

Board of Selectmen
Special Meeting

APRIL 23, 2019
3:30 P.M. Town Hall

Present: Bruce Adams and Chris Garrity.

Also present: Lesly Ferris.

Mr. Adams called the meeting to order at 3:30 p.m.

Mr. Adams made a motion to approve the resolution appropriating \$2,925,000 for Town of Kent Streetscape improvements and authorizing the issue of \$2,925,000 bonds of the town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose (attached, item 1). Mr. Garrity seconded the motion and the motion carried.

Mr. Adams made a motion to approve the resolution providing for special town meeting and resolution vote at adjourned town meeting (attached, item 2). Mr. Garrity seconded the motion and the motion carried.

Mr. Adams made a motion to approve the notice for Special Town Meeting (attached, item 3). Mr. Garrity seconded the motion and the motion carried.

Mr. Adams made a motion to adjourn the meeting at 3:37 p.m.


Joyce Kearns
Administrative Assistant

These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.

RECEIVED FOR RECORD
KENT TOWN CLERK

"An equal opportunity employer and service provider"
BOARD OF SELECTMEN SPECIAL MEETING MINUTES, APRIL 23, 2019

2019 APR 24 P 3:13

BY


TOWN CLERK

**WARNING
SPECIAL MEETING OF BOARD OF SELECTMEN**

**TOWN CLERK
KENT, CONNECTICUT**

A SPECIAL MEETING OF THE BOARD OF SELECTMEN WILL BE HELD

<u>TUESDAY, APRIL 23, 2019</u>	<u>3:30 P.M.</u>	<u>TOWN HALL</u>
DATE	TIME	PLACE

NOTICE OF SPECIAL MEETING:
(Must be filed not less than 24 hours prior to holding a meeting)

AGENDA:

To consider and act upon resolutions entitled:

1. RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE
2. RESOLUTION PROVIDING FOR SPECIAL TOWN MEETING AND RESOLUTION VOTE AT ADJOURNED TOWN MEETING

③ Approval of notice for Special Town Meeting

BOARD OF SELECTMEN


JOYCE KEARNS
ADMINISTRATIVE ASSISTANT

DATE OF TOWN CLERK NOTIFICATION

"An equal opportunity employer and service provider"

**RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF
KENT STREETScape IMPROVEMENTS AND
AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE
TOWN TO MEET SAID APPROPRIATION AND PENDING
THE ISSUANCE THEREOF THE MAKING OF TEMPORARY
BORROWINGS FOR SUCH PURPOSE**

Section 1. The sum of \$2,925,000 is appropriated for the planning, acquisition and construction of streetscape improvements along routes 7 and 341 in the Kent Village Center area, as approximately described in "Kent Streetscape Improvements Route 7 and Route 421 Rough Order of Magnitude Opinion of Probable Construction Costs", dated July 19, 2018, prepared by Milone & MacBroom, and the "Kent Village Center Street Scape Master Plan Improvements", as determined and implemented by the Board of Selectmen from time to time, and including sidewalk, curbing, and road repair, restoration and replacement, landscaping, ornamental lighting, utility relocation, debt administration, and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs to the extent paid therefrom (the "Project"). Said appropriation shall be in addition to \$900,000 grants received and inclusive of future grants.

Section 2. It is hereby found and determined that the United States Department of Agriculture Rural Development (hereafter "USDA") is expected to provide approximately \$2,925,000 loan funding for the Project and such USDA funding to the extent received shall constitute a component of the appropriation and bond authorization herein. The Town, acting through its First Selectman, or such additional Town officials or agents as he shall determine, is authorized to provide such documentation, form of note, certifications, representations, legal or other consultant opinions, on behalf of the Town, and to apply for and receive grant and loan funding from the USDA, and to comply with the terms thereof. "Bonds" as used herein means any bond, note or other obligation, including USDA or other government or non government loan. As a result the total estimated cost of the Project is \$3,925,000: \$900,000 is expected to be paid from grants, \$100,000 previously appropriated in the capital plan, and \$2,925,000 to be financed by bonds authorized herein.

Section 3. To meet said appropriation \$2,925,000 bonds of the Town or so much thereof as shall 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 Treasurer, and the amount of bonds of each series to be issued shall be fixed by the First Selectman and Treasurer, 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 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

FULL TEXT OF RESOLUTION

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. 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 Treasurer bear, the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the First Selectman and Treasurer, 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 Treasurer, and be approved as to their legality by Joseph Fasi LLC, Attorneys-at-law, Bond Counsel of Hartford. They shall bear such rate or rates of interest as shall be determined by the First Selectman and Treasurer. 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 the interest thereon. 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 First Selectman and Treasurer, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 4. Said bonds shall be sold by the First Selectman and Treasurer 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 similar 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, except for loans from the USDA, the provisions of the purchase agreement shall be subject to approval of the Board of Selectmen.

Section 5. The First Selectman and Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and Treasurer, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the First Selectman and Treasurer, be approved as to their legality by Bond Counsel, and be certified by a bank or trust company designated by the First Selectman and Treasurer, 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, 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,

FULL TEXT OF RESOLUTION

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 6. 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 Finance Director or her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The First Selectman and Treasurer 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 nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories 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 Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 8. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The First Selectman and Treasurer, are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to law, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

**RESOLUTION PROVIDING FOR SPECIAL TOWN
MEETING AND REFERENDUM VOTE AT ADJOURNED
TOWN MEETING**

Pursuant to the provisions of Section 7-7 of the Connecticut General Statutes, as amended, a Special Town Meeting to consider and act upon the resolution entitled

"RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

(the "Resolution") shall be called and held, and the vote on such resolution shall be removed from the call of such meeting and adjourned to be submitted to electors and citizens qualified to vote in such meeting to a referendum vote at Adjourned Town Meeting to be held on May 16, 2019, between the hours of Noon and 8:00 P.M. at Town Hall, 41 Kent Green Boulevard, Kent, Ct, for the approval or disapproval of the Resolution.

The First Selectman is hereby authorized and directed to call a Special Town Meeting, in accordance with the provisions of this resolution, to be held at Town Hall, 41 Kent Green Boulevard, Kent, Connecticut on May 3, 2019 at 8:00 p.m., to consider the Resolution as of this date approved by the Board of Selectmen, to receive communications concerning said Resolution and to submit action by the Special Town Meeting on said Resolution to a vote of Town electors and qualified voters at a referendum by Adjourned Town Meeting. The Warning of said Town Meeting shall state the question to be voted upon and the ballot label with respect thereto as follows:

Question:

"Shall the resolution entitled 'RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE', as adopted by the Boards of Finance and Selectmen, be approved? YES NO"

The ballot label for said question shall read as follows:

"Shall the \$2,925,000 appropriation and bond issuance authorization for the Kent Streetscape Project, pursuant to the resolution adopted by the Boards of Finance and Selectmen, be approved? YES/NO"

The voting will be by paper/electronic ballot. Those desiring to vote for the question shall fill in the box in front of the question on the ballot at "YES". Those

desiring to vote against the question shall fill in the box in front of the question on the ballot at "NO".

The warning shall also state that the full texts of the aforesaid resolution and question are on file, open to public inspection, in the office of the Town Clerk, that the vote on the aforesaid Resolution is taken under the authority of Section 7-7 and Chapter 90 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with law.

The First Selectman is authorized to make such revisions including dates and otherwise provide for notices and the vote on the question herein authorized to be voted as necessary or appropriate to comply with law and accommodate schedule changes. This resolution shall supersede all prior approvals.

TOWN OF KENT RESCHEDULED REFERENDUM VOTE

**THE \$2.925 MILLION STREETSCAPE REFERENDUM SCHEDULED FOR
MAY 17, 2019 HAS BEEN CHANGED TO MAY 16 (THURSDAY).**

**The town meeting for the Streetscape Project will be held as originally scheduled May 3,
2019.**

The complete revised notice follows:

**NOTICE OF SPECIAL TOWN MEETING
TOWN OF KENT
TO BE HELD ON May 3, 2019 (Friday)
AND A REFERENDUM VOTE ON May 16, 2019 (Thursday)**

Notice is hereby given that a Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Kent, Connecticut will be held at the Town Hall, 41 Kent Green Boulevard, Kent, Connecticut on May 3, 2019 immediately following Annual Budget Hearing/Board of Finance Special Meeting for the following purpose:

- 1. To receive communication from the Boards of Finance and Selectmen with respect to, and to consider and act upon the resolution entitled "RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"**

The Board of Selectmen voted, pursuant to Section 7-7 of the Connecticut General Statutes, as amended, that the vote on the streetscape bond resolution (item 1) of the call of the Special Town Meeting to be held on May 3, 2019, be removed from the call of such meeting and adjourned to a referendum vote at Adjourned Town Meeting to be held on May 16, 2019. As a result, the May 3, 2019 Special Town Meeting will be held to only consider and discuss the streetscape bond resolution, not to vote on it. The question to be voted upon at the referendum shall be stated as follows:

Question 1:

"Shall the resolution entitled 'RESOLUTION APPROPRIATING \$2,925,000 FOR TOWN OF KENT STREETSCAPE IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,925,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE', as adopted by the Boards of Finance and Selectmen, be approved? YES NO"

The ballot label for said question shall read as follows:

"Shall the \$2,925,000 appropriation and bond issuance authorization for the Kent Streetscape Project, pursuant to the resolution adopted by the Boards of Finance and Selectmen, be approved? YES/NO"

The voting will be by paper/electronic ballot. Those desiring to vote for the question shall fill in the box in front of the question on the ballot at "YES". Those desiring to vote against the question shall fill in the box in front of the question on the ballot at "NO". Absentee ballots will be made available in accordance with law.

Absentee ballots will be counted at the following location: 41 Kent Green Boulevard, Kent, CT 06757

The full text of the aforesaid resolution and question is on file, open to public inspection, in the office of the Town Clerk. The vote on the aforesaid resolution is taken under the authority of Section 7-7 and Chapter 90 of the Connecticut General Statutes, as amended.

The polls will be open during the hours between Noon and 8:00 P.M. and electors shall cast their votes at Town Hall, 41 Kent Green Boulevard, Kent CT.

Property owners who are not electors but are Qualified Voters pursuant to Section 7-6 of the Connecticut General Statutes, as amended, shall cast their votes at Town Hall, 41 Kent Green Boulevard, Kent CT.

A Qualified Voter is any citizen eighteen years of age or more who, jointly or severally, is liable to the Town of Kent for taxes assessed against him or her on an assessment of not less than One Thousand Dollars on the last completed grand list of the Town, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (25) or (26) of Section 12-81 of the General Statutes.

Such Special Town Meeting may consider and act upon any other business which may lawfully come before the Meeting.

Dated at Kent, Connecticut this ____ day of _____, 2019.

Bruce Adams
First Selectman

Christopher Garrity
Selectman

Jeff Parkin
Selectman

ATTEST:

Darlene F. Brady
Town Clerk