

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

July 23, 2024

REQUEST FOR WAIVER OF BID REQUIREMENTS AND APPROVAL OF CONTRACT
AGREEMENT
SNYDER CIVIL CONSTRUCTION, LLC

WHEREAS, due to excessive rainfall in 2023 into early 2024, Jobs Pond water levels surged to the point of flooding homes since early 2024 creating a public emergency; and

WHEREAS, the Town of Portland received grant for the entire funding from USDA-NRCS which was co-sponsored by CT DEEP to perform the emergency dewatering of Jobs Pond and pipeline construction in an effort to relieve flooding; and

WHEREAS, due to the public exigency and in order to mitigate further delays, USDA-NRCS waived the competitive solicitation requirement; and

WHEREAS, USDA-NRCS came up with a solution to remove approximate level of water from the pond and provided a list of three contractors that could provide the work required; and

WHEREAS, requests for proposals were sent to the three vendors provided to the Town via the pump and piping suppliers that assisted the USDA-NRCS in the design of the project; and

WHEREAS, one vendor chose not to bid and the other two vendors did provide proposals through the process noted above for the emergency pumping of Jobs Pond; and

WHEREAS, both proposals received were reviewed by the Town of Portland along with USDA-NRCS and encompassed the full scope of work; and

WHEREAS, the lower of the two proposals submitted was Snyder Civil Construction, LLC.

NOW, THEREFORE, BE IT RESOLVED that in the best interest of the Town, pursuant to Section 1208 §7 of the Portland Charter, the Board of Selectmen hereby waives the bidding requirements of Section 1208 of the Portland Charter as it pertains to utilizing Snyder Civil Construction, LLC. as the contractor to perform the emergency pumping of Jobs Pond; and be it further

RESOLVED, that the Board of Selectmen authorizes the First Selectman, Ryan J. Curley to act on behalf of the Town of Portland to execute and deliver in the name of and on behalf of the Town of Portland, a contract with Snyder Civil Construction, LLC, 595 Main Street, Portland, Connecticut 06480 for RFP # 2025-01 – Jobs Pond Emergency Pumping. Total Base bid contract, prior to change orders, is approximately \$736,000.

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

July 23, 2024

**RESOLUTION RECOMMENDING AN APPROPRIATION AND BOND AUTHORIZATION
FOR THE CONSTRUCTION AND PERMITTING OF A NEW PRODUCTION WELL WITHIN
THE TOWN OF PORTLAND**

WHEREAS, the Town of Portland (the "Town") continues to work toward its goal of water independence and the continuation of providing quality water supply to all town water users; and

WHEREAS, a well site has been located at the Gospel Lane Portland Recreational Complex; and

WHEREAS, to meet certain timeline requirements, the installation of a 12-inch production well, yield and quality tests and related permitting are all aspects of the next phase of the project that must be completed by the end of the year 2024; and

WHEREAS, GZA GeoEnvironmental Inc. has provided a contract amendment for \$1,192,000 to Bid 2022-07b using terms of DAS contract 18PSX0153 before additional change orders; and

WHEREAS, the Town is in need of \$1,279,000 for the project, including, but not limited to, engineering and professional fees, closing costs, legal fees, financial advisor costs, and project contingency; and

WHEREAS, the project accounting will be in Fund 37 Water Development Fund; and

WHEREAS, it is anticipated that up to \$499,000 of the project will be funded from the proceeds of a bank loan and the remainder will be funded by a \$780,000 allocation from the unassigned fund balance of the General Fund to Fund 37 Water Development Fund; and

WHEREAS, an increase in appropriation would be needed for General Fund Line #01-093-000-90006 Transfer Out-Other in the amount of \$780,000.

BE IT RESOLVED, that the Board of Selectmen hereby approves a supplemental appropriation of \$1,279,000 for the construction and permitting of a new production well within the Town (the "Project"), including a transfer of \$780,000 from the unassigned fund balance of the General Fund to line item #01-093-000-90006 Transfer Out-Other. The appropriation may be expended for site improvements, design, construction and drilling costs, engineering and professional fees, inspection, permitting, evaluation and surveying costs, materials, equipment, purchase costs, legal fees, financing costs, interest expense on temporary borrowings, and other costs related to the Project. The appropriation shall include any federal, state or other grants-in-aid received for the Project. The Board of Selectmen or, a building committee, if established, is authorized to determine the particulars of the Project. The Board of Selectmen may reduce or modify the scope of the Project and the entire appropriation may be expended on the Project as so reduced or modified.

FURTHER RESOLVED, that the Board of Selectmen recommends that the Town finance part of the appropriation by issuing the Town's bonds or notes in an amount not to exceed \$499,000, or so much thereof as may be necessary after deducting grants to be received for the Project.

RESOLUTION
BOARD OF SELECTMEN
TOWN OF PORTLAND, CONNECTICUT

July 23, 2024

RESOLUTION TO CALL A SPECIAL TOWN MEETING

WHEREAS, the Board of Selectmen has approved a supplemental appropriation of \$1,279,000 for the construction and permitting of a new production well within the Town (the "Project"), including a transfer of \$780,000 from the unassigned fund balance of the General Fund to line item #01-093-000-90006 Transfer Out-Other; and

WHEREAS, the Board of Selectmen has approved the issuance of the Town's bonds or notes in an amount not to exceed \$499,000 to finance part of the appropriation, or so much thereof as may be necessary after deducting grants to be received for the Project.

BE IT RESOLVED, that the attached detailed appropriation and bonding resolution for the Project (the "Resolution") is hereby approved and shall be submitted to a Special Town Meeting to be held on August 7, 2024 in accordance with the attached Warning of Special Town Meeting, which is also hereby approved. A copy of the full text of the Resolution shall be available for public inspection at the Town Clerk's Office.

SPECIAL TOWN MEETING RESOLUTION

Town of Portland, Connecticut

RESOLUTION TO APPROPRIATE \$1,279,000 FOR THE CONSTRUCTION AND PERMITTING OF A NEW PRODUCTION WELL WITHIN THE TOWN OF PORTLAND AND TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES OF THE TOWN IN AN AMOUNT NOT TO EXCEED \$499,000 TO FINANCE PART OF THE APPROPRIATION

BE IT RESOLVED:

SECTION 1. That the Town of Portland (the "Town") appropriate \$1,279,000 for the construction and permitting of a new production well within the Town (the "Project"), including a transfer of \$780,000 from the unassigned fund balance of the General Fund to line item #01-093-000-90006 Transfer Out-Other. The appropriation may be expended for site improvements, design, construction and drilling costs, engineering and professional fees, inspection, permitting, evaluation and surveying costs, materials, equipment, purchase costs, legal fees, financing costs, interest expense on temporary borrowings, and other costs related to the Project. The appropriation shall include any federal, state or other grants-in-aid received for the Project. The Board of Selectmen or, a building committee, if established, is authorized to determine the particulars of the Project. The Board of Selectmen may reduce or modify the scope of the Project and the entire appropriation may be expended on the Project as so reduced or modified.

SECTION 2. That the Town of Portland finance part of the appropriation by issuing the Town's bonds, notes or other obligations in an amount not to exceed \$499,000, which bonds, notes or other obligations shall be issued pursuant to the Connecticut General Statutes, as amended. The bonds, notes or other obligations may be sold as a single issue or consolidated with any other authorized issues of bonds, notes or other obligations of the Town. The Director of Finance shall keep a record of the bonds, notes or other obligations. The bonds, notes or other obligations shall be signed in the name and on behalf of the Town by the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, and shall bear the Town seal or a facsimile thereof. The bonds, notes or other obligations shall each recite that every requirement of law relating to its issue has been fully complied with, that such bond, note or other obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. In addition, such bonds or notes may provide that the payment of the principal thereof and the interest thereon may be derived from revenues of the Town's Water Department. The terms, details and particulars of such bonds, notes or other obligations shall be determined by the First Selectman, Deputy First Selectman, Director of Finance, or any two of them. Said bonds, notes or other obligations shall be sold by the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, at public sale or by negotiation in their discretion. If the bonds, notes or other obligations are sold by negotiation, the purchase agreement shall be approved by the First Selectman, Deputy First Selectman, Director of Finance, or any two of them.

SECTION 3. That the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds, notes or other obligations. The temporary notes shall be signed by the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, and shall bear the Town seal or a facsimile thereof. The temporary notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The temporary notes shall each recite that every requirement of law relating to its issue has been fully 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 are pledged to the payment of the principal thereof and the interest thereon. In addition, such temporary notes may provide that the payment of the principal thereof and the interest thereon may be derived from revenues of the Town's Water Department. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds, notes or other obligations, shall be included as a cost of the appropriation.

SECTION 4. That the Town hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that Project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the Project; that the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, are authorized to bind the Town pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from federal income taxation of interest on the bonds, notes, other obligations or temporary 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; and that the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, are authorized to make representations and agreements for the benefit of the holders of the bonds, notes, other obligations or temporary notes to provide secondary market disclosure information and to execute and deliver on behalf of the Town an agreement to provide such information with such terms and conditions as they, with the advice of bond counsel, deem necessary and appropriate.

SECTION 5. That the First Selectman, Deputy First Selectman, Director of Finance, or any two of them, are authorized to apply for and accept or reject any federal, state or other grants-in-aid for the Project; to execute agreements and other documents with contractors, vendors and others on behalf of the Town for the Project; and to take all actions necessary and proper to carry out the Project and to issue the bonds, notes, other obligations or temporary notes to finance the appropriation.