

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF FINANCE

The Board of Finance held a regular on Thursday, December 22, 2016 in the Council Chambers at the Municipal Center, 3 Primrose Street, Newtown, CT. John Godin called the meeting to order at 7:30pm.

Present: James Gaston, Kelley Johnson, John Godin, Mark Boland

Absent: Aaron Carlon, Sandy Roussas

Also Present: First Selectman Pat Llodra, Finance Director Robert Tait, two members of the press

VOTER COMMENT – None

COMMUNICATIONS – None

MINUTES – Mr. Gaston moved to approve the 12/12/16 minutes, Mr. Boland seconded. Ms. Johnson made the following corrections under the Finance Directors Report: The fourth line, “These changes did result” should be changed to “These changes *would* result”. The seventh line, “The increased annual pension contribution will be” should be changed to “The increased annual pension contribution *could* be”. Minutes were unanimously approved with the corrections.

FIRST SELECTMAN REPORT – Mrs. Llodra supplied a legal opinion regarding basing the senior tax relief on how many years they have been a resident (Attachment A). It appears that there is not a conflict with Connecticut law but there may be a constitutional issue.

Mrs. Llodra also encouraged everyone to read report from the Sustainable Energy Commission that is attached to the BOS minutes. Right now about 4% of the energy consumption comes from solar. After the two next major projects, one at Reed School and one at the Transfer Station, we should be at 25%.

FINANCE DIRECTORS REPORT – Mr. Tait reported that he did receive the financial statements and at the next meeting he will have that and excerpts of the most important items.

NEW BUSINESS

Mr. Gaston moved a RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$975,000 FOR THE ACQUISITION AND REPLACEMENT OF VARIOUS FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$575,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE and waved the reading of the full resolution. Ms. Johnson seconded, motion unanimously passes by roll call vote(Attachment B).

Mr. Gaston moved a RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$525,000 FOR THE PLANNING, DESIGN, ENGINEERING, CONSTRUCTION AND RECONSTRUCTION OF BRIDGE IMPROVEMENTS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE and waved the reading of the full resolution. Ms. Johnson seconded, motion unanimously passes by roll call vote (Attachment C).

Mr. Gaston moved a RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$1,050,000 FOR THE PLANNING, DESIGN, ENGINEERING AND CONSTRUCTION OF INFRASTRUCTURE, STREETScape AND FACILITIES IMPROVEMENTS AND ADDITIONS TO THE FAIRFIELD HILLS CAMPUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$1,050,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE and waved the reading of the full resolution. Ms. Johnson seconded. Mr. Tait explained that it is a new project but it is not new bonding. There was funding left over from the demolition at FFH so they identified areas at FFH where the funds would be best utilized. They have identified underground utilities, street scape and a lavatory connected to the Community Center as priorities. Motion unanimously passes by roll call vote (Attachment D).

Review Hawleyville Streetscape Project (grant) impact statement – Mrs. Llodra explained that have received a grant in the amount of \$690,592 from WestCOG. WestCOG is the actual recipient and the Town is a sub recipient. The Total cost of the project is \$863,240 and the Town's share will be 20% or \$172,648.

UNFINISHED BUSINESS

Senior Tax Relief – Mr. Godin explained that the full board is not present so they will defer discussion until the next meeting. They have also requested the prior Tax Collector Carol Mahoney and the current Tax Collector Donna Saputo to come to the meeting to answer questions.

VOTER COMMENT – None

ANNOUNCEMENTS – None

Having no further business, the meeting was adjourned at 8:06pm

Respectfully Submitted,
Arlene Miles, Clerk



Attachment A

Pat Llodra <pat.llodra@newtown-ct.gov>

RE: request for legal opinion

1 message

Nathanson, Dina E. <DNathanson@cohenandwolf.com>
To: Pat Llodra <pat.llodra@newtown-ct.gov>
Cc: "Grogins, David L." <DGrogins@cohenandwolf.com>

Thu, Dec 22, 2016 at 5:12 PM

Hi Pat,

I had a look at the document you sent me, and I still have to suggest not amending the town's elder tax benefit ordinance to include duration of residence as a factor. I think the potential issue is not with Connecticut law, but rather is a constitutional issue.

I do see that the report you sent me lists a number of towns with residency duration requirements for tax relief pursuant to C.G.S. Section 12-129n, and that the report also notes that municipalities can set their own eligibility criteria for tax benefits under that statute. C.G.S. Section 12-129n does not, however, explicitly state that municipalities can set their own eligibility criteria, aside from "with respect to maximum income allowable during the calendar year preceding the year in which the application is made for the tax relief provided in this section." The document that you sent me and my own research indicate that it is nonetheless the practice that municipalities set their own eligibility criteria. Additionally, C.G.S. Section 12-129n itself includes a residency requirement of at least one year. Therefore, I do not think Newtown would face any backlash on the basis of Connecticut law for creating such a requirement.

However, despite the statute's own residency requirement and other municipalities' expansion of such a requirement in their ordinances, I still believe that such a law might raise constitutional issues. In *Shapiro v. Thompson*, the Supreme Court found that a Connecticut law requiring welfare recipients to have lived in the State for at least one year was unconstitutional because it restricted one's right to travel between states and it provided unequal protection on the basis of length of residence in the State. *Shapiro v. Thompson*, 394 U.S. 618 (1969). In *Zobel v. Williams*, the Supreme Court extended its decision, finding an Alaskan law that distributed profits from natural resources to residents on the basis of how long they had lived in Alaska unconstitutional. *Zobel v. Williams*, 457 U.S. 55 (1982). In reaching that conclusion, the Court discussed the potential consequences of upholding the law: "Could states impose difference taxes based on length of residence? Alaska's reasoning could open the door to state apportionment of other rights, benefits, and services according to length of residency. It would permit the states to divide citizens into expanding numbers of permanent classes. Such a result would be clearly impermissible." *Id.* at 64. Therefore, I am concerned that apportioning potential elder property tax benefits on the basis of length of residence could be unconstitutional.

Please do not hesitate to contact me with any questions.

Thanks,

Attachment B

Newtown Municipal Center
3 Primrose Street
Newtown, Connecticut 06470
Tel. (203) 270-4201
Fax (203) 270-4205
first.selectman@newtown-ct.gov
www.newtown-ct.gov

E. Patricia Llodra
First Selectman



TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

December 19, 2016

To the Board of Finance

Members of the Board:

At a meeting of the Board of Selectmen held December 19, 2016, the following resolution was adopted:

RESOLVED: That the resolution entitled:

"Resolution Providing For A Special Appropriation In The Amount Of \$975,000 For The Acquisition And Replacement Of Various Fire Apparatus As Authorized In The Capital Improvement Plan (2016-17 to 2020-2021) And Authorizing The Issuance Of \$575,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto, is hereby adopted and recommended to the Board of Finance for consideration and action, said special appropriation was initiated by the First Selectman in a letter dated December 12, 2016, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter;

Very truly yours,



E. Patricia Llodra
First Selectman

**TOWN OF NEWTOWN
FINANCIAL IMPACT STATEMENT
(Per Town Charter 6-100)**

REQUESTING DEPARTMENT FIRE COMMISSION

PROJECT: TANKER / ENGINE REPLACEMENT (1+1)

PROPOSED SPECIAL APPROPRIATION AMOUNT: \$ 975,000.00

PROPOSED FUNDING:

BONDING	\$	575,000.00
GRANT		
CONTINGENCY		
OTHER		400,000.00
	<u>\$</u>	<u>975,000.00</u>

ANNUAL FINANCIAL IMPACT ON OPERATING BUDGET (GENERAL FUND):

List any financial impact your request will have on the Town's annual operating budget. Attach spreadsheet(s) showing your calculation of the estimated impact.

EXPENDITURE CATEGORY:	<small>**FOR BRACKETS USE NEGATIVE SIGN BEFORE NUMBER**</small>	(POSITIVE IMPACT) / NEGATIVE IMPACT	Attachment #
SALARIES & BENEFITS		_____	_____
PROFESSIONAL SERVICES		_____	_____
CONTRACTED SERVICES		_____	_____
REPAIRS & MAINTENANCE		_____	_____
UTILITIES		_____	_____
OTHER		_____	_____
DEBT SERVICE (1st year)	\$	75,000	_____
TOTAL IMPACT ON EXPENDITURES	<u>\$</u>	<u>75,000</u>	_____

REVENUE CATEGORY:		POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES		_____	_____
CHARGES FOR SERVICES (FEES)		_____	_____
OTHER		_____	_____
TOTAL IMPACT ON REVENUES	<u>\$</u>	<u>-</u>	_____

TOTAL FINANCIAL IMPACT ON OPERATING BUDGET \$ 75,000

EQUIVALENT MILL RATE OF TOTAL IMPACT 0.0244 mills

(using current year's information)

COMMENTS:

Other than debt service, the impact of this project on the budget is minimal. Any increase in operating expenses will be borne by the fire company. Contributions to the fire companies, in the Fire Commission budget, will remain relatively the same. It will reduce vehicle maintenance for the fire company. This will help off set other fire company expenses covered in their internal budget.

Debt service amount falls into the debt limit calculation .

PREPARED BY: Robert Tait

DATE: 11/14/2016

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$975,000 FOR THE ACQUISITION AND REPLACEMENT OF VARIOUS FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$575,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$975,000 is a special appropriation made pursuant to Chapter 6, Section 6-30 (a), (b) and (c) of the Town Charter of the Town of Newtown (the "Town") for the acquisition and replacement of various fire apparatus, including, but not limited to tankers and fire engines, all as authorized in the Capital Improvement Plan (2016-17 to 2020-21) and for administrative, financing, legal and costs of issuance related thereto (collectively, the "Project"), said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof. The Town anticipates using capital non-recurring funds of approximately \$400,000 for the Project.

Section 2. To meet said appropriation, \$575,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of the State of Connecticut, as amended from time to time (the "Connecticut General Statutes"). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Project, 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 the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. 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, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series 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 including approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. 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.

Section 4. The First Selectman and the Financial Director 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 First Selectman and the Financial Director, 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 Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut 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, 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 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 the 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. The First Selectman is authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith, to contract in the name of the Town with engineers, contractors and others.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations 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 Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 7. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB 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 resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

Attachment C

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E. Patricia Llodra
First Selectman



TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

December 19, 2016

To the Board of Finance

Members of the Board:

At a meeting of the Board of Selectmen held December 19, 2016 the following resolution was adopted:

RESOLVED: That the resolution entitled:

“Resolution Providing For A Special Appropriation In The Amount Of \$525,000 For The Planning, Design, Engineering, Construction And Reconstruction Of Bridge Improvements As Authorized In The Capital Improvement Plan (2016-17 To 2020-21) And Authorizing The Issuance Of \$525,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, is hereby adopted and recommended to the Board of Finance for consideration and action, said special appropriation was initiated by the First Selectman in a letter dated December 12, 2016, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter;

Very truly yours,



E. Patricia Llodra
First Selectman

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$525,000 FOR THE PLANNING, DESIGN, ENGINEERING, CONSTRUCTION AND RECONSTRUCTION OF BRIDGE IMPROVEMENTS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$525,000 is a special appropriation made pursuant to Chapter 6, Section 6-35 of the Town Charter of the Town of Newtown (the "Town") for the planning, design, engineering, construction and reconstruction of improvements to various bridges in the Town of Newtown, pursuant to the Town's Bridge Program, as amended from time to time, including, but not limited to, resurfacing, guardrail replacement and various repairs, all as authorized in the Capital Improvement Plan (2016-17 to 2020-21) and for administrative, financing, legal and costs of issuance related thereto (collectively, the "Project"), said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. To meet said appropriation, \$525,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of the State of Connecticut, as amended from time to time (the "Connecticut General Statutes"). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Project, 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 the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. 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, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series 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 including approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. 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.

Section 4. The First Selectman and the Financial Director 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 First Selectman and the Financial Director, 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 Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut 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, 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 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 the 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. The First Selectman is authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith, to contract in the name of the Town with engineers, contractors and others.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations 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 Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 7. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB 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 resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

Attachment D

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E. Patricia Llodra
First Selectman



TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

December 19, 2016

To the Board of Finance

Members of the Board:

At a meeting of the Board of Selectmen held December 19, 2016, the following resolution was adopted:

RESOLVED: That the resolution entitled:

“Resolution Providing For A Special Appropriation In The Amount Of \$1,050,000 For The Planning, Design, Engineering And Construction Of Infrastructure, Streetscape And Facilities Improvements And Additions To The Fairfield Hills Campus As Authorized In The Capital Improvement Plan (2016-17 To 2020-21) And Authorizing The Issuance Of \$1,050,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, is hereby adopted and recommended to the Board of Finance for consideration and action, said special appropriation was initiated by the First Selectman in a letter dated December __, 2016, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter;

Very truly yours,



E. Patricia Llodra
First Selectman

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$1,050,000 FOR THE PLANNING, DESIGN, ENGINEERING AND CONSTRUCTION OF INFRASTRUCTURE, STREETScape AND FACILITIES IMPROVEMENTS AND ADDITIONS TO THE FAIRFIELD HILLS CAMPUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2016-17 to 2020-21) AND AUTHORIZING THE ISSUANCE OF \$1,050,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$1,050,000 is a special appropriation made pursuant to Chapter 6, Section 6-35 of the Town Charter of the Town of Newtown (the "Town") for the planning, design, engineering and construction of infrastructure, streetscape and facilities improvements and additions to the Fairfield Hills Campus, all as authorized in the Capital Improvement Plan (2016-17 to 2020-21) and for administrative, financing, legal and costs of issuance related thereto (collectively, the "Project"), said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. To meet said appropriation, \$1,050,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of the State of Connecticut, as amended from time to time (the "Connecticut General Statutes"). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Project, 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 the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. 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, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series 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 including approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. 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.

Section 4. The First Selectman and the Financial Director 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 First Selectman and the Financial Director, 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 Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut 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, 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 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 the 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. The First Selectman is hereby authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith, to contract in the name of the Town with engineers, contractors and others.

Section 6. The First Selectman is hereby authorized to transfer all of such unexpended bond proceeds as is necessary and desirable from the Town's Capital Improvement Plan (2015-16 to 2019-20) project, Demolition and Remediation of Fairfield Hills Buildings, to meet the costs of the Project.

Section 7. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations 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 Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 8. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB 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 resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

Attachment E

Hawleyville Streetscape Project WestCOG

Project Name: Hawleyville Streetscape

Project Location: Hawleyville area of Newtown, CT. By Exit 9 of I-84, and Routes 6 and 25.

Total Project Cost: **\$863,240** (includes 10% contingency and 25% incidentals as suggested by WestCOG)

Actual Project Construction Cost:	\$639,437
Contingency (10%)	\$ 63,944
Incidentals* (25%)	<u>\$159,859</u>
Total cost	\$863,240

**Incidentals were defined as construction inspection and contract administration, materials testing and CT DOT project oversight)*

Project Cost Split:	Grant Request (80%)	\$690,592
	Town of Newtown (20%)	<u>\$172,648</u>
	Total	\$863,240

Design Cost: Anticipated to be paid by Town of Newtown with CIP funds. Total design is expected to be \$60 - \$75K. (The estimate is based on the project having crossings of a private rail line and federal highway system.)

Hawleyville Area Plan: A sidewalk and streetscape plan for the Hawleyville area was adopted by P&Z on 12/3/15. This plan includes approximately 4,000 linear feet of streetscape and 8,000 linear feet of sidewalk.

The streetscape (approximately 4,000 feet) is to be located just south of I-84 and will continue north along Route 25. It begins on the west side of Route 25, crossing the street just south of Barnabas Road, and continues north to approximately North Ridge Drive. It is expected that this project will include sidewalks, lighting, landscaping and benches.

The sidewalk (approximately 8,000 feet), to be located south of exit 9 of I-84, continuing south on Route 25, then turning west along Route 6 toward Bethe. It is expected to be designed as a sidewalk project, without the amenities that go along with a streetscape project.

Safety Considerations: Crossings of the exits of I-84 as well as Hawleyville Road and the rail line are to be designed such that pedestrians will have safe access to the entire length of the Streetscape project (i.e. crossings with signals)

**TOWN OF NEWTOWN
FINANCIAL IMPACT STATEMENT
(Per Town Charter 6-100)**

REQUESTING DEPARTMENT LAND USE

PROJECT: HAWLEYVILLE STREETScape GRANT

PROPOSED APPROPRIATION AMOUNT: \$ 863,240

PROPOSED FUNDING:

BONDING	\$	172,648
GRANT	\$	690,592
OTHER		
	<u>\$</u>	<u>863,240</u>

ANNUAL FINANCIAL IMPACT ON OPERATING BUDGET (GENERAL FUND):

List any financial impact your request will have on the Town's annual operating budget.
Attach spreadsheet(s) showing your calculation of the estimated impact.

EXPENDITURE CATEGORY:	<small>**FOR BRACKETS USE NEGATIVE SIGN BEFORE NUMBER**</small>	(POSITIVE IMPACT) / NEGATIVE IMPACT	Attachment #
SALARIES & BENEFITS		_____	_____
PROFESSIONAL SERVICES		_____	_____
CONTRACTED SERVICES		_____	_____
REPAIRS & MAINTENANCE		_____	_____
UTILITIES		_____	_____
OTHER		_____	_____
DEBT SERVICE (1st year)		<u>\$ 14,000</u>	_____
TOTAL IMPACT ON EXPENDITURES		<u>\$ 14,000</u>	_____

REVENUE CATEGORY:		POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES		_____	_____
CHARGES FOR SERVICES (FEES)		_____	_____
OTHER		_____	_____
TOTAL IMPACT ON REVENUES		<u>\$ -</u>	_____

TOTAL FINANCIAL IMPACT ON OPERATING BUDGET \$ 14,000

EQUIVALENT MILL RATE OF TOTAL IMPACT 0.0046 mills

(using current year's information)

COMMENTS:

MINIMAL IMPACT ON THE OPERATING BUDGET. THERE WILL BE ADDITIONAL REPAIRS AND MAINTENANCE AS THE IMPROVEMENTS AGE.

PREPARED BY: Robert Tait

DATE: 12/19/2016