

Board of Selectmen
Special Meeting

October 18, 2019
4:00 P.M. Town Hall

Present: Bruce Adams, Chris Garrity and Jeff Parkin.

Also present: Darlene Brady, Barbara Herbst and Gary Hock.

Mr. Adams called the meeting to order at 4:30 p.m.

Mr. Adams stated the only item on the agenda is Streetscape.

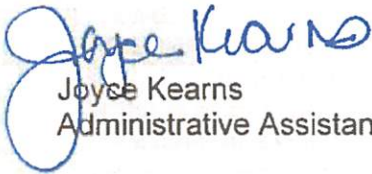
Mr. Adams stated the following:

- Last BOS meeting discussion of setting a referendum date
- Mr. Adams, Darlene Brady and Barbara Herbst met with Town Attorney Randy DeBella and he provided written opinion, attached
- BOF submitted a letter of opinion, attached
- Mr. Adams, Darlene Brady, Barbara Herbst and Joyce Kearns had a conference call with Bond Counsel Joe Fasi
- Darlene Brady provided a written recap of the telephone conversation, attached

The Board of Selectmen agree to schedule a Public Hearing on Friday, November 1, 2019 to provide the public one more opportunity to provide input on the Streetscape project. Then there will be a Special Board of Selectmen meeting immediately following the hearing for the Board of Selectmen to make a decision on the Streetscape project.

Mr. Garrity asked if the grant extension was filed. Mr. Adams confirmed that the grant extension was submitted the day after the last Board of Selectmen's meeting.

Mr. Adams made a motion to adjourn the meeting at 4:26 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.



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October 10, 2019

firstselectman@townofkent.org
Kent Board of Selectmen
P.O. Box 678
Kent, CT 06757-0678

Re: Proposed Streetscape Referendum Questions

Dear Bruce, Chris and Jeff:

In response to Bruce's request I have reviewed the circumstances surrounding the proposed referendum pertaining to the Streetscape Project.

I examined the text of the May BOS/BOF Resolution (the "Resolution") and the results of the referendum confirming and approving the Resolution appropriating \$2,925,000 and authorizing bonding for that sum and for the specific project.

The issue is whether the proposed November referendum questions may be worded such that design and construction options different from and inconsistent with those already adopted may overrule a lawful and current legislative mandate involving bonding that is reliant on the approved design.

The answer is no. Unless the Resolution is expressly rescinded by another vote of the legislative body, the question posed concerning parsing the project and/or modifying its scope or design would not be "proper" as required by Conn. Gen. Stats. §7-1 in my opinion. The Resolution is impeccably detailed, and specifically and expressly approved by the legislative body voting on the likewise well-drafted referendum questions. The Resolution is drawn such that it cites the Milone & MacBroom plan of July 19, 2018, and calls for the improvements "...as determined and implemented by the Board of Selectmen from time to time and including sidewalk, curbing and road repair..." That is what the voters adopted and ordered.

Moreover it is unlikely that the questions could be phrased to provide the voters with adequate information describing the modifications with the same detail as the Resolution.

I hope this is helpful.

Very truly yours,
CRAMER & ANDERSON LLP

By 
D. Randall DiBella, Kent Town Attorney

DRD/



TOWN OF KENT
Board of Finance
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

October 17, 2019

Kent Board of Selectmen
P.O. Box 678
Kent, CT 06757


Dear Board of Selectmen:

The Kent Board of Finance at its October 15, 2019 monthly meeting unanimously approved the following motion:

Send a letter to the Board of Selectmen stating that the Board of Finance supports completing the proposed Streetscape Project in one phase with concrete sidewalks and granite curbing as a prudent investment in infrastructure.

Thank you.

Sincerely,


Mark Sebetic (X4)
Chairman

Recap of Conference Call with Attorney Joe Fasi on 10/15/2019

Present: Bruce Adams, Darlene Brady, Barbara Herbst, Joyce Kearns

-By virtue of the currently approved funding resolution, The **Board of Selectmen** is the responsible entity and must make the final decisions for the Streetscape project including but not limited to

1. design (scope) of the project
2. location
3. materials

-The taxpayers have approved the project, within the authority of the full resolution, which was passed by referendum vote.

-The funding resolution authorized the expenditure of \$3,925,000 made up of the following components

1. \$2,925,000 in debt issuance
2. \$900,000 in grants (if extension of grant is approved).
3. \$100,000 appropriated through the Capital Plan

-To allow the voters the opportunity to vote if they wanted to turn down the project;

1. The current funding resolution would need to be repealed via referendum.
2. A town meeting would then need to be held where taxpayers are allowed to cast votes.
3. A NEW funding resolution would need to be created and voted on subsequent to item "2"

Recommendation per Bond Counsel Attorney Joe Fasi:

-Board of Selectmen should meet to schedule a public hearing. The public hearing will provide the residents and community a last opportunity for comments, suggestions, and questions regarding the scope of the project.

-After the public hearing, the BOS should adjourn to a special meeting at which they will vote on the design of the project including location and materials.