



Stratford, Connecticut

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## MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, MARCH 14, 2011 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT AT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Thomas Malloy

COUNCIL MEMBERS IN ATTENDANCE: Mr. Christian Barnaby, Ms. Stephanie Philips, Mr. Matthew Catalano, Mr. Jason Santi, Mr. John Dempsey, Mr. David Fuller, Ms. Kimberly Meuse, Mr. James Connor, Mr. Thomas Malloy, Mr. Paul Hoydick

COUNCIL MEMBERS ABSENT: none

OTHERS IN ATTENDANCE: Mayor John Harkins, Town Attorney Timothy Bishop, Asst. Town Attorney John Florek.

*Stratford Town Council meeting recessed: 8:01 p.m.*

*Stratford Town Council meeting reconvened: 8:30 p.m.*

INVOCATION PRESENTED BY FIFTH DISTRICT COUNCIL MEMBER HON. JOHN M. DEMPSEY FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

**1. APPROVAL OF MINUTES** — Minutes of Public Forum, regularly scheduled meeting and executive session of February 14, 2011.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**2. CEREMONIAL PRESENTATIONS AND AWARDS** — None

**3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM**

Ms. Philips — re: School budget  
Mr. Fuller — re: budget

**4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES**

4.1 LETTER OF RESIGNATION — letter previously forwarded  
from: Zoning Commission, alternate member – Nancy Cummings Gazaille  
dated: 2/23/11

RESOLVED: that the foregoing letter of resignation from Nancy Cummings Gazaille as an alternate member of the Zoning Commission be and is hereby accepted.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. CATALANO TO ACCEPT THE FOREGOING RESIGNATION. THE MOTION PASSED UNANIMOUSLY.

**5. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS**

5.1 MAYOR’S REPORT — Mayor Harkins stated:

- The 2011-2012 proposed budget booklet was dispensed to Council members.
- The Gaelic Club Flag Raising ceremony will take place at Town Hall on Thurs. March 17, 2011 at 9:00 a.m.
- A Chamber event re: Economic Development will take place in March.

5.1.1 MAYORAL APPOINTMENTS — None

5.2 COMMITTEE REPORTS

5.2.1 ORDINANCE COMMITTEE —The Ordinance Committee conducted the public hearing and the regularly scheduled meeting of February 28, 2011 with the following ordinances referred to Council WITHOUT recommendation:

A. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$2,327,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2010-2011 (#11-03)

Sponsored by: Stratford Town Council

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. (appended as page 6)

COMMITTEE REPORTS — continued

B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$550,000 FOR THE COSTS ASSOCIATED WITH THE REPLACEMENT OF FIRE TRUCKS OF THE TOWN AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#11-04)

Sponsored by: Stratford Town Council

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. (appended as pages 7-10)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO PLACE THE FOREGOING TWO ORDINANCES (A. AND B.) ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 CLAIMS REPORT — No report

5.3.2 INDEMNIFICATION OF VOLUNTEERS FOR CONSTRUCTION OF LITTLE LEAGUE BUILDING.

RESOLVED: that the Stratford Town Council authorize the Town Attorney to prepare indemnification agreements for volunteers of construction projects of the Little League building and authorize the Mayor to execute the documentation.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

5.3.3 AMENDMENT TO SECTION 196-3. OF CHAPTER 196 -TOW TRUCKS (#11-05)

Sponsored by: Stratford Town Council

Section 196-3 (Permit Requirements) of Chapter 196 of the Stratford Town Code entitled “Tow Trucks” is hereby deleted and the following is substituted therefor:

D. . Each permit holder shall have at least ~~two (2)~~ **one (1)** wrecker and one (1) flatbed **capable of carrying two vehicles**. Said vehicles shall be registered in the Town of Stratford. If requested of the permittee, a tow truck or a flatbed shall be at the scene within thirty (30) minutes of the call.

AMENDMENT TO SEC. 196-3. OF CHAPT. 196 -TOW TRUCKS (#11-05) — continued

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. FULLER TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

5.3.4 QUESTIONS TO THE TOWN ATTORNEY

Mr. Santi — re: Ordinance regarding Fats, Oils and grease and the Disclaimer Ordinance.

**6. QUESTIONS TO MAYOR OR STAFF**

Mr. Barnaby — re: PYE’s meeting on March 31 at St. Joseph’s Church regarding Long Beach West

Mr. Santi — re: Single stream recycling

Mr. Fuller — re: Recycling

Ms. Philips — re: Firetrucks, Repairs, insurance

**7. UNFINISHED BUSINESS and/or OLD BUSINESS**

7.1 SAEP — Mayor Harkins stated that the property will be listed for sale again.

7.2 TABLED ORDINANCES AND RESOLUTIONS

7.2.1 ECONOMIC DEVELOPMENT CORPORATION — Tabled during Council Meeting of February 9, 2009.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. FULLER TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. FULLER TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

7.2.2 RESOLUTION OF SUPPORT FOR RECONSTRUCTION OF INTERCHANGE 33 ON INTERSTATE 95-PROJECT NUMBER 138-223 (tabled during meeting of Feb. 14, 2011) — ITEM REMAINED ON THE TABLE.

TABLED ORDINANCES AND RESOLUTIONS — continued

7.2.3 RESOLUTION AUTHORIZING AMMENDMENTS AND TRANSFERS IN THE GENERAL FUND BUDGET FOR FISCAL YEAR 2010-2011 [Jan YTD] — tabled during meeting of February 14, 2 011 — ITEM REMAINED ON THE TABLE.

7.3 TABLED APPOINTMENTS — ALL TABLED APPOINTMENTS REMAINED ON THE TABLE.

**8. ORDINANCES AND RESOLUTIONS** — None

**9. NEW BUSINESS**

9.1 APPOINTMENTS

9.1.1 ASSESSEMENT APPEALS, BOARD OF — ALTERNATE MEMBERS  
— 4-year term — § 5-76, appointed by Council

A. RESOLVED: that JOSEPH L. PAUL of 47 HARBOUR VIEW PLACE be and is hereby appointed an alternate member of the Board of Assessment Appeals (vacant term)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. CATALANO TO APPOINT JOSEPH L. PAUL OF 47 HARBOUR VIEW PLACE TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

B. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Board of Assessment Appeals (vacant term)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. HOYDICK TO PLACE THE FOREGOING APPOINTMENT ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

**10. ADJOURNMENT** — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MR. BARNABY, SECONDED BY MR. FULLER, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:29 p.m.

ATTEST: Carol Cabral  
Carol Cabral, Council Clerk

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$2,327,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL EQUIPMENT PROGRAM FOR FISCAL YEAR 2010-2011 (#11-03)

**WHEREAS**, an ordinance entitled “An Ordinance Appropriating \$2,327,000 For Various Public Improvements In The Capital Equipment Program For Fiscal Year 2010-2011” has been enacted by the Town Council at its meeting on November 10, 2010 (the “Original Appropriation Ordinance”);

**WHEREAS**, the Town Council desires to amend the Original Appropriation Ordinance to increase the amount of the appropriation set forth therein;

**BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:**

Section 1. The caption of the Original Appropriation Ordinance is hereby amended to increase the amount of the appropriation set forth therein by \$525,000 from \$2,327,000 to \$2,852,000.

Section 2. Section 1 of the Original Appropriation Ordinance is hereby amended to add the line item “Fire Truck Replacement” in the amount of \$525,000 under the heading “Public Safety”.

Section 3. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: \_\_\_\_\_, 2011

Approved by Mayor:

\_\_\_\_\_  
Mayor Date

Notice of Passage Published: \_\_\_\_\_, 2011

Effective Date of Ordinance: \_\_\_\_\_, 2011

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$525,000 FOR THE COSTS ASSOCIATED WITH THE REPLACEMENT OF FIRE TRUCKS OF THE TOWN AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#11-04)

**WHEREAS**, an ordinance entitled “An Ordinance Appropriating \$2,327,000 for Various Public Improvements In the Capital Equipment Program For Fiscal Year 2010-2011” has been enacted by the Town Council at its meeting on November 10, 2010;

**WHEREAS**, the Town Council has determined it to be in the best interest of the Town to approve additional appropriation and borrowing authorization for the Capital Equipment Program for fiscal year 2010-2011 for the costs associated with the replacement of the Town’s fire trucks (the “Fire Truck Replacement Project”) in the amount of \$525,000;

**WHEREAS**, the Town has together herewith enacted an ordinance amending the Original Appropriation Ordinance entitled “An Ordinance Amending An Ordinance Appropriating \$2,327,000 For Various Public Improvements in the Capital Equipment Program For Fiscal Year 2010-2011” by which the Town increased the amount of appropriation for the Capital Equipment Program for Fiscal Year 2010-2011 from \$2,327,000 to \$2,852,000 for purposes of adding the Fire Truck Replacement Project;

**BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:**

Section 1. To meet the appropriation of \$525,000 necessary to fund the Fire Truck Replacement Project and finance such additional costs and expenses related thereto, as the Mayor and the Director of Finance shall approve for the funding of necessary and appropriate financing and/or issuance costs including, but not limited to legal, advisory, credit enhancement, trustee, underwriters’ discount and printing and administrative expenses, \$525,000 bonds of the Town may be issued maturing not later than the twentieth year after their date (the “Bonds”).

Section 2. The Bonds may be issued in one or more series as determined by the Mayor and the Director of Finance. The amount of Bonds of each series to be issued shall be fixed by the Mayor and the Director of Finance in the amount necessary to meet the Town’s share of the cost of the Project determined after considering the estimated amounts and timing of State and Federal grants-in-aid for the Project, 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 temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance of the Bonds. The Bonds shall be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor and the Director of Finance, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law. The Bonds shall be general obligations of the Town and each of the Bonds shall recite that every

requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The Town shall levy taxes in each year to meet principal and interest due and payable on the Bonds issued pursuant to this ordinance.

Section 3. The Mayor and Director of Finance are hereby authorized to determine the aggregate principal amount of the Bonds of each series to be issued, the annual installments of principal, date, maturity, prices, interest rates whether fixed or floating, form, redemption provisions, if any, the certifying registrar and transfer agent, the manner of sale or other terms and conditions of the Bonds, including the terms of any reserve that might be established as authorized herein, and whether any of the Bonds issued will be issued as taxable bonds, all in such a manner as the Mayor and Director of Finance shall determine to be in the best interests of the Town and in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes"), and to take such actions and to execute such documents, or designate other officials or employees of the Town to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance in order to issue, sell and deliver the Bonds.

Section 4. The Bonds shall be sold by the Mayor and the Director of Finance in a competitive offering or by negotiation in their discretion. If sold in a competitive offering, the Bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. If the Bonds are sold by negotiation, the provisions of the bond purchase agreement shall be approved by the Mayor and Director of Finance.

Section 5. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of the Bonds. Notes evidencing such borrowings shall be signed by the Mayor and the Director of Finance, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor and the Director of Finance, be approved as to their legality by Pullman & Comley, LLC, Attorneys-at-Law, and be certified by a bank or trust company designated by the Mayor and the Director of Finance pursuant to Section 7-373 of the Connecticut General Statutes. The Notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or the Bonds, may be included as a cost of the Project. Upon the sale of the 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 notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid prior to and anytime after the date of passage of this ordinance in the maximum amount and for the Project

with the proceeds of bonds, notes, or other obligations (“Bonds”) authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The Mayor and Director of Finance are hereby authorized, if they determine it is in the Town’s best interests, to acquire, on behalf of the Town, bond insurance or other forms of credit enhancement guaranteeing the Bonds on such terms as the Mayor and Director of Finance determine to be appropriate, such terms to include, but not be limited to, those relating to fees, premiums and other costs and expenses incurred in connection with such credit enhancement, the terms of payment of such expenses and costs and such other undertakings as the issuer of the credit enhancement shall require; and the Mayor and Director of Finance, if they determine that it is appropriate, are authorized, on the Town’s behalf, to grant security to the issuer of the credit enhancement to secure the Town’s obligations arising under the credit enhancement, including the establishment of a reserve from proceeds of the Bonds.

Section 8. The Mayor and the Director of Finance are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (“MSRB”) and to provide notices to the MSRB 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. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The Mayor and Director of Finance are hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Projects, and to take all action necessary or proper in connection therewith.

Section 10. The Mayor and Director of Finance in connection with the issuance of the Bonds, are hereby authorized to allocate any unused bond proceeds to public improvements previously authorized by the Town Council for bonding, consistent with the applicable tax and other laws, as deemed necessary or advisable and in the best interests of the Town by the Mayor and Director of Finance.

Section 11. It is hereby found and determined that the estimated period of utility for the Project is at least twenty years.

Section 12. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: \_\_\_\_\_, 2011

Approved by Mayor:

\_\_\_\_\_  
Mayor Date

Notice of Passage Published: \_\_\_\_\_, 2011

Effective Date of Ordinance: \_\_\_\_\_, 2011