

## AUGUST 28, 2006 SPECIAL MEETING

The Wethersfield Town Council held a special meeting on August 28, 2006 at 6:30 p.m. in the Town Manager's Conference Room, 505 Silas Deane Highway, Wethersfield, CT.

Present: Councilors Adil, Cascio, Drake, Forrest, Kotkin, Walsh, Deputy Mayor Fortunato and Chairperson Morin.

Absent: Councilor Kirsche.

Also present: Bonnie Therrien, Town Manager, and Dolores G. Sassano, Town Clerk.

All stood for the pledge of allegiance to the flag which was led by Councilor Walsh.

Chairperson Morin stated the reason for this Special Meeting was to introduce an ordinance for acquisition of land for open space, which is an issue which the entire council has been interested in and have previously discussed. The ordinance proposes a bond to appropriate \$4,000,000 for land acquisition.

Town Manager Therrien stated that having the bond available when land becomes available allows her the ability to be a player with private developers. Wethersfield has few large parcels which could be available. Having the ability to sell bonds helps the manager with negotiations. A seller may entertain more offers and if they have to wait for the Town to go to a referendum they may just sell to a developer instead. Town Manager Therrien stressed the bonds will not be sold until they have a definite property to consider and negotiate. Also, if a project is not started within three years, the ability to utilize this bond disappears. The Council would then have to make another bond proposal to the Townspeople.

Councilor Forrest moved **"TO INTRODUCE THE FOLLOWING ORDINANCE:**

### **ORDINANCE APPROPRIATING \$4,000,000 FOR ACQUISITION OF LAND OR AN INTEREST THEREIN FOR OPEN SPACE, MUNICIPAL, OR RECREATIONAL USES AND AUTHORIZING THE ISSUE OF \$4,000,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION**

BE IT ORDAINED,

- a. That the Town of Wethersfield appropriate FOUR MILLION DOLLARS (\$4,000,000) for acquisition of land or an interest therein for open space, municipal, or recreational uses, after referral of any proposed acquisition to the Town Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following public hearing held on not less than five days' published notice. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisition, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project.
- b. That the Town issue bonds or notes in an amount not to exceed FOUR MILLION DOLLARS (\$4,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
- c. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed FOUR MILLION DOLLARS (\$4,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time

- permitted by said Section 7-378.
- d. The Town Manager and the Treasurer of the Town shall sign the bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
  - e. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Treasurer 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 or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.
  - f. That the Town Manager and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.
  - g. That the Town Manager, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.
  - h. That this ordinance shall become effective after publication and approval by the electors at referendum as provided in the Town Charter.

", seconded by Councilor Kotkin.

Chairperson Morin stated that the Council may want to eliminate some sections of the Ordinance. He said that during the Charter Revision, the section requiring the amount of the bonds authorized to be issued shall be reduced by the amount of grants received by the Town for the projects was eliminated from the Charter.

Deputy Mayor Fortunato questioned why the Council would want to limit themselves in utilizing the grants monies, if obtained.

Town Manager Therrien stated the bond counsel said it was language used in bonds and that it could be an incentive to residents, knowing that the amount of the bond would be reduced by the amount of grants received and then would go to pay down the debt.

Councilor Cascio stated he thought that language was what caused the Town to go to a referendum to use grants as well as bond monies for the ongoing projects. He thought it was removed from the Charter at the time of the revision and is questioning why it would be put in the Ordinance.

Town Manager Therrien stated that it was bond counsel that suggested it be removed from the Charter but it is normally included in Ordinances for Bonds and if they choose to remove it they could.

Chairperson Morin stated it was an important step for the Town. The bonds would not be sold until there was actually some land the Town would like to acquire. The Town should be a player when larger parcels are sold and if you have to go to referendum to get the money, it might take longer than the seller would like.

Councilor Cascio agreed it was an important step for Wethersfield. There seems to be hours spent discussing acquiring open space and it would be a limited tax increase. Everyone would have to communicate and educate the public on the value of having open space.

Councilor Adil asked if they strike out the phrase, could it still be used to pay down debt if they decided to use it that way.

Town Manager Therrien stated that they would have three years to start using the bond. As long as they start using some of it, they will be able to continue with it. If they do not, the ability to use the Ordinance to Bond disappears. They want to be able to negotiate with a seller. Without the Bond Ordinance they would have to tell the seller they are interested in obtaining the property but they would have to go to Referendum. She thought they would certainly be able to use it to pay down the debt if they so chose.

Councilor Adil asked if they spent only \$500,000 would that be sufficient to keep it open.

Councilor Walsh wanted to know if they spend it could they go to referendum to add more money if they have \$3.5 million left.

Town Manager Therrien stated that they could expend the bond over 5 to 6 years if money was initially spent out of the bond within three years. She said she would have to check with bond counsel to see if the Town could add to it.

Councilor Kotkin stated that the 3 year limitation is not stated anywhere.

Town Manger Therrien said that bonds have parameters by State Statute.

Councilor Drake asked why it is in some and not in all bonds.

Councilor Forrest moved **"TO STRIKE OUT THE PHRASE IN 1 (b) "THE AMOUNT OF BONDS OR NOTES AUTHORIZED TO BE ISSUED SHALL BE REDUCED BY THE AMOUNT OF GRANTS RECEIVED BY THE TOWN OF THE PROJECT"**, seconded by Councilor Cascio.

The following roll call vote was taken:

Councilor Adil	AYE	Councilor Kotkin	AYE
Councilor Cascio	AYE	Councilor Walsh	AYE
Councilor Drake	AYE	Deputy Mayor Fortunato	AYE
Councilor Forrest	AYE	Chairperson Morin	AYE

The motion passed 8-0-0.

After discussion, Councilor Adil moved **"TO ELIMINATE THE WORDS BETWEEN THE PARENTHESES IN 1 (e) "(EXCEPT TO THE EXTENT REIMBURSED FROM GRANT MONEYS)"**, seconded by Councilor .

Councilor Adil	AYE	Councilor Kotkin	AYE
Councilor Cascio	AYE	Councilor Walsh	AYE
Councilor Drake	AYE	Deputy Mayor Fortunato	AYE
Councilor Forrest	AYE	Chairperson Morin	AYE

The motion passed 8-0-0.

Deputy Mayor Fortunato moved **"THAT THE COUNCIL HOLD A PUBLIC HEARING AT ITS NEXT MEETING ON SEPTEMBER 5, 2006 ON THE ORDINANCE ENTITLED:**

**ORDINANCE APPROPRIATING \$4,000,000 FOR ACQUISITION OF LAND OR AN INTEREST THERIN**

**FOR OPEN SPACE, MUNICIPAL, OR RECREATIONAL USES AND AUTHORIZING THE ISSUE OF \$4,000,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION**

**(b) that the Town Clerk publish and post notice of such public hearing. "**, seconded by Councilor Cascio.

Councilor Adil	AYE	Councilor Kotkin	AYE
Councilor Cascio	AYE	Councilor Walsh	AYE
Councilor Drake	AYE	Deputy Mayor Fortunato	AYE
Councilor Forrest	AYE	Chairperson Morin	AYE

The motion passed 8-0-0.

Councilor Forrest said is was a good commitment. The Conservation Committee worked hard to have it come to the Council and made it a high priority.

Chairperson Morin said it would need good communication and explanatory text to educate our residents in order to get it done. He asked why other communities had failed to get it passed. The Town Manager reviewed the reasons as researched by the Connecticut Trust for the Preservation of Land.

Town Manager Therrien said staff is limited in what it may do to get it passed.

Councilor Cascio understood staff could not advocate for it, but that councilors as individuals could. He suggested that the text let people know how much their tax would increase and how the Town would benefit.

Chairperson Morin said the Town is looking for passive open space.

Deputy Mayor Fortunato asked if we have an inventory of sites we are interested in and if it would be appropriate to discuss them with the public. It might be premature to discuss any at this time.

Councilor Drake was concerned if there happened to be a building on the property. Deputy Mayor Fortunato said it would depend on what it is etc.

Jim Woodworth of the Great Meadows Trust said that Glastonbury had included land to be used for schools. Different parcels present different uses and greater flexibility.

Chairperson Morin stated the intent is to allow the Town to be prepared, with the ability to obtain money without having to go to referendum before the Town could negotiate with the seller. Explanatory text might provide the cost of developing vs. not developing land. It might be better for the Town to keep it vacant rather than allow a developer to put up 300 homes. There will be meetings prior to any purchase so people will know what it is we are interested in buying and why.

## **ADJOURNMENT**

At 7:10 p.m., Councilor Adil moved "**TO ADJOURN THE MEETING**" seconded by Councilor Kotkin. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano  
Town Clerk

*Approved by vote of Council September 19, 2006*