

July 25, 2016

The Regular Meeting of the West Haven City Council was held on Monday, July 25, 2016 in the City Council Chambers, third floor, City Hall.

Present were Council Members O'Brien, Aldrich, Morrissey, Quagliani, Ronan, Ruickoldt, Russell, Dave Riccio , Stacy Riccio, and Councilman Eberle. Absent was Councilmembers Forsyth and Martone. The 5th District Council Seat is currently vacant. Mayor O'Brien was also absent.

Pledge of Allegiance

6:55 P.M. Public Hearing of the Finance Committee –
“An Ordinance Authorizing Establishing Balanced Budget Policies and
Procedures for the City’s General Fund”.

(No Speakers)

7:01P.M. Public Speaking Session

(See tape for Public Comments)

8:09 P.M. Public Speaking Closed

8:09 P.M. Regular Council Meeting

Chairman James P. O'Brien called the Regular Meeting to order at 8:09 P.M.

APPROVAL OF JOURNAL:

Councilman Russell presented a MOTION to APPROVE the Journal of June 27, 2016 (with corrections – see tape) which was SECONDED by Councilman Quagliani and APPROVED unanimously viva-voce.

COMMUNICATIONS:

Communication A. from Corporation Counsel in regards to a Renewal of Coast Guard Sites for harbor Range Lights.

July 25, 2016

Communication B. from ERS Director in regards to a vehicle donation from Yale.

Communication C. (C1-C5) from the Deputy Chief of Police in regards to donations.

Communication D. from Corporation Counsel in regards to a lien release.

Communication E. from Mayor O'Brien in regards to an appointment to the West Haven Allingtown Fire Commission/ Robert Lathrop.

Communication F. from Mayor O'Brien in regards to a recommendation to fill the vacant 5th District Council Seat.

Councilman David Riccio presented a MOTION to bring forward action and deliberations on the appointment of a 5th District Councilperson which was SECONDED by Councilman Quagliani and was DENIED by majority via a roll call vote:

Councilman Forsyth – Absent
Councilman Quagliani – Yea
Councilman Riccio – Yea
Councilman Aldrich – Nay
Councilman Ruickoldt – Nay
Councilman Eberle – Nay
Fifth District Seat – Vacant
Councilwoman Riccio – Yea
Councilman Russell – Nay
Councilwoman Morrissey – Nay
Councilman Ronan – Nay
Councilwoman Martone – Absent
Chairman O'Brien – Nay

Yea 3 / Nay 7 / Absent 3

RECESS: 8:16 P.M.

July 25, 2016

COMMITTEE MEETINGS:

Personnel and Civil Service Committee, Councilman Ruickoldt Chairman

Committee Members: Ronan, Morrissey, Quagliani, David Riccio

Committee Member Ronan presented a MOTION to recommend APPROVAL of Communication A. to the entire Council which was SECONDED by Committee Member Morrissey and APPROVED unanimously by the Personnel and Civil Service Committee.

Tax Deferral Committee, Councilwoman Riccio, Chairman

Committee Members: Eberle, Ruickoldt, Aldrich and David Riccio

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication E. from the 5/9/16 Agenda to the entire Council which was SECONDED by Committee Member David Riccio and APPROVED unanimously by Tax Deferral Committee.

Finance Committee, Councilwoman Morrissey, Chairman

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

Committee Member David Riccio presented a MOTION to recommend the APPROVAL of Communication B. 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 the APPROVAL of Communication C (1-C5) to the entire Council which was SECONDED by Committee Member David Riccio and APPROVED unanimously by the Finance Committee.

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

Committee Member Quagliani presented a MOTION to recommend the APPROVAL of Communication I. from the 6/13/16 Agenda to the entire Council which was SECONDED by Committee Member Ruickoldt and APPROVED by unanimously by the Finance Committee after a Q/A with Michael Andreana the City's Bond Counsel.

July 25, 2016

Committee Member Quagliani presented a MOTION to recommend the APPROVAL of Communication F. from the 5/23/16 Agenda to the entire Council which was SECONDED by Committee Member Ruickoldt and APPROVED by majority by the Finance Committee with Councilman David Riccio voting nay.

Committee Member Ruickoldt presented a MOTION to recommend the APPROVAL of Communication G. from the 5/23/16 Agenda to the entire Council which was SECONDED by Committee Member Aldrich and APPROVED by majority by the Finance Committee with Councilman David Riccio voting nay. Committee Member Aldrich presented a MOTION to recommend the APPROVAL of Communication H. from the 5/23/16 Agenda to the entire Council which was SECONDED by Committee Member Ruickoldt and APPROVED by majority by the Finance Committee with Councilman David Riccio voting nay.

Public Lands Committee, Councilwoman Martone, Chairman

Committee Members: Ruickoldt, Forsyth, Ronan, David Riccio

Absent: Councilwoman Martone and Councilman Forsyth

Committee Member Ruickoldt presented a MOTION to recommend APPROVAL of Communication A. to the entire Council which was SECONDED by Committee Member Ronan and APPROVED by unanimously by the Public Lands Committee.

UNFINISHED BUSINESS: None

RECONVENE: 8:50 P.M.

COMMITTEE REPORTS:

Councilman Ruickoldt Chairman of the Personnel & Civil Service Committee, presented the unanimous reports of the committee with regards to Communication E- from Mayor O'Brien regarding an appointment to the West Haven Allingtown Fire Commission/Robert Lathrop. Councilman Ruickoldt presented the following MOTION which was DULY SECONDED by Councilman Eberle and APPROVED unanimously viva-voice:

RESOLVED: That Robert Lathrop of Chauncey Street, West Haven, CT has been

July 25, 2016

appointed to the West Haven Allingtown Fire Commission to replace Paul Sikorsky Jr. effective immediately and to expire June 30, 2021.

Councilwoman Riccio Chairman of the Tax Deferral Committee, presented the unanimous reports of the committee with regards to Communication E- from the 5/9/16 Agenda in regards to an abatement of Taxes and Interest for Marvin Ogman. Councilwoman Riccio presented the following MOTION which was DULY SECONDED by Councilman Ruickoldt and APPROVED unanimously viva-voice:

RESOLVED: That the request for an abatement of interest and fees, currently due as of the date of this Council Meeting on the 2010, 2011, 2012, 2013 and 2014 Grand Lists from Marvin Ogman of FCI Loretto (P.O. Box 1000, Loretto), Pennsylvania, be approved, based on the following:

- Tax balance must be paid in full within 14 Weeks upon release from Federal Custody.
- All tax bills issued from this date forward must be paid when due.
- A good faith effort to pay a minimum of \$35.00 a week must be established.

Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication B. - from ERS Director in regards to a vehicle donation from Yale. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman Eberle and APPROVED unanimously viva-voice:

Resolved: that Edward M. O'Brien, Mayor is hereby authorized to accept the donation to West Haven ERS of a 2003 Black Ford Expedition provided by our partners at Yale West Campus.

Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication C. – from the Deputy Chief of Police in regards to donations. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman David Riccio and APPROVED unanimously viva-voice:

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

FROM

AMOUNT

July 25, 2016

Amity Regional School District No. 5	\$46.36
Vivian L. Yedynak	\$50.00
CarterMario	\$470.00
The Estate of Dorothy Gaehler	\$19,886.71
Jane Siena	\$25.00

Councilwoman Morrissey Chairman of the Finance Committee, presented the unanimous reports of the committee with regards to Communication D. from Corporation Counsel in regards to a lien release. Councilwoman Morrissey presented the following MOTION which were DULY SECONDED by Councilman David Riccio and APPROVED unanimously viva-voice:

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 July 25, 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 unanimous reports of the committee with regards to Communication I. – from the 6/13/16 Agenda. Councilwoman Morrissey presented a SECOND READING and made a MOTION to APPROVE the Ordinance which was SECONDED by Councilman Quagliani and APPROVED unanimously viva-voice:

RESOLVED: 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

July 25, 2016

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

July 25, 2016

(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 next 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; provided, however, if such projected General Fund deficit exceeds \$250,000, the Mayor may submit a request to the City Council that such deficit be eliminated over a period of up to three (3) fiscal years, and if such request is approved by the City Council, the Mayor shall include sufficient appropriations to eliminate such deficit in the General Fund budgets for the number of fiscal years approved by the City Council and the City Council shall adopt such budgets with such appropriations for the projected General Fund deficit and the tax rates 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, shall endeavor to include (i) in the General Fund budget for the 2017-2018 fiscal year a fund balance appropriation of at least \$250,000, (ii) in the General Fund budget for the 2018-2019 fiscal year a fund balance appropriation of at least \$500,000, and (iii) starting in the General Fund budget for the 2019-2020 and for each fiscal year thereafter 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.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication F. – from the 5/23/16 Agenda. Councilwoman Morrissey presented a SECOND READING and made a MOTION to APPROVE the Ordinance which was SECONDED by Councilman Eberle and APPROVED by majority via a roll call vote:

Councilman Forsyth – Absent
Councilman Quagliani – Yea
Councilman Riccio – Nay
Councilman Aldrich – Yea
Councilman Ruickoldt – Yea

July 25, 2016

Councilman Eberle – Yea
Fifth District Seat – Vacant
Councilwoman Riccio – Yea
Councilman Russell – Yea
Councilwoman Morrissey – Yea
Councilman Ronan – Yea
Councilwoman Martone – Absent
Chairman O’Brien – Yea

Yea 9 / Nay 1 / Absent 3

RESOLVED: the 2017-2021 Capital Plan (Attached) is approved as submitted.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication G. – from the 5/23/16 Agenda. Councilwoman Morrissey presented a SECOND READING and made a MOTION to APPROVE the Ordinance which was SECONDED by Councilman Ronan and APPROVED by majority with Councilman Riccio voting nay:

RESOLVED: 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,

July 25, 2016

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 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

July 25, 2016

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. The City is authorized 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 by a majority of the Bond Committee 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

July 25, 2016

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.

Councilwoman Morrissey Chairman of the Finance Committee, presented the majority reports of the committee with regards to Communication H. – from the 5/23/16 Agenda. Councilwoman Morrissey presented a SECOND READING and made a MOTION to APPROVE the Ordinance which was SECONDED by Councilman Ronan and APPROVED by majority with Councilman Riccio voting nay:

RESOLVED: 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

July 25, 2016

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

July 25, 2016

(provided the maximum bond term from the date of issue for each particular Project shall not exceed the "Project Bond Term" set forth in Exhibit A). 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

July 25, 2016

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 for the Projects to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes herein authorized.

Section 4. 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 or notes herein authorized, the City is authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on the City's bonds and notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds for the purpose to which the premium was applied, in the amount so applied.

Section 5. Said Bonds may 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

July 25, 2016

the Bond Committee deem necessary or appropriate to so secure the Bonds or which are contemplated by law. A majority of the Bond Committee, if they determine it to be advisable, necessary or appropriate, is authorized, on behalf of the City, to enter into an indenture of trust and/or a supplemental indenture of trust to any existing indenture of the City (collectively, the "Indenture") with a bank or trust company located within or without the State of Connecticut (the "Trustee"), and to covenant: (i) if the Bonds are issued pursuant to such Indenture 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 Bonds as provided in Chapter 117 and other Chapters of the Connecticut Statutes, and (ii) the terms on which any payments or reserves securing the payment of the Bonds will be paid, and the terms of any reserve or other fund for the benefit of the holders of the Bonds; 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 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 City is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said Bonds or any anticipated amounts of State and Federal grants in aid for the Projects. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of a majority of the Bond Committee, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by a majority of the Bond Committee, be certified by a bank or trust company designated by a majority of the Bond 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

July 25, 2016

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.

Councilman Ronan Temporary Chairman of the Public Lands Committee, presented the unanimous reports of the committee with regards to Communication A- from Corporation Counsel in regards to a Renewal of Coast

July 25, 2016

Guard Sites for Harbor Range Lights. Councilwoman Ronan presented the following MOTION which were DULY SECONDED by Councilwoman Eberle and APPROVED unanimously viva-voice:

RESOLVED: that Edward M. O'Brien, Mayor is hereby authorized to sign the Agreement entitled "Renewal of Coast Guard Sites for harbor Range Lights".

ACTION ON ORDINANCE PREVIOUSLY PRESENTED: None.

NEW BUSINESS:

Chairman O'Brien presented a MOTION to NOMINATE & APPROVE the appointment of Robbin Watt Hamilton of 92 Bedford Street to the vacant 5th District City Council Seat which was SECONDED by Councilman Ruickoldt and after a call for any other nominations, was APPROVED unanimously viva-voice:

RESOLVED: Robbin Watt Hamilton is hereby appointed to the 5th District City Council Seat. (Robbin is sworn in by Steven R. Mullins & Deborah Collins)

Councilman Ruickoldt requests a letter be sent regarding the status of 19 Beach Street.

Councilman Quagliani requests that a letter be sent to Corporation Counsel asking for an update on the 10% penalty imposed on West Haven business for failure to file documents with the Assessor.

Councilwoman Riccio inquired within the Council how we could potentially adopt a V.A. Advisory Committee, to which the Chairman suggested it be discussed with the Mayor.

ADJOURNMENT: 9:20 P.M.

ATTEST: Michael DiMassa, Clerk of the Council

BY: Michael DiMassa, Clerk of the Council

These minutes are subject to City Council approval.

July 25, 2016