

FILED

Aug 4, 20 20 AT 10:17 (AM/PM) EAST LYME BOARD OF SELECTMEN
SPECIAL MEETING OF JULY 29, 2020
B. Anne Johnson ATC MINUTES
EAST LYME TOWN CLERK

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.

This meeting, in its entirety, is available to view by visiting the East Lyme Town Hall webpage.

PRESENT: Mark Nickerson, Kevin Seery, Rose Ann Hardy, Marc Salerno, Dan Cunningham and Paul Dagle
ALSO PRESENT: Finance Director Anna Johnson, Flanders Fire Chief Bill Rix and Niantic Fire Chief John Dwire

First Selectman Nickerson called the meeting to order at 7:30 p.m.

1. Receive Communication – Fire Pumper

Ms. Johnson stated that the Board of Selectmen are in receipt of the communication from Board of Finance on this matter and that the Notice of Board of Selectmen Special Meeting was published in *The Day* newspaper and on the Town's webpage.

Ms. Hardy asked Mr. Nickerson to explain why there is no delegations or public comments for this meeting, and Mr. Nickerson stated that this is a special meeting and that the regular meeting with public comment will be next Wednesday, August 5th.

2. Bonding – Fire Pumper

MOTION (1)

Mr. Seery MOVED the Motion: RESOLVED That the resolution entitled "Resolution Making An Appropriation In The Amount Of \$635,000 For The Acquisition Of A Fire Pumper And Authorizing The Issuance Of \$635,000 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, is hereby adopted. 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. No Town Meeting will be held pursuant to Executive Order No. 7B, Section 1. We waive reading the resolution in its entirety; a copy has been and will continue to be available for inspection in the Town Clerk's office and on the Town's webpage.

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

3. Special Appropriation – CNRE Radios

DISCUSSION: Mr. Nickerson stated that this new equipment is necessary for our first responders to communicate with mutual aid towns and needs to be upgraded. Chief Rix spoke and stated that the bids came in higher than anticipated and that they had to reduce the number of radios to be purchased, and reported that Utility Communications, Inc. was the low bidder. They reduced 37 portables to 30; 14 for Niantic Fire Department and 12 for Flanders Fire Department. For mobile units they reduced the number from 17 to 13; 7 for Niantic and 6 for Flanders. The remaining funds will be used to purchase 2 block chargers and extra batteries. Mr. Salerno inquired as to if they anticipate having to purchase more radios

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next year, and Chief Rix confirmed that they will need to purchase more radios in the next couple of years, but that they should only need to purchase portable units.

MOTION (2)

Mr. Seery MOVED to approve a special appropriation and transfer in the amount of \$211,176.00 in CNRE Fund 32 as follows: from account 32-70-300-500-999 (Town-wide Projects) - to an account to be established titled, "NFD-FFD Multiband Radios". This project is 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. Dagle. Motion passed 6-0.

4. Update and Discussion – Public Safety Building Project

Mr. Nickerson stated that, for the record, the referendum will not move forward as approved by the Board of Selectmen because the Board of Finance did not pass it. The Police are in limbo at the moment; we have a building that was purchased a year and a half ago with approval from the taxpayers at a referendum where they approved it at just about a two to one margin. That building will continue to sit empty, and the Vision Committee will be speaking with the architect and the Police to discuss options. Mr. Nickerson reported that it may be on the next regular meeting agenda on Wednesday, August 5th. He stated that we have \$2,000,000 approved that we can maybe paint the walls and move the officers and lockers in just to get them out of the current building, but that is to be determined. That would mean no cell blocks, no sally port, no elevator, and no dispatch, emergency management or Fire Marshal. The Town will not be able to achieve what needs to be done with that \$2,000,000, and he feels that the Town will always be a step behind fixing something or spending a lot more money to make necessary additions in the future if we don't move forward with the full project now. Mr. Cunningham stated that he would like to see this on the next meeting agenda in order to receive public comment on this topic.

Ms. Hardy stated that she will not vote in favor of \$5,000,000. She stands firm that the Board of Finance is on record stating that the Vision Committee should come back with details and ask for the \$6,000,000. She will not support the \$5,000,000 to do a job that is not the right job, as has been done too many times in the past. Ms. Hardy stated that the committee is a good group, consisting of experts in various fields including paid professionals who are sought out around the country for their expert advice. The committee as a whole are made up of people who are very knowledgeable, and we should be thanking them for their service and taking their recommendations. She stated that it would be a disservice to the public to settle for less, and we should be planning for the future and the \$5,000,000 for this project does not do it.

Mr. Nickerson stated that the Board of Finance has suggested we build a new police station, which is reminiscent of years ago when this happened, but no plans have ever been approved. He anticipates that this Board will hear from the Vision Committee at the regular meeting next week with suggested cuts to the project; but he feels that we will be cutting value out of the building that the Town will pay for one way or another.

Mr. Cunningham stated that he will not support the project at \$5,000,000, as we have done this in the past and it has not worked.

Ms. Hardy stated again that the Board of Finance should be held accountable for their statement made on record that they would only approve \$5,000,000 and that the Vision Committee should come back to them with details if the additional \$1,000,000 was indeed needed. She stated that she is not in favor of having the Vision Committee spend additional time trying to figure out what to remove from the scope of this project in order to bring the project total down and do a half-baked job with the \$5,000,000. Ms. Hardy stated that she will not settle for less than the \$6,000,000.

Mr. Seery agreed and stated that in a few years there will be other buildings that need attention, such as the high school, and the police department will once again be pushed aside. \$7.2M is not what we expected, but we also did not consider the elevator in the original plans, but that should be included in the project.

Mr. Salerno agrees and feels that not putting in the sally port and holding cells will cause us to spend money renting space from Waterford, and this money can never be redeemed. He is looking forward to discussions at the next meeting to go over these numbers.

Mr. Nickerson thanked everyone for their input and passion for this project that has lingered for decades and needs to be properly addressed for the good of the Town today and for the future.

5. Executive Session

MOTION (3)

Mr. Seery MOVED to enter into executive session for the purpose of discussing real estate matters. Seconded by Mr. Salerno. Motion passed 6-0.

The Board of Selectmen entered into executive session at 7:52 p.m.

MOTION (4)

Mr. Seery MOVED to come out of executive session at 8:24 p.m. and stated that no formal votes had been taken.

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

MOTION (5)

Mr. Seery MOVED to adjourn the July 29, 2020, special meeting of the East Lyme Board of Selectmen at 8:25 p.m.

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

Respectfully Submitted By:



Sandra Anderson
Recording Secretary

RESOLUTION MAKING AN APPROPRIATION IN THE AMOUNT OF \$635,000 FOR THE ACQUISITION OF A FIRE PUMPER AND AUTHORIZING THE ISSUANCE OF \$635,000 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 \$635,000 is hereby appropriated by the Town of East Lyme, Connecticut (the "Town") for the acquisition of a fire pumper, with a 1,500 gallon per minute pump and a 1,250 gallon water tank, 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, \$635,000 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.