

Proposed Additional Resolution

A RESOLUTION APPROPRIATING \$7,500,000 FOR COSTS RELATED TO REMEDIATION AT PENFIELD PAVILION

WHEREAS, the Town of Fairfield, Connecticut (the “Town”) is holding funds (the “Funds”) in its Capital Non-Recurring Fill Pile Remediation Account (the “Account”); and

WHEREAS, the total cost of remediation at Penfield Pavilion is estimated to be \$8,500,000;

WHEREAS, the Town has already designated \$1,000,000 in ARPA funds for remediation at Penfield Pavilion;

WHEREAS, the Town desires to appropriate \$7,500,000 of the Funds for costs related to remediation at Penfield Pavilion;

NOW, THEREFORE, BE IT RESOLVED:

The Board of Selectmen recommends the Board of Finance appropriates Seven Million Five Hundred Thousand and 00/100 Dollars (\$7,500,000) of the Account for costs related to remediation at Penfield Pavilion.

20 YEAR

A RESOLUTION APPROPRIATING \$3,000,000 FOR THE PENFIELD PAVILION FOUNDATION AND CONSTRUCTION PROJECT AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION.

WHEREAS Contaminated fill from the (Julian) fill pile was illegally deposited beneath Penfield Pavilion during construction;

WHERE By state and federal law, the Town is required to remove the fill in accordance with DEEP & EPA standards under the consent order;

WHEREAS FEMA has determined the Town installed horizontal grade beams at a height that is in violation of federal floodplain management regulations;

WHERE under federal law, the Town is required to bring Penfield Pavilion into compliance;

WHEREAS The Town has received Notices of Violation from federal and state agencies that must be addressed.

WHEREAS If the Town does not take corrective action by the end of March regarding the Notice of Violation at Penfield Pavilion, we face a myriad of negative consequences that will impact residents and the Town;

WHEREAS Penfield Pavilion is an asset to the community enjoyed by residents year round;

WHEREAS cleaning the contaminated fill and lowering the grade beams is necessary to comply with all state and federal laws;

WHEREAS, the Town has accumulated \$14,800,000 in surplus funding that is available for expenditure; and

WHEREAS, the Town allocated \$1,000,000 in American Rescue Plan Act funding for purposes of Fill Pile Remediation

Now, therefore, it is hereby:

RESOLVED:

As recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield (the "Town") hereby appropriates the sum of Three Million and 00/100 Dollars (\$3,000,000) for costs related to the demolition of the existing foundation and construction of the Penfield Pavilion,

including, but not limited to, the recasting of new concrete foundations to a height of eight feet, and all related engineering, administrative, financing, legal, contingency and other soft costs (the “Project”).

1. 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 may borrow a sum not to exceed Three Million and 00/100 Dollars (\$3,000,000) and issue its general obligation bonds/bond anticipation notes for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.
2. 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, as amended (the “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.
3. The First Selectwoman 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.

4. The First Selectwoman 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.
5. 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.
6. The Committee is further authorized to make temporary borrowings as authorized by the 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 Statutes. Notes evidencing such borrowings shall be signed by the First Selectwoman 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 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.
7. 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.

8. The First Selectwoman, 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.
9. 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 Statutes and the laws of the United States.
10. The First Selectwoman or other proper Town official is authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary and proper in connection therewith. 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.



Penfield Pavilion Conceptual Estimate

BISMARK CONSTRUCTION COMPANY
203 - 876 - 8331



		Construction Enabling and Restoration
10 00 00	GENERAL CONDITIONS GENERAL CONDITIONS	\$ 282,563
02 00 00	EXISTING CONDITIONS TEMPORARY SUPPORT PORCH ROOFS REMOVE BUILDING SKIRTING DEMO/REMOVE EXISTING DECKING Electric/Telephone/CTV Water/Fire Service Sanitary Sewer Gas Service TEMPORARY BUILDING SUPPORT DEWATERING TEMP POWER AND PHONE FOR FIRE ALARM	\$ 583,000
06 00 00	WOOD, PLASTICS, AND COMPOSITES STRUCTURAL WOOD FRAMING NEW BUILDING SKIRTING NEW DECKS, RAMPS, RAILINGS, & STAIRS	\$ 600,000
31 00 00	EARTHWORK FILL UNDER BUILDING TO NATURAL GRADE APPROX ELEV 8 Limited Access Granular Fill Unlimited Access PLACE FILL TO NEW EXTERIOR ELEVATIONS HELICAL PILES EXCAVATE BEACH TO ELEVATION 8 REMOVAL AND DISPOSAL OF STONE REVETMENT (TO BE VERIFIED IN FIELD) TEMPORARY CONSTRUCTION FENCE W/PRIVACY SCREEN	\$ 935,000
32 00 00	EXTERIOR IMPROVEMENTS RE-LANDSCAPE AREA AROUND BUILDING NEW CONCRETE WALKS NEW CONCRETE WALK ALONG PARKING LOT ENTIRE LENGTH OF BUILDING AT ELEV. 8 NEW CONCRETE STAIRS	\$ 312,000
33 00 00	UTILITIES (Assumption All Utility Tie Ins at End of Driveway) RECONNECT UTILITIES Electric, Telephone & CATV Water and Fire Service Sanitary Sewers Gas Service UI SERVICE CHARGES (ESTIMATE) ROOF LEADER DRAINAGE SYSTEM	\$ 173,500
TOTAL CONSTRUCTION COST:		\$ 2,886,063

Excess Liability Insurance
CM Pre Construction Fee
P & P Bond Costs
CONSTRUCTION MANAGER Fee
P & P Bond Costs (Subcontractors)
A/E Fees
State of CT. BBLD Fee
Fairfield Permit Fee
Project Contingency
Escalation

SUBTOTAL HARD COST:

\$ 3,334,224

Builders Risk Insurance
Testing and Special Inspections
Owner Contingency

SUBTOTAL SOFT COST:

\$ 217,945

Construction Enabling and Restoration

\$ 3,552,169



**Pennfield Pavillion Remedial Cost Estimate
Excavate Soil in Cells with Building in Place
Fairfield, CT**



TASK No.	DESCRIPTION	Total
1	Planning, Engineering, Reporting, Closure & Legal	
	Investigation Work Plan/Regulatory Negotiations	
	Additional Soil Investigation	
	Remedial Action Plan/Regulatory Negotiations	
	Permitting (IWWA and P&Z)	
	Remediation Observation and Contract Coordination	
	Remedial Action Report	
	Consent Order Regulatory Filing	
	Construction Manager Fee	
	Subtotal	\$ 605,176
2	Site Preparation & Restoration	
	Catch Basin Protection	
	Erosion Control	
	Pre-Remediation Stake-out survey	
	Construct Waste Storage Area	
	Construct Anti-Tracking Pad	
	Transport, Place and Compact Clean Backfill	
	Paving	
	Subtotal	\$ 205,738
3	Remedation Sampling and Monitoring	
	Waste Profile Sampling	
	Dust Control/Air Monitoring	
	Verification Sampling (Asbestos)	
	Verification Sampling (PCBs)	
	Verification Sampling (PAHs)	
	Verification Sampling (ETPH)	
	Subtotal	\$ 150,085
4	Remediation	
	Mobilization/Demobilization (Phase I - Exterior Work and Limited Demolition)	
	Excavation	
	PCB Vacuum Excavation	
	Asbestos Excavations Special Screening and Air Monitoring	
	Mobilization/Demobilization (Phase II and III - Beneath Building)	
	Vacuum Excavation Beneath Building (Solid Waste Only)	
	Subtotal	\$ 2,477,800
5	Transport and Disposal	
	ACM Soil	
	PCB Soil	
	Solid Waste Soil	
	Subtotal	\$ 1,582,750
	TOTAL	\$ 5,021,549



Penfield Pavilion Conceptual Estimate

BISMARK CONSTRUCTION COMPANY
203 - 876 - 8331



		DEMO & REBUILD FOUNDATIONS AT ELEVATION 8'
10 00 00	GENERAL CONDITIONS GENERAL CONDITIONS	\$ 204,520
02 00 00	EXISTING CONDITIONS DEMOLISH EXISTING FOUNDATION Limited Access	\$ 450,000
03 00 00	CONCRETE WORK	\$ 1,755,000
03 10 00	CAST IN PLACE CONCRETE FOUNDATIONS Limited Access ADDITIONAL CONCRETE ABOVE NEW FOUNDATION TO EXISTING GRADES	
TOTAL CONSTRUCTION COST:		\$ 2,409,520
Excess Liability Insurance CM Pre Construction Fee P & P Bond Costs CONSTRUCTION MANAGER Fee P & P Bond Costs (Subcontractors) State of CT. BBLD Fee Project Contingency Escalation		
SUBTOTAL HARD COST:		\$ 2,791,937
Builders Risk Insurance Testing and Special Inspections Owner Contingency		
SUBTOTAL SOFT COST:		\$ 260,630
DEMO & REBUILD FOUNDATIONS AT ELEVATION 8'		\$ 3,052,567



Penfield Pavilion Conceptual Estimate AS the Required Town Process

BISMARK CONSTRUCTION COMPANY
203 - 876 - 8331



		Demolish Main Building and Foudations
10 00 00	GENERAL CONDITIONS	\$ 326,000
	GENERAL CONDITIONS SITE LOGISTICS	
02 00 00	EXISTING CONDITIONS	\$ 699,800
	TEMPORARY SUPPORT ROOF DISCONNECT EXISTING UTILITIES Electric/Telephone/CTV Water/Fire Service Sanitary Sewer Gas Service SEPARATE BUILDINGS DEMOLISH EXISTING STRUCTURE DEMOLISH EXISTING FOUNDATION DEWATERING CUT EXISTING WOOD PILES TO ELEVATION 6 TEMP POWER AND PHONE FOR FIRE ALARM	
06 00 00	WOOD, PLASTICS, AND COMPOSITES	\$ 345,000
	RECONSTRUCT ROOF AT CHANGING BUILDING NEW DECKS, RAMPS, RAILINGS, & STAIRS NEW SKIRTING AT CHANGING BUILDING	
26 00 00	ELECTRICAL	\$ 125,000
	RE-ESTABLISH SERVICE AND POWER PANELS AT CHANGING BUILDING	
33 00 00	UTILITIES (Assumption All Utility Tie Ins at End of Driveway)	\$ 72,500
	RECONNECT UTILITIES Electric, Telephone & CATV Water and Fire Service Sanitary Sewers Gas Service UI SERVICE CHARGES (ESTIMATE)	
TOTAL CONSTRUCTION COST:		\$ 1,568,300
	Excess Liability Insurance CM Pre Construction Fee P & P Bond Costs CONSTRUCTION MANAGER Fee Current Master Plan Fee A/E Fees State of CT. BBLD Fee Fairfield Permit Fee Certificate of Occupancy Project Contingency Escalation	

SUBTOTAL HARD COST:	\$	1,821,047
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Builders Risk Insurance		
Testing and Special Inspections		
Owner Contingency		

SUBTOTAL SOFT COST:	\$	189,389
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Demolish Main Building and Foudations	\$	2,010,436
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Pennfield Pavillion Remedial Cost Estimate
Excavate Soil in Cells with Building Removed
Fairfield, CT



TASK No.	DESCRIPTION	Total
1	Planning, Engineering, Reporting, Closure & Legal	
	Investigation Work Plan/Regulatory Negotiations	
	Additional Soil Investigation	
	Remedial Action Plan/Regulatory Negotiations	
	Permitting (IWWA and P&Z)	
	Remediation Observation and Contract Coordination	
	Remedial Action Report	
	Consent Order Regulatory Filing	
	Construction Manager Fee	
	Subtotal	\$ 605,176.00
2	Site Preparation & Restoration	
	Catch Basin Protection	
	Erosion Control	
	Pre-Remediation Stake-out survey	
	Construct Waste Storage Area	
	Construct Anti-Tracking Pad	
	Transport, Place and Compact Clean Backfill	
	Paving	
	Subtotal	\$ 205,738.00
3	Remediation Sampling and Monitoring	
	Waste Profile Sampling	
	Dust Control/Air Monitoring	
	Verification Sampling (Asbestos)	
	Verification Sampling (PCBs)	
	Verification Sampling (PAHs)	
	Verification Sampling (ETPH)	
	Subtotal	\$ 150,085.00
4	Remediation	
	Mobilization/Demobilization (Phase I - Exterior Work and Limited Demolition)	
	Excavation	
	PCB Excavation	
	Asbestos Excavations Special Screening and Air Monitoring	
	Mobilization/Demobilization (Phase II and III - Beneath Building)	
	Excavation Building (Solid Waste Only)	
	Subtotal	\$ 1,440,400.00
5	Transport and Disposal	
	ACM Soil	
	PCB Soil	
	Solid Waste Soil	
	Subtotal	\$ 1,582,750.00
	TOTAL	\$ 3,984,149.00



**Penfield Pavilion
Basic Necessities Estimate**

	Low End	High End	Average
Lifeguard Shack	\$ 200,000	\$ 400,000	\$ 300,000
Concessions	\$ 750,000	\$ 1,700,000	\$ 1,225,000
Bathrooms	\$ 250,000	\$ 750,000	\$ 500,000
Covered Deck	\$ 250,000	\$ 750,000	\$ 500,000
		Average Total	\$ 2,525,000

Many factors can effect construction costs such as, purpose, size, and building materials