

**TOWN OF SOMERS
SPECIAL TOWN MEETING (OCTOBER 25, 2018)
AND REFERENDUM (NOVEMBER 6, 2018)**

**RESOLUTION AUTHORIZING AN APPROPRIATION OF \$6,000,000
FOR VARIOUS SCHOOL IMPROVEMENTS AND THE FINANCING OF
SAID APPROPRIATION BY THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE TOWN AND NOTES IN ANTICIPATION
OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$6,000,000, OR SO
MUCH AS MAY BE NECESSARY AFTER DEDUCTING GRANTS
THEREFOR**

(For distribution at Special Town Meeting and to be on file with Town Clerk)

RESOLVED:

(1) That the Town appropriate the sum of \$6,000,000 for costs related to certain building and infrastructure repairs, renovations, construction and improvements, and equipment acquisition, at Somers High School (“SHS”), Mabelle B. Avery Middle School (“MAMS”) and Somers Elementary School (“SES”), including, without limitation, the costs of (i) the installation, repair, replacement and installation of doors and door canopies, (ii) exterior wall repairs, (iii) the removal and replacement of carpeting and flooring, (iv) the construction of a storage building to house maintenance equipment and vehicles utilized for school facilities, (v) certain video security system upgrades, including the purchase and installation of security cameras, (vi) the replacement and installation of boilers at SHS, (vii) the installation of a 400 meter 6-8 lane track, including lighting and seating related thereto, and the redesign, replacement and installation of natural grass field and irrigation system for soccer, lacrosse and field hockey at SHS, (viii) the repair, replacement and installation of gym bleachers at SHS, (ix) the re-grading of baseball outfield and installation of a permanent outfield fence at SHS, (x) ADA code compliance work associated with the gym teacher/coach restroom and shower areas at SHS, (xi) the replacement of hallway floor vinyl composition tiles at SES, (xii) the replacement, repair and installation of lintels, (xiii) the replacement of white roof coating, the replacement and installation of roof scuppers, and the removal of solar panels at SES, (xiv) the replacement, installation and repair of exterior columns at SES, (xv) the repair and installation of mortars at SES, (xvi) the replacement, installation and repair of cabinets, counters and sinks at SES, (xvii) the replacement and installation of air handling units for the media center and office at SES, (xviii) the removal, replacement and installation of a new underground heating oil tank at SES, (xix) wall and other improvements to courtyard, gym floor repairs, replacement of auditorium carpet, replacement of room partitions, and installation of vestibule heaters at SES, (xx) the repair and replacement of mortars and exterior classroom door hardware at the courtyard at MAMS, (xxi) the replacement and installation of restroom partitions at MAMS and SES, (xxii) lighting, heating and ventilation system and other building system improvements, (xxiii) the purchase and/or installation of equipment, fixtures, furnishings and other materials for the foregoing schools, including ovens, dishwasher booster heaters, water softener conditioners and other kitchen equipment, (xxiv) the preparation and printing of bid documents, grant

applications, cost estimate reports and studies, informational materials and other preliminary materials, studies and reports, and (xxv) design, construction, site work, equipment, materials, insurance, engineering and related services, architectural services, permitting, legal services, consulting services, administrative, advertising, temporary and permanent financing, costs of issuance, printing, capitalized interest and any other costs and expenses related thereto, all of the above with such changes as the Board of Selectmen may approve (the "Project"). The Board of Selectmen is authorized to determine the scope and particulars of the Project. The Board of Selectmen may reduce or modify the scope of the Project, and the entire appropriation authorized hereby may be spent on the Project as so reduced or modified.

(2) That to finance said appropriation for the Project, the Town issue bonds and/or notes in an amount not to exceed \$6,000,000 (or so much thereof as may be necessary after deducting grants or other sources of funds received by the Town for said project). The bonds or notes shall be issued pursuant to Chapter 109 of the Connecticut General Statutes, Revision of 1958, as amended (the "Connecticut General Statutes"), including, without limitation, Section 7-369 of the Connecticut General Statutes, and any other enabling acts.

(3) That the Town issue and renew notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed \$6,000,000. The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The Town shall comply with the provisions of Section 7-378a of the Connecticut 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, or a majority of the Board of Selectmen, and the Treasurer (the "Officials") be authorized to sign said bonds or notes by their manual or facsimile signatures and to determine the amounts, rates of interest, dates, maturities, dates of principal and interest payments on such bonds or notes, the form of such bonds or notes, the provisions for protecting and enforcing the rights and remedies of the holders of such bonds or notes and all other terms, conditions and particular matters regarding the issuance and securing of such bonds or notes and to execute, sell and deliver the same, and provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, Securities and Exchange Commission Rule 15c2-12, and in accordance with the provisions of the Connecticut General Statutes and any other applicable provision of law thereto enabling. The bonds and notes authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

(5) That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, transfer agent and paying agent for such bonds and notes; to provide for the keeping of a record of the bonds or notes; to designate a municipal advisor to the Town in connection with the sale of the bonds or notes; that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as the attorneys at law to render an opinion approving the legality of such issue or issues.

(6) That the Officials are authorized to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes, including, but not limited to, entering into a continuing disclosure agreement pursuant to Securities and Exchange Commission Rule 15c2-12. If the bonds or notes authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized 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, including covenants to pay rebates of investment earnings to the United States in future years.

(7) That the Town hereby declares its official intent under Federal Income Tax Regulations 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 moneys) 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 Officials 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 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.

(8) That the First Selectman is hereby authorized, on behalf of the Town, to execute any contracts with engineers, contractors, architects and other persons for the Project.

(9) That the Officials and other proper officers of the Town are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds or notes to finance the aforesaid appropriation.

(10) That the Somers Board of Education is hereby authorized to apply to the Connecticut Commissioner of Administrative Services or any successor agency thereto, or other state or federal agencies, and to accept or reject grants for the Project.

(11) That the preparation of schematic drawings and outline specifications for the Project is hereby authorized.

(12) That the Planning Committee is hereby established as the building committee for the Project.

(13) That this resolution shall become effective after approval at referendum vote.