# MINUTES Board of Selectmen Tuesday, July 12, 2011 @ 7:30PM Norma Drummer Room/Seymour Town Hall

COPY RECEIVED
DATE: 7 / 0 P , VVI .
TIME: 5 / 0 P , VVI .
TOWN CLERK'S OFFICE

Members present: First Selectman Paul Roy, Philip Wilhelmy, Karl Trybus, Saundra Gesek, John Conroy and Town Counsel Colleen Fries.

Not present: W. Kurt Miller and Annmarie Drugonis.

Others present: Frank Loda, Sean Walsh, Steve Kulas, Alex Danka, James Mangianelli, Jay Jaffer, Dennis Rozum, Dawn Valeski, James Brennan, Jim Galligan, Doug Thomas, Tony Caserta, Mark Thompson, Paul Wetowitz, Jack Ahearn and Dick Thivierge.

ITEM # 1 – Call meeting to order.
Meeting was called to order at 7:30PM.

ITEM # 2 - Pledge of Allegiance.

Everyone saluted the Flag and stated the Pledge of Allegiance.

Motion to place public comment on the agenda.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

#### **Public Comment:**

James Mangianeli, 36 Chatfield Street: Lives across from the Seymour Land Trust/Chatfield Park and would like to request that the park is fixed due to all of the damage from the storm on July 8<sup>th</sup>. He enjoys the park and feels that it is an important part of the town.

Mark Thompson, 31 Evergreen Terrace: States that he is disturbed by the OSHA findings about the Blood Borne Pathegen Kits for the Recreation Department. He states that he was a member of the Recreation Commission for several years and constantly called for the Blood Borne Pathegen Policy and Procedures and that the members would get angry at him that he brought it up so many times. He also brought them articles from other Towns who had gotten sited for the same thing.

Alex Danka, 203 Pearl Street: Would like the Reverse 911 system to notify people of road and park closings and would also like to get the "Park Closed" signs up as soon as possible. States that the Town is working with the Seymour Land Trust to fix all of the damage from the storm on July 8<sup>th</sup> and he hopes that the trails will be re-opened by October 2011.

Len Greene, 10 Roosevelt Drive, State Representative for 105<sup>th</sup> District: Concerning the storm on July 8<sup>th</sup>, the State has extended a helping hand and he has been working with the First Selectman to fix the mess. Everyone is cooperating and working together to get the damage taken care of.

ITEM # 3 – Approve minutes from 6/21/11 Board of Selectmen meeting.

Motion to approve minutes from the 6/21/11 Board of Selectmen meeting.

Motion: Philip Wilhelmy Second: John Conroy

Vote: 4-Yes (Paul Roy, Philip Wilhelmy, Saundra Gesek, John Conroy) 0-No 1-Abstain (Karl Trybus)

0-Disqualify

ITEM #4 - Approve minutes from 6/29/11 Board of Selectmen Public Hearing.

Motion to approve the minutes from the Board of Selectmen Public Hearing on 6/29/11.

Motion: Philip Wilhelmy

Second: Saundra Gesek

Vote: 3-Yes (Paul Roy, Philip Wilhelmy, Saundra Gesek)

0-No 2-Abstain (John Conroy, Karl

Trybus)

0-Disqualify

ITEM #5 - Approve minutes from 6/29/11 Special Board of Selectmen meeting.

Motion to approve the minutes from Special Board of Selectmen meeting on 6/29/11.

Motion Philip Wilhelmy

Second: Saundra Gesek

Vote: 3-Yes (Paul Roy, Philip Wilhelmy, Saundra Gesek)

0-No

2-Abstain (John Conroy, Karl

Trybus)

0-Disqualify

ITEM # 6 - Act in Lieu of Special Town Meeting concerning transfer of property to Seymour Land Conservation Trust.

Motion for the purpose of authorizing the Town of Seymour to transfer Town owned property located in the Rolling Hills Estates subdivision in Seymour, Connecticut consisting of 1.01± acres to the Seymour Land Conservation Trust.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM #7 – Discussion with resident of 124 Bungay Road concerning drainage issues.

James Brennan, James Galligan and Dennis Rozum: The Town Engineer and the Director of Public Works have met with Mr. Brennan and have come up with a solution to the drainage issue. Mr. Galligan states that the catch basins on Canfield Road are out dated. The plan is to replace the upper and lower catch basins and add sumps, as well as a couple hundred feet of curbing. Mr. Brennan is satisfied with the solution. Mr. Rozum states that he will try to get to this project within the next couple of months.

ITEM #8 – Update on damage from the storm on Friday, July 8, 2011.

The First Selectman has been in constant contact with the Police Department, Fire Department, Department of Public Works, and the State since the storm on Friday night. There was extensive damage in the Skokorat Street area, as well as Chatfield Park/Land Trust. Power was out to a lot of residents, but CL&P worked hard to get them all back up. Has been in touch with Homeland Security to try to get emergency funds. Spoke to Rosa DeLauro's Office and Len Greene's Office and have their full cooperation.

ITEM #9 - Resolution for the 2010 Homeland Security Grant.

Motion that the Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems necessary or appropriate; and FUTHER RESOLVED, that Paul F. Roy, as First Selectman of the Town of Seymour, Board of Selectmen and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 10 – Resolution for Lease Agreement with DEEP concerning Broad Street Park.

**RESOLVED**, that the First Selectman of the Town of Seymour, Paul Roy, is empowered to execute and deliver in the name and on behalf of the Town of Seymour a certain agreement with the State of Connecticut, Department of Energy and Environmental Protection known as File No. A-10-62.

**BE IT FURTHER KNOWN** that Paul Roy was elected First Selectman of the Town of Seymour and his term of office began on December 7, 2009 and will continue until December 5, 2011. As the First Selectman Paul Roy serves as the Chief Executive Officer for the Town of Seymour and is duly authorized to enter into agreements and contracts on behalf of the Town of Seymour.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 11 - Non-union salary increase of 1.99% for Administrative Assistant for the First Selectman. Motion to approve the non-union salary increase of 1.99% for the Administrative Assistant for the First Selectman.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 12 – To consider and act upon a proposed authorization for the issuance of bonds to refund all or a portion of the Town's \$8,105,000 General Obligation Refunding Bonds, Issue of 2001.

RESOLVED, that the Board of Selectmen of the Town of Seymour hereby adopts the resolution presented to this meeting authorizing the issuance of bonds to refund all or a portion of the Town's \$8,105,000 General Obligation Refunding Bonds, Issue of 2001. A copy of the resolution shall be inserted in or attached to the minutes of this meeting and made a part thereof.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualified

ITEM # 13 – Authorize the First Selectman to sign a contract with Yankee Gas concerning installation of gas lines to the Library, Middle School and High School.

Motion to authorize the First Selectman to sign a contract with Yankee Gas concerning installation of gas lines to the Library, Middle School and High School subject to working out issues with the contract per Town Counsel.

Motion: Karl Trybus

Second: Philip Wilhelmy

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 14 – Executive Session (Property Negotiations – 22 Paramount Drive, 43 Colony Road)(Personnel, Contract Negotiations, Pending Litigation, OSHA).

Motion to go into executive session at 8:10PM with the Board of Selectmen and Town Counsel for property negotiations and then with the Fire Marshal, Public Works Director and Recreation Director for Pending Litigation OSHA.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

At 8:21PM, Fire Marshal Paul Wetowitz, Public Works Director Dennis Rozum and Recreation Director Jack Ahearn came into the meeting.

Motion to come out of executive session at 9:03PM with no motions or action taken.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

Motion to add to the agenda to authorize Town Counsel to enter into negotiations for sale of Town owned property.

Motion: Philip Wilhelmy

Second: John Conroy

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

Motion to authorize Town Counsel to enter into negotiations for sale of Town owned property at 43 Colony Road and 22 Paramount Drive.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

#### ITEM # 15 - Appointments.

Motion to re-appoint Joe LaRovera to a 2-Year term on the Recreation Commission expiring on 8-3-13.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

#### ITEM # 16 - Tax Refunds/Abatements.

Motion to approve tax refunds in the amount of \$378.59.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 17 - Transfers.

None.

## ITEM # 18 - Correspondence.

- Check Registers.
- Town Clerk Report, June 2011.
- Letter from Parks Commission with concerns.

#### ITEM # 19 - Other Business.

None.

#### ITEM # 20 - Public Comment.

James Mangianeli, 36 Chatfield Street: Again shows his support for the Chatfield Park and Land Trust.

Al Yagovane, 27 Washington Avenue: Compliments the great job done on Main Street and South Main Street with the paving.

#### ITEM # 21 - Selectmen's Public Comments.

Paul Roy: The Town is looking to get the funding to get both parks fixed and wants to get the word out to the residents to help with donations for the Land Trust, which is private property. Safety issues will be taken care of first.

ITEM # 22 - Adjournment.

Motion to adjourn at 9:11PM.

Motion: Philip Wilhelmy

Second: Karl Trybus

Vote: 5-Yes

0-No

0-Abstain

0-Disqualify

Submitted by,

Deirdre Caruso,

Recording Secretary

Reviewed by,

Paul Roy,

First Selectman

# RESOLUTION OF BOARD OF SELECTMEN

RESOLVED, that the Board of Selectmen of the Town of Seymour hereby adopts the resolution presented to this meeting authorizing the issuance of bonds to refund all or a portion of the Town's \$8,105,000 General Obligation Refunding Bonds, Issue of 2001. A copy of the resolution shall be inserted in or attached to the minutes of this meeting and made a part thereof.

# **Attachment to Board of Selectmen minutes:**

1. Refunding Bond Resolution

# RESOLUTION OF THE BOARD OF SELECTMEN OF THE TOWN OF SEYMOUR

AUTHORIZING THE ISSUANCE OF REFUNDING BONDS FOR PAYMENT OF THE OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON TOWN OF SEYMOUR'S \$8,105,000 GENERAL OBLIGATION REFUNDING BONDS, ISSUE OF 2001, AND COSTS RELATED THERETO

### RESOLVED.

- That the Town of Seymour issue its refunding bonds, in an amount not to exceed THREE MILLION NINE HUNDRED THOUSAND DOLLARS (\$3,900,000), the proceeds of which are hereby appropriated: (1) to the payment in whole or in part, as to be determined by the First Selectman and the Treasurer, of the outstanding principal of and interest and any call premium on the Town's \$8,105,000 General Obligation Refunding Bonds, Issue of 2001 (issued to advance refund certain maturities of the Town's \$11,785,000 General Obligation Bonds, dated January 21, 1997, and consisting at original issue of \$1,179,977 General Purpose Refunding Bonds, \$2,466,563 School Refunding Bond and \$4,458,460 Sewer Refunding Bonds), including the payment of interest accrued on said bonds to the date of payment, and (2) to pay costs of issuance of the refunding bonds authorized hereby, including legal fees, consultants' fees, trustee or escrow agent fees, underwriters' fees, bond insurance premiums, net interest and other financing costs and other costs related to the payment of the outstanding bonds described Such payment of the bonds to be refunded pursuant to this resolution may be accomplished, without limitation, through the funding of one or more escrows, and the application of the balance held in such escrows, together with the investment earnings thereon. The refunding bonds shall be issued pursuant to Section 7-370c of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes.
- (b) That the First Selectman and the Treasurer shall sign the bonds by their manual or facsimile signatures. The First Selectman and the Treasurer are authorized to determine the bonds to be redeemed and the amount, date, interest rates, maturities, redemption provisions, form and other details of the refunding bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds and escrow agent with respect to any refunding escrow or escrows to be funded with proceeds of the bonds; to provide for the keeping of a record of the bonds; to sell the bonds at public or private sale; to deliver the bonds; and to perform all other acts which are necessary or appropriate to issue the bonds.
- (c) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that costs of the refunding 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 for the refunding. The First Selectman and the Treasurer 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.

- (d) That the First Selectman and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds.
- That the First Selectman and the Treasurer are authorized in connection with or incidental to the carrying or selling and issuance of the bonds, notes or temporary notes: (1) to obtain letters of credit, lines of credit or other credit facilities for the purpose of providing funds for the payment of such bonds, notes or temporary notes redeemed, repurchased or defeased prior to maturity or for providing additional security for such bonds, notes or temporary notes, and (2) to enter into and execute reimbursement agreements, remarketing agreements, standby bond purchase agreements, interest rate swap agreements (which agreements may include without limitation such contracts as the First Selectman and the Treasurer may determine to be necessary or appropriate to place the obligation of the Town, as represented by the bonds, notes or temporary notes, in whole or in part, on such interest rate or cash flow basis as they may determine, including without limitation, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, and contracts to manage interest rates risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements) and any other necessary or appropriate agreements, all upon such terms and conditions as shall be approved by them, including such payment, security, default, remedy and other terms and conditions as they may deem appropriate. Such credit facilities may be obtained and such agreements may be entered into on the basis of negotiation or competitive bid. The First Selectman and the Treasurer may determine to pledge the full faith and credit of the Town to its payment obligations, including netting payments, under any such credit facility or agreement entered into pursuant to the authority granted hereby.
- (f) That the Board of Selectmen, the First Selectman, the Treasurer, the Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Town's outstanding \$8,105,000 General Obligation Refunding Bonds, Issue of 2001, and to issue refunding bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with holders of the bonds to be refunded, underwriters, trustees, escrow agents, bond insurers and others to facilitate the issuance of the refunding bonds, any escrow of the proceeds thereof and investment earnings thereon, and the payment of the outstanding bonds in whole or in part.
- (g) That the above authorization to issue refunding bonds shall lapse on June 30, 2012.