

Special Town Meeting February 19, 2013 Approx. 28 present

Selectman Howard Lasser called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was recited.

Mr. Lasser opened the floor for nominations for moderator. Ron Jaffe nominated Dan Smolnik. Catherine Lasser seconded the nomination. With no further nominations a hand vote was taken and passed unanimously. Dan Smolnik was elected Moderator.

Moderator Smolnik asked Joan Locke, Town Clerk to read Item # 1 on the call of the meeting.

**TOWN OF BROOKFIELD
WARNING: NOTICE OF SPECIAL TOWN MEETING**

The legal voters of the Town of Brookfield, and those entitled to vote therein, are hereby warned and notified to meet at Meeting Room 133 at the Brookfield Town Hall, 100 Pocono Road, Brookfield, Connecticut, on **Tuesday, February 19, 2013 at 7:00 P.M.**, for the following purposes, to wit:

1. To consider and vote upon a Resolution that the Town sell at public auction the real estate and buildings located at 186 Whisconier Road subject to terms and conditions outlined in the Notice to Bidders that is available on the Town website and can be obtained from the office of the Town Clerk.

To do any and all things that may be legally necessary or appropriate to accomplish the above named purpose.

Moderator Smolnik made the decision not to read the following Resolution.

RESOLUTION OF THE TOWN OF BOOKFILED

Item #1

Whereas, upon favorable recommendation of the Board of Selectmen on January 7, 2013 and approval of the Planning Commission on February 7, 2013, BE IT RESOLVED:

- (a) That the Town of Brookfield sell by public auction of land and buildings at 186 Whisconier Road subject to terms and conditions set forth in the Notice to Bidders dated February 4, 2013, that is available on the Town website and can be obtained at the office of the Town Clerk.
- (b) To do any and all things which may be legally necessary or appropriate to accomplish the above purpose.

Ron Jaffe made a motion to move the Resolution. Jacqueline Salame seconded the motion. A hand vote was taken and passed unanimously.

Selectman Howard Lasser made a presentation.

Moderator Smolnik opened the floor for discussion. There were questions, comments and opinions from the following:

Greg Demboski

28 Greenknoll Drive

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Dave Grogins

Town Attorney

With no further discussion, Moderator Smolnik called for a vote on the resolution. A hand vote was taken and passed with 27 for and one opposed.

Due to the length of the following call of the meeting and the length of the following Resolution, Moderator Smolnik asked for a consensus to waive the reading of the call and the resolution. With no objections, both were waived.

Item # 2

1. To consider and act upon resolution (a) authorizing an appropriation of \$495,000 to fund the costs of an approximately 1650 lineal foot water main extension extending southward on Federal Road from Candlewood Lake Road to near to or at the Danbury City line (the "Water Line Project") and authorizing the Town to issue general obligation bonds or notes and temporary notes in the aggregate maximum amount of \$495,000 to finance said appropriation, (b) authorizing the First Selectman and the Treasurer to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes and temporary notes and to reduce the scope of the Water Main Project spend the entire amount of the appropriation on such Project as so reduced in scope if such Project cannot be completed for the amount appropriated; (c) authorizing the Town to levy benefit assessments in connection with the Water Main Project, the revenues from which shall be applied to the payment or reimbursement to the Town of project costs and or the principal and interest on the bonds, notes or temporary notes issued for such Project; and (d) authorizing the First Selectman, the Treasurer and other proper officers of the Town (i) to apply for and accept Federal and State grants to defray said appropriation and enter into any grant agreements for the accomplishment of the Water Main Project, the proceeds of which grants may be used to pay project costs or principal and interest on bonds or notes and shall reduce the amount of bonds or notes issued pursuant to this resolution by the amount of grant funds, if any, received for such Project unless an additional appropriation for the expenditure of such grant proceeds is approved, and (ii) and take all other action which is necessary or desirable to complete the Water Main Project and to issue bonds or notes to defray the aforesaid appropriation.

Copies of said resolution are on file and available for public inspection at the Office of the Brookfield Town Clerk.

Dated at Brookfield, Connecticut, this 4th day of February, 2013.

Board of Selectmen,

William R. Davidson, First
Selectman

Howard Lasser, Selectman

George F. Walker, Selectman

**BOND RESOLUTION
OF THE TOWN OF BROOKFIELD
SOUTHERN WATER LINE PHASE III PROJECT**

Item #2. Upon the recommendation of the Board of Selectmen and approval of the Board of Finance,

BE IT RESOLVED THAT:

(a) That the Town of Brookfield appropriate FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$495,000) to fund the costs of the planning, design and construction of an approximately 1650 lineal foot water main extension extending southward on Federal Road

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from Candlewood Lake Road to near to or at the Danbury City line (the “Southern Water Line Phase III Project” or the “Project”). The appropriation may be spent for design and construction costs, acquisition and materials, site improvements, engineering fees, management and consultant fees, contractor and subcontractor fees, surveys, administrative and legal fees, net interest on borrowings, and other expenses and financing costs related to the Project.

(b) That the Town issue its serial bonds, notes or obligations in an amount not to exceed FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$495,000) to finance the appropriation for the Southern Water Line Phase III Project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended (the “General Statutes”), and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The First Selectman and the Treasurer of the Town shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The First Selectmen and the Treasurer are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(c) 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 or notes for the Southern Water Line Phase III Project, provided the amount of notes outstanding at any time shall not exceed FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$495,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The First Selectmen and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the notes; to sell the notes at public or private sale; to deliver the notes; and to perform all other acts which are necessary or appropriate to issue the notes.

(d) 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 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 Southern Water Line Phase III Project. The First Selectman and 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 or 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.

(e) That the First Selectman and the Treasurer are authorized to reduce the scope of the Southern Water Line Phase III Project and spend the entire amount of the appropriation on the Project as so reduced in scope if the Project cannot be completed for the amount appropriated.

(f) That the First Selectman, Treasurer and other proper officers of the Town are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or 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 or notes.

(g) That the Town is authorized to levy benefit assessments in connection with the Southern Water Line Phase III Project in accordance with Sections 7-137c to 7-145 of the General Statutes and ordinances of the Town. Any revenues received from benefit assessments levied for the Southern Water Line Phase III Project shall be applied to the payment or reimbursement to the Town of Project costs and/or the payment of principal and interest on the bonds, notes or temporary notes issued for such Project.

(h) That the First Selectman, Treasurer or other proper officers of the Town designated by the First Selectman and the Treasurer, as appropriate, are authorized to apply for and accept Federal and State grants and/or loans to defray said appropriation and enter into contracts and agreements for the accomplishment of the Southern Water Line Phase III Project. Any grant proceeds may be used to pay Project costs or principal and interest on bonds, notes or temporary notes. The authority to issue bonds or notes under this resolution for the Southern Water Line Phase III Project will be reduced by the amount of grant funds, if any, received by the

Town for such Project unless an additional appropriation for the expenditure of such grant proceeds on the Project is approved in accordance with the Town Charter.

(i) That the First Selectman, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the Southern Water Line Phase III Project and to issue bonds or notes to defray the aforesaid appropriation.

Ron Jaffe made a motion to move the Resolution. Bob Brown seconded the motion.

Marty Handshy, Water Consultant to the Selectman gave a presentation.

Moderator Smolnik opened the floor for discussion. There were questions, comments and opinions from the following:

Matthew J. Grimes	6 Horsehill Road
John Furlong	10 Cedar Hill Road
George Walker	24 Lillinonah Drive
Bob Brown	253 Whisconier Road
Richard Saluga	32 Great Heron Lane
Howard Lasser	116 Tower Road

With no further discussion, Moderator Smolnik called for a vote on the resolution. A hand vote was taken and passed unanimously.

Howard Lasser made a motion to adjourn. George Walker seconded the motion. The meeting was adjourned at 7:30 P.M.

Respectfully Submitted,

Joan M. Locke
Town Clerk