MINUTES
TOWN CLERK'S OFFICE

## Board of Selectmen

Tuesday, September 18, 2018-7:00PM Norma Drummer Room - Seymour Town Hall

Members Present: W. Kurt Miller, Robert Findley, Annmarie Drugonis, Karen Stanek, Stephan Behuniak and Trisha Danka (7:09).
Members Absent: Al Bruno.
Others Present: Town Counsel, Bryan LeClerc; Doug Thomas, Bryan Nesteriak, Fred Stanek, Alex Danka and Edward Musante.

ITEM \#1: Call meeting to order.
Meeting was called to order by First Selectman, W. Kurt Miller, at 7:04 PM.

ITEM \#2: Pledge of Allegiance.
Everyone saluted the flag and recited the Pledge of Allegiance.

## ITEM \#3: Public Comment.

Doug Thomas, 33 Hickory Lane, discussed the Board of Finance's concerns with the JCI contract. They want to make sure there are financial guarantees incorporated in the contract.

Edward Musante, 138B Old Ansonia Road, stated he received a letter last year that the road was going to get paved and it hasn't gotten paved yet. Public Works stopped plowing at Castle Lane last year. He tried calling Public Works on many occasions ab out this. He also mentioned that city water will be coming through Seymour from Ansonia.

ITEM \#4: Approve minutes from September 4, 2018 regular meeting.
Motion to approve minutes from September 4, 2018 regular meeting.
Motion: Annmarie Drugonis Second: Karen Stanek
Vote: 4-Yes 0-No
W. Kurt Miller - Yes

1-Abstain
Annmarie Drugonis - Yes Karen Stanek -Yes
Robert Findley - Abstain
Stephan Behuniak - Yes

Trisha Danka arrived at 7:09 P.M.

ITEM \#5: Approve minutes from September 4, 2018 special meeting.
Motion to approve minutes from September 4, 2018 special meeting as presented by the town website.. Motion: Annmarie Drugonis

Second: Stephan Behuniak
Vote: 4-Yes 0-No 2-Abstain
W. Kurt Miller - Yes Annmarie Drugonis - Yes Karen Stanek -Abstain

Robert Findley - Abstain
Stephan Behuniak - Yes Trisha Danka - Yes

ITEM \#6: First Selectman's Report.
Will be discussed throughout meeting.

ITEM \#7: Discussion with Town Engineer regarding roads.
Bryan Nesteriak, Town Engineer, gave an update of the road program. He discussed the work that has been done since 2016. In 2018, the roads they have done so far are Fox, Chatfield, Rider,

Chucta, Cedar, West, etc. Bank Street and Columbus Street are currently under construction. After that depending on the money left over, they are going to redo Woodside Avenue and a small section of Canfield Road between Bungay Road and Botsford Road. They will also go around to the heavily used roads such as Old Ansonia Road, Mountain Road, Moss Avenue and Pearl Street. They are going to large mill and repave patches. They would like to do Pershing Street from Shelton Street to a third of the way up Pershing. He also has a list of 6 or 7 roads that people complain and ask about and he hopes to get to them if there is money remaining. They had about $\$ 4.5$ million approved in bond funds. Last year they spent a little over $\$ 2.3$ million. This year so far they have spent approximately $\$ 750,000$ but bills are still coming in from the High School and Downtown. He stated they will have about $\$ 750,000$ to $\$ 1$ million at the end of this year.

In regard to the LOTCIP funds, Bryan was handed a design for Holbrook Road which they are about halfway done with. It has gotten pushed off a little bit because of other projects that take precedence but they will get about $60 \%$ of the design up to the COG in about a month. Bryan also received a letter of commitment for work on West Church Street and Bungay Road. They are currently taking survey on that. Next year, these two projects will be ready to start. The two projects will total $\$ 5$ million in funds for total reconstruction.

Kurt stated that Rimmon Street will be done by the middle to the end of November. Downtown will have granite curbs installed which will last longer and will look nice. Kurt stated the LOTCIP grant they are getting for Bungay Road will allow them to add sidewalks from the Historical Society up to the High School.

Bryan stated they are working on improving the Columbus Street intersection which will increase walk ability.

Karen discussed her concerns about Holbrook Road. She also discussed her concerns with all the large dead trees on the road.

Bryan said the trees will be addressed when the road work begins on Holbrook Road. The project will probably start around spring on Holbrook road.

Kurt said when all the road work is done the striping will be done. They will also put speckle on the lines so they will be seen at night.

Stephan asked how much it would cost to pave Clinton Road.
Bryan stated it could cost approximately $\$ 200,000$ to $\$ 300,000$ to do it the right way. The road is very wide and only needs to be about 25-28 feet. He explained that the road would need to be narrowed which will help in the long term with plowing and maintenance of the road. He explained that they would have to remove the asphalt on there now and put back the proper asphalt. He would love to do it but the focus right now is the roads that have homes on it.

Stephan asked if he thought that they would have a better chance of patching some potholes on that road this winter.

Bryan was told by Tony DePrimo that he will be able to do better patching because of the new equipment.

Karen would like to know where the jurisdiction is on Holbrook Road because the State of Connecticut, Oxford and Seymour each own parts of it.

Bryan stated when they do Holbrook they will go to where the new pavement line which is Oxford's line.

Motion to add to the agenda discussion and possible action regarding conflict of waiver request for town bond counsel Shipman \& Goodwin regarding business with People's Bank and Bank of America. Motion: Annmarie Drugonis Second: Karen Stanek
Vote: 6-Yes 0-No
W. Kurt Miller - Yes

0 -Abstain
Annmarie Drugonis - Yes
Karen Stanek-Yes

Discussion and possible action regarding conflict of waiver request for town bond counsel Shipman \& Goodwin regarding business with People's Bank and Bank of America.

Kurt discussed the letter from Matthew D. Ritter of Shipman \& Goodwin:
This is a waiver of conflict of interest between the Town of Seymour, People's United Bank and Shipman \& Goodwin. People's United Bank will be provided the $\$ 499,999$ loan for the fire truck. Shipman \& Goodwin do some work with the bank. They are asking for the waiver to be filled out.

Motion to allow the First Selectman to sign the waiver of conflict of interest regarding People's United Bank and the Town of Seymour for the financing transaction between the bank and the town.

Motion:Karen Stanek
Vote: 5-Yes 0-No
W. Kurt Miller - Yes Robert Findley - Yes

Second: Annmarie Drugonis
1-Abstain
Annmarie Drugonis - Yes Karen Stanek-Yes
Stephan Behuniak - Yes

Trisha Danka - Abstain

Kurt explained that Shipman \& Goodwin do work with Bank of America. Bank of America will be providing the financing for the energy performance contract with energy controls.

Motion to allow the First Selectman to sign the conflict of interest waiver form between the Town of Seymour and Bank of America.

Motion: Annmarie Drugonis
Vote: 6-Yes 0-No
W. Kurt Miller - Yes

Robert Findley - Yes

Second: Robert Findley
0 -Abstain
Annmarie Drugonis - Yes Karen Stanek -Yes
Stephan Behuniak - Yes

Trisha Danka - Yes

ITEM \#8: Action in lieu of special Town meeting to appropriate $\$ 499,999$ for the purchase of the pumper truck fire apparatus and to authorize the issue of bonds, notes, temporary notes or other obligations in an amount not to exceed $\$ 499,999$ to finance said appropriation.
Kurt read the following resolution:

TOWN OF SEYMOUR<br>SPECIAL TOWN MEETING<br>RESOLUTION TO APPROPRIATE $\$ 499,999$ FOR THE PURCHASE OF A PUMPER TRUCK FIRE APPARATUS AND TO AUTHORIZE THE ISSUE OF BONDS, NOTES, TEMPORARY NOTES OR OTHER OBLIGATIONS IN AN AMOUNT NOTTO EXCEED $\$ 499,999$ TO FINANCE SAID APPROPRIATION

## BE IT RESOLVED:

SECTION 1. That the Town of Seymour (the "Town") appropriate $\$ 499,999$ for the purchase of a Pierce Arrow XT demo pumper truck fire apparatus (the "Project"). The appropriation may be expended for acquisition costs, equipment, apparatus, legal fees and other costs related to the Project. The appropriation shall include any federal, state or other grants-in-aid received for the Project. The Board of Selectmen may reduce the scope of the Project if funds are insufficient to complete the entire Project, and the entire appropriation may be spent on the reduced Project.
SECTION 2. That the Town finance the Project by issuing the Town's bonds, notes or other obligations in an amount not to exceed $\$ 499,999$, which bonds, notes or other obligations shall be issued pursuant to the Connecticut General Statutes, as amended. The bonds, notes or other obligations may be sold as a single issue or consolidated with any other authorized issues of bonds, notes or other obligations of the Town. The Director of Finance shall keep a record of the bonds, notes or other obligations. The bonds, notes or other obligations shall be signed in the name and on behalf of the Town by the First Selectman and Treasurer. The bonds, notes or other obligations shall bear the Town seal or a facsimile thereof. The bonds, notes or other obligations shall each recite
that every requirement of law relating to its issue has been fully complied with, that such bond, note or other obligation 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 terms, details and particulars of such bonds, notes or other obligations shall be determined by the First Selectman and Treasurer. Said bonds, notes or other obligations shall be sold by the First Selectman and Treasurer at public sale or by negotiation in their discretion.
SECTION 3. That the First Selectman and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds, notes or other obligations. The temporary notes shall be signed by the First Selectman and Treasurer and shall bear the Town seal or a facsimile thereof. The temporary notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The temporary notes shall each recite that every requirement of law relating to its issue has been fully 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 terms, details and particulars of such temporary notes shall be determined by the First Selectman and Treasurer. Said temporary notes shall be sold by the First Selectman and Treasurer at public sale or by negotiation in their discretion. The net interest cost on such temporary notes, including renewals thereof, and the expense of preparing, issuing, and marketing such temporary notes, to the extent paid from the proceeds from the issuance of bonds, notes or other obligations, shall be included as a cost of the appropriation.
SECTION 4. That the Town hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that 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 for the Project; that the First Selectman and Treasurer are authorized to bind the Town pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from federal income taxation of interest on the bonds, notes, temporary notes or other obligations 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; and that the First Selectman and Treasurer are authorized to make representations and agreements for the benefit of the holders of the bonds, notes, temporary notes or other obligations to provide secondary market disclosure information and to execute and deliver on behalf of the Town an agreement to provide such information with such terms and conditions as they, with the advice of bond counsel, deem necessary and appropriate.
SECTION 5. That the First Selectman is authorized to apply for and accept or reject grants-in-aid for the project.
SECTION 6. That the First Selectman is authorized to execute agreements and other documents on behalf of the Town for the Project; and that the Board of Selectmen, Board of Finance, Treasurer and other Town officials and employees are authorized to take all actions necessary and proper, to carry out the Project and to issue the bonds, notes, temporary notes or other obligations to finance the appropriation.

Motion to approve the resolution as presented.

Motion: Trisha Danka
Vote: 5-Yes 0-No
W. Kurt Miller - Yes

Robert Findley - Abstain

Second: Annmarie Drugonis
1-Abstain
Annmarie Drugonis - Yes Karen Stanek-Yes
Stephan Behuniak - Yes

Trisha Danka - Yes

Motion to add to the agenda discussion and possible action regarding energy performance contract and related lease purchase finance resolution.

| Motion:Annmarie Drugonis | Second: Trisha Danka |  |  |
| :--- | :--- | :--- | :--- |
| Vote: 6-Yes | O-No | O-Abstain |  |
| W. Kurt Miller - Yes |  | Annmarie Drugonis - Yes | Karen Stanek-Yes |
| Robert Findley - Yes |  | Stephan Behuniak - Yes | Trisha Danka - Yes |

Discussion and possible action regarding energy performance contract and related lease purchase finance resolution
Kurt read the following resolution:

TOWN OF SEYMOUR<br>BOARD OF SELECTMEN<br>RESOLUTION AUTHORIZING A LEASE-PURCHASE FINANCING<br>TO FINANCE AN ENERGY PERFORMANCE CONTRACT

WHEREAS, the Town of Seymour, Connecticut (the "Town") contemplates entering into a lease-purchase agreement on behalf of the Town to finance costs of not more than [\$9,192,608] for an energy performance contract between the Town and Johnson Controls, Inc. ("JCl") for energy savings improvements in Town facilities and in the Seymour public schools (the "Project") pursuant to a Performance Contract between the Town and JCl (the "Performance Contract"); and

WHEREAS, the Town anticipates financing the cost of the Project through budget appropriations in future fiscal years; provided however, that all such future payments due in each year under the lease-purchase agreement will be made only to the extent of funds appropriated therefor in the Town's annual budgets; and

WHEREAS, the Board of Selectmen has the power, among others, (1) to incur indebtedness in the name of the Town, and to provide for the due execution of contracts and evidences of indebtedness issued by the Town; and (2) to lease real estate and personal property for the Town.

## NOW, THEREFORE, BE IT RESOLVED:

1. The Town enter into a lease-purchase financing in a principal amount not to exceed $[\$ 9,192,608]$ over a period of up to twenty years, to finance the Project, the first payment to be made in the 2019/2020 fiscal year if funds are appropriated therefor. The Project may include acquisition and installation costs, equipment, legal fees, net interest on borrowings and other financing costs, and other expenses related to the acquisition and financing.
2. That the First Selectman is authorized to approve, execute and deliver on behalf of the Town the Performance Contract, a lease-purchase agreement, an escrow agreement and any certificates or documents related to the acquisition or the financing and is authorized to determine the amounts, dates, interest rates, payment dates, prepayment terms, form and other details of the lease-purchase agreement; and to perform all other acts and execute all other documents which are necessary or appropriate to enter into the lease-purchase agreement, including the granting of security interests in the Project.
3. That the Board of Selectmen, acting on behalf of the Town, hereby declares the Town's official intent under federal income tax regulations that costs of the Project may be funded initially from available funds, and that the Town reasonably expects to reimburse any such initial funding sources from the proceeds of the leasepurchase financing for the Project. The First Selectman is authorized to bind the Town pursuant to such representations and covenants as the First Selectman deems necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the lease-purchase agreement 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.
4. That the Board of Selectmen, the First Selectman and the Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the Project and to enter into the lease-purchase agreement.

Motion to approve the resolution as presented.
Motion: Trisha Danka Second: Annmarie Drugonis

Discussion: Stephan asked if Kurt could explain a little more.
Kurt stated the principal and interest cost will come from 2 sources. One will come from state credits and the rest will be paid for by savings between the town and Board of Education on utility pumps. Johnson Controls are guaranteeing the savings in the contract. ECG will provide an annual report. Discussion ensued regarding this.

Bryan LeClerc stated that it will not cost the town anything for the first 16 years and the town will be saving money after that.

| Vote: 6-Yes | 0-No | O-Abstain |
| :--- | :--- | :--- |
| W. Kurt Miller -Yes |  | Annmarie Drugonis - Yes |
| Robert Findley - Yes |  | Stephan Behuniak - Yes |

ITEM \#9: Discussion and take possible action regarding Boys \& Girls Club contract.
The contract was put together by the Boys \& Girls Club attorney as well as the Town's attorney. The Boys \& Girls Club will now have an extra night on Fridays for their Team Club. They will not be charged rent. They will be responsible for maintenance, custodial work and supplies within their space. The Town is still responsible for major repairs.

Motion to allow the First Selectman to sign the amended and restated license agreement between the Town of Seymour and the Boys \& Girls Club of Lower Naugatuck Valley. Motion: Karen Stanek Second:Stephan Behuniak

Discussion: Trisha does not think this is a beneficial contract for the town. She wants to know why Seymour is being so generous with not charging rent.

Kurt stated they will be responsible for the damages they cause. If the roof collapses, for example, the town is responsible. He discussed the changes to the contract which include the following: reduction of the rent, they will be taking care of maintenance and supplies, cleaned up language in section 7 c , they will have the first and third Fridays of the month for their TGIF program and they cleaned up language with parking. The town is saving because it is not paying for supplies. He isn't sure if this is true savings for the Boys \& Girls Club. He thinks it will cost them more for cleaning and supplies. They discussed space issues.

| Vote: 6-Yes | O-No | O-Abstain |  |
| :--- | :--- | :--- | :--- |
| W. Kurt Miller - Yes |  | Annmarie Drugonis - Yes | Karen Stanek-Yes |
| Robert Findley - Yes |  | Stephan Behuniak - Yes | Trisha Danka - Yes |

ITEM \#10: Discussion and take possible action regarding Town credit card contract.
The town is going to get a credit card to be used primarily for an easy pass as well as travel and other expenses. The card will have a set limit which will be controlled by Finance Department and Board of Finance. The auditors have signed off on this. All expenses will be tied to P.O.'s and will be tracked by budget line items.

Motion to approve the town credit card contract with Peoples United Bank as presented.
Motion: Robert Findley Second: Karen Stanek
Vote: 5-Yes 0-No 1-Abstain
W. Kurt Miller - Yes Annmarie Drugonis - Yes Karen Stanek-Yes

Robert Findley - Yes Stephan Behuniak - Yes Trisha Danka - Abstain
ITEM \#11: Discussion and take possible action regarding 26 Bank Street tax incentive application Motion to table Item \#11.

| Motion: Stephan Behuniak | Second: Annmarie Drugonis |  |  |
| :--- | :--- | :--- | :--- |
| Vote: 6 -Yes | O-No | O-Abstain |  |
| W. Kurt Miller-Yes |  | Annmarie Drugonis - Yes | Karen Stanek -Yes |
| Robert Findley - Yes |  | Stephan Behuniak - Yes | Trisha Danka - Yes |

ITEM \#12: Executive Session (Claims - union healthcare grievance).
Motion to enter into executive session (claims - union healthcare grievance) with Town Counsel Bryan LeClerc at 8:05 P.M.

| Motion: Karen Stanek |  | Second: Annmarie Drugonis |  |
| :--- | :--- | :--- | :--- |
| Vote: 6-Yes | 0-No | 0-Abstain |  |
| W. Kurt Miller - Yes |  | Annmarie Drugonis - Yes | Karen Stanek-Yes |
| Robert Findley - Yes | Stephan Behuniak - Yes | Trisha Danka - Yes |  |

Motion to exit executive session with no motions or actions taken at 8:30 P.M.
Motion: Annmarie Drugonis Second: Stephan Behuniak
Vote: 6-Yes 0-No 0-Abstain
W. Kurt Miller - Yes Annmarie Drugonis - Yes Karen Stanek-Yes

Robert Findley-Yes
Stephan Behuniak - Yes
Trisha Danka-Yes

ITEM \#13: Discussion and take possible action on union healthcare grievance.
Motion to uphold the denial of the grievance lodged by AFSCME Local 1303-240
Motion: Karen Stanek
Second: Annmarie Drugonis
Vote: 5-Yes 0-No 1-Abstain
W. Kurt Miller - Yes Annmarie Drugonis - Yes Karen Stanek -Yes

Robert Findley - Yes Stephan Behuniak - Yes Trisha Danka - Abstain
ITEM \#14: Appointments.
None.

ITEM \#15: Tax Refunds/Abatements.
Motion to accept the Tax Collectors report from September 14, 2018 as presented.
Motion: Trisha Danka Second: Karen Stanek
Vote: 6-Yes 0-No 0-Abstin
W. Kurt Miller - Yes Annmarie Drugonis - Yes Karen Stanek -Yes

Robert Findley - Yes Stephan Behuniak - Yes Trisha Danka - Yes

ITEM \#16: Transfers.
None.

## ITEM \#17: Correspondence.

- Check register.
- Decision from probate court of Ansonia. Seymour is trying to bring the Matthies money back to Valley Community Foundation. It is currently controlled by Bank of America.

ITEM \#18: Public Comment.
Alex Danka, 203 Pearl Street, stated he has four young people who want to attend the Memorial Day Parade Committee meetings and wanted to know if it will be on the next meeting agenda.

Fred Stanek stated the two parade committees would like to combine into one and be renamed. He stated he would like to see the membership reaffirmed. There are two members of the Memorial Day Parade Committee who never show up. He also would like to talk about a date for the Christmas Parade.

## ITEM \#19: Selectmen's Public Comment.

Stephan Behuniak welcomed Bob to the board. He looks forward to working with him.

Karen Stanek discussed her concerns with the dead trees on Holbrook Road. She discussed her concerns with lines needing to be painted on the roads.

Annmarie Drugonis stated that at the Public Works meeting last Monday they discussed the striping of the roads. Public Works are striping all the roads except the roads that need work done. They are doing pink lines for the Seymour Pink $5 k$ and will put down reflective speckle. They are striping red in front of the fire departments, green in front of the EMS and blue in front of the police department. She said right now their main focus was getting the roads striped and the stop bars out for the busses. They have a tree budget and are working on the trees on Holbrook road in between getting ready for the fall. They are trimming trees as soon as other things are not taking precedence.

Karen stated on Great Hill Road going down by Fountain Lake, there was a Seymour truck stopped and was blocking part of the road. She doesn't know what the truck was doing there.
Annmarie stated they could be doing trash pick-up. She also welcomed Bob to the board. She congratulated Seymour football on their win over Kennedy.

Bob Findley thanked everyone for the opportunity to be on the board and looks forward to working with everyone.

Trisha Danka welcomed Bob to the board. She expressed her concerns with the fence by the Community Center as well as the fence collapsing on Pearl Street.

Kurt stated he received a letter with regard to the two parade committees in town. They would like to merge. This will be on the agenda at the next meeting. The plan is to eliminate both committees and create a brand new committee.

## ITEM \#20: Adjournment.

Motion to adjourn at 8:45 P.M.

Motion: Annmarie Drugonis
Vote: 6-Yes 0-No
W. Kurt Miller - Yes

Robert Findley - Yes

Second: Trisha Danka
0-Abstain
Annmarie Drugonis - Yes Karen Stanek-Yes
Stephan Behuniak - Yes

Trisha Danka - Yes

Submitted by,


Reviewed by,

W. Kurt Miller

First Selectman

