

1. RTM Public Works Jan 11 2024

Documents:

PWC COMMITTEE AGENA 01112024.PDF
TOWN OF DARIEN - AMENDED AND RESTATED RESOLUTION RE_ SANITARY
SEWER SYSTEM.PDF
TOWN OF DARIEN - RESOLUTION CONSTRUCTION OF HANSON ROAD
BRIDGE.PDF
RTM MTG HANSON RD BRIDGE 10_17_22.PDF

PUBLIC WORKS COMMITTEE
of the REPRESENTATIVE TOWN MEETING
TOWN OF DARIEN, CONNECTICUT

WARNING

A Regular Meeting of the Public Works Committee to the RTM, will be held **Thursday January 11, 2024 in Room 206 of Town Hall at 7:30PM.**

AGENDA:

- Call to Order.
- The first portion of this meeting regarding the Resolutions below will include Public Health & Safety as well as Finance & Budget committees of the RTM.
 - Public Works Director Ed Gentile (summary)
 - Resolution to Amend the Appropriation and Bonding Authorization to Increase the Amount for the Sanitary Sewer System Project.
 - Resolution to Authorize an Appropriation and Bonding Authorization for the Hanson Road Bridge Replacement.
 - Public Hearing December 12 @ Town Hall; Public Works department briefing.
- PWC Focus Areas
- PIAC follow review
- Sustainability

The Meeting is public and subject to the Rules of Procedure of the Representative Town Meeting and Robert's Rules of Order, Revised. Any elector of the Town may speak at the Meeting, but only Town Meeting Members are authorized to vote.

Mark R. Adiletta, Chair

January 5, 2024

**RESOLUTION TO AMEND THE RESOLUTION ADOPTED ON OCTOBER 19, 2020
APPROPRIATING \$2,340,000 FOR THE SANITARY SEWER SYSTEM
PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES
IN THE AMOUNT OF \$2,340,000 TO MEET SAID APPROPRIATION, TO INCREASE
THE APPROPRIATION AND BOND AUTHORIZATION BY \$2,357,300 TO
\$4,697,300**

WHEREAS, on October 19, 2020, the Representative Town Meeting in the Town of Darien (the “Town”) approved an appropriation and bond authorization in the amount of \$2,340,000 (the “Resolution”) for the costs of the Sanitary Sewer System Project (the “Initial Authorization”); and

WHEREAS, the Town wants to increase the Initial Authorization by \$2,357,300 to \$4,697,300 due to costs associated with the next phase of the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Resolution is hereby amended and restated to increase the Initial Authorization by \$2,357,300, for a total appropriation and bond authorization in the amount of \$4,697,300, as follows:

Section 1. The sum of \$4,697,300 is appropriated for the Sanitary Sewer System Project located in the Town of Darien (the “Town”), which project includes, but is not limited to: the planning, investigation, engineering and improvements to the sanitary sewer system to eliminate overflows during large rainfall events and reduce total annual sewage flow to the Stamford Wastewater Treatment Facility including, all alterations, repairs and improvements in connection therewith as well as engineering, architectural and 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, \$4,697,300 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. 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 to be 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 Selectman and the Town 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 Town 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 temporary 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 Selectman and the Town Treasurer, have the seal of the Town 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, be approved as to their legality by Pullman &

Comley, LLC of Hartford, Connecticut 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, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The First Selectman 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 Board of Finance, or any Town official designated by the Board of Finance, shall determine. The Board of Finance, or any Town official designated by the Board of Finance, is 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. Such interim funding obligations and project loan obligations shall be executed and delivered by the First Selectman and the Town Treasurer. 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 Selectman 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 6. 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 authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations 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 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 7. The First Selectman, Town Treasurer and Finance Director or any one of them are hereby authorized, on behalf of the Town, to enter into any 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 which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town Treasurer and the Finance Director, 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. Should such bonds or notes issued in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross income of the holders thereof under the Internal Revenue Code of 1986 then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

**RESOLUTION APPROPRIATING \$2,067,250
FOR COSTS OF CONSTRUCTION RELATED TO THE REPLACEMENT OF THE
HANSON ROAD BRIDGE AND AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE AMOUNT OF \$2,067,250 TO MEET SAID
APPROPRIATION**

RESOLVED:

Section 1. The sum of \$2,067,250 is appropriated for costs of construction related to the replacement of the Hanson Road Bridge located in the Town of Darien (the “Town”), such costs to include, but not be limited to, the demolition of the existing structure, the diverting of the Stony Brook, installation of new box culverts, repaving of the roadway, landscaping enhancements and guard rail, as well as, contingency, 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, \$2,067,250 bonds of the Town or so much thereof as shall be necessary for such purpose, may be issued, maturing not later than as legally allowed. 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 to be 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 Selectman and the Town 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 Town 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 temporary 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 Selectman and the Town Treasurer, have the seal of the Town 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, be approved as to their legality by Pullman & Comley, LLC of Hartford, Connecticut 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, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment

of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. 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 authorized hereby and for the Project defined herein with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. Such bonds, notes or other obligations 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 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 6. The First Selectman, Town Treasurer and Finance Officer or any one of them are hereby authorized, on behalf of the Town, to enter into any 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 which are necessary or appropriate to issue and deliver the bonds or notes. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the First Selectman, the Town 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. Should such bonds or notes issues in anticipation of such bonds be issued in such form and manner that the interest on such bonds or notes is includable in the gross

income of the holders thereof under the Internal Revenue Code of 1986, as amended, then it is hereby determined that the issuance of such taxable bonds or notes is in the public interest.

DARIEN RTM PUBLIC WORKS COMMITTEE HANSON ROAD BRIDGE DESIGN APPROPRIATION

Much of what I am about to report comes from letters or statements given to the Board of Selectmen by the Town of Darien Director of Public Works Ed Gentile during a meeting held on September 12th. This information is noteworthy in so far as it lends an understanding towards the infrastructure problem the Town faces and with twenty-one other small bridges and culverts, may face again in the future.

Ed submitted a special transfer request of \$169,530 for engineering design services required for the replacement of the Hanson Road Bridge which spans across Stonybrook, was last inspected in 2016 and built in 1936. The need for this transfer started when a public works employee noticed a sinkhole beside the bridge. Upon further inspection it was observed that the northwest abutment had serious cracking along the joints. The Assistant Director of Public Works was informed and called a structural engineer. The engineer conducted an inspection analysis and found that along with a 7-foot-deep scour hole, the northwest corner sustained foundation and footing settlement. It is suspected the bridge was constructed without piles which lead to the settling of the footing and abutment.

Together the engineer and Public Works developed a scheme to protect the area. With approval of the local EPC, a temporary repair to the brook channel to protect against additional scouring under the bridge footing was completed on September 13th. Barricades and cones have been placed along the north side of the bridge along with a one inch thick 20-foot steel plate to prevent vehicular traffic from passing over the area where the deficiency is noted. The bridge engineer said it is safe with the placement of the steel plate which spreads the weight over a larger area. Work has also been done to fill a scour hole and put support under the settled footing; this should stop any instantaneous dropping of the footing; Public Works will continue to monitor the bridge.

FEMA was contacted for possible financial aid, and they stipulated that any aid would be contingent on the Town declaring and signing off that the damage was specific to a single storm. Given the age of the bridge and numerous storms sustained by the bridge, Ed cannot say the damage was caused by any one storm. Assuming the same size waterway opening to the bridge, the engineering and design work will require a hydraulic analysis; this is needed to satisfy FEMA's 100- and 500-year design study. Due to the required hydraulic analysis, the Town plans to engage Tighe and Bond to develop the engineering and design plans. It is estimated the engineering and design plan will take nine months to complete.

Next year, should there be State funding for the local bridge program, Public Works will apply for financial aid. The application may not qualify as the bridge is not 20 feet wide, the bridge is 15 feet wide, and the same rule applies to Federal programs. The estimated replacement cost of the bridge is \$1.5 million including design costs.

The Board of Selectmen has requested that Public Works consider reviewing small bridge and culvert inspection schedules with more frequency which Ed is amenable to review, particularly for older bridges.

The Public Works Committee held a regular meeting on October 6th to consider the appropriation of \$169,530 for the Hanson Road Bridge engineering and design services.

With eight of twelve committee members attending, all those present voted in favor of the resolution for the expenditure of \$169,530 to fund the engineering and design services required for the replacement of the Hanson Road Bridge and recommends same to the full RTM.

ROLF OBIN
PUBLIC WORKS COMMITTEE CHAIR