

## 04/26/2010 Special Town Meeting Minutes

### SPECIAL TOWN MEETING APRIL 26, 2010

A Special Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of East Hampton was held on Monday, April 26, 2010 at the East Hampton High School on North Maple Street.

Moderator Robert McKinney opened the meeting at 7:00 p.m. and directed Town Clerk, Sandra Wieleba, to read the notice for the meeting which was published in The Rivereast on April 16, 2010, and which is recorded in these records immediately preceding these minutes.

Motion made by Christopher Goff, and seconded by Kevin Reich to accept the Legal Call.

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Moderator McKinney requested the resolution prepared for this item be presented.

Christopher Goff presented "**RESOLVED that this Town Meeting sets the date of Tuesday, May 4, 2010, from 6:00 a.m. to 8:00 p.m. for a referendum by "YES" or "NO" vote on voting machines for approval or disapproval of the annual budget for fiscal year 2010-2011 as recommended by the Board of Finance and approved by the Town Council**", seconded by Barbara Moore.

Moderator McKinney called for a vote on the resolution #1 as there was no discussion or questions. Vote declared in the affirmative.

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

Patience Anderson presented "**RESOLUTION APPROPRIATING \$3,440,000 FOR THE MEMORIAL ELEMENTARY SCHOOL IMPROVEMENTS PROJECT, AND AUTHORIZING THE ISSUE OF BONDS AND NOTES TO FINANCE THE PORTION OF THE APPROPRIATION NOT DEFRAID FROM GRANTS**", seconded by Kevin Reich.

Moderator McKinney pointed out that the Resolution contained a typographical error in the written dollar amount. He asked for a motion to amend the resolution.

George Coshov moved "**TO AMEND THE RESOLUTION TO REFLECT THE CORRECT WRITTEN DOLLAR AMOUNT OF THREE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$3,440,000)**", seconded Mark Laraia.

Moderator McKinney called for a vote on the amendment. Vote declared in the affirmative.

Moderator McKinney called for discussion.

Judy Isele, 31 Wangonk Trail, commented that the Resolution allows the school building committee or committees established by the Town Council to reduce or modify the scope of the project. Moderator McKinney pointed out that the project cost contained \$260,000 in contingency in order to cover any shortfalls in the project.

Finance Director Jeffrey Jylkka pointed out that the project costs were estimated by engineers.

Mary Ann Dostaler, 56 William Drive, asked if there were any grants available to help pay for this project.

Finance Director Jylkka stated that the Town anticipates receiving State Department of Education grants to defray, in part, the appropriation for the project which was considered a grant.

Moderator McKinney called for a vote on the resolution #2 as there was no further discussion or questions. Vote declared in the affirmative with two nay votes.

Moderator McKinney asked for a motion to recess the Town Meeting portion in order to vote on the budget on May 4<sup>th</sup> by machines.

Mark Laraia moved to “**RECESS THE BUDGET MEETING AT 7:20 P.M., TO THE REFERENDUM ON MAY 4, 2010 FROM 6:00 A.M. TO 8:00 P.M.**” seconded by Christopher Goff. Vote declared in the affirmative.

Debra Robinson moved to “**ADJOURN THE SPECIAL TOWN MEETING AT 7:20 P.M.**”, seconded by Kevin Reich. Vote declared in the affirmative.

Respectfully Submitted,

Sandra M. Wieleba, Town Clerk

REFERENDUM May 4, 2010 Moderator McKinney called the adjourned Town Meeting to order at 6:00 a.m. and voting began and continued until 8:00 p.m. Moderator McKinney called for counting of machine votes and absentee ballots. Moderator McKinney reported that the budget passed.

Motion to adjourn by Barbara Moore and seconded by George Pfaffenbach. Moderator McKinney called for vote. Vote in affirmative.

Absentee ballots were received and counted with none being rejected as follows:

**SHALL THE ANNUAL BUDGET FOR THE FISCAL YEAR 2010-2011 AS RECOMMENDED BY THE TOWN COUNCIL BE APPROVED?**

Question	YES	NO
Machine Total:	939	868
Absentee Total:	8	2
TOTAL:	947	870

13 Nonresidents voted.

Total of voters: 1,817 or 22% of registered voters

Adjourned: Sandra M. Wieleba, Town Clerk

**TOWN OF EAST HAMPTON RESOLUTION APPROPRIATING \$3,440,000 FOR THE MEMORIAL ELEMENTARY SCHOOL IMPROVEMENTS PROJECT, AND AUTHORIZING THE ISSUE OF BONDS AND NOTES TO FINANCE THE PORTION OF THE APPROPRIATION NOT DEFRAYED FROM GRANTS**

**RESOLVED,**

1. That the Town of East Hampton appropriate THREE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$3,440,000) for costs in connection with improvements to Memorial Elementary School consisting of the replacement of all or portions of the roof, removal and replacement of a fuel oil tank and related work including but not limited to preparation for future solar energy improvements, and in connection with the financing of the project. The school building committee or committees established from time-to-time by the Town Council for the project shall determine the scope and particulars of the project and may reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so modified or reduced. The appropriation may be spent for design, construction, materials, equipment, engineering, architect and other consultant fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town anticipates receiving State Department of Education grants to defray in part the appropriation for the project.

2. That the Town issue bonds or notes in an amount not to exceed THREE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$3,440,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 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 or the receipt of grants for the project. The amount of the temporary notes outstanding at any time shall not exceed THREE MILLION FOUR HUNDRED FORTY THOUSAND DOLLARS (\$3,440,000). The temporary notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The temporary 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, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary 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, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes; to provide for the keeping of a record of the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary 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 (except to the extent reimbursed from grant moneys) 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, notes or temporary 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, notes or temporary 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, notes or temporary notes.

7. That any school building committee or committees established for the project are authorized to approve design and construction expenditures for the project, to select architects, engineers, contractors and others to complete the project, and to exercise such other powers as are necessary or appropriate to complete the project and to obtain grants to offset the costs of the project and its financing. Committee members shall not receive any compensation for their services. Necessary expenses of the committee shall be included in the cost of the project. The records of the committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the committee shall make a complete report and accounting to the Town Council.

8. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of the project and its financing.

9. That the Town Council, the Chairman and the Vice-Chairman of the Town Council, the Town Manager, the Finance Director, the Board of Education, any school building committee or committees established for the project 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, notes or temporary notes and obtain grants to finance the aforesaid appropriation.