

CURTIS RAND  
FIRST SELECTMAN

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Christian Williams  
Donald Mayland  
Selectmen

Town Hall  
P.O. Box 548  
27 Main Street  
Salisbury, Connecticut 06068

## **BOS – Minutes – 5.3.2021**

The Board of Selectmen Regular Meeting minutes of May 3, 2021.

**Present:** Curtis Rand, First Selectman; Christian Williams, Selectman; Donald Mayland, Selectman; Emily Egan, Secretary; members of the press and public.

The meeting was **called to order** at 5:00pm.

There was a **Moment of Silence for Memorial Day.**

C. Williams made a motion to **approve the agenda with the addition of (#7c) Tax Collector Refunds.** D. Mayland seconded, and the motion was approved unanimously.

D. Mayland made a motion to **approve the minutes of the April 5th (Regular Meeting) and April 19th (Special Meeting).** C. Williams seconded, and the motion was approved unanimously. C. Rand mentioned that at the April 19th meeting, the Board of Selectmen approve the final budgets of the Board of Selectmen and SCS Board of Education and set the mill rate, unanimously approved by the Board of Finance, to 11.0% (down from 11.6%)

### **First Selectman Reports**

C. Rand mention two topics that are causing consternation in our town, including a proposed cell phone tower at 106 Sharon Road, Lakeville, as well as the Inland Wetland & Watercourses Commissions (IWWC) new proposed regulations. He urged patience and optimism that common ground can be found.

AT&T will float a balloon on Friday, May 7th (rain date: May 9th) for a visual test of the proposed location of the tower. The CT Siting Council will hold a remote public hearing on June 29, 2021; public comment can be made during the session or by submitting written statements for 30 days following the close of the hearing.

C. Rand also mention that Salisbury School teacher, Rhonan Mokriski, and students completed a project-based learning course called Searching for Slavery in Northwest Connecticut. There was a presentation at the Norfolk Historic District, where Congresswoman Jahana Hayes, State Senator Kevin Witkos, State Representative Maria Horn were all in attendance to proclaim May 1 as James Mars Day in Connecticut.

### **Old Business**

- a. The Selectmen discussed the multiple proposals that have been submitted for the Railroad Station building in Lakeville and unanimously decided that all planning should be pursued once the current projects underway or proposed have been addressed and that at this time only maintenance to the building will be addressed.

- b. The Selectmen announced there will be an increase in the fees to use the Transfer Station, starting in the 2021-2022 fiscal year.
- c. The Selectmen mentioned traffic and speeding. In the past, there was a proposal to install a median island to reduce speed on the state road (Route 44) when entering Lakeville. The Selectmen decided to contact the CTDOT to reopen this discussion.

### **New Business:**

- a. **United States Department of Agriculture Loan Resolutions**  
C. William made a motion that the two Loan Resolutions of the Board of Selectmen “The Town of Salisbury authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Municipal Government facility to serve an area lawfully within its jurisdiction to serve. Whereas, it is necessary for the Town of Salisbury (herein after called the Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$1,567,00.00 pursuant to the provisions of CT General Statutes... continued to **(See Attached Loan Resolutions), #17. To accept a grant in an amount not to exceed \$53,776.00 AND \$291,117.00**, under the terms offered by the government; that the First Selectman and of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).” D. Mayland seconded, and the motion was approved unanimously. The vote was 3 Yeas, 0 Nays for both resolutions.
- b. D. Mayland made a motion to appoint Vivian Garfein as an Alternate to the Inland Wetland & Watercourses Commission. C. Williams seconded, and the motion was approved unanimously.
- c. The Tax Collector, Jean Bell recommended the following accounts for a tax refund due to overpayment: Salisbury Bank & Trust, Roger Crain, \$676.86; Salisbury Bank & Trust, Jennifer Jones, \$531.28; Daniel Rashkoff, \$10.74; Salisbury Square LLC, \$632.49; Wells Fargo, Dominick Conde, \$1,172.76; VW Credit, \$89.25. The Selectmen moved, seconded and approved the tax refund unanimously.

### **Selectmen Reports**

- Reminder to remove keys from vehicles and lock the doors.
- Salisbury Volunteer Ambulance Service will be celebrating 50 years of service. SVAS requested permission to fly SVAS flags under the American Flags on certain flagpoles in town.
- C. Rand noted that the National Day of Prayer ceremony will be observed at 6:00pm on Thursday, May 6<sup>th</sup> outside Salisbury Town Hall.

### **Citizen Comments**

Athena Fliakos requested permission to hold a road race in October on Selleck Hill. Danella Schiffer asked that the Town help with management issues at Great Falls (Amesville) in the upcoming summer season.

**Adjourn: 5:59pm**

**LOAN RESOLUTION**  
(Public Bodies)A RESOLUTION OF THE Board of SelectmenOF THE Town of Salisbury

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Municipal Government

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Salisbury

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Five Hundred Sixty-Seven Thousand & 00 100pursuant to the provisions of CT General Statutes; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 52,776.00

under the terms offered by the Government; that the First Selectman

and N/A of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas 3 Nays 0 Absent 0

IN WITNESS WHEREOF, the Board of Selectmen of the

Town of Salisbury has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 5<sup>th</sup> day, \_\_\_\_\_ day of May, 2021

(SEAL)

Attest:



Patricia Williams

Title Town Clerk

Salisbury Board of Selectmen

By

  
Curtis Rand


Title

First Selectman

**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Town Clerk of the Town of Salisbury  
hereby certify that the Board of Selectmen of such Association is composed of  
3 members, of whom, 3 constituting a quorum, were present at a meeting thereof duly called and  
held on the 3<sup>rd</sup> day of May, 2021; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of the date of this Certificate,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this 7<sup>th</sup> day of May, 2021

  
\_\_\_\_\_  
Patricia Williams  
Title Town Clerk

**LOAN RESOLUTION**  
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(Public Body)

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One Million Five Hundred Sixty-Seven Thousand & 00 100pursuant to the provisions of CT General Statutes; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

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11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
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15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 291,117.00

under the terms offered by the Government; that the First Selectman

and N/A of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

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The vote was: Yeas 3 Nays 0 Absent 0

IN WITNESS WHEREOF, the Board of Selectmen of the

Town of Salisbury has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 5<sup>th</sup> day, \_\_\_\_\_ day of May, 2021

(SEAL)

Attest:

Patricia Williams

Title Town Clerk

Salisbury Board of Selectmen

By

Curtis Rand


Title

First Selectman

### CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Town Clerk of the Town of Salisbury  
hereby certify that the Board of Selectmen of such Association is composed of  
3 members, of whom, 3 constituting a quorum, were present at a meeting thereof duly called and  
held on the 3<sup>rd</sup> day of May, 2021; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of the date of this Certificate,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this 7<sup>th</sup> day of May, 2021

  
\_\_\_\_\_  
Patricia Williams  
Title Town Clerk