



Town of Groton, Connecticut

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk 860-441-6640
Town Manager
860-441-6630

Meeting Minutes

Town Council

Mayor Heather Bond Somers, Councilors Dean G. Antipas, Bruce S. Flax, Bill Johnson, Karen F. Morton, Deborah L. Peruzzotti, Rita M. Schmidt, James L. Streeter, and Harry A. Watson

Tuesday, June 25, 2013

7:30 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING

I. ROLL CALL

The meeting was called to order at 8:47 p.m. by Mayor Somers.

Members Present: Mayor Somers, Councilor Flax, Councilor Johnson, Councilor Morton, Councilor Schmidt, Councilor Streeter and Councilor Watson

Members Absent: Councilor Antipas and Councilor Peruzzotti

Also present were Town Manager Mark Oefinger, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.

II. NEW BUSINESS

2013-0165

Introduction of Ordinance on Police Station Improvements

INTRODUCTION OF AN ORDINANCE APPROPRIATING \$5,345,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN OF GROTON POLICE STATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000) is appropriated for costs related to design and construction of improvements to the Town of Groton Police Station, including: boiler replacement; modernization of the prisoner processing and detention areas, repaving of the building parking area, structural and building envelope improvements, and upgrade of the firing range, and costs related to the financing thereof. The appropriation may be spent for design, acquisition, installation and construction costs, equipment, materials, construction management, site improvements, engineering fees, design and bidding services, testing and inspection costs, related site and utilities work, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council shall determine the scope and particulars of the project and may reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so modified or reduced.

Section 2. That the Town issue bonds or notes, in an amount not to exceed FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed FIVE MILLION THREE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$5,345,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that (except to the extent reimbursed from grant moneys) 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, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Introduced by the Mayor

Mayor Somers noted that the full text of the Ordinance is available at the Town Clerk's Office and on the Town website.

2013-0166 Resolution Setting Public Hearing on Ordinance for Police Station Improvements

RESOLUTION SETTING A PUBLIC HEARING DATE ON AN ORDINANCE APPROPRIATING \$5,345,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN OF GROTON POLICE STATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

RESOLVED, that the Town Council will hold a public hearing on an Ordinance Appropriating \$5,345,000 for the Design and Construction of Improvements to the Town of Groton Police Station and Authorizing the Issue of Bonds and Notes in the Same Amount to Finance Said Appropriation, on Tuesday, July 16, 2013 at 7:30 p.m. in Town Hall Annex Community Room 1.

A motion was made by Councilor Watson, seconded by Councilor Flax, that this matter be Adopted.

The motion carried unanimously

2013-0167 Referral of Police Station Improvements to Planning Commission Under CGS Section 8-24

RESOLUTION REFERRING POLICE STATION IMPROVEMENTS PROJECT TO THE PLANNING COMMISSION UNDER CGS SECTION 8-24

WHEREAS, the Town Council has reviewed a proposal for Police Station Improvements, and

WHEREAS, the Town Council considers it appropriate to present the project to the Town's voters in a bond referendum, now therefore be it

RESOLVED, that the Town Council refers the Police Station Improvements Project to the Planning Commission, pursuant to CGS Section 8-24.

A motion was made by Councilor Flax, seconded by Councilor Watson, that this matter be Adopted and Referred to the Planning Commission, due back on July 16, 2013.

The motion carried unanimously

2013-0168 Introduction of Ordinance on Flanders Road Water and Sewer Expansion

INTRODUCTION OF AN ORDINANCE APPROPRIATING \$9,900,000 FOR THE DESIGN AND CONSTRUCTION OF THE EXPANSION OF WATER SERVICE AND SEWER SERVICE TO THE MIDDLE SEGMENT AND LOWER SEGMENT OF THE FLANDERS ROAD AREA AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) is appropriated for costs related to the design and construction of the expansion of water service (estimated cost \$2,900,000) and sewer service (estimated cost \$7,000,000) to the middle segment and lower segment of the Flanders Road area, substantially as shown in the Flanders Road Study dated January 2013. The appropriation may be spent for design and construction costs, acquisition and installation costs, acquisition costs of land and easements, equipment, materials, construction management, site improvements, engineering fees, design and bidding services, testing and inspection costs, traffic control, related site and utilities work, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council shall determine the scope and particulars of the project and may reduce or modify the scope of the project, and the entire appropriation may be expended on the project as so modified or reduced.

Section 2. That the Town issue bonds, notes or obligations, in an amount not to exceed NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-259, Section 7-369 and

Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes issued to finance the non-sewer portion of the project are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on such bonds or notes as the same become due and payable. The Town does hereby covenant and agree with the holders of the bonds, notes or obligations and all notes and interim funding obligations issued in anticipation of the receipt of the proceeds from the sale of such bonds, notes or obligations that in each year while any such bonds, notes or obligations issued to finance the sewer portion of the project are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town, other than properties within the City of Groton, in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on such bonds, notes or obligations as the same become due and payable.

Section 3. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes and obligations outstanding at any time shall not exceed NINE MILLION NINE HUNDRED THOUSAND DOLLARS (\$9,900,000). The notes shall be issued pursuant to Section 7-264, Section 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a and 7-378b of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any obligations.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that (except to the extent reimbursed from grant moneys) 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, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

Section 7. That the Town Manager, on behalf of the Town, is authorized to apply for and accept federal and state grants to finance the sewer portion of the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State. The Town Manager, the Director of Finance and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

Section 8. That the Water Pollution Control Authority is authorized to construct the sewer portion of the project; to approve design and construction expenditures and any easement acquisition costs incurred for the sewer portion of the project; and to contract with engineers, contractors and others on behalf of the Town for said sewer portion of the project. All such authority is subject to the provisions of Section 1.

Section 9. That the Town Manager, the Director of Finance, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes or obligations to finance the aforesaid appropriation.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Introduced by the Mayor

Mayor Somers noted that the full text of the Ordinance is available at the Town Clerk's Office and on the Town website.

2013-0169

Resolution Setting Public Hearing on Ordinance for Flanders Road Water and Sewer Expansion

RESOLUTION SETTING A PUBLIC HEARING DATE ON AN ORDINANCE APPROPRIATING \$9,900,000 FOR THE DESIGN AND CONSTRUCTION OF THE EXPANSION OF WATER SERVICE AND SEWER SERVICE TO THE MIDDLE SEGMENT AND LOWER SEGMENT OF THE FLANDERS ROAD AREA AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

RESOLVED, that the Town Council and Water Pollution Control Authority will hold a joint public hearing on an Ordinance Appropriating \$9,900,000 for the Design and Construction of the Expansion of Water Service and Sewer Service to the Middle Segment and Lower Segment of the Flanders Road Area and Authorizing the Issue of Bonds and Notes in the Same Amount to Finance Said Appropriation, on Tuesday, July 16, 2013 at 7:30 p.m. in Town Hall Annex Community Room 1.

A motion was made by Councilor Streeter, seconded by Councilor Schmidt, that this matter be Adopted.

The motion carried unanimously

2013-0170

Referral of Flanders Road Water and Sewer Expansion Project to Planning Commission Under CGS Section 8-24

RESOLUTION REFERRING FLANDERS ROAD WATER AND SEWER EXPANSION
PROJECT TO THE PLANNING COMMISSION UNDER CGS SECTION 8-24

WHEREAS, the Town Council has reviewed a proposal for expansion of water and sewer services to the Flanders Road area, and

WHEREAS, the Town Council considers it appropriate to present the middle and lower segments of the project to the Town's voters in a bond referendum, now therefore be it

RESOLVED, that the Town Council refers the Flanders Road Water and Sewer Expansion Project to the Planning Commission, pursuant to CGS Section 8-24.

A motion was made by Councilor Johnson, seconded by Councilor Flax, that this matter be Adopted and Referred to the Planning Commission, due back on July 16, 2013.

The motion carried unanimously

2013-0171

Referral of Flanders Road Water and Sewer Expansion Project to Water Pollution Control Authority Under CGS Section 22a-479

RESOLUTION REFERRING FLANDERS ROAD WATER AND SEWER EXPANSION
PROJECT TO THE WATER POLLUTION CONTROL AUTHORITY UNDER CGS SECTION
22a-479

WHEREAS, the Town Council has reviewed a proposal for expansion of water and sewer services to the Flanders Road area, and

WHEREAS, the Town Council considers it appropriate to present the middle and lower segments of the project to the Town's voters in a bond referendum, now therefore be it

RESOLVED, that the Town Council refers the Flanders Road Water and Sewer Expansion Project to the Water Pollution Control Authority pursuant to CGS Section 22a-479.

A motion was made by Councilor Schmidt, seconded by Councilor Watson, that this matter be Adopted and Referred to the Water Pollution Control Authority, due back on July 16, 2013.

The motion carried unanimously

2013-0107

Cell Tower on Gary Court

RESOLUTION AUTHORIZING A LAND LEASE AGREEMENT FOR A CELLULAR TOWER
ON GARY COURT

WHEREAS, SBA Towers III, LLC has approached the Town about constructing a cellular tower in the vicinity of the Water Pollution Control Facility at 170 Gary Court, and

WHEREAS, the Town has negotiated terms for an agreement that are reasonable and consistent with rents paid for other primary cellular tower lease agreements in the Town, and

WHEREAS, the proposed lease agreement has been submitted to the Town Attorney for review, now therefore be it

RESOLVED, that the Town Council approves the proposed lease agreement with SBA Towers III, LLC to construct a tower in the vicinity of the Water Pollution Control Facility at 170 Gary Court after approval by the Connecticut Siting Council, and be it further

RESOLVED, that Town Manager Mark R. Oefinger is authorized to sign the lease agreement and any necessary applications to permit the cellular tower construction.

A motion was made by Councilor Morton, seconded by Councilor Schmidt, that this matter be Adopted.

The motion carried unanimously

The appointments on tonight's agenda were moved by Councilor Flax, seconded by Councilor Watson and voted on at the same time. All appointments passed unanimously.

2013-0160 Appointment of Todd Brady as a Regular Member of the Historic District Commission

RESOLUTION APPOINTING TODD BRADY AS A REGULAR MEMBER (FROM AN ALTERNATE MEMBER) TO THE HISTORIC DISTRICT COMMISSION

RESOLVED, that Todd F. Brady, 17 Water Street, Mystic, is hereby appointed as a regular member (from an alternate member) to the Historic District Commission for a term ending 12/31/15.

A motion was made by Councilor Flax, seconded by Councilor Watson, that this matter be Adopted.

The motion carried unanimously

2013-0161 Appointment of Donald Levenson to Historic District Commission

RESOLUTION APPOINTING DONALD LEVENSON AS AN ALTERNATE MEMBER TO THE HISTORIC DISTRICT COMMISSION

RESOLVED, that Donald Levenson, 223 Ensign Drive, Mystic, is hereby appointed as an alternate member to the Historic District Commission for a term ending 12/31/16.

A motion was made by Councilor Flax, seconded by Councilor Watson, that this matter be Adopted.

The motion carried unanimously

III. ADJOURNMENT

A motion to adjourn at 8:58 p.m. was made by Councilor Watson, seconded by Councilor Morton and so voted unanimously.

Attest:

*Betsy Moukawsher, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant