



## SPECIAL TOWN MEETING

March 5, 2015

A Special Town Meeting was held on Thursday, March 5, 2015 in the Deep River Town Hall Auditorium. First Selectman Richard Smith called the meeting to order at 7:01 p.m. The meeting was attended by the Board of Selectmen, Attorney Bruce Chudwick of Shipman & Goodwin LLP, the Town Clerk and approximately 14 residents.

A motion to appoint Richard (Dick) Smith as moderator was made by Angus McDonald and seconded by Lisa Bibbiani. The motion was approved unanimously. Dick Smith appointed Town Clerk, Amy M. Winchell to act as clerk of the meeting so she read the call.

A motion to accept the call as read was made by George Eckenroth and seconded by Lisa Bibbiani. The motion was approved with one opposed.

A motion to postpone the meeting due to weather was made by Sue Hubensz and seconded by Renee Routhier. Discussion of the snowstorm earlier that day discouraging attendance ensued. Dick said that the Town Hall had been open for business all day which precludes having to postpone or cancel scheduled meetings. He also mentioned there were no phone calls asking about this meeting including if the meeting was still on and all information was available online. Because of this it seemed the lack of attendance was due to lack of concern, not the weather. It was established that no deadlines would be missed by postponing the meeting. Another resident suggested postponing this meeting until another could be held outlining all future Town projects like a possible gasline. Angus McDonald pointed out that this is done as part of every Annual Town Meeting with its Capital Project Request. The motion to postpone the meeting due to weather did not pass on a 3-YES, 12- NO vote.

A motion was made by Lisa Bibbiani and seconded by Kate Cryder to approve waiving the reading of the full resolution to be voted on. The motion was approved unanimously. A copy of the full resolution is attached to these minutes.

A motion to approve Item 1 of the call was made by John Kennedy and seconded by Lisa Bibbiani.

ITEM 1. – To discuss and vote on a Resolution to increase the appropriation by \$1,174,000, from \$4,000,000 to \$5,174,000, and the bond authorization by \$859,000, from \$2,800,000 to \$3,659,000, for the extension of the sanitary sewer system to the eastern terminus of Kirtland and River Streets, as well as to all connecting streets, as approved at the May 2, 2013 Special Town Meeting, to reflect increased project costs and the final grant and loan amounts approved by United States Department of Agriculture (USDA).

DISCUSSION: Dick explained that, while a lesser dollar amount was approved at our May 2, 2013 meeting, all of the bids on this phase of the sewer project came in higher than the approved amount. The Town had hired a reputable engineering firm to approximate the cost of the project and the numbers are believed to be truthful. The Town tried to cut down on costs by factoring work that could be done by our Highway Department. They also divided the project into phases and prioritized them by need. Brewer's Marina wants to be included in this project and Kirtland and River Streets are the top priority. Dick mentioned that he put detailed information on this project in the Town Newsletter. After the Town invests a certain amount of money per phase of the project, the grant money will cover the rest of the cost. Turning down this resolution risks losing some grant money. Approving this resolution should allow us to complete the entire project as approved at our May 2, 2013 meeting. If taxes increase, it will not be as a result of this project.

There being no further discussion, a voice vote was held. The motion was approved by a 15- YES, 2- NO vote.

A motion to adjourn was made by Lisa Bibbiani, seconded by David Oliveria and passed unanimously. The meeting was adjourned at 7:56 p.m.

AS ADOPTED MARCH 5, 2015

TOWN OF DEEP RIVER  
SPECIAL TOWN MEETING

RESOLUTION TO INCREASE THE APPROPRIATION AND BOND  
AUTHORIZATION FOR THE KIRTLAND AND RIVER STREETS  
SEWER SYSTEM EXTENSION PROJECT

BE IT RESOLVED:

That the resolution titled "RESOLUTION TO APPROPRIATE \$4,000,000 FOR THE EXTENSION OF THE SANITARY SEWER SYSTEM TO THE EASTERN TERMINUS OF KIRTLAND AND RIVER STREETS, AS WELL AS TO ALL CONNECTING STREETS; TO FINANCE THE APPROPRIATION BY ACCEPTING A GRANT FROM USDA OF APPROXIMATELY \$1,200,000 AND A LOAN NOT TO EXCEED \$2,800,000, OR BY ISSUING TOWN BONDS, NOTES OR TEMPORARY NOTES IN AN AMOUNT NOT TO EXCEED \$2,800,000," as approved by the voters at the May 2, 2013 Special Town Meeting, is hereby amended to increase the appropriation by \$1,174,000, from \$4,000,000 to \$5,174,000, and the bond authorization by \$859,000, from \$2,800,000 to \$3,659,000, to reflect increased project costs and the final grant and loan amounts approved by USDA. The resolution, as amended, shall read as follows:

RESOLUTION TO APPROPRIATE \$5,174,000 FOR THE EXTENSION OF THE  
SANITARY SEWER SYSTEM TO THE EASTERN TERMINUS OF KIRTLAND AND  
RIVER STREETS, AS WELL AS TO ALL CONNECTING STREETS AND TO  
FINANCE THE APPROPRIATION BY ACCEPTING A GRANT OF \$1,515,000 AND A  
LOAN NOT TO EXCEED \$3,659,000 FROM USDA, OR BY ISSUING TOWN  
BONDS, NOTES OR TEMPORARY NOTES IN AN AMOUNT NOT TO EXCEED  
\$3,659,000

BE IT RESOLVED:

SECTION 1. That the Town of Deep River appropriate \$5,174,000 for extension of the sanitary sewer system to the eastern terminus of Kirtland and River Streets, as well as to all connecting streets, including Fairview Avenue, Old River Streets 1 and 2, River and Phelps Lanes and Read Street. The appropriation may be expended for site improvements, design and construction costs, equipment, materials, engineering, legal, financing and administrative fees, interest expense on temporary borrowings, 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 appropriation through the United States Department of Agriculture (USDA) by accepting a grant of \$1,515,000 and a loan not to exceed \$3,659,000, or by issuing Town bonds, notes or temporary notes in an amount not to exceed \$3,659,000, or so much thereof as may be necessary after deducting any Federal, State or other grants for the project. The loan, bonds or notes shall be issued pursuant to the Connecticut General Statutes, as amended. The loan, bonds or notes may be sold as a single issue or consolidated with any other authorized issues of bonds or notes of the Town. The loan may be in the form prescribed by the USDA under the Rural Utility Service's Water and Environmental Programs. The Treasurer shall keep a record of the loan, bonds or notes. The loan, bonds or notes shall be signed in the name and on behalf of the Town by the First Selectman and Treasurer and shall bear the Town seal or a facsimile thereof. The loan, bonds or notes shall each recite that every requirement of law relating to its issue has been fully complied with, that such loan, bond or 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 loan, bonds or notes shall be determined by the First Selectman and Treasurer. The loan shall be issued to the USDA, and the bonds or notes shall be sold by the First Selectman and Treasurer at public sale or by negotiation, in their discretion. If the bonds or notes are sold by negotiation to other than the USDA, the purchase agreement shall be approved by the Board of Finance.

SECTION 3. That the First Selectman and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said loan, bonds or notes. The temporary notes shall be signed by the First Selectman and Treasurer and shall bear the Town seal or a facsimile thereof, shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended, and 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 net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of the loan, bonds or notes, 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 the 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 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; and that the First Selectman and Treasurer are authorized to make representations and agreements for the benefit of the holders of the loan, bonds, notes or temporary notes 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 Water Pollution Control Authority (WPCA) shall collect from each property, or each other unit of assessment, that is benefited by the project an assessment fee payable under such terms as determined by the WPCA in accordance with State statutes. If the WPCA determines that each property, or each unit of assessment, that is benefited by the project shall be assessed a one time benefit fee, this shall only take effect if approved at a special town meeting.

SECTION 6. That the First Selectman and Chairman of the WPCA, or their designees, are authorized to contract with engineers, contractors and others on behalf of the Town and to approve construction expenditures for said project.

SECTION 7. That the First Selectman or his designee is authorized to apply for and accept or reject the USDA grant or any Federal, State or other grants for the project and to execute and deliver to the USDA any grant or loan documents or agreements for and on behalf of the Town, and the Board of Selectmen, WPCA, Treasurer and other Town officials and employees are authorized to take all actions necessary and proper to obtain such grants and loans, to complete the project and to issue the loan, bonds, notes or temporary notes to finance the appropriation.

ATTEST: Amy M. Winchell, Town Clerk