

Town of Montville Town Council
Regular Meeting Agenda for June 12, 2017
7:00 p.m. – Town Council Chambers – Town Hall

AMENDED 06/09/2017

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. Executive Session
 - a. Discussion of strategy and/or negotiations with respect to collective bargaining with multiple bargaining units, without prejudice to the Council's right to discuss the same in private pursuant to Connecticut General Statutes §1-200(2). Discussion to include members of the Town Council, Mayor Ronald McDaniel and Attorney Eileen Duggan.
7. To Consider and Act on a motion to approve:
 - a. The Regular Meeting Minutes of May 8, 2017
 - b. The Special Meeting Minutes of May 10, 2017 (Contract Negotiations)
 - c. The Special Meeting Minutes of May 24, 2017 (Contract Negotiations, Tyl/MHS Well Modification)
8. Remarks from the public relating to matters on the agenda with a three-minute limit
9. Communications
 - a. Copy of the May budget report from Ms. Terry Hart, Finance Director
 - b. Copy of the legal bills from Suisman-Shapiro for the month of April 2017
10. Report from the Town Attorney on Matters Referred
11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred
12. Reports from Standing Committees.
 - a. Town Administration/Rules of Procedure – Councilor Jaskiewicz
 - b. Finance – Councilor Longton
 - c. Public Works/Solid Waste Disposal – Councilor Caron
13. 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 (BOE)
 - c. Councilor Longton: Library
 - d. Councilor May: Water Pollution Control Authority (WPCA); Youth Services Bureau and Advisory Board
 - e. Councilor Rogulski: Economic Development Commission, Planning & Zoning Commission
 - f. Councilor Pollard: Non-Profit Organizations
 - g. Councilor Tanner: Parks & Recreation Commission; Public Safety Commission
14. Appointments and Resignations
 - a. To Consider and Act on a Motion to appoint Alternate Member Mr. Wills Pike as a full member of the Planning & Zoning Commission to fill a vacancy with a term to expire September 10, 2020.
15. Unfinished Business

16. New Business

- a. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to refund taxes due to overpayments and corrections in the amount of \$6,538.03 (six thousand five hundred thirty-eight dollars and three cents) as requested by the Tax Collector. (Councilor Jaskiewicz)
- b. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the Suspense List at the request of the Tax Collector in the amount of \$28,797.70 (twenty-eight thousand, seven hundred ninety-seven dollars and seventy cents) dated the fifth day of May 2017. (Councilor Jaskiewicz)
- c. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the issuance of certain revenue bonds by the Public Finance Authority and a Plan of Finance for Mosaic as heard at the public hearing held on Thursday, June 8, 2017 at 6:00 PM in the Town Council Chambers at Montville Town Hall. (Mayor McDaniel)

WHEREAS, Mosaic, a Nebraska nonprofit corporation (the “Borrower”), has requested that the Public Finance Authority, a commission organized under the laws of the State of Wisconsin (the “Authority”), issue its Revenue Bonds (Mosaic Project) Series 2017A (the “Bonds”), in one or more series, in an amount not to exceed \$20,000,000 to finance and refinance the (i) acquisition construction and improvements of group homes, insulated concrete form residential homes, office spaces, warehouses, vocational training facilities and vacant land, including but not limited to the group home at the following address located in New London County: 10 Rhode Island Dr., Oakdale, CT 06370, 24 Manor Rd., Oakdale, CT 06370, 1560 Old Colchester Rd., Oakdale, CT 06370, 32 Green Valley Dr., Oakdale, CT 06370, and 31 Damato Dr., Oakdale, CT 06370; and (b) paying the costs of issuance of the Bonds (collectively, the “Project”); and

WHEREAS, the Project will be initially owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” and “qualified 501(c)(3) bonds” for purposes of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, the Bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the Project is to be located; and

WHEREAS, the members of the Town Council (the “Governing Body”) of the Town of Montville, Connecticut (the “Town”) are the applicable elected representatives of the City; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Exercise Agreement”), and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body or its designee has, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance by the Authority of the Bonds relating to the Project.

WHEREAS, the TEFRA Notice provided notice of a public hearing to be held on June 8, 2017, and such public hearing was held on June 8, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE ABOVE-NAMED GOVERNING BODY AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the Project. It is the purpose and intent of the Governing Body that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement. The Governing Body has not performed any due diligence with regard to the Project or the issuance of the Bonds. This Resolution shall not be construed as an endorsement by the Governing Body of the Project, the Bonds, or the actions of the Authority or the Borrower in connection therewith.

Section 3. The undersigned Mayor certifies that he/she is the highest ranking executive or administrator of the City.

Section 4. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

- d. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the funds necessary to implement the revised written agreement, and the terms of the revised written agreement, between the Town of Montville and Montville Fire Fighters Association, Local 3386, IAFF for the period of July 1, 2016 - June 30, 2019. (Mayor McDaniel)
- e. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the Side Letter regarding the July 1, 2016 – June 30, 2019 collective bargaining agreement between the Town of Montville (“Town”) and Montville Fire Fighters Association Local 3386, IAFF (“Union”). (Mayor McDaniel)
- f. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the job description for the Deputy Fire Marshal, as approved by the Town Administration/Rules & Procedures Subcommittee on May 22, 2017. (Councilor Jaskiewicz)
- g. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the amended “Town of Montville Acceptable Use Policy”, as approved by the Town Administration/Rules & Procedures Subcommittee on May 22, 2017. (Councilor Jaskiewicz)
- h. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to appropriate the \$50,000.00 in the Police Boat line (#30999-54133) to be used for an Impound Lot. (Councilor Longton)
- i. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to increase the wages for part-time employees by 2.5%, non-retroactive, effective July 1, 2017. (Councilor Longton)
- j. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to authorize the Mayor Ronald McDaniel to execute a lease purchase agreement to acquire equipment and vehicles. (Councilor Longton)

WHEREAS, the Town of Montville, Connecticut (the “Town”), desires to enter into a lease purchase financing for the acquisition of various pieces of police, fire and public works vehicles, including (i) three (3) Police Cars in the approximate amount of \$149,019.96, (ii) a Tanker Truck in the approximate amount of \$325,000.00, (iii) a Skid Steer in the approximate amount of \$65,509.12, (iv) a Ford F-550 Tarco Dump in the approximate amount of \$125,000.00, (v) an International Plow Truck in the approximate amount of \$100,000.00, and

(vi) a Chevy Express 2500 in the approximate amount of \$24,137.00 (collectively, the “Equipment”); and

WHEREAS, the Town desires to acquire the Equipment and enter into a lease purchase agreement with a financial lending institution to be determined (the “Lessor”) to finance the acquisition of such Equipment.

NOW THEREFORE, BE IT RESOLVED,

That (i) the Mayor and the Director of Finance are hereby authorized to receive and review a proposal or proposals for the lease purchase financing of the Equipment, and make an award to the Lessor as the Mayor and the Director of Finance determine to be in the best interests of the Town, 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 \$800,000.00 (which amount includes the estimated costs of the Equipment set forth in the “whereas” clause above plus \$11,333.92 for contingency) 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.

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.

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.

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 \$800,000.00 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

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.

- k. **THE TOWN OF MONTVILLE HEREBY RESOLVES TO** establish a LOTCIP fund (#73) for the Old Colchester/Black Ash Road Intersection Improvements (Mayor McDaniel)

17. Remarks from the Public with a three-minute limit

18. Remarks from the Councilors and the Mayor

19. Adjournment