

Town of Montville Town Council
Special Meeting Agenda
August 19, 2024 – 7:00 p.m.
Montville Town Hall, Town Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Remarks from the public relating to matters on the agenda with a three-minute limit
5. New Business
 - a. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the Bond Resolution entitled: “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$8,500,000 FOR THE ROAD IMPROVEMENTS 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000 THEREFOR”, a copy of which resolution is attached hereto as Exhibit A; and to waive the reading of the entire resolution and to incorporate its full text into the minutes of the meeting.
 - b. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the Bond Resolution entitled: “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$2,350,000 FOR THE MONTVILLE HS TURF AND TRACK REPLACEMENT 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$2,350,000 THEREFOR”, a copy of which resolution is attached hereto as Exhibit B; and to waive the reading of the entire resolution and to incorporate its full text into the minutes of the meeting.
 - c. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the Referendum Resolution entitled: “RESOLUTION ESTABLISHING A DATE FOR A REFERENDUM AND THE PREPARATION OF EXPLANATORY TEXT RELATED TO THE ‘RESOLUTION AUTHORIZING AN APPROPRIATION OF \$8,500,000 FOR THE ROAD IMPROVEMENTS 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000 THEREFOR’ AND THE ‘RESOLUTION AUTHORIZING AN APPROPRIATION OF \$2,350,000 FOR THE MONTVILLE HS TURF AND TRACK REPLACEMENT 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$2,350,000 THEREFOR’”, a copy of which resolution is attached hereto as Exhibit C; and to waive the reading of the entire resolution and to incorporate its full text into the minutes of the meeting.
 - d. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the ordinance titled “Ordinance For The Conveyance Of An Electrical Distribution Easement Across Town Property For Eversource Energy Utility Installation” as heard at the Public Hearing held on Monday, August 19, 2024 at 6:15 p.m. in Town Council Chambers at Montville Town Hall. (Councilor May)

- e. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the ordinance titled “An Ordinance to Amend Ordinance No. 2017-003 Article I, “Registrars of Voters,” of Chapter 91 of the Code of Ordinances, “Officers and Employees” as heard at the Public Hearing held on Monday, August 19, 2024 at 6:30 p.m. in Town Council Chambers at Montville Town Hall. (Councilor May)
6. Remarks from the Public with a three-minute limit
7. Remarks from the Councilors and the Mayor
8. Adjournment

EXHIBIT A

BOND RESOLUTION

RESOLUTION AUTHORIZING AN APPROPRIATION OF \$8,500,000 FOR THE ROAD IMPROVEMENTS 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000 THEREFOR

RESOLVED:

Section 1. That the sum of \$8,500,000 is appropriated by the Town of Montville, Connecticut (the “Town”), for (I) pavement projects including, but not limited to (a) reconstruction and repair of existing roads in the Town, (b) installation of and reconstruction and repair of existing bridges and culverts, and related drainage projects, (c) stormwater drainage project, and (d) all related appurtenances and facilities necessary for the above, including, but not limited to, parking facilities, drainage systems, access ramps and ADA compliance improvements, curbing, lighting and other utilities, guard rails, signs, pavement markings, sealing, overlay, repairs to public and private driveways affected by the above, and topsoil and seeding of disturbed areas, and (II) for design and construction costs, equipment, materials, site improvements, architects’ fees, engineering fees, interest on borrowings and other financing costs, and for administrative, printing, financing and legal and costs of issuance related thereto (the “Project”). The Director of Public Works and the Mayor are authorized to determine the scope and particulars of the Project. The Director of Public Works and the Mayor may reduce or modify the scope of the Project if funds are insufficient to complete the Project, and the appropriation authorized hereby may be spent on the Project as so reduced or modified. The Director of Public Works and the Mayor may reallocate the appropriation among the Project, so long as the aggregate amount of the appropriation is not increased.

Section 2. That to finance said appropriation for the Project, the Town shall issue bonds, notes or other obligations in an amount not to exceed \$8,500,000. The bonds, notes or other obligations shall be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the “Connecticut General Statutes”), including, without limitation, Section 7-369 of the Connecticut General Statutes, and any other enabling acts.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or other obligations for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed \$8,500,000. The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Mayor and the Director of Finance of the Town (the “Officials”) be authorized to sign said bonds, notes or other obligations by their manual or facsimile signatures and to determine the amounts, rates of interest, dates, maturities, dates of principal and interest payments on such bonds, notes or other obligations, the form of such bonds, notes or other obligations; the provisions for protecting and enforcing the rights and remedies of the holders of such bonds, notes or other obligations and all other terms, conditions and particular matters regarding the issuance and securing of such bonds, notes or other obligations and to execute, sell and deliver the same and all other documents, agreements and certificates related to the sale, issuance or delivery of said bonds, notes or other obligations, and provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of

1986, as amended, Securities and Exchange Commission Rule 15c2-12 (the “Rule”), and in accordance with the Connecticut General Statutes and any other applicable provision of law thereto enabling. Pursuant to Section 7-370 of the Connecticut General Statutes, except as otherwise provided herein, the Officials are delegated authority to determine the terms, details and particulars of borrowings authorized by this resolution. The bonds and notes authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

Section 5. That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent for such bonds and notes; to provide for the keeping of a record of the bonds, notes or other obligations; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or other obligations; to designate the law firm of Pullman & Comley, LLC, Hartford, Connecticut, as the attorneys at law, to render an opinion approving the legality of such issue or issues.

Section 6. That the Officials are authorized to sell the bonds and notes by a competitive offering or by a negotiated sale, at public or private sale, at their discretion; to deliver the bonds, notes or other obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or other obligations, including, but not limited to, entering into a continuing disclosure agreement pursuant to the “Rule”. If the bonds, notes or other obligations authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations, including covenants to pay rebates of investment earnings to the United States in future years.

Section 7. That the Town hereby declares its official intent under Section 1.150-2 of the Federal Income Tax Regulations (the “Treasury Regulations”) that project costs may be paid from temporary advances of available funds, which are paid within sixty days prior to and any time after the date of passage of this resolution, and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings (the “Obligations”) in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Project. Such Obligations shall be issued to reimburse such expenditures not later than eighteen months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Treasurer, or designee, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement Obligations. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution, if issued on a tax-exempt basis.

Section 8. That the Officials 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 information repositories designated by the Municipal Securities Rulemaking Board and to provide notices to such repositories of certain events as enumerated in the Rule, 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 such repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. It is hereby found and determined that it is in the public interest to issue all, or a portion of, the bonds, notes or other obligations of the Town authorized herein 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 Officials are hereby authorized to issue and utilize without further

approval any financing alternative currently or hereafter available to municipal governments pursuant to law including but not limited to any “tax credit bond,” “tax-advantaged bond,” including direct payment and tax credit versions of such bonds.

Section 10. That the Officials and other proper officers of the Town are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

Section 11. That this resolution shall become effective after approval at referendum vote.

EXHIBIT B

BOND RESOLUTION

RESOLUTION AUTHORIZING AN APPROPRIATION OF \$2,350,000 FOR THE MONTVILLE HS TURF AND TRACK REPLACEMENT 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$2,350,000 THEREFOR

RESOLVED:

Section 1. That the sum of \$2,350,000 is appropriated by the Town of Montville, Connecticut (the “Town”), for the replacement of the turf and track at the High School located in the Town, and for design and construction costs, appurtenances and work related thereto, equipment, materials, site preparation and improvements, drainage and erosion control, environmental remediation, architects’ fees, engineering fees, interest on borrowings and other financing costs, and for administrative, printing, financing and legal and costs of issuance related thereto (the “Project”). The Facility Director or Superintendent of Schools and the Mayor are authorized to determine the scope and particulars of the Project. The Facility Director or Superintendent of Schools and the Mayor may reduce or modify the scope of the Project if funds are insufficient to complete the Project, and the appropriation authorized hereby may be spent on the Project as so reduced or modified. The Facility Director or Superintendent of Schools and the Mayor may reallocate the appropriation among the Project, so long as the aggregate amount of the appropriation is not increased.

Section 2. That to finance said appropriation for the Project, the Town shall issue bonds, notes or other obligations in an amount not to exceed \$2,350,000. The bonds, notes or other obligations shall be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the “Connecticut General Statutes”), including, without limitation, Section 7-369 of the Connecticut General Statutes, and any other enabling acts.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or other obligations for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed \$2,350,000. The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Mayor and the Director of Finance of the Town (the “Officials”) be authorized to sign said bonds, notes or other obligations by their manual or facsimile signatures and to determine the amounts, rates of interest, dates, maturities, dates of principal and interest payments on such bonds, notes or other obligations, the form of such bonds, notes or other obligations; the provisions for protecting and enforcing the rights and remedies of the holders of such bonds, notes or other obligations and all other terms, conditions and particular matters regarding the issuance and securing of such bonds, notes or other obligations and to execute, sell and deliver the same and all other documents, agreements and certificates related to the sale, issuance or delivery of said bonds, notes or other obligations, and provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, Securities and Exchange Commission Rule 15c2-12 (the “Rule”), and in accordance with the Connecticut General Statutes and any other applicable provision of law thereto enabling. Pursuant to Section 7-370 of the Connecticut General Statutes, except as otherwise provided

herein, the Officials are delegated authority to determine the terms, details and particulars of borrowings authorized by this resolution. The bonds and notes authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

Section 5. That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent for such bonds and notes; to provide for the keeping of a record of the bonds, notes or other obligations; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or other obligations; to designate the law firm of Pullman & Comley, LLC, Hartford, Connecticut, as the attorneys at law, to render an opinion approving the legality of such issue or issues.

Section 6. That the Officials are authorized to sell the bonds and notes by a competitive offering or by a negotiated sale, at public or private sale, at their discretion; to deliver the bonds, notes or other obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or other obligations, including, but not limited to, entering into a continuing disclosure agreement pursuant to the "Rule". If the bonds, notes or other obligations authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations, including covenants to pay rebates of investment earnings to the United States in future years.

Section 7. That the Town hereby declares its official intent under Section 1.150-2 of the Federal Income Tax Regulations (the "Treasury Regulations") that project costs may be paid from temporary advances of available funds, which are paid within sixty days prior to and any time after the date of passage of this resolution, and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings (the "Obligations") in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Project. Such Obligations shall be issued to reimburse such expenditures not later than eighteen months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Treasurer, or designee, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement Obligations. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution, if issued on a tax-exempt basis.

Section 8. That the Officials 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 information repositories designated by the Municipal Securities Rulemaking Board and to provide notices to such repositories of certain events as enumerated in the Rule, 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 such repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. It is hereby found and determined that it is in the public interest to issue all, or a portion of, the bonds, notes or other obligations of the Town authorized herein 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 Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law including but not limited to any "tax credit bond," "tax-advantaged bond," including direct payment and tax credit versions of such bonds.

Section 10. That the Officials and other proper officers of the Town are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

Section 11. That this resolution shall become effective after approval at referendum vote.

EXHIBIT C

REFERENDUM RESOLUTION

RESOLUTION ESTABLISHING A DATE FOR A REFERENDUM AND THE PREPARATION OF EXPLANATORY TEXT RELATED TO THE “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$8,500,000 FOR THE ROAD IMPROVEMENTS 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000 THEREFOR” AND THE “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$2,350,000 FOR THE MONTVILLE HS TURF AND TRACK REPLACEMENT 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$2,350,000 THEREFOR”

RESOLVED:

Section 1. That the resolution entitled “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$8,500,000 FOR THE ROAD IMPROVEMENTS 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000 THEREFOR” and the resolution entitled “RESOLUTION AUTHORIZING AN APPROPRIATION OF \$2,350,000 FOR THE MONTVILLE HS TURF AND TRACK REPLACEMENT 2024 PROJECT AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$2,350,000 THEREFOR” shall be submitted to the electors and eligible taxpayers of the Town of Montville qualified to vote, at a referendum pursuant to Section C709 of the Charter of the Town and Chapter 152 of the Connecticut General Statutes, and held in conjunction with the general election to be held on Tuesday, November 5, 2024, between the hours of 6:00 a.m. and 8:00 p.m., for yes or no vote, in the designated voting locations in the manner provided by said Charter and the Connecticut General Statutes, and that the Town Clerk is directed to post and publish notice of such referendum in accordance with the provisions of said Charter and the Connecticut General Statutes, which notice shall state the questions/ballot labels to be voted on as follows:

“Shall the Town of Montville appropriate \$8,500,000 for road improvement projects, including paving, reconstruction and repair of existing roads, bridges and culverts, and related drainage projects, stormwater drainage improvements, and related work, and authorize the issuance of general obligation bonds and notes in the same amount to finance said appropriation?

Yes ____ No ____”

“Shall the Town of Montville appropriate \$2,350,000 for the reconstruction and replacement of the track and turf field at Montville High School, including all related equipment, construction and reconstruction, and authorize the issuance of general obligation bonds and notes in the same amount to finance said appropriation?

Yes ____ No ____”

The warning of said referendum shall state that the full text of said resolutions are on file open to public inspection at the office of the Town Clerk. Those desiring to vote for a question shall

fill in the box in front of the respective question on the ballot at “YES”. Those desiring to vote against a question shall fill in the box in front of the respective question on the ballot at “NO”. Absentee ballots will be made available in accordance with law.

Section 2. That the Town Council hereby authorizes the preparation and printing of explanatory text by the Town Clerk in accordance with Section 9-369b of the Connecticut General Statutes for the questions to be voted upon at the referendum approved above. Subject to the approval of the Town Attorney, the Town Council further authorizes the preparation and printing of materials concerning the questions to be voted upon at the referendum approved above in accordance with Section 9-369b of the Connecticut General Statutes.