

RESOLUTION FOR TOWN COUNCIL APPROVING BOND ORDINANCE
AND ESTABLISHING REFERENDUM DATE

Item VIII. B 3

M R. Natelli
Ms. Lounsbury : presented the following resolution, which was seconded by

RESOLVED, that the following ordinance be adopted:

ORDINANCE APPROPRIATING \$11,000,000 FOR DESIGN AND CONSTRUCTION OF VARIOUS ROAD AND BRIDGE IMPROVEMENTS, AND AUTHORIZING THE ISSUE OF BONDS AND NOTES NOT TO EXCEED \$11,000,000 TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

(a) That the Town of Southington appropriate ELEVEN MILLION DOLLARS (\$11,000,000) for design and construction of various road and bridge improvements, and for costs related to the financing thereof. The project is contemplated to include: (1) reconstruction of various roads listed in the pavement management study prepared for the Town by Vanasse, Hangen and Brustin Inc. as updated from time-to-time (as so updated, the "Pavement Management Study") having a benefit index of 30.0 or greater based on an evaluation of the cost of the project and the pavement condition indicator as set out in said study (a "Benefit Index"), including excavation of the existing roadway, base restoration and new asphalt; and other related work and improvements including, without limitation, restoration of adjacent sidewalks and new or improved drainage as required or desirable (estimated cost of \$9,000,000); (2) restoration of various roads listed in the Pavement Management Study having a Benefit Index of 50.0 or greater, including chip and crack sealing; and other related work and improvements including, without limitation, improved drainage as required or desirable (estimated cost of \$1,000,000); and (3) rehabilitation of the West Queen Street bridge over the Quinnipiac River (Bridge No. 04564), including concrete deck replacement, membrane waterproofing and bituminous concrete overlay, approach paving and guardrail work; and other related work and improvements as required or desirable (estimated cost of \$1,000,000). The appropriation may be spent for design, construction, acquisition and installation costs, right-of-way acquisition, materials, administrative, printing and permitting costs, architect, engineering fees, consultant and legal fees, related improvements, repairs or renovations, net interest on borrowings and other financing costs, and other expenses related to the project. The Town Manager and the Town Engineer shall determine the scope and particulars of the project and may reduce or modify the project scope; and the entire appropriation may be expended on the project as so reduced or modified. The Town anticipates receiving a grant under the Federal HBBRR program for approximately 80.0% of the eligible costs of the bridge reconstruction portion of the project.

(b) That the Town issue its bonds or notes in an amount not to exceed ELEVEN MILLION DOLLARS (\$11,000,000) 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 and not separately appropriated to pay additional project costs. 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 estimated cost of the project described above is ELEVEN MILLION DOLLARS (\$11,000,000).

(d) That no amount has been included in the Town budget for the current or any previous year in anticipation of such bond issue.

(e) That the period of usefulness of the road and bridge reconstruction portions of such project is more than twenty years, and the period of usefulness of the road restoration portion of such project is more than ten years, all as evidenced by the certificates of the Town Engineer filed with the Town Council and hereby approved.

(f) 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 ELEVEN MILLION DOLLARS (\$11,000,000). 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 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.

(g) The Town Manager, the Treasurer and the Director of Finance shall sign the bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager, the Treasurer and the Director of Finance are authorized to determine the amount, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more bank 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.

(h) 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, the Treasurer and the Director of Finance 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.

(i) That the Town Manager, the Director of Finance 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.

(j) That the Town Manager, the Director of Finance, the Treasurer, the Town Engineer, the Town Council, and other proper officers and officials 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 and obtain grants to finance the aforesaid appropriation.

(k) That this Ordinance is subject to a mandatory referendum under Section 746(b) of the Town Charter and shall not become effective until approved by referendum vote.

The ordinance was adopted by the following roll-call vote:

| <u>IN FAVOR</u> | <u>OPPOSED</u> | <u>ABSTAIN</u> |
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Item VIII B 3

M R. Natelli presented the following resolution, which was seconded by
M S. Lounsbury :

RESOLVED, that the Town Manager cause a copy of the above bond ordinance to be filed with the Town Clerk.

FURTHER RESOLVED, that the Town Manager or Town Clerk cause a notice of passage of, and that the Town Clerk cause a notice of referendum on, said ordinance to be published in two newspapers having major and substantial circulation in the Town. Pursuant to Section 746 of the Town Charter, such referendum shall be held on Tuesday, November 6, 2012 between the hours of 6:00 a.m. and 8:00 p.m. in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, including the procedures set out in Section 9-369d(b) of said Statutes. The Town Clerk shall publish notice of such referendum as part of the notice of the election to be held on November 6, 2012. Electors shall vote on the questions at their respective polling places. Citizens qualified to vote in the Town of Southington who are not electors shall vote on the question at the following polling place: W.A. Derynoski Elementary School, 240 Main Street in Southington.

FURTHER RESOLVED, that said ordinance will be placed on the ballot under the following heading:

“SHALL THE TOWN OF SOUTHLINGTON APPROPRIATE \$11,000,000 FOR DESIGN AND CONSTRUCTION OF VARIOUS ROAD AND BRIDGE IMPROVEMENTS, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES NOT TO EXCEED \$11,000,000 TO FINANCE THE APPROPRIATION?”

Voters approving an ordinance will vote “Yes” and voters opposing said ordinance will vote “No”. Absentee ballots will be available from the Town Clerk’s office.

[FURTHER RESOLVED, that, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding each of said ordinance and the Town Manager is authorized to prepare additional explanatory materials regarding said ordinance, such texts and explanatory materials to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the Connecticut General Statutes.]

The foregoing resolution was approved by the following roll-call vote:

IN FAVOR

OPPOSED

ABSTAIN

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