

Board of Selectmen Meeting
Grange Hall
February 18, 2015
Regular Meeting Minutes

Selectmen Present: M. Walter; E. Lyman; E. Malavasi

Also Present: D. Angersola; C. Jackson; J. Moreau; J. Shea; S. Wheeler; L. Zemienieski

1. First Selectman Walter called the Board of Selectmen's meeting to order at 7:01 p.m.
2. Approval of Agenda: Motion made by Mr. Walter, seconded by Mr. Malavasi, to approve the agenda as written. Unanimous aye.
3. Approval of Minutes: Regular Meeting of February 4, 2015

Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the minutes of the Regular Meeting of February 4, 2015 as written. Mr. Malavasi abstained from the vote. Motion passed by a majority of ayes.

4. Correspondence:

A. Economic Development Commission Tourism Business Letter: Mr. Walter called the Selectmen's attention to a copy of a letter from the Economic Development Commission (EDC) to East Haddam businesses/organizations interested in tourism. He noted that the letter provided information related to EDC's tourism development efforts and the planned Spring and Fall "Visit East Haddam" weekends.

5. First Selectmen's Report: Mr. Walter requested the Selectmen's input on whether or not to provide assistance to business owners that are struggling to keep their sidewalks cleared during extreme winter weather. He stated that he has polled several other towns regarding how they handle similar situations. In response to a question from Mr. Lyman, Mr. Walter advised that, if the Town clears private sidewalks, it would assume the liability for them. The Selectmen discussed the options available to the Town, including providing snow clearing assistance on a cost-neutral basis. It was agreed to deal with the issue on a case-by-case basis.
6. Citizens' Concerns: In response to a question raised by Mr. Moreau, Mr. Malavasi advised that contracting out for the Town's computer servers would be safer than maintaining them in-house.

Mr. Shea stated that he liked the new format of the Events Magazine.

7. Unfinished Business

A. Blight Ordinance Discussion: There was no new update on this agenda item.

- B. A.P. Gates Road/Warner Road Drainage Discussion: Mr. Walter advised that this item will be considered by the Planning & Zoning Commission.
- C. Wool Road Discussion: There was no new update on this agenda item. Mr. Walter advised he will follow-up with the property owner regarding his attorney's review of the draft agreement.
- D. Emergency Communications Center Contract for Municipal Services Discussion: Mr. Walter reported that KX had agreed to contribute along with other dispatch centers to a lobbying group for efforts on behalf of KX. This decision was unfavorable to the majority of leaders of our smaller towns. He stated that the Selectmen from several of the towns had written to KX expressing their dissatisfaction with the actions it had taken and KX emailed the organizer of this effort withdrawing their participation; however, a contract for services had already been signed counting on a \$5,000.00 contribution from KX.
- E. Transient Dock Facility Bid Discussion: Mr. Walter advised that they had rejected all of the bids for this project and that several of the companies have come back and verbally provided lower bids. He stated that he has asked those companies to put their new bids in writing.

8. New Business

- A. Open Space Resolution – Lena Property: Mr. Walter explained that all the resolutions have been prepared to move the proposed open space purchases to town meeting on March 12, 2015 and referendum on March 24, 2015.

Motion made by Board Member Mark Walter, seconded by Board Member Emmett Lyman, to adopt the following resolution:

RESOLVED, that the Board of Selectmen (the “Board”) of the Town of East Haddam (the “Town”) hereby adopts, and recommends to the Board of Finance, the following:

(1) That the Town (i) appropriate the sum of \$767,000 for costs related to the acquisition of approximately 207 acres of land or rights therein located on Tater Hill Road and Babcock Road (also known as the Lena property) in East Haddam, Connecticut, shown and designated as Lot #62 on the East Haddam Assessor's Map #22 (the “Property”) for open space purposes such as, but not limited to, preservation, conservation, recreation and forestry (the “Project”), including, without limitation, the costs of land acquisition, site work, demolition and removal, easement acquisition, engineering, legal, administration, temporary and permanent financing and any other costs and expenses related thereto, including the costs of printing explanatory text and any other materials in accordance with Section 9-369b of the Connecticut General Statutes, and (ii) authorize the Board, through the actions of the First Selectman, to acquire the Property from The Hugh F. Lena Family Limited Partnership pursuant to the terms of a certain contract dated March 27, 2014,

provided that no acquisition shall be undertaken until after referral of the proposed purchase to the Planning and Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes.

(2) That to finance said appropriation for the Project, general obligation bonds and notes of the Town may be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the "Connecticut General Statutes"), or any other applicable provision of law thereto enabling, in an amount not to exceed \$767,000 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$487,500, general fund monies and/or capital reserve funds).

(3) That the First Selectman, or a majority of the Board, and the Treasurer (the "Officials") be authorized to issue and sell bonds and notes secured by the full faith and credit of the Town in an amount not to exceed \$767,000 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$487,500, general fund monies and/or capital reserve funds), pursuant to the Connecticut General Statutes or any other applicable provision of law thereto enabling, to finance the appropriation for such project having been made by this resolution; that the Officials are hereby authorized to appoint a bank or trust company to be the certifying agent, registrar, transfer agent and paying agent for such bonds and notes; that Updike, Kelly & Spellacy, P.C., Hartford, Connecticut is designated as the attorneys at law to render an opinion approving the legality of such issue or issues; that the Officials be authorized to sign any bonds by their manual or facsimile signatures; and that the Officials be authorized to determine the rate or rates of interest for such bonds and notes, their date or dates, the dates of principal and interest payments on such bonds and notes, the form of such bonds and notes, the provisions for protecting and enforcing the rights and remedies of the holders of such bonds and notes and all other terms, conditions and particular matters regarding the issuance and securing of such bonds and notes and to sell and deliver the same, in accordance with the provisions of the Connecticut General Statutes and any other act of the General Assembly thereto enabling.

(4) That the Officials are authorized 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. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized 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, including covenants to pay rebates of investment earnings to the United States in future years.

(5) That the Town reasonably expects to incur expenditures (the "Expenditures") in connection with the Project described above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of general obligation bonds and notes of the Town described above. The maximum principal amount

of such debt (both bonds and notes) is not expected to exceed \$767,000. This declaration of official intent is a declaration of official intent made pursuant to Federal Income Tax Regulations Section 1.150-2. The Officials are authorized to amend such declaration or 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 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 Officials 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 of rules pertaining to the sale or purchase of such bonds or notes.

(7) That the First Selectman is hereby authorized to enter into and/or execute any agreements, documents and instruments necessary or in furtherance of the acquisition of the Property.

(8) That the Officials are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing.

FURTHER RESOLVED, that, should the Board of Finance approve the resolution for the appropriation of funds for the Project and the issuance of bonds and notes to finance such appropriation as recommended above, the Board hereby calls a Special Town Meeting of the Town to be held on March 12, 2015 at the Town Meeting Hall located on Town Street, East Haddam, Connecticut at 8:00 p.m., and submits said proposed Project to the electors and citizens eligible to vote at town meetings of the Town for their approval or disapproval, at said town meeting, the notice of such meeting to be published as required by the Connecticut General Statutes.

FURTHER RESOLVED, that the Board hereby authorizes the preparation and printing of explanatory text in accordance with Section 9-369b of the Connecticut General Statutes for the question to be voted upon approved hereby. Subject to the approval of the Town Attorney, the Board further authorizes the preparation and printing of materials concerning the question to be voted upon approved hereby in addition to the explanatory text in accordance with Section 9-369b of the Connecticut General Statutes.

FURTHER RESOLVED, that the Board, pursuant to Section 7-7 of the Connecticut General Statutes, hereby removes the aforesaid resolution on the call of the Special Town Meeting for submission to the voters for a “yes” or “no” vote by voting machine by the voters entitled to vote at the Special Town Meeting on March 24, 2015 during the hours from twelve o’clock p.m. to eight o’clock p.m. at the Town Meeting Hall, Town Street, East Haddam, Connecticut. The aforesaid resolution will be placed on the voting machines under the following heading:

SHALL THE TOWN APPROPRIATE \$767,000 FOR THE ACQUISITION OF APPROXIMATELY 207 ACRES OF LAND KNOWN AS THE LENA PROPERTY LOCATED ON TATER HILL ROAD AND BABCOCK ROAD FOR OPEN SPACE PURPOSES AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE TOWN IN THE SAME AMOUNT, OR SO MUCH THEREOF AS MAY BE NECESSARY AFTER THE DEDUCTION OF GRANTS OR OTHER SOURCES OF FUNDS AVAILABLE THEREFOR, TO FINANCE SUCH APPROPRIATION?

The moderator of such Special Town Meeting shall adjourn such meeting after reasonable discussion of such resolution and conclusion of other business as may properly come before the Special Town Meeting and order such vote by voting machine in accordance with this resolution and Section 7-7 of the Connecticut General Statutes.

Unanimous aye.

- B. Open Space Resolution – Zeleznicky Property: Mr. Walter explained that all the resolutions have been prepared to move the proposed open space purchases to town meeting on March 12, 2015 and referendum on March 24, 2015.

Motion made by Board Member Mark Walter, seconded by Board Member Ernest Malavasi, to adopt the following resolution:

RESOLVED, that the Board of Selectmen (the “Board”) of the Town of East Haddam (the “Town”) hereby adopts, and recommends to the Board of Finance, the following:

(1) That the Town (i) appropriate the sum of \$127,500 for costs related to the acquisition of approximately 19.26 acres of land or rights therein located on Sarah Baker Road (also known as the Zeleznicky property) in East Haddam, Connecticut, shown and designated as Lot #10 on the East Haddam Assessor’s Map #43 (the “Property”) for open space purposes such as, but not limited to, preservation, conservation, recreation and forestry (the “Project”), including, without limitation, the costs of land acquisition, site work, demolition and removal, easement acquisition, engineering, legal, administration, temporary and permanent financing and any other costs and expenses related thereto, including the costs of printing explanatory text and any other materials in accordance with Section 9-369b of the Connecticut General Statutes, and (ii) authorize the Board, through the actions of the First Selectman, to acquire the Property from Agnes Zeleznicky pursuant to the terms of a certain purchase and sale agreement dated May 30, 2014, provided that no acquisition shall be undertaken until after referral of the proposed purchase to the Planning and Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes.

(2) That to finance said appropriation for the Project, general obligation bonds and notes of the Town may be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the “Connecticut General Statutes”), or any other applicable provision of law thereto enabling, in an amount not to exceed \$127,500 (or so much thereof as may be necessary after the deduction of grants or other sources of funds

available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$78,000, general fund monies and/or capital reserve funds).

(3) That the First Selectman, or a majority of the Board, and the Treasurer (the "Officials") be authorized to issue and sell bonds and notes secured by the full faith and credit of the Town in an amount not to exceed \$127,500 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$78,000, general fund monies and/or capital reserve funds), pursuant to the Connecticut General Statutes or any other applicable provision of law thereto enabling, to finance the appropriation for such project having been made by this resolution; that the Officials are hereby authorized to appoint a bank or trust company to be the certifying agent, registrar, transfer agent and paying agent for such bonds and notes; that Updike, Kelly & Spellacy, P.C., Hartford, Connecticut is designated as the attorneys at law to render an opinion approving the legality of such issue or issues; that the Officials be authorized to sign any bonds by their manual or facsimile signatures; and that the Officials be authorized to determine the rate or rates of interest for such bonds and notes, their date or dates, the dates of principal and interest payments on such bonds and notes, the form of such bonds and notes, the provisions for protecting and enforcing the rights and remedies of the holders of such bonds and notes and all other terms, conditions and particular matters regarding the issuance and securing of such bonds and notes and to sell and deliver the same, in accordance with the provisions of the Connecticut General Statutes and any other act of the General Assembly thereto enabling.

(4) That the Officials are authorized 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. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized 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, including covenants to pay rebates of investment earnings to the United States in future years.

(5) That the Town reasonably expects to incur expenditures (the "Expenditures") in connection with the Project described above. The Town reasonably expects to reimburse itself for the cost of the Expenditures with the proceeds of general obligation bonds and notes of the Town described above. The maximum principal amount of such debt (both bonds and notes) is not expected to exceed \$127,500. This declaration of official intent is a declaration of official intent made pursuant to Federal Income Tax Regulations Section 1.150-2. The Officials are authorized to amend such declaration or 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 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 Officials 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 of rules pertaining to the sale or purchase of such bonds or notes.

(7) That the First Selectman is hereby authorized to enter into and/or execute any agreements, documents and instruments necessary or in furtherance of the acquisition of the Property.

(8) That the Officials are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing.

FURTHER RESOLVED, that, should the Board of Finance approve the resolution for the appropriation of funds for the Project and the issuance of bonds and notes to finance such appropriation as recommended above, the Board hereby calls a Special Town Meeting of the Town to be held on March 12, 2015 at the Town Meeting Hall located on Town Street, East Haddam, Connecticut at 8:00 p.m., and submits said proposed Project to the electors and citizens eligible to vote at town meetings of the Town for their approval or disapproval, at said town meeting, the notice of such meeting to be published as required by the Connecticut General Statutes.

FURTHER RESOLVED, that the Board hereby authorizes the preparation and printing of explanatory text in accordance with Section 9-369b of the Connecticut General Statutes for the question to be voted upon approved hereby. Subject to the approval of the Town Attorney, the Board further authorizes the preparation and printing of materials concerning the question to be voted upon approved hereby in addition to the explanatory text in accordance with Section 9-369b of the Connecticut General Statutes.

FURTHER RESOLVED, that the Board, pursuant to Section 7-7 of the Connecticut General Statutes, hereby removes the aforesaid resolution on the call of the Special Town Meeting for submission to the voters for a “yes” or “no” vote by voting machine by the voters entitled to vote at the Special Town Meeting on March 24, 2015 during the hours from twelve o’clock p.m. to eight o’clock p.m. at the Town Meeting Hall, Town Street, East Haddam, Connecticut. The aforesaid resolution will be placed on the voting machines under the following heading:

SHALL THE TOWN APPROPRIATE \$127,500 FOR THE ACQUISITION OF APPROXIMATELY 19.26 ACRES OF LAND KNOWN AS THE ZELENICKY PROPERTY LOCATED ON SARAH BAKER ROAD FOR OPEN SPACE PURPOSES AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE TOWN IN THE SAME AMOUNT, OR SO MUCH THEREOF AS MAY BE NECESSARY AFTER THE DEDUCTION OF GRANTS OR OTHER SOURCES OF FUNDS AVAILABLE THEREFOR, TO FINANCE SUCH APPROPRIATION?

The moderator of such Special Town Meeting shall adjourn such meeting after reasonable discussion of such resolution and conclusion of other business as may properly come before the Special Town Meeting and order such vote by voting machine in accordance with this resolution and Section 7-7 of the Connecticut General Statutes.

Unanimous aye.

- C. RFP Award – Administrative & Technical Support – 2015 Small Cities: Mr. Walter advised that the proposals for the subject project were opened on February 10, 2015. He noted that proposals were received from L. Wagner & Associates and Lisa Low & Associates. He further stated that Oak Grove wishes to apply for grant funding through the Small Cities Grant program for Phase II of its renovation project and the grant must be applied for through the Town on behalf of the East Haddam Senior Housing Corporation. He noted that the RFP is a requirement of the Small Cities Grant and L. Wagner & Associates will prepare the application for the town per Department of Housing's latest requirement for a lump sum fee of \$3,000. Mr. Walter further stated that such fee shall be contingent upon approval of the application by Department of Housing. If the application is not approved by Department of Housing, he advised that no compensation will be required.

Mr. Walter reported that the method of payment for fees for services during the project implementation will be negotiated during the contract process should the application be approved by the Department of Housing. If the application is approved all fees to L. Wagner & Associates will be paid for through the grant and follow DOH's limits and requirements.

Motion made by Mr. Walter, seconded by Mr. Lyman, to award the contract for Administrative & Technical Support – Small Cities Grant 2015 to L. Wagner & Associates for the lump sum price of \$3,000.00 for the application process and negotiated fees for services during the project implementation.

Unanimous aye.

- D. Board, Commission, Committee Changes (ZBA): Mr. Walter called the Selectmen's attention to an email from Stuart Wood noting the recommendation to reappoint Gregory Daigle to the board.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to reappoint Gregory Daigle as a regular member for a five-year term to expire January 2020 on the Zoning Board of Appeals. Unanimous aye.

- E. Tax Refunds: Mr. Walter called the Selectmen's attention to three tax refunds.

Motion made by Mr. Walter, seconded by Mr. Lyman, to award tax refunds in the amounts as presented.

- \$ 33.54 to Margaret A. Grant.
- \$ 84.84 to Kevin L Hinton, and

- \$203.91 to Regina Gendreau.
Unanimous aye.

9. Public Comment: In response to an inquiry from Fire Marshal Angersola, Mr. Walter reviewed several changes that were made to his budget. Mr. Walter noted that the Fire Marshal can request the reductions be reinstated when the Board of Finance reviews the budget recommended by the Selectmen.

Mr. Moreau stated he would like the career firefighters to have more input into the budget process and reviewed the Emergency Medical Service (EMS) statistics for the 2014-15 budget year. Mr. Walter said that he agreed that the career firefighters should provide input to the budget and recommended Mr. Moreau provide the First Selectman with a document with the EMS 2014-15 statistics.

Mr. Shea stated that he is in support of a webcam for the Osprey nest on the swing bridge.

10. Selectmen's Discussion

In response to a request from Mr. Lyman, Mr. Walter stated that Ms. Zemienieski will email Mr. Lyman and Mr. Malavasi the 2014-15 police statistics.

11. General Budget Review Workshop (if necessary): This item was concluded at the February 17th meeting.
12. Budget Resolution (if necessary): The resolution was passed at the February 17th meeting.
13. Adjournment: There being no additional business to discuss, a motion was made by Mr. Walter, seconded by Mr. Malavasi, to adjourn the meeting at 7:51 p.m. Unanimous aye.

Recorded

Respectfully submitted,

Emmett Lyman, Secretary