

MINUTES OF THE REGULAR MEETING OF THE
CORNWALL BOARD OF SELECTMEN

Tuesday, March 7, 2017 - 7:30 p.m. - Town Hall

PRESENT: First Selectman Gordon Ridgway, Selectman Richard Bramley, Selectman Heidi Kearns, Board of Finance Chairman John LaPorta, Roger Kane, 12 citizens, 2 reporters

First Selectman Ridgway called the meeting to order at 7:35 p.m.

MINUTES: Selectman Kearns made the motion to approve the minutes of February 21, 2017 as presented. Selectman Bramley seconded. Motion passed unanimously.

ADDITIONS TO THE AGENDA: First Selectman Ridgway made the motion to add to the agenda Payment of Bills and upon Selectman Kearns' request, COG Update. Selectman Bramley seconded. Motion passed unanimously.

COMMUNICATIONS: First Selectman Ridgway reported he had received a communication from the Women's Support Services concerning their upcoming fundraiser: Trade Secrets. A Cornwall garden will be on display in Cornwall Village. There may be heavier traffic in the village than usual on May 14.

First Selectman Ridgway reported he had received an inquiry from a local student requesting to be a summer intern in the Selectman's office.

Selectman Kerns inquired who the drivers are for the Goshen/Cornwall van. The Board discussed how many drivers and their duties.

Joanne Wojtusiak brought to the Board's attention an e mail of March 7 requesting each Selectmen articulate their position on the purchase of the Eversource property.

PUBLIC COMMENTS: Inquiries were received and answered concerning why the position of assistant Town Clerk must be a Cornwall elector, why the additional support requested from GEER wasn't given, the purchase of the Eversource property.

BUDGET UPDATE: First Selectman Ridgway reported this is a challenging budget year. Board of Finance Chairman John LaPorta spoke to the challenges faced, the state changes in municipality support and mandates, the state's proposal for municipality support of teacher pensions, state reduction of education cost sharing, the number of organizations requesting town support. Selectman Kearns inquired why the Board of Finance reversed the Board of Selectmen's decline of 3% salary increase. Questions were answered by Mr. LaPorta.

THE BEND: First Selectman Ridgway welcomed Mr. Mike Jastremski of Housatonic Valley Association who spoke to the Board on updates to the Bend project environmental concerns. Mr. Tom Strumolo spoke to his Phase 1 Report. There was discussion on the adequacy of the Phase 1 report and responsibilities assumed if Bend property is purchased from Eversource. Mr. Jastremski reported engineer Kleinschmidt has reviewed the report and has signed off on it. The Board asked questions which Mr. Jastremski answered and were discussed. The consideration of purchase versus lease arrangement was discussed. Comments were received from those present. Citizen Jim Young submitted to the Board a letter he had received concerning a review of the property.

BRIDGES: First Selectman Ridgway reported on his meeting with the Board of Finance concerning the town meeting needed to go out to bond for bridge rehabilitation work and the BoF's request to add to the resolution a statement concerning the Gravel Pit Drive over Mill Brook Bridge. The change was made to accommodate the BoF. BoF Chairman John LaPorta spoke to this change and the costs of the Gravel Bank bridge. The Resolution as amended was reviewed and discussed.

First Selectman Ridgway introduced and read the following resolution:

RESOLVED: That the resolution entitled "RESOLUTION APPROPRIATING \$1,500,000 FOR THE TOWN OF CORNWALL BRIDGE IMPROVEMENT PROGRAM (2017) AND AUTHORIZING THE ISSUE OF UP TO \$1,500,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS THEREFORE" is hereby approved and recommended for adoption by the Town.

Selectman Bramley moved to waive the reading of the entitled resolution and that its full text be incorporated into the minutes of the meeting. Motion was seconded by Selectman Kearns. There was discussion concerning the content of the resolution which won't be on the town meeting call but will be available at the town office. Selectman Bramley, Selectman Kearns and First Selectman Ridgway voted aye. No nays. First Selectman Ridgway thereupon declared the motion carried.

First Selectman Ridgway moved that said resolution be adopted as introduced and the motion was seconded by Selectman Bramley. Selectman Kearns inquired what was in the capitol for bridges. This was discussed and reviewed. The Board discussed the borrowing of funds, repayment, flexibility and the difference between borrowing and a bond. Upon roll call vote the Ayes and Nays were as follows: First Selectman Ridgway, Selectman Kearns and Selectman Bramley voted aye. No nays. First Selectman Ridgway thereupon declared the motion carried and the resolution adopted. The resolution is attached hereto.

Roger Kane spoke to the bid package and what was removed from the previous package and how this may affect proposals, what will be installed, the advertisement of the invitation to bid, pre-bid meeting and bid opening. The Board discussed this. Mr. Kane presented to the Board the Bridge Preservation Guide from the Federal Highway Administration.

First Selectman Ridgway made the motion to rebid the Flat Rocks Road bridge on the 15th of March with the expectation the bids will come back the third of April with the understanding the funding for this project is subject to town meeting approval and the Town can reject any or all bids. Selectman Bramley seconded. There was discussion of timetable and ordering of the pre-cast unit and need for performance bond. Motion passed unanimously.

Roger Kane spoke about town bridges in general. The Valley Road bridge is completed, seeded and mulched. The Board discussed the extra work claim received. The Board answered questions from those present.

APRIL ROAD RESURFACING: First Selectman Ridgway presented the Board with a quote the highway foreman received for chip seal to be done in April. The Board reviewed the quote and roads to be done. First Selectman Ridgway made the motion to accept Seymour Sealing Service February 27, 2017 quote for chip seal for April 2017 to do the work as recommended by the highway foreman. Selectman Kearns seconded. There was discussion concerning the sweeping proposal also received. Motion passed unanimously.

WEST CORNWALL COVERED BRIDGE UPDATE: First Selectman Ridgway reported on his conversation with the engineer in charge of the Covered Bridge rehabilitation and his success with DEEP Fisheries for permission to do the work in August rather than October of 2018. First Selectman

Ridgway will work with the engineer on a dry sprinkler system in the bridge. The Board discussed all this and how the sprinkler system would work.

CORNWALL BRIDGE CROSSWALK: First Selectman Ridgway reported on a proposal received from engineer Hesketh for the crosswalk in Cornwall Bridge. The Board discussed the crosswalk project and funding availability.

BEACH DIRECTOR: First Selectman Ridgway reported Hammond Beach Director Tammy Decker has submitted her resignation after 8 years as beach director. The Board discussed the posting of the position and the involvement of the Park and Recreation Director.

TESTIMONY IN HARTFORD: First Selectman Ridgway reported on his day spent in Hartford with other area Selectmen testifying before the Public Health Committee on the bill to consolidate the health districts across the state into nine districts. The Board discussed the cost increase to Cornwall this would create. First Selectman Ridgway reported on another issue, the Governor's proposal municipalities pay one third of the teacher's pensions. The Board discussed this significant impact on municipal budgets. First Selectman Ridgway reported the Governor has offered to give towns more time to prepare their budgets to which he has responded Cornwall by ordinance has to have the budget complete by the third week of May. The Board discussed the work being done on these budget impacts.

TAX REFUNDS: The Board reviewed tax refund requests received from the tax collector. First Selectman Ridgway made the motion to grant the four tax returns of \$951.16 to Gonzalez Landscaping Inc. due to triple payment of real estate taxes, \$2,469.51 to Virginia Kindred and Markus Kraebber due to duplicate payment of real estate taxes, \$4,141.20 to Fred and Joelle Sander Trustees for duplicate payment of real estate taxes, \$2,823.17 to Wayne Hendrickson and Ann Tempkin for duplicate payment of real estate taxes. Selectman Kearns seconded. Motion passed unanimously.

COG UPDATE: First Selectman Ridgway reported an update on Northwest Hills Council of Government meeting answering questions from Selectman Kearns entailing discussion.

PUBLIC COMMENTS were received from those present concerning the recycling of hard plastics, HB 6920 furthering regionalism and environmental issues at the Bend. The Board received Judy's March 7 letter concerning GEER Dial-a-ride annual municipal contribution and HEAL President Audrey Cole submitted written comments. A citizen presented the Board with a petition of public support for the Bend project with 44 signatures

BILLS were paid in the usual manner.

DELINQUENT TAXES and REAL ESTATE: First Selectman Ridgway made the motion to go into executive session to discuss delinquent taxes and real estate, the Bend property. Selectman Kearns seconded. Motion passed unanimously. The Board went into executive session at 9:18 p.m.

The Board came out of executive session at 9:40 p.m. No action was taken.

Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Joyce Hart, Administrative Assistant

AS AMENDED

RESOLUTION APPROPRIATING \$1,500,000 FOR THE TOWN
OF CORNWALL BRIDGE IMPROVEMENT PROGRAM (2017)
AND AUTHORIZING THE ISSUE OF UP TO \$1,500,000
BONDS OF THE TOWN TO MEET SAID APPROPRIATION
AND PENDING THE ISSUANCE THEREOF THE MAKING OF
TEMPORARY BORROWINGS THEREFORE

Section 1. The sum of \$1,500,000 is appropriated for the Town of Cornwall Bridge Improvement Program (2017) consisting of the improvement, including replacement as necessary, of bridges within the Town of Cornwall as set forth in a report entitled Capital Planning for Bridges, February 6, 2017, by Lenard Engineering Inc, as the same may be amended from time to time (hereafter the "Program"). The Program shall include all expenses necessary and appropriate for its accomplishment including planning, acquisition and construction, remediation, demolition expenses, repair, reconstruction or replacement, appurtenances or utility, road, sidewalk and abutting property repair, horizontal and vertical realignment, drainage installation, reclamation, paving, curbing, milling, capping, utility relocation, traffic control, warranties, engineering or other design or implementation professionals, consultants, appraisers, equipment, legal, advertising, printing, financing and administration costs, or so much thereof or such additional improvements as may be accomplished within said appropriation. The Board of Selectmen shall prioritize projects and allocate this appropriation as necessary to implement the Bridge Program (2017) within the scope of this appropriation, provided that improvements to the Gravel Pit Drive over Mill Brook Bridge shall be referred by the Board of Selectmen to the Board of Finance for prior approval.

Section 2. To meet said appropriation \$1,500,000 bonds (including bank loans or other forms of financing) of the Town or so much thereof as may be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, (the "Town Officials") and the amount of bonds of each series to be issued shall be fixed by the Town Officials. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the Project, determined after considering the estimated amount of the State and Federal grants-in-aid thereof, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. Capital project revenues, including bid premiums and investment income derived from investment of bond proceeds (and net investment income derived from note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid there from, provided that such expenditure shall be applied against the appropriation and bond authorization which shall be reduced by the amount of capital project revenues so applied and credited. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000

or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the First Selectman, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the First Selectman, and be approved as to their legality by Joseph Fasi LLC, Bond Counsel, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Town Officials. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Town Officials in accordance with the General Statutes of the State of Connecticut, as amended. In connection with the issuance of any bonds or notes authorized herein, the Town may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Board of Selectmen. In order to meet the capital cash flow expenditure needs of the Town, the First Selectman is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the Town outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 3. Said bonds shall be sold by the Town Officials in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction, or other competitive process at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of the purchase agreement shall be subject to approval of the Board of Selectmen. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the First Selectman is authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the Town are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 4. The Town Officials are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Town Officials, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Joseph Fasi LLC, Bond Counsel, of Hartford, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the General Statutes of Connecticut, as amended.

They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds 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 project, or such later date the Regulations may authorize. The Issuer 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 issuance of reimbursement bonds, and to amend this declaration.

Section 6. The First Selectman or his designate is hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 7. It is hereby found and determined that the issue of all, or a portion of, the Bonds authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest.