

SUBJECT: SPECIAL TOWN COUNCIL MEETING MINUTES

DATE: August 28, 2007 7:00 p.m. immediately following the public hearing

PLACE: Town Hall Community Room

PRESENT: Mayor Krampitz, Councilman Zagurski, Councilwoman Murawski, Councilman Goodwin, Councilman Sekorski. **ABSENT:** Councilwoman Scoville.

1. Call Meeting to Order - Mayor Krampitz called the meeting to order at 7:51 p.m.
2. Pledge of Allegiance - Mayor Krampitz led the audience in the Pledge of Allegiance.
3. Approval of the August 14, 2007 Town Council Public Hearing and Special Town Council Meeting Minutes. – **MOTION:** Councilwoman Murawski moved to accept the minutes of the August 14, 2007 Town Council Public Hearing. **SECOND:** Councilman Zagurski. **MOTION PASSED UNANIMOUSLY.** **MOTION:** Councilman Goodwin moved to accept the minutes of the August 14, 2007 Special Town Council Meeting. **SECOND:** Councilwoman Murawski. **MOTION PASSED UNANIMOUSLY.**
4. Resignations and Appointments – **MOTION:** Councilman Goodwin moved to approve the Mayoral appointment of Katherine A. Peterson as an alternate member of the Inland/Wetland Commission with a term to expire 9/1/2010 replacing James Klaneski. **SECOND:** Councilman Sekorski. **MOTION PASSED UNANIMOUSLY.** **MOTION:** Councilman Sekorski moved to approve the Mayoral reappointment of Jim Benway as a regular member of the Inland/Wetland Commission with a term to expire 9/1/2010 . **SECOND:** Councilman Goodwin. **MOTION PASSED UNANIMOUSLY.** **MOTION:** Councilman Goodwin moved to approve the Mayoral appointment of Joan K. Fowler to the Human Services Commission with a term to expire 10/1/2009 replacing Jan Basoli. **SECOND:** Councilwoman Murawski. **MOTION PASSED UNANIMOUSLY.** **MOTION:** Councilwoman Murawski moved to approve the Mayoral reappointment of Edwin C. Smith to the ZBA with a term to expire 2/19/2010 . **SECOND:** Councilman Sekorski. **MOTION PASSED UNANIMOUSLY.**
5. Take action to refund property taxes to: Mathew & Wendy Smith \$11.41; Honda Lease Trust \$133.31; Richard H. Bemis \$4.94; Edward R. Chadwick \$40.64; Catherine Garuti Olson \$5.69; Ricky or Janice Charette \$3.85; Wayne C. Fletcher \$10.15; GMAC \$247.75; GMAC \$263.23; GMAC \$331.22; Rebecca or Edward Brzankalski \$5.99; Edward Croteau \$13.24 – **MOTION:** Councilwoman Murawski moved to refund property taxes to those as presented. **SECOND:** Councilman Sekorski. **MOTION PASSED UNANIMOUSLY.**
6. To consider and take action on a resolution entitled “Resolution Appropriating \$2,150,000 For Town Line Road Culvert Bridge Replacement, Fall Mountain Lake Area Road And Drainage Improvements, Related Improvements And Appurtenances, And Project Financing Costs; And Authorizing The Issue Of Bonds, Notes And Other Obligations To Defray Such Appropriation” – Mayor Krampitz called for action on the resolution presented under this agenda item. **MOTION:** Councilman Goodwin moved the following resolution:

“RESOLVED, that the Town Council hereby adopts the resolution entitled:

“RESOLUTION APPROPRIATING \$2,150,000 FOR TOWN LINE ROAD CULVERT BRIDGE REPLACEMENT, FALL MOUNTAIN LAKE AREA ROAD AND

DRAINAGE IMPROVEMENTS AND APPURTENANCES, AND PROJECT FINANCING COSTS; AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO DEFRAY SUCH APPROPRIATION,”

as introduced at a meeting of the Town Council held August 14, 2007 , and as subject to a public hearing of the Town Council held August 28, 2007 , a copy of which resolution shall be recorded with the minutes of these minutes. SECOND: Councilman Sekorski. Councilman Zagurski – yes, Councilwoman Murawski – yes, Councilman Goodwin – yes, Councilman Sekorski – yes. MOTION PASSED UNANIMOUSLY.

7. To consider and take action on a resolution establishing the particulars of and related matters with respect to a referendum of the voters and qualified taxpayers of the Town on the resolution to be considered and acted on under agenda item 6 above – Mayor Krampitz called for action on the resolution presented under this agenda item. MOTION: Councilman Sekorski moved the following resolution:

“RESOLUTION ESTABLISHING THE PARTICULARS OF AND RELATED MATTERS WITH RESPECT TO A REFERENDUM OF THE VOTERS AND QUALIFIED TAXPAYERS OF THE TOWN ON THE TOWN LINE ROAD CULVERT BRIDGE REPLACEMENT AND FALL MOUNTAIN LAKE AREA ROAD AND DRAINAGE IMPROVEMENTS PROJECT.

“RESOLVED, that the resolution entitled “Resolution Appropriating \$2,150,000 For Town Line Road Culvert Bridge Replacement, Fall Mountain Lake Area Road And Drainage Improvements, Related Improvements And Appurtenances, And Project Financing Costs; And Authorizing The Issue Of Bonds, Notes And Other Obligations To Defray Such Appropriation” adopted at this meeting be submitted to referendum vote of the electors and qualified taxpayers of the Town on Monday, October 1, 2007 between the hours of 6:00 a.m. and 8:00 p.m. to be held in accordance with the provisions of Section 9b of Chapter VII of the Town Charter and Section 7-9c of the Connecticut General Statutes. Electors and qualified taxpayers of the Town shall vote on the question at the following polling place: Community Room, Town Hall, 80 Main Street in Terryville.

“FURTHER RESOLVED, that said resolution will be placed on the voting machines under the following heading:

“SHALL THE TOWN OF PLYMOUTH APPROPRIATE \$2,150,000 FOR TOWN LINE ROAD CULVERT BRIDGE REPLACEMENT, FALL MOUNTAIN LAKE AREA ROAD AND DRAINAGE IMPROVEMENTS, RELATED APPURTENANCES, AND PROJECT FINANCING COSTS; AND AUTHORIZE THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO DEFRAY SUCH APPROPRIATIONS?”

Voters approving the resolution will vote “Yes” and voters opposing said resolution will vote “No”. Absentee ballots will be available from the Town Clerk’s office.

“FURTHER RESOLVED, that the Town Clerk cause a notice of referendum on said resolution to be published and posted in accordance with the General Statutes and the

Town Charter.

“FURTHER RESOLVED, that, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding said resolution and the Mayor is authorized to prepare additional explanatory materials regarding said resolution, such texts and explanatory materials to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the Connecticut General Statutes.”

SECOND: Councilman Goodwin. Councilman Zagurski asked why October 1 st was chosen and Mayor Krampitz explained that the referendum has to be thirty days from the date we publish to go to referendum. Councilman Zagurski asked if could be postponed until the November elections because it costs \$3,000 to have a referendum and one month later we would be voting. Mayor Krampitz asked if he had seen that \$3,000 as an actual cost in writing and Councilman Zagurski claimed he had not. Mayor Krampitz stressed that the Town had a 90-day extension and did not want to miss that deadline. The Mayor said that this project needs approval as soon as possible to meet USDA guidelines and to get the design work completed. Councilman Zagurski said that he contacted the USDA and that the 90-day limit was up on November 4 th but that they would hold the money. Mayor Krampitz asked if had that in writing but he said that was a verbal he received from Ilene Burnveau. Mayor Krampitz indicated that person was not the Town’s contact and that other USDA personnel were assigned to us for this project. Hearing no other discussion, the Mayor asked for a roll call vote. Councilman Zagurski – no, Councilwoman Murawski – yes, Councilman Goodwin – yes, Councilman Sekorski – yes. MOTION PASSED.

8. Public Comment – no comments.

9. Adjournment – MOTION: Councilwoman Murawski moved to adjourn the meeting at 8:06 p.m. SECOND: Councilman Sekorski. MOTION PASSED UNANIMOUSLY.

Submitted by: David M. Denis, Council Clerk

Per Agenda Item #6, the resolution passed by the Town Council required that a copy of the resolution introduced at the August 14, 2007 meeting be attached to these minutes. The following is that resolution.

RESOLUTION APPROPRIATING \$2,150,000 FOR TOWN LINE ROAD CULVERT BRIDGE REPLACEMENT, FALL MOUNTAIN LAKE AREA ROAD AND DRAINAGE IMPROVEMENTS, RELATED IMPROVEMENTS AND APPURTENANCES, AND PROJECT FINANCING COSTS; AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO DEFRAY SUCH APPROPRIATION

RESOLVED,

Section 1. That the Town of Plymouth appropriate TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) for costs of: (1) replacement of the Town Line Road Culvert Bridge (Bridge No. 110013) over Hancock Brook; (2) road and drainage

improvements in the Fall Mountain Lake area of the Town; (3) acquisition, construction and installation of related improvements and appurtenances; (4) the financing of the project. The appropriation may be spent for design, acquisition, installation and construction costs, equipment, materials, right-of-way or easement acquisition, engineering and consultant fees, legal fees, administrative and printing costs, net interest on borrowings and other financing costs, and other expenses related to the project. The Mayor is authorized to determine the scope and particulars of the project, and may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified. The Town anticipates that it may receive grants to defray in part the appropriation for the project from the United States Department of Agriculture, Rural Development, and from the State of Connecticut pursuant to the Local Bridge Program (Chapter 240, Part IIb of the General Statutes of Connecticut, Revision of 1958, as amended).

Section 2. That the Town issue its bonds, notes or project loan obligations in an amount not to exceed TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) to finance the appropriation for the project. The amount of bonds, notes or project loan obligations authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds, notes or project loan obligations shall be issued pursuant to Sections 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds, notes or project loan obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

Section 3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or project loan obligations for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378.

Section 4. The Mayor is authorized to determine the amount, dates, interest rates, maturities, redemption provisions, form and other details of the bonds, notes, project loan obligations or temporary notes; to designate one or more bank or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes, project loan obligations or temporary notes; to provide for the keeping of a record of the bonds, notes, project loan obligations or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes, project loan obligations or temporary notes; to sell the bonds, notes, project loan obligations or temporary notes at public or private sale; to deliver the bonds, notes, project loan obligations or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes, project loan obligations or temporary notes. The Mayor and the Treasurer of the Town shall sign the bonds, notes, project loan obligations or temporary notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds, notes, project loan obligations or temporary notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs 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 project. The Comptroller, or the Comptroller's designee, is authorized to pay project expenses in accordance herewith pending the issuance of such reimbursement borrowings, and is further authorized to amend such declaration of official intent as the Comptroller deems necessary or advisable.

Section 6. That the Mayor and the Comptroller are authorized 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, notes, project loan obligations or temporary notes 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.

Section 7. That the Mayor and the Comptroller are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes, project loan obligations or temporary notes 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, notes, project loan obligations or temporary notes.

Section 8. That the Mayor, or any other proper officer or official of the Town, on behalf of the Town, is authorized to apply for and accept any available state or federal grants or loans to finance the project, and to enter into any grant or loan agreement prescribed by the grantor or lender, and that further, without limitation, the Mayor and other proper officers and officials of the Town are authorized to take any other actions necessary to obtain grants or loans pursuant to the Local Bridge Program (Chapter 240, Part IIb of the General Statutes of Connecticut, Revision of 1958, as amended), or to any other present or future legislation, and to implement such grant or loan agreements.

Section 9. That the Mayor, the Treasurer, the Comptroller and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes, project loan obligations or temporary notes or obtain grants to finance the aforesaid appropriation.

Section 10. That this Resolution shall become effective upon its approval at referendum held in accordance with Chapter VII , Section 9b of the Town Charter.