

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



FINANCE COMMITTEE
AGENDA
JULY 7, 2020

Lisa Valenti, Chairman
22 Wood Avenue
Trumbull, CT 06611

Dawn Cantafio, Vice Chairman
72 Tait Road
Trumbull, CT 06611

Kevin Shively
66 Beardsley Parkway
Trumbull, CT 06611

Michael Miller
19 Lynnbrook Drive
Trumbull, CT 06611

Lori Rosasco Schwartz
29 High Ridge Road
Trumbull, CT 06611

Tony Scinto
32 Lindberg Drive
Trumbull, CT 06611

Mary Isaac, Alternate
50 Skating Pond Road
Trumbull, CT 06611

Donna Seidell, Alternate
182 Old Dike Road
Trumbull, CT 06611

NOTICE is hereby given that the Finance Committee of the Trumbull Town Council will hold a videoconference meeting via Zoom on Tuesday, July 7, 2020 at 7:30 p.m.

The above meeting will be conducted remotely. In person public attendance is not permitted. The public can access the meeting remotely on ZOOM Videoconference by accessing the URL or phone number below, and entering the specified Meeting ID and Password:

Town Council Finance Committee Meeting

July 7, 2020 at 7:30 PM

Join the meeting online:

<https://zoom.us/j/98687199366?pwd=RmhYbG9QV0pSeG12MVpwbHhrUUZiQT09>

Webinar ID: 986 8719 9366

Password: 361975

Join by telephone: (301) 715-8592 or (877) 853-5257 (Toll Free) / Webinar ID: 986 8719 9366

The agenda of the meeting, material for which it is known will be submitted to the Council in connection with the meeting, and for the agenda items for the Council meeting are, or will be, posted on the Town's website www.trumbull-ct.gov and will be available for viewing during and after the meeting

The meeting will be for the following purpose:

1. RESOLUTION TC28-81: To consider and act upon a resolution entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUMBULL AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE REFINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT WITHIN THE TERMS PROVIDED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION."
2. RESOLUTION TC28-82: To consider and act upon a resolution entitled "Resolution Regarding Adoption of the Capital Improvement Plan (Town) 2020-2021" (The purpose of the resolution is to clarify and affirm adoption of the above capital improvement plan appropriation and bond resolution in the amount of \$7,332,000, instead of \$7,632,000.
3. RESOLUTION TC28-83: To consider and act upon a resolution which would approve the funding for a labor agreement between the Town of Trumbull and UPSEU-DPW Local 424 Unit 108 (Non-Supervisory) Highway & Parks Employees beginning July 1, 2019 and ending June 30, 2022.
4. RESOLUTION TC28-84: To consider and act upon a resolution which would authorize the application to the State of Connecticut Department of Revenue Services for the Neighborhood Assistance Act program to include Connecticut Radio Information System- \$5,000, the Kennedy Center- \$150,000, Make-A-Wish Foundation CT- \$150,000; and that would authorize First Selectman Vicki A. Tesoro or her designee, to submit such application and sign all related forms, contracts and reports in order to implement the Neighborhood Assistance Act program.

RESOLUTIONS

1. RESOLUTION TC28-81: BE IT RESOLVED, That a resolution entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUMBULL AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE REFINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT WITHIN THE TERMS PROVIDED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION" is hereby approved. (Full Resolution Attached)
2. RESOLUTION TC28-82: BE IT RESOLVED, Whereas the Capital Improvement Plan (Town) 2020-2021 ("Town CIP 20-21") appropriation and bond authorization was originally proposed in the amount \$7,632,000; Whereas the Board of Finance approved a reduced appropriation and bond authorization for the Town CIP 2020-2021 in the amount of \$7,332,000; Whereas the Town Council intended to adopt the Town CIP 2020-2021 appropriation and bond resolution in the amount and as approved by the Board of Finance, but through oversight unanimously adopted the resolution in the full original amount; Now Therefore, be it Resolved by the Town Council: The intent of the Town Council in adopting the resolution is hereby confirmed to be the Town CIP 2020-2021 Bond Resolution as attached hereto, as adopted by the Board of Finance and in the amount of \$7,332,000, and the vote thereon at the June 9, 2020 Council meeting shall be applied and understood accordingly. The Council Clerk shall publish such notices as deemed appropriate and upon advice of counsel. (Full Resolution Attached)
3. RESOLUTION TC28-83: BE IT RESOLVED, That the funding for a labor agreement between the Town of Trumbull and UPSEU-DPW Local 424 Unit 108 (Non-Supervisory) Highway & Parks Employees beginning July 1, 2019 and ending June 30, 2022 is hereby approved.
4. RESOLUTION TC28-84: BE IT RESOLVED, That the application to the State of Connecticut Department of Revenue Services (DRS) for the Neighborhood Assistance Act program is hereby authorized to include Connecticut Radio Information System (\$5,000), the Kennedy Center (\$150,000) and Make-a-Wish Foundation of CT (\$150,000); and First Selectman Vicki A. Tesoro, or her designee, is hereby authorized to submit such application and sign all related forms, contracts and reports in order to implement the Neighborhood Assistance Act program. (Full Resolution Attached)

FULL RESOLUTIONS

RESOLUTION TC28-81:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUMBULL AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE REFINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT WITHIN THE TERMS PROVIDED HEREIN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, THE TOWN OF TRUMBULL (the Governing Body) (the “*Lessee*”), a Municipality duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of CONNECTICUT, is authorized by the laws of the State of CONNECTICUT to acquire, finance, refinance and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to refinance and lease certain equipment that have been acquired, installed and financed pursuant to Prior Leases (as defined in the Agreement) with a cost not to exceed \$4,671,000 constituting personal property necessary for the Lessee to perform essential governmental functions (the “*Equipment*”); and

WHEREAS, in order to refinance such Equipment, the Lessee proposes to enter into that certain Equipment Lease/Purchase Agreement (the “*Agreement*”) with Banc of America Public Capital Corp (or one of its affiliates), as lessor, (the “*Lessor*”), the form of which has been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement and the other documentation relating to the refinancing and leasing of the Equipment to be therein described on the terms and conditions therein and herein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Lessee as follows:

Section 1. Findings and Determinations. It is hereby found and determined that the terms of the Agreement, in the form presented to the governing body of Lessee at this meeting, are in the best interests of the Lessee for the refinancing and leasing of the Equipment.

Section 2. Approval of Documents. The form, terms and provisions of the Agreement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the First Selectman and/or the Director of

Finance of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the Director of Finance of the Lessee is hereby authorized and directed to execute, and the Town Clerk of the Lessee is hereby authorized and directed to attest, the Agreement and any related Exhibits attached thereto and to deliver the Agreement (including such Exhibits) to the respective parties thereto, and the Town Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 3. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of a tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 4. No General Liability. Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are limited obligations of the Lessee, subject to annual appropriation, as provided in the Agreement.

Section 5. Appointment of Authorized Lessee Representatives. The First Selectman and the Director of Finance of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

Section 6. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency with respect to this Resolution. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 8. Effective Date. This Resolution shall be effective immediately upon the posting of this approval on the website of the Town of Trumbull. This Resolution shall be effective immediately upon its publication (emergency legislation).

RESOLUTION TC28-82:

AS AMENDED BY BOARD OF FINANCE
RESOLUTION APPROPRIATING \$7,332,000 FOR THE
TRUMBULL (TOWN) CAPITAL IMPROVEMENT PLAN 2020-
2021 AND AUTHORIZING THE ISSUE OF \$7,332,000 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 \$7,332,000 is appropriated for the planning, acquisition and construction of the various projects comprising the Trumbull (Town) Capital Improvement Plan 2020-2021, as adopted and amended by the Town Council from time to time, and consisting of: (i) roadways; (ii) Public Facilities including Town Hall, Public Works Yard, EMS Building, Senior Center, (iii) Park improvements, (iv) Fleet and Equipment; (v) other projects, including economic development and various road and drainage improvements and engineering; and including appurtenances, equipment and services related thereto, or for so much thereof or such additional improvements as may be accomplished within said appropriation, and for administrative, advertising, printing, legal and financing costs to the extent paid therefrom. Said appropriation shall be in addition to grant funding and all prior appropriations for said purpose. The Town Council may by resolution transfer funding herein among authorized projects within the 2020-2021 Town CIP, and the First Selectman's office may transfer among projects amounts not exceeding 10% of the CIP funding by purpose as last approved by the Town Council.

Section 2. To meet said appropriation \$7,332,000 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 determined by the First Selectman and the Town Treasurer (hereafter the Town Officials), and the amount of bonds of each series to be issued shall be fixed by the Town Officials, 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. Capital project revenues, including bid premiums and investment income derived from investment of bond proceeds (and net investment income derived from note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid therefrom. The remaining appropriation and bond authorization shall be reduced by the amount of capital project revenues so credited. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity 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 Town by the manual or facsimile signatures of the Town Officials, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Town Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Town Officials, and be approved as to their legality by Joseph Fasi LLC, Attorneys-at-law, Bond

Counsel of Hartford. They shall bear such rate or rates of interest as shall be determined by the Town Officials. 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, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and will be paid from property taxation to the extent not paid from other sources. The aggregate principal amount of the bonds to be issued, the annual 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 the Town Officials, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Town Officials, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction, or similar competitive process 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. If the bonds are sold by negotiation, the provisions of purchase agreement shall be approved by the Town Officials.

Section 4. The Town Officials are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Town Officials, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Town Officials, be approved as to their legality by Joseph Fasi LLC, Attorneys-at-law, Bond Counsel of Hartford, and be certified by a bank or trust company designated by the Town Officials, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. 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, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and will be paid from property taxation to the extent not paid from other sources. 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 notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (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 ordinance 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 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 6. The Town Officials, 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 7. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The Town Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law including but not limited to any "tax credit bonds" or "Build America Bonds" including Direct Payment and Tax Credit versions.

RESOLUTION TC28-84:

Whereas, the State of Connecticut Department of Revenue Services (DRS) offers funding to tax exempt organizations in the form of tax credits; and

Whereas, tax credits are given to eligible corporations who contribute funding to support specific programs and services of the tax exempt organizations; and

Whereas, programs supporting job training, low income residents, senior residents, residents with disabilities, child care services, or open space acquisition offer a 60 percent credit and energy conservation programs offer a 100% credit; and

Whereas, the 2020 application will include Connecticut Radio Information System (\$5,000), the Kennedy Center (\$150,000) and Make-a-Wish Foundation of CT (\$150,000); and

Whereas, the town of Trumbull serves as the applicant and liaison to the Department of Revenue Services on behalf of the tax exempt organizations.

Now, therefore, be it resolved by the Town Council:

1. That it is cognizant of the application to the State Department of Revenue Services for the Neighborhood Assistance Act program; and,
2. That Vicki A. Tesoro, or her designee, is authorized to submit such application and sign all related forms, contracts, and reports in order to implement the Neighborhood Assistance Act program.