

V. APPROVAL OF MINUTES

MOTION to approve the Regular Minutes of August 16, 2023.

Moved by Councilor Ryan, seconded by Councilor Saums

VOTE: 2 - 0 Approved and so declared

RESULT: APPROVED AND SO DECLARED

MOVER: Tim Ryan

SECONDER: Bill Saums

VI. BUSINESS OF THE MEETING

1. MOTION to waive the reading in its entirety the “Resolution Amending The Resolution Entitled “Resolution Appropriating \$6,725,000 For Various School Improvement Projects; And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance Said Appropriation” To Increase The Appropriation And Borrowing Authorization To \$8,550,000”.

Moved by Councilor Ryan, seconded by Councilor Saums

Discussion: Councilor Saums explained that this motion was to only waive the reading of the “*Resolution Amending The Resolution Entitled “Resolution Appropriating \$6,725,000 For Various School Improvement Projects; And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance Said Appropriation” To Increase The Appropriation And Borrowing Authorization To \$8,550,000*”. He noted that he would provide background regarding the need to adopt the Resolution during the Town Council’s discussion of Item #2 below.

VOTE: 2 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Tim Ryan

SECONDER: Bill Saums

AYE: 2 Saums and Ryan

EXCUSED: 1 Ingalls

2. MOTION to approve the “Resolution Amending The Resolution Entitled “Resolution Appropriating \$6,725,000 For Various School Improvement Projects; And Authorizing The Issue Of Bonds And Notes In The Same Amount To Finance Said Appropriation” To Increase The Appropriation And Borrowing Authorization To \$8,550,000”. (Please see Resolutions attached to Item #1)

Res: 003-2023/SEP 13 (a)

RESOLUTION

AMENDING THE RESOLUTION ENTITLED
“RESOLUTION APPROPRIATING \$6,725,000 FOR VARIOUS SCHOOL
IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND
NOTES
IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION”
TO INCREASE THE APPROPRIATION AND BORROWING AUTHORIZATION
TO \$8,550,000

WHEREAS, on February 22, 2022, the voters of the Town approved a resolution entitled “RESOLUTION APPROPRIATING \$6,725,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION” (the “Original Resolution”) for various school improvement projects, including in part HVAC upgrades at Juliet W. Long School (the “Project”); and

WHEREAS, the Town anticipates the State’s approval of the HVAC upgrades at Juliet W. Long School in the amount \$2,225,000, resulting in an increase of \$1,825,000 to the \$400,000 originally approved as part of the Project; and

WHEREAS, the Town anticipates receiving reimbursements in State grant funds in an amount equal to approximately 62% of the total costs of the HVAC upgrades at Juliet W. Long School; and

WHEREAS, contingent upon the State’s approval of the HVAC upgrades at Juliet W. Long School and related grant reimbursements to the Town, the Town wishes to proceed with the increased HVAC upgrades at Juliet W. Long School; and

WHEREAS, in order to proceed with the increased HVAC upgrades at Juliet W. Long School upon receipt of the State’s approvals, the Original Resolution will need to be amended to increase the appropriation and borrowing authorization.

RESOLVED,

(a) The Original Resolution adopted February 22, 2022 by the voters of the Town, entitled “RESOLUTION APPROPRIATING \$6,725,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION” (the “Original Resolution”), which is hereby ratified, confirmed and adopted, is amended by increasing the appropriation and bond authorization by \$1,825,000 to a total of \$8,550,000.

(b) The title of the Original Resolution is hereby replaced in its entirety by the following:

“RESOLUTION APPROPRIATING \$8,550,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION”

(c) In each of Sections 1, 2 and 3 of the Original Resolution, the amount of SIX MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$6,725,000) is hereby deleted and the amount of EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000) is hereby inserted in its place.

(d) Sections 4 through 8 of the Original Resolution are hereby ratified, confirmed, adopted and incorporated into this resolution.

(e) This resolution shall become effective after approval at

referendum vote.

(f) If the above Sections (a) through (e) are enacted, the Amended Resolution will read in its entirety as follows:

“RESOLUTION APPROPRIATING \$8,550,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION”

RESOLVED,

1. That the Town of Ledyard appropriate EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000) for various school improvement projects, including: replacement of the roofs at the Central Office, Gales Ferry School, and Juliet W. Long School; installation of solar equipment at Gales Ferry School and Juliet W. Long School; upgrades to the building management systems at Gales Ferry School; and electrical and HVAC upgrades at Juliet W. Long School. The appropriation may be spent for design, engineering and construction costs, equipment, materials, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Permanent Municipal Building Committee shall be the School Building Committee for the project and is authorized to determine the scope and particulars of the project. The Permanent Municipal Building Committee may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. That the Town issue bonds or notes or obligations in an amount not to EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000) to finance the appropriation for the project. The amount of bonds or notes or obligations authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes or obligations 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 or obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

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 or notes or obligations for the project or the receipt of grants for the project. The amount of the notes or obligations outstanding at any time shall not exceed EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000). The notes or obligations shall be issued pursuant to Sections 7-378 and 10-289a of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations 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 or obligations that do not mature within the time permitted by said Section 7-378.

4. That the Mayor, the Director of Finance and the Treasurer, or any two of them, of the Town shall sign any bonds or notes or obligations by their manual or facsimile signatures. The Treasurer shall keep a record of the bonds or notes. The law firm of Pullman & Comley, LLC is designated as bond counsel to approve the legality of the bonds or notes or obligations. The Mayor, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes or obligations; to

provide for the keeping of a record of the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes or obligations at public or private sale; to deliver the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations.

5. 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 (except to the extent reimbursed from grant moneys) 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 Mayor, 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 or notes or 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.

6. That the Mayor, 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 or 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.

7. That Building Committee for the project is vested with the following powers and duties: (i) to approve design and construction expenditures for the project; (ii) to recommend to the Mayor the execution of any contract with architects, engineers, contractors and others in the name and on behalf of the Town to complete the project; and (iii) to exercise such other powers as are necessary or appropriate to complete the project. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Mayor, the Director of Finance, the Treasurer, the Town Council, the Board of Education and the Town.

8. 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. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

9. That the Mayor, the Director of Finance, the Treasurer, the Board of Education, the Building Committee for the project, 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, notes or other obligations to finance the aforesaid appropriation.

Approved by the Ledyard Town Council on: _____

Kevin J. Dombrowski, Chairman

Moved by Councilor Saums, seconded by Councilor Ryan

Discussion: Councilor Saums noted the Finance Committee had an extensive discussion regarding the need to increase the funding and bond authorization documents for the Various School Projects to provide for the redesigned HVAC system at the Juliet W. Long School.

Councilor Saums went on to provide some background explaining at the February 22, 2022 Referendum the townspeople approved a “*Resolution Appropriating and Authorizing the Issuance of Bonds in the amount of \$6,725,000 for Various School Improvement Projects*”, that included the following: the replacement of the roofs at the Central Office, Gales Ferry School, and Juliet W. Long School; the installation of solar equipment at Gales Ferry School and Juliet W. Long School; upgrades to the Building Management Systems (BMS) at Gales Ferry School; and electrical and ***HVAC upgrades at Juliet W. Long School***, which was designed as a split system.

Councilor Saums went on to explain to meet the State’s requirements to receive Grant Funding for the Juliet W. Long School HVAC upgrades that the system had to be redesigned as a full air conditioning system with outdoor CO2 monitoring, outdoor intake, and a Building Maintenance System (BMS) which was the same type of system that was installed at the Gallup Hill School and Middle School, opposed to the original proposed HVAC system for the Juliet W. Long School that was initially submitted in 2022, which was split system that recirculated the existing air inside the building. He stated installing an air condition system that used outside air that it would help to prevent to the spread of illness such as the recent Covid 19 Pandemic, explaining the former split system would only recirculate the air within a building which caused CO2 levels to rise causing the kids in school get sleepy, which was not good for learning.

Councilor Saums continued to state because the new HVAC design for the Juliet W. Long School would cost \$1,825,000 more than the amount that was included in the original \$6,725,000 authorization (previously approved in 2022); that the *Resolution Appropriating and Authorizing the Issuance of Bonds* needed to be updated to include an additional/supplemental authorization in the amount of \$1,825,000 bringing the total funding authorization to \$8,550,000 for these Various School Improvement Projects. He stated that this process would also require the town to go back to a Referendum to obtain the townspeople approval to proceed with increasing the dollar amount.

Councilor Saums concluded by explaining although the town would receive Grant Reimbursement from the State in the amount of 62% of the total \$8,550,000 project(s) cost that the Town was required to obtain authorization to bond the full amount. He stated the town’s share of the additional cost for the redesigned HVAC system for the Juliet W. Long School would be about \$400,000. He went on to explain the reason this request to increase the Bond Authorization by \$1,825,000 has

come forward quickly was because the State has notified Municipalities that they would reopen the Grant Application Process for the redesigned HVAC Systems. He noted the Grant Application Process was typically open for a 30-60-day period, however, there was no guarantee that the State would approve Ledyard's Grant Application for the redesigned HVAC system for the Juliet W. Long School.

VOTE: 2 - 0 Approved and so declared

A motion was made by Councilor Saums, seconded by Councilor Ryan, that this be Recommended for Approval to the Town Council, due back on 9/13/2023. The motion carried by the following vote:

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Bill Saums

SECONDER: Tim Ryan

AYE: 2 Saums and Ryan

EXCUSED: 1 Ingalls

3. MOTION to approve "Council Resolutions Approving Bond Resolutions And Calling Town Meeting" to be held in a Hybrid Format (In-Person and Video Conference) on Tuesday, October 10, 2023 at 6:30 p.m. in the Council Chambers, 741 Colonel Ledyard Highway, in the Town of Ledyard to consider said Resolution; and to Adjourn to Referendum on the voting machines at the Town Hall Annex Building, 741 Colonel Ledyard Highway, on Tuesday, October 17, 2023 between the hours of 12:00 p.m. and 8:00 p.m. under the following heading:

"SHALL THE TOWN OF LEDYARD APPROPRIATE AN ADDITIONAL \$1,825,000 (INCREASING THE APPROPRIATION AND BORROWING AUTHORIZATION TO AN AGGREGATE \$8,550,000) FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION?" (Please see Resolutions attached to Item #1)

Res: 003-2023/SEP 13 (b)

TOWN COUNCIL RESOLUTIONS
APPROVING BOND RESOLUTIONS AND
CALLING TOWN MEETING

RESOLVED,

That the resolution entitled "**RESOLUTION AMENDING THE RESOLUTION ENTITLED "RESOLUTION APPROPRIATING \$6,725,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION" TO INCREASE THE APPROPRIATION AND BORROWING AUTHORIZATION TO \$8,550,000**" is hereby approved and a copy of said resolution shall be attached to and incorporated into these minutes.

FURTHER RESOLVED,

That the Ledyard Town Council recommends that a town meeting, adjourned to referendum, adopt the above resolution entitled **“RESOLUTION AMENDING THE RESOLUTION ENTITLED “RESOLUTION APPROPRIATING \$6,725,000 FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS; AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION” TO INCREASE THE APPROPRIATION AND BORROWING AUTHORIZATION TO \$8,550,000”** in accordance with Chapter VII, Sections 7 and 12 of the Town Charter.

FURTHER RESOLVED,

That the Chairman of the Town Council is authorized to call a hybrid (In-Person & Video Conference) Special Town Meeting to be held on Tuesday, October 10, 2023 at 6:30 p.m. in the Council Chambers, 741 Colonel Ledyard Highway, in the Town of Ledyard to consider said Resolution.

FURTHER RESOLVED,

That the Town Council, pursuant to Section 14 of Chapter III and Section 9 of Chapter VII of the Town Charter, hereby designates for submission to the voters at referendum to be held on Tuesday, October 17, 2023 between the hours of 12:00 p.m. and 8:00 p.m. at the Town Hall Annex Building, 741 Colonel Ledyard Highway in the Town of Ledyard, in the manner provided by said Sections, action on the aforesaid Resolution to be presented to said Special Town Meeting, and directs the Town Clerk to give notice of such referendum vote.

FURTHER RESOLVED,

That the Chairman of the Town Council cause notice of the time, place and purpose of said Special Town Meeting and Referendum to be posted and published in accordance with the provisions of the Town Charter.

FURTHER RESOLVED,

That the aforesaid Resolution shall be placed upon the ballot under the following heading:

“SHALL THE TOWN OF LEDYARD APPROPRIATE AN ADDITIONAL \$1,825,000 (INCREASING THE APPROPRIATION AND BORROWING AUTHORIZATION TO AN AGGREGATE \$8,550,000) FOR VARIOUS SCHOOL IMPROVEMENT PROJECTS, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION?”

Voters approving the Resolution will vote “Yes” and those opposing the Resolution shall vote “No”. Voting will be held at the usual polling places in the Town. Absentee ballots will be available from the Town Clerk’s office.

District One: Town Hall Annex Building
District Two: Town Hall Annex Building
District Three: Town Hall Annex Building

Persons qualified to vote in Town Meetings who are not electors shall vote in-person at

Town Hall Annex Building with District One
Absentee ballots will be available from the Town Clerk's Office.

Approved by the Town Council on: _____

Kevin J. Dombrowski, Chairman

Moved by Councilor Ryan, seconded by Councilor Saums

Discussion: Councilor Saums noted the background he provided regarding the need to increase the Resolution Appropriating and Authorizing the Issues of Bonds noted in Item 6 (see above) this evening. He went on to explain in accordance with Chapter VII, Section 9 of the Town Charter a Special Town Meeting that adjourned to a vote on the voting machines was required noting the following:

"Any resolution making a non-budgeted appropriation of less than one (1) percent of the current tax levy shall become effective after approval by the Town Council, provided that the Director of Finance certifies that there are available unappropriated general fund resources in excess of the proposed appropriation.

Such appropriations shall not exceed accumulatively two (2) percent of the current tax levy in the current fiscal year.

Any appropriation in excess of the limitations in Section 9 above shall become effective only after it has been approved by resolution of the Town Council and adopted at a Town meeting by a majority vote of the qualified voters present and voting.

Any resolution making a non-budgeted appropriation of more than one (1) percent of the current tax levy, but less than five (5) percent for any purpose, any resolution authorizing the issuance of bonds or notes or other borrowing of less than five (5) percent of the current tax levy, except notes in anticipation of taxes to be paid within the fiscal year in which issued, and any sale or purchase of real estate or interest therein shall become effective only after it has been approved by the Town Council and adopted at a Town meeting by a majority vote of the qualified voters present and voting at such meeting.

Councilor Saums stated these Resolutions were setting the date of the Special Town Meeting to be on October 10, 2023; which would adjourn a Referendum on the voting machines on October 17, 2023. He stated the voting location for all polling districts would be at the Town Hall Annex Building.

VOTE: 2 - 0 Approved and so declared

A motion was made by Councilor Ryan, seconded by Councilor Saums, that this be Recommended for Approval to the Town Council, due back on 9/13/2023. The motion carried by the following vote:

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Tim Ryan

SECONDER: Bill Saums

AYE: 2 Saums and Ryan

EXCUSED: 1 Ingalls

4. MOTION to authorize the Mayor to issue a “Letter of Commitment” to the Avalonia Land Conservancy in response to their request of \$50,000 and \$100,000 from Account #21090305-58920 (Acquisition of Open Space in the CNR Fund) for the acquisition of the following two parcels to be protected and utilized as open space to be payable to Avalonia Land Conservancy at the time of the closing:

(1) 154 Stoddard’s Wharf Road, Ledyard 35.95 acres (\$50,000)

(2) 148 Stoddard’s Wharf Road, Ledyard 223.47 acres (\$100,000)

Moved by Councilor Saums, seconded by Councilor Ryan

Discussion: Councilor Saums stated the Town was not buying 259.42 acres of land for \$150,000. He explained that the Town was committing to use funding from the Open Space Fund to help support the purchase of these two parcels thru a *Public-Private-Partnership* (PPP); should they be successful in securing funding thru the Open Space and Watershed Land Acquisition (OSWA) Grant Program, which provided financial assistance to municipalities and nonprofit land conservation organizations to acquire land for open space, and to water companies to acquire land for open space.

Councilor Saums noted the Open Space Fund was established to purchase open space explaining that the town sets aside twenty percent (20%) from the real estate conveyance tax into various Capital and Non-Recurring Funds, namely Parks & Recreation and Public Works; as well as the Open Space Fund to be used for the acquisition of Open Space.

Councilor Saums went on to explain that Avalonia Land Conservancy would own the properties and have invited the Town and Groton Utilities to participate in the preservation of these properties thru a *Public-Private-Partnership* (PPP). He stated these two parcels abut one another, and that 148 Stoddard’s Wharf Road abutted the head of the Groton Reservoir system, which was the reason Groton Utilities was interested in preserving these properties as open space, noting that it was an excellent way to protect it from future development and from potential runoff to our water supply that both Groton and Ledyard use. He stated these properties were a huge parcel and had the potential to extend the Tri-Town Trail (Bluff Point to Preston Plains Park) from its current termination at the southern end of the Clark Farm. He stated although there were a couple of other properties that have not been resolved yet, that preserving these two parcels as open space could help to bring the Tri-Town Trail down to Route 214 and possibly further. He noted the Tri-Town Trail has been a project for the last 17-years.

Mayor Allyn stated the Open Space Account had a current balance of \$383,788.33 with no open commitments at this time.

VOTE: 2 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Bill Saums

SECONDER: Tim Ryan

AYE: 2 Saums and Ryan

EXCUSED: 1 Ingalls

5. MOTION to approve two tax refunds in the combined total amount of \$7,470.50 with each exceeding \$2,400.00 in accordance with tax collector departmental procedures.

Annie Becerra \$4,910.98

Mary Hooper \$2,559.52

Moved by Councilor Saums, seconded by Councilor Ryan

Discussion: Councilor Saum explained in accordance with policies established for the Tax Collection Department, refunds to taxpayers exceeding \$2,400 are to be approved by the Town Council. He stated in both cases there was a double payment of the taxes, which was typically caused by both the lender who holds funding in escrow for the payment of taxes and the homeowner paying the taxes. He stated when the Tax Collector finds a double payment that they notify the property owner. He stated all the paperwork was in order to issue these two tax refunds.

VOTE: 2 - 0 Approved and so declared

RESULT: RECOMMENDED FOR APPROVAL

MOVER: Bill Saums

SECONDER: Tim Ryan

AYE: 2 Saums and Ryan

EXCUSED: 1 Ingalls

IV ADJOURNMENT

Councilor Saums moved the meeting be adjourned, seconded by Councilor Ryan.

VOTE: 2 - 0 Approved and so declared, the meeting was adjourned at 5:13 p.m.

Respectfully submitted,

William D. Saums
Committee Chairman

Committee

Finance

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.