



# Town of Groton, Connecticut

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Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

## Meeting Minutes - Draft

### Town Council

*Mayor Bruce Flax, Councilors Dean G. Antipas, Diane Barber, Joe de la Cruz, Greg Grim, Karen F. Morton, Bonnie Nault, Deb Peruzzotti, and Harry A. Watson*

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Tuesday, June 28, 2016

6:30 PM

Town Hall Annex - Community Room 1

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#### SPECIAL MEETING

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*Mayor Flax called the meeting to order at 6:45 p.m.*

#### I. ROLL CALL

Members Present: Mayor Flax, Councilor Grim, Councilor Morton, Councilor Nault, Councilor Peruzzotti and Councilor Watson

Members Absent: Councilor Antipas, Councilor Barber and Councilor de la Cruz

*Also present were Town Manager Mark Oefinger and Town Clerk Betsy Moukawsher.*

#### II. NEW BUSINESS

**2016-0169**

##### **Adoption of Ordinance on School Facilities Initiative**

ADOPTION OF ORDINANCE APPROPRIATING \$184,500,000 FOR THE DESIGN AND CONSTRUCTION OF THE GROTON 2020 PLAN, CONSISTING OF A NEW, CONSOLIDATED MIDDLE SCHOOL AND CONVERSION OF THE EXISTING MIDDLE SCHOOLS INTO "RENOVATED LIKE NEW" ELEMENTARY SCHOOLS, 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 ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000) is appropriated for costs related to design and construction of (i) a new, approximately 169,000 sq. ft. consolidated middle school to be situated on the Town-owned Merritt site at 35 Groton Long Point Road, between Ella Grasso Technical High School and Robert E. Fitch High School and (ii) conversion of the existing Carl C. Cutler Middle School at 160 Fishtown Road and the existing West Side Middle School at 250 Brandegee Avenue into two "renovated like new" pre-K through grade 5 elementary schools, including the addition of approximately 11,000 sq. ft. of new space at each school. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements off and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes in an amount not to exceed ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 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 temporary notes outstanding at any time shall not exceed ONE HUNDRED EIGHTY-FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$184,500,000). 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 Sections 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.

Section 4. 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 project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings 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 resolution 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 Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. 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 9. 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 the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Refer to RTM.

**A motion was made by Councilor Watson, seconded by Councilor Peruzzotti, that this matter be Adopted and Referred to the Representative Town Meeting, due back on August 10, 2016.**

*Councilor Watson gave an overview of the proposed Ordinance and the liabilities to the taxpayers.*

*At her request, Council Nault read the entire Ordinance into the record.*

*Mayor Flax stated that a lot of things need to come together and if these things do not come together, the Town Council has the opportunity to not run the Ordinance. He stated as an example that the Town has to deal with some land, request State grants, and other issues that need to happen.*

*Town Manager Mark Oefinger confirmed Mayor Flax's statement and added that if those things do not happen, we do not have a project. He concluded that they need approval of a waiver request, 80% reimbursement grant for one of the schools, and gaining access to the Merritt property. He stated that if one of those three things do not happen, then the project does not move forward.*

*Councilor Grim stated that some of the items necessary will not happen until after the referendum.*

*Town Manager Mark Oefinger stated that the Town was told, after the attempt to get legislation approved this year, that the voters have to approve the project before they can apply for the grants.*

*Mayor Flax stated that if any of the listed items are not approved before or after the referendum, the Town has the ability to abandon the ordinance.*

*Councilor Nault stated that the Ordinance will be referred to the Representative Town Meeting at their July 13, 2016 regular meeting and that they must act on the Ordinance at their August 10, 2016 regular meeting.*

*Councilor Nault asked for the status of the properties being considered for the construction of the proposed new middle school. Town Manager Mark Oefinger listed the status of the properties currently under consideration by the Department of Energy and Environmental Protection.*

*Mayor Flax called for a roll call vote, as a procedural requirement.*

**The motion carried by the following vote:**

**Votes:** In Favor: 6 - Mayor Flax, Councilor Grim, Councilor Morton, Councilor Nault, Councilor Peruzzotti and Councilor Watson

**2016-0170 Authorization to Use a Description of the Ordinance for the School Facilities Initiative in the Notice of Adoption**

AUTHORIZATION TO USE A DESCRIPTION OF THE SCHOOL FACILITIES INITIATIVE ORDINANCE IN NOTICE OF ADOPTION

WHEREAS, Section 5.5.6.2 of the Town Charter provides that notice of the adoption of a legislative ordinance "shall include the title, serial number, and complete text of the ordinance, except that if so directed by the Town Council, a description of the ordinance prepared by the Town Attorney may be substituted for the complete text," and

WHEREAS, upon the Town Council approval of the School Facilities Initiative Ordinance the Town Clerk would like to publish a description of the ordinance rather than the full ordinance in the notice of adoption, now therefore be it

RESOLVED, that the Town Attorney is directed to prepare a description of the School Facilities Initiative Ordinance for publication as a substitute for the complete text.

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

The motion carried unanimously

**2016-0171 West Side Renovation Project**

RESOLUTION AUTHORIZING THE BOARD OF EDUCATION TO FILE AN APPLICATION WITH THE STATE FOR A SCHOOL CONSTRUCTION GRANT

WHEREAS, the Town Council must authorize the Board of Education to apply for a grant to renovate West Side, now therefore be it

RESOLVED, the Town Council:

- Establishes the Groton Permanent School Building Committee as the building committee for the West Side renovation project.
- Authorizes at least the preparation of schematic drawings and outline specifications.
- Authorizes the filing of the grant application.

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

The motion carried unanimously

*Councilor Antipas arrived at 7:06 p.m.*

Members Present: Mayor Flax, Councilor Antipas, Councilor Grim, Councilor Morton, Councilor Nault, Councilor Peruzzotti and Councilor Watson

Members Absent: Councilor Barber and Councilor de la Cruz

**2016-0174 Cutler Renovation Project**

RESOLUTION AUTHORIZING THE BOARD OF EDUCATION TO FILE AN APPLICATION WITH THE STATE FOR A SCHOOL CONSTRUCTION GRANT

WHEREAS, the Town Council must authorize the Board of Education to apply for a grant to renovate Cutler, now therefore be it

RESOLVED, the Town Council:

- Establishes the Groton Permanent School Building Committee as the building committee for the Cutler renovation project.
- Authorizes at least the preparation of schematic drawings and outline specifications.
- Authorizes the filing of the grant application.

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

The motion carried unanimously

**2016-0175 Consolidated Middle School Project**

RESOLUTION AUTHORIZING THE BOARD OF EDUCATION TO FILE AN APPLICATION WITH THE STATE FOR A SCHOOL CONSTRUCTION GRANT

WHEREAS, the Town Council must authorize the Board of Education to apply for a grant to construct a consolidated middle school, now therefore be it

RESOLVED, the Town Council:

- Establishes the Groton Permanent School Building Committee as the building committee for the consolidated middle school project.
- Authorizes at least the preparation of schematic drawings and outline specifications.
- Authorizes the filing of the grant application.

A motion was made by Councilor Grim, seconded by Councilor Nault, that this matter be Adopted.

The motion carried unanimously

2016-0176

**Road Maintenance and Rehabilitation Program - Additional Roads for Calendar Year 2016 - City of Groton**

RESOLUTION AUTHORIZING USE OF FUNDS FOR CALENDAR YEAR 2016 ROAD MAINTENANCE AND REHABILITATION PROGRAM FOR THE CITY OF GROTON

WHEREAS, the City has received bids for the repaving of Poquonnock Road as part of their Calendar Year 2016 (Year 4) repaving program, and

WHEREAS, the City Mayor is requesting additional funding to cover potential contingency expenses of 10% of the bid price (\$17,901), and

WHEREAS, the City has \$29,713.59 remaining in a CIP project from FYE 2013 (50102 5574A) for paving, now therefore be it

RESOLVED, that the Town Council hereby authorizes the remaining funds from this CIP project to be used to support the City's Calendar Year 2016 Poquonnock Road repaving project, which the Town Council previously approved.

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

*In response to Councilor Nault's question, Town Manager Mark Oefinger stated that this change would authorize the City of Groton to use surplus road project funds to complete additional road rehabilitation for sections of Poquonnock Road.*

The motion carried unanimously

### III. ADJOURNMENT

*Councilor Peruzzotti made a motion to adjourn, and so declared by Mayor Flax at 7:10 p.m.*

*Attest:*

*Betsy Moukawsher  
Clerk of the Town Council*