

BOROUGH OF FENWICK
BOARD OF WARDEN AND BURGESSES
SPECIAL MEETING
APRIL 11, 2015 – 9:00 A.M.

Present: Ethel Davis, Warden; Burgesses Newt Brainard, Pam Christensen, Robert Gay, Frank Keeney.

Absent: David Savin, Art Wright.

Also Present: Larry DeBlasiis, General Manager; Marilyn Ozols, ZEO/LUA; Fran Adams, Concerns and Road Committees, Cindy Patterson, Jennifer McCann, Peter Brainard.

1. Call to Order.

Warden Davis called the meeting to order at 9:02 a.m.

2. Open Forum for Fenwick Residents to speak-10 minutes. No residents spoke.

3. Approval of the Minutes of the Previous Meeting.

P. Christensen moved to approve the February 7, 2015 minutes as submitted. F. Keeney seconded the motion and it was approved unanimously.

PASSED 4-0-0

In Favor: Brainard, Christensen, Gay, Keeney.

Opposed: None.

Abstained: None.

4. Treasurer's Report.

R. Gay stated that the Treasurer's Report had been distributed prior to the meeting. He noted that there is about \$311,000 in the contingency fund and that operating expenses are on budget. He added that, utilizing the directed funds in the FIF account, the net cost for the Nibang and Sequassen project is about \$225,000 - \$230,000 and this amount is available in the contingency.

5. Resolution for Equipment Lease.

The lease is for the replacement of two mowers and funds for the lease are included in the budget. It is a 5 year least to purchase agreement.

N. Brainard moved to approve the resolution as presented (see attached). F. Keeney seconded the motion and it was approved unanimously.

PASSED 4-0-0

In Favor: Brainard, Christensen, Gay, Keeney.

Opposed: None.

Abstained: None.

6. Road Projects.

- a. Sequassen**
- b. Nibang**
- c. Entrance**

The entrance is a future project that will be coordinated with Old Saybrook and the State and an exploration of outside funding sources.

The Nibang and Sequassen Avenue reconstruction plans were reviewed and the project was discussed at length, including the fact that the approvals were in place; there were economies and reduced inconvenience associated with completing both phases at the same time; portions of the road continue to deteriorate but portions could last for a number of years; moving the road slightly brings it farther from the tidal wetlands; there is a current bid for the actual cost.

R. Gay moved to approve the road project for Sequassen and Nibang Avenues as designed by Nathan Jacobson and Associates and low bid by Dibble Construction. F. Keeney seconded the motion.

TIED 2-2-0

In Favor: Gay, Keeney.

Opposed: Brainard, Christensen.

Abstained: None.

Warden Davis cast the deciding vote and the motion PASSED.

PASSED 3-2-0

In Favor: Gay, Keeney, Davis.

Opposed: Brainard, Christensen.

Abstained: None.

7. Park Monitor.

The park monitor position, including a draft job description, was discussed. No decisions were made but the members were encouraged to further review the job description for the next Burgess meeting and the General Manager was asked to provide budget impact information for the next meeting.

8. Other Business.

Tree removal was discussed and it was noted that all removals are in accordance with the recommendations of the Park Commission.

Warden Davis reported that there is reversionary language in the deed for the maintenance area limiting the use to stable, barn or maintenance purposes. Lynde Point Land Trust holds the reversionary interest.

9. Adjournment.

At 10:32 a.m., R. Gay moved to adjourn the meeting. P. Christensen seconded the motion and it passed unanimously.

Respectfully Submitted,

Marilyn Ozols, Acting Secretary

Resolution and Certificate of Incumbency
Lease Number 188335000

Lessee: Borough of Fenwick

Amount: \$61,910.06

WHEREAS, Lessee, a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State or Commonwealth (“the State”) is authorized by the laws of the State to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, pursuant to applicable law, the governing body of the Lessee (“Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the governing Body hereby finds and determines that the execution of one or more Lease-Purchase Agreements or lease schedules (“Leases”) in the principal amount not exceeding the amount stated above for the purpose of acquiring the property (“Equipment”) to be described in the Leases is appropriate and necessary to the functions and operations of the Lessee.

WHEREAS, PNC Equipment Finance, LLC (“Lessor”) shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Ordained by the Governing Body of the Lessee:

Section 1. Either one of the Warden or General Manager (each an “Authorized Representative”) acting on behalf of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Leases on behalf of the Lessee.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 4. The Lessee’s obligations under the Leases shall be subject to annual appropriation or renewal by the governing Body as set forth in each Lease and the lessee’s obligations under the Leases shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Lessee reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not qualified 501(c)(3) bonds”) during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 986, as amended.

Section 6. The resolution shall take effect immediately upon its adoption and approval.

ADOPTED and APPROVED on the 11th day of April, 2015.