

Approved Minutes
BOARD OF FINANCE REGULAR MEETING
June 16, 2009
7:30 PM –Room 206

The meeting was called to order by Vice-Chair Martha Banks at 7:32 PM. All members were present except for Murry Stegelmann. Kate Clarke Buch, Finance Director, was present. Also present were Bob Steeger, Director of Public Works, David Knauf, Director of Public Health, and Bob Riith of the Sewer Commission.

Special Appropriation-Goodwives River Sewer

Bob Riith, Dave Knauf and Bob Steeger spoke in support of the town going forward with the Goodwives River Sewer project. Following discussions, which included a question as to the date the Board of Selectmen had approved the plan, it was agreed that the Resolution appropriating \$2.7 Million be tabled until the July meeting (resolution is attached to these minutes.) Tom Volpe made a motion to approve the purchase of property for \$39,000 to enable the sewer to be built. The motion was seconded and approved 6-0.

Transfers over \$5,000

David Knauf spoke in support of a request to transfer \$13,000 from the Professional Services account to the Software Account. This will enable the remote input of data and permit the complete installation of computer based services for the Health department. Maintenance costs would be approximately \$7,000 per year.

Liz Mao made a motion to approve the transfer and the motion was seconded and approved 6-0.

Transfers Under \$5,000

Tom Volpe moves to accept the Request to Transfer \$1,900 to Public Works' Facilities Maintenance Account. The motion was seconded and approved 6-0.

Liz Mao made a motion to go to Other Business. The motion was seconded and approved 6-0.

1. Bob Steeger then discussed the three projects which are ready to receive stimulus funds. The first project is the Noroton Heights Staircase project. It must go through the federal procurement process. The project has been approved by the federal government but it must be rebid in accordance with their procedures.
2. The town has been awarded \$850,000 for the resurfacing of roads for next year. The town must first spend the money and then it will be reimbursed.
3. An additional \$1.6 million will be spent on the Noroton and Darien Railroad Stations. This money will be administered by the Connecticut DOT. No money needs to be fronted by the town.

Bob Steeger then noted that the permit to do the Stony Brook/ Heights Road flood mitigation project will not be issued because of a request for a public hearing.

Transfers under \$5,000

Tom Volpe made a motion to accept the request from the Police department for a transfer of \$4,000 to outfit a new police vehicle (the old one was totaled.) The motion was seconded and approved 6-0.

Gwen Mogenson made a motion to approve a transfer of \$4,470 in the Social Services department to cover the salary increase of a promotion in FY 2009. The motion was seconded and approved 6-0.

IT Department requests a transfer of \$2,775 within the department to cover its share of BOE salaries. Lori Bora made a motion to approve the transfer. It was seconded and approved 6-0.

Transfers over \$5,000

Kate Clarke Buch requests a sweep of funds totaling \$248,126 from Debt Service and Elections accounts to Contingency. Before this transfer, Contingency has \$215,000. Liz Mao makes a motion to approve the transfers. It was seconded and approved 6-0.

Tom Volpe made a motion to approve the request to transfer \$12,500 from the General Purpose Principal Account to the School Bonds Principal Account. The motion was seconded and approved 6-0.

The Tax Collector requested a transfer of \$1,055 from Salary Contingency to Tax -Part Time. Jon Zagrodzky made a motion to approve the transfer and it was seconded and approved 6-0.

A request to transfer \$32,000 from Contingency to three Regulatory Counsel accounts was made by Jeremy Ginsberg. Tom Volpe made a motion to approve the transfer. It was seconded and approved 6-0.

Financial Report

Kate Clarke Buch reported that she expected the town will come in under budget. Tax collections are running at about 101 percent of budget.

Jon Zagrodzky asked about rebidding our bank business. Peoples is our current bank, and Kate reported that the town is very satisfied with their service.

Approval of Minutes

Minutes of May 19—add an ‘e’ to Kate Clarke Buch’s name. Gwen Mogenson made a motion to approve as amended. It was seconded and approved 5-0-1 (Liz Mao abstaining)

Minutes of May 26-Gwen Mogenson made a motion to approve the minutes. The motion was seconded and approved 5-0-1 (Liz Mao abstaining)

Minutes of June 2—Lori Bora made a motion to approve the minutes. The motion was seconded and approved 6-0.

Jon Zagrodzky made a motion to adjourn. The motion was seconded and approved 6-0. The meeting was adjourned at 8:52PM.

Respectfully submitted,
Elizabeth Smith Mao, Clerk

**RESOLUTION APPROPRIATING \$2,700,000 FOR
THE DESIGN AND CONSTRUCTION OF SEWER
EXTENSION PROJECTS IN THE TOWN OF DARIEN
AND THE PURCHASE OF REAL PROPERTY
AND AUTHORIZING THE ISSUE OF \$2,700,000 BONDS,
NOTES, OR OTHER OBLIGATIONS OF THE TOWN
TO MEET SAID APPROPRIATION**

RESOLVED:

Section 1. The sum of \$2,700,000 is appropriated for (i) the design and construction of sewer extension projects, (ii) the design and construction of sewer systems connecting to existing sewers, laterals to each property line, surveying and contingency in various areas of the Town of Darien (the “Town”), including, without limitation, Goodwives River Road, Hawthorne Road (a.k.a. Salem Straits), Beverly Place, Candlewood Lane, Conant Place, Whaling Road, Peabody Place and a portion of Old Kings Highway South, (iii) the purchase of real property between Goodwives River Road and Gorham’s Pond and (iv) administrative, printing, legal and financing costs related thereto (the “Project”), said appropriation to be inclusive of any and all state and federal grants-in-aid thereof.

Section 2. To meet said appropriation and in lieu of a tax therefor, bonds of the Town may be issued in the amount of \$2,700,000 or so much thereof as shall be necessary for such purpose, maturing not later than the thirtieth year after their date. Said bonds may be issued in one or more series as determined by the Board of Finance, or any Town official designated by the Board of Finance, and the amount of bonds of each series

issued shall be fixed by the Board of Finance, or any Town official designated by the Board of Finance in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of the state and federal grants-in-aid on the Project, and the anticipated times of the receipt of the proceeds thereof. The bonds shall be in the denomination of \$5,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectwoman and the Treasurer, bear the Town Seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Board of Finance, or any Town official designated by the Board of Finance, in accordance with the General Statutes of the State of Connecticut, as amended (the "General Statutes").

Section 3. Said bonds shall be sold by the Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest true interest cost to the Town. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Finance, or any Town official designated by the Board of Finance.

Section 4. The Board of Finance, or any Town official designated by the Board of Finance, is authorized to issue and sell notes in anticipation of the receipt of the proceeds of any series of said bonds and to determine the amount, date, date of maturity, interest rate, form and other details of such notes pursuant to the General Statutes. Notes evidencing such borrowings shall be signed by the First Selectwoman and the Treasurer, bear the Town Seal or a facsimile thereof, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds or notes, shall be included as a cost of the Project.

Section 5. The Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer is authorized to issue, sell and secure sewer assessment notes of the Town pursuant to Section 7-269a of the General Statutes and to determine the amount, date, maturity, interest rate, form and other details and particulars of such notes. Such notes shall be signed by the First Selectwoman and the Treasurer have the Town Seal or a facsimile thereof, affixed, be payable at a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance and be certified by a bank or trust company designated by the Board of Finance, or any Town official designated by the Board of Finance. If the receipts and other revenues pledged to the repayment of such sewer assessment notes shall be insufficient to pay the principal of and interest on such sewer assessment notes at the time prescribed by Section 7-269a of the General Statutes, or if the Board of Finance shall deem it advisable to pay such sewer assessment notes with the proceeds of bonds, the Board of Finance, or any Town official designated by the Board of Finance, and the Treasurer are hereby

authorized to issue and sell bonds of the Town under the authority of Section 1 of this resolution, in an amount sufficient to pay any such sewer assessment notes.

Section 6. The First Selectwoman is authorized in the name and on behalf of the Town to apply for and accept any and all federal and state loans and/or grants-in-aid for the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the Town with engineers, contractors and others. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475, *et seq.* of the General Statutes, as the same may be amended from time to time (the “Clean Water Fund Program”), the Town may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the First Selectwoman shall determine. The First Selectwoman, the Finance Officer, the Treasurer and the Board of Finance or any town official designated by the Board of Finance are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute and deliver the same. Said obligations shall be general obligations of the Town for which the full faith and credit of the Town is pledged to the payment of the principal thereof and the interest thereon. The First Selectwoman is hereby authorized to execute and deliver to the State of Connecticut in the name of and on behalf of the Town, Project Loan and Project Grant Agreements under the Clean Water Fund Program.

Section 7. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount of and for the Project defined herein with the proceeds of bonds, notes, or other obligations (“Bonds”) authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the

Project, or such later date that the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Board of Finance, or any Town official designated by the Board of Finance is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The First Selectwoman, the Treasurer and the Finance Officer, or any one of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution and to perform all acts and execute any instruments or documents which are necessary or appropriate to issue and deliver the obligations authorized by the resolution. If such obligations are issued on a tax-exempt basis, the First Selectwoman, the Treasurer and the Finance Officer, or any one of them, 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.