

SPECIAL MEETING – MANSFIELD TOWN COUNCIL  
September 2, 2014

Mayor Elizabeth Paterson called the special meeting of the Mansfield Town Council to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Building.

ROLL CALL

Present: Kegler, Kochenburger, Marcellino, Moran, Paterson, Raymond, Ryan, Shapiro, Wassmundt

OPPORTUNITY FOR THE PUBLIC TO COMMENT

George Rawitscher, Codfish Falls Road, thanked the staff for the questions and answers provided and reiterated his concerns regarding the environmental impact of climate change and the effect it will have on storm drainage.

Sheila Amdur, Separatist Road, urged the Council to approve sending the resolution to the voters. Ms. Amdur stated the area is the gateway to the north end of Town and its development would prevent sprawl throughout Mansfield. (Statement attached)

Ken Rawn, Codfish Falls Road, PZC member and Chair of the Four Corners Water and Sewer Advisory Committee, but speaking as an individual, stated that this would be an opportunity to add value to the community in an area of Town available for development.

Ralucca Mocanu, Maple Road, stated that there is already enough development happening in Town and expressed her reluctance to support more. Ms. Mocanu also believes the property owners should pay for the sewers.

Gregory Samuels, Wormwood Hill Road, does not believe the taxpayers should pay for the system.

Mary Hirsch, Courtyard Lane, supports efforts to clean up the area.

Brian Coleman, Centre Street, questioned if the Rules of Procedures, as articulated this evening, had recently been changed. Mayor Paterson reported they had not. Mr. Coleman questioned the intent of the first resolution.

Ric Hossack, Middle Turnpike, urged the Council not to send the project to referendum and stated the distributed informational piece was propaganda. Mr. Hossack believes nothing needs to be fixed.

Arthur Smith, Mulberry Road, asked members to review Joan Buck's commentary and asked anyone having a problem hearing the recording of the meeting to call the IT department.

Tulay Luciano, Warrenville Road, read her statement previously distributed to Councilors objecting to the project citing the need for an environmental impact study and trust in government as issues of concern.

James Hanley, Storrs Heights Road, asked the Council to concentrate on long term planning.

Mr. Hanley fears this project may facilitate sprawl as seen in other towns and expressed concern that there will be enormous pressure on the Four Corners area to bring in big box stores.

David Freudmann, Eastwood Road, cited his concern that development in the Four Corners area would be another public/private partnership run by the Mansfield Downtown Partnership.

Pat Suprenant, Mansfield Independent News, asked a series of questions concerning the status of the UConn wastewater facility, the need for an EIE, the ability of the Council to appropriate funds whether or not the referendum passes, and how associated costs will be handled.

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## OLD BUSINESS

Town Manager Matt Hart introduced the project team of Chris Wester and Derek Dilaj of Weston and Sampson Engineers, Inc., Director of Planning and Development Linda Painter, Director of Public Works John Carrington, Bill Lindsay of Independent Bond and Investment Consultants LLC, Douglas Gillette and Judith Blank of Day Pitney LLP, and Eastern Highland Health Director Rob Miller. Mr. Hart also recognized Four Corners Water and Sewer Advisory Committee members Meg Reich, Ken Rawn and Jason Coite of UConn.

### 1. Four Corners Sanitary Sewer Project

#### a. Review Election Law Restrictions with Bond Counsel

Attorney Gillette reviewed the election law restrictions imposed on a municipality once a referendum vote has been scheduled. The Town cannot use its resources to advocate a position and may only prepare and distribute neutral explanatory texts which have been approved by the Town Attorney. Town Manager Matt Hart reported that staff has removed Four Corners project documents from the Town's website in case the Council approves the resolution to set a referendum. Elected officials may state their views on the project and staff may respond to citizen requests for information. Private citizens who circulate materials must be cognizant of Political Action Committee requirements. Council members discussed the process for appropriating funds in accordance with the Town Charter.

Mr. Shapiro moved and Ms. Moran seconded that the Town Council constitute as the Mansfield Water Pollution Control Authority for the purpose of consideration of Resolution 1. The motion passed unanimously.

#### b. WPCA, Project Resolution

Mr. Marcellino moved and Mr. Shapiro seconded the following resolution: RESOLVED, That Town Council of the Town of Mansfield, Connecticut, acting in its capacity as the Town's Water Pollution Control Authority, authorizes and recommends the Town undertake the following sanitary sewer system project at an estimated cost of \$9,000,000, and requests that an appropriation and borrowing authorization be approved therefor:

Sanitary sewer collection system to address water contamination and wastewater disposal in the approximately 500 acre area near the intersection of Routes 44 and 195 in northern Mansfield known as "Four Corners". The project is contemplated to serve sixty-one (61) properties and to include, but is not limited to, installation of approximately 21,700 linear feet of sewer piping (which includes the collection system, a trunk sewer and a force main to the University of Connecticut's wastewater treatment plant), two submersible pump stations, related equipment and appurtenances, and related land or easement acquisitions.

The Water Pollution Control Authority shall be authorized to determine the scope and particulars of the project and to reduce or modify the project, and the entire project appropriation may be spent on the project as so reduced or modified. The Town anticipates receiving grants administered by the State of Connecticut Department of Energy and Environmental Protection in the estimated amount of

\$3,000,000 to defray in part the appropriation for the project, for an anticipated net project cost of approximately \$6,000,000.

Members discussed the resolution including the history of the project since the 1970's; the role of sewers with regard to the effects of possible increased storms as a result of climate change; current efforts to provide septic services in the area; the method of financing the infrastructure; the process that would be necessary for the Council to appropriate other funds for the project if the referendum fails; the scope of the project; and the expected timeframe for revised zoning regulations. (Ms. Wassmundt's submitted statement attached).

The motion passed with Kochenburger, Marcellino, Moran, Paterson, Ryan, Shapiro in favor and Kegler, Raymond, Wassmundt opposed.

Ms. Moran moved and Mr. Ryan seconded to reconvene as the Town Council.  
Motion passed unanimously

c. Bond Resolution

Mr. Shapiro moved to approve the resolution as set forth in the agenda.

RESOLVED,

(a) That the Town of Mansfield appropriate NINE MILLION DOLLARS (\$9,000,000) for costs related to the design, construction, installation and permitting of a sanitary sewer collection system to address water contamination and wastewater disposal in the approximately 500 acre area near the intersection of Routes 44 and 195 in northern Mansfield known as "Four Corners". The project is contemplated to serve sixty-one (61) properties and to include, but is not limited to, installation of approximately 21,700 linear feet of sewer piping (which includes the collection system, a trunk sewer and a force main to the University of Connecticut's wastewater treatment plant), two submersible pump stations, and related equipment and appurtenances. The appropriation may be spent for design, construction and installation costs, demolition costs, land or easement acquisition costs, equipment, materials, site improvements, study costs, grant application costs, permitting costs, engineering and other consultants' fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project and its financing. The Water Pollution Control Authority is authorized to determine the scope and particulars of the project and to reduce or modify the project, and the entire appropriation may be spent on the project as so reduced or modified. The Town anticipates receiving grants administered by the State of Connecticut Department of Energy and Environmental Protection in the estimated amount of \$3,000,000 to defray in part the appropriation for the project, for an anticipated net project cost of approximately \$6,000,000.

Mr. Shapiro asked, with the permission of Council members, that the further reading of the resolution be waived noting that the full reading is available in the packet on file. The motion was seconded by Mr. Ryan.

The resolution in its entirety reads as follows:

RESOLUTION APPROPRIATING \$9,000,000 FOR COSTS WITH RESPECT TO THE FOUR CORNERS SANITARY SEWER PROJECT, AND

AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO FINANCE THE PORTION OF THE APPROPRIATION NOT DEFRAYED FROM GRANTS (ESTIMATED NET PROJECT COST OF \$6,000,000).

RESOLVED,

(a) That the Town of Mansfield appropriate NINE MILLION DOLLARS (\$9,000,000) for costs related to the design, construction, installation and permitting of a sanitary sewer collection system to address water contamination and wastewater disposal in the approximately 500 acre area near the intersection of Routes 44 and 195 in northern Mansfield known as "Four Corners". The project is contemplated to serve sixty-one (61) properties and to include, but is not limited to, installation of approximately 21,700 linear feet of sewer piping (which includes the collection system, a trunk sewer and a force main to the University of Connecticut's wastewater treatment plant), two submersible pump stations, and related equipment and appurtenances. The appropriation may be spent for design, construction and installation costs, demolition costs, land or easement acquisition costs, equipment, materials, site improvements, study costs, grant application costs, permitting costs, engineering and other consultants' fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project and its financing. The Water Pollution Control Authority is authorized to determine the scope and particulars of the project and to reduce or modify the project, and the entire appropriation may be spent on the project as so reduced or modified. The Town anticipates receiving grants administered by the State of Connecticut Department of Energy and Environmental Protection in the estimated amount of \$3,000,000 to defray in part the appropriation for the project, for an anticipated net project cost of approximately \$6,000,000.

(b) That the Town issue its bonds, notes or obligations, in an amount not to exceed NINE MILLION DOLLARS (\$9,000,000) to finance the appropriation for the project. The amount of bonds, notes or obligations authorized shall be reduced by the amount of grants received by the Town for the project and applied to pay project costs. The bonds, notes or obligations shall be issued pursuant to Section 7-259, Section 7-234 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts, as applicable. The bonds, notes or obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew its 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 or the receipt of grants the project. The amount of the notes or interim funding obligations outstanding at any time shall not exceed NINE MILLION DOLLARS (\$9,000,000). The notes or interim funding obligations shall be issued pursuant to Sections 7-264 and 7-378, or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or interim funding obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a

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and 7-378b of the General Statutes with respect to any temporary notes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any interim funding obligations.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes, temporary notes or other obligations 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, notes, temporary notes or other obligations. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes, temporary notes or other obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes, temporary notes or other obligations to provide for the keeping of a record of the bonds, notes, temporary notes or other obligations; to designate a financial advisor to the Town in connection with the sale of the bonds, notes, temporary notes or other obligations; to sell the bonds, notes, temporary notes or other obligations at public or private sale; to deliver the bonds, notes, temporary notes or other obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes, temporary notes or other obligations.

(e) 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 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, the Director of Finance and the Treasurer, or any two of them, 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, notes, temporary notes or other obligations 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.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes, temporary notes or other obligations authorized by this resolution 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, notes, temporary notes or other obligations.

(g) That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help finance the appropriation for the sewer project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes, temporary notes or obligations. The Town Manager or any other proper officer or official of the Town, on behalf of the Town, is authorized to apply for and accept State of Connecticut grants to finance the

project and State loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and that the Town Manager, the Director of Finance, the Treasurer 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.

(h) That the Town Manager, the Director of Finance, the Treasurer, the Water Pollution Control Authority and other proper officers and officials 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 and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

The motion passed with Kochenburger, Marcellino, Moran, Paterson, Ryan, Shapiro in favor and Kegler, Raymond, Wassmundt opposed.

d. Scheduling of Resolution

RESOLUTION ESTABLISHING A REFERENDUM FOR THE FOUR CORNERS SANITARY SEWER PROJECT, AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO FINANCE THE PORTION OF THE APPROPRIATION NOT DEFRAID FROM GRANTS (ESTIMATED NET PROJECT COST OF \$6,000,000).

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item \_ of this meeting, appropriating \$9,000,000 for costs with respect to the Four Corners Sanitary Sewer Project, and authorizing the issue of bonds, notes, temporary notes and other obligations to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 4, 2014 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9 369d(b)(2) of said Statutes, and in accordance with “Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election”, adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

“SHALL THE TOWN OF MANSFIELD APPROPRIATE \$9,000,000 FOR THE FOUR CORNERS SANITARY SEWER PROJECT, AND AUTHORIZE THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS TO FINANCE THE PORTION OF THE APPROPRIATION NOT DEFRAID FROM GRANTS (ESTIMATED NET PROJECT COST OF \$6,000,000)?”

Voters approving the resolution will vote “Yes” and those opposing said resolution shall vote “No”.

(c) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 4, 2014. Absentee ballots will be available from the Town Clerk’s office.

(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional neutral explanatory materials regarding the resolution, such text and neutral explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.  
The motion passed with Kochenburger, Marcellino, Moran, Paterson, Ryan, Shapiro in favor and Kegler, Raymond, Wassmundt opposed.

#### PETITIONS, REQUESTS AND COMMUNICATIONS

##### 2. J. Buck Correspondence

#### ADJOURNMENT

Mr. Shapiro moved and Ms. Moran seconded to adjourn the meeting at 9:24 p.m.  
The motion passed unanimously.

Elizabeth C. Paterson, Mayor

Mary Stanton, Town Clerk

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