

Town of Montville Town Council
Regular Meeting Agenda for Monday, September 14, 2015
7:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
4. Special Recognitions/Presentations
5. Alterations to the Agenda
6. To Consider and Act on a motion to approve:
 - a. The Special Meeting Minutes on Wednesday, August 14, 2015
 - b. The Public Hearing Minutes on Wednesday, August 14, 2015
 - c. The Regular Meeting Minutes on Wednesday, August 14, 2015
7. Remarks from the public relating to matters on the agenda with a three-minute limit
8. Communications
 - a. Copy of the legal bills from Suisman-Shapiro for the month of July 2015
 - b. Copy of the August budget report from Ms. Terry Hart, Finance Director
9. Report from the Town Attorney on Matters Referred
10. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred
11. Reports from Standing Committees.
 - a. Town Administration/Rules of Procedure – Councilor Longton
 - b. Finance – Councilor Tanner
 - c. Public Works/Solid Waste Disposal – Councilor Longton
12. Reports from Special Committees and Liaison Councilors
 - a. Councilor Caron: Commission on Aging; Social Services; Volunteer Fire Fighters’ Relief Fund
 - b. Councilor Jaskiewicz: Board of Education
 - c. Councilor Longton: Library; Planning & Zoning Commission
 - d. Councilor May: Water Pollution Control Authority; Montville Law Enforcement Feasibility Committee
 - e. Councilor McNally: Economic Development Commission
 - f. Councilor Pollard: Youth Services Bureau and Advisory Board
 - g. Councilor Tanner: Parks & Recreation Commission; Public Safety Commission; Non-Profit Organizations
13. Appointments and Resignations
 - a. To Consider and Act on a motion to re-appoint Mr. Bart Ferrante, Jr., to the Planning & Zoning Commission with a term to expire October 12, 2019.
 - b. To Consider and Act on a motion to re-appoint Ms. Kathie Doherty-Peck to the Commission on Aging with a term to expire October 11, 2018.
14. Unfinished Business
15. New Business
 - a. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to refund taxes due to overpayments and corrections in the amount of \$9,401.57 (nine thousand four hundred and one dollars and fifty-seven cents) as requested by the Tax Collector. (Councilor Jaskiewicz)

- b. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the policy entitled “Emergency Dispatchers’ Communication Procedure”. (Councilor Longton)
- c. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to authorize Mayor Ronald McDaniel to execute a lease purchase agreement to acquire a fire truck. (Mayor McDaniel)

WHEREAS, the Town of Montville, Connecticut (the “Town”), desires to enter into a lease purchase financing for the acquisition of one FFA Inc. Custom Rescue Mounted on One 2016 Ferrara “Igniter” Chassis Serial #1F9455327GH140283 truck and related equipment (the “Equipment”) from the manufacturer, Ferrara Fire Apparatus, Incorporated; and

WHEREAS, the Town desires to acquire the Equipment and enter into a lease purchase agreement with Webster Capital Finance, Inc. (the “Lessor”) to finance the acquisition of the Equipment.

NOW THEREFORE, BE IT RESOLVED,

1. That (i) proposal of the Lessor to lease the Equipment and finance the acquisition of the Equipment is hereby accepted and (ii) the Mayor is hereby authorized to enter into a lease purchase agreement (the “Lease”) by and between the Town and the Lessor for the lease of the Equipment for a period of no more than eight (8) years, in such form and having such terms and details as determined by the Mayor and the Director of Finance, subject to the following limitations. The amount to be financed under the Lease shall be no greater than \$505,342.00 and payable in annual installments of principal and interest. At the conclusion of the term of the Lease, provided all the payments required under the Lease, including payments of rent, have been made, the Lessor’s interest in the Equipment shall terminate. Payments in respect of the Lease shall be subject to annual appropriations of the Town. The Lease shall include a “non-appropriation of funds” clause allowing for termination in the event that sufficient funds are not appropriated to make payments of rent and other amounts each fiscal year.
2. That the Mayor and the Director of Finance are hereby authorized to make such representations and covenants and to execute and deliver such contracts, financing statements, affidavits, agreements and documents, including but not limited to, an escrow agreement and a tax regulatory agreement, as are determined by the Mayor and the Director of Finance to be necessary or desirable to evidence and secure the Town’s obligations pursuant to the Lease, to ensure the interest paid on the Lease is exempt from taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and to finance the purchase of the Equipment, and that the execution of such contracts, financing statements, affidavits, agreements and documents shall be conclusive evidence of such determination.
3. That the Mayor or the Director of Finance is hereby authorized to appoint a bank or trust company to act as escrow agent in connection with the foregoing lease purchase transaction and to do or cause to be done any and all other acts and things necessary or proper to further the purposes of this resolution and the terms and obligations in respect of the Lease.
4. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid up to sixty days prior to and any time after the date of passage of this Resolution in an amount not to exceed \$505,432.00 for the Equipment with the proceeds of the Lease. The Lease 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 purchase of the Equipment, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable

expectations as of this date. The Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the execution of the Lease.

5. Nothing contained in this Resolution, the Lease nor any other instrument shall be construed with respect to the Town as incurring a pecuniary liability or charge upon the full faith and credit of the Town or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Lease or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Town or any charge upon its full faith and credit or against its taxing power, except to the extent that the payments payable under the Lease are special limited obligations of the Town as provided in the Lease.
- d. To Consider and Act on a Motion to send the proposed Noise Ordinance to the Town Administration/Rules & Procedures Sub-Committee for review and recommendations. (Councilor McNally)
- e. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to transfer \$55,000 from Reserve for Revaluation (10000-29001) to Brownfields Expense (14999-52123 for the repayment of the DEDC Loan for the remediation of 14 Bridge Street in accordance with the assistance agreement. (Mayor McDaniel)
- f. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to authorize, issuance and sale of not exceeding \$7,500,000 aggregate principal amount of Town of Montville general obligation refunding bonds. (Mayor McDaniel)

WHEREAS, Section 7-370c of the Connecticut General Statutes provides authority for any municipality to issue refunding bonds for the payment, funding or refunding of bonds, notes or other obligations previously issued; and

WHEREAS, Section 7-370c provides that such refunding bonds shall be authorized and issued by resolution of the legislative body of the municipality; and

WHEREAS, the Town of Montville, Connecticut (the "Town"), desires to refund all or any portion of any one or more series of the Town's outstanding general obligation bonds (the "Prior Bonds").

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL,

1. That the Town issue its general obligation bonds in the aggregate principal amount of up to \$7,500,000 (the "Bonds") to refund certain of the Prior Bonds and to finance such additional amounts as are needed to pay all fees, costs, expenses and redemption premium, if any, in connection with the refunding of the Prior Bonds and the authorization, issuance and sale of the Bonds, including, but not limited to, legal, advisory, printing and administrative expenses, underwriter's discount, and expenses in connection with credit enhancement, if necessary, and the proceeds of the Bonds be appropriated for the foregoing purposes; provided, however, that the refunding of the Prior Bonds provides a net debt service savings to the Town and that the amount of the Bonds issued does not exceed the amount needed to refund the Prior Bonds and to pay the costs authorized herein.
2. That the Mayor and the Director of Finance of the Town (the "Officials") are hereby authorized to determine the date, rates of interest, principal payment amounts, maturities, dates of principal and interest payments, the form of such Bonds, the provisions for protecting and enforcing the rights and remedies of the holders of such Bonds and such other terms, conditions and particular matters regarding the Bonds and the issuance and securing thereof, all in accordance with the Connecticut General Statutes and the Charter of the Town, and to take such actions and execute such documents including, but not limited to, a contract of purchase, to provide all supporting

documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, U.S. Securities and Exchange Commission Rule 15c2-12, and any other applicable provision of law thereto enabling. The Bonds authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

3. That the Bonds shall be signed by the Officials either by their genuine signatures or by facsimiles of such signatures printed on the Bonds and that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as bond counsel to render an opinion approving the legality of the issuance of the Bonds.
4. That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, escrow agent, transfer agent and paying agent for such Bonds; to provide for the keeping of a record of the Bonds; to designate a financial advisor to the Town in connection with the sale of the Bonds; and to designate an underwriter in connection with any negotiated sale and purchase of the Bonds.
5. That the Officials are authorized to sell the Bonds at a public or negotiated sale; to deliver the Bonds and to perform all other acts which are necessary or appropriate to issue the Bonds; to make representations and covenants on behalf of the Town for the benefit of the holders of the Bonds to provide secondary market disclosure information in accordance with U.S. Securities and Exchange Commission Rule 15c2-12, as it may be amended from time to time, including, but not limited to, executing and delivering a continuing disclosure agreement; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.
6. That the Officials are authorized to refund the Prior Bonds from the proceeds of the Bonds and other moneys as they may determine to make available for this purpose, and to defease the Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof.
7. That the Officials are hereby authorized on behalf of the Town to make such representations and covenants for the benefit of the holders of the Bonds which are necessary or appropriate to ensure the exemption of interest on the Bonds from taxation under the Internal Revenue Code of 1986, as amended, including, but not limited to, covenants to pay rebates of investment earnings to the United States in future years; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.
8. That the Officials be authorized to designate other officials or employees of the Town to take such actions and execute such documents, as are determined to be necessary or advisable and in the best interests of the Town in order to refund the Prior Bonds and to issue, sell and deliver the Bonds, and that the execution and delivery of such documents shall be conclusive evidence of such determination.
9. That the Town hereby declares its official intent under Section 1.150-2 of the Federal Income Tax Regulations that costs related to the issuance of the Bonds may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the Bonds authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

- g. **THE TOWN OF MONTVILLE HEREBY RESOLVES** that Mayor Ron McDaniel be and hereby is authorized to execute a contract for 360 units of medical visit service for seniors totaling \$9,500.40 (Nine thousand five hundred dollars and forty cents) between the Town of Montville and the Senior Resources Agency on Aging, Inc., and further, to approve the Mayor to execute any and all documents that may be necessary. (Mayor McDaniel)
 - h. **THE TOWN OF MONTVILLE HEREBY RESOLVES** that Mayor Ron McDaniel be and hereby is authorized to execute a contract for 1,620 units of medical transportation service for seniors totaling \$16,394.40 (Sixteen thousand three hundred ninety four dollars and forty cents) between the Town of Montville and the Senior Resources Agency on Aging, Inc., and further, to approve the Mayor to execute any and all documents that may be necessary. (Mayor McDaniel)
 - i. **THE TOWN OF MONTVILLE HEREBY RESOLVES** that Mayor Ron McDaniel be and hereby is authorized to execute a contract for 432 units of mental health counseling service for seniors totaling \$11,232.00 (Eleven thousand two hundred thirty two dollars and no cents) between the Town of Montville and the Senior Resources Agency on Aging, Inc., and further, to approve the Mayor to execute any and all documents that may be necessary. (Mayor McDaniel)
 - j. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to change the make-up of the Community Center Building Committee from 9 (nine) to 7 (seven) members. The members will consist of two (2) members from the Parks & Recreation Commission, two (2) members from the Planning & Zoning Commission, one (1) member from the Youth Services Bureau, and three (3) members-at-large. (Councilor Jaskiewicz)
 - k. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to allow Lt. Leonard Bunnell to continue his employment with the Town of Montville Police Department for a period of one year from September 23, 2015 as per Connecticut General Statute 7-430. (Mayor McDaniel)
- 16. Remarks from the Public with a three-minute limit
 - 17. Remarks from the Councilors and the Mayor
 - 18. Adjournment