

**Town Meeting
Minutes
May 17, 2010**

Moderator Dr. Kenneth Paddyfote called the town meeting to order at 7:00 p.m. and stated that petitions were submitted to the town clerk requesting that the vote on the bonding resolution go to a referendum. 280 signatures were verified; therefore, the meeting was for discussion only on the bonding resolution.

The Moderator read the following legal notice:

TOWN OF MIDDLEBURY
NOTICE OF TOWN MEETING
Monday, May 17, 2010-7:00 p.m.
Shepardson Community Center Auditorium

NOTICE IS HEREBY GIVEN that the Town of Middlebury, Connecticut, will hold a Town Meeting on Monday, May 17, 2010 at 7:00 p.m. at the Shepardson Community Center in the Auditorium for the following purposes:

1. To receive communications with respect to and consider and act upon a resolution entitled " RESOLUTION APPROPRIATING \$700,000 FOR IMPROVEMENTS TO TOWN-WIDE RADIO COMMUNICATIONS SYSTEM AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE". The full text of the Resolution is on file, open to public inspection in the office of the Town Clerk.

2. To transact any other business proper to come before the meeting.

Dated at Middlebury, Connecticut this 6th day of May, 2010

Thomas P. Gormley
First Selectman

Elaine M. R. Strobel
Selectman

Robert C. Desmarais., Sr.
Selectman

The Moderator stated that the return of posting and publication thereof, on file and of record, states that said Notice, signed by all of the Selectmen, had been posted on the Town signpost, or other exterior place near the office of the Town Clerk, on May 7, 2010 and that a copy thereof had been published in the Republican-American, a newspaper of general circulation in said Town, in its issue of May 8, 2010.

In accordance with Chapter IX, Section 901 of the charter of the Town of Middlebury and Section 7-6 of the General Statutes of Connecticut, as amended, only an elector of the Town of Middlebury or a citizen of the United States of the age of eighteen years of age or more who, jointly or severally, is liable to the Town for taxes assessed against him or her based on an assessment of not less than \$1,000 on the last completed grand list of the Town or who would have been so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25), or (26) of Section 12-81 of the Connecticut General Statutes, as amended.

The Moderator stated that Communications were received from the Boards of Finance and Selectmen, indicating the adoption and recommendation of the IMPROVEMENTS TO TOWN-WIDE RADIO COMMUNICATIONS SYSTEM Bond Resolution, which will be incorporated into the minutes of this meeting.

The communications follow:

May 17, 2010

To the Legal Voters of the Town of Middlebury:

At a Special Meeting of the Board of Selectmen held on May 6, 2010, the following Resolution was adopted and recommended for adoption by the Legal Voters of the Town:

RESOLUTION APPROPRIATING \$700,000 FOR IMPROVEMENTS TO TOWNWIDE RADIO COMMUNICATIONS SYSTEM AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Very truly yours,

Thomas P. Gormley
First Selectman

May 17, 2010

To the Legal Voters of the Town of Middlebury:

At a Special Meeting of the Board of Finance held on May 6, 2010, the following Resolution was adopted and recommended for adoption by the Legal Voters of the Town:

RESOLUTION APPROPRIATING \$700,000 FOR IMPROVEMENTS TO TOWNWIDE RADIO COMMUNICATIONS SYSTEM AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Very truly yours,

Michael J. McCormack
Chairman-Board of Finance

The Moderator introduced the following resolution:

"RESOLUTION APPROPRIATING \$700,000 FOR IMPROVEMENTS TO TOWN-WIDE RADIO COMMUNICATIONS SYSTEM AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE".

Copies of the \$700,000 IMPROVEMENTS TO TOWN-WIDE RADIO COMMUNICATIONS SYSTEM Bond Resolution were available at this meeting. The Moderator asked for a motion and a second to waive the reading of the resolution, incorporating its full text into the minutes of this meeting. Motion made by Elaine Strobel, seconded by Robert Desmarais. Vote: Ayes: 13 Nays: 0. Motion passed to waive reading the resolution.

RESOLUTION APPROPRIATING \$700,000 FOR IMPROVEMENTS TO TOWN-WIDE RADIO COMMUNICATIONS SYSTEM AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$700,000 is appropriated for improvements to the radio communications infrastructure including Police, Fire and Public Works departments integrated radio system, replacement of existing system, upgrades, including simulcast platform, combined digital and analog technology, mobile and portable communications, and for improvements and services related thereto, or such additional, so much thereof, or alternative improvements as may be accomplished within said appropriation and for equipment, testing, design, implementation, training, lifecycle support, consultant services, administrative, printing, legal, and financing costs (hereinafter the "Project"). The First Selectman is authorized to enter into agreements on behalf of the Town with state and federal government for grant funding with respect to said Project. Said appropriation shall be inclusive of state and federal grants-in-aid thereof and in addition to all prior appropriations.

Section 2. The total estimated cost of the project is \$700,000; \$215,000 of project costs is expected to be paid from grants and \$485,000 from the proposed bond issue.

Section 3. To meet said appropriation, \$700,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued maturing not later

than the twentieth year after their date. Said bonds may be issued in one or more series as shall be determined by the First Selectman and Treasurer, and the amount of bonds of each series to be issued shall be fixed by the First Selectman and Treasurer in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds 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 temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds.

Section 4. Said bonds shall be sold by the First Selectman and the Town Treasurer in a competitive offering. The bonds shall be sold upon sealed proposals, or by auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. The Bonds may be sold by negotiations upon approval by the Board of Selectmen.

Section 5. The First Selectman and the Town Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the First Selectman and the Town Treasurer, have the seal of the Town or a facsimile thereof affixed, be payable at a bank or trust company designated by the First Selectman and the Town Treasurer, be certified by a bank or trust company designated by the First Selectman and the Town Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the 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 them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. 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.

Section 6. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town of Middlebury (the "Issuer") hereby expresses its official intent pursuant to § 1.150-2 of the Federal Income Tax Regulations. Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this resolution in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds 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 Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Chief Financial Officer or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 7. The First Selectman and Treasurer are hereby authorized to exercise all powers conferred by section 3-20e of the general 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 resolution.

Section 8. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the Town authorized to be issued herein with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The First Selectman and Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as amended, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

Moderator asked for a motion and a second that the resolution be adopted with the understanding that no vote would be taken at this time. Motion made by Robert Desmarais, seconded by Thomas Gormley. Discussion:

Mr. Ed Chamberlain of Three Mile Hill Rd questioned why the system is not covering the whole town and why a year has been spent on making a decision about this project.

The Moderator asked for a motion to set the date, time and place for the referendum. Robert Desmarais made a motion to have the referendum on May 25, 2010 from 6:00 a.m. to 8:00 p.m. at the Shepardson Community Center. It was seconded by Thomas Gormley. Vote: Ayes: 12 Nays: 1. Motion passed.

There being no further business, motion to adjourn was made by Elaine Strobel, seconded by Robert Desmarais. All were in favor. Meeting adjourned at 7:10 p.m. Number attending: 13

Respectfully submitted,

Edith Salisbury
Town Clerk

