

**Minutes of the September 22, 2025, Regular Meeting of the West Haven City Council in the Council Chambers
3rd floor, West Haven City Hall**

The Regular Meeting of the West Haven City Council was held on Monday, September 22, 2025, at 7:00p.m. in the City Council Chambers 3rd floor. Acting Chairman Vargo called the meeting to order at 6:58 p.m.

Pledge of Allegiance

Roll Call: Council Members Present: Meli Garthwait, Brian Laucks, Gary Donovan, Sarah Ackbarali, Edward McMillian, Katherine Tucker, Kathleen Mueller, Christopher Vargo, Jr., Ruby Melton and Anne Heffernan. Absent: Dawn Callahan, Steven Johnstone and Nicholas Pascale. Also present: Mayor Dorinda Borer, Paul Dorsi, Corporation Counsel, Michael Ajello, Deputy Corporation Counsel, Michael Gormany, Finance Director, Michael Todd-Taylor, Deputy Corporation Counsel and Attorney Floyd Dugas.

6:50 p.m. - PUBLIC HEARING- Finance Committee- Communication J, from the July 28 agenda, from Abdul Quadir, City Engineer regarding a bond ordinance for the planning, design, and construction of Dawson Avenue pump station and East Avenue pump station in the amount of \$32,900,000 7:00p.m. - 7:01 p.m. No one spoke.

6:55 p.m. - PUBLIC HEARING- Council-as-a-Whole - Communication C from the August 25 agenda, from Mayor Dorinda Borer regarding a proposed New Ordinance Amending the Code of the City of West Haven to Include Chapter 85, an Ordinance Concerning the Illegal Use of Motorized Recreational Vehicles and Street Takeovers 7:01 p.m. - 7:01 p.m. No one spoke.

7:01 p.m. - 7:22 p.m. PUBLIC SESSION

See City's website for remarks.

Recess from 7:22 p.m. to 7:31 p.m.

Acting Chairman Vargo called the Regular Meeting to order at 7:31 p.m.

I. APPROVAL OF MINUTES:

Councilman Donovan made a **MOTION to APPROVE** the Regular Meeting minutes from the August 2025, meeting, which was **SECONDED** by Councilman McMillian. **MOTION passed UNANIMOUSLY.**

Councilwoman Heffernan made a **MOTION to APPROVE** the Regular Meeting minutes from the July 28, 2025, meeting, which was **SECONDED** by Councilwoman Tucker. **MOTION passed UNANIMOUSLY.** Councilwomen Melton and Garthwait abstained.

II. COMMUNICATIONS:

Communication A: from Deputy Chief Flemmig regarding Animal Shelter donations.

Communication B: from Rick Fontana, Director of Emergency Management and Homeland Security, to request that the City Council pass an authorizing resolution approving Federal FY2024 Grant Submission for the Connecticut Division of Emergency Management and Homeland Security.

Communication C: from the Tax Collector regarding Overpayment of refunds for September 2025.

RECEIVED
TOWN AND CITY CLERK
OF WEST HAVEN
22 OCT - 9 AM 11:53
TOWN AND CITY CLERK

Communication D: from Michael Gormany, Director of Finance, regarding an Ordinance amendment, updating Chapter 42, section 6 (Competitive Bidding) of the City of West Haven Ordinance, to be in conformity with State of Connecticut General Statutes § 7-148v, Requirements for competitive bidding.

Communication E: from Neil Cavallaro, Superintendent of schools, regarding approval of a contract between the West Haven Board of Education and the West Haven Administrator's Union.

III. COMMITTEE MEETINGS:

Council-as-a-Whole called to order at 7:34 p.m.

Majority caucus from 7:50 p.m. -8:08 p.m.

Councilman Donovan presented a **MOTION** to approve **Communication E** from Neil Cavallaro, Superintendent of schools, regarding approval of a contract between the West Haven Board of Education and the West Haven Administrator's Union, which was **SECONDED** by Councilman Laucks. All in favor. **MOTION passed UNANIMOUSLY viva voce.**

Roll Call vote: 10 In Favor 3 Absent

Councilwoman Garthwait	Yes
Councilman Laucks	Yes
Councilwoman Heffernan	Yes
Councilwoman Melton	Yes
Councilwoman Ackbarali	Yes
Councilman Donovan	Yes
Councilman McMillan	Yes
Councilwoman Callahan	Absent
Councilwoman Tucker	Yes
Councilman Vargo	Yes
Councilwoman Mueller	Yes
Councilman Johnstone	Absent
Chairman Pascale	Absent

WHEREAS: Pursuant to the provisions of Connecticut General Statutes Section 10-153b, *et seq.*, the City of West Haven by and through its Board of Education, and employee representatives of the West Haven Administrators' Association engaged in collective bargaining, and arrived at an agreement for an employee contract to commence on September 1, 2026, and to expire on August 31, 2029, which agreement has now been reduced to writing; and

WHEREAS: Pursuant to the provisions of the Connecticut General Statutes cited above, the proposed written agreement has now been submitted to the West Haven City Council for its approval; Now, therefore, be it:

RESOLVED: That the City Council of the City of West Haven hereby approves and ratifies the written contract dated September 2, 2025, by and between the West Haven Board of Education and the West Haven Administrators' Association, giving the terms of such contract their full force and effect.

Councilman Donovan presented a **MOTION** to approve Communication **C from the August 25 agenda**, from Mayor Dorinda Borer regarding a proposed New Ordinance Amending the Code of the City of West Haven to Include Chapter 85, an Ordinance Concerning the Illegal Use of Motorized Recreational Vehicles and Street Takeovers. which was **SECONDED** by Councilwoman Heffernan. All in favor.
MOTION passed UNANIMOUSLY viva voce.

Roll Call vote: 10 In Favor 3 Absent

Councilwoman Garthwait	Yes
Councilman Laucks	Yes
Councilwoman Heffernan	Yes
Councilwoman Melton	Yes
Councilwoman Ackbarali	Yes
Councilman Donovan	Yes
Councilman McMillan	Yes
Councilwoman Callahan	Absent
Councilwoman Tucker	Yes
Councilman Vargo	Yes
Councilwoman Mueller	Yes
Councilman Johnstone	Absent
Chairman Pascale	Absent

Be It Ordained by the City Council of the City of West Haven that the Code of the City of West Have, is hereby amended by the addition of Chapter 85 -- Illegal Use of Motorized Recreational Vehicles.

CHAPTER 85

ILLEGAL USE OF MOTORIZED RECREATIONAL VEHICLES AND STREET TAKEOVERS

Sec. 85-1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

“All-Terrain Vehicle” means a self-propelled vehicle designed to travel over unimproved terrain as defined in Connecticut General Statutes §14-379 and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways.

“Dirt Bike” means a two-wheeled Motorized Recreational Vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in Connecticut General Statutes §14-1. "Dirt Bike" does not include an All-Terrain Vehicle, as defined in Connecticut General Statutes §14-379, or a Motor-Driven Cycle, as defined in Connecticut General Statutes §14-1.

“EPAMD” shall mean any electric personal assistive mobility device (hereinafter "EPAMD") that is self-balancing, has two (2) non-tandem wheels, is designed to transport one (1) person, and has an electric propulsion system that produces an average power output of no more than 750 watts.

“Mini Cycle” means pocket bikes, miniature (hereafter "mini") bikes, Mini Cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

“Motor-Driven Cycle” means any motorcycle, motor scooter, or bicycle with an attached motor, with a seat height of not less than twenty-six (26) inches, and a motor having a capacity of less than fifty (50) cubic centimeters of piston displacement.

“Motorized Recreational Vehicle” shall mean a wheeled vehicle, with a motor, intended to be ridden by one (1) or more persons and shall include All-Terrain Vehicle, Dirt Bike, Mini Cycle, Motor-Driven Cycle, and Snowmobile, all as defined herein.

“Motorized Recreational Vehicle” shall not be deemed to include any of the following:

(1) Any registered "motorcycle" as defined in the Connecticut General Statutes §14-1(59);

(2) Any registered "motor vehicle" as defined in Connecticut General Statutes §14-1(58);

(3) Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all City of West Haven ordinances;

(4) Any self-propelled snowplow, snow blower, or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;

(5) Any vehicle owned or leased by the City of West Haven;

(6) Any EPAMD as defined herein;

(7) Any bicycle or trail bike without a motor;

(8) Any golf cart;

(9) Any agricultural equipment such as tractors and farm implements;

(10) Any construction machinery;

(11) Any vehicle that is used solely for amusement, or as a novelty display item, and is operated during a parade or any other special event that is properly permitted and approved by the City of West Haven; and

(12) E-bikes and electrically assisted bicycles, motorized stand-up scooters and skateboards, and any other type of low-speed vehicles.

“Motorized Recreational Vehicle Dealer” means any person engaged in the business of manufacturing or selling any Motorized Recreational Vehicles, having an established place of business for the manufacture, sale, trade, and display of such vehicles.

“Snowmobile” means a vehicle with a motor, with runners in the front and caterpillar tracks in the rear, intended to be used by one (1) or more persons for travelling over ice and snow.

“Street Takeover” means taking over a portion of a public highway or parking area by blocking or impeding the regular flow of traffic with intent to cause disorder or create a nuisance for other users of such highway or parking area.

Sec. 85-2. Activities and Operations Prohibited.

(a) It shall be unlawful for a person or group to organize, participate in, or gather with the intent to observe and actually observing a street takeover.

(b) It shall be unlawful for any person to operate a Motorized Recreational Vehicle or for any owner of a Motorized Recreational Vehicle to knowingly permit the operation of such vehicle on any street or sidewalk in the City of West Haven or on any public property, including but not limited to school property, playgrounds, and parks within the City of West Haven.

(c) It shall be unlawful for any person to ride as a passenger on a Motorized Recreational Vehicle or for any owner of a Motorized Recreational Vehicle to knowingly permit any person to ride as a passenger on such vehicle operated in violation of subsection (a) above.

(d) It shall be unlawful for any person to operate a Motorized Recreational Vehicle, ride as a passenger on a Motorized Recreational Vehicle, or for any owner of a Motorized Recreational Vehicle to knowingly permit its operation on any private property within the City of West Haven without first obtaining the written permission of the property owner, if the property is not owned by the operator, passenger, or owner of such vehicle.

Sec. 85-3. Penalties.

(a) Any person who violates section 85-2 shall be (1) fined one thousand dollars (\$1,000.00) for a first violation, shall be fined one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined two thousand dollars (\$2,000.00) for a third or subsequent violation and (2) any vehicle used in violation of this section shall be impounded until any fine imposed pursuant to this section is paid, any related charges, including, but not limited to towing fees, are paid and any overdue property taxes on such vehicle imposed pursuant to chapter 203 of the general statutes are paid.

(b) Any person who operates any Motorized Recreational Vehicle in violation of §85-2 above, or any owner of any Motorized Recreational Vehicle who knowingly permits its operation in violation of §85-2 above, shall be fined one thousand dollars (\$1,000.00) for a first violation, shall be fined one thousand five hundred dollars (\$1,500.00) for a second violation, and shall be fined two thousand dollars (\$2,000.00) for a third or subsequent violation.

(c) Any person age sixteen (16) or older who rides as a passenger on any Motorized Recreational Vehicle in violation of §85-2 above, or any owner of a Motorized Recreational Vehicle who knowingly permits a passenger to ride on his/her Motorized Recreational Vehicle in violation of §85-2 above, shall be fined two hundred fifty dollars (\$250.00).

(d) Any person in violation of this Chapter may be detained by a police officer for purposes of enforcing the provisions of this Chapter. Any Motorized Recreational Vehicle used in violation of this Chapter shall be seized by any police officer and shall be forfeited to the City, subject to any bona fide lien, lease, or security interest in the Motorized Recreational Vehicle as described in Connecticut General Statutes § 14-390, including, but not limited to, a lien under Connecticut General Statutes § 14-66c.

Sec. 85-4. Appeal.

A person against whom an assessment or fine has been entered shall be entitled to a citation hearing in accordance with the procedures set forth in C.G.S Section 7-152c (as may be amended) and Chapter 128 of this Code.

Sec. 85-5. Seizure of Motorized Recreational Vehicles; disposal.

(a) Any person who operates a Motorized Recreational Vehicle in violation of §85-2 above or is the owner of any such vehicle who knowingly permits its operation in violation of §85-2 above will be subject to

seizure of said vehicle(s) pursuant to Connecticut General Statutes §54-33g, which allows for seizure of property. A police officer who observes any Motorized Recreational Vehicle being operated in violation of this Article may detain such person for purposes of enforcing the provisions of this Chapter and may remove or tow such Motorized Recreational Vehicle to a secure location for impoundment. Before the owner of any such impounded property may remove the vehicle from a vehicle pound, he/she shall furnish to the operator of such pound or such other person as the chief of police shall designate evidence of registration and ownership, shall sign a receipt for such property, and shall pay the cost of towing, plus the cost of storage for each day or portion of a day that such property is stored in excess of the first twenty-four (24) hours after seizure. The operator of such pound shall refuse the release of any such property lawfully seized that the chief of police has authorized to hold as evidence in a criminal investigation or proceeding. Such operator shall obtain written permission from the chief of police on any form or document prescribed by the chief of police prior to the release of such property held for evidence. The City of West Haven shall not be liable for any damage to or loss of property seized in accordance with this Section.

(b) Any such Motorized Recreational Vehicle that is not claimed by its owner under the terms of this section for a period of forty-five (45) days after seizure or in the case of a vehicle being held as evidence not claimed by its owner within forty-five (45) days of the cessation of such investigation or disposition of such criminal proceeding, whichever is later, may be disposed of at the direction of the chief of police after serving notice in the same manner as that required for the disposal of abandoned vehicles under Connecticut General Statutes §14-150(e), except in the case that a vehicle that is not registered, such notice shall not require mailing to persons whose names are registered with the state department of motor vehicles.

Sec. 85-6. Posting by Motorized Recreational Vehicle Dealer.

(a) Each Motorized Recreational Vehicle Dealer offering for sale, lease, or rental any Motorized Recreational Vehicle shall post this Chapter in a prominent location at the Motorized Recreational Vehicle Dealer's place of business.

(b) Any such Motorized Recreational Vehicle Dealer who violates any provision of this section shall have committed an infraction. For a first violation, the chief of police or his/her authorized agent shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the chief of police or his or her authorized agent shall issue a fine of one hundred dollars (\$100.00). Any continuing violation that is discovered during any subsequent reinspection shall result in a fine of one hundred dollars (\$100.00). Each reinspection at which a violation is discovered shall constitute a separate violation.

Council-as-a-Whole closed at 8:21 p.m.

Finance Committee called to order at 8:21 p.m.

FINANCE COMMITTEE, Councilwoman Ackbarali, Chairwoman- Committee members; Councilman Laucks, Councilwoman Tucker and Councilwoman Garthwait

FINANCE UPDATES

Finance updates from Michael Gormany, Finance Director. -Mr. Gormany stated there were no changes from the last update. **See City's website for remarks.**

Councilwoman Garthwait presented a **MOTION** to recommend the acceptance to the entire Council regarding **Communication D Communication A:** from Deputy Chief Flemmig regarding Animal Shelter donations which was **SECONDED** by Councilwoman Tucker. All in favor. **MOTION passed UNANIMOUSLY viva voce.**

Councilwoman Garthwait presented a **MOTION** to recommend the acceptance to the entire Council regarding **Communication B** from Rick Fontana, Director of Emergency Management and Homeland Security, to request that the City Council pass an authorizing resolution approving Federal FY2024 Grant Submission for the Connecticut Division of Emergency Management and Homeland Security which was **SECONDED** by Councilwoman Tucker. All in favor. **MOTION passed UNANIMOUSLY viva voce.**

Councilwoman Tucker presented a **MOTION** to recommend the acceptance to the entire Council regarding **Communication J from the July 28 agenda**, from Abdul Quadir, City Engineer regarding a bond ordinance for the planning, design, and construction of Dawson Avenue pump station and East Avenue pump station in the amount of \$32,900,000 which was **SECONDED** by Councilwoman Garthwait. All in favor. **MOTION passed UNANIMOUSLY viva voce.**

Finance Committee closed at 8:29p.m.

Legislative Matters Committee called to order at 8:30p.m.

LEGISLATIVE MATTERS COMMITTEE, Acting Chairwoman Melton, -Committee members: Councilman Laucks, Councilwoman Tucker and Councilman Garthwait

Communication D: from Michael Gormany, Director of Finance, regarding an Ordinance amendment, updating Chapter 42, section 6 (Competitive Bidding) of the City of West Haven Ordinance, to be in conformity with State of Connecticut General Statutes § 7-148v, Requirements for competitive bidding. **Public Hearing to be set for October 14, 2025 at 6:50 p.m.**

Communication I from the July 28 agenda, from Mayor Dorinda Borer regarding an ordinance amending Chapter 97 of the Code of West Haven Fair Rent Commission. **Public Hearing to be set for October 14, 2025 at 6:55 p.m.**

Legislative Matters Committee closed at 8:50 p.m.

IV: UNFINISHED BUSINESS- FY2025-2026 BUDGET-Registrar of Voters Personnel. Acting Chairman Vargo indicated a response was received from the Secretary of State. He explained the history of the matter. Attorney Dorsi met with the Registrar and employee and went over the job functions which were allowed to be performed. The City has not heard back from Elections Enforcement on recourse.

Councilman McMillian made a **MOTION** to send a letter to the Republican Registrar of Voters, forwarding a copy of the letter from the Secretary of State with a copy of Attorney Dorsi's opinion. It is the expectation of the City Council that the Registrar's office strictly adheres to all state statutes, regulations and City ordinances, which was **SECONDED** by Councilwoman Ackbarali. **MOTION passed UNANIMOUSLY.**

Roll Call vote: 10 In Favor 3 Absent

Councilwoman Garthwait	Yes
Councilman Laucks	Yes
Councilwoman Heffernan	Yes
Councilwoman Melton	Yes
Councilwoman Ackbarali	Yes

Councilman Donovan	Yes
Councilman McMillan	Yes
Councilwoman Callahan	Absent
Councilwoman Tucker	Yes
Councilman Vargo	Yes
Councilwoman Mueller	Yes
Councilman Johnstone	Absent
Chairman Pascale	Absent

V. COMMITTEE REPORTS-9:00 p.m.

Clerk to read Communication C into record

FINANCE COMMITTEE, Councilwoman Ackbarali, Chairman- Committee members; Councilwoman Tucker, Councilman Laucks, and Councilwoman Garthwait

Communication A: from Deputy Chief Flemmig regarding Animal Shelter donations. Councilwoman Ackbarali made a **MOTION to APPROVE** which was which was **SECONDED** by Councilwoman Garthwait and Councilwoman Heffernan. All in favor. **MOTION passed UNANIMOUSLY.**

RESOLVED: The City Council of the City of West Haven hereby approves the Animal Shelter Donations totaling **\$640.00** to be deposited into the Animal Shelter Donations account # 10100000-28285.

<u>Name</u>	<u>Check Number</u>	<u>Amount</u>
1. Edward Salerno	1978	\$100.00
2. John A. Knight	4646	\$100.00
3. Arthur J. Penna	7765	\$50.00
4. John S. Chidsey	2250	\$40.00
5. Patricia W. Susco	4154	\$25.00
6. Bonnie P. Amato	6112	\$25.00
7. Lesley Carone	5528	\$50.00
8. Sara Elizabeth Derose	2404	\$50.00
9. Gina M. Riccio	4453	\$100.00
10. Clifford L Bartiss, Jr.	101	<u>\$100.00</u>
		\$640.00

Communication B: from Rick Fontana, Director of Emergency Management and Homeland Security, to request that the City Council pass an authorizing resolution approving Federal FY2024 Grant Submission for the Connecticut Division of Emergency Management and Homeland Security. Councilwoman Ackbarali made a **MOTION to APPROVE** which was which was **SECONDED** by Councilman McMillian. All in favor. **MOTION passed UNANIMOUSLY.**

BE IT RESOLVED: That the City Council of the City of West Haven hereby approves and authorizes the City of West Haven to execute any and all documents and agreements with the Connecticut Department of Emergency Services and Public Protection / Division of Emergency Management and Homeland Security Protection relating to the fiscal year 2024 State Homeland Security Grant Program Region 2 Memorandum of Agreement; and

BE IT FURTHER RESOLVED: Dorinda Borer, as Mayor of The City of West Haven, is authorized and directed to

execute and deliver any and all documents related to this Resolution on behalf of the City of West Haven and to do and perform all acts and things which she deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Communication J from the July 28 agenda, from Abdul Quadir, City Engineer regarding a bond ordinance for the planning, design, and construction of Dawson Avenue pump station and East Avenue pump station in the amount of \$32,900,000. Councilwoman Ackbarali made a **MOTION to APPROVE** which was which was **SECONDED** by Councilwoman Heffernan. All in favor. **MOTION passed UNANIMOUSLY.**

AN ORDINANCE APPROPRIATING \$32,900,000 FOR THE COSTS ASSOCIATED WITH THE PLANNING, DESIGN AND CONSTRUCTION OF THE DAWSON AVENUE AND EAST AVENUE PUMP STATIONS IN THE CITY AND AUTHORIZING THE ISSUANCE OF \$32,900,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN:

Section 1. The sum of \$32,900,000 is hereby appropriated for costs associated with the planning, design and construction of the Dawson Avenue and East Avenue Pump Stations in the City of West Haven (the "City"), and for architectural, design, engineering, hydraulic, site acquisition, development, demolition and disposal, environmental studies, surveying, infrastructure improvements, paving, material, utility charges, data systems, furniture and fixtures, equipment, testing, insurance, training, administrative, advertising, printing, legal, other consultant fees, and any appurtenances related to the project, as well as the cost of the establishment and maintenance of any reserve pursuant to Chapter 109, Chapter 117 and other chapters of the General Statutes of Connecticut (the "Connecticut Statutes"), as amended (the "Project"). Said appropriation shall be inclusive of any and all Federal and State grants-in-aid thereof.

Section 2. To meet said appropriation, \$32,900,000 bonds or other obligations of the City plus an additional amount for all necessary and appropriate financing costs not in excess of three percent of the cost of the Project, or so much thereof as may be necessary for said purpose (the "Bonds"), may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The Bonds may be issued in one or more series as shall be determined by the Mayor, City Treasurer, and the Director of Finance (collectively, the "Bond Committee"), and the amount of Bonds of each series to be issued shall be fixed by a majority of the Bond Committee. The Bonds shall be issued in an amount up to the City's share of the cost of the Project determined after considering the estimated amount of any State and Federal grants in aid for the Project, or the actual amount thereof if such amount is ascertainable, and the anticipated times of receipt 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 outstanding temporary borrowings issued in anticipation of the receipt of the proceeds of said Bonds, and any administrative, printing and legal costs of issuing the Bonds as determined by a majority of the Bond Committee. The Bonds shall be in the denomination 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 City by the manual or facsimile signatures of a majority of the Bond Committee, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by a majority of the Bond Committee, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by a majority of the Bond Committee and be approved as to their legality by the City's bond counsel. The Bonds shall bear such rate or rates of interest as shall be determined by a majority of the Bond Committee. The Bonds shall be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such Bonds. The Bonds may also be secured as to both principal and interest, to the extent permitted by law, by a pledge of certain

revenues or benefit assessments or both. The aggregate principal amount of the Bonds, installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such Bonds, including any repayment agreements or memoranda of understanding, or whether any of the Bonds will be issued as taxable bonds, shall be determined by a majority of the Bond Committee, in accordance with the requirements of the Connecticut Statutes.

Section 3. In connection with the issuance of any bonds or notes authorized herein (collectively, the "Obligations"), the City, as determined by a majority of the Bond Committee, may exercise any power delegated to municipalities pursuant to the Connecticut Statutes, including the authority to establish credit facilities and to enter into agreements managing interest rate risk. The City, as determined by a majority of the Bond Committee, shall have all appropriate powers under the Connecticut Statutes, including Chapter 748 (Registered Public Obligations Act), Chapter 446k (Water Pollution Control) and Chapter 109 (Municipal Bond Issues), to issue, sell and deliver the Obligations and, further, shall have the full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States, to provide for issuance of the Obligations in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the Obligations in order that the interest on the Obligations be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, and expenditure of proceeds within required time limitations. In order to meet the capital cash flow expenditure needs of the City, a majority of the Bond Committee is authorized to collectively allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes herein authorized.

Section 4. Said Bonds shall be sold in a competitive offering or by negotiation as determined by a majority of the Bond Committee. If sold at competitive offering, the Bonds shall be sold by a majority of the Bond Committee at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, by sealed proposals, auction, or other comparative method. If the Bonds are sold by negotiation, the purchase contract shall be signed by a majority of the Bond Committee. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the City is authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on the City's bonds and notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds for the purpose to which the premium was applied, in the amount so applied.

Section 5. Said Bonds may be secured by the City's property taxes, including interest, penalties and related charges, pursuant to Chapter 117 and other chapters of the Connecticut Statutes, and, if deemed necessary or appropriate and in the City's best interest by a majority of the Bond Committee, the Bond Committee, on behalf of the City, is hereby authorized: (i) to establish a property tax intercept procedure and a debt service payment fund pursuant to Chapter 117 of the Connecticut Statutes, §7-560 et seq., and other Chapters of the Connecticut Statutes, on such terms as a majority of the Bond Committee deem necessary or appropriate, and (ii) to take all further actions which a majority of the Bond Committee deem necessary or appropriate to so secure the Bonds or which are contemplated by law. A majority of the Bond Committee, if they determine it to be advisable, necessary or appropriate, is authorized, on behalf of the City, to enter into an indenture of trust and/or a supplemental indenture of trust to any existing indenture of the City (collectively, the "Indenture") with a bank or trust company located within or without the State of Connecticut (the "Trustee"), and to covenant: (i) if the Bonds are issued pursuant to such Indenture that all or a portion of the City's property taxes shall be paid to the Trustee and be held in trust for the benefit of the holders of the Bonds as provided in Chapter 117 and other Chapters of the Connecticut Statutes, and (ii) the terms on which any payments or reserves securing the payment of the Bonds will be paid, and the terms of any reserve or other fund for the benefit of the holders of the Bonds;

and, in any event, to amend or supplement the Indenture containing such terms and conditions as a majority of the Bond Committee shall determine to be necessary or advisable and in the best interest of the City, the execution thereof to be conclusive evidence of such determination.

Section 6. The issue of the Obligations aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law.

Section 7. The City is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said Bonds or any anticipated amounts of State and Federal grants in aid for the Project. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of a majority of the Bond Committee, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by a majority of the Bond Committee, be certified by a bank or trust company designated by a majority of the Bond Committee, pursuant to Section 7-373 of the Connecticut Statutes, and be approved as to their legality by the City's bond counsel. Notes shall be sold in competitive offering or by negotiation as determined by a majority of the Bond Committee. If sold in a competitive offering, the notes shall be sold by a majority of the Bond Committee at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, by sealed proposals, auction or other comparative method. If the notes are sold by negotiation, the purchase contract shall be signed by a majority of the Bond Committee. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut Statutes that govern the issuance of such notes. The notes shall be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such notes. 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. The City is also authorized to issue notes in anticipation of the receipt of grants, if applicable, and a majority of the Bond Committee shall determine the terms and conditions of such issuance.

Section 8. For the Project, \$32,900,000 of interim funding obligations and project loan obligations or any other obligations of the City evidencing an obligation to repay any portion of the costs of the Project determined by the State of Connecticut Department of Energy and Environmental Protection, Public Health or other department as applicable to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program") plus an additional amount for all necessary and appropriate financing costs not in excess of three percent of the cost of the Project, or so much thereof as may be necessary for said purpose (the "Clean Water Fund Obligations"), may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The Clean Water Fund Obligations may be issued in one or more series as shall be determined by the Bond Committee, and the amount of Clean Water Fund Obligations of each series to be issued shall be fixed by a majority of the Bond Committee. The Clean Water Fund Obligations shall be issued in an amount up to the City's share of the cost of the Project determined after considering the estimated amount of any State and Federal grants in aid for the Project, or the actual amount thereof if such amount is ascertainable, and the anticipated times of receipt thereof. The issuance of the Clean Water Fund Obligations and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law. The Clean Water Fund Obligations shall be executed in the name and on behalf of the City by the manual or facsimile signatures of a majority of the Bond Committee, bear the City seal or a facsimile thereof. The Clean Water Fund Obligations may be general obligations of the City and shall comply with all requirements of law, including any debt limit, relating to the authorization or issuance of such Clean Water Fund Obligations. The Clean Water Fund Obligations may also be secured as to both principal and interest, to the extent permitted by law, by a pledge of certain revenues or benefit assessments or both. The aggregate principal amount of the Clean Water Fund Obligations, installments of

principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such Clean Water Fund Obligations, including the rate or rates of interest, any repayment agreements or memoranda of understanding, shall be determined by a majority of the Bond Committee, in accordance with the requirements of the Connecticut Statutes; and

(b) any combination of Obligations and Clean Water Fund Obligations for the Project as set forth in the preceding sections may be issued, provided that the total, aggregate principal amount thereof issued, and including the amount of any grant funding obtained, shall not exceed \$32,900,000 plus an amount needed for necessary and appropriate financing costs related to the Project.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this Ordinance in the maximum amount and for the Project described above with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations 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 City 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 his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement obligations, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by section 3-20e of the Connecticut 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, notes or other obligations authorized by this Ordinance.

Section 11. The Mayor, the Director of Finance and any other duly authorized City, Board of Education or WPCA official is authorized to seek grants and other contributions for the costs of the Project. Any such grants or contribution received prior to the issuance of any Obligations or Clean Water Fund Obligations authorized herein shall be applied to the costs of the Project or to pay at maturity the principal of any outstanding bond anticipation note, grant anticipation note or other temporary obligation issued pursuant this Ordinance and shall reduce the amount of Obligations or Clean Water Fund Obligations that can be issued pursuant to this Ordinance. If such grants and contributions are received after the issuance of any Bonds or Clean Water Fund Obligations, they shall be applied to pay either non-financed portions of the Project or debt service on the Bonds or Clean Water Fund Obligations provided such application does not adversely affect the tax-exempt status of the Bonds or Clean Water Fund Obligations.

Section 12. This Ordinance shall be effective immediately upon the Mayor's signature.

LEGISLATIVE MATTERS COMMITTEE, Acting Chairwoman Melton, Committee members: Councilman Laucks, Councilwoman Tucker and Councilwoman Garthwait

Communication D: from Michael Gormany, Director of Finance, regarding an Ordinance amendment, updating Chapter 42, section 6 (Competitive Bidding) of the City of West Haven Ordinance, to be in conformity with State of Connecticut General Statutes § 7-148v, Requirements for competitive bidding. **Public Hearing to be set for October 14, 2025 at 6:50 p.m.**

Communication I from the July 28 agenda, from Mayor Dorinda Borer regarding an ordinance amending Chapter 97 of the Code of West Haven Fair Rent Commission. **Public Hearing to be set for October 14, 2025 at 6:55 p.m.**

VI. COUNCIL LIAISON REPORTS- None.

VII. NEW BUSINESS-Councilman Vargo reminded everyone of the Apple Festival on the West Haven Green on September 26th, 27th and 28th. Councilwoman Tucker thanked everyone for their condolences. Councilman Donovan thanked the Mayor and the Council for the fruit basket for his hip surgery. Councilwoman Melton inquired about what the City is doing about the fly infestation and will send an email to Phil Sissick. Councilman Vargo thanked everyone for their hard work. **See remarks on City's website.**

VIII. ADJOURNMENT

Councilwoman Heffernan made a **MOTION to ADJOURN** which was **SECONDED** by Councilwoman Garthwait. All in favor. **MOTION passed UNANIMOUSLY.**

The City Council meeting was **ADJOURNED** at 9:17 p.m.

Nicholas Pascale
Chairman of the Council

Stacy Riccio
Clerk of the Council

Carlotta M. Serrini
City Council Administrator

****These minutes are subject to City Council approval.**