ 40,000

General Purpose:

Litchfield – 1986 Pumper Replacement \$ 250,000

Public Works - Vehicles/Equipment Replacement:

1995 Dump Truck \$ 160,000

Truck Bed Conveyer \$ 15,000

Public Works – Bridges:

Campville Road Bridge \$ 62,667

Culvert Sleeving and Repair \$ 125,000

Milton Road Bridge \$ 85,000

North Shore Road Bridge #04433 \$ 47,400

North Shore Road Bridge #04343 \$ 109,200

Public Works - Major Roadwork:

McBride Road – Grinding & Overlay \$ 60,000

Old Northfield Road \$ 45,000

Sidewalk Reconstruction \$ 27,000

West Street Green Curbing \$ 50,000

Whites Woods Road Overlay \$ 125,000

Public Works - Public Facilities:

Tennis Courts \$ 50,000

Exterior Concrete Stairs and Walkways \$ 60,370

Debt Administration \$ 38,363

Total \$ **1,350,000**

and for architects, engineers and consultants, easements and other land acquisition as required, curbing, site work, utilities, appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative,

advertising, printing, legal and financing costs, said appropriation to be in addition to all prior appropriations for said purpose. The First Selectman shall determine from time to time the specific item or improvement to be completed, based upon the priority and needs then existing. The First Selectman and Treasurer are authorized to transfer amounts among purposes based upon priority and funding availability. It is hereby found, determined and recited that the foregoing projects were approved to be undertaken in conjunction with the town for the 2011-2012 town budget adopted by the taxpayers at the Annual Budget Meeting, and the funds therefore are expected and planned to be encumbered and expended, and the projects completed by the 2011-2012 fiscal year end. LOCIP funds received and expended on the above purposes shall be included in and applied against this appropriation and bond authorization.

Section 2. To meet said appropriation \$1,350,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the First Selectman and Treasurer, and the amount of bonds of each series to be issued shall be fixed by the First Selectman and Treasurer, in the amount necessary to meet the Town's share of the cost of the project, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and Treasurer bear, the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the First Selectman and Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the First Selectman and Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the First Selectman and Treasurer. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the First Selectman and Treasurer, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the First Selectman and Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction, or similar competitive process at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state

and municipal bonds. If the bonds are sold by negotiation, the provisions of the purchase agreement shall be subject to approval of the Board of Selectmen.

Section 4. The First Selectman and Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and Treasurer, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the First Selectman and Treasurer, be approved as to their legality by Bond Counsel, and be certified by a bank or trust company designated by the First Selectman and Treasurer, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this resolution in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Finance Director or her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The First Selectman and Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 7. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation.