

RTM Meeting
November 27, 2018

The Call

Items #1 - #5 were completed at the meeting of Nov. 13, 2018

6. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$426,000 with bond and note authorization to the Municipal Improvement Fund Account for the design expenses for replacement of the Bayberry Lane Bridge over the Aspetuck River. This bridge is eligible for reimbursement of 80% of expenses under the Federal Local Bridge Program.

7. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$328,000 with bond and note authorization to the Municipal Improvement Fund Account for the burial of the remaining overhead communication utilities at the intersection of Main Street, Avery Place, and Parker Harding Road at Gorham Island.

8. To take such action as the meeting may determine, upon the recommendation of the Board of Finance and a request by the Director of Public Works to approve an appropriation in the amount of \$33,000 to the Capital and Non-Recurring for the preparation of a Condition Assessment Report and Restoration Plan for the Portico Columns, Pilasters, and Pediment of Town Hall.

9. To take such action as the meeting may determine, upon the request of the Historic District Commission, to approve local historic district designation for the Lincoln Street-Riverside Avenue Local Historic District. (First reading.)

Minutes

Moderator Velma Heller:

We welcome those who are joining us tonight in the Town Hall auditorium, as well as those watching us streaming live on westportct.gov, and those watching on Optimum Government Access Channel 79 or Frontier Channel 99. My name is Velma Heller and I am the RTM Moderator. On my right is RTM is Jackie Fuchs, the RTM Secretary.

Tonight's invocation will be delivered by our own Charles Carey

Invocation, Charles Carey, district 9:

Jeff, thank you for this opportunity to give this invocation.

As we gather together to represent our Westport community, we seek blessings on the task before us. We seek to represent fairly and well those that have given us their trust. And we recognize our responsibility to the past and future and the rights and needs of both individuals and community. May our efforts be blessed with insight and guided by understanding and wisdom. May we serve with respect for all and may our own personal faiths give us strength to act honestly and well in all matters before us.

There were 27 members present. Mr. Gold, Ms. Bram, Ms. Talmadge, Ms. Karpf, Mr. Arthurs, Ms. Rea, Ms. Schneeman and Ms. Soloff notified the Moderator that they would be absent. Ms. Batteau was also absent. Ms. Purcell and Ms. Briggs notified the Moderator that they would be late and Ms. Kramer was also late.

There were no corrections to the October meeting. If you find any corrections to the minutes and you haven't gotten back to us, please contact Jackie Fuchs, Patty Strauss or myself. The November 13 minutes are not yet available.

November birthday greetings were done at our last meeting and I'll announce them again. Happy birthday to Lauren Soloff, Christine Meiers Schatz and Kristin Schneeman. Happy birthday again.

RTM Announcements

Matthew Mandell, district 1:

Tomorrow night, 6:30 in this room, the Department of Transportation will be holding a meeting on the Cribari Bridge with the PAC which I think is the Political Action Committee but I think it stands for something different in this case. Anyway, representatives from this community are meeting with the DOT to discuss rehabilitation or preservation or reconstruction of the bridge and it would be incumbent upon most of you to show up and make sure the direction of this Town remains the way we have it.

Committee meetings:

Jeff Wieser, district 4:

Tomorrow night, the Finance Committee is meeting in room 309 at 7:30 in joint session with the Education Committee and then the Public Works Committee and Public Protection Committee in order.

Lisa Parelli Gray, district 4:

Long Range Planning is meeting here next Tuesday at 6 o'clock. I don't see Peter here but I know we're having a joint meeting with Finance and the Transit Committee next Monday in room 201 at 7 o'clock.

Andrew Colabella, district 4:

Speaking of the Cribari Bridge, this Saturday at 11 p.m., Al's Angels is looking for volunteers to put lights on the Cribari Bridge. If anyone feels like freezing, you can bring a 10 ft. ladder, gloves; you can bring personal safety equipment in case you fall---nah, that won't be happening.

The second announcement that I had was on Dec. 6 at 11 a.m., there will be a public site meeting with PURA about the water towers on North Avenue. That will be taking place Dec. 6, 11 a.m., North Avenue water towers. The meeting will take place at the water towers on North Avenue.

Dr. Heller:

This meeting is a special meeting to continue to address agenda items number 6, 7 and 8. Item 9, the first reading of the historic district designation, has already been read into the minutes and will be addressed at a second meeting, I believe on Dec. 4.

Our next regularly scheduled RTM meeting will be Dec. 4 so it's a quick turnover. I know we have a couple of committee meetings that will take place before then so it was important that we get those out there.

The secretary read time #6 of the call - To approve an appropriation in the amount of \$426,000 with bond and note authorization to the Municipal Improvement Fund Account for the design expenses for replacement of the Bayberry Lane Bridge over the Aspetuck River. This bridge is eligible for reimbursement of 80 percent of expenses under the Federal Local Bridge Program. By show of hands, the motion passes unanimously.

Presentation

Pete Ratkiewich, Director of Public Works:

I don't know if many of you have been out to the Bayberry Lane bridge site but it has been on our list of deficient bridges for many years. At this time, it's been reduced to a single lane bridge because the outer beams have deteriorated to the point where they cannot hold traffic loads. The interior beams can so we have been alternating traffic until such time as we can repair it. The bridge was constructed in 1957. Since then, it has had two significant repairs. The most recent one was in 2014 when we repaired severe scours on the bridge. Connecticut DOT looked at the superstructure, meaning the beams and the deck, in 2018 and determined that it was now in fairly critical condition and that we had to reduce the lane width in order to continue to have traffic over it. If it deteriorates any further, the only other thing that we can do is close the bridge until it is repaired. Luckily, this bridge is eligible for funding under the Federal Local Bridge Program so design and construction expenses will be eligible for 80 percent reimbursement. So, of the \$426,000 design fee, the net cost to the Town will be \$85,200 for the design. We anticipate the design process to take, as of a meeting today, just about a year. So, we will be back seeking funds at the end of 2019 for construction of our final design and obtain bids for the construction. The overall estimated cost for construction of this bridge will be \$2.7 million. Westport's share of construction costs will be about \$500,000 based on that estimate. Those estimates will be revised as we move forward.

Committees report

Public Work and Finance Committees, Jay Keenan, district 2:

The Public Works and Finance Committees met on Nov. 1 to discuss the \$426,000 appropriation for the Bayberry Lane bridge. Part of the meeting was taken up by explaining the process of the Federal Local Bridge Program, how you get to picking the engineer who is going to design it, picking the price and all that. The work will consist of complete replacement of the bridge deck and abutments. The bridge was constructed in 1957. This will take approximately one year for the permitting and design process. The overall cost to the Town is \$85,200 for the design and approximately \$540,000 with a total

cost of construction of \$2.7 million. The total costs associated with construction of the bridge are in the five-year capital forecast and both committees voted unanimously to recommend to the full RTM.

Members of the Westport electorate – no comments

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$426,000 with bond and note authorization to the Municipal Improvement Fund Account for the design expenses for replacement of the Bayberry Lane Bridge over the Aspetuck River is hereby appropriated.

Dr. Heller: The resolution has been moved and seconded.

Members of the RTM – no comments

The motion carried unanimously with 25 members present.

The secretary read item #7 of the call - To approve an appropriation in the amount of \$328,000 with bond and note authorization to the Municipal Improvement Fund Account for the burial of the remaining overhead communication utilities at the intersection of Main Street, Avery Place, and Parker Harding Road at Gorham Island. The motion passes 24-2-1; Opposed: Klein, Friedman; Abstaining: Durkin.

Presentation

Mr. Ratkiewich:

This request is to complete the appearance of the Main Street streetscape project by removing rather unsightly poles that are on the corner by Chase Bank and on the side of 177 Main Street and the third pole would be right by Gorham Avenue. If you have been down by the site, the third pole has been temporarily supported by a couple of concrete blocks and it has been that way since we did the initial electric burial of lines back about two and a half years ago. This project is important in the overall context of downtown because it will allow me to finish paving Main Street as well as implement any future plans for Parker Harding Plaza. We don't want to do work twice. I don't want to pave Main Street and then immediately dig back into it. There are some other decorative items such as decorative crosswalks that will go in that intersection so the longer we wait, the longer I have to wait to do Main Street. I will say the downtown area has had a lot of poles and wires removed and buried over the past couple of years, largely the result of the Bedford Square project. Prior to the Bedford Square project, most of Main Street, the poles are already buried and the utilities are already buried. We are currently burying the lines on Elm Street so this is the final circle of the downtown area. We don't plan on burying wires any further up Main Street or any further outside the downtown area at this time. The cost may seem high for this but these being communication cables, large communication cables, what we call a 12 hundred pair wire for the phone lines alone and that requires quite a bit of labor on either end of the line in addition to putting the lines under ground.

That is the nature of the cost but in the larger context, it is going to help us to finish the streetscape in the downtown area which will only help the downtown become a more inviting place to come to.

Committees report

Finance and Public Works, Christine Meiers Schatz, district 2:

On Nov. 1, the RTM Finance and Public Works Committees met with the Director of Public Works, Pete Ratkiewich. The members present at the meeting, you can read about that in the memo. Members present from both committee voted unanimously to recommend the approval of the appropriation of \$328,000 for the project that Mr. Ratkiewich just described. But, for what it's worth, at the time of the meeting, the attendees were not aware that the costs of the Coleytown Middle School could total \$70 million.

During the joint committee meeting, we discussed scope, costs and the benefits of the project. With respect to the scope, the three poles that would be removed now suspend communications utilities only. The poles used to hold up traffic lights and electrical utilities as well but in 2015, Eversource removed electrical wires and buried them as part of their Radial Network Project. Because Eversource initiated the project, it paid for most of the cost. In 2016, the Town installed new traffic lights and put them on different posts. With respect to the costs, Mr. Ratkiewich explained that the project would cost around \$298,000 which, with the 10 percent contingency, gets us to the \$328,000 appropriation amount. He based this estimate on unit costs from the Eversource project that I just described and Frontier and Cablevision's bids to bury the communication wires which Mr. Ratkiewich solicited back in 2016. The amounts paid to Cablevision and Frontier would be the largest costs involved in burying the communication utilities and removing the poles. For example, Frontier quoted a price of \$77,412 for burying its communications utilities which included \$37,000 for engineering, \$34,467 for total construction costs including labor, \$26,000 for material costs including cable and \$12,000 for outside contractor costs. As Mr. Ratkiewich referred to the labor material costs are so high because approximately 12,000 pairs of cables will need to be replaced and then properly connected one by one on each end of the new conduits. The project has not gone through the RFP process yet but this would occur in accordance with the Town's purchasing procedure and policy if the RTM approves this appropriation. As things stand right now, the Town of Westport would be responsible for the costs related to burying the communications cables. Frontier and Cablevision have a statutory right to bill these costs because the project would be initiated by Westport as part of a streetscape project. By contrast, if a communications utility installs fiber optic cables or any other new cable in the future, after we've buried existing cables, the utility would bear all costs for installing and burying the cable. By contrast, if the Town hadn't buried the existing cables at that time, the utility would install the new cables on the existing poles. The Town would then bear all the cost of burying these new replacement wires if it removed the poles at some point in the future. The downtown landowners and developers have no obligation to contribute to the costs of burying the communication utilities other than what they already contribute through taxes because the utilities are in the Town's right of way. While the utility cables for the Elm Street project were also in the Town's right of way, the developer paid for the majority of the costs for burying the lines as part of a contractual agreement

with the Town and no such contractual agreement exists here. Mr. Ratkiewich explained that burying the communication utilities and removing the poles downtown right now. As far as the benefits, Mr. Ratkiewich described those but burying the remaining utility lines will improve aesthetics downtown. As described, the project is the logical precursor to the remaining projects in the Downtown Implementation Plan and to the repaving of Main Street which was due for repaving back in 2016. The Town plans to repave Avery Street and Parker Harding at the same time and, if the utilities are not buried first, the Town will incur extra costs later when it has to dig up and patch the repaved road.

Members of the Westport electorate

David Waldman, 6 Pond Edge Road:

I am one of the developers that's been playing downtown and I do agree with Pete that this is kind of the end of what we've been trying to do for the last 14 years down there. The combination of finishing up Elm Street, burying those lines and continuing that to Gorham Island would be the final step in the Town's streetscape project. There are still other things the Town needs to get behind. I think they are doing that but not doing this would be a mistake. If the poles stay up and future lines stay on there, it will be very expensive to bring those down as well. While I understand Frontier takes great advantage as well as other utility companies on there. I fortunately have had the pleasure of paying similar amounts of money to do similar projects on Church Lane and Elm Street. I do think it's worth it. I think it's important for the Town to have a cohesive look down there. I certainly spent a lot of my money doing my best in the downtown area to beautify it and make it more user friendly in a time when people think it isn't. I appreciate you all considering this. I think it is a worthy endeavor, a worthy venture and I hope you can get behind it.

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$328,000 with bond and note authorization to the Municipal Improvement Fund Account for the burial of the remaining overhead communication utilities at the intersection of Main Street, Avery Place, and Parker Harding Road at Gorham Island is hereby appropriated.

Dr. Heller: It has been moved and seconded to approve the resolution just read.

Members of the RTM

Diane Cady, district 1: What are the plans for planting trees?

Mr. Ratkiewich

All of the work will be in the roadway so there is no associated tree planting. In fact, in the corridor that we're talking about, we've already planted trees in the sidewalk from Chase Bank down the street towards Gorham Avenue.

By show of hands, the motion passes 24-2-1. Opposed: Klein and Friedman; abstains: Durkin.

The secretary read item #8 of the call – To approve an appropriation in the amount

of \$33,000 to the Capital and Non-Recurring for the preparation of a Condition Assessment Report and Restoration Plan for the Portico Columns, Pilasters, and Pediment of Town Hall.

Presentation

Mr. Ratkiewich:

I'm going to do a brief introduction and turn this over to Deputy Director John Broadbin who has been working on this project. A little history...We have had plans for replacing the columns on the front of Town Hall for many, many years as part of a Town Hall restoration project. Earlier this year, I came to the Board of Finance about replacing those columns and it was suggested that we go back and do a little more research and replace them with fiberglass columns because fiberglass is more durable. As it turns out, when we did do our research, we discovered that Town Hall is on the State Register of Historic Buildings and that replacement with non-traditional materials would not be a very good thing. Luckily, we also spoke with our Historic District Commission and got some of their resources who suggested a different path that involves some grant funds so we can get reimbursed for a lot of the work that we are proposing to do. I'm going to turn it over to John to describe the specifics of the proposal.

John Broadbin, Public Works:

In a nutshell, Peter gave you the entire description. Out of the facility study that was done on this building, there were two standalone projects. One was the elevator replacement that you've already approved. The other is the front façade of this building with those architectural features cited in the role to have them preserved and improved for the next period of decades to stand there as the front feature of this building. This facility is on the State Historic Register so the treatment we are going to propose has to be appropriate, not just for our own commission but also for the State. Subsequently, we were advised that, under the grant program, we can avail ourselves of a consultant who is certified in the architectural preservation and restoration of these historic aspects of the building. In October, we sent out an RFQ. In early November, we received it back. We have eight qualified firms who have responded. We have not selected any yet. In speaking with State Historic Preservation Office relative to any grant monies that were available to help defray our costs, we found out, yes, there are. From the Department of Interior, National Park Service, administered by the State, we can avail ourselves of the Historic Enhancement Restoration Fund. This is a fund that is a non-matching grant if you qualify up to \$20,000. You heard in the call tonight our budget of \$33,000. The idea here is that we have some seed money in the game after reimbursement of up to \$20,000. For the second part of what we will have the consultant do, which is the actual restoration plan, that is the plans, details and specifications to be used for the actual restoration effort by a contractor. So, tonight's request for the \$33,000 is to hire the consultant to do the assessment report and then come up with the appropriate restoration plan which we will then bid for stage two, the physical work. By the way, there are grants available for that as well. We ask for your approval.

Committees report

Finance and Public Works Committees, Mr. Keenan:

This was the same meeting, Public Works and Finance. I usually don't do this but I'm going to read it right from the paper. The appropriation of \$33,000.00 to cover the expense of a Condition Assessment Report and Restoration Plan for the Town Hall Portico and Columns: The report and plan will be prepared by a qualified Historical Architect or Engineer and will include all the necessary plans and specifications to carry out the restoration. DPW will apply for a Certified Local Government Historic Preservation Enhancement Grant which could reimburse up to \$20,000 of the cost. Once the Assessment Report and Restoration Plans are complete, we can apply for construction funding through the Historic Restoration Fund. An RFQ has been released and candidates will be interviewed. The RFQ is back. The project is on the five-year capital forecast. Both committees voted unanimously to recommend approval to the full RTM.

Members of the Westport electorate – no comments

Mr. Wieser read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$33,000 to the Capital and Non-Recurring for the preparation of a Condition Assessment Report and Restoration Plan for the Portico Columns, Pilasters, and Pediment of Town Hall is hereby appropriated.

Dr. Heller: the resolution has been moved and seconded.

Members of the RTM – no comments

By show of hands the motion passes unanimously.

Dr. Heller:

Thank you all for coming. Our next meeting is Dec. 4. See you all next Tuesday.

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Patricia H. Strauss

Town Clerk



by Jacquelyn Fuchs

ATTENDANCE: November 27, 2018

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERATOR	LATE/ LEFT EARLY
1	Diane Cady	X			
	Matthew Mandell	X			
	Kristin M. Purcell	X		X	Arr. 7:46
	Chris Tait	X			
2	Catherine Calise	X			
	Jay Keenan	X			
	Louis M. Mall	X			
	Christine Meiers Schatz	X			
3	Mark Friedman	X			
	Arline Gertzoff	X			
	Jimmy Izzo	X			
	Amy Kaplan	X			
4	Andrew J. Colabella	X			
	Kristan Hamlin	X			
	Lisa Parrelli Gray	X			
	Jeff Wieser	X			
5	Peter Gold		X	X	
	Nicole Klein	X			
	Karen Kramer	X			Arr. 7:46
	Greg Kraut	X			
6	Jessica Bram		X	X	
	Seth Braunstein	X			
	Chas Durkin	X			
	Cathy Talmadge		X	X	
7	Brandi Briggs	X		X	Arr. 7:58
	Lauren Karpf		X	X	
	John Klinge	X			
	Ellen Lautenberg	X			
8	Lee Arthurs		X	X	
	Wendy Batteau		X	X	
	Carla Rea		X	X	
	Lois Schine	X			
9	Charles Carey	X		X	
	Velma Heller	X			
	Kristin Schneeman		X	X	
	Lauren Soloff		X	X	
Total		27	9		

Appendix I Item #6

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$426,000 with bond and note authorization to the Municipal Improvement Fund Account for the design expenses for replacement of

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Four Hundred Twenty-six Thousand and 00/100 Dollars (\$426,000) to pay costs associated with the design expenses for replacement of the Bayberry Lane bridge deck and abutments over the Aspetuck River, which costs include design, survey, engineering, and bidding costs, and related administrative, financing, contingency and other soft costs (the "Project"). The bridge is eligible for reimbursement of 80% of expenses under the Federal Local Bridge Program.

As recommended by the Board of Finance and for the purpose of financing Four Hundred Twenty-six Thousand and 00/100 Dollars (\$426,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Four Hundred Twenty-six Thousand and 00/100 Dollars (\$426,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

The First Selectman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

The Bonds may be designated "Public Improvement Bonds of the Town of Westport," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years

from the date of issue and the last installment to mature not later than twenty (20) therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

Appendix II Item # 7

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Director of Public Works, the sum of \$328,000 with bond and note authorization to the Municipal Improvement Fund Account for the burial of the remaining overhead communication utilities at the intersection of Main Street, Avery Place, and Parker Harding Road at Gorham Island is hereby appropriated.

RESOLVED: That upon the recommendation of the Board of Finance, the Town of Westport, Connecticut (the "Town") hereby appropriates the sum of Three Hundred Twenty-eight Thousand and 00/100 Dollars (\$328,000) to pay costs associated with the burial of utility lines at the intersection of Main Street, Avery Place and Parker Harding Road at Gorham Island, which costs include excavation and concrete work, sidewalk repair, removal of utility lines and poles, utility charges and related administrative, financing, contingency and other related costs (the "Project").

Section 1. As recommended by the Board of Finance and for the purpose of financing Three Hundred Twenty-eight Thousand and 00/100 Dollars (\$328,000) of the foregoing appropriation, the Town shall borrow a sum not to exceed Three Hundred Twenty-eight Thousand and 00/100 Dollars (\$328,000) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.

Section 2. The First Selectman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the state of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

Section 3. The Bonds may be designated "Public Improvement Bonds of the Town of Westport," series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20)

therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town of Westport, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further financing the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

Section 9. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.