

## 01/29/2007 Special Town Meeting Minutes

### MINUTES OF SPECIAL TOWN MEETING OF THE TOWN OF EAST HAMPTON HELD JANUARY 29, 2007

A Special Town Meeting of the electors and citizens qualified to vote in the Town Meetings of the Town of East Hampton, Connecticut, was held at the East Hampton High School, North Maple Street in East Hampton, Connecticut, on Monday, January 29, 2007 at 7:00 P.M.

Mr. Pierre Faber was chosen as moderator of the meeting and Ms. Sandra Wieleba acted as clerk.

The Clerk read the notice for the meeting which was published in the Glastonbury Citizen (Rivereast) on January 12, 2007, and which is recorded in these records immediately preceding these minutes.

Mr. Bergren moved to accept the call of the meeting, seconded by Ms. Walck. Moderator Faber called for a vote and the call was accepted.

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#### Item 1.

The reports of the Town Council and the Board of Finance were presented recommending an appropriation of \$1,557,000 for the Flanders Road Roadway Improvements Project and the issue of bonds or notes and temporary notes to defray said appropriation. The report of the Planning and Zoning Commission was presented approving the proposed project.

The Moderator requested that the resolution prepared for this item be presented.

Ms. Walck moved to adopt the resolution as printed in the packets distributed to the assembly, seconded by Mr. Bergren.

Moderator Faber opened the meeting to discussion and comments.

#### Public Comment

John Hines, 38 South Main Street asked if public would be allowed more time in order to review this issue prior to voting on it tonight and whether voting on this issue tonight would be the final vote. Mr. Bergren explained the resolution being voted on tonight in order to clarify the parameters of the project.

Moderator Faber wished to clarify that this would be the final opportunity for the public to vote on this issue. Mr. Bergren explained that tonight's vote would authorize the town to issue bonds and notes, obtain bids for this project, etc. Future votes regarding this project, such as awarding a bid, would be voted on by the Town Council and not by the public.

John Hines asked if the town had provided ample notice to the public concerning this meeting. He stated that he did not see anything in the newspaper. Mr. Bergren explained that the legal notice was properly advertised in the Rivereast, which was a free newspaper with a large circulation, that the Hartford Courant had an article regarding this issue, and that both the Town Council and Board of Finance had discussed this issue at its meetings. He further stated that the town had posted signs across from the town hall and also on Route 66 by the Public Works' building, which were not required by law, but as a reminder to the public that a public hearing was being held tonight.

David Gates, 146 Bear Swamp Road, asked for clarification on the method to fund this project and what would happen if the project came in over budget. Mr. Bergren explained that the town's engineering firm had estimated the projected costs and that it should not be over budget. He further stated that the town had funds in the Contingency Account should the need arise.

David Gates asked if the project would be handled by town employees or by a contractor. Mr. Bergren explained that the project would go out to bid seeking a construction company qualified in road rebuilding.

A resident from Mott Hill Road asked if the bid would be given to the lowest bidder or the most qualified bidder. Mr. Bergren explained that the town would seek a qualified bidder and that the standard for selecting a bidder was based upon the lowest, qualified bidder. He further stated that the town usually mirrored the State of Connecticut's bid process when selecting vendors for large-scale projects.

Richard Sheeley, 10 Portage Trail mentioned that several other roads were in bad shape and asked about the timeframe for when the project would begin and end. Mr. Bergren stated the resolution presented was for Flanders Road and that this issue would be determined and then funded.

Susan Gates, 33 Daly Road, stated that Flanders Road had been a problem with regard to ice and that this project was much needed and a long time coming. She also mentioned that the transfer station was located off Flanders Road and that there had been much construction of new homes in this area in the last several years. She mentioned that speeding was an issue that needed to be addressed, as well as the increase in traffic.

Deborah Cunningham, 40 Daly Road, mentioned the potholes, asphalt patch in several areas as well as the ice. She also mentioned that Daly Road was in need of repairs and asked about a plan for Daly Road. Moderator Faber suggested that Ms. Cunningham present her concerns at a Town Council and/or Board of Finance meeting in order to raise this issue. Ms. Cunningham also mentioned that ice was not the only issue on Flanders Road, but that the speed limit needed to be posted and monitored as well as fixing drainage issues and possibly widening the road.

Another resident mentioned that Flanders Road was not a safe road for walking and that the road needed to be widened. She also mentioned the issue with speeding.

Richard Sheeley, 10 Portage Trail mentioned that this project should have been done yesterday and asked if anything could be done to expedite this project. He was disappointed to know that this project could take 2 to 3 years to complete. Mr. Bergren agreed that he would like to see this project completed quickly. He explained that the first step would be design work prior to beginning the project. He felt that 2 to 3 years was an outside estimate.

Joan Rand, 50 Daly Road, asked what would be done in the meantime to clear the ice. Mr. Bergren stated that Public Works was aware of this condition and he will ask the Director of Public Works' what can be done. He mentioned that the Director was in the audience and that Public Works' will maintain the road as safe as possible.

Irene Curtis, 13 Wangonk Trail felt the project was 20 years overdo. She also mentioned that Flanders was not the only road with speeding issues and the need to post speed limits and police coverage.

George Coshow made a motion to move the question seconded by another resident. Moderator Faber explained that this motion would end discussion and needed a 2/3 vote in order to pass.

Moderator Faber called for a vote on this motion which passed unanimously.

Moderator Faber called for a vote on the motion to adopt the resolution as presented previously by Ms. Walck. The foregoing resolution was adopted by voice vote.

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Item 2.

The reports of the Town Council and the Board of Finance were presented recommending an appropriation of \$1,020,000 for the Main Street Bridge Replacement Project and the issue of bonds or notes and temporary notes to defray said appropriation. The report of the Planning and Zoning Commission was presented approving the proposed project.

The Moderator requested that the resolution prepared for this item be presented.

Mr. Hintz presented the following motion

I move that the reading of the resolution to be presented to this Special Town Meeting under item 2 of the notice be waived and that the full text of resolution, a copy of which has been made available to all those in attendance at this meeting, be incorporated into the text of this meeting which was seconded by Mr. Devine.

Upon motion duly made and seconded, the foregoing motion was adopted by voice vote.

Ms. Walck moved to adopt the resolution as printed in the packets distributed to the assembly, seconded by Mr. Bergren.

Moderator Faber opened the meeting to discussion and comments.

#### Public Comment

David Gates, 146 Bear Swamp Road, asked what the likelihood that the Town would be able to obtain funds in order to offset the cost. Mr. Bergren said the town had to apply for a grant or loans pursuant to the State of Connecticut Local Bridge Program.

A resident from Peach Farm Road asked what percentage the town could receive from a grant. Mr. Bergren asked Mr. Jylkka, Finance Director to respond to this question. Mr. Jylkka said it would be about 30% or 1/3.

David Simko, 30 Long Hill Road, expressed concern with the road being closed during reconstruction with regard to emergency apparatus and the need for clear detours. Mr. Bergren said the town would meet with all emergency agencies to review this issue. He stressed the need for alternate routes to be established and the shortest timeframe in order to complete this project.

John Hines, 38 South Main Street, asked about the design and construction timeframe for this project. Mr. Bergren hoped to begin work in the summer or early fall of 2007.

Moderator Faber called for a vote on the motion to adopt the resolution as presented previously by Ms. Walck. The foregoing resolution was adopted by voice vote.

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Motion to adjourn at 7:45 p.m. made and seconded. Moderator Faber called for a vote. Vote in the affirmative.

Respectfully submitted

Sandra M. Wieleba  
Town Clerk

#### RESOLUTION APPROPRIATING \$1,557,000 FOR THE FLANDERS ROAD ROADWAY IMPROVEMENTS PROJECT AND AUTHORIZING \$1,557,000 BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

##### RESOLVED,

1. That the Town of East Hampton appropriate ONE MILLION FIVE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$1,557,000) for costs with respect to the Flanders Road Roadway Improvements Project including but not limited to pavement surface, horizontal and vertical alignment, width adjustment, drainage and intersection improvements. The appropriation may be spent for design, construction, acquisition and installation costs, engineering fees and administrative costs, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project, including but not limited to costs of related land or easement acquisition, catch basin, drainage pipe, metal beam guide rail, curbing and driveway installation, utility relocation, tree removal and landscaping, and traffic control.
2. That the Town issue bonds or notes in an amount not to exceed ONE MILLION FIVE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$1,557,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION FIVE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$1,557,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
4. That the Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as

bond counsel to approve the legality of the bonds or notes. The Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

6. That the Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

7. That the Town Council, the Chairman and the Vice-Chairman of the Town Council, the Town Manager, the Finance Director and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

RESOLUTION APPROPRIATING \$1,020,000 FOR THE MAIN STREET BRIDGE REPLACEMENT PROJECT AND  
AUTHORIZING \$1,020,000 BONDS AND NOTES  
TO DEFRAY SAID APPROPRIATION

RESOLVED,

1. That the Town of East Hampton appropriate ONE MILLION TWENTY THOUSAND DOLLARS (\$1,020,000) for costs with respect to the Main Street Bridge Replacement Project including related sidewalk, drainage, curbing and pavement improvements. The appropriation may be spent for design, construction, acquisition and installation costs, engineering fees and administrative costs, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project, including but not limited to traffic control. The Town anticipates applying for a grant from the State of Connecticut pursuant to the Local Bridge Program (Chapter 240, Part IIb of the General Statutes of Connecticut, Revision of 1958, as amended) to defray in part the appropriation for the project.

2. That the Town issue bonds or notes in an amount not to exceed ONE MILLION TWENTY THOUSAND DOLLARS (\$1,020,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project and applied to defray the project appropriation. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION TWENTY THOUSAND DOLLARS (\$1,020,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

4. That the Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal

income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

6. That the Chairman or the Vice-Chairman of the Town Council and the Town Manager or the Finance Director are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

7. That the Town Manager, or any other proper officer or official of the Town, on behalf of the Town, is authorized to apply for and accept state grants and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and that the Town Manager and other proper officers and officials of the Town are authorized to take any other actions necessary to obtain such grants or loans pursuant to the Local Bridge Program (Chapter 240, Part IIb of the General Statutes of Connecticut, Revision of 1958, as amended), or to any other present or future legislation, and to implement such grant or loan agreements.

8. That the Town Council, the Chairman and the Vice-Chairman of the Town Council, the Town Manager, the Finance Director and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and obtain grants to finance the aforesaid appropriation.