TOWN OF EAST HADDAM

BOARD OF SELECTMEN

RESOLUTION AUTHORIZING AN APPROPRIATION OF $1,794,654 FOR IMPROVEMENTS TO THE EAST HADDAM ELEMENTARY SCHOOL AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF BONDS AND NOTES IN AN AMOUNT NOT TO EXCEEED $1,794,654

WHEREAS, there was and continues to be an outbreak of COVID-19, a respiratory virus caused by a new strain of coronavirus, which was declared a Public Health Emergency of International Concern by the World Health Organization, and on March 13, 2020, the President of the United States declared a national emergency;

WHEREAS, on March 10, 2020, Governor Ned Lamont (the "Governor") declared a state of emergency throughout the State of Connecticut as a result of the COVID-19 outbreak, and on March 18, 2020, the Town of East Haddam (the "Town") declared a local state of emergency allowing the First Selectman to exercise emergency powers as needed to help the community;

WHEREAS, on April 1, 2020, the Governor issued Executive Order No. 7S (the "Order") which allows the Board of Selectmen and the Board of Finance, by majority vote of each such body, to authorize and approve special appropriations and the issuance of general obligation bonds without complying with any requirements for in-person approval by electors or taxpayers, such as the Town Meeting;

WHEREAS, the Order further provides that, if a municipality is taking action pursuant to the Order, the municipality shall make a specific finding that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to (1) avoid endangering public health and welfare, (2) prevent significant financial loss or (3) that such action is otherwise necessary to protect persons and property within the municipality;

WHEREAS, the Town desires to approve a resolution authorizing an appropriation and bond authorization in the amount of $1,794,654 for improvements to the East Haddam Elementary School (the "School Project Resolution") in accordance with the Order;

WHEREAS, the approval of the School Project Resolution is necessary to permit the orderly operation of the Town and there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss to the Town, or that action is otherwise necessary for the protection of persons and property within the Town;

WHEREAS, the failure to adopt the School Project Resolution at this time shall cause a delay in the implementation of critical upgrades to the elementary school building resulting in (i)

a further deterioration in the condition and operation of the building, (ii) escalating building operational and maintenance costs and (iii) higher future project costs; and

WHEREAS, the Town desires to approve the School Project Resolution in accordance with the Order and without holding a Town Meeting.

NOW THEREFORE BE IT RESOLVED, that the Board of Selectmen (the "Board") of the Town finds that approval of the School Project Resolution is necessary to permit the orderly operation of the Town, and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that such action is otherwise necessary for the protection of persons and property within the Town, as specifically cited in the foregoing WHEREAS clauses.

BE IT FURTHER RESOLVED, that the Board hereby approves and recommends to the Board of Finance the following:

(1) That the Town appropriate the sum of $1,794,654 for costs related to improvements at the East Haddam Elementary School, including, without limitation, the costs of (i) the replacement and installation of windows and doors, (ii) miscellaneous blocking, (iii) the remediation, abatement, removal and disposal of asbestos and other hazardous materials, (iv) the replacement and installation of new roller shades, (v) the replacement of control joint caulking, (vi) the preparation and printing of bid documents, cost estimate reports and studies, informational materials and other preliminary materials, studies and reports, and (vii) design, construction, materials, engineering, industrial hygienist, architectural, legal, administration, temporary and permanent financing, project contingency, costs of issuance, advertising, printing, capitalized interest and any other costs and expenses related thereto, all of the above with such changes as the Board may approve (the "Project"). The Board is authorized to determine the scope and particulars of the Project. The Board may reduce or modify the scope of the Project, and the entire appropriation authorized hereby may be spent on the Project as so reduced or modified.

(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, including the Order, in an amount not to exceed $1,794,654 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor).

(3) That the Town issue and renew notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed $1,794,654**.** The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(4) 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 $1,794,654 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor), 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.

(5) 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.

(6) 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 $1,794,654**.** 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.

(7) 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.

(8) That the First Selectman is hereby authorized, on behalf of the Town, to execute any contracts with engineers, contractors, architects and other persons for the Project, to apply

for and accept state and federal grants to finance the appropriations for the Project, and to execute and file any application or enter into any grant agreement or other obligations prescribed by the State of Connecticut or the federal government, as appliable.

(9) That the Officials are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds or notes to finance the aforesaid appropriation.

At a special meeting of the Board of Selectmen held on December 14, 2020, on a Motion duly made by Board Member _____ and seconded by Board Member _____, the foregoing Resolution was adopted by the following roll call vote:

In Favor:

Opposed:

I, Theresa Govert, duly qualified Secretary of the Board of Selectmen, hereby certify that the foregoing is a true copy of the Resolution adopted at the meeting of the Board of Selectmen held on December 14, 2020 authorizing an appropriation of $1,794,654 for certain improvements to the East Haddam Elementary School and, to finance such appropriation, authorizing the issuance of bonds and notes in an aggregate principal amount not to exceed $1,794,654 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor); that said Board consists of three members; a quorum consists of two members; ____ members were present at said meeting; a roll call vote was taken and ____ members voted in favor of said Resolution, ____ members voted against the adoption of said Resolution, and ____ members abstained from voting on said Resolution.

Dated at East Haddam, Connecticut, this _____ day of December, 2020.

_____
Theresa Govert
Secretary
Board of Selectmen
East Haddam, Connecticut