

MINUTES
CITY COUNCIL & WPC AUTHORITY
REGULAR MEETING
LOCATION: ONLINE/REMOTE
June 15, 2020

A **REGULAR MEETING** of the City Council & WPC Authority was held on Monday, June 15, 2020. In response to the Governor's Executive Orders regarding COVID-19, this meeting was held remotely using the ZOOM online meeting platform. Participants included Mayor Elinor Carbone and City Councilors Sharon Waagner, Paul Cavagnero, David Oliver, Anne Ruwet and Frank Rubino. City Councilor Drake Waldron was absent.

The meeting was also joined by City Clerk Carol Anderson, Corporation Counsel Victor Muschell, Personnel Director Jaime LaMere, IT Director Gerry Crowley, Public Works Director Ray Drew, Acting WPCA Administrator Ed Tousey, Purchasing Agent Pennie Zucco, Police Chief William Baldwin, Jr., City Engineer Paul Kundzins, Torrington Public Schools Superintendent Susan Lubomski, Interim Business Manager Ed Arum and Verogy representatives Bryan Fitzgerald and William Herchel.

Mayor Carbone called the meeting to order at 6:30 p.m.

Public Comments

City Clerk Carol Anderson and Assistant City Clerk Jonathan Draper read aloud comments from the public that were submitted in writing to the City Clerk's office prior to the meeting.

Laura Watson expressed her disappointment and frustration regarding the proposed THS Building Project.

Kimberly Pretzel expressed her support for the construction of a new high school.

Diane Holland expressed her support for the THS Building Project and for scheduling the referendum on a date separate from the Presidential Election.

Tom and Carol Barron, Marie Soliani, Michael Soliani, Michael and Christine Rosa, Kevin Rosa, Elizabeth Rosa, Jacqueline Caruso, Nancy Hayes-Lovejoy, Jessica Tessman, Sue Canciani, Heather Berti, Jeremiah Ruwet, Gary Meyer and Susan Fritch expressed their opposition to Verogy's proposal to construct a solar farm on East Pearl Road.

Mike Kaneb requested that the City Council consider removing the Christopher Columbus monument on East Main Street and renaming Columbus Street/Square.

Minutes Approved

On a motion by Councilor Waagner, seconded by Councilor Ruwet, the Council voted unanimously to approve the minutes of the regular meeting held June 1, 2020.

Public Hearing Scheduled

On a motion by Councilor Rubino, seconded by Councilor Waagner, the Council voted unanimously to schedule a Public Hearing on July 6, 2020 at 6:30 PM to review and discuss proposals for participation in the 2020 Neighborhood Assistance Act.

THS Building Project

Resolution #143-205 | On a motion by Councilor Ruwet, seconded by Councilor Waagner, the Council voted to adopt Resolution #143-205, formally accepting the Planning and Zoning Commission's favorable review and referral of the THS Building Project to the Board of Councilmen. Councilor Ruwet requested clarification regarding the purpose of the vote and Mayor Carbone clarified that the vote was solely to accept the Planning and Zoning Commission's recommendation. Councilors Ruwet and Waagner voted in favor, Councilors Cavagnero and Oliver opposed and Councilor Rubino abstained. Mayor Carbone broke the tie with her vote in favor of adopting Resolution #143-205 and the motion passed.

Resolution #143-204 | Mayor Carbone informed the Council that the Board of Finance voted with three votes in favor and two opposed to adopt Resolution #143-203 authorizing an appropriation of \$159,575,000 for the construction of a new high school, a new middle school, a new central administrative office, and the demolition of the existing Torrington High School, and the financing of said appropriation by the issuance of general obligation bonds of the City and notes in anticipation of such bonds in an amount not to exceed \$159,575,000 therefor, and recommending approval of resolution #143-204 to the Board of Councilmen. The Mayor also informed the Council that three Board of Finance members requested that the referendum be scheduled on Election Day on November 3, 2020 and she provided voter turnout data comparing results from previous stand-alone and Election Day referendums. Mayor Carbone also presented a sample ballot from 2012, in which several referendum questions were displayed prominently on the front side of the Presidential ballot.

On a motion by Councilor Ruwet, seconded by Councilor Waagner, the Council voted unanimously, with five votes in favor and none opposed, to amend Resolution #143-204 to designate November 3, 2020 as the date of the referendum. Councilor Ruwet expressed support for giving the public the opportunity to determine the fate of the proposed project. Councilor Cavagnero expressed support for setting the date of the referendum as November 3, 2020 and recommended that efforts be made to provide advance notice to the public.

On a motion by Councilor Waagner, seconded by Councilor Ruwet, the Council voted to accept the recommendation of the Board of Finance and adopt the following Resolution #143-204 authorizing an appropriation of \$159,575,000 for the construction of a new high school, a new middle school, a new central administrative office, and the demolition of the existing Torrington High School, and the financing of said appropriation by the issuance of general obligation bonds of the City and notes in anticipation of such bonds in an amount not to exceed \$159,575,000 therefor, as well as establishing November 3, 2020 as the date for a referendum, and other matters including the preparation and printing of Explanatory Text:

RESOLUTION #143-204

RESOLVED:

Section 1. *That, to accommodate the City's 7th through 12th grade student population, the sum of \$159,575,000 is appropriated by the City of Torrington, Connecticut (the "City"), for the construction of a new high school, a new middle school, a new central administrative office, and for the demolition of the existing Torrington High School, located at 50 Major Besse Drive, Torrington, Connecticut (the "Project"). The appropriation may be spent for planning, design, acquisition, demolition and construction costs, equipment, materials, site improvements, surveys, architects' fees, engineering fees, remediation, project management and other costs related to the Project, interest on borrowings and other financing costs, and for administrative, printing, and financing, legal and other costs of issuance related thereto.*

Section 2. *That to finance said appropriation for the Project, the City shall issue bonds, notes or other obligations in an amount not to exceed \$159,575,000 (or so much thereof as may be necessary after deducting grants or other sources of funds received by the City for said project, such amount expected to be approximately \$84,950,000 in reimbursement grants from the State of Connecticut). The bonds, notes or other obligations 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.*

Section 3. *That the City issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or other obligations for the Project or the receipt of grants for the Project. The amount of the notes outstanding at any time shall not exceed \$159,575,000. The notes shall be issued pursuant to Section 7-378 of the Connecticut General Statutes. The City 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.*

Section 4. *That the Mayor and the Treasurer of the City (the "Officials") be authorized to sign said bonds, notes or other obligations 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, notes or other obligations, the form of such bonds, notes or other obligations, the provisions for protecting and enforcing the rights and remedies of the holders of such bonds, notes or other obligations and all other terms, conditions and particular matters regarding the issuance and securing of such bonds, notes or other obligations and to execute, sell and deliver the same and all other documents, agreements and certificates related to the sale, issuance or delivery of said bonds, notes or other obligations, 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 (the "Rule"), and in accordance with the Connecticut General Statutes and any other applicable provision of law thereto enabling. Pursuant to Section 7-370 of the Connecticut General Statutes, except as otherwise provided herein, the Officials are delegated authority to determine the terms, details and particulars of borrowings authorized by this resolution. The bonds, notes or other obligations authorized hereby shall be general obligations of the City secured by the full faith and credit of the City.*

Section 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, notes or other obligations; to provide for the keeping of a record of the bonds, notes or other obligations; to designate a financial advisor to the City in connection with the sale of the bonds, notes or other obligations; to designate the law firm of Pullman & Comley, LLC, Hartford, Connecticut, as the attorneys at law, to render an opinion approving the legality of such issue or issues.

Section 6. That the Officials are authorized to sell the bonds, notes or other obligations by a competitive offering or by a negotiated sale, at public or private sale, at their discretion; to deliver the bonds, notes or other obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or other obligations, including, but not limited to, entering into a continuing disclosure agreement pursuant to the Rule. If the bonds, notes or other obligations authorized by this resolution are issued on a tax-exempt basis, the Officials are authorized to bind the City 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 other obligations, including covenants to pay rebates of investment earnings to the United States in future years.

Section 7. That the City hereby declares its official intent under Section 1.150-2 of the Federal Income Tax Regulations (the "Treasury Regulations") that project costs may be paid from temporary advances of available funds, which are paid within sixty days prior to and any time after the date of passage of this resolution, and that (except to the extent reimbursed from grant moneys) the City reasonably expects to reimburse any such advances from the proceeds of borrowings (the "Obligations") in an aggregate principal amount not in excess of the amount of borrowing authorized above for the Project. Such Obligations shall be issued to reimburse such expenditures not later than eighteen months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Treasurer, or designee, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement Obligations. The Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the City 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 other obligations authorized by this resolution, if issued on a tax-exempt basis.

Section 8. That the Officials are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to information repositories designated by the Municipal Securities Rulemaking Board and to provide notices to such repositories of certain events as enumerated in the Rule, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or other obligations authorized by this resolution. Any agreements or representations to provide information to such repositories made prior hereto are hereby confirmed, ratified and approved.

Section 9. That the Officials, the Board of Education and other proper officers of the City are authorized to take all other actions which are necessary or desirable to complete the Project consistent with the foregoing and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

Section 10. That the Board of Education is hereby authorized to apply to the Connecticut Commissioner of Education, or other state or federal agencies, and to accept or reject grants for the Project.

Section 11. That this resolution shall become effective after approval at referendum vote.

BE IT FURTHER RESOLVED:

Section 1. That should the Board of Councilmen adopt the foregoing resolution, pursuant to Sections C13-8 and C13-9 of the Charter of the City said resolution shall be submitted to the voters of the City, at a Special City Meeting pursuant to Section C13-9 of the Charter of the City, to be held on ~~Tuesday, September 22, 2020~~ Tuesday, November 3, 2020, between the hours of 6:00 a.m. and 8:00 p.m., for yes or no vote, in the designated voting locations in the manner provided by said Charter and the Connecticut General Statutes, and that the City Clerk is directed to post and publish notice of such referendum in accordance with the provisions of said Charter and the Connecticut General Statutes, which notice shall state the question to be voted on as follows:

“Shall the resolution entitled, ‘RESOLUTION #143-204 AUTHORIZING AN APPROPRIATION OF \$159,575,000 FOR THE CONSTRUCTION OF A NEW HIGH SCHOOL, A NEW MIDDLE SCHOOL, A NEW CENTRAL ADMINISTRATIVE OFFICE, AND THE DEMOLITION OF THE EXISTING TORRINGTON HIGH SCHOOL, AND THE FINANCING OF SAID APPROPRIATION BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY AND NOTES IN ANTICIPATION OF SUCH BONDS IN AN AMOUNT NOT TO EXCEED \$159,575,000 THEREFOR,’ be approved?”

The ballot label for said question shall read as follows:

“Shall the City of Torrington appropriate \$159,575,000 for the construction of a new high school, a new middle school, a new central administrative office, and for the demolition of the existing Torrington High School, and authorize the issuance of general obligation bonds and notes in the same amount to finance said appropriation? Yes ___ No ___”

The warning of said referendum shall state that the full text of said resolution is on file and open to public inspection at the office of the City Clerk.

Section 2. *That the Board of Councilmen hereby authorizes the preparation and printing of explanatory text by the City Clerk in accordance with Section 9-369b of the Connecticut General Statutes for the question to be voted upon on ~~September 22, 2020~~ November 3, 2020 approved above. Subject to the approval of the Corporation Counsel, the Board of Councilmen further authorizes the preparation and printing of materials concerning the question to be voted upon on ~~September 22, 2020~~ November 3, 2020 approved above in addition to the explanatory text in accordance with Section 9-369b of the Connecticut General Statutes.*

Councilors Ruwet and Waagner voted in favor of adopting the resolution, Councilors Cavagnero and Oliver opposed and Councilor Rubino abstained. Mayor Carbone broke the tie with her vote in favor of adopting Resolution #143-204 and the motion passed. Councilor Cavagnero explained that his vote in opposition to the resolution was on the basis of his belief that the curriculum for Torrington Public Schools was in need of a complete overhaul. He also suggested that the model of learning could evolve to incorporate more remote learning as a result of the COVID-19 pandemic.

Verogy Solar Farm Discussion

Verogy Director of Development Bryan Fitzgerald presented an overview of the Torrington Solar One project intended for East Pearl Road, including design components and project benefits. Councilor Oliver questioned whether Verogy considered other sites in Torrington, including the old landfill. Mr. Fitzgerald discussed the process of site selection and reported that they did not have an alternative site under consideration in Torrington. Mayor Carbone reported that Verogy had not expressed interest in the landfill location. Councilor Ruwet shared her concerns about safety and the preservation of wildlife and stated that she did not support the project. Councilor Cavagnero questioned who would own the proposed Torrington Solar One site and why the landfill site was not selected for a solar farm project. Verogy CEO William Herchel clarified that Verogy would lease the land from the Catholic Cemeteries Association of the Archdiocese of Hartford and he explained that several factors could have prevented the landfill site from being selected. Councilors Waagner and Cavagnero also expressed support for constructing a solar farm project at the old landfill and Public Works Director Ray Drew informed the Council that multiple companies expressed interest in developing the site.

Small Cities

On a motion by Councilor Rubino, seconded by Councilor Waagner, the Council voted unanimously to consider business by the Small Cities subcommittee.

On a motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council voted unanimously to approve the Small Cities Project #TO18–025-Tree for the removal of two large trees at 244 Spring Street in an amount up to \$2,350.

Local 424-78 UPSEU 2020-2021 Contract Extension

On a motion by Councilor Waagner, seconded by Councilor Cavagnero, the Council, in accordance with C.G.S. §7-474(b), voted unanimously to approve the one-year extension of the Collective Bargaining Agreement by and between the City of Torrington and the United Public Service Employees Union Local 424 – Unit 78, City Supervisory Employees for the period from July 1, 2020 to June 30, 2021, as described in Atty. LaMere’s memo dated May 21, 2020.

WPCA Invoice

On a motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council herein acting as the WPCA, voted unanimously to approve the payment of \$2,500 from Fund #490 (Sanitary Sewer Capital Improvement) to Weston & Sampson Engineers for services on Phase I Schedule B Bidding for the Homestead Road/Kimball Lane/Hartford Avenue/Lyman Drive Project.

Contract Extension: HVAC Services

On a motion by Councilor Ruwet, seconded by Councilor Rubino, the Council voted unanimously to accept the Purchasing Agent's recommendation and authorize the Mayor to extend the current contract with Air Temp Mechanical Services, Inc. of Southington, CT for HVAC services through FY 20/21.

Contract Extension: Plumbing Services

On a motion by Councilor Ruwet, seconded by Councilor Waagner, the Council voted unanimously to accept the Purchasing Agent's recommendation and authorize the Mayor to extend the current contract with West State Mechanical, Inc. of Torrington, CT for general plumbing services and related repairs through FY 20/21.

Contract Extension: Tree Trimming Services

On a motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council voted unanimously to accept the Purchasing Agent's recommendation and authorize the Mayor to extend the current contract with Asplundh Tree Expert Company of Willow Grove, PA (branch location in East Windsor, CT) for tree trimming and removal services through FY 20/21.

Contract Extension: Cleaning Services

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously to accept the Purchasing Agent's recommendation and authorize the Mayor to extend the current contract with Building One Facility Services, LLC of Durham, CT for cleaning services at the Armory and Teen Center through FY 20/21.

Contract Award: TPD Body Cameras & Tasers

On a motion by Councilor Waagner, seconded by Councilor Cavagnero, the Council voted unanimously to approve Chief Baldwin's request to enter into a ten-year contract with the Torrington Police Department's current vendor, Axon, for Body Worn Cameras and Tasers, with pricing as described in Chief Baldwin's memo dated June 12, 2020, and allow for renegotiation of the contract after five years, contingent upon approval by the Board of Public Safety.

Contract Award: Fire Dept. UPS System Battery Replacement

On a motion by Councilor Rubino, seconded by Councilor Ruwet, the Council voted unanimously to approve the IT Department's request to use Vertiv Corporation, formerly Emerson Network Power (Liebert Services) to replace the batteries of the UPS systems located in the communications room at Fire Headquarters for a total cost of \$11,087.16 to be paid from the IT Equipment Account: 0010-0018 5229.0000.

Contract Award: Road Reconstruction Phase 2020.5.1

On a motion by Councilor Cavagnero, seconded by Councilor Waagner, the Council voted unanimously to approve the recommendation of the Deputy Public Works Director/City Engineer to award the contract for the Cold-In-Place Recycling of Various Roads Phase 2020.5.1 project to Sealcoating, Inc. dba Indus of Braintree, MA for the total amount of \$723,099.80 with an expenditure allowance up to \$72,309 for quantity fluctuation and contingencies and authorize the Mayor to act on behalf of the City regarding the award and execution of the contact agreement.

Councilor Rubino cautioned that snow plow blades could destroy the repaired roads and Councilor Waagner expressed concern about cracks on Circle Drive. City Engineer Paul Kundzins explained that Road Reconstruction Phase 2020.5.2 would provide an overlay to preserve the work done with cold-in-place recycling and informed Councilor Waagner that a different process was used for Circle Drive.

Contract Award: Road Reconstruction Phase 2020.5.2

On a motion by Councilor Cavagnero, seconded by Councilor Waagner, the Council voted unanimously to approve the recommendation of the Deputy Public Works Director/City Engineer to award the contract for the Paving of Various Roads Phase 2020.5.2 project to Cocchiola Paving, Inc. of Oakville, CT for the total amount of \$581,581.70 with an expenditure allowance up to \$58,158 for quantity fluctuation and contingencies and authorize the Mayor to act on behalf of the City regarding the award and execution of the contact agreement.

Release of Liens

On a motion by Councilor Ruwet, seconded by Councilor Cavagnero, the Council voted unanimously to accept Corporation Counsel's recommendation and authorize the Mayor, pursuant to C.G.S. §12-179, to release the liens described in Atty. Muschell's memo dated June 15, 2020.

Tax Collector Refunds

On a motion by Councilor Rubino, seconded by Councilor Cavagnero, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the 11 tax refunds indicated on the list dated June 15, 2020.

On a motion by Councilor Ruwet, seconded by Councilor Waagner, the Council herein acting as the WPCA voted unanimously to accept the recommendation of the Tax Collector and authorize the sewer usage refund indicated on the list dated June 15, 2020.

Building Dept. Report

On a motion by Councilor Cavagnero, seconded by Councilor Ruwet, the Council voted unanimously to approve the Building Department's report for May, 2020.

Business by Dept. Heads

On a motion by Councilor Cavagnero, seconded by Councilor Waagner, the Council voted unanimously to consider business by Department Heads. Chief Baldwin thanked the Council for their approval of the Axon contract.

Business by Mayor & Members

On a motion by Councilor Waagner, seconded by Councilor Rubino, the Council voted unanimously to consider business by the Mayor and Council members.

Councilor Ruwet thanked Chief Baldwin and the Police Department for their patience.


Councilor Waagner also commended the Police Department and thanked the Mayor for supporting the Torrington PRIDE organization for Torrington's LGBTQ community.

Mayor Carbone commended the Police and Fire Departments for their response to a fatal car accident involving teenagers. She also provided updates on the reopening of City Hall and the Franklin Street Redevelopment Project.

Adjournment

On a motion by Councilor Waagner, seconded by Councilor Oliver, the Council voted unanimously to adjourn the meeting at 8:56 p.m.

Respectfully submitted by
Jonathan R. Draper, Asst. City Clerk

ATTEST: 
CAROL L. ANDERSON, MMC
CITY CLERK