

A RESOLUTION FURTHER AMENDING AND RESTATING A RESOLUTION ENTITLED “A RESOLUTION APPROPRIATING \$3,088,000 FOR THE COSTS ASSOCIATED WITH CONSTRUCTION OF BERM AND PUMPING STATION AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION” TO INCREASE THE AMOUNT OF THE APPROPRIATION TO \$9,607,765 AND THE BOND AUTHORIZATION TO \$5,975,663.

WHEREAS, the Representative Town Meeting (“RTM”) approved on June 22, 2015 a resolution entitled “A Resolution Appropriating \$3,088,000 for the Costs Associated with Construction of Berm and Pumping Station and Authorizing the Issuance of Bonds to Finance such Appropriation (the “Original Resolution”); and

WHEREAS, the Original Resolution appropriated \$3,088,000 for the costs associated with the construction of a berm and pumping station to protect the Fairfield Waste Water Treatment Plant, the Animal Control Facility, the Fire Training Center and the Conservation Department Workshop (the “Project”); and

WHEREAS, the estimated costs of the Project had initially increased to \$7,419,265; and

WHEREAS, on October 28, 2019, the RTM approved a resolution entitled “A Resolution Amending and Restating a Resolution Entitled ‘A Resolution Appropriating \$3,088,000 for the Costs Associated with Construction of Berm and Pumping Station and Authorizing the Issuance of Bonds to Finance such Appropriation,’ (the “Amended Resolution”) to Increase the Amount of the Appropriation and Bond Authorization to \$7,419,265” (the “Project Authorized Amount”);

WHEREAS, after approval of the Original Resolution, the Town received grant funds from the State of Connecticut Department of Housing in the total amount of \$3,332,102 and applied those funds towards costs of the Project (the “State Grants”);

WHEREAS, on October 26, 2020, the RTM approved the acceptance of a federal grant in the amount of \$300,000 (the “Federal Grant”) for costs associated with the Project, and accordingly, the total allocated costs of the project increased from the Project Authorized Amount to \$7,719,265;

WHEREAS, the estimated costs of the Project have now increased by an additional \$1,888,500 (the “Project Cost Increase”) for total estimated costs in the amount of \$9,607,765 (the “Increased Appropriation”), which is comprised of: 1) the Project Authorized Amount, 2) the Federal Grant, and the 3) Project Cost Increase; and

WHEREAS, since the Town has received the State Grants and the Federal Grant totaling \$3,632,102 (collectively, the “Grant Funds”) towards the costs of the Project, it only requires bonding authorization in the amount of \$5,975,663, which represents the difference between the Increased Appropriation and the Grant Funds;

WHEREAS, since it is in the Town’s interest that the Project be completed, the Town seeks to further revise the Amended Resolution to appropriate \$9,607,765 for total estimated costs associated with the Project and to authorize the issuance of bonds in the amount of \$5,975,663.

NOW, THEREFORE, the Amended Resolution is further amended and restated to read as follows:

RESOLVED:

1. As recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield hereby appropriates the sum of Nine Million Six Hundred Seven Thousand Seven Hundred Sixty-Five and 00/100 Dollars (\$9,607,765) for the costs associated with the construction of a berm and pumping station to protect the Fairfield Wastewater Treatment Plant, the Animal Control Facility, the Fire Training Center and the Conservation Department Workshop.
2. To finance such appropriation and in lieu of a tax therefor, and as recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield may borrow a sum not to exceed Five Million Nine Hundred Seventy-Five Thousand Six Hundred Sixty-Three and 00/100 Dollars (\$5,975,663) and issue its general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town.
3. The Board of Selectmen, the Treasurer and the Chief Fiscal Officer of the Town are hereby appointed a committee (the “Committee”) with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form and terms, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to determine whether the interest rate on any series will be fixed or variable and to determine the method by which the variable rate will be determined, the terms of conversion, if any, from one mode to another or from fixed to variable; to set whatever other terms of the bonds they deem necessary, desirable or appropriate; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes, including Chapter 748 (Registered Public Obligations Act) and Chapter 109 (Municipal Bond Issues) to issue, sell and deliver the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and under rules of the Securities and Exchange Commission, and

other applicable laws and regulations of the United States, to provide for issuance of the bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations, the filing of information reports as and when required, and the execution of Continuing Disclosure Agreements for the benefit of the holders of the bonds and notes.

4. The First Selectman and Treasurer or Chief Fiscal Officer, on behalf of the Town, shall execute and deliver such bond purchase agreements, reimbursement agreements, line of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of bonds, and if the Committee determines that it is necessary, appropriate, or desirable, the obligations under such agreements shall be secured by the Town's full faith and credit.
5. The First Selectman and Treasurer or Chief Fiscal Officer shall execute on the Town's behalf such interest rate swap agreements or similar agreements related to the bonds for the purpose of managing interest rate risk which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the carrying or selling and issuance of the bonds, and if the Committee determines that it is necessary, appropriate or desirable, the obligations under such interest rate swap agreements shall be secured by the Town's full faith and credit.
6. The bonds may be designated "Public Improvement Bonds of the Town of Fairfield", series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three years from the date of issue and the last installment to mature not later than twenty (20) years from the date of issuance or as otherwise provided by statute. The bonds may be sold at an aggregate sales price of not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semi-annually or annually. The bonds shall be signed on behalf of the Town by at least a majority of the Board of Selectmen and the Treasurer, and shall bear the seal of the Town. The signing, sealing and certification of the bonds may be by facsimile as provided by statute.
7. The Committee is further authorized to make temporary borrowings as authorized by the General Statutes and to issue temporary notes of the Town in anticipation of the receipt

of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such time and with such maturities, requirements and limitations as provided by the Connecticut General Statutes. Notes evidencing such borrowings shall be signed by the First Selectman and Treasurer or Chief Fiscal Officer, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the Connecticut General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

8. Pursuant to Section 1.150-2, as amended, of the Federal Income Tax Regulations the Town hereby declares its official intent to reimburse expenditures (if any) paid for the Project from its General or Capital Funds, such reimbursement to be made from the proceeds of the sale of bonds and notes authorized herein and in accordance with the time limitations and other requirements of said regulations.
9. The First Selectman, Chief Fiscal Officer and Town Treasurer 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 the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB 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.
10. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds and notes in accordance with the provisions of the Connecticut General Statutes and the laws of the United States.
11. The First Selectman is authorized to negotiate and enter into grant agreements on behalf of the Town to fund the Project and to accept on behalf of the Town any grant to fund the Project. The First Selectman and other Town officials are authorized to seek grants and other contributions for the costs of the Project and take all such actions necessary or appropriate to obtain such grants and other contributions including execution and delivery of contracts related to such grants. Any such grants or contribution received prior to the issuance of the Bonds authorized herein shall be applied to the costs of the Project or to pay at maturity the principal of any outstanding bond anticipation notes issued pursuant this resolution and shall reduce the amount of the Bonds that can be issued pursuant to this resolution. If such grants and contributions are received after the issuance of the Bonds, they shall be applied to pay the principal on the Bonds or as

otherwise authorized by the Board of Selectmen, Board of Finance and Representative Town Meeting provided such application does not adversely affect the tax exempt status of the Bonds or the Town's receipt of such grant or contribution.

**SUPPLEMENTAL ALLOCATION RESOLUTION
REGARDING WPCA FUNDING**

WHEREAS, on June 22, 2015, the Representative Town Meeting (the “RTM”) of the Town of Fairfield (the “Town”) approved a resolution entitled “A Resolution Appropriating \$3,088,000 for the Costs Associated with Construction of Berm and Pumping Station and Authorizing the Issuance of Bonds to Finance such Appropriation (the “Original Resolution”); and

WHEREAS, the Original Resolution appropriated \$3,088,000 for the costs associated with the construction of a berm and pumping station to protect the Fairfield Waste Water Treatment Plant, the Animal Control Facility, the Fire Training Center and the Conservation Department Workshop (the “Project”); and

WHEREAS, the estimated costs of the Project had initially increased to \$7,419,265; and

WHEREAS, on October 28, 2019, the RTM approved a resolution entitled “A Resolution Amending and Restating a Resolution Entitled ‘A Resolution Appropriating \$3,088,000 for the Costs Associated with Construction of Berm and Pumping Station and Authorizing the Issuance of Bonds to Finance such Appropriation,’ (the “Amended Resolution”) to Increase the Amount of the Appropriation and Bond Authorization to \$7,419,265” (the “Project Authorized Amount”);

WHEREAS, also, on October 28, 2019, the RTM approved a resolution providing that only \$385,000 (the “Town’s \$385,000 Debt”) of the total Project costs were to be paid by the Town’s General Fund, with the Water Pollution Control Authority (the “Authority”) responsible for the remaining costs of the Project not paid from grant proceeds (the “2019 Allocation Resolution”);

WHEREAS, on October 26, 2020, the RTM approved the acceptance of a federal grant in the amount of \$300,000 (the “Grant”) for costs associated with the Project, and accordingly, the total allocated costs of the project increased from \$7,419,265 to \$7,719,265;

WHEREAS, the estimated costs of the Project have now increased by an additional \$1,888,500 (the “Project Cost Increase”) for total estimated costs in the amount of \$9,607,765, which is comprised of the \$7,419,265 from the Amended Resolution, the Grant, and the Project Cost Increase; and

WHEREAS, simultaneously herewith, the Town has adopted at the request of the Authority a Resolution entitled “A Resolution Further Amending and Restating a Resolution Entitled “A Resolution Appropriating \$3,088,000 for the Costs Associated with Construction of Berm and Pumping Station and Authorizing the Issuance of Bonds to Finance such Appropriation” to increase the amount of the appropriation to \$9,607,765 and the bond authorization to \$5,975,663 (the “Further Amended Resolution”); and

WHEREAS, the Further Amended Resolution appropriates \$9,607,765 for total costs associated with the Project and authorizes the issuance of bonds in the amount of \$5,975,663 (the “Bonds”); and

WHEREAS, while the Town is liable for the debt service on the Bonds, for internal accounting purposes, it is appropriate that the costs of the Project including debt service on the Bonds (the “Costs”) be allocated between the General Fund of the Town and the funds of the Authority; and

WHEREAS, the Authority has agreed to pay for the Costs of the Project not paid from the Town’s General Fund, Capital Fund or from grant proceeds; and

WHEREAS, the Town now believes that it is appropriate that the Project Cost Increase be paid from the Town’s General Fund and/or Capital Fund.

NOW, THEREFORE, IT IS

RESOLVED,

That the 2019 Allocation Resolution is hereby amended to increase the maximum amount of Costs to be paid from the Town’s General Fund and/or Capital Fund to \$2,273,500, which amount includes the Town’s \$385,000 Debt plus the Project Cost Increase; and further

That all Costs of the Project not paid from the Town’s General Fund and/or Capital Fund as contemplated above and not paid from grant proceeds shall be paid from funds of the Authority; and

That the Town and the Authority shall enter into a Memorandum of Understanding regarding the cost sharing between the Town and the Authority as set forth herein.

COST ESTIMATE- ADDITIONAL COSTS ASSOCIATED WITH WWTP HARDENING PROJECT AS A RESULT OF HISTORICAL SOIL CONTAMINATION and DEBRIS FOUND BURIED ON SITE

April 30, 2021

rev May 10, 2021

SUMMARY:

History of Project: After Superstorm Sandy, it was decided that the Town's most critical facility, the Wastewater Treatment Plant on Richard White Way should be protected from flooding from extreme coastal storm events as the WWTP nearly flooded during this event. Soon after this extraordinary storm, that wasn't even considered a hurricane in the Northeast, Federal grant money became available to fund projects that would mitigate the impacts of coastal flooding of critical infrastructure facilities. The Town Of Fairfield applied for and received grant money from the CDBG-Disaster Recovery grant program in the amount of \$2,316,000 that was later increased to \$3,632,106. Construction on the project began in January of 2020. During excavation required to install the flood protection structure and other structures contamination was found. Additional testing indicated this material was of significant nature and from historical fill placed on the site back in the 1940's and perhaps later. In addition, in the 1950's, 60's and 70's, industrial sites discharged wastewater into the WWTP where it was processed and sludge from the waste stream was placed adjacent to the WWTF. This sludge product was recently found to contain constituents of concern. At that time the EPA was notified. The project was put on hold until proper direction was provided to the Town by the regulators: the EPA and CT DEEP. The pandemic was also occurring simultaneously which caused further delays in proceeding with this project. Further testing was ultimately required by the EPA over the entire site which was conducted by the Town's Licensed Environmental Professionals. This testing determined that there was soil contamination of concern throughout the site. These finding contributed to the extremely costly methods the town now had to proceed in order to complete this critical project. They are described in the following paragraphs.

CONSTRUCTION COSTS:

Additional construction costs include all expenses that are now required to excavate/handle/dispose of contaminated material (soil, groundwater and other debris) found during excavation now required by regulators for the WWTP Hardening Project including

groundwater management for stormwater pump station installation. Excavation is required for installation of steel flood walls, stormwater drainage system, removal of obstructions found in line of flood wall. This work is required by EPA and CTDEEP to create a clean corridor where structures are proposed to be installed, providing assurance to all, for future excavations, that contaminated soils and/or debris has been removed under and adjacent to the newly installed structures.

Cost - \$1,383,158

LANDSCAPING: MODIFIED DUE TO SOIL CONTAMINATION

Screening will be provided at grade level as follows from Sta 21+00 to 24+50 which is behind the Fire Training Center and directly behind the burn buildings:

Landward side of steel sheets- 8' – 10' high coniferous trees with some deciduous trees mixed in, will be planted in area where gabion wall was proposed but at base of and directly adjacent to the steel sheet pile wall. This will provide screening for fire training buildings.

Waterward side of steel sheets- Mixture of native shrubs/grasses will be planted at base of and directly adjacent to the steel sheet pile wall. This will provide screening for the actual steel wall.

All planting to be within 30" of either side of steel wall where soil contamination is not an issue, as this area has been tested prior to the installation of the steel sheets.

Total Cost –\$100,000 - Fire Department has secured a \$40,000 grant for plantings. Remaining amount of \$60,000 will include cost for fill material on waterward side of steel sheetpile wall and cost to plant the shrubs, grasses and trees. The shrubs will provide screening of the steel sheet pile wall while the taller trees planted on the landward side of the wall will provide screening for the burn buildings and school. In Original plan with gabion wall, stone gabion baskets would be exposed and would be visible from Fairfield Beach Road with planting on top of wall. Gabion wall would have screened steel sheets, but with this proposal, native shrubs will provide screening. No screening was proposed for actual gabion wall structure.

Cost to town: \$60,000

NO WORK CAN BE DONE IN REMAINDER OF SITE UNTIL EPA AND CTDEEP AGREES ON REMEDIAL ACTION PLAN AND PERMITS ARE ISSUED by CTDEEP. RECOMMENDATION IS TO CAP THESE AREAS FIRST THEN PLANT TREES OVER CAP. THESE COSTS SHOULD BE INCLUDED

IN OVERALL REMEDIATION PLAN FOR ENTIRE WWTP SITE AND SEH AREA AT A LATER DATE AND REMOVED FROM WWTP HARDENING PROJECT.

CONSULTANTS FEES:

Construction Administration and Oversight - required for work remaining until project is completed from time period of February through June of 2021. This is required due to delays encountered and project shut down time due to discovery of soil contamination.

Fee - \$100,000

Environmental Consulting Services – LEP oversight is required for contaminated soil management, testing, when needed, and providing direction to the General Contractor. Additional soil testing will be needed in Section 2, 3 and 2A if town went ahead and planted in these sections. This is not recommended at this time. These areas should be included in overall site remediation action plan for WWTP.

Fee - \$127,700 - fee doesn't include testing for any other landscaping throughout site

COST WITHOUT GABION WALL AND PLANTINGS - \$227,700

TRAFFIC CONTROL:

Police traffic control for periods when roadway will be elevated: \$43,200

Flaggers for traffic control: \$6,970

Cost: \$50,170

See attached spread sheets for cost breakdowns.

Estimate of Additional Costs due to Environmental Hazards

Construction

Sheet Pile Abandonment at PS #1	\$71,515
Disposal of PCB cont gw in frac tank and decon of filter equ't	\$86,934
Fence for Significant Env Hazard Area	\$5,726
Completed Clean Corridor (Nov, Dec, Jan)	\$301,983
Remove CB and light poleat FTC	\$10,000
Replace corroded pipe behind Cons Workshop	\$10,000
Obstruction removal for sheetpiles	\$25,000
Dewatering Hanging Pump Station #2	\$25,000
Remaining Clean Corridor Excavation and Disposal, soil Mgmt	\$600,000
Outfall Pipe -soil mgmt and dewatering mgmt	\$50,000
Additional expenses for soil mgmt Nov - Jan (COP #19)	\$197,000
Total	\$1,383,158

Landscaping

Landscaping outside and inside wall near FTC in place of gabion wall-\$100k total, \$40k from grant	\$60,000
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Engineering Fees

Tighe and Bond Construction Admin and Oversight - April thru August	\$100,000
Tighe and Bond Environmental Consulting Services	\$127,700
Total	\$227,700

Traffic Control - Police and flaggers

\$50,170

SUB TOTAL - Construction, engineering, landscaping and traffic control

\$1,721,028

Available contingency

\$80,000

TOTAL

\$1,641,028

15% contingency

\$247,471

GRAND TOTAL

\$1,888,500

Rev. Est. May 10th

Hardening Project - History of Approvals

Funding:	June 22 2015		October 28 2019		Totals		October 26 2020		Totals		May 2021		Total
	Original		Additional	As of Oct 28 2019	As of Oct 28 2019	As of Oct 26 2020	Additional (2)	As of Oct 26 2020	As of Oct 26 2020	Additional (3)			
Grant	\$ 2,316,000	\$	1,016,102	\$ 3,332,102	\$ 3,332,102	300,000	\$	3,632,102	\$	-	\$	3,632,102	
Town*	\$ 386,000	\$	(1,000)	\$ 385,000	\$ 385,000	-	\$	385,000	\$	1,888,500	\$	2,273,500	
WPCA**	\$ 386,000	\$	3,316,163	\$ 3,702,163	\$ 3,702,163	-	\$	3,702,163	\$	-	\$	3,702,163	
Total	\$ 3,088,000	\$	4,331,265	\$ 7,419,265	\$ 7,419,265	300,000	\$	7,719,265	\$	1,888,500	\$	9,607,765	

* \$1,000 clerical adjustment in Oct 28 2019. Bonded in June 2020

**\$386,000 From WPCA FB in FY18