

June 13, 2016

The Regular Meeting of the West Haven City Council was held on Monday, June 13, 2016 in the City Council Chambers, third floor, City Hall.

Present were Council Members O'Brien, Aldrich, Morrissey, Quagliani, Martone, Ronan, Forsyth, Russell, Dave Riccio , and Councilman Eberle. Absent were Council Members Stacie Riccio, and Watt. Mayor O'Brien was also absent.

Pledge of Allegiance

7:14 P.M. Public Hearing of the Finance Committee -
– C.D.A. 2016 Neighborhood Assistance Program
(No Public Comment)

7:15P.M. Public Speaking Session
(See tape for Public Comments)

8:52 P.M. Public Speaking Closed

8:52 P.M. Regular Council Meeting

Chairman James P. O'Brien called the Regular Meeting to order at 8:53 P.M.

Chairman O'Brien called a Majority Caucus at 8:53 P.M.

Chairman O'Brien called the meeting back to order at 10:45 P.M.

APPROVAL OF JOURNAL:

Councilman Ruickoldt presented a MOTION to APPROVE the Journal of May 23, 2016 (with corrections – see tape) which was SECONDED by Councilman Eberle and APPROVED by unanimously viva-voce.

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COMMUNICATIONS:

Communication A. from West Haven Cub Scouts in regards to a fee waiver for a charitable event.

Communication B. from the Tax Collector attaching Over-Payment refunds for the month of June.

Communication C. (C-1 – C-2) from the Deputy Chief of Police in regards to donations.

Communication D. from Corporation Counsel in regards to a Master Municipal Agreement for Rights of Way Projects.

Communication E. from Councilman Quagliani in regards to an Ordinance Amending 218-1 (A) of the Code of the City of West Haven, concerning parking near residential mailboxes.

Communication F. from Savin Rock Fireworks Committee in regards to a fee waiver for a charitable event.

Communication G. from the Building Department in regards to a Welfare Lien release.

Communication H. from the Corporation Counsel in regards to a Welfare Lien release.

Communication I. from Finance Director McNabola in regards to an Ordinance Authorizing Establishing Balanced Budget Policies and Procedures for the City's General Fund Budget.

Communication J. from Corporation Counsel in regards to a bid waiver in connection with a State of Connecticut School Security Competitive Grant Program.

Communication K. from Finance Director McNabola in regards to a funding authorization for projects at Carrigan Intermediate School.

RECESS: 10:46 P.M.

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COMMITTEE MEETINGS:

Legislative Matters Committee, Councilman Quagliani, Chairman

Committee Members: Martone, Stacy Riccio, David Riccio and Ruickoldt
Councilwoman Riccio – Absent

Committee Member Martone presented a MOTION to recommend the FIRST READING AND PUBLIC HEARING DATE of Communication E. to the entire Council which was SECONDED by Committee Member Ruickoldt and APPROVED unanimously by the Legislative Matters Committee.

Tax Deferral Committee, Councilwoman Riccio, Chairman

Committee Members: Eberle, Ruickoldt, Aldrich and David Riccio
Councilwoman Stacie Riccio– Absent

Communication D. from Ruth L. Arotzky in regards to an abatement of Taxes and Interest – was held in Committee.

Communication E. from Marvin Ogman in regards to an abatement of Taxes and Interest – was held in Committee.

Finance Committee, Councilwoman Morrissey, Chairman

Committee Members: Aldrich, Ruickoldt, Quagliani, and David Riccio

Committee Member Quagliani presented a MOTION to recommend the APPROVAL of Communication A. to the entire Council which was SECONDED by Committee Member David Riccio and APPROVED unanimously of the Finance Committee with Committee.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication C (C1-C2). to the entire Council which was SECONDED by Committee David Riccio and APPROVED unanimously by the Finance Committee.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication F. to the entire Council which was SECONDED

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by Committee Aldrich and APPROVED by majority by the Finance Committee with Committee Member Quagliani abstaining.

Committee Member Aldrich presented a MOTION to recommend the APPROVAL of Communication G. to the entire Council which was SECONDED by Committee Member Quagliani and APPROVED by majority of the Finance Committee with Committee Member Ruickoldt abstaining.

Committee Member Quagliani presented a MOTION to recommend the APPROVAL of Communication H. to the entire Council which was SECONDED by Committee Member David Riccio and APPROVED by majority of the Finance Committee with Committee Member Ruickoldt abstaining.

Committee Member Ruickoldt presented a MOTION to recommend the FIRST READING AND PUBLIC HEARING DATE of Communication I. to the entire Council which was SECONDED by Committee Member Quagliani and APPROVED unanimously by the Finance Committee.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication J. to the entire Council which was SECONDED by Committee Member Aldrich and was DENIED by majority of the Finance Committee.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication J. to the entire Council which was SECONDED by Committee Member Aldrich and was DENIED by majority of the Finance Committee.

Committee Member Quagliani presented a MOTION to recommend the APPROVAL of Communication J. with the following amendments – Written confirmation must be received that the project will be completed by the developer before June 30th, and Corporation Counsel must find that no conflict exists with the awarding of this bid - which was SECONDED by Committee Member Aldrich and was DENIED by majority of the Finance Committee.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication J. with the following amendments – Written confirmation must be received that the project will be completed by the developer before June 30th that the to the entire Council which was SECONDED by Committee Member Morrissey, and APPROVED by majority of the Finance Committee.

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Committee Member Ruickoldt presented a MOTION to recommend APPROVAL of Communication K. to the entire Council which was SECONDED by Committee Member David Riccio and APPROVED unanimously by the Finance Committee.

Committee Member Quagliani presented a MOTION to recommend FIRST READING AND PUBLIC HEARING DATE of Communication F. from the 5/23/16 Agenda - to the entire Council which was SECONDED by Committee Member Aldrich and APPROVED unanimously by the Finance Committee.

Committee Member Ruickoldt presented a MOTION to recommend FIRST READING AND PUBLIC HEARING DATE of Communication G. from the 5/23/16 Agenda- to the entire Council which was SECONDED by Committee Member Aldrich and APPROVED by majority of the Finance Committee with Committee Member David Riccio opposed.

Committee Member Quagliani presented a MOTION to recommend the FIRST READING AND PUBLIC HEARING DATE of Communication H. from the 5/23/16 Agenda - to the entire Council - with the amendment as follows: "Maximum bond terms must be followed as set forth in the proforma debt service impact schedule" - which was SECONDED by Committee Member Ruickoldt and APPROVED unanimously by the Finance Committee.

COUNCILMAN FORSYTH LEFT THE CHAMBERS AT 11:44 P.M.

Committee Member Ruickoldt presented a MOTION to recommend APPROVAL of Communication I – from the 5/23/16 Agenda to the entire Council which was SECONDED by Committee Member Aldrich and APPROVED by majority of the Finance Committee with Committee Member Quagliani abstaining.

Public Lands Committee, Councilwoman Martone, Chairman

Committee Members: Ruickoldt, Forsyth, Ronan, David Riccio
Councilman Riccio and Councilman Forsyth – Absent

Committee Member Ronan presented a MOTION to recommend APPROVAL of a Re-Bid for the entire list of properties in regards to Communication D. from the 5/23/16 Agenda - to the entire Council which was SECONDED by Committee Member Ruickoldt and APPROVED unanimously by the Public Lands Committee.

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Public Works Committee, Councilman Russell, Chairman

Committee Members: Aldrich, Forsyth, Eberle, David Riccio
Councilman Forsyth – Absent

Communication D. - from Corporation Counsel in regards to a Master Municipal Agreement for Rights of Way Projects – was held in Committee.

UNFINISHED BUSINESS:

RECONVENE: 12:20 A.M. (June 14th, 2016)

COMMITTEE REPORTS:

Clerk read Communication B. into the record.

Councilman Quagliani, Chairman of the Legislative Matters Committee, presented a FIRST READING on an Ordinance Amending Chapter 218-1 (A) of the Code of the City of West Haven (Ordinance Attached).

Chairman O'Brien set a Public Hearing Date for June 27th at 6:50 P.M.

Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication A- from the West Haven Cub Scouts. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Russell and APPROVED by unanimously viva-voice:

Resolved: That the request from the West Haven Cub Scouts for a waiver of Building Department fees as well as Health Department fees for the Bike Rodeo (Sunday, July 10th) , be approved.

Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication C (C1-C2)- from the Deputy Chief of Police. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Ruickoldt and APPROVED unanimously viva-voice:

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RESOLVED: That the following donation to the Department of Police Service be approved and deposited into line item #1010000028285 Animal Shelter donations:

<u>FROM</u>	<u>AMOUNT</u>
<u>The Briad Group</u>	<u>\$260.11</u>
<u>United Way of Greater New Haven, Inc.</u>	<u>\$87.00</u>

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication F. - from the Savin Rock Fireworks Committee. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Eberle and APPROVED by majority viva-voice with Councilman Quagliani abstaining:

Resolved: That the request from the Savin Rock Fireworks Committee for a waiver of Building Department fees for the annual fireworks display (Friday, July 1st) , be approved.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication G. – from the Building Department. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Eberle and APPROVED by majority viva-voice with Councilman Ruickoldt abstaining:

Resolved: That the City of West Haven, County of New Haven and State of Connecticut, does hereby release and discharge a certain Welfare Lien from 60 Eaton Street, West Haven, CT, to the City of West Haven, dated June 13, 2016 and recorded in the Land Records of the City of West Haven, in the County of New Haven and the State of Connecticut, in volume 705 on page 87, be approved.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication H. – from Corporation Counsel. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Aldrich and APPROVED by majority viva-voice with Councilman Ruickoldt abstaining:

Resolved: That the City of West Haven, County of New Haven and State of Connecticut, does hereby release and discharge a certain Welfare Lien from 76 Aircraft Road, West Haven, CT, to the City of West Haven, dated June 13, 2016 and recorded in the Land Records of the City of West Haven, in the County of

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New Haven and the State of Connecticut, in volume 990 on page 206, be approved.

Councilwoman Morrissey, Chairman of the Finance Committee, presented a FIRST READING on an Ordinance Authorizing Establishing Balanced Budget Policies and Procedures for the City's General Fund Budget (Ordinance Attached).

Chairman O'Brien set a Public Hearing Date for June 27th at 6:30 P.M.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication J. – from the Finance Director in regards to a bid waiver. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Aldrich and APPROVED by majority viva-a roll call vote:

Council As A Whole:

Councilman Forsyth – Absent
Councilman Quagliani – No
Councilman Riccio – No
Councilman Aldrich – Yes
Councilman Ruickoldt – Yes
Councilman Eberle – Yes
Councilwoman Riccio – Yes
Councilman Watt- Absent
Councilman Russell – Yes
Councilwoman Morrissey – Yes
Councilman Ronan – Yes
Councilwoman Martone – No
Chairman O'Brien – Yes

Yes 7 / No 3 / Abstaining 0 / Absent 2

Resolved: The City of West Haven hereby grants a bid waiver to Hi-Tech Electricom for the attached Grant Project for School Security Cameras at the West Haven High School. The contractor commits in writing to the City of West Haven that the project will be completed by June 30th prior to signing a contract with the City.

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Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication K. from the Finance Director in regards to funding authorization for projects at Carrigan Intermediate School. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Ruickoldt and APPROVED unanimously viva-voice:

Resolved: The Town of West Haven hereby authorizes to expend \$2,000,000 for the May V. Carrigan Intermediate School Roof Replacement Project. The Town of West Haven hereby authorizes to finance \$600,000 at its local share of the May V. Carrigan Intermediate School Roof Replacement Project.

The Town of West Haven hereby authorizes to expend \$3,400,000 for the May V. Carrigan Intermediate School Energy Conservation Project. The Town of West Haven hereby authorizes to finance \$1,200,000 as its local share of the May V. Carrigan Intermediate School Energy Conservation Project.

Councilwoman Morrissey, Chairman of the Finance Committee, presented a FIRST READING on an Ordinance adopting the 2017-2021 Capital Plan. (Ordinance Attached).

Chairman O'Brien set a Public Hearing Date for June 27th at 6:35 P.M.

Councilwoman Morrissey, Chairman of the Finance Committee, presented a FIRST READING on an Ordinance Authorizing the Issuance of Deficit Obligations Pursuant to Chapter 117 of the Connecticut General Statutes.

Chairman O'Brien set a Public Hearing Date for June 27th at 6:40 P.M.

Councilwoman Morrissey, Chairman of the Finance Committee, presented a FIRST READING on an Ordinance Authorizing the Issuance of \$9,636,035 Bonds plus Additional Financing Costs for Capital Budget Projects.

Chairman O'Brien set a Public Hearing Date for June 27th at 6:45 P.M.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication I. – from the 5/23/16 Agenda- from the Community Development Administration. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Russell and APPROVED by majority viva-voice with Councilman Quagliani abstaining:

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Resolved: The submitted application from the Community Development Administration are hereby approved.

Councilwoman Martone Chairman of the Public Lands Committee, presented the unanimous reports of the committee with regards to Communication D- from the 5/23/16 Agenda – from the City Council Clerk in regards to the sale of City Property. Councilwoman Martone presented the following MOTION which were DULY SECONDED by Councilman Ruickoldt and APPROVED unanimously viva-voice:

RESOLVED: That the entire bid package, containing all properties, will be re-bid out by the City of West Haven and all current bids will be returned.

ACTION ON ORDINANCE PREVIOUSLY PRESENTED: None.

NEW BUSINESS:

Councilman Ruickoldt asked that a letter be sent to the West Haven Assessor asking for clarification on the 10% penalty that was discussed during the Public Session.

Councilwoman Morrissey asked that all future Special Meetings be duly noticed not just through electronic/phone methods but by physical notice being delivered to all Council Members.

ADJOURNMENT: 1:05 A.M. (July 14th)

ATTEST: Michael DiMassa, Clerk of the Council

BY: Michael DiMassa, Clerk of the Council

These minutes are subject to City Council approval.

AN ORDINANCE AMENDING SECTION 218-1(A) OF THE CODE OF THE CITY OF WEST HAVEN – GROUP 1,
PENALTY OF \$50.00 PARKING IN FRONT OF MAILBOX

BE IT ORDAINED, by the City Council of the City of West Haven that Section 218-1(A) of the Code of the City of West Haven, Group 1, Penalty of \$50.00, is hereby amended by the addition of subsection (9) which reads as follows:

(9) Parking within ten (10) feet of a clearly visible, residential mailbox, which is located directly adjacent to curbside or on a public right-of-way between the hours of 8:00 a.m. and 5 p.m., except on Sundays and holidays.

Public Hearing June 27
6:30

Comments I

New

**AN ORDINANCE AUTHORIZING ESTABLISHING
BALANCED BUDGET POLICIES AND PROCEDURES
FOR THE CITY'S GENERAL FUND BUDGET**

WHEREAS, pursuant to Chapter 117, Chapter 109 and other chapters of the General Statutes of Connecticut, as amended (the "Connecticut Statutes") and accompanying regulations, the City Council has authorized the City of West Haven, Connecticut (the "City") to issue deficit obligations in an amount not to exceed \$16,515,000 (the "Deficit Bonds") to account for the City's anticipated cumulative General Fund deficit and costs of issuance related to such Deficit Bonds; and

WHEREAS, upon issuance of the Deficit Bonds and the elimination of the cumulative General Fund deficit through fiscal year 2015, the City Council desires that the City finish each future fiscal year with a balanced budget or surplus for its General Fund; and

WHEREAS, in order to achieve such outcome each fiscal year, the City Council has determined to authorize the following General Fund budget policies and procedures; and now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN:

Section 1. In connection with the issuance of the City's Deficit Bonds, the following General Fund budget policies and procedures shall be implemented in order for the City to finish each fiscal year with a balanced budget or surplus for its General Fund:

(a) at a regularly scheduled meeting of the City Council no later than thirty (30) days after each September 30th, December 31st and March 31st of each fiscal year, the Director of Finance shall deliver to the City Council and the Mayor a General Fund budget report detailing the status of the revenues and expenditures for the then current fiscal year as of the fiscal quarter most recently ended, the projected revenues and expenditures for the remainder of the then current fiscal year and any significant variance in revenues and expenditures of the City's General Fund as compared to the current fiscal year's budget for the General Fund; and

(b) if the General Fund budget reports of the Director of Finance (described in (a) above) for the periods ending December 31st or March 31st reflect a projected General Fund deficit for the then current fiscal year, the Mayor and the Finance Director shall report to the City Council the specific line item expenditure adjustments and/or revenue enhancements proposed by the City administration in order to eliminate the projected General Fund deficit for the current fiscal year; and

(c) upon receipt of the proposed expenditure adjustments and/or revenue enhancements from the Mayor and Finance Director (described in (b) above), the City Council shall vote to approve or reject such adjustments or enhancements and may adopt further expenditure adjustments and/or revenue enhancements in order to eliminate the projected General Fund deficit for the current fiscal year; and

(d) if at the time the Mayor submits the City's General Fund budget to the City Council for any succeeding fiscal year, there exists a projected General Fund deficit for the current fiscal year, the Mayor shall include in the General Fund budget for the succeeding fiscal year a sufficient appropriation to eliminate the current year General Fund deficit and the City Council shall adopt a budget with such appropriation for the projected General Fund deficit and a tax rate with the appropriate portion of the mill rate specifically allocated to pay the projected General Fund deficit; and

(e) the City desires to reach an unassigned fund balance level of five percent (5%) of total annual General Fund appropriations; in order to attain such fund balance, the Mayor, starting with the General Fund budget for the 2017-2018 fiscal year and for each fiscal year thereafter, shall endeavor to include in each General Fund budget a fund balance appropriation of at least \$750,000 until the undesignated fund balance is at least five percent (5%) of total annual General Fund appropriations; and

(f) the policies and procedures in this Ordinance may only be amended or repealed by at least a two-thirds vote of the entire City Council.

Section 2. This Ordinance shall be effective immediately upon the Mayor's signature.

ENACTED BY THE CITY COUNCIL ON: _____, 2016

APPROVED BY THE MAYOR: _____ DATE: _____, 2016

AN ORDINANCE AUTHORIZING THE ISSUANCE OF DEFICIT OBLIGATIONS PURSUANT TO CHAPTER 117 OF THE CONNECTICUT GENERAL STATUTES AND ACCOMPANYING REGULATIONS AND AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH THE TRUSTEE TO ESTABLISH A PROPERTY TAX INTERCEPT PROCEDURE, A DEBT SERVICE PAYMENT FUND AND RELATED AGREEMENTS FOR THE PURPOSE OF ISSUING DEFICIT OBLIGATIONS

WHEREAS, the City of West Haven, Connecticut (the "City) estimates a cumulative general fund deficit in the amount of \$16,313,098; and

WHEREAS, the City has no outstanding deficit obligations and has not issued any deficit obligations in the past 5 years; and

WHEREAS, the City Council has determined to authorize the City to issue deficit obligations in an amount not to exceed \$16,515,000 to account for the anticipated cumulative general fund deficit and costs of issuance related to the deficit obligations; and

WHEREAS, the City Council has determined to authorize the City to enter into a trust indenture with a trustee, as well as other related agreements, for the purpose of issuing deficit obligations; and now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN:

Section 1. For the purpose of satisfying the anticipated cumulative general fund deficit, as well as the cost of establishment and maintenance of any reserve plus all necessary and appropriate financing costs, bonds in an amount not to exceed \$16,515,000 may be issued pursuant to Chapter 117, Chapter 109 and other chapters of the General Statutes of Connecticut, as amended (the "Connecticut Statutes") and accompanying regulations, maturing not later than the tenth year after their date of issue (the "Bonds"). The amount of Bonds to be issued shall be fixed by a majority of the Mayor, City Treasurer, and the Director of Finance (collectively, the "Bond Committee"). The Bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of a majority of the Bond Committee, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by a majority of the Bond Committee, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by a majority of the Bond Committee and be approved as to their legality by the City's bond counsel. The Bonds shall bear such rate or rates of interest as shall be determined by a majority of the Bond Committee. The Bonds shall be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such bonds. The aggregate principal amount of the bonds, installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined

by a majority of the Bond Committee, in accordance with the requirements of the Connecticut Statutes.

Section 2. In connection with the issuance of the Bonds, the Mayor shall notify the Secretary of the State Office of Policy and Management (the "Secretary") of the City's intent to issue such Bonds prior to the issuance of such Bonds as required by Chapter 117 of the Connecticut General Statutes.

Section 3. Said Bonds shall be secured by the City's property taxes, including interest, penalties and related charges, pursuant to Chapter 117 and other chapters of the Connecticut Statutes, and, if deemed necessary or appropriate and in the City's best interest by a majority of the Bond Committee, the Bond Committee, on behalf of the City, is hereby authorized: (i) to establish a property tax intercept procedure and a debt service payment fund pursuant to Chapter 117 of the Connecticut Statutes, §7-560 et seq., and other Chapters of the Connecticut Statutes, on such terms as a majority of the Bond Committee deem necessary or appropriate, and (ii) to take all further actions which a majority of the Bond Committee deem necessary or appropriate to so secure the Bonds or which are contemplated by law. A majority of the Bond Committee is authorized, on behalf of the City, to enter into a trust indenture or similar agreement and/or any supplemental trust indenture (collectively, the "Indenture") with a bank or trust company located within or without the State of Connecticut (the "Trustee"), and to covenant: (i) that all or a portion of the City's property taxes shall be paid to the Trustee and be held in trust for the benefit of the holders of the City's long-term general obligations as provided in Chapter 117 and other Chapters of the Connecticut Statutes, and (ii) as to the terms on which any payments or reserves securing the payment of such long-term general obligations will be paid, and the terms of any reserve or other fund for the benefit of the holders of the obligations; and, in any event, to amend or supplement the Indenture containing such terms and conditions as a majority of the Bond Committee shall determine to be necessary or advisable and in the best interest of the City, the execution thereof to be conclusive evidence of such determination.

Section 4. In connection with the issuance of the Bonds authorized herein, the City, as determined by a majority of the Bond Committee, may exercise any power delegated to municipalities pursuant to the Connecticut Statutes, including the authority to establish credit facilities and to enter into agreements managing interest rate risk. The City, as determined by a majority of the Bond Committee, shall have all appropriate powers under the Connecticut Statutes, including Chapter 748 (Registered Public Obligations Act), Chapter 109 (Municipal Bond Issues) and Chapter 117 (Municipal Deficit Finances) to issue, sell and deliver the Bonds as tax-exempt or taxable and, further, shall have the full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States, to provide for issuance of the Bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the Bonds in order that the interest on the Bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of Bond proceeds, rebate of arbitrage earnings, and expenditure of proceeds within required time limitations.

Section 5. Said Bonds shall be sold in a competitive offering or by negotiation as determined by a majority of the Bond Committee. If sold at competitive offering, the Bonds

shall be sold by a majority of the Bond Committee at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, by sealed proposals, auction, or other comparative method. If the Bonds are sold by negotiation, the purchase contract shall be signed by a majority of the Bond Committee. With respect to the receipt of original issuance premium or bid premium upon the sale of the Bonds herein authorized, the City is authorized to apply original issuance premium and bid premium, if applicable, to fund costs of issuance or to fund future debt service payments on the City's bonds and notes.

Section 6. The issue of the Bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law.

Section 7. The Director of Finance is hereby authorized to exercise all powers conferred by section 3-20e of the Connecticut Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the Bonds authorized by this Ordinance.

Section 8. This Ordinance shall be effective immediately upon the Mayor's signature.

ENACTED BY THE CITY COUNSEL ON: _____, 2016

APPROVED BY THE MAYOR: _____ DATE: _____, 2016

COMMUNICATIONS

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Exhibit A

2017-2021 Capital Plan

[Insert 5-year Capital Plan]

City of West Haven 5 Year Capital Plan- Exhibit A

DEPARTMENTS	Proposed 5 Year Capital Plan- Exhibit A				
	2017	2018	2019	2020	2021
Public Works Projects					
Highway & Parks Trucks	1,915,000	750,000	750,000	500,000	500,000
Machinery & Equipment	605,000	150,000	150,000	150,000	150,000
Beach St. Reconstruction Phase I & II	500,000	6,000,000	-	-	-
Front Ave Culvert			-	-	-
Cove River Flood Mititgation	219,267	-	-	-	-
Sandford St. Drainage	1,250,000	1,250,000	-	-	-
Street Paving	800,000	800,000	800,000	800,000	
Veteran's Field Turf Replacement	450,000	50,000	50,000	50,000	
Sidewalks- LOCIP	180,000	-	-	-	
Park Maint Bldg-LOCIP	250,000				
Garage Improvements-LOCIP	25,000				
Storm Sewers- LOCIP	125,000	200,000	200,000	200,000	
Sub-total Public Works	6,319,267	9,200,000	1,950,000	1,700,000	650,000
Public Safety					
Vehicles- 15 Vehicles (10 Front Line)	484,125	-	-	-	-
Zetron Fire Alert System	116,243	-	-	-	-
Sub-total Public Safety	600,368	-	-	-	-
Water Pollution					
Pump Upgrades	900,000	550,000	400,000	400,000	400,000
Upgrade of Dewatering Facility	200,000				
Incinerator Upgrades	400,000	1,400,000	-	-	-
Sewer Pump Stations	432,000	4,652,000	4,585,500	5,332,500	3,301,000
Consent Decree Sewer	124,000	100,000	1,200,000	1,200,000	1,200,000
Sub-total WPC	2,056,000	6,702,000	6,185,500	6,932,500	4,901,000
Board of Education Projects					
WHHS- Renovate as New		4,114,676	12,989,916	13,708,780	
District Security Upgrades	50,000	50,000	-	-	
District Boilers/HVAC	350,000	300,000	300,000	200,000	200,000
District Roof Replacement	750,000	750,000	500,000	485,000	485,000
Restoration Upgrades at Carrigan	1,200,000	1,200,000	1,000,000	575,000	575,000
District Wide Paving	200,000	200,000	150,000	150,000	150,000
District Wide Code Compliance & ADA	200,000	150,000	150,000	100,000	100,000
District Wide Code Asbestos Abatement	250,000	200,000	200,000	200,000	200,000
District Wide Electrical Upgrades	160,000	160,000	140,000	80,000	80,000
District Wide Elevator Repair	100,000	100,000	50,000	50,000	50,000
District Wide Equipment	100,000	100,000	60,000		
WHHS Pool Building Renovation	200,000	100,000	100,000	100,000	100,000
Restoration Ice Rink	500,000	300,000	50,000	-	-
District Wide Indoor Air Quality	100,000	100,000	100,000	50,000	100,000
Sub-total Board of Education	4,160,000	7,824,676	15,789,916	15,698,780	2,040,000
Grand Total	13,135,635	23,726,676	23,925,416	24,331,280	7,591,000

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$9,636,035 BONDS PLUS ADDITIONAL FINANCING COSTS OF THE CITY TO MEET CERTAIN 2014/2015, 2015/2016 AND 2016/2017 CAPITAL BUDGET APPROPRIATIONS, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

WHEREAS, the City Council of the City of West Haven (the "City") has previously adopted the City's 2014/2015 Capital Budget, as amended from time to time (the "2014/2015 Capital Budget"); and

WHEREAS, the City desires to finance a portion of the City's 2014/2015 Capital Budget in an amount up to \$800,000 as shown on Exhibit A attached hereto; and

WHEREAS, the City Council of the City has previously adopted the City's 2015/2016 Capital Budget, as amended from time to time (the "2015/2016 Capital Budget"); and

WHEREAS, the City desires to finance a portion of the City's 2015/2016 Capital Budget in an amount up to \$4,910,400 as shown on Exhibit A attached hereto; and

WHEREAS, the City Council of the City has previously adopted the City's 2016/2017 Capital Budget, as amended from time to time (the "2016/2017 Capital Budget"); and

WHEREAS, the City desires to finance a portion of the City's 2016/2017 Capital Budget in an amount up to \$3,925,635 as shown on Exhibit A attached hereto; and

WHEREAS, the City Council has determined to authorize bonding for certain capital projects included in the 2014/2015 Capital Budget, the 2015/2016 Capital Budget and the 2016/2017 Capital Budget; and now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN:

Section 1. The sums set opposite the capital projects hereinafter listed in Exhibit A attached hereto (as may be more fully described in the narrative description of such improvements in the 2014/2015 Capital Budget, the 2015/2016 Capital Budget and the 2016/2017 Capital Budget of the City, hereafter the "Projects") are hereby appropriated to meet the costs thereof or so much thereof as may be accomplished within said appropriation, and for architectural, design, engineering, hydraulic, site acquisition, development, demolition and disposal, environmental studies, surveying, infrastructure improvements, paving, material, utility charges, data systems, furniture and fixtures, equipment, testing, insurance, training, administrative, advertising, printing, legal, other consultant fees, and any appurtenances related to the Projects, as well as the cost of the establishment and maintenance of any reserve pursuant to Chapter 109, Chapter 117 and other chapters of the General Statutes of Connecticut, as amended (the "Connecticut Statutes"). Said appropriations to be inclusive of any and all Federal and State grants-in-aid thereof.

Section 2. To meet said appropriations, \$9,636,035 bonds or other obligations of the City (in the amounts set forth in Exhibit A attached hereto) plus an additional amount for all necessary and appropriate financing costs not in excess of three percent of the cost of the Projects, or so much thereof as may be necessary for said purpose (the "Bonds"), may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The Bonds may be issued in one or more series as shall be determined by the Mayor, City Treasurer, and the Director of Finance (collectively, the "Bond Committee"), and the amount of Bonds of each series to be issued shall be fixed by a majority of the Bond Committee. The Bonds shall be issued in an amount up to the City's share of the cost of the Projects determined after considering the estimated amount of any State and Federal grants in aid for the Projects, or the actual amount thereof if such amount is ascertainable, and the anticipated times of receipt thereof, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient, with other funds available for such purpose, to pay the principal of and the interest on all outstanding temporary borrowings issued in anticipation of the receipt of the proceeds of said Bonds, and any administrative, printing and legal costs of issuing the Bonds as determined by a majority of the Bond Committee. The Bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of a majority of the Bond Committee, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by a majority of the Bond Committee, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by a majority of the Bond Committee and be approved as to their legality by the City's bond counsel. The Bonds shall bear such rate or rates of interest as shall be determined by a majority of the Bond Committee. The Bonds shall be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such Bonds. The Bonds may also be secured as to both principal and interest, to the extent permitted by law, by a pledge of certain revenues or benefit assessments or both. The aggregate principal amount of the Bonds, installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such Bonds, including any repayment agreements or memoranda of understanding, or whether any of the Bonds will be issued as taxable bonds, shall be determined by a majority of the Bond Committee, in accordance with the requirements of the Connecticut Statutes.

Section 3. In connection with the issuance of any bonds or notes authorized herein, the City, as determined by a majority of the Bond Committee, may exercise any power delegated to municipalities pursuant to the Connecticut Statutes, including the authority to establish credit facilities and to enter into agreements managing interest rate risk. The City, as determined by a majority of the Bond Committee, shall have all appropriate powers under the Connecticut Statutes, including Chapter 748 (Registered Public Obligations Act), Chapter 173 (School Building Projects) and Chapter 109 (Municipal Bond Issues), to issue, sell and deliver the Bonds and, further, shall have the full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States, to provide for issuance of the Bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the Bonds in order that the interest on the Bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, and expenditure of proceeds within required time limitations. In order to meet the capital cash flow expenditure needs of the City, a majority of the Bond Committee is authorized to collectively allocate and reallocate expenditures incurred

Committee, pursuant to Section 7-373 of the Connecticut Statutes, and be approved as to their legality by the City's bond counsel. Notes shall be sold in competitive offering or by negotiation as determined by a majority of the Bond Committee. If sold in a competitive offering, the notes shall be sold by a majority of the Bond Committee at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, by sealed proposals, auction or other comparative method. If the notes are sold by negotiation, the purchase contract shall be signed by a majority of the Bond Committee. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut Statutes that govern the issuance of such notes. The notes shall be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such notes. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said Bonds, shall be included as a cost of the Projects. Upon the sale of said Bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose. The City is also authorized to issue notes in anticipation of the receipt of grants, if applicable, and a majority of the Bond Committee shall determine the terms and conditions of such issuance.

Section 8. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this Ordinance in the maximum amount and for the Projects described above with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations 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 project, or such later date the Regulations may authorize. The City 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 his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement obligations, and to amend this declaration.

Section 9. The Director of Finance is hereby authorized to exercise all powers conferred by section 3-20e of the Connecticut Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this Ordinance.

Section 10. The Mayor, the Director of Finance and any other duly authorized City or Board of Education official is authorized to seek grants and other contributions for the costs of the Projects. Any such grants or contribution received prior to the issuance of the Bonds authorized herein shall be applied to the costs of the Projects or to pay at maturity the principal of any outstanding bond or grant anticipation notes issued pursuant this Ordinance and shall reduce the amount of the Bonds that can be issued pursuant to this Ordinance. If such grants and contributions are received after the issuance of the Bonds, they shall be applied to pay either non-financed portions of the Projects or debt service on the Bonds provided such application does not adversely affect the tax exempt status of the Bonds.

Section 11. This Ordinance shall be effective immediately upon the Mayor's signature.

ENACTED BY THE CITY COUNSEL ON: _____

APPROVED BY THE MAYOR: _____ DATE: _____

EXHIBIT A

<u>Project Description</u>	<u>2014/2015 Capital Budget Appropriation</u>	<u>2015/2016 Capital Budget Appropriation</u>	<u>2016/2017 Capital Budget Appropriation</u>	<u>Bond Authorization</u>
<u>Public Works:</u>				
Snow Plow Fleet Replacement		\$1,050,000	\$1,050,000	\$2,100,000
Beach Street Reconstruction Phase II		575,000		575,000
Front Avenue Culvert		871,400		871,400
Cove River Flood Mitigation			219,267	219,267
Street Paving	\$800,000			800,000
Veteran's Field Turf Replacement		450,000		450,000
Seawall Repair		200,000		200,000
<u>Water Pollution Control Authority</u>				
Pump Upgrades -- Water Pollution		500,000	900,000	1,400,000
Incinerator Upgrades			400,000	400,000
Sewer Pump Stations			432,000	432,000
Consent Decree			124,000	124,000
Upgrade of Dewatering Facility		664,000	200,000	864,000
<u>Public Safety</u>				
Zetron Fire Alarm System			116,243	116,243
Police Vehicles			484,125	484,125
<u>Board of Education:</u>				
Restoration Upgrades at Carrigan School		600,000		600,000
TOTAL:	\$800,000	\$4,910,400	\$3,925,635	\$9,636,035