

FINAL

BLOOMFIELD TOWN COUNCIL

There was a regular meeting of the Bloomfield Town Council held at 7:30 p.m. on Monday, September 26, 2016 in Council Chambers, Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, CT.

Present were: Mayor Joan Gamble, Deputy Mayor Schulman, Councilors Wayne Hypolite, Patrick DeLorenzo, Joseph Merritt, Joel Neuwirth, Derrick Seldon, Leon Rivers and Joseph Washington

Also present were: Philip K. Schenck, Jr., Town Manager, Sharron Howe, Assistant to the Town Manager, James Wren, Director of Finance, Jose Giner, Director of Planning and Economic Development and India M. Rodgers, Clerk of Council

Guest were: Doug Gillette, Bond Counsel – Day Pitney, LLC, Barry Bernabe, Financial Advisor-Phoenix Advisors, LLC

PLEDGE OF ALLEGIANCE

The meeting began with the pledge of allegiance to the flag.

ANNOUNCEMENTS & PRESENTATIONS

There were no announcements and presentations.

CITIZENS STATEMENTS & PETITIONS

1. **Michael Trueman, 7 South Barn Hill Road,** expressed concerns regarding the creation of trails surrounding the Wintonbury Golf Course. (see attached letter)

REPORT FROM COUNCIL SUBCOMMITTEES

Community Services – Councilor Seldon deferred this subcommittee report until the next scheduled Town Council meeting. He also announced upcoming events and programs sponsored by Social & Youth Services and Senior Services.

Administration & Education – The next scheduled meeting will be held on Monday, October 3, 2016 at 6:30 p.m.

Golf – Councilor Rivers will give a detailed report of this subcommittee meeting at the next scheduled Town Council meeting.

Finance – Councilor Hypolite gave a brief financial report update regarding unaudited figures, closeout fiscal year surplus and revenue increases from significant building permit fees.

Public Safety – Councilor Washington read a detailed report from the last meeting held on September 12, 2016.

Committee on Committees – Councilor Washington deferred this subcommittee report for discussion under Council business.

Land Use & Economic Development – Deputy Mayor Schulman gave a brief update regarding various development projects, draft framework outline for tax abatement policy and minority set aside concerns.

The Council ensued in a lengthy discussion regarding concerns with Minority Set Aside agreements with potential developers in the creation of opportunities for contractors, subcontractors, laborers and post construction employees.

Councilor Washington addressed concerns about the lack of minority contractors assigned to the Center Apartments project, financial aspects and overall personnel analysis.

Councilor Seldon inquired about the minority set aside agreement of 20/20. It was noted that this project has reached 35.8% of Guaranteed Maximum Pricing (GMP). He is also concerned about granting opportunities for minorities to become contractors.

Deputy Mayor Schulman requested an updated report from the minority compliance consultant that was hired by Post Road Residential.

Councilor Neuwirth and Merritt suggested a review of initial agreement for minority set aside.

ADDITION TO THE AGENDA

It was moved by Councilor Washington, seconded by Councilor Seldon and voted unanimously to add item FY 16/17-13: Cancellation of October 11, 2016 - Town Council Meeting.

COUNCIL BUSINESS

OLD BUSINESS

FY 15/16-86: Discussion and Possible Action Regarding Certified Local Government Designation for Historic Preservation

It was moved by Deputy Mayor Schulman, seconded by Councilor Seldon and voted unanimously to adopt the following resolution:

RESOLUTION REGARDING CERTIFIED LOCAL GOVERNMENT DESIGNATION

To authorize the Town Manager to appoint a local historic properties study committee for the purpose of making an investigation of one or more historic properties and initiate the process for the Town of Bloomfield to become a Local Certified Government in accordance with the National Historic Preservation Act Amendments of 1980 as may have been amended from time to time.

FY 16/17-8: Discussion and Possible Action Regarding Bond Refunding

It was moved by Councilor Hypolite, seconded by Councilor Merritt and voted unanimously to approve the following resolution (FULL RESOLUTION ATTACHED):

RESOLVED, that the resolution entitled “**Resolution of the Town Council of the Town of Bloomfield, authorizing the issuance of not exceeding \$25,000,000 Refunding Bonds for Payment in whole or in part of the outstanding principal of and interest and any call premium on the Town of Bloomfield’s \$25,000,000 General Obligation Bonds, 2010 Series A, dated as of October 20, 2010, and \$15,000,000 General Obligation Bonds, Issue of 2011, dated as of November 1, 2011, and costs related thereto,**” as introduced at the Town Council meeting held September 12, 2016, is hereby adopted; that the full text of the resolution be recorded with the minutes of this meeting.

NEW BUSINESS

FY 16/17-12: Consider and Take Action Regarding Appointment to the Fair Rent Commission

It was moved by Councilor Washington, seconded by Deputy Mayor Schulman and voted unanimously to approve an appointment of Alan Budkofsky, 41 Burnwood Drive to the Fair Rent Commission with term expiring July 25, 2017, no disclosure required.

FY 16/17-13: Consider and Take Action Regarding Cancellation of Town Council Meeting, October 11, 2016

It was moved by Councilor Washington, seconded by Councilor Seldon and voted unanimously to cancel the Town Council meeting scheduled for October 11, 2016.

REPORT FROM THE MAYOR AND TOWN MANAGER

Mayor's Report

There was no report at this time.

Town Manager's Report

Mr. Philip K. Schenck, Jr., Town Manager reported the following updates to the Town Council:

- It was a great turnout for the Lisa Lane Harvest Celebration Ribbon cutting ceremony held on Saturday, September 24, 2016.
- Also, on Saturday, September 24, 2016, ServPro held their grand opening and ribbon cutting ceremony at 100 Peters Road.
- A third event was held on Saturday, September 24, 2016 the Blue Hills LobsterFest.
- Mr. Schenck, Jr. encouraged all citizens to vote on Election Day, November 8, 2016.

FINANCIAL REPORT

Mr. James Wren, Director of Finance mentioned that the state education grant is \$5.5 million, with a \$105,250 variance due to school transportation being eliminated in the state budget.

It was noted that final figures were received for the Property Tax Relief grant. Approximately, \$1.4 million has been reserved in this fiscal year.

The Motor Vehicle taxes for the State of Connecticut was capped at 37mils. Tax revenues should be higher, due to the initially budgeted projection.

APPROVAL OF MINUTES

It was moved by Councilor Merritt, seconded by Councilor Neuwirth to approve the minutes of September 12, 2016.

**VOTE: AYE: J. Gamble, S. Schulman, L. Rivers, J. Washington, D. Seldon, P. DeLorenzo, J. Neuwirth, J. Merritt
 NAY: None
 ABSTAIN: W. Hypolite**

The motion passes, 8-0-1.

COUNCIL COMMENTS

Councilor DeLorenzo – Filley Park street lights added, become a friend to the park and donate, consider purchasing a paver

Councilor Washington stated that he enjoyed both events that he attended on September 24, 2016, the Blue Hills Lobster Fest and the Lisa Lane Harvest Celebration.

ADJOURNMENT

At 8:35 p.m., it was moved by Councilor Neuwirth, seconded by Councilor Washington to adjourn the meeting.

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF BLOOMFIELD**

AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$25,000,000 REFUNDING BONDS FOR PAYMENT IN WHOLE OR IN PART OF THE OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON THE TOWN OF BLOOMFIELD'S \$25,000,000 GENERAL OBLIGATION BONDS, 2010 SERIES A, DATED AS OF OCTOBER 20, 2010, AND \$15,000,000 GENERAL OBLIGATION BONDS, ISSUE OF 2011, DATED AS OF NOVEMBER 1, 2011, AND COSTS RELATED THERETO

RESOLVED,

(a) That the Town of Bloomfield issue its refunding bonds, in an amount not to exceed TWENTY-FIVE MILLION DOLLARS (\$25,000,000), the proceeds of which are hereby appropriated: (1) to fund one or more escrows, the balance held in such escrows, together with the investment earnings thereon, to be applied by the Town to the payment in whole or in part, as to be determined by the Town Manager and either the Town Treasurer or the Director of Finance, of the outstanding principal of and interest and any call premium on the Town's \$25,000,000 General Obligation Bonds, 2010 Series A, dated as of October 20, 2010 (consisting at initial issue of \$25,000,000 school bonds), and \$15,000,000 General Obligation Bonds, Issue of 2011, dated as of November 1, 2011 (consisting at initial issue of \$15,000,000 school bonds), including the payment of interest accrued on said outstanding bonds to the date of payment, and (2) to pay costs of issuance of the refunding bonds authorized hereby, including legal fees, consultants' fees, trustee or escrow agent fees, underwriters' fees, net interest and other financing costs and other costs related to the payment of the outstanding bonds described above. The refunding bonds shall be issued pursuant to Section 7-370c of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town. The Town Manager and either the Town Treasurer or the Director of Finance are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds; to sign such bonds by their manual or facsimile signatures in the name or on behalf of the Town; to designate a financial advisor to the Town in connection with the sale of the bonds; to sell the bonds at public or private sale; to deliver the bonds; and to perform all other acts which are necessary or appropriate to issue the bonds. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds.

(b) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that costs of the refunding may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the refunding. The Town Manager and either the Town Treasurer or the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and

to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(c) That the Town Manager and either the Town Treasurer or the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds.

(d) That the Town Manager, the Town Treasurer, the Town Manager, the Director of Finance, and the other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Town's \$25,000,000 General Obligation Bonds, 2010 Series A, and \$15,000,000 General Obligation Bonds, Issue of 2011, and to issue refunding bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents and others to facilitate the issuance of the refunding bonds, the escrow of the proceeds thereof and investment earnings thereon, and the payment of the outstanding bonds in whole or in part.

(e) That the above authorization to issue refunding bonds shall lapse on June 30, 2017.

(f) That this resolution shall be effective upon passage by the Town Council.

Letter to Bloomfield Town Council – Monday, September 26, 2016

Michael Trueman
7 South Barn Hill Road,
Bloomfield, CT 06002

September 26 2016

As introduction I live close to Wintonbury Golf Course. Some of the neighbors in our area have formed a group to expand the trails in Bloomfield, particularly those close to the golf course. I have three questions concerning this.

There has been some debate as to what the Town's original promise was concerning establishing trails on or around the golf course. The general consensus is that there was a promise to try to do this, but apparently not a firm commitment.

I have looked through the Town Council minutes for 2002 and the only record I can find is a legal notice from June 6 giving notice of a referendum on a bond issue of which the golf course is part.

I have yet to find the original Request For proposal that the Town must have issued in order to get bids.

Question 1: Where is the original RFP located and is it available to the public.

However what was originally promised may now be academic. It has been 14 years since the original referendum and we have a new administration. Perhaps the more appropriate is my second question.

Question 2: What support will this council give to establishing these trails?

I note that two counsellors have already expressed support and this is in keeping with the Parks Master Plan presented by the Leisure Services Committee in May 2014. I now refer to some extracts from this document.

- Page 10 Increase in the aging population and lack of programming for this group.
- Page 18 **Community Input.** The political leadership in the Town seems to have the attitude that we are doing OK and they feel that is good enough.
We do not seem to make bold moves; we need leaders in Town
- Page 22 **Demographics.** The greatest increases by 2017 will be ages 55+
- Page 27 **Table.** Adults participating in walking for exercise 32.7%
- Page 66 **Trails and Connectivity.** All relevant. The proposed trails adjacent to Wintonbury Golf Course are a small part of this.

Letter to Bloomfield Town Council – Monday, September 26, 2016

My last question concerns the number of committees that have input on any new trails.

Question 3: Can we streamline the decision making apparatus and make the 'bold moves' suggested above? Currently there are three committees involved.

These are the Golf Committee, The Leisure Services Committee, and the Conservation Committee. The trails we are proposing will not be on the Golf Course. They are on public and private land adjacent to it. They will not affect its operations. I have attended several of the Golf committee meetings and can say that they are not enthusiastic about having trails near the course. They have said on two occasions that there is nothing they can do to support us. However they have also said that they would have the power to veto any of our proposals that they do not agree with. It is clear that they are a brake on the Town moving forward in fulfilling the proposals made under the Parks Master Plan. Please consider removing them from the equation.

It seems that their main concern is safety and risk of injury to walkers on the trails from errant golf balls, and consequently the risk of litigation. When I asked for statistics relating to this they could produce none but suggested I contact the PGA. In an exhaustive search of the internet I have found no data on such injuries, however there is a lot of data on golfers injuring each other. These include five suicides and one alligator bite. I have included some extracts below.

A 2010 New York Times article on the issue stated that golfers hit by other golfers are unlikely to win a damages suit, "especially as state after state has adopted a similar standard that only an intentional shot at another golfer or one showing gross and reckless negligence is grounds for a successful lawsuit." In 2010, the New York Court of Appeals dismissed a suit filed by a friend who was struck in the eye by his friend's errant shot.

Suing for damages inflicted on homes or cars struck by golf balls also can be a particularly difficult uphill fight. That was clear when a judge in 2012 ruled against a Montana husband and wife who sued the golf course that bordered their home, claiming that the golf course was responsible for 1,300 golf balls that rained down on their house in a season. The judge found that the pair should have known that when they bought their home, next to the 18th hole, it would likely be littered with golf balls.

With that consideration as a backdrop, courts have had the occasion to review injuries sustained as a result of the play of golf. Different circumstances involving injury from the play of golf, such as a golfer hitting a golf ball and injuring (1) another golfer on the golf course, (2) a resident of a home adjacent to the golf course or (3) someone on an adjacent roadway have all been subject of court decisions. Summarizing those situations and based upon the backdrop of the above stated perception of golf's advantages, generally speaking, the golfer and, in many cases, the golf course operator, such as a club or owners association, have been absolved from liability.

Golfer Liability to Pedestrian on Adjacent Roadway. Taking the above one step further, it has been determined that a golfer who accidentally misses a fairway and sends the ball off the golf course onto an adjacent roadway can be found not liable in negligence for the resulting injury. Simply stated, what amounted to nothing more than a poorly hit tee shot does not result in liability to the golfer for injuries suffered by someone on the adjacent roadway.

Summarizing the above, golfers engaging in the ordinary playing of golf, including miss hit errant golf balls, will generally not have liability for damages resulting from the errant ball. Country clubs and operators of golf courses, including the owners associations, may generally enjoy the same status except in those cases that deal with the liability of the golf course operator for a nuisance or negligent design. But that we will discuss in our next go around.

I close in stating that the real danger to walkers in Bloomfield is not on any of the trails we are proposing. It comes from a lack of such trails. Anyone who has driven on Rt 189, 178 or Cottage Grove Road can attest to this. These routes are used by pedestrians for access to the Town center although there is little provision for adequate side walks.

Can we please all move forward with the trails project proposed by the Leisure Committee, subscribed to by some of the Council, intimated to by the proponents of Wintonbury Golf course, and ultimately of great benefit to both the Town and its Electors.

Sincerely,

Michael Trueman