

**ORDINANCE REGARDING
BERNER SWIMMING POOL TRUST FUND**

BE IT ORDAINED by the Town Council of the Town of Plainville, in meeting duly assembled, that pursuant to the Charter of the Town of Plainville and the provisions of Title 7 of the Connecticut General Statutes, the following ordinance is adopted.

SECTION 1. PURPOSE

1.1 Pursuant to the terms and conditions of the Victor C. Berner Trusts, the Town has received substantial funds from the Trusts, which funds are to be used for construction and maintenance of a swimming pool within the Town.

1.2 After investigation, research and study, the Plainville Advisory Recreation and Park Board has recommended to the Town Council that it is in the best interest of the Town to establish a Berner Swimming Pool Trust Fund. Such monies placed in the Trust Fund and the earnings thereon shall be for funding the maintenance, repairs, capital improvements and like expenses for the swimming pool after its construction. Further, the Board is of the opinion that the initial funding of the Trust Fund should be an amount of money which represents those unexpended funds received from the Berner Trusts which have not been used to construct the swimming pool and any of its amenities.

SECTION 2. FUNDING.

2.1 The funds held within the Berner Swimming Pool Trust Fund shall be by action and authority of the Town Council and shall be from the following sources:

- (a) Any unexpended funds received from the Berner Trust which Trust Funds had not been used for the construction of the swimming pool and its amenities.
- (b) Interest earned from investments of Trust Funds.
- (c) Any funds donated to the Town from any other source, which funds the donor directed to be used for expenses of any nature relating to the swimming pool or its amenities.
- (d) Appropriations made by the Town Council as are authorized by the Town Charter.

2.2 There shall be no limitations on the amount of funds which may accumulate in the Berner Swimming Pool Trust Fund. The Trust Fund shall stay in existence until such time as there are no funds available or upon repeal of this Ordinance by the Town Council.

SECTION 3. PAYMENTS FROM TRUST FUND.

3.1 The following types of payments shall be made from the Berner Swimming Pool Trust Fund:

(a) Cost of expenses for maintenance, alteration, replacement, enlargement, repairs or modification of the swimming pool and its amenities.

(b) Such capital projects which have been approved by the Town Council in its Five Year Capital Plan pursuant to the provisions of the Town Charter and the Connecticut General Statutes.

3.2 All of the payments provided for in Section 3A above, shall be approved by the Town Council. The Plainville Advisory Recreation and Park Board shall, at least annually, make recommendation to the Town Council of proposed expenditures as provided herein.

SECTION 4. MANAGEMENT OF TRUST FUND.

4.1 The Berner Swimming Pool Trust Fund shall be administered (as to investments and accounting) by the Finance Director under the general direction and supervision of the Town Manager subject only to limitations imposed by the Town Charter and State Statutes as relate to the Town Treasurer.

4.2 The Plainville Advisory Recreation and Park Board shall have the authority to interact with the Town Manager and the Town Council in setting policies, goals and aims of the Berner Swimming Pool Trust Fund.

SECTION 5. SEVERABILITY.

5.1 The provisions of this Ordinance are declared to be severable and the invalidity of any portion thereof shall not affect the validity of the remainder.

SECTION 6. EFFECTIVE DATE.

6.1 This Ordinance shall take effect after passage by the Town Council and thirty (30) days after notice of its passage is published in a newspaper having circulation in the Town.

Adopted by Town Council Dec. 13, 1993

Reviewed and Reformatted April 1, 2013