



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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LORI L. SPIELMAN  
First Selectman

JAMES M. PRICHARD  
Deputy First Selectman

SARAH D. COOK  
MELINDA M. FERRY  
DAVID E. STAVENS  
RONALD F. STOMBERG  
JOHN W. TURNER

Wednesday, September 5, 2018  
Town Hall Meeting Hall  
Board of Selectmen Special Meeting

## MINUTES

SELECTMEN PRESENT: Lori Spielman, James Prichard, Sarah Cook, Melinda Ferry, John Turner, David Stavens, Ronald Stomberg

OTHERS PRESENT: Peg Busse, Cynthia Costanzo, Jennifer Mullin, Stephen Flickenschild

### I. CALL TO ORDER

The Board of Selectmen (BOS) meeting was called to order at 7:00 P.M. by First Selectman Spielman.

### II. PLEDGE OF ALLEGIANCE

III. CITIZENS' FORUM [non-agenda items]: No citizens came forward.

### IV. NEW BUSINESS:

#### A. 2018 Ellington High School Football Field Artificial Turf Conversion and Athletic Facilities Lighting Project

1. To consider and act on a resolution: (1) approving a resolution for submission to the Town Meeting for adoption approving an appropriation and borrowing authorization for various athletic facility improvements at Ellington High School, and related improvements, work, and acquisitions; (2) setting a Town Meeting and a referendum vote to consider and act upon the resolution; and (3) making various other determinations and taking various other actions in connection therewith.

MOVED (TURNER), SECONDED (STAVENS) AND PASSED (AYE: TURNER, STAVENS, STOMBERG, FERRY, COOK; NAY: PRICHARD) TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED, that the Board of Selectmen approves the following resolution for submission to the Town Meeting for adoption:

**“RESOLUTION OF THE TOWN MEETING OF THE TOWN OF ELLINGTON  
APPROPRIATING \$2,625,000 FOR ATHLETIC FACILITY IMPROVEMENTS AT ELLINGTON  
HIGH SCHOOL INCLUDING FOOTBALL FIELD CONVERSION TO ARTIFICIAL TURF AND  
ATHLETIC FACILITY LIGHTING INSTALLATION, AND RELATED IMPROVEMENTS, WORK,  
AND ACQUISITIONS; AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF THE  
TOWN TO FINANCE THE PORTION OF THE PROJECT COST NOT PAID FROM GRANTS  
(ESTIMATED \$1,000,000 CT DEEP GRANT)**

“RESOLVED,

- “1. That the Town of Ellington appropriate TWO MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$2,625,000) for costs related to various athletic facility improvements at Ellington High School and related work and acquisitions, contemplated to include: (a) conversion of the football field to artificial turf, (b) installation of lighting for the football field, the east side practice field, and the tennis courts, (c) irrigation system installation, (d) fencing installation, (e) storm water management improvements, (f) installation of a Department of Public Works storage shed, (g) acquisition of maintenance equipment and a service vehicle, and (h) related improvements, work, and acquisitions, which to the extent of available funds may include, but is not limited to, additional bleachers, and additional equipment storage buildings. It is contemplated that the project will be completed substantially as described in the report developed by the Fuss & O’Neill Design Build Services, LLC, dated October 2016 and entitled “Ellington High School Football Field Artificial Turf Conversion and Lighting Project”. The Permanent Building Committee is authorized to determine the scope and particulars of the project, and to reduce or modify the project scope; and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design, construction, acquisition, and installation costs; site improvements; infrastructure improvements; 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; the payment of net temporary interest and other financing costs; and other expenses related to the project or its financing. The Town anticipates receiving a \$1,000,000 State of Connecticut Department of Energy and Environmental Protection grant to defray in part the appropriation for the project.
- “2. That the Town issue bonds or notes in an amount not to exceed TWO MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$2,625,000) to finance the appropriation for the project. The amount of bonds or notes authorized to finance the project shall be reduced by the amount of grants received for the project and not separately appropriated to pay 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.
- “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 and the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$2,625,000). 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 said General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

- "4. That the First Selectman and the Finance Officer of the Town shall sign any bonds or notes and 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 or notes and temporary notes. The First Selectman and the Finance Officer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes and temporary 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 and temporary notes; to provide for the keeping of a record of the bonds or notes and temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes and temporary notes; to sell the bonds or notes and temporary notes at public or private sale; to deliver the bonds or notes and temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes and temporary notes.
- "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 or donation moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, which without limitation may include qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The First Selectman and the Finance Officer 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 and 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.
- "6. That the First Selectman and the Finance Officer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes and temporary 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 and temporary notes.
- "7. That the Board of Selectmen, the First Selectman, the Finance Officer, the Permanent 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 project and to issue bonds or notes and temporary notes and obtain grants to finance the aforesaid appropriation."

FURTHER RESOLVED, that the Board of Selectmen hereby authorizes the First Selectman to call a special town meeting to be held in the Meeting Room of the Ellington Town Hall, 55 Main Street in Ellington, Connecticut, on Tuesday, October 23, 2018 at 7:00 p.m. to consider and act upon said resolution.

FURTHER RESOLVED, That the Board of Selectmen hereby designates said resolution for submission to the voters at referendum in the manner provided by Sections 603 and 606 of

the Town Charter and Sections 7-7, 9-369 and 9-369d of the General Statutes of Connecticut, Revision of 1958, as amended, which vote shall be held on Tuesday, November 6, 2018 between the hours of 6:00 a.m. and 8:00 p.m., in conjunction with the election held on that date, in the manner provided by the Town Charter and said General Statutes, including the procedures set out in Section 9-369d(b)(2) of said General Statutes, which procedures are hereby adopted in accordance with the provisions of said Section. The Town Clerk shall incorporate notice of such referendum into the notices of said Special Town Meeting and of said election. The aforesaid resolution shall be submitted to the voters under the following heading:

“SHALL THE TOWN OF ELLINGTON APPROPRIATE \$2,625,000 FOR ATHLETIC FACILITY IMPROVEMENTS AT ELLINGTON HIGH SCHOOL INCLUDING FOOTBALL FIELD CONVERSION TO ARTIFICIAL TURF AND ATHLETIC FACILITY LIGHTING INSTALLATION, AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES TO FINANCE THE PORTION OF THE PROJECT COST NOT PAID FROM GRANTS (ESTIMATED \$1,000,000 CT DEEP GRANT)?”

Voters approving the resolution will vote “Yes” and those opposing the resolution shall vote “No”. Electors will vote at the usual polling places in the Town. Persons qualified to vote in town meetings who are not electors will vote at the following polling place: Ellington Town Hall, 55 Main Street in Ellington, Connecticut. Absentee ballots will be available from the Town Clerk’s office.

FURTHER RESOLVED, That the Town Clerk, in her discretion, is authorized to prepare and to cause to be printed and distributed in accordance with the provisions of Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended, an explanatory text with respect to the aforesaid question to be submitted to the voters at referendum; that the First Selectman, in her discretion, is authorized to prepare and distribute such additional explanatory materials with respect to such question as are permitted in accordance with said Section 9-369b; and that any such explanatory text or additional explanatory materials prior to distribution shall be approved by the Town Attorney in accordance with said Section 9-369b.

Peg Busse (37 Abbott Rd) asked what the meeting on October 23<sup>rd</sup> will entail. Ms. Spielman responded that it will be an informational meeting.

Cynthia Costanzo (16 Punkin Drive) asked if, prior to the meeting on October 23<sup>rd</sup>, they can clean up some of the financials from Fuss & O’Neill. They would like to pull out the specific line item for the contingency like they did for the Town Hall. They have asked many times and would like Fuss & O’Neill to be transparent about the pricing. They have been told that there is a 10% contingency. Mr. Stavens pointed out that Jim Galey, who was heading the project, has retired, and there is now a new person in charge.

Ms. Costanzo said that when they were looking at the initial base pricing of the project, Fuss & O’Neill was asked to expand the line item for the contingency. There is also a question on why the added line item for an additional \$100,000 for extra power was not included in the base pricing of the project. This was added in when the items were expanded. Ms. Costanzo stated that Fuss & O’Neill must be held accountable and answer these questions. It is important to know what the contingency is for this project.

Ms. Spielman said that the contingency will cover a power box upgrade in case that is needed. Ms. Costanzo stated that Fuss & O’Neill should not just arbitrarily add money in without an

explanation of the costs. Ms. Spielman stated that they will get a full breakdown of everything and get the answers.

Ms. Costanzo said that she is trying to be fiscally responsible and, regardless of any disagreements about the project, this needs to be cleared up for everyone involved. That is what the meeting on October 23<sup>rd</sup> is about. The other concerns they have are regarding the alternative fill cost, which is included on top of the contingency. Mr. Stavens stated that it is important that this goes to vote for the full \$2.6 million, so that if the project goes over cost they do not have to come back for more money. Ms. Costanzo agreed, but stated that it is still important to hold Fuss & O'Neill accountable for what they are saying is the price.

Mr. Stavens stated that he is not happy with the way that Fuss & O'Neill has put these numbers together. Ms. Costanzo agreed, saying that they have to justify their numbers. This is a massive job and they did a good job of pricing out the professional services. She is not sure why they have a problem with saying what the contingency is. She has confirmed with them three times that the contingency is included in the cost of the project.

Jennifer Mullin (115 West Rd) said that at the end of the day, this project could be a huge success story.

Stephen Flickenschild (31 Hillsdale Drive) stated that he is in this line of work and that he agrees that the contingency needs to be expanded on by Fuss & O'Neill.

#### V. EXECUTIVE SESSION

##### A. For the purpose of discussing property acquisition

MOVED (TURNER) SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 7:28 PM FOR THE PURPOSE OF DISCUSSING PROPERTY ACQUISITION.

Present: Board of Selectmen members

The BOS came out of Executive Session at 7:45 p.m.

MOVED (TURNER), SECONDED (FERRY) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO ACT ON THE POTENTIAL ACQUISITION OF PROPERTY AS DISCUSSED IN EXECUTIVE SESSION.

#### VI. ADJOURNMENT

MOVED (TURNER), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 7:47 P.M.

Submitted by Meaghan Maguire  
Meaghan Maguire  
Recording Secretary

Approved by Lori L. Spielman  
Lori L. Spielman  
First Selectman