

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF JUNE 3, 2020
MINUTES

This meeting was held via Zoom online meeting services and was available for the public to view, listen and participate via videoconference and dial-in options.

PRESENT: Mark Nickerson, Kevin Seery, Rose Ann Hardy, Marc Salerno, Dan Cunningham and Paul Dagle
ALSO PRESENT: Finance Director Anna Johnson, Public Works Director Joe Bragaw, Chief of Police Michael Finkelstein, Administrative Sergeant Michael Macek, Director of Parks & Recreation Dave Putnam, Superintendent Jeffrey Newton, Facilities Director for the Schools Chris Lund and President of the East Lyme Ambulance Association Dave Baer.

First Selectman Nickerson called the meeting to order at 7:23 p.m. and led the Pledge of Allegiance.

2. Additional Agenda & Consent Calendar Items
There were none.

3. Delegations
There were none.

4. Approval of Minutes

MOTION (1)

DISCUSSION: Mr. Dagle stated that in paragraph 7a, second sentence it should be amended to read "... had already been approved by the Board of Selectmen."

Mr. Seery MOVED to approve the Regular Meeting minutes of May 20, 2020, as amended.

Seconded by Mr. Dagle. Motion passed 6-0.

5. Consent Calendar

MOTION (2)

Mr. Seery MOVED to approve the consent calendar for June 3, 2020, in the amount of \$435.31.

Seconded by Mr. Salerno. Motion passed 6-0.

6a. SCRRRA Ordinance Amendment

MOTION (3)

DISCUSSION: Mr. Nickerson stated that the public hearing for this matter happened tonight prior to this regular meeting of the Board of Selectmen and asked if anyone had any further questions or comments on this matter, and there was none.

Mr. Seery MOVED to adopt the amendments as presented to an ordinance entitled "An Ordinance Regulating The Storage, Collection and Disposal of Solid Waste And Providing For A System Of Refuse Collection And Disposal And The Administration Thereof. The amendments will be effective upon publication of notice of their adoption in accordance with the Governor's Executive Orders. (Notice of Adoption of Ordinance was published in The Day on June 5, 2020).

Seconded by Mr. Salerno. Motion passed 6-0.

7a. Acquisition Program

FILED

June 11 2020 AT 10:13 AM/PM
(Carmen Galin)
EAST LYME TOWN CLERK

MOTION (4)

DISCUSSION: Mr. Nickerson noted that this Board has seen all of these items previously and asked if anyone had any further questions. Mr. Seery read the resolution, in its entirety, into the record. Ms. Johnson and Mr. Nickerson reviewed the list of equipment to be acquired, which is attached hereto as Exhibit 1. Ms. Johnson stated that pursuant to the Governor's Executive Order, there will be no Town Meeting held and that this matter will go straight to the Board of Finance. The Notice of the Board of Finance meeting will be posted and published in *The Day* following the same procedure as would occur with a Town Meeting. Mr. Salerno inquired if all of these funds have been allocated in next year's budget, and Ms. Johnson stated yes. The Public Works equipment is coming out of the General Fund, the Board of Education equipment is included in Board of Education budget, and the police vehicles will be paid out of the CNRE revolving fund, which comes from fees they receive for outside road jobs. Mr. Salerno inquired if there is a backlog for purchasing the equipment needed by the Board of Education, and Ms. Amy Drowne, Board of Education, responded that backlog is currently 5-7 weeks after the day of purchase. She reported that approximately every two weeks the date of delivery goes out a week. Mr. Nickerson noted that the police department has the same timeline issues with their vehicle purchases, and that the Town is starting to get on top of that and are working on a better plan to get vehicles and equipment when needed and that complies with our purchasing policy.

Mr. Seery RESOLVED That the resolution entitled "A Resolution of the Town of East Lyme, Connecticut Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement and Schedules Thereto for the Acquisition, Purchase, Financing and Leasing of Certain Equipment", a copy of which is attached hereto, is hereby adopted and recommended for approval by the Board of Finance. No Town Meeting will be held pursuant to Executive Order No. 7B, Section 1.

Seconded by Mr. Salerno. Motion passed 6-0.

7b1. Special Appropriation – Bonding – Roads

MOTION (5)

DISCUSSION: Mr. Salerno read the resolution, in its entirety, into the record. Mr. Nickerson stated that Public Works has modified the planned work on roads in order to bring this amount down this year to \$500,000 due to the current state of the economy. Mr. Bragaw summarized Public Works' planned road work for this season, and noted that there have also been a couple of sidewalks done as part of the roads projects; namely the walk across from the High School on Chesterfield Road, the sidewalk on Columbus leading to McCook's, and sidewalks on Dell Lane are scheduled to be done. Mrs. Hardy inquired if the State has released Town Aid for roads, and Mr. Bragaw stated that yes, we had received those funds from the state a couple of months ago. Mrs. Hardy asked if we receive State funded Town Air in the 20/21 budget, will it be added to this \$500,000; Mr. Bragaw responded that any funds received from the State through Town Aid would be in addition to the funds we have allocated.

Mr. Seery RESOLVED That the resolution entitled "Resolution Making An Appropriation In The Amount Of \$500,000 For The Rehabilitation Of Various Town Roads And Authorizing The Issuance Of \$500,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto as Exhibit 2, is hereby adopted and recommended for approval by the Board of Finance. No Town Meeting will be held pursuant to Executive Order No. 7B, Section 1.

Seconded by Mr. Dagle. Motion passed 6-0.

7b2. Special Appropriation – Bonding – BOE CIP

MOTION (6)

DISCUSSION: Mr. Cunningham read the resolution, in its entirety, into the record. Mr. Newton stated that everything on this list, which is attached hereto as Exhibit 3, is either necessary due to end of life for the equipment or it is a safety issue that needs to be fixed. Mr. Lund mirrored Mr. Newton's statement and confirmed that the items listed are necessary. He reported that the project for the Middle School archway will be completed through the State bid process, and the rest of the projects follow the Town's purchasing policy. The parking lot and front driveway need to be re-paved, but they will only be sealcoating this year to maintain it to keep costs down.

Mr. Cunningham RESOLVED That the resolution entitled "Resolution Making Appropriations Aggregating \$240,000 For Various Board Of Education Capital Improvements And Authorizing The Issuance Of \$240,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto as Exhibit 3, is hereby adopted and recommended for approval by the Board of Finance. No Town Meeting will be held pursuant to Executive Order No. 7B, Section 1.

Seconded by Mr. Salerno. Motion passed 6-0.

7c1. CAD Records Management

MOTION (7)

DISCUSSION: Mr. Nickerson noted that Mr. Baer and Chief Finkelstein were also on the call if anyone has any questions for them and gave the floor to Sgt. Macek for discussion. Sgt. Macek stated that the East Lyme Police Department (ELPD) has been utilizing the same Records Management System (RMS) product for approximately fifteen years. The company has changed names three times since its purchase, and that there are no longer any upgrades to the system, only patch work (bug fixes), and that they do not plan to upgrade this product. The product is inefficient, and it causes the ELPD to continuously rely on the local IT vendor, Star Computer. Mr. Baer, President of the East Lyme Ambulance Association, reported that they met last night and approved in their 20/21 budget their contribution toward this new CAD Records Management System. Mr. Salerno inquired as to the yearly maintenance fee; Sgt. Macek responded that the yearly fee will be \$29,000 and that this fee is not negotiable. He reported that the currently maintenance fee is \$17,000 and that it has increased in recent years. Mr. Nickerson thanked East Lyme's police officers for all of their dedication and hard work; he stated that the Town appreciates their service.

Mr. Seery MOVED to approve a special appropriation in the amount of \$170,000.00 in CNRE Fund 32 as follows: \$136,000 from account 32-60-045-100-001 (LoCIP Reserve – Town Clerk) and \$34,000 from East Lyme Ambulance subject to EL Ambulance adopting its annual budget - to an account to be established titled, "Computer Aided Dispatch (CAD) and Records Management System (RMS)" and forward to the Board of Finance for approval. The EL Ambulance contribution will be credited to revenue account 32-08-800-807 (Misc Revenue – Ambulance Association). This project is consistent with the 2020/2021 Capital Improvement Plan. This resolution is passed under the guidance of Executive Order 75 with no town meeting and being less than 1% of the current budget.

Seconded by Mrs. Hardy. Motion passed 6-0.

7c2. East Lyme Boat Motor

MOTION (8)

DISCUSSION: Sgt. Macek stated that this is for the 20' skiff which they use to back up the Marine Patrol and as a shallow water response vessel, and that it is needed back in service. He reported that last summer the

motor caught on fire on the way to a call, and that he was able to extinguish it before any major damage was done to the boat itself. Ms. Johnson reported that the funds for this purchase will come from a variety of projects that have leftover funds, and that the Board of Selectmen and the Board of Finance have already approved the use of the funds.

Mr. Seery MOVED to appropriate and transfer \$11,721 from CNRE Fund 32 as follows: \$2,068 from account 32-70-300-500-001 (Town Project Allocations) and \$9,653 from account 32-70-300-500-999 (Town-wide Projects) to an account to be established titled, "Police Boat Motor" and forward to the Board of Finance for approval. These projects are consistent with the 2020/2021 Capital Improvement Plan. This resolution is passed under the guidance of Executive Order 7S with no town meeting and being less than 1% of the current budget.

Seconded by Mr. Salerno. Motion passed 6-0.

7c3 and 7c4. Parks and Rec Gator and Director's Vehicle

MOTION (9)

DISCUSSION: Mr. Putnam stated that the Gator is a utility vehicle that is used both at the beaches and the athletic fields, and he noted that this vehicle has over a thousand miles on the engine, and that he has had this item on the CIP since 2007. Both vehicles are at their end of life and they cannot be used for another purpose around town. Mr. Nickerson noted that the new vehicles will be purchased under the guidelines of the Town's purchasing policy, and he noted that a quote for the Gator was obtained using the Sourcewell Cooperative bid.

Mr. Seery MOVED to approve a special appropriation and transfer from account 32-70-300-500-100 (Town Project Allocations) in the amount of \$37,000 to be used as follows: \$25,000 for Directors Vehicle and \$12,000 for Gator with accounts being established with respective titles and forward to the Board of Finance for approval. These projects are consistent with the 2020/2021 Capital Improvement Plan. This resolution is passed under the guidance of Executive Order 7S with no town meeting and being less than 1% of the current budget.

Seconded by Mr. Salerno. Motion passed 6-0.

7c5. BOE Projects

MOTION (10)

DISCUSSION: Mr. Lund, Facilities Director for the schools, reported that they are working with Eversource on energy savings initiatives for the high school, and they anticipate that they will be able to save money in the long run by utilizing this program. The audit is progress, and they are also looking into available grants and incentive programs to reduce costs further. At the Middle School, they are going to have a Building Envelope Study done to determine if the masonry has been compromised by water or if we can sealcoat the building and protect it for while longer. Mr. Nickerson welcomed Mr. Lund to the Team and stated that he is happy to see both the Town and the Board of Ed's public works offices working so well together.

Mr. Seery MOVED to approve a special appropriation in the amount of \$35,500 to be used as follows: \$25,100 for ELHS Energy Saving Initiatives and \$10,400 for ELMS Building Envelope Study with the source of funds being Learn rental income with accounts being established respectively. These projects are consistent with the 2020/2021 Capital Improvement Plan. This resolution is passed under the guidance of Executive Order 7S with no town meeting and being less than 1% of the current budget.

Seconded by Mr. Salerno. Motion passed 6-0.

7d. LOCIP

MOTION (11)

Mr. Seery MOVED to approve a special appropriation in the amount of \$110,000 to be used as follows: \$85,000 for Town Hall HVAC System and \$25,000 for Town Hall Drop Ceilings with the source of funds being the LoCIP program in accounts to be established titled with the State project number and forward to the Board of Finance for approval. These projects are consistent with the 2020/2021 Capital Improvement Plan. This resolution is passed under the guidance of Executive Order 7S with no town meeting and being less than 1% of the current budget.

Seconded by Mr. Salerno. Motion passed 6-0.

7e. Ratify Department Transfers

MOTION (12)

Mr. Seery MOVED to ratify departmental transfers in the amount of \$41,605.46 processed for fiscal year end June 30, 2020, and to forward to the Board of Finance for approval.

Seconded by Mr. Dagle. Motion passed 6-0.

7f. BOF Secretary

MOTION (13)

Mr. Seery MOVED to appropriate and transfer \$1,000 from account 01-01-120-200-500 (Contingency) to account 01-01-126-100-413 (PT Clerical Recording Secretary BoF) and forward to the Board of Finance for approval.

Seconded by Mrs. Hardy. Motion passed 6-0.

8a. Ex-Officio Reports

Mr. Seery reported that Parks and Recreation has not met yet, and that so far there has not been much trouble with the beaches and social distancing, parking, etc. He reported that they typically receive at least one vendor application to sell ice cream at the parks, but this year they decided to reduce the minimum bid to open it up to more vendors; but to date they have received only one from the vendor that has consistently sold ice cream at our parks for many years.

Mr. Dagle reported that the next meeting of the Public Safety Building will be held on June 17th, where Silver + Petrucelli will be making a presentation on a proposed \$7.8 million project, which is \$1.18 million above what the Board of Selectman approved and \$2.18 above what the Board of Finance and residents at referendum voted for. He noted that the bid is good for 120 days past the sign date of April 23rd. Mr. Nickerson stated that we would ultimately have to have a referendum on this matter, and that is difficult to schedule at the moment. They continue to look into all details of how to continue to move this matter forward, and there will be more information to report after the June 17th meeting. Mrs. Hardy requested that some brochures or some kind of information be produced to educate the public on this project, including costs of previous attempts throughout the years on moving the Police Department into a new building. Mrs. Hardy feels it would be beneficial for the public to be reminded of all of the alternative ideas that have been presented to the Town in the past.

Mr. Salerno reported that the Building Committee met with nothing to report. The Planning Commission has an application and will be meeting later this month. The Library is doing very well with their curbside pickup program.

Mr. Cunningham reported that WELSCO will be meeting on June 4th.

8b. First Selectman's Report

Mr. Nickerson stated that Town Hall is operating business as usual except that the public is not yet allowed in the buildings; he will continue to wait and watch and consult with our neighbor municipalities as move closer to re-opening.

Mr. Nickerson stated the community and the nation are grieving over the death of George Floyd, and the community has organized a couple of rallies in the coming days. His only concern is with the amount of people that will be gathering, and there are a lot of inconsistencies from the State on the number of people that can gather as there are different numbers for different types of venues. He reported that he has met with the Police Chief, and that the Police Commission will be having more discussion on the matters of procedures at their upcoming meeting. Mr. Nickerson reported that the Town had a homicide this morning in the area of the exit 74 off ramp, and it appears that the area was not the scene of the crime and that the body was left there. Our hearts and prayers go out to all suffering at the moment. Graduation plans are still not confirmed, but in person graduation will not be able to happen. They are considering a parade or a ceremony via video, but there has been nothing confirmed at the moment. Celebrate East Lyme has been cancelled and the Memorial Day Parade has been cancelled for this year. He noted that they did hold a very small vigil to honor these soldiers on Memorial Day, and that there were only a few people but that the Veterans groups felt it necessary to show this honor. Be on the lookout for at least on Shred It event in town; it will be advertised so if you are interested please check the social media pages and the Town webpage.

9. Public Comment

There was None.

MOTION (14)

Mr. Seery MOVED to adjourn the June 3, 2020, regular meeting of the East Lyme Board of Selectmen at 9:08 p.m.

Seconded by Mr. Cunningham. Motion passed 6-0.

Respectfully Submitted By:



Recording Secretary

EXHIBIT 1

A RESOLUTION OF THE TOWN OF EAST LYME, CONNECTICUT AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT AND SCHEDULES THERETO FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT

WHEREAS, the Town of East Lyme, Connecticut (the “Town”), a political subdivision of the State of Connecticut (the “State”), is authorized by the laws of the State to purchase, acquire and lease personal property (tangible and intangible) for the benefit of the Town and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Board of Selectmen of the Town (the “Board”) has determined that a need exists for the acquisition of certain vehicles and equipment for various departments throughout the Town, as set forth in Schedule A hereto at a cost of not to exceed \$1,772,825 (collectively, the “Equipment”) on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the Town proposes to enter into an equipment lease/purchase agreement, including schedules and attachments thereto (the “Agreement”), with a lessor to be determined by a competitive bid process (the “Lessor”); and

WHEREAS, the Board deems it for the benefit of the Town and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition, financing and leasing of the Equipment to be therein described on the terms and conditions herein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board as follows:

Section 1. Findings and Determinations. It is hereby found and determined that entering into the Agreement is in the best interests of the Town for the acquisition, purchase, financing and leasing of the Equipment. Pursuant to Executive Order 7S, Section 7, adoption of this Resolution to finance the Equipment, which includes laptops and I-Pads for teachers and students for remote learning, is necessary to permit the orderly operation of the Town and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency declared by the Governor in order to avoid endangering public health and welfare, prevent significant financial loss, or is otherwise necessary for the protection of persons and property within the Town.

Section 2. Appointment of Lessor. The First Selectman, in consultation with the Director of Finance, is authorized to appoint the Lessor after a competitive bid process to select the lowest financing cost from a qualified leasing company.

Section 3. Approval of Documents. The First Selectman is authorized to determine the form, terms and provisions of the Agreement (including the form of any schedule of leased property and rental payments thereto); *provided however*, that the purchase price of the Equipment shall not exceed \$1,772,825, including financing costs, the term of the Agreement shall not exceed five (5) years, and the interest rate included in the lease payments shall not exceed 1.48%. The First Selectman is further authorized to sign and deliver on behalf of the Town the Agreement, any property schedule, any rental payment schedule attached thereto, and any related exhibits attached thereto if and when required.

Section 4. Rent Payments. Any rent payments required under the Agreement shall be appropriated in the Town’s annual budget.

Section 5. Other Actions Authorized. The officers and employees of the Town shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions, contemplated thereby. The First Selectman is authorized to approve and execute and deliver any additional instruments and documents in connection with the Agreement, including, but not limited to, acceptance certificates, escrow agreements, tax certificates, investment agreements, and UCC financing statements creating a security interest in the Equipment in favor of the Lessor, and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 6. No General Liability. Nothing contained in this Resolution, the Agreement, any escrow agreement nor any other instrument shall be construed with respect to the Town as incurring a liability or charge upon the general credit of the Town or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, any escrow agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Town or any charge upon its general credit or against its taxing power, except to the extent that any rental payments payable under the Agreement are limited obligations of the Town, subject to annual appropriation, as provided in the Agreement.

Section 7. Appointment of Authorized Town Representatives. The First Selectman and the Director of Finance of the Town are each hereby designated to act as authorized representatives of the Town for purposes of the Agreement and other documents executed in connection with the Agreement until such time as the governing body of the Town shall designate any other or different authorized representative for such purposes.

Section 8. Declaration of Official Intent. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this Resolution in the maximum amount of the Equipment with the proceeds of bonds, notes, tax-exempt leases, or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt 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 Equipment, or such later date the Regulations may authorize. The Town 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 Equipment expenses in accordance herewith pending the issuance of the Tax Exempt Obligations.

Section 9. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 10. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

Equipment

Department	Years	#	Unit	Total
Public Works				
Road Sweeper	12	1	275,000	275,000
F350 Pick Up Truck w/equipment	10	1	60,000	60,000
Police				
Marked Interceptor Utility (outfitted)	7	2	65,000	130,000
Board of Education				
East Lyme High School - Laptops	7	1015	460	466,900
East Lyme Middle School - Laptops	7	800	460	368,000
Lillie B Haynes School - Laptops	7	70	460	32,200
Lillie B Haynes School - IPADS	7	62	400	24,800
Flanders School - Laptops	7	60	460	27,600
Flanders School - IPADS	7	68	400	27,200
Niantic Center School - Laptops	7	60	460	27,600
Niantic Center School - IPADS	7	66	400	26,400
Districtwide Teacher Laptops	7	300	1,024	307,125
TOTAL				\$1,772,825

EXHIBIT 2

RESOLUTION MAKING AN APPROPRIATION IN THE AMOUNT OF \$500,000 FOR THE REHABILITATION OF VARIOUS TOWN ROADS AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$500,000 is hereby appropriated by the Town of East Lyme, Connecticut (the "Town") for the rehabilitation of various Town roads, including reconstruction, grinding and overlay, micropaving, chipsealing and cracksealing, and administrative, financing and costs of issuance related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof (the "Project").

Section 2. To meet said appropriation, \$500,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts of State and Federal grants-in-aid of the Project, or the actual amounts thereof, if this be ascertainable and the anticipated times of the receipt of the proceeds 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 temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the First Selectman and the Town Treasurer, in the best interest of the Town, in accordance with the Connecticut General Statutes.

Section 3. Pursuant to Executive Order 7S, Section 7, adoption of this Resolution to finance the Project is necessary to permit the orderly operation of the Town and there is a need to act immediately and during the duration of the public health and civil preparedness emergency declared by the Governor in order to avoid endangering public health and welfare, prevent significant financial loss, or is otherwise necessary for the protection of persons and property within the Town.

Section 4. Said bonds shall be sold by the First Selectman in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least

five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the purchase agreement shall be approved and signed by the First Selectman and the Town Treasurer.

Section 5. The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing the notes, 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 the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt 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 Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The First Selectman or his designee is authorized to pay Project expenses in accordance with this resolution pending the issuance of Tax Exempt Obligations.

Section 7. The First Selectman, Director of Finance and the Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The First Selectman and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

EXHIBIT 3

RESOLUTION MAKING APPROPRIATIONS AGGREGATING \$240,000 FOR VARIOUS BOARD OF EDUCATION CAPITAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$240,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$240,000 is hereby appropriated by the Town of East Lyme, Connecticut (the "Town") for the planning, design, acquisition and construction of the various Board of Education capital improvements hereinafter listed, including costs of legal, administrative and related costs (the "Projects"):

<u>Project</u>	<u>Estimated Amount</u>
High School – HVAC Replacements	\$50,000
High School - Replace Stairway to Playing Fields	33,000
High School – Replace Storage Tank	34,000
Middle School – Masonry Repairs to Archway and Main Building	47,000
Middle School – Parking Lot and Front Driveway Improvements	26,000
Middle School – HVAC Air Handlers	<u>50,000</u>
TOTAL:	<u>\$240,000</u>

Section 2. Any of the estimated amounts for a Project not required to meet the actual cost of such Project may be transferred by the First Selectman and the Town Treasurer to meet the actual cost of any other Project.

Section 3. To meet said appropriations, \$240,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts of State and Federal grants-in-aid of the Project, or the actual amounts thereof, if this be ascertainable and the anticipated times of the receipt of the proceeds 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 temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law,

of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the First Selectman and the Town Treasurer, in the best interest of the Town, in accordance with the Connecticut General Statutes.

Section 4. Pursuant to Executive Order 7S, Section 7, adoption of this Resolution to finance the Projects is necessary to permit the orderly operation of the Town and there is a need to act immediately and during the duration of the public health and civil preparedness emergency declared by the Governor in order to avoid endangering public health and welfare, prevent significant financial loss, or is otherwise necessary for the protection of persons and property within the Town.

Section 5. Said bonds shall be sold by the First Selectman in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the purchase agreement shall be approved and signed by the First Selectman and the Town Treasurer.

Section 6. The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing the notes, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Projects. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Projects with the proceeds of bonds, notes, or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt 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 Projects, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The First Selectman or his designee is authorized to pay Project expenses in accordance with this resolution pending the issuance of Tax Exempt Obligations.

Section 8. The First Selectman, Director of Finance and the Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of

bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 9. The First Selectman and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.