



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matthew Hart, Town Manager
CC: *Maria* Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works, Cherie Trahan, Director of Finance, Curt Vincente, Director of Parks & Recreation
Date: August 23, 2010
Re: Capital Improvement Projects – Open Space, Laurel Lane & Stone Mill Road Bridge Repairs

Subject Matter/Background

The 2010/11 Adopted Capital Improvement Budget recommends open space acquisition funding (\$1,000,000), and the replacement of the Laurel Lane bridge (\$1,112,620). The 2007/08 Adopted Capital Improvement Budget recommended the replacement of the Stone Mill Road bridge (\$1,446,000). Recommended funding for these projects is the issuance of bonds. At the last Council meeting, action was taken to refer these projects to the Planning and Zoning Commission for review for conformance with the municipal plan of development. In accordance with the Town Charter, the next step requires consecutive action of the Council and Referendum to authorize the issuance of bonds for these projects.

Financial Review

If approved, the issuance of bonds for the acquisition of open space would not take place until current funds in the account are exhausted and suitable open space property or capital maintenance is approved. The two bridge replacement projects are 80% funded by federal grants. The Town's share of the Laurel Lane bridge replacement is estimated at \$222,520. The Town's share of the Stone Mill Road bridge replacement is estimated at \$197,630.

Legal Review

The Town's bond attorney has outlined the procedures and resolutions to be made by the Council, Planning and Zoning Commission, Town Clerk, and Town voters at the Town Meeting. The next actions are outlined below.

Recommendation

Action #1

The Council is respectfully requested to enact the attached resolutions (1) appropriating \$1,040,000 for costs associated with the purchase and/or capital maintenance of open space; (2) authorizing the issuance of bonds to finance the appropriation; and (3)

establishing a referendum to be held on Tuesday, November 2, 2010 in conjunction with the election.

If the Council supports this recommendation, the following resolutions are in order:

Item 2.

RESOLUTION APPROPRIATING \$1,040,000 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES AND FOR CAPITAL MAINTENANCE TO FACILITIES ON LAND CURRENTLY OWNED BY THE TOWN OR TO BE ACQUIRED BY THE TOWN FOR SUCH PURPOSES, AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000) for costs related to: (1) the acquisition by the Town of one or more parcels of land or interests therein for open space, municipal, or passive or active recreational uses, or any combination thereof, after referral of any such proposed acquisition to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following a public hearing held on not less than five days' published notice, and (2) capital maintenance to facilities on any parcel of land currently owned by the Town or acquired by the Town pursuant to this resolution for such uses, or any combination thereof, as to be determined by the Town Council, after referral of any such work to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of said Connecticut General Statutes. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisitions, design, construction, acquisition, installation, material and equipment costs related to such improvements and capital maintenance, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) That the Town issue its bonds or notes, in an amount not to exceed ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. 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 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 project. The amount of the notes outstanding at any time shall not exceed ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000). 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 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 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 Town Manager, the Director of Finance, the Treasurer 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 ACQUISITION OF LAND FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES FOR CAPITAL MAINTENANCE TO FACILITIES ON ANY PARCEL OF LAND CURRENTLY OWNED BY THE TOWN OR ACQUIRED BY THE TOWN FOR SUCH USES.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 6 of this meeting, appropriating \$1,040,000 for acquisition of land or interests therein for open space, municipal, or passive or active recreational uses and for capital maintenance to facilities on any parcel of land currently owned by the Town or acquired by the Town pursuant to the resolution for such uses, 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 Tuesday, November 2, 2010 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 \$1,040,000 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES AND FOR CAPITAL MAINTENANCE TO FACILITIES ON LAND CURRENTLY OWNED BY THE TOWN OR TO BE ACQUIRED BY THE TOWN FOR SUCH PURPOSES, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAID SAID APPROPRIATION?"

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 2, 2010. 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 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.

Action #2

The Council is respectfully requested to enact the attached resolutions (1) appropriating \$2,735,000 for costs associated with the replacement of Stone Mill Road and Laurel Lane bridges; (2) authorizing the issuance of bonds to finance the appropriation not funded from grants; and (3) establishing a referendum to be held on Tuesday, November 2, 2010 in conjunction with the election.

If the Council supports this recommendation, the following resolutions are in order:

Item 2.

RESOLUTION APPROPRIATING \$2,735,000 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000) for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges, and related work and improvements. The appropriation may be spent for design, demolition, construction and inspection of construction costs, materials, engineering fees, survey fees, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified. The Town has received a commitment for Federal bridge project grants of eighty percent (80%) of the eligible project costs to defray in part the appropriation, an estimated \$2,351,736 in anticipated grants. The appropriation is in addition to aggregate appropriations from the Town's Capital and Nonrecurring Expenditure Fund for the project in the amount of \$321,950, approved in the fiscal year ending June 30, 2010.

(b) That the Town issue its bonds or notes, in an amount not to exceed TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. 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 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 project. The amount of the notes outstanding at any time shall not exceed TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000). 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 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 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 Town Manager, the Director of Finance, the Treasurer 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.

RESOLUTION ESTABLISHING REFERENDUM ON THE REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES IN MANSFIELD.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 7 of this meeting, appropriating \$2,735,000 for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges 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 Tuesday, November 2, 2010 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 \$2,735,000 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES TO DEFRAY THE PORTION OF SAID APPROPRIATION NOT FUNDED 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 November 2, 2010. 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 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.
