

REGION 9 BOARD OF EDUCATION

July 14, 2015

SPECIAL MEETING

Minutes

Attendance: Region 9 Board of Education members: Colangelo, D'Agostino, Gombos, Hancock, Hocker, King, Lewis

Administration: Sullivan, Pin, Czudak

Others: videographer

Mr. Hocker called the meeting of the Region 9 Board of Education to order at 7:11 pm in the Joel Barlow Media Center.

DISCUSSION AND ACTION: To consider and take action on one or more resolutions in connection with the resubmission of the \$1,040,647 appropriation and borrowing authorization, or portions thereof, for the costs of design and construction of roof replacement at Joel Barlow High School, which may include the setting of the date for a District Meeting to act on or hold a public hearing with respect to such appropriation and borrowing authorization, and making other determinations in connection therewith.

Mr. Hocker began the discussion with an overview of the legal issue in connection with the authorization to borrow the funds for the roof project. The legal notice of authorization was file with the Easton and Redding Town Clerks. The town clerks have the responsibility to publish the legal notices in the local newspapers prior to the referendum. In Easton, the town clerk sent the notice to the Easton Courier for publication, and paid the invoice for publication. The Easton Courier failed to run the legal notice in the newspaper. In Redding, the legal notice was not sent to the Redding Pilot and not published.

Bound Counsel has informed the District that since the legal notices of the May 5, 2015 bond referendum vote were not published, they cannot offer the standard required opinion on the proposed high school roof project.

A contract with the roof contractor has been signed; the contractor has mobilized a crew to do the work and all materials on currently on site.

Discussion followed regarding the options to correct the issues. One option is to conduct a referendum to approve the roof project as originally proposed for \$1,040,647. Another option is to schedule a District Meeting to approve an authorization to expend \$500,000 now, and to schedule a referendum at a later date for the additional \$540,647. A long discussion followed.

Motion: Vance Hancock presented the following resolution which was seconded by Walter King:

WHEREAS, inadvertently notices in each of the District's member towns of the May 5, 2015 referendum vote of the voters of the District on a resolution approving an appropriation and borrowing authorization for roof replacement at Joel Barlow High School were not published as required by the Connecticut General Statutes, and it is therefore necessary to resubmit such resolution to referendum vote;

NOW, THEREFORE, RESOLVED, That Board of Education ratifies and confirms its March 26, 2015 adoption of the following resolution, to be submitted for approval by a referendum vote of the voters of the District:

RESOLUTION APPROPRIATING \$1,040,647 (EASTON'S SHARE CURRENTLY EQUAL TO 46.7% OR \$485,982; AND REDDING'S SHARE CURRENTLY EQUAL TO 53.3% OR \$554,665) FOR ROOF REPLACEMENT AT JOEL BARLOW HIGH SCHOOL AND AUTHORIZING BONDS AND TEMPORARY NOTES IN THE SAME AMOUNT

RESOLVED,

1. That Regional School District Number 9 of the State of Connecticut appropriate ONE MILLION FORTY THOUSAND SIX HUNDRED FORTY-SEVEN DOLLARS (\$1,040,647) (Easton's share currently equal to 46.7% or \$485,982; and Redding's share currently equal to 53.3% or \$554,665) for roof replacement at Joel Barlow High School in the area of the auditorium and consisting of the removal of existing roof systems to the existing deck and the installation of a new 20-year modified built-up roof system of approximately 31,600 square feet. The appropriation may be spent for design and construction costs, materials, architects' fees, engineering fees, construction management costs and fees, legal fees, net interest on borrowings, other financing costs, and other expenses related to the project. The Board of Education is authorized to determine the scope and particulars of the project. The Board of Education 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 District issue its bonds and temporary notes in an amount not to exceed ONE MILLION FORTY THOUSAND SIX HUNDRED FORTY-SEVEN DOLLARS (\$1,040,647) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the District for the project. The bonds and temporary notes shall be issued pursuant to Section 10-56 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds and notes shall be general obligations of the District and its member towns, secured by the irrevocable pledge of the full faith and credit of the District and its member towns. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds and notes. The Chairperson and the Treasurer of the Board of Education, or such other officer or body to whom the Board of Education delegates the authority to make such determinations, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds and 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; to provide for keeping a record of the bonds or notes; to designate a financial advisor to the District in connection with the sale of the bonds or notes; 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.

3. That the District 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 moneys) the District 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 Chairperson and the Treasurer of the Board of Education, or such other officer or body to whom the Board of Education delegates such authority, are authorized to amend such declaration of

official intent as they deem necessary or advisable and to bind the District 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.

4. That the Chairperson of the Board of Education and the Treasurer, or such other officer or body to whom the Board delegates such authority, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or 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.

5. That the Building Committee established for the project is authorized, subject to the Board of Education's authority to determine the scope and particulars of the project, to approve the expenditure of said appropriation and such other matters as it deems desirable or necessary to complete the project.

6. That the authorization of bonds and temporary notes shall be subject to approval by a referendum vote to be held in the Towns of Easton and Redding, being all of the towns comprising said District.

FURTHER RESOLVED, that the Board of Education recommends to the towns comprising Regional School District Number 9 that the aforesaid bond and temporary note authorization be approved by referendum vote; and that said referendum be held on Tuesday, August 18, 2015 that notice of said referendum be given by publication and posting between five and fifteen days before said date, and that said notices of the referendum in the Towns of Easton and Redding be substantially in the following form:

“WARNING
REFERENDUM VOTE
Regional School District Number 9
Town of _____
August 18, 2015

A referendum vote of the electors and citizens qualified to vote in town meetings of the Town of _____, Connecticut will be held in the Town of _____ at the following polling places:

[POLLING PLACES TO BE INSERTED BY MEMBER TOWN]

and simultaneously in the other Town in the District on Tuesday, August 18, 2015, between the hours of 6:00 A.M. and 8:00 P.M. pursuant to Section 10-56 of the General Statutes of Connecticut, Revision of 1958, as amended, upon resolutions adopted by the Regional Board of Education which will be placed on the ballot labels as the following questions:

“SHALL REGIONAL SCHOOL DISTRICT NUMBER 9 APPROPRIATE \$1,040,647 (EASTON’S SHARE CURRENTLY EQUAL TO 46.7% OR \$485,982; AND REDDING’S SHARE CURRENTLY EQUAL TO 53.3% OR \$554,665) AND AUTHORIZE BONDS AND TEMPORARY NOTES IN THE SAME AMOUNT FOR ROOF REPLACEMENT AT JOEL BARLOW HIGH SCHOOL?”

Voters approving a resolution shall vote “Yes” and those opposing said resolution shall vote “No”. Absentee ballots will be available from the Town Clerk’s office.

Dated at _____, Connecticut this ____ day of August, 2015.

Town Clerk
Town of _____

The foregoing resolution was adopted by the following roll-call vote which resulted in a weighted vote of 7.11 in favor, 0 opposed and 0.89 absent (Johnston).

IN FAVOR 7.11; OPPOSED 0; ABSENT 0.89

A second motion was put forward.

Vance Hancock presented the following resolution which was seconded by Mark Lewis:

Item 1.

WHEREAS, inadvertently notices in each of the District’s member towns of the May 5, 2015 referendum vote of the voters of the District on a resolution approving an appropriation and borrowing authorization for roof replacement at Joel Barlow High School were not published as required by the Connecticut General Statutes, and it is therefore necessary to resubmit appropriations and borrowing authorizations for said project to the voters for approval;

NOW, THEREFORE, RESOLVED, That Board of Education adopt the following resolution, to be submitted for approval by a vote of the voters of the District at a Special District Meeting:

RESOLUTION APPROPRIATING \$500,000 (EASTON’S SHARE CURRENTLY EQUAL TO 46.7% OR \$233,500; AND REDDING’S SHARE CURRENTLY EQUAL TO 53.3% OR \$266,500) FOR A PORTION OF THE COSTS OF ROOF REPLACEMENT AT JOEL BARLOW HIGH SCHOOL AND AUTHORIZE BONDS AND TEMPORARY NOTES IN THE SAME AMOUNT

RESOLVED,

1. That Regional School District Number 9 of the State of Connecticut appropriate FIVE HUNDRED THOUSAND DOLLARS (\$500,000) (Easton's share currently equal to 46.7% or \$233,500; and Redding's share currently equal to 53.3% or \$266,500) for a portion of the costs of roof replacement at Joel Barlow High School in the area of the auditorium and consisting of the removal of existing roof systems to the existing deck and the installation of a new 20-year modified built-up roof system of approximately 31,600 square feet. The appropriation may be spent for design and construction costs, materials, architects' fees, engineering fees, construction management costs and fees, legal fees, net interest on borrowings, other financing costs, and other expenses related to the project. The Board of Education is authorized to determine the scope and particulars of the project. The Board of Education 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 District issue its bonds and temporary notes in an amount not to exceed FIVE HUNDRED THOUSAND DOLLARS (\$500,000) to finance the appropriation for the project. The aggregate amount of bonds authorized to be issued to finance the project shall be reduced by the amount of grants received by the District for the project. The bonds and temporary notes shall be issued pursuant to Section 10-60 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds and notes shall be general obligations of the District and its member towns, secured by the irrevocable pledge of the full faith and credit of the District and its member towns. The Chairperson and the Treasurer of the Board of Education, or such other officer or body to whom the Board of Education delegates the authority to make such determinations, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds and 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; to provide for keeping a record of the bonds or notes; to designate a financial advisor to the District in connection with the sale of the bonds or notes; 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.

3. That the District 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 moneys) the District 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 Chairperson and the Treasurer of the Board of Education, or such other officer or body to whom the Board of Education delegates such authority, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the District 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.

4. That the Chairperson of the Board of Education and the Treasurer, or such other officer or body to whom the Board delegates such authority, are authorized to make

representations and enter into written agreements for the benefit of holders of the bonds or 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.

5. That the Building Committee established for the project is authorized, subject to the Board of Education's authority to determine the scope and particulars of the project, to approve the expenditure of said appropriation and such other matters as it deems desirable or necessary to complete the project.

FURTHER RESOLVED, that the aforesaid resolution be presented for approval to the voters of the District at a Special District Meeting be held in the Library Media Center at Joel Barlow High School, in Redding, Connecticut, on Tuesday, July 21, 2015, at 7:00 p.m.; and that due and proper notice of said Special District Meeting be posted and published.

Item 2.

WHEREAS, inadvertently notices in each of the District's member towns of the May 5, 2015 referendum vote of the voters of the District on a resolution approving an appropriation and borrowing authorization for roof replacement at Joel Barlow High School were not published as required by the Connecticut General Statutes, and it is therefore necessary to resubmit appropriations and borrowing authorizations for said project to the voters for approval;

NOW, THEREFORE, RESOLVED, That Board of Education recommends:

(a) That Regional School District Number 9 of the State of Connecticut appropriate \$540,647 (Easton's share currently equal to 46.7% or \$252,482; and Redding's share currently equal to 53.3% or \$288,165) for the portion of costs of roof replacement at Joel Barlow High School in the area of the auditorium not to be funded from the \$500,000 appropriation and borrowing authorization adopted above, said project consisting of the removal of existing roof systems to the existing deck and the installation of a new 20-year modified built-up roof system of approximately 31,600 square feet. The appropriation may be spent for design and construction costs, materials, architects' fees, engineering fees, construction management costs and fees, legal fees, net interest on borrowings, other financing costs, and other expenses related to the project. The Board of Education shall be authorized to determine the scope and particulars of the project. The Board of Education may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the District issue its bonds and temporary notes in an amount not to exceed \$540,647 to finance the appropriation for the project, the aggregate amount of bonds authorized to be issued to finance the project to be reduced by the amount of grants received by the District for the project.

(c) That the Chairman and the Treasurer, or such officer or body delegated such authority by the Board of Education, be authorized to require the District and its member towns to comply with applicable federal income tax requirements for tax-exempt bonds, and to make

representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information.

(d) That the Building Committee established for the project be authorized, subject to the Board of Education's authority to determine the scope and particulars of the project, to approve the expenditure of said appropriation and such other matters as it deems desirable or necessary to complete the project.

(e) That the appropriation and bond and temporary note authorization be submitted to referendum vote of the electors and citizens qualified to vote in the member towns of the District.

FURTHER RESOLVED, that a public hearing on the aforesaid recommendations be held at the Special District Meeting scheduled to be held in the Library Media Center at Joel Barlow High School, in Redding, Connecticut, on Tuesday, July 21, 2015, at 7:00 p.m.; and that notice of said public hearing be incorporated into the notice of said Special District Meeting.

The foregoing resolution was adopted by the following roll-call vote which resulted in a

The foregoing resolution was adopted by the following roll-call vote which resulted in a weighted vote of 6 in favor,; 1.11 opposed (D'Agostino), and 0.89 absent (Johnston).

IN FAVOR 6; OPPOSED 1.11; ABSENT 0.89

ADJOURNMENT

Motion: move that the meeting be adjourned. Colangelo, King. Approved. Unanimous.

The meetings were adjourned at 9:06 pm

Submitted by Catherine Gombos, Region 9 Board of Education Secretary

Recorded by Mary Maday