

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, MAY 1, 2012
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. with all Selectmen present: Jeffrey Zullo, Paul Parsons, Diane Knox and R. Christopher Blake. There were also members of the public, press and Park and Recreation Commission.

Approval of Minutes: **Motion:** J. Zullo moved to approve the regular April 17, 2012 minutes as submitted, and D. Knox seconded. All voted aye, except C. Blake who abstained, and the motion carried.

Public Requests/Comments: Helen Bunnell, member of the Park and Recreation Commission asked the Selectmen to add to its agenda an item on Community Field restrooms. Since the restrooms have been closed, the two portable toilets are inadequate for the over 100 players and spectators who attend during the baseball season. There is no way to wash hands, either. Tom Waterfall also spoke on behalf of Tri-Town. The Commission approved a resolution to appropriate \$6,000 from its budget to replace and repair the restroom facility.

Motion: J. Zullo moved to add to the agenda to New Business e) Park & Recreation Request, and D. Knox seconded. In discussion P. Parsons asked to give the Board of Selectmen time since the issue came to the newspaper before it came to Leo. Due process has not occurred, so it seems premature to add it to the agenda for a decision. Mr. Zullo said it would only be an open discussion. D. Knox agreed and said she had questions and was receptive to talking this evening. Mr. Blake preferred to put the item on a later agenda so he could do some homework. He warned against a knee-jerk response to newspaper articles, and increase communication between boards and commissions. He said they have been talking about a long-term plan devised in a deliberate way. He asked to place the item on the next meeting agenda. **Vote:** Upon voting all voted aye to add the item to this agenda, and the motion carried.

Selectmen's Requests: J. Zullo reported that the Town Hall Building Committee has had its organizational meeting and one other meeting so far. The architect reviewed the previous report and design. The Committee is asking L. Paul for help in finding a recording secretary. It will be, at its May 3rd meeting, continuing with the review, establishing a time line and defining the budget. It appropriated funds to re-contract with John Martin to add his proposal to the open contract.

Resignations: None

Interviews, Appointments & Reappointments: None

Liaison Reports/Commission-Committee Minutes: 3/27/12 Economic Development minutes (draft); 2/2/12 Design Review Advisory Committee minutes; 4/4/12 Board of Education minutes (draft)

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: 1 regular member 6/2014; 2 alternate members: 6/2013, 6/2014
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; 1 alternate member 1/2015

Tax Refunds: Motion: C. Blake moved to approve the 10 Refunds, totaling \$1,144.19, in accordance with the Tax Collector's memo dated 4/27/12. D. Knox seconded the motion, all voted aye and the motion carried.

Transfers: a) Transfer #1 - \$10,000 from Contingency to EMS-Paramedic Intercept:

Motion: P. Parsons moved to approve Transfer #1 and C. Blake seconded. J. Zullo asked if there is offsetting revenue or if this is a direct town expense. Finance Director Karl Fisher said it is a direct town expense in the operating budget. Mr. Zullo asked why the request is for double the budget; it seems to be over-funded. Mr. Fisher said the bills were from February forward. If it is over-funded, the excess would drop to the fund balance. Also, L. Paul added that if a second transfer were needed, it would have to go to Town meeting. **Vote:** Upon voting all voted aye and the motion carried.

Old Business: None

New Business

a) Adopt Resolution Entitled: "Resolution Appropriating \$5,100,000 for the Town of Litchfield 2012-2013 Capital Improvement Program, Including School, Fire Vehicles, Public Works, and Recreation Improvements and Authorizing the Issue of \$5,100,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose"

Motion: C. Blake moved the above resolution as detailed in the complete resolution with two revised details. D. Knox seconded the motion. In discussion, L. Paul explained this is normally done in January but it is being moved up for approval at the annual budget meeting so the money will be bonded when funds are ready to be expended. If this is approved, it will go to the Board of Finance for approval and then to the annual budget meeting. P. Parsons asked if the offsets in Section 2 are the same as at the hearing, and Mr. Fisher said it includes the debt administration for the bonding, which includes bond counsel, financial advisors, and Moody's. **Vote:** Upon voting P. Parsons, R. Christopher Blake, Diane Knox and Leo Paul, Jr. voted aye and the motion carried unanimously. The entire resolution is included in these minutes as Attachment A.

b) Adopt Resolution Authorizing the First Selectman to Execute Contract for Historic Document

Preservation Grant: Mr. Paul read the resolution. **Motion:** C. Blake moved to adopt this resolution and J. Zullo seconded. The resolution reads as follows:

RESOLVED: That Leo Paul, Jr., First Selectman of the Town of Litchfield, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

c) Sign Notice of Annual Budget Meeting – May 9, 2012: Motion: P. Parsons moved to approve the Notice of Annual Budget Meeting to be held on May 9, 2012 at the Litchfield Intermediate School Auditorium. J. Zullo seconded, all voted aye and the motion carried. C. Blake will act in Leo's absence at the meeting.

d) Review and Take Action on BOS/BOE Maintenance Memorandum of Understanding: L. Paul explained that the Board of Education has met with him regard to this maintenance MOU. **Motion:** C. Blake moved to adopt the Maintenance Memorandum of Understanding for the transition of school custodial functions from the Litchfield Board of Education to the Town of Litchfield. D. Knox seconded. Mr. Paul said that the Town will take over all maintenance in the buildings, effective 7/1/12. This includes 16 positions, 15 full and part-time custodial positions and one facilities manager transferring over, and the Town would be the successor employer of these transferred employees. The contract will automatically renew for successive three-year terms. There is a provision for the employees to revert back to the Board of Education if they are unhappy with the arrangement and a satisfactory resolution cannot be obtained. The first year BOE will make monthly installments of \$1.1 million, including salaries, equipment, positions, insurance, pension payments, workers comp, etc. including benefits. Further details will be worked out with

the Union as well. There were several questions by the Board and upon voting, all voted aye and the motion carried.

Correspondence: None

Motion: J. Zullo moved to adjourn at 7:19 p.m. and C. Blake seconded. All voted aye and the motion carried.

Leo Paul, Jr., First Selectman

RESOLUTION APPROPRIATING \$5,100,000 FOR THE TOWN OF LITCHFIELD 2012-2013 CAPITAL IMPROVEMENT PROGRAM, INCLUDING SCHOOL, FIRE VEHICLES, PUBLIC WORKS, AND RECREATION IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$5,100,000 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 \$5,100,000 is appropriated for the planning, acquisition and construction of the Town of Litchfield Capital Improvement Program 2012-2013, consisting of:

<u>Public Works Department:</u>	
Bridge Program	\$ 2,779,599
Vehicle & Equipment Replacement	\$ 266,430
Road Program	\$ 285,418
Major Road Projects	\$ 386,893
Public Utilities	\$ 170,500
 <u>Board of Education:</u>	
Center School Flooring	\$ 40,000
 <u>Board of Fire Commissioners & EMS:</u>	
Litchfield Replace Engine 4	\$ 250,000
Bantam Ambulance Replacement	\$ 85,000
Bantam Roof Repair	\$ 135,000
Fire Apparatus Replacement	\$ 575,000
 <u>Parks and Recreation:</u>	
Engineering Plans – Community Field	\$ 15,000
 <u>Sandy Beach Commission – Contingent on Morris Commitment:</u>	
New Bathroom Facilities	\$ 42,000
 <u>Debt Administration:</u>	
	\$ 69,160
 Total	 \$ 5,100,000

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 2012-2013 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 2012-2013 fiscal year end.

Section 2. LOCIP and other grant funds received and expended on the above purposes shall be included in and applied against this appropriation and bond authorization. It is expected that Grant funding will be received in the amount of \$3,216,431 and bonds of the Town will finance \$1,883,569.

Section 3. To meet said appropriation \$5,100,000 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 4. 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 5. 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 6. 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 his/her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. 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 8. 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. The First Selectman and the Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to law including but not limited to any "tax credit bonds" or "Build America Bonds" including Direct Payment and Tax Credit versions.