



**TOWN OF MANSFIELD
SPECIAL TOWN COUNCIL MEETING**

Thursday, September 6, 2012
7:00 p.m.
Council Chambers
Audrey P. Beck Municipal Building

AGENDA

Call to Order

Opportunity for the Public to Address the Council

Old Business

1. School Building Project (Item #3, 08/27/12 Agenda)

Adjournment



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager
CC: Mansfield Board of Education; Frederick Baruzzi, Superintendent of Schools; Maria Capriola, Assistant Town Manager; Cherie Trahan, Director of Finance; Linda Painter, Director of Planning and Development; William Hammon, Director of Facilities Management; Rick Lawrence, Project Architect; Tom Dimauro, Construction Manager; Atty. Douglas Gillette, Bond Counsel
Date: September 6, 2012
Re: School Building Project (**Revised**)

Subject Matter/Background

I am sending this revised memorandum to correct the statements I made in the first communication regarding the required notice for a bond referendum.

Section C407 of the Town Charter provides that:

The authorization, in any one (1) fiscal year, of the issuance of bonds and borrowing in anticipation of bonds, and the appropriation of proceeds thereof, in an amount exceeding one percent (1%) of the annual budget may be approved by consecutive favorable action of the Council and a referendum of the voters of the town if the favorable vote is at least fifteen percent (15%) of the voters on the revised registry list last completed.

Attached please find recommended resolutions from the Town's bond counsel, Attorney Douglas Gillette of the law firm of Day Pitney, LLP, that may be used by the Town Council to approve the proposed school building project and to send the project to the voters at referendum.

Please note that the date of the referendum has been left blank. If the referendum is to be held in conjunction with an election the Town Council must act to approve the Bond Resolution at least 60 clear days prior to the election/referendum date. (For the November 6, 2012 election, the cut-off date is today, September 6, 2012.) At least five, but not more than 15 days of notice of the election/referendum is required.

If the bond referendum is to be held on a date other than an election date, the notice of the bond referendum must be published 30 clear days prior to the referendum. There is not a cut-off date for Town Council action, other than the practical one of having the Town Council action occur sufficiently before the 30-day notice period in order that notice may be properly published and posted.

Members of the project team will be available at the September 6th special meeting to assist with any questions that the Town Council may have regarding the proposed school building project.

Attachments

- 1) Proposed Resolutions of Town Council

**RESOLUTIONS OF TOWN COUNCIL
SEPTEMBER 6, 2012**

Item ___.

RESOLUTION APPROPRIATING \$65,715,000 FOR COSTS WITH RESPECT TO THE DESIGN, CONSTRUCTION, EQUIPPING AND FURNISHING OF TWO NEW ELEMENTARY SCHOOLS TO BE LOCATED ON THE EXISTING ANNIE VINTON AND DOROTHY GOODWIN SCHOOL SITES, DEMOLITION OF THE ANNIE E. VINTON AND DOROTHY GOODWIN ELEMENTARY SCHOOLS, AND RENOVATIONS TO THE MANSFIELD MIDDLE SCHOOL; AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES TO FINANCE THE PORTION OF SUCH APPROPRIATION NOT DEFRAID FROM GRANTS.

RESOLVED,

(a) That the Town of Mansfield appropriate SIXTY-FIVE MILLION SEVEN HUNDRED FIFTEEN THOUSAND DOLLARS (\$65,715,000) for costs related to various school facilities projects:

(1) The design, construction, equipping and furnishing of two new elementary schools to be located on the existing Annie E. Vinton and Dorothy Goodwin Elementary school properties, located at 306 Stafford Road and 321 Hunting Lodge Road in Mansfield, respectively, including, if necessary or desirable to accommodate the new school design, the purchase of land adjacent to either of these sites. It is contemplated that the new schools will each be a two-story facility with approximately 61,000 square feet and will accommodate 375 students (grades PK to 4) at each location; and that the new schools will provide uniform classroom sizes, state-of-the-art library/media centers with air conditioning and natural lighting, separate cafeterias and gymnasiums, school offices located by the front entrance to monitor access and improve security, improved vehicle access for student drop-off and pick-up, and will be constructed utilizing a high performance building standard equivalent to that of the U.S. Green Building Council ("USGBC") Leadership in Energy and Environmental Design ("LEED") Green Building Rating System – Silver Standards providing modern and efficient energy management systems. Site development is contemplated to include, but is not limited to, on-site sewage disposal systems and playground equipment.

(2) The closure and demolition of the Annie E. Vinton and Dorothy Goodwin Elementary Schools.

(3) Renovations to the Mansfield Middle School, located at 205 Spring Hill Road in Mansfield. It is contemplated that project will include replacement of temporary classrooms with permanent construction, renovations to the administrative office area, the 6th grade special education room and the 2nd floor

science rooms, roof replacement, installation of energy efficient windows, installation of solar panels, installation of a new ADA compliant elevator, ADA compliance and technology upgrades, and installation of an improved fire alarm system.

The appropriation may be spent for design, construction, demolition, acquisition, and installation costs; site improvements; infrastructure improvements; preparation of schematic drawings and outline specifications, equipment, furnishings, and materials; architectural, engineering, consultant, and other professional fees including legal fees; administrative costs, including costs related to the application for and acceptance of grants; relocation costs; the payment of net temporary interest and other financing costs; and other expenses related to the projects or their financing. The Mansfield Public Schools Building Committee shall determine the scope and particulars of each of the projects, and may reduce or modify the scope of each of the projects; and the entire appropriation may be spent on the reduced or modified projects. The Town anticipates receiving grants from the State of Connecticut to reimburse in part the eligible costs of the two new elementary school construction projects and the Mansfield Middle School renovations project.

(b) That the Town issue its bonds or notes, in an amount not to exceed SIXTY-FIVE MILLION SEVEN HUNDRED FIFTEEN THOUSAND DOLLARS (\$65,715,000) to finance the appropriation for the projects. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the projects to the extent that such grants are not separately appropriated to pay additional project costs. 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 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 temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the projects. The amount of the notes outstanding at any time shall not exceed SIXTY-FIVE MILLION SEVEN HUNDRED FIFTEEN THOUSAND DOLLARS (\$65,715,000). 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 general obligations of the Town and shall be 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 of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary 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, notes or temporary notes. 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 or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or

temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, 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 projects. 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 or temporary 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.

(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 or temporary notes 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 or temporary notes.

(g) That the Mansfield Public Schools Building Committee is authorized to act as a school building committee for, and to carry out, each of the projects and is vested with the following powers and duties: (1) to recommend the approval of design and construction expenditures for each of the projects pursuant to project contracts entered into by the Town in accordance with its procurement regulations, including without limitation the costs of preparation of schematic drawings and outline specifications for each of such projects; and (2) to exercise such other powers as are necessary or appropriate to complete each of the projects. Necessary expenses of the Committee shall be included in the cost of the projects.

(h) That the Board of Education is authorized to apply to the Commissioner of Education for, and to accept or reject, state grants for each of the projects. The Board of Education is authorized to file notices and applications with the State Board of Education for each of the projects, to execute grant agreements for each of the projects, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing each of the projects, and to take any other actions necessary to obtain such grants or to implement such grant agreements.

(i) That the Town Manager, the Director of Finance, the Treasurer, the Board of Education, the Mansfield Public Schools Building Committee, and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the projects and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

RESOLUTION ESTABLISHING REFERENDUM ON APPROPRIATION AND BORROWING AUTHORIZATION FOR VARIOUS SCHOOL FACILITIES PROJECTS.

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 \$65,715,000 for various school facilities projects, and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on _____ day, _____, 2012 [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 \$65,715,000 FOR COSTS WITH RESPECT TO THE DESIGN, CONSTRUCTION, EQUIPPING AND FURNISHING OF TWO NEW ELEMENTARY SCHOOLS TO BE LOCATED ON THE EXISTING ANNIE VINTON AND DOROTHY GOODWIN SCHOOL SITES, DEMOLITION OF THE ANNIE E. VINTON AND DOROTHY GOODWIN ELEMENTARY SCHOOLS, AND RENOVATIONS TO THE MANSFIELD MIDDLE SCHOOL; AND AUTHORIZE THE ISSUE OF BONDS AND NOTES TO FINANCE THE PORTION OF SUCH APPROPRIATION NOT DEFRAID FROM GRANTS?"

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 _____, 2012]. 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 explanatory materials regarding the resolution, such text and explanatory material to _____

*** BRACKETED, BOLDED LANGUAGE TO BE REMOVED IF SUBMITTED TO REFERENDUM VOTE NOT IN CONJUNCTION WITH AN ELECTION.**

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.