



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR STEPHEN WOODS**

## MINUTES Newington Town Council – Regular Meeting November 13, 2012

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THE BELOW DOCUMENT IS A BRIEF SUMMARY OF DISCUSSION AND ACTION TAKEN DURING THE NOVEMBER 13 TOWN COUNCIL MEETING. A COMPLETE AUDIO RECORDING OF THE MEETING IS AVAILABLE IN THE TOWN CLERK'S OFFICE.

Mayor Woods called the meeting to order at 7:01 p.m. on Tuesday, November 13, 2012 in the Helen Nelson Room, Town Hall.

### I. PLEDGE OF ALLEGIANCE

### II. ROLL CALL

#### Councilors Present

Councilor Borjeson  
Councilor Bottalico  
Councilor Castelle  
Councilor Cohen  
Councilor DelBuono  
Councilor Klett  
Councilor McBride  
Councilor Nagel  
Mayor Woods

#### Staff Present

John Salomone, Town Manager  
Ann Harter, Finance Director  
Craig Minor, Town Planner  
Andy Brecher, Economic Development Director  
Jaime Trevethan, Executive Assistant to the Town Manager

### III. PUBLIC PARTICIPATION – IN GENERAL

Scott DelBuono, 327 Walsh Avenue – Me. DelBuono indicated that he has served the country for 22 years, including six years of active duty. He thanked the Councilors who attended the Veterans' Day ceremony at Town Hall. He expressed disagreement with the proposal to add Parks and Recreation Board members to the Town Hall Renovations Committee and indicated that it may be an ethics or favoritism issue since the Mayor's brother is also chair of the Parks and Recreation Board and owns a business in Town. He also spoke in disappointment about various Councilors who had voted against the recent Veterans' tax exemption and thanked Councilor Klett for voting for what she believes in. He asked the Mayor to abstain from any votes regarding adding Parks and Recreation Board members to the Town Hall Renovations Committee.

Ben Page, 46 Olive Street – Mr. Page indicated that he has been working on restoring the cemetery on the corner of Church and Kelsey Streets as his Eagle Scout project. He stated that with the help of the Town, residents, local business and members of his troop, the fence has been replaced around the

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cemetery and overgrown/dead trees and brush have been removed. Mr. Page stated that the markers in the cemetery date back to the 1700's and many have historical significance to the Town. He stated that many are damaged or toppled over and asked the Council to allocate a small amount of funding to restore a few of the markers each year.

#### IV. CONSIDERATION OF OLD BUSINESS

##### A. Refunding of the 2003, 2004 & 2005 Bonds

Finance Director Ann Harter explained the bond refunding process and savings. She answered Councilors' questions regarding the interest rates and principal payments.

Councilor Castelle moved the following:

#### Town Council Resolution: Refunding Bonds

##### RESOLVED:

**That the Newington Town Council hereby adopts a resolution authorizing the issue of up to \$11,000,000 in general obligation bonds to refund certain prior bonds of the Town and to finance such additional amounts as are needed to pay all fees, costs, expenses and redemption premium in connection with the refunding of the prior bonds and the authorization, issuance and sale of the refunding bonds and appropriating the proceeds of such bonds for the foregoing purpose that was introduced at the Town Council meeting of October 23, 2012 and heard at the Public Hearing on November 13, 2012, a copy of the full text of such resolution is attached and shall be entered into the record.**

Motion seconded by Councilor DelBuono.

Motion passed 9-0.

##### B. Expansion of the Town Hall Project Building Committee

Deputy Mayor McBride indicated that he is most comfortable with the option (in the resolution listed below) in which two members of the Park and Recreation Board (Board) would be appointed to the Town Hall Renovations Project Building Committee (PBC) as members who may vote only on items pertaining to matters regarding the Parks and Recreation facilities. Councilor Nagel inquired whether the PBC Chair would be able to decide whether the Board members could vote on an item, or allow them to vote and then decide whether the votes count. Deputy Mayor McBride stated that the voting guidelines would be followed according to the resolution (below). Councilor Klett expressed concern with about equity to all other Town departments. Councilor DelBuono indicated that the Board members are Commissioners, not Town employees, but indicated that she would still be more comfortable with the Parks and Rec members serving as liaisons rather than voting members. Councilor Nagel agreed with Councilor Klett's concern and Councilor DelBuono's preference for liaisons rather than voting members. He noted that the Library Board has expressed concern with how the project will affect the Library.

Councilor McBride indicated that the PBC has discussed these concerns and indicated that the Committee will welcome any input from all departments, but since the project currently deals directly with the Parks and Rec department, their input is very necessary. He stated that other departments will be heavily involved at the appropriate times as well. Town Manager Salomone indicated that departments had input during the initial study of Town Hall about three years ago, and will have the same input in the future. He cautioned that an architect has not been selected for the project yet, so any concerns about a lack of involvement is premature. Councilor Castelle stated that if the Community Center currently existed as a separate building there would be no question as to whether or not to have Board members on the PBC. He expressed support for the resolution. Councilor Cohen stated that had the Council had the opportunity to think the process through from the beginning then there would be members of the Board on the PBC. She expressed confidence in the PBC Chair, Deputy Mayor McBride. She also

stated that the Board members will not have any interest in voting on items that don't pertain to the Parks and Recreation Department and she noted that there are many checks and balances throughout the process. Councilor Cohen expressed support for the resolution.

Councilor Bottalico stated opposition to the resolution and asked about the involvement of the Senior Center and Library. He also noted that the last meeting was not run by the PBC Chair, it was run by the Mayor. Councilor Bottalico indicated that he was the Chair of the PBC in 2008 and indicated that the PBC will never complete the project at this rate. Councilor Klett noted that other Town departments have been moved without department members on a committee; while on the other hand, the Police Department construction had a committee with public members to oversee the process. She expressed concern with having the Chair make the decision on how the committee should run, in terms of Board members voting. She stated that she would be more comfortable with more direction on the Board members' involvement. Town Manager Salomone stated that he purposely used general language in the resolution, but wrote it in such a way as to not include items which are obviously not part of the Board's purview.

Deputy Mayor McBride assured the Council that Board members have no interest in having any vote in any items that don't affect Parks and Recreation. He stated that the fourth item was included in the resolution to account for the large project scope; however, he doesn't foresee using the fourth option often.

Councilor Castelle moved the following:

**WHEREAS, the Town Hall Renovations Project Building Committee will consider an expansion and/or separate building for the Mortensen Community Center; and**

**WHEREAS, two members from the Board of Parks and Recreation can assist the Committee in their deliberations;**

**NOW, THEREFORE BE IT RESOLVED, That the Town Council appoints two additional members of the Town Hall Renovations Project Building Committee from the Board of Parks and Recreation who would have the following responsibilities and whose votes would be considered on these matters specifically;**

1. **Site selection**
2. **Building size and configuration**
3. **Relocation of other facilities on site ( i.e. new Mill Pond Park Pool)**
4. **Other assistance required from the additional members as ruled by the Chair**

**BE IT FURTHER RESOLVED,**

**The Newington Town Council hereby makes the following appointments:**

**Town Hall Renovations Project Building Committee**

<b>Name</b>	<b>Address</b>	<b>Party</b>	<b>Term</b>	<b>Replaces</b>
<b>Board of P&amp;R Member: William DeBlasio</b>	<b>68 Harold Drive</b>	<b>D</b>	<b>Immediate – TBD</b>	<b>None</b>
<b>Board of P&amp;R Member: Jeff Perillo</b>	<b>269 Beacon Street</b>	<b>R</b>	<b>Immediate – TBD</b>	<b>None</b>

Motion seconded by Councilor McBride

Roll call vote:

Councilor Borjeson – yes

Councilor Bottalico – no

Councilor Castelle – yes

Councilor Cohen – yes  
Councilor DelBuono – no  
Councilor Klett – no  
Councilor McBride – yes  
Councilor Nagel – no  
Mayor Woods – yes

Motion passed 5-4

## V. CONSIDERATION OF NEW BUSINESS

### A. Elderly Tax Exempt

Town Manager Salomone indicated that the Council approved a resolution to increase the veterans' tax exemption at the last meeting and stated that some Councilors have now asked to discuss an amendment to the elderly tax exemption as well. He stated that it is a New Business item, so there will be no action at this meeting. He stated that an elderly exemption would go into effect with the next fiscal budget and any action taken by the Council would direct the Town Manager to include any elderly exemption in his upcoming proposed budget.

Councilor Bottalico inquired as to why this is even up for discussion at this time, as it is a budgetary item and should be discussed and voted on during the budget. He stated that he cannot vote on an item when he has no idea how that budget will look next year. Councilor Borjeson stated that this increase will help to bring Newington in line with comparable Towns. He noted that the proposed item is only \$25,000 out of the entire budget and stated that this is an attempt to get the seniors up to a level that the Council is comfortable with and remarked that it is about equity. Councilor Klett stated that the issue is with timing, since the veterans' item had a hard deadline, but the elderly item is budgetary and should be discussed during the budget process. She stated that she is in favor of supporting the elderly, but during the budget process. Mayor Woods indicated that the budget is open for discussion throughout the year.

Councilor DelBuono stated that she will support an elderly benefit, however, it is a budget session item that should be discussed at that time and also noted that the veterans' item had to be approved prior to the budget due to the Grand List deadline. She stated that the Council should discuss an elderly benefit, but put off any votes until the budget session. Councilor Castelle stated that given past discussions it does not seem unreasonable to consider the additional exemption at this time.

Mayor Woods indicated that this item will be on the next Council agenda for consideration.

### B. Economic Development Update

Economic Development Director Andy Brecher and Town Planner Craig Minor gave the Council an update on various economic development items.

Mr. Minor indicated that CRCOG had planned a workshop on Transit-Oriented Development (TOD) market analysis and a briefing on sustainable development techniques for land-use. The workshop was rescheduled due to Hurricane Sandy and the TOD market analysis has been rescheduled for December 12 and the sustainable developments techniques portion has been rescheduled for January 17. He indicated that a separate workshop by the Partnership for Strong Communities will be held to discuss the benefits and implications of TOD on December 12.

Mr. Minor also stated that CRCOG has received a grant from the DOT to provide planning services for the four Towns along the Fast-Track route: Newington, New Britain, West Hartford and Hartford. He stated that the Town will have access to the project, in which CRCOG has hired a consultant to be available to the Town for planning services pertaining to the busway. He stated that while it was originally intended to be used for planning related to the National Welding Site, however since the end-user of the site hasn't

been determined he has asked for assistance with the Newington Junction site zoning and land-use survey. He stated that this information could be used by the TPZ for advanced planning of the area.

Councilor Klett noted that the CRCOG meetings would be for the eight towns surrounding the busway. She noted the sensitivity of the busway and TOD issue items and how the handling of the issues is critical to the residents of the Town. Councilor Bottalico inquired about what the CRCOG \$15,000 grant will do. Mr. Minor stated that it will provide in-kind services to the Town for planning purposes. Councilor Bottalico expressed concern about the high-speed rail and also about high-rise housing and other development. Councilor Borjeson stated that a group is being put together from the Council, TPZ, staff and Chamber of Commerce and other interested parties on both sides of the issue to attend the CRCOG meeting. Councilor Klett inquired whether any residents in a neighborhood affected by the busway will be included. Mayor Woods replied in the negative, unless one of the existing members lives in the neighborhood. Councilor Nagel asked to be kept informed of any meetings, locations and date changes. Town Manager Salomone noted that the Town is not hosting these meetings and stated that they are not policy making avenues, just informational and educational sessions.

Mr. Brecher stated that the third round of the DECD Brownfield grant funding has been announced with applications due by December 15 and awards made in February 2013. He stated that the maximum award has been increased to \$2 million. He stated that the Town's application is in progress. He indicated that the revised cost for remediation, demolition and abatement of the National Welding site has been increased to about \$3.2 million dollars, so the Town will therefore seek the maximum \$2 million in funding. He stated that the remaining \$1.2 million for remediation could be addressed during development of the site. Mr. Brecher noted that the site did go out for RFP for development in October, which received no responses. He stated that many developers don't want to deal with a contaminated site, are too busy or couldn't meet the timeframe of the project. He also stated that many developers were concerned with the prospect of competition or were uneasy with the support level of the busway or were only interested in high-density housing, which the Town opposes. He stated that once an article ran in a local newspaper about a lack of response, there was suddenly more interest. Mr. Brecher stated that he is actively working with two development groups which have an array of proposals and ideas that are enhanced by the proximity of the busway, CCSU, and the potential railway. He stated that the ideas include retail and mixed uses. Mr. Brecher stated that there is no guarantee that either group will follow through with an actual proposal or RFP response. He also stated that he is working with the State DOT on the parking issue with the busway and that the DOT has acknowledged the issue with a possible lack of parking spaces. He stated that he has also learned that the cost for a bus ticket is expected to be about \$1.30 per ride.

Mr. Brecher and the Council briefly discussed marketing of the busway and various sites by the DOT.

Mr. Brecher gave the Council an update on Northwood Plaza (AKA Food Mart Plaza). He stated that he has been researching the issue and has met with tenants and real-estate brokers for the site. He has met with the property trustees who now own the property in order to emphasize the impact of their inactivity to the Town. He stated that the owners are only interested in selling the property and are current on their taxes, insurance and the minimum amount of maintenance necessary to prevent a blighted situation. He stated, however, that the property is worth millions less than the mortgage. He has urged the owners to be decisive now that the past probate issues have been resolved.

### C. Blight Process Update

Town Manager Salomone provided the Council with an overview of the new Blighted Ordinance, administration, and current blight complaints. He explained the process for taking in and investigating complaints, as well as the record keeping system in the Town Manager's office. He explained that all complaints go through the Town Manager's office and are then assigned to the Blight Enforcement Officer for investigation and follow-up. Town Manager Salomone stated that the Police Department and Human Services Department are also made aware of all complaints.

Town Manager Salomone indicated that as of November 13, 2012 there are approximately 27 residential blight complaints and indicated that many of these have been inspected and determined not to meet the criteria of a blighted property. He stated that the Enforcement Officer will follow up on many of these properties to make sure that they do not meet blighted conditions in the future. He stated that the notification process has begun for the properties that have been determined to meet the blight criteria. The process for notifying, enforcing and appealing blighted properties will be followed according to the ordinance.

Town Manager Salomone stated that once the notification process is complete the Council will receive an official list of blighted properties; however, the property owners must be given a chance to remedy or appeal the blighted condition before being placed on the list.

D. Town Council Rules of Procedure

Town Councilor Rules of Procedure Subcommittee Chairperson, Councilor Klett, indicated that the proposed changes to the Rules have been reviewed by the Town Attorney and can now go before the Council for approval. She thanked Councilor Castelle for his work on the rules and indicated that most of the changes are minor and procedural in nature. Councilor Castelle stated that he, Councilor Klett and Councilor DelBuono were charged with amending the rules and stated that most of the changes pertain to reference to the Town Charter. He stated that most of the rules relate directly to the Charter and that the proposed rules reference the proper sections of the Charter. He read through the various proposed changes to the document.

Councilor Bottalico suggested adding an item to Council agendas in which there would be Remarks by Councilors after the first Public Participation of each meeting, in addition to its current place on the agenda in order to give the Council more time to address residents' questions and concerns earlier in the meeting. The Council agreed by consensus to amend the proposed rules to include this item.

Mayor Woods indicated that the Council would vote on the amended rules at the next Council meeting.

E. Emergency Management Performance Grant

Town Manager Salomone stated that this funding is available to the Town year and stated that the Council will take action to authorize him to receive the funding at the next meeting. He stated that this is a small grant that helps fund items related to emergency management and the Fire Marshal's Office.

VI. RESIGNATIONS/APPOINTMENTS - none

VII. TAX REFUNDS

Councilor DelBuono moved the following:

**RESOLVED:**

**That property tax refunds in the amount of \$5,714.75 are hereby approved in the individual amounts and for those named on the "Requests for Refund of an Overpayment of Taxes," certified by the Revenue Collector, a list of which is attached to this resolution.**

Motion seconded by Councilor Nagel. Motion passed 9-0.

VIII. MINUTES OF PREVIOUS MEETINGS

A. October 23, 2012 - Regular Meeting

Councilor Cohen requested her comment that her "support is based on the recommendations of the Town Manager and Bob Korpak" be included on page 7, under the discussion on Town Hall renovations.

Councilor Cohen noted that "Annual Town Meeting" should read "Annual Balf-Town Meeting" on page 9.

Councilor Cohen moved to accept the minutes as amended. Motion seconded by Councilor Bottalico. Motion passed 8-0 (Councilor Nagel abstained)

**IX. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC - None**

**X. COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Nagel reported on the Library Board:

- He relayed concerns from the Library Board regarding Town Hall renovations
- The Library will have a trial of e-book downloads available
- The Library will be open Sunday hours starting on November 18
- The Friends of the Library will hold its book sale from Friday, November 16 – Sunday, November 18.
- There will be a wine, beer and cheese tasting fundraiser at the Library on January 25.

**XI. PUBLIC PARTICIPATION – IN GENERAL**

Mady Kenny, 53 Crestview Drive – Ms. Kenny noted that the new audio-visual equipment in conference room L101 went unused during the current Conservation Commission meeting, making it very difficult for the audience to see the presentation. She noted that the recent Town Hall Renovations Project Building Committee made good use of the new technology during a recent meeting.

Rose Lyons, 46 Elton Drive – Ms. Lyons stated that she was pleased with the Council's proposed new rules of procedure. She asked that residents in the Chapman Street area (affected by the busway) be included in future meetings and information sessions about the busway and asked that the Town hold some sort of meeting for those residents and bring in someone to get the word out to the residents. She indicated that she has received busway site plans. She expressed concern that the Blight Enforcement Officer may be overloaded with regular zoning issues in addition to the blight and indicated that there may be grant funding available to help low income owners of blighted properties. Ms. Lyons also disagreed with Mr. DelBuono's comments during the first public participation.

Don Woods, 82 Ivy Lane, Chair of Parks and Recreation Board – Mr. Woods thanked the Councilors who voted in favor of adding Board members to the Town Hall Renovations Committee and assured the Councilors who were not in favor that they will soon see the value of the addition. He addressed Mr. DelBuono's comments, and stated that he has never asked his brother for a favor and that he always works in the best interest of the Town.

**XII. REMARKS BY COUNCILORS**

Councilor Bottalico inquired about some questions he had asked of the Town Manager and asked for information regarding those questions as soon as possible. He also relayed some concerns from the Constables regarding the tax collection rate and the constables not receiving delinquent tax bills to collect. Town Manager Salomone stated that both Constables are welcome to come to him with any concerns.

Councilor Nagel noted Ben Page's comments about the cemetery restoration and commended him for his work on the project. He stated that the cemetery was in disrepair and Mr. Page's work is a vast improvement. Councilor Nagel also indicated that he was unable to attend the last Council meeting but stated that he would have supported the original veterans' tax exemption proposal.

Councilor DelBuono also thanked Mr. Page for his work in restoring the cemetery and stated that it is a very noticeable improvement. She also noted the Veterans' Day Ceremony held at Town Hall and

stated that the residents should be aware of the ceremony and she hopes to get the word out better in the coming years.

Councilor Cohen asked to receive a copy of the busway site plans. She also spoke about the Veterans' Day Ceremony and stated that her husband has tried to get the word out as best as possible but that a change in leadership caused some confusion.

Councilor Castelle noted that per the Town Manager's Report, as of the end of June there was surplus of about \$236,000 and \$384,000 in the Health Benefits Fund for the Town and the Board of Education. He indicated that the final figures for the year are about \$228,000 and \$707,000 respectively and he indicated that the Board of Education will meet to decide how to allocate surplus the funds. He also noted that 264 Newington residents cast presidential ballots at the Town Clerk's office on Election Day and thanked the Town Clerk and staff for their efforts. Councilor Cohen indicated that presidential ballots are issued to residents who are not otherwise registered to vote.

Councilor Klett thanked Ben Page and his Eagle Scout troop for their efforts in restoring the cemetery and suggested that the Council consider in the upcoming budget session an allocation to help to restore the damaged grave markers. She also asked the Town Manager whether the Town has received any petition regarding Cedar Mountain. Town Manager Salomone replied that he is not aware of any such petition. Councilor Klett also noted a telephone pole on the corner of Main Street and the Berlin Turnpike that is leaning and should be repaired. Town Manager Salomone stated that the Police Department or a Town Manager's Office employee can refer any streetlight/pole issues to CL&P for repair and also stated that residents can also contact CL&P directly. Councilor Klett noted that a gentleman named Joseph who usually attends Council meetings hasn't attended a meeting in some time and stated that she hopes he's doing well.

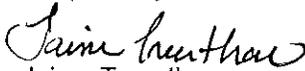
Mayor Woods also commended Ben Page for his efforts in the cemetery restoration and stated that he did a fantastic job with the coordination of this very large project. He recommended that the Town meets with the Historical society to address the needs of both historical cemeteries in Town. Town Manager Salomone indicated that he will reach out to Dave Goodale of the Deming-Young Foundation for input on the matter. Councilor Nagel remarked that it is important that any restoration be done in a historically accurate and proper manner. Mayor Woods also addressed Mr. DeIBuono's comments and stated that his record, professionally and politically, speaks for itself.

**XIII. EXECUTIVE SESSION RE: COLLECTIVE BARGAINING & PERSONNEL – Not Held**

**XIV. ADJOURNMENT**

Councilor Bottalico moved to adjourn the meeting at 10:10 p.m. Motion seconded by Councilor DeIBuono. Motion passed 9-0.

Respectfully Submitted,



Jaime Trevethan

Executive Assistant to the Town Manager

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**TOWN OF NEWINGTON**

**TOWN COUNCIL**

**RESOLUTION WITH RESPECT TO THE  
AUTHORIZATION, ISSUANCE AND SALE OF UP TO  
\$11,000,000 AGGREGATE PRINCIPAL AMOUNT OF TOWN OF  
NEWINGTON GENERAL OBLIGATION REFUNDING BONDS**

WHEREAS, Section 7-370c of the Connecticut General Statutes provides authority for any municipality to issue refunding bonds for the payment, funding or refunding of bonds, notes or other obligations previously issued; and

WHEREAS, Section 7-370c provides that such refunding bonds shall be authorized and issued by resolution of the legislative body of the municipality; and

WHEREAS, the Town of Newington, Connecticut (the "Town"), desires to refund all or any portion of any one or more series of the Town's outstanding general obligation bonds (the "Prior Bonds").

NOW THEREFORE, BE IT RESOLVED,

(1) That the Town issue its general obligation bonds in the aggregate principal amount of up to \$11,000,000 (the "Bonds") to refund certain of the Prior Bonds and to finance such additional amounts as are needed to pay all fees, costs, expenses and redemption premium, if any, in connection with the refunding of the Prior Bonds and the authorization, issuance and sale of the Bonds, including, but not limited to, legal, advisory, printing and administrative expenses, underwriter's discount, and expenses in connection with credit enhancement, if necessary, and the proceeds of the Bonds be appropriated for the foregoing purposes; provided, however, that the refunding of the Prior Bonds provides a net debt service savings to the Town and that the amount of the Bonds issued does not exceed the amount needed to refund the Prior Bonds and to pay the costs authorized herein.

(2) That the Town Manager and the Director of Finance of the Town (the "Officials") are hereby authorized to determine the date, rates of interest, principal payment amounts, maturities, dates of principal and interest payments, the form of such Bonds, the provisions for protecting and enforcing the rights and remedies of the holders of such Bonds and such other terms, conditions and particular matters regarding the Bonds and the issuance and securing thereof, all in accordance with the Connecticut General Statutes and the Charter of the Town, and to take such actions and execute such documents including, but not limited to, a contract of purchase, to provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, U.S. Securities and Exchange Commission Rule 15c2-12, and any other applicable provision of law thereto enabling. The Bonds authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

(3) That the Bonds shall be signed by the Officials either by their genuine signatures or by facsimiles of such signatures printed on the Bonds and that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as bond counsel to render an opinion approving the legality of the issuance of the Bonds.

(4) That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, escrow agent, transfer agent and paying agent for such Bonds; to provide for the keeping of a record of the Bonds; to designate a financial advisor to the Town in connection with the sale of the Bonds; and to designate an underwriter in connection with any negotiated sale and purchase of the Bonds.

(5) That the Officials are authorized to sell the Bonds at a public or negotiated sale; to deliver the Bonds and to perform all other acts which are necessary or appropriate to issue the Bonds; to make representations and covenants on behalf of the Town for the benefit of the holders of the Bonds to provide secondary market disclosure information in accordance with U.S. Securities and Exchange Commission Rule 15c2-12, as it may be amended from time to time, including, but not limited to, executing and delivering a continuing disclosure agreement; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.

(6) That the Officials are authorized to refund the Prior Bonds from the proceeds of the Bonds and other moneys as they may determine to make available for this purpose, and to defease the Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof.

(7) That the Officials are hereby authorized on behalf of the Town to make such representations and covenants for the benefit of the holders of the Bonds which are necessary or appropriate to ensure the exemption of interest on the Bonds from taxation under the Internal Revenue Code of 1986, as amended, including, but not limited to, covenants to pay rebates of investment earnings to the United States in future years; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.

(8) That the Officials be authorized to designate other officials or employees of the Town to take such actions and execute such documents, as are determined to be necessary or advisable and in the best interests of the Town in order to refund the Prior Bonds and to issue, sell and deliver the Bonds, and that the execution and delivery of such documents shall be conclusive evidence of such determination.