

SPECIAL TOWN MEETING

February 26, 2014

A Special Town Meeting for the Town of Newtown was held at the Newtown Municipal Center, 3 Primrose Street, Newtown in the Council Chambers on Wednesday, February 26, 2014. The meeting was called to order by Town Clerk Debbie Aurelia Halstead at 7:02 P.M. after which she read the warning of the meeting.

First Selectman Pat Llodra, Selectman Will Rodgers, Public Works Director Fred Hurley, Economic and Community Development Director Elizabeth Stocker, Deputy Director of Planning & Land Use Robert Sibley, Finance Director Robert Tait, Town Attorney David Grogins, Chairman of the Water & Sewer Authority Dick Zang, Mitch Bolinsky our State Representative along with 100 people in attendance and 3 member of the press,

A motion was made by Selectman Will Rodgers to nominate First Selectman Patricia Llodra as moderator and was second by Robert Hall, 5 Nettleton Road.

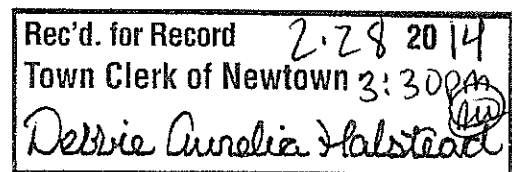
MOTION CARRIED UNANIMOUSLY

First Selectman Patricia Llodra asked that a motion be made to consider and act upon the Resolution as read by the Town Clerk. Mary Ann Jacob, 65 Mohawk Trail made the motion and second by Mitch Bolinsky, 3 Wiley Lane.

Attendees were informed these meetings are being video and audio taped and instructed that those who wish to speak to come up to the microphone and state their name and addresses for the record.

Mrs. Llodra outlined that this was two years of research and development with our Land Use department, Public Works director, Economic Development Commission and Water & Sewer Authority, along with the approval process of the Board of Selectman, Board of Finance and Legislative Council. She stated this project was supported by all our major board & commissions before being brought to a Special Town Meeting. DISCUSSION: Public Works Director Fred Hurley discussed various aspects of the projects' construction, infrastructure and design and that the cost of the project has been reduced from \$5 million dollars to the proposed \$2,800. Mr. Hurley passed out a flyer showing a base design of the locations.

Mrs. Llodra said this is an opportunity for economic development to occur and broaden our tax base. Robert Tait reiterated that the money is being paid by general obligation bonds kept in the sewer fund through sewer benefits with no tax implications and not out of debt service. Liz Stocker said that planning & zoning has rezoned the sewer project area in Hattertown for potential commercial & industrial growth and noted that the area already has water and fiber optics and the only missing utility for businesses are sewers. Dick Zang from water & sewer authority stated the board voted unanimously to recommend going ahead with this project and expects that the costs could be recovered from the bond issue through benefit assessments on those who want to use the sewers. There will be a workshop to be announced in the next few weeks by the authority for those property owners who wish to be hooked up.



First Selectman Llodra then spoke as First Selectman and not as a moderator and refuted allegations that there are no other utilities in that area and stated that there is currently gas, fiber optics and water and refuted that Town specific Town officials have backed this project for their own enrichment. She also noted that the owners of various vacant properties along this stretch of Route 6 & 25 area are on record with the Assessor's office.

PUBLIC PARTICIPATION: Bruce Walczak 12 Glover Ave remarked, Bill Stevens of 139 Huntingtown Road expressed opposition to the sewer expansion. Robert Hall, 5 Nettleton Road spoke in favor of project, Kevin Fitzgerald of 24 Old Farm Hill Road, spoke in opposition, Deborra Zukowski 4 Cornfield Ridge Road remarked, Jennifer Ballard 9 Whipoorwill Road remarked, Jane Payne 142 Mt. Pleasant Road spoke in favor of project, Donna Ball of 20 Saw Mill Road spoke in opposition, Rudy Magnan of 60 Watkins Drive spoke in favor of project, Mary Ann Jacob 65 Mohawk Trail spoke in favor of the project, Al Roznicki 169 Hanover Road remarked, Paul Hilario 131 Mt. Pleasant Road spoke in favor, Robin Fitzgerald 24 Old Farm Hill Road remarked, Paul Fadus 5 Sunset Hill Road spoke in favor, Jean Leonard 20 Nunnawauk Road spoke in favor, Michael Boyle of 44 Watkins Drive spoke against project, Bernie Cohen 52 Watkins Drive remarked, Bruce Walczak 12 Glover Ave remarked.

VOTE WAS CALLED:

By a show of tickets the votes totaled: 81 YES and 11 NO.

RESOLUTION PASSED.

There being no other business to come before the meeting, Selectman Rodgers made a motion to adjourn 2nd by Rob Sibley.

UNANIMOUS

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Debbie Aurelia Halstead CCTC, CMC
Town Clerk

Attch: Map

Attch: Resolution

Attch: Warning of Special Town meeting

TOWN OF NEWTOWN
NOTICE OF SPECIAL TOWN MEETING

Electors and citizens qualified to vote at Town Meetings of the Town of Newtown are hereby duly notified and warned that a Special Town Meeting of the Town of Newtown will be held on February 26, 2014, at 7:00 o'clock P.M. (E.S.T.) in the Council Chamber of the Newtown Municipal Center, for the following purposes:

1. To receive a communication from the Board of Selectmen with respect to a resolution entitled "Resolution Providing For A Special Appropriation In The Amount Of \$2,800,000 For The Planning, Design, Acquisition, Construction And Installation Of Sewers Along Route 6 To Serve The Area West Of Whipporwill Hill Road To Splendid Place And Along Route 25 To Serve A Section Of Covered Bridge Road, Located In The Town Of Newtown, Connecticut, As Authorized In The Capital Improvement Program (2013-14 To 2017-2018, Inclusive) And Authorizing The Issuance Of \$2,800,000 Bonds Or Notes Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

2. To consider and act upon a resolution entitled "Resolution Providing For A Special Appropriation In The Amount Of \$2,800,000 For The Planning, Design, Acquisition, Construction And Installation Of Sewers Along Route 6 To Serve The Area West Of Whipporwill Hill Road To Splendid Place And Along Route 25 To Serve A Section Of Covered Bridge Road, Located In The Town Of Newtown, Connecticut, As Authorized In The Capital Improvement Program (2013-14 To 2017-2018, Inclusive) And Authorizing The Issuance Of \$2,800,000 Bonds Or Notes Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

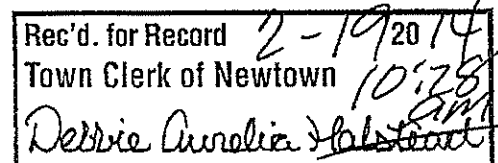
3. To transact any other business proper to come before the meeting.

Copies of said proposed resolution are on file and open to public inspection at the office of the Town Clerk.

Dated at Newtown, Connecticut, this 18th day of February, 2014.

Board of Selectmen

E. Patricia Llodra, First Selectman
William F.L. Rodgers, Selectman
James O. Gaston, Selectman



RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$2,800,000 FOR THE PLANNING, DESIGN, ACQUISITION, CONSTRUCTION AND INSTALLATION OF SEWERS ALONG ROUTE 6 TO SERVE THE AREA WEST OF WHIPPORWILL HILL ROAD TO SPLENDID PLACE AND ALONG ROUTE 25 TO SERVE A SECTION OF COVERED BRIDGE ROAD, LOCATED IN THE TOWN OF NEWTOWN, CONNECTICUT, AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PROGRAM (2013-14 TO 2017-2018, INCLUSIVE) AND AUTHORIZING THE ISSUANCE OF \$2,800,000 BONDS OR NOTES 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 \$2,800,000 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 planning, design, acquisition, improvement, construction and installation of sewers along (i) Route 6 to serve the area west of Whipporwill Hill Road to Splendid Place, and (ii) Route 25 to serve a section of Covered Bridge Road, including but not limited to, the construction of and improvements to pump stations, the acquisition of easements and the engagement of consultants to prepare final plans and specifications, all as authorized in the Capital Improvement Program (2013-14 to 2017-18, inclusive), and for engineers fees, 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:

(a) bonds of the Town, or so much thereof as shall be necessary for such purpose, may 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 certifying, registrar and transfer agent, and the paying agent, 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; or

(b) temporary notes of the Town may be issued pursuant to Section 7-264a of the Connecticut General Statutes. The amount of such notes to be issued, if any, shall be determined by the First Selectman and the Financial Director, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. Said notes shall be secured by the full faith and credit of the Town and may be further secured in any other manner set forth in Section 7-264a, aforesaid, as determined by the First Selectman and the Financial Director; or

(c) sewer assessment notes of the Town may be issued pursuant to Section 7-269a of the Connecticut General Statutes. The amount of such notes to be issued, if any, shall be determined by the First Selectman and the Financial Director, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same. If the receipts and other revenues pledged to the repayment of such notes shall be insufficient to pay the principal of and interest on such notes at the time prescribed by Section 7-269a, aforesaid, or if the First Selectman and Financial Director shall deem it advisable to pay such notes prior to the end of any period, the First Selectman and Financial Director are hereby authorized to issue and sell bonds of the Town under the authority of subparagraph (a) of this Section, in an amount sufficient to pay any such notes; or

(d) any combination of bonds, temporary notes, or sewer assessment notes may be issued, provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed \$2,800,000.

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 or notes, shall be included as a cost of the Project. Upon the sale of the bonds or notes, 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 any time 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 Town 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.

