

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING MINUTES
JUNE 7, 2023

IN ATTENDANCE: Kevin Seery, Anne Santoro, , Dan Cunningham and Ann Cicchiello. Rose Ann Hardy arrived at 7:12 p.m.

EXCUSED: Bill Weber

ALSO IN ATTENDANCE: Finance Director Kevin Gervais, Public Works Director Joe Bragaw, Utilities Engineer Ben Smith, and Superintendent Jeff Newton

Mr. Seery called the regular meeting of the East Lyme Board of Selectmen to order at 7:02 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda & Consent Items
There were none.

1c. Delegations
There were none.

1d. Approve Minutes

MOTION (1)

Ms. Santoro MOVED to approve the Regular Meeting Minutes of May 3, 2023, as submitted
Seconded by Ms. Cicchiello. Motion passed 4-0.

1e. Consent Calendar

MOTION (2)

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of June 7, 2023, in the amount of \$1,287.85.
Seconded by Mr. Cunningham. Motion passed 4-0

2a. Special Appropriation - \$1,397,000 – Various Townwide Improvements

MOTION (3)

Ms. Santoro MOVED the following: Resolved that the resolution entitled "Resolution Making Appropriations Aggregating \$1,397,000 For Various Public Improvements And Authorizing The Issuance Of \$1,397,000 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 1, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at Town Meeting. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.
Seconded by Mr. Cunningham. Motion passed 4-0.

2b. Special Appropriation - \$1,130,000 – BOE 2023/2024 Capital Improvements

MOTION (4)

Ms. Santoro MOVED the following: Resolved that the resolution entitled "Resolution Making Appropriations Aggregating \$1,130,000 For Various Board Of Education Capital Improvements And Authorizing The Issuance Of \$1,130,000 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 2, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at Town Meeting. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.
Seconded by Ms. Cicchiello. Motion passed 4-0.

RECEIVED FOR RECORD
EAST LYME, CT
2023 JUN 13 P 3:20
Cavalliere
TOWN CLERK

2c. Special Appropriation - \$2,000,000 – W&S Treatment Plant Improvements

MOTION (5)

Ms. Santoro MOVED the following: Resolved that the resolution entitled "A Resolution Making Appropriations Aggregating \$2,000,000 For The Construction Of Modifications Upgrades And Improvements To The East Lyme Water Treatment Plant Projects And Authorizing The Issuance Of \$2,000,000 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 and the legal voters of the Town at Town Meeting. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.

Seconded by Ms. Cicchiello. Motion passed 5-0.

2d. Special Appropriation – \$1,408,300 - 2023/2024 Acquisition Program

MOTION (6)

Ms. Santoro MOVED the following: : 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 as Exhibit 4, is hereby adopted and recommended for approval by the Board of Finance. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.

Seconded by Ms. Cicchiello. Motion passed 5-0.

2e. Ratify Transfer - \$32,286 – HVAC Pump Replacement – EL Community Center

MOTION (7)

Ms. Santoro MOVED to approve a transfer of \$32,286 from Town Contingency Account 01-01-120-200-500 to HVAC Pump Replacement - Account # 32-70-300-500-005 to allow us to replace the air handler at the ELCC and forward to the Board of Finance for approval. Note: This requires a town meeting.

Seconded by Ms. Cicchiello. Motion passed 5-0.

2f. Ratify Transfer - \$20,000 – HVAC Renovations – Field Services Building

MOTION (8)

Ms. Santoro MOVED to approve a transfer of \$20,000 from Town Contingency Account 01-01-120-200-300 to PWD upgrade HVAC FSB Account 85-70-007-700-701 to be able to finish the HVAC Renovations project at the Field Services Building and forward to the Board of Finance for approval. Note: This requires a town meeting.

Seconded by Ms. Cicchiello. Motion passed 5-0.

2g. Fishing Dock Leases

DISCUSSION: Mr. Seery reported that the members of the fishing dock lease subcommittee will meet with the lease holders in the coming days to discuss 2023 rent due and confirm terms, and to extend the leases through December 2024.

2h. Appointments to Boards/Commission

MOTION (9)

Ms. Santoro MOVED to appoint Daniel Cleary, 75 Stonehill Drive, Killingworth, CT, to serve as a Member on the Cable TV Advisory Council of Eastern Connecticut for the Town of East Lyme with a term to expire on January 5, 2026.

Seconded by Ms. Cicchiello. Motion passed 5-0.

MOTION (10)

Ms. Santoro MOVED to appoint Officer Donald Hull, East Lyme Police Department, to serve as a Member on the Youth Services Commission for the Town of East Lyme with a term to expire on January 5, 2026.

Seconded by Ms. Cicchiello. Motion passed 5-0.

MOTION (11)

Ms. Santoro MOVED to appoint Ann Irr Dagle, 5 Riverhead Lane, East Lyme, CT, to serve as a Member on the Youth Services Commission for the Town of East Lyme with a term to expire on January 8, 2024.

Seconded by Mr. Cunningham. Motion passed 5-0.

MOTION (12)

Ms. Santoro MOVED to appoint Michelle Royce Williams, 2 Barrett Drive, Niantic, CT, to serve as a Member on the Water & Sewer Commission for the Town of East Lyme with a term to expire on January 8, 2024.

Seconded by Ms. Cicchiello. Motion passed 5-0.

3a. Ex-Officio Reports

Ms. Hardy reported:

- Dr. Whritner resigned from the Commission on Aging; Mike Bekech was named Chairman. They will work on filling the vacant seat.
- The Historic Cemeteries Commission is experiencing a big problem with dead tree removal; Ms. Hardy feels that it is the Town's responsibility to maintain the cemeteries.
- The following changes occurred on the Conservation for Natural Resources Commission; Art Carlson resigned, Penny Heller was named Chairman, Don Danila was named Secretary, and Harvey Beeman will move from his alternate position to a commission member.
- Many people from the public attended and spoke at the Zoning Commission meeting regarding the proposed development on Holmes Road.

Mr. Cunningham reported:

- Brookside Farm Museum has hired a new curator, Annah Perch.

Ms. Santoro reported:

- Water & Sewer Commission proposed supplemental sewer assessments were adopted, including three (3) disputed assessments.
- Meter replacement is about 76% completed.
- Boston Post Road tank rehabilitation is almost complete; ARPA funding paid for this work.
- Niantic Pump Station rehab project continues.
- Three (3) subcommittees will be established to cover; submetering and rates, sewer capacity, and the third is tasked with reviewing capital projects.

Ms. Cicchiello reported:

- Inland Wetlands Agency had an application for a five-lot subdivision on Upper Walnut Hill Road and Holmes Road. A public hearing will be scheduled.

3b. First Selectman's Report

Mr. Seery reported:

- The lacrosse championship games have been postponed due to the unhealthy air quality caused by the fires in Canada.

- The exit 74 project is progressing; all work is being done and the roadway is closed at night.
- The DOT held a public forum for business owners to provide information and answer questions regarding this project. They will be putting more information, including a video explanation of the project, on their webpage.
- The DOT is pursuing a collaboration with the school system to bring engineering information and opportunities to students who might be interested in pursuing that field.
- Charter Subcommittee completed their draft report to submit to the Board of Selectmen on June 21st. The Board of Selectman will hold a public hearing on June 21st at 6:30 p.m. to receive public comment on the proposed charter revision changes.
- Beginning July 10, 2023, new Town Hall hours will be Monday-Thursday 8:00 a.m. – 5:00 p.m. Fridays 8:00 a.m. – 11:30 a.m.
- As of Saturday, May 27th, the parks are officially open and parking passes are needed. Parking passes for the beaches can be purchased at Parks and Recreation located at 41 Society Road.
- The vintage market was well attended.
- East Lyme High School graduation will be held on Thursday, June 15th.
- East Lyme Boys Baseball team are ECC champions.
- East Lyme Girls state semifinals start on June 8th.
- Beach concerts start on June 21st; Wednesday nights on the beach and Friday nights in the band shell.

4. Communications

Thank you letter regarding annual scholarship recipient.

5. Public Comments

There were none.

6. Selectman's Response

There was none.

7. Executive Session

MOTION (13)

Ms. Santoro MOVED to enter into executive session for the purpose of discussing real estate matters, East Lyme Land Trust Oswegatchie Hills / Hathaway Farms property and Contract Negotiations Firefighters IAFF Local 3377.

Seconded by Ms. Cicchiello. Motion passed 5-0.

The Board entered into executive session at 7:52 p.m. They returned at 8:50 p.m. and it was stated that no formal votes were taken.

MOTION (14)

Ms. Santoro MOVED to adjourn the June 7, 2023, regular meeting of the Board of Selectmen at 8:50 p.m.

Seconded by Mr. Cunningham. Motion passed 5-0.

Respectfully Submitted,



Sandra Anderson
Recording Secretary

Exhibit #1

RESOLUTION MAKING APPROPRIATIONS AGGREGATING \$1,397,000 FOR VARIOUS PUBLIC IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$1,397,000 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 \$1,397,000 is hereby appropriated by the Town of East Lyme, Connecticut (the "Town") for the planning, design, acquisition and construction of various public improvements hereinafter listed, including costs of legal, administrative and related costs (the "Projects"):

<u>Project</u>	<u>Estimated Amount</u>
Roads, Bridges & Paving – Improve Roads and Parking Lots Town-Wide	\$850,000
Buildings & Infrastructure – Repair Town Building Roofs – Niantic Fire Station Headquarters	272,000
Parks & Parks Maintenance – Pickleball Court Construction	<u>275,000</u>
TOTAL:	<u>\$1,397,000</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, \$1,397,000 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 any and all State, Federal or other 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. 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 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 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 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 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#2

RESOLUTION MAKING APPROPRIATIONS AGGREGATING \$1,130,000 FOR VARIOUS BOARD OF EDUCATION CAPITAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$1,130,000 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 \$1,130,000 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 – A-Wing Windows/Doors Replacement Phase 2	\$115,000
High School – HVAC Recapitalization Phase 3	150,000
High School – A-Wing Interior Doors Replacement Phase 1	50,000
Middle School – Roof Life Extension/Restoration Phase 3	350,000
Middle School – Building Envelope Repairs/Sealant Phase 2	125,000
Middle School – HVAC Recapitalization Phase 3	150,000
Middle School – Ductwork Cleaning	<u>190,000</u>
TOTAL:	<u>\$1,130,000</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, \$1,130,000 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 any and all State, Federal or other 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. 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 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 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 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 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

A RESOLUTION MAKING APPROPRIATIONS AGGREGATING \$2,000,000 FOR THE CONSTRUCTION OF MODIFICATIONS, UPGRADES AND IMPROVEMENTS TO THE EAST LYME WATER TREATMENT PLANT PROJECTS AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATIONS AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. Appropriations aggregating \$2,000,000 are hereby made by the Town of East Lyme, Connecticut (the "City") to meet the estimated costs of the construction of modifications, upgrades and improvements to the East Lyme Water Treatment Plant Projects set forth below, including costs of surveys, borings, easement acquisitions, engineering, construction, related equipment, administrative, legal and other related costs, said appropriations to be inclusive of any and all Federal and State loans, grants-in-aid and/or subsidies-aid-thereof (collectively, the "Projects"):

<u>Project Name</u>	<u>Authorized Appropriations</u>
Well 2A to Bride Brook Water Treatment Plant Transmission Main and Treatment Plant Upgrade Project	\$ 1,150,000
Well 4 Water Treatment Plant Upgrades	150,000
Well 5 Water Treatment Plant Lagoon Improvements	400,000
Booster Pump Station Upgrades	100,000
Engineering Studies	100,000
Costs of Issuance	<u>100,000</u>
TOTAL	<u>\$2,000,000</u>

Section 2. To meet said appropriations \$2,000,000 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 Projects determined after considering the estimated amount of any and all Federal and State loans, grants-in-aid and/or subsidies-in-aid of the Projects, or the actual amount 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 engineering, administrative, printing, legal and financing

costs of issuing the 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, 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 bonds 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 approval of the rate or rates of interest, shall be determined by the First Selectman and Town Treasurer, in the best interest of the Town, in accordance with the Connecticut General Statutes.

Section 3. 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, provisions of the purchase agreement shall be approved and signed by the First Selectman and the Town Treasurer.

Section 4. 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, 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. The notes 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 5. The First Selectman and the Town Treasurer are authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans, grants-in-aid and/or subsidies-in-aid for the Projects and are further authorized to expend said funds in accordance with the terms thereof. To meet any portion of the costs of the Projects determined by the State of Connecticut Department of Energy and Environmental Protection and the State of Connecticut Department of Public Health 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"), the Town is authorized to and may issue interim funding obligations in anticipation of project loan obligations and project loan obligations (collectively, the "Drinking Water Obligations") in such denominations as the First Selectman and the Town Treasurer shall determine. Drinking Water Obligations and Project Loan and Subsidy Agreements under the Clean Water Fund Program, and any other instruments, agreements or certificates required under the Clean Water Fund Program shall be executed in the name and on behalf of the Town by the manual or

facsimile signatures of the First Selectman and the Town Treasurer, and bear the Town seal or a facsimile thereof. The aggregate principal amount of the Drinking Water Obligations to be issued, the dated date, final maturity, rate or rates of interest, the date, time of issue and sale and all other terms, details and particulars of such Drinking Water Obligations, subject to the provisions of the Clean Water Fund Program, shall be determined by the First Selectman and the Town Treasurer. Said Drinking Water Obligations may be secured as to both principal and interest by the full faith and credit of the Town and/or by special revenues of the Town pledged therefor in accordance with the Clean Water Fund Program, the Town's Charter and Connecticut laws. Each of the Drinking Water Obligations shall recite that every requirement of law relating to its issue has been duly complied with and that such obligation is within every debt and other limit prescribed by law.

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 anytime after the date of passage of this resolution in the maximum amount of the Projects with the proceeds of bonds, notes, or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. 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 Town Treasurer or his designee is authorized to pay Projects expenses in accordance herewith pending the issuance of the 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 one of them, are hereby authorized, empowered and directed in the name and 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 #4

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 \$1,408,300 (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.

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 \$1,408,300, including financing costs, the term of the Agreement shall not exceed five (5) years. The interest rate included in the lease payments shall be determined by the First Selectman and the Director of Finance. 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.

Schedule A

Town of East Lyme
 General Fund Budget Summary- **CAPITAL**
 Fiscal Year 2023-24

Category	Description of Capital Request	Useful Life	Financing
Public Works	Highway vehicles - replace 12EL & 20EL (Veh Ac)	15	\$ 207,500
	2 Police Vehicles completely outfitted	5	\$ 155,000
Public Safety	Administrative vehicle	7	\$ 60,000
	Accident reconstruction equipment for regional team	10	\$ 50,000
	Tri-band radios- 2 mobile and 2 portables	10	\$ 45,000
Culture and Recreation	Automated Line Painter	10	\$ 45,000
	2 Zero Turn Mowers	7	\$ 30,000
	4 Sets of Turn out Gear	5-10 yrs.	\$ 20,800
Public Education	ELHS Ductwork Renovation and Repairs	5	\$ 130,000
	DW: Compliance with New School Air Quality Statute	5	\$ 100,000
	Facilities Non-instructional Equip- LBH		\$ 12,100
	Facilities Non-instructional Equip- LBH		\$ 10,972
	Facilities Non-instructional Equip- NCS		\$ 12,091
	Facilities Non-instructional Equip- ELMS		\$ 16,500
	Facilities Non-instructional Equip- DW		\$ 15,000
	Facilities Non-instructional Equip- DW		\$ 19,000
	Facilities Non-instructional Equip- DW		\$ 10,700
	Facilities Non-instructional Equip- DW		\$ 65,000
	High School Instructional Equip - Music		\$ 12,000
	High School Instructional Equip - Principals office		\$ 44,637
	High School Non-Instructional Equip Security		\$ 12,000
	High School Instructional Equip - Art		\$ 10,000
	High School Instructional Equip - Family & Consumer Science		\$ 10,000
	High School Transportation - Coastal		\$ 20,000
	Student Services Equipment - Special Ed		\$ 60,000
	Facilities Fence Acquisition - High School Fish Market		\$ 20,000
	District Wide Technology Equipment - TBD		\$ 150,000
	Water	Vehicle Acquisition: 2024 Ford F350 Utility Body	10
Subtotal Leasing Program			\$ 1,408,300