

Kent Sewer Commission
Regular Meeting

January 21, 2020
4:30 P.M. Town Hall

Present: Elissa Potts, Peter Gadiel, John Grant, Cathe Mazza, Jack Nelson and Rick Osborne.

Also present: Bart Clark, Debbie Devaux, Barbara Herbst, Jeff Sienkiewicz and Lyle Sommers.

Ms. Potts called the meeting to order at 4:30 p.m.

Ms. Mazza made a motion to open the Public Hearing on the belt press at 4:31 p.m.
Mr. Grant seconded the motion and the motion carried.

Ms. Potts read the Notice of Public Hearing (attached).

Discussion:

- Attorney Sienkiewicz provided an overview of the proposed belt press project
- Attorney Sienkiewicz stated the resolution confirms the Sewer Commission is responsible for the repayment of all financing

Ms. Mazza made a motion to close the Public Hearing at 4:37 p.m. Mr. Nelson seconded the motion carried.

Ms. Mazza made a motion to waive the reading of the Resolution (attached). Mr. Nelson seconded the motion and the motion carried.

Ms. Mazza made a motion to adopt said resolution. Mr. Nelson seconded the motion and the motion carried.

Ms. Potts made the following motion:

The Sewer Commission of the Town of Kent, having reviewed the proposed project consisting of the acquisition, installation and financing of a new belt filter press at the Kent Sewage Treatment Plant, hereby approves the Project and the Town of Kent Bond Resolution to finance it, which is attached hereto and made a part hereof. The Commission specifically approves the Bond Resolution in its entirety, including the provisions to timely pay to the Town of Kent when due, amounts due on financing of whatever form undertaken to finance the project.

Mr. Nelson seconded the motion and the motion carried.

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KENT TOWN CLERK

2020 JAN 28 A 10:40

BY *S. Bracey*
TOWN CLERK

Ms. Mazza made motion to open the Public Hearing on the proposed Regulations at 4:39 p.m. Mr. Nelson seconded the motion and the motion carried.

Ms. Potts read the public notice (attached).


Discussion:

- Attorney Sienkiewicz stated that he drafted the proposed Regulation in August of 2019
- There have been several amendments
- Proposed Regulations permits section needs clarification

Ms. Mazza made a motion to close the Public Hearing at 5:00 p.m. Mr. Nelson seconded the motion and the motion carried.

Mr. Grant made a motion to table any further action on the proposed Regulations until Attorney Sienkiewicz and Bart Clark clarify the language on the permits. Mr. Nelson seconded the motion and the motion carried.

Mr. Grant made a motion to adjourn the meeting at 5:08 p.m.


Joyce Kearns
Administrative Assistant

These are draft minutes and the Kent Sewer Commission at the subsequent regular meeting may make corrections. Please refer to subsequent regular meeting minutes for possible corrections and approval of these minutes.

**THE SEWER COMMISSION
OF THE TOWN OF KENT
NOTICE OF PUBLIC HEARING**

The Sewer Commission of the Town of Kent will hold a public hearing at the Kent Town Hall, 41 KENT GREEN BOULEVARD, KENT, CT, on Tuesday, January 21, 2020 at 4:30 o'clock p.m. to receive public comment upon, and to thereafter consider and act upon, the following agenda:

1. The proposal to expend not more than \$600,000 for the acquisition, construction, installation and financing of a new belt filter press for sludge dewatering at the Kent Sewage Treatment Plant as more particularly described in a proposed resolution entitled: "RESOLUTION APPROPRIATING UP TO \$600,000 FOR A SEWER BELT FILTER PRESS, AND TO FUND THE EXPENDITURE BY APPROPRIATING \$150,000 FROM THE KENT SEWER COMMISSION'S CAPITAL RESERVE FUND AND AUTHORIZING THE ISSUE OF \$450,000 FINANCING TO BE PAID FROM SEWER REVENUES AND ADDITIONALLY SECURED BY THE TOWN'S GENERAL OBLIGATION PLEDGE PURSUANT TO SECTION 7-263a OF THE GENERAL STATUTES." The public hearing on this item will be conducted pursuant to the General Statutes of the State of Connecticut including sections 7-247a and 7-263a.
2. The proposal to adopt Sewer Use Regulations governing the use and operation of the Kent sewer system. The proposed Sewer Use Regulations are derived in part from the existing Sewer Use Ordinance contained in Chapter 15 of the Kent Code of Ordinances and deal generally with a) the use of the public sewers and discharge limitations; b) orders to connect; c) standards for building sewers and connection; d) water meter requirements; e) FOG interceptors and management equipment; f) septage disposal; g) community sewerage systems; and h) use and connection charges and assessment of benefits.

A copy of said proposed resolution pertaining to the Sewer Belt Press and a copy of the proposed Sewer Use Regulations are on file and open to public inspection at the office of the Kent Town Clerk.

Dated this 2nd day of Jan., 2020.


Elissa Potts
Chairman

Sewer Commission of the Town of Kent

**RESOLUTION APPROPRIATING UP TO \$600,000 FOR A
SEWER BELT FILTER PRESS, AND TO FUND THE
EXPENDITURE BY APPROPRIATING \$150,000 FROM
THE KENT SEWER COMMISSION'S CAPITAL RESERVE
FUND AND AUTHORIZING THE ISSUE OF \$450,000
FINANCING TO BE PAID FROM SEWER REVENUES AND
ADDITIONALLY SECURED BY THE TOWN'S GENERAL
OBLIGATION PLEDGE PURSUANT TO SECTION 7-263a
OF THE GENERAL STATUTES**

Section 1. The sum of \$600,000 is appropriated for the planning, acquisition, construction and installation of a sewer belt filter press for sludge dewatering at the Kent Sewage Treatment Plant, hereafter the "Project".

Section 2. To meet said appropriation: 1) \$150,000 is hereby appropriated from the Sewer Commission's Capital Reserve Fund, and 2) up to \$450,000 bonds, notes, bank loan, lease or other obligations, including any financing authorized pursuant to Chapter 103 of the General Statutes (hereafter collectively, "bonds") are authorized to be issued as hereinafter set forth, or any combination of the foregoing provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed \$450,000.

Section 3.

(i) bonds of the Town may be issued, maturing not later than the tenth year after their date. The bonds may be issued in one or more series as shall be determined by the First Selectman, the Town Treasurer and Chairman of the Kent Sewer Commission (hereafter the "Town Officials"), be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Town Officials, and bear the Town seal or a facsimile thereof. The Town Officials shall make all determinations regarding the bonds including timing and manner of issuance and sale, whether negotiated or public, certifying, paying and registrar agents, rate or rates of interest, discount or premium issuance, aggregate principal amount of the bonds, annual installments of principal, redemption provisions, and be approved as to their legality by Joseph Fasi LLC, Bond Counsel, of Hartford.

(ii) The bonds authorized by this resolution are authorized and shall be issued pursuant to section 7-263a of the Conn. Gen. Stat. wherein the Town hereby pledges to the bond owners its full faith and credit and general obligation taxing power to pay principal and interest when due on the bonds, and the Sewer Commission pledges and covenants to pay to the Town the debt service when due.

(iii) Pursuant to the 7-263a the Sewer Commission hereby pledges to the Town (1) to assess, levy, implement and collect sewer benefit assessments, connection charges,

use charges or other levies and assessments derived from the Kent Sewer System ("System Revenues") necessary to meet the Commission's annual expenses and all payments due on the bonds (all payments due on the bonds hereafter "debt service"); (2) to pay to the Town an amount equal to the debt service so as to enable the Town to timely pay debt service. or. upon agreement of the Town. the Sewer Commission may directly pay debt service on the bonds and simultaneously notify the Town of such payment.

(iv) Upon adoption of this resolution by the Board of Selectmen, Board of Finance and the Sewer Commission, the pledge of revenues and covenants herein shall be binding and enforceable by the Town upon the Sewer Commission in accordance with the provisions of the 7-263, all rights of which shall accrue to the Town including the right to recover its costs, expenses and attorneys' fees in any court or other proceeding brought to enforce compliance by the Sewer Commission with the pledge and covenants herein. The failure or inability of the Sewer Commission to pay System Revenues to the Town, or to pay the debt service directly shall not abrogate the general obligation pledge of the Town to pay debt service on the bonds when due, and in such event the Town may seek recourse from the Sewer Commission.

(v) The Board of Selectmen and the Sewer Commission may by resolution amend, add to or clarify the terms of the pledge and administration of payment by the Sewer Commission to the Town.

(vi) 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, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and are to be paid from property taxation to the extent not paid from other funds available for the payment thereof.

Section 4. Resolution of Declaration of Official Intent to Reimburse Expenditures with Borrowings. The Town of Kent (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 resolution 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 Chairman of the Sewer Commission or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 5. The Town Officials are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices 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 ordinance.

Section 6. It is hereby found and determined that it is in public interest to issue all, or a portion of, the bonds 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 SEWER COMMISSION
OF THE TOWN OF KENT
NOTICE OF PUBLIC HEARING**

The Sewer Commission of the Town of Kent will meet at 41 KENT GREEN BOULEVARD, KENT, CT, on January 21, 2020 at 4:30 o'clock p.m. for the purpose of holding a public hearing on the proposed project consisting of the acquisition, installation and financing of a new belt filter press at the Kent Sewage Treatment Plant. Following the public hearing, the COMMISSION is expected to consider and act upon a resolution entitled "RESOLUTION APPROPRIATING UP TO \$600,000 FOR A SEWER BELT FILTER PRESS, AND TO FUND THE EXPENDITURE BY APPROPRIATING \$150,000 FROM THE KENT SEWER COMMISSION'S CAPITAL RESERVE FUND AND AUTHORIZING THE ISSUE OF \$450,000 FINANCING TO BE PAID FROM SEWER REVENUES AND ADDITIONALLY SECURED BY THE TOWN'S GENERAL OBLIGATION PLEDGE PURSUANT TO SECTION 7-263a OF THE GENERAL STATUTES." The public hearing will be conducted pursuant to the General Statutes of the State of Connecticut including sections 7-247a and 7-263a.

A copy of said proposed resolution is on file open to public inspection at the office of the Town Clerk.

Dated this ___ day of _____, 2020.

Elissa Potts
Chairman
Sewer Commission of the Town of Kent

RESOLUTION APPROPRIATING UP TO \$600,000 FOR A SEWER BELT FILTER PRESS, AND TO FUND THE EXPENDITURE BY APPROPRIATING \$150,000 FROM THE KENT SEWER COMMISSION'S CAPITAL RESERVE FUND AND AUTHORIZING THE ISSUE OF \$450,000 FINANCING TO BE PAID FROM SEWER REVENUES AND ADDITIONALLY SECURED BY THE TOWN'S GENERAL OBLIGATION PLEDGE PURSUANT TO SECTION 7-263a OF THE GENERAL STATUTES

RESOLVED:

The Sewer Commission of the Town of Kent, having reviewed the proposed project consisting of the acquisition, installation and financing of a new belt filter press at the Kent Sewage Treatment Plant, hereby approves the Project and the Town of Kent Bond Resolution to finance it, which is attached hereto and made a part hereof. The Commission specifically approves the Bond Resolution in its entirety, including the provisions to timely pay to the Town of Kent when due, amounts due on financing of whatever form undertaken to finance the project.