

Town of Montville Town Council
Regular Meeting Agenda
July 13, 2020, 7:00 p.m.
Town Council Chambers – Town Hall – via GoToWebinar

The Town of Montville will be utilizing a virtual GoToWebinar service for this meeting.

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On March 14, 2020, Governor Ned Lamont issued an Executive Order 7B suspending in-person open meeting requirements, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology.

Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf>

For all publicly broadcasted meetings, public comment on agenda items or topics in accordance with the Town Charter may be submitted in writing in advance or by live audio via GoToWebinar.

Written comments must be emailed to the Town Clerk at townclerk@montville-ct.org at least 1 working day in advance (if the meeting is on a Monday the questions must be submitted by close of business the previous Friday).

Written comments may not be read in their entirety, but rather similar messages may be aggregated or paraphrased for submission to the Mayor and Council.

Live audio comments may be made via GoToWebinar by registering at the web address or calling from your telephone or computer mic & speakers (VoIP) noted above.

Comments will only be accepted at times designated for public comment by the Chair of the meeting. The Montville Town Council Rules of Procedure, decorum, timeliness and suitability shall be followed and enforced in the same manner as if the meeting were held in person.

1. Call to Order
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
4. Special Recognitions/Presentations
5. Alterations to the Agenda
6. To Consider and Act on a Motion to Approve:
 - a. The Regular Meeting Minutes of June 8, 2020
 - b. The Special Meeting Minutes of June 24, 2020 (Collective Bargaining, Resignations)
7. Executive Session
8. Remarks from the public relating to matters on the agenda with a three-minute limit

9. Communications
 - a. Copy of the June 2020 Financial Report from Terry Hart, Finance Director
 - b. Copy of the legal bills from Halloran & Sage for the month of April 2020 (revised)
 - c. Copy of the legal bills from Halloran & Sage for the month of May 2020
 - c. Copy of the legal bills from Suisman-Shapiro for the month of May 2020
10. Report from the Town Attorney on Matters Referred
11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred
12. Reports from Standing Committees
 - a. Town Administration/Rules of Procedure – Councilor Jaskiewicz
 - b. Finance – Councilor Jaskiewicz
 - c. Public Works/Solid Waste Disposal – Councilor Caron
13. Reports from Special Committees and Liaison Councilors
 - a. Councilor Bunnell: Public Safety Commission, Youth Services Bureau
 - b. Councilor Caron: Commission on Aging, Social Services
 - c. Councilor Jaskiewicz: Board of Education
 - d. Councilor May: Water Pollution Control Authority, Conservation Commission
 - e. Councilor Pollard: Non-Profit Organizations
 - f. Councilor Rix: Economic Development Commission, Parks & Recreation Commission, Planning & Zoning Commission
 - g. Councilor Rogulski: Library Committee, Fire Fighters Relief Fund
14. Appointments and Resignations
 - a. To Consider and Act on a Motion to re-appoint John Desjardins as a member of the Planning & Zoning Commission with a term to expire on August 11, 2024.
 - b. To Consider and Act on a Motion to accept the resignation of Mark Bushwack as a member of the Parks & Recreation Commission effective immediately.
 - c. To Consider and Act on a motion to waive the waiting period for appointments, Rule 14C of the Town Council Rules of Procedure, for the Parks & Recreation Commission.
 - d. To Consider and Act on a Motion to appoint Jon Chase to fill a vacancy on the Parks & Recreation Commission with a term to expire on January 9, 2021.
 - e. To Consider and Act on a Motion to appoint Noah Carver to fill a vacancy on the Parks & Recreation Commission with a term to expire on November 8, 2022.
 - f. To Consider and Act on a Motion to appoint Kevin Clang to fill a vacancy on the Parks & Recreation Commission with a term to expire on May 11, 2023.
 - g. To Consider and Act on a Motion to appoint Morgan Matthewson to fill a vacancy on the Parks & Recreation Commission with a term to expire on October 12, 2023.
15. Unfinished Business
16. New Business
 - a. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to refund taxes due to overpayments and corrections in the amount of \$195.36 (one hundred ninety-five dollars and thirty-six cents) as requested by the Tax Collector. (Councilor May)
 - b. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to review and adopt the Credit Card Use Policy, as recommended by the Town Administration/Rules & Procedures Standing Committee (Councilor Jaskiewicz)

- c. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to consider and act on a motion to introduce and set the date for a public hearing on an ordinance titled “An Ordinance Regarding a Property Exemption for Buildings Used in Farming” on Monday, August 8, 2020 at 6:30 p.m. The Public Hearing will be held at Montville Town Hall in the Town Council Chambers. (Councilor Jaskiewicz)
 - d. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to waive the sealed bid requirement in Section 708(a) of the Town Charter when utilizing the H-GAC (Houston-Galveston Area Council) Cooperative Purchasing Program for said purchase requirements. (Councilor Jaskiewicz)
 - e. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the resolution entitled “Resolution Authorizing The Execution Of A Lease Purchase Agreement To acquire Equipment 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. (Councilor Jaskiewicz)
17. Remarks from the Public with a three-minute limit
18. Remarks from the Councilors and the Mayor
19. Adjournment

EXHIBIT A:

**RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE
PURCHASE AGREEMENT TO ACQUIRE EQUIPMENT**

WHEREAS, the Town of Montville, Connecticut (the “Town”), desires to enter into a lease purchase financing for the acquisition of various pieces of police, fire and public works vehicles, including (i) three (3) police vehicles and related equipment in the approximate amount of \$180,032.00, (ii) an excavator for public works in the approximate amount of \$185,927.00, and (iii) a fire truck in the approximate amount of \$580,999.00 (collectively, the “Equipment”); and

WHEREAS, the Town desires to acquire the Equipment and enter into a lease purchase agreement with a financial lending institution to be determined (the “Lessor”) to finance the acquisition of such Equipment.

NOW THEREFORE, BE IT RESOLVED,

1. That (i) the Mayor and the Director of Finance are hereby authorized to receive and review a proposal or proposals for the lease purchase financing of the Equipment, and make an award to the Lessor as the Mayor and the Director of Finance determine to be in the best interests of the Town, and (ii) the Mayor is hereby authorized to enter into a lease purchase agreement (the “Lease”) by and between the Town and the Lessor for the lease of the Equipment for a period of no more than ten (10) years, in such form and having such terms and details as determined by the Mayor and the Director of Finance, subject to the following limitations. The amount to be financed under the Lease shall be no greater than \$950,000.00 (which amount includes the estimated costs of the Equipment set forth in the “whereas” clause above plus \$3,042.00 for contingency) and payable in annual installments of principal and interest. At the conclusion of the term of the Lease, provided all the payments required under the Lease, including payments of rent, have been made, the Lessor’s interest in the Equipment shall terminate. Payments in respect of the Lease shall be subject to annual appropriations of the Town. The Lease shall include a “non-appropriation of funds” clause allowing for termination in the event that sufficient funds are not appropriated to make payments of rent and other amounts each fiscal year.

2. That the Mayor and the Director of Finance are hereby authorized to make such representations and covenants and to execute and deliver such contracts, financing statements, affidavits, agreements and documents, including but not limited to, an escrow agreement and a tax regulatory agreement, as are determined by the Mayor and the Director of Finance to be necessary or desirable to evidence and secure the Town’s obligations pursuant to the Lease, to ensure the interest paid on the Lease is exempt from taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and to finance the purchase of the Equipment, and that the execution of such contracts, financing statements, affidavits, agreements and documents shall be conclusive evidence of such determination.

3. That the Mayor or the Director of Finance is hereby authorized to appoint a bank or trust company to act as escrow agent in connection with the foregoing lease purchase transaction and to do or cause to be done any and all other acts and things necessary or proper to further the purposes of this resolution and the terms and obligations in respect of the Lease.

4. 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 up to sixty days prior to and any time after the date of passage of this Resolution in an amount not to exceed \$950,000.00 for the Equipment with the proceeds of the Lease. The Lease 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 purchase of the Equipment, 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 Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the execution of the Lease.

5. Nothing contained in this Resolution, the Lease nor any other instrument shall be construed with respect to the Town as incurring a pecuniary liability or charge upon the full faith and credit of the Town or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Lease or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Town or any charge upon its full faith and credit or against its taxing power, except to the extent that the payments payable under the Lease are special limited obligations of the Town as provided in the Lease.