

TOWN OF STONINGTON  
SPECIAL TOWN MEETING  
March 18, 2014

A Special Town Meeting of the Town of Stonington was called to order at 7:00 p.m. on March 18, 2014 at the Stonington High School auditorium, 176 South Broad St., Pawcatuck, CT, by First Selectman Ed Haberek, Jr. Also, in attendance were Selectmen George Crouse and Glee McAnanly.

Bill King nominated Jim O'Boyle for Moderator and being properly seconded by George Crouse, was unanimously elected Moderator of the meeting. Town Clerk, Cynthia Ladwig served as Clerk.

There being no objection the Moderator dispensed with the reading of the Call of the meeting, recorded immediately preceding these minutes.

The Moderator asked for a motion to waive the reading of the first resolution. Motion was made and seconded. All were in favor.

The Moderator asked for a motion on the first item on the Call. Being properly seconded, First Selectman Haberek presented and read the following resolution:

**BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:**

To consider and vote on an amendment to Section 1 of the current Solar Energy Tax Exemption Ordinance providing for property tax exemptions for solar energy heating and cooling systems consistent with state law as amended by P.A. 13-61.

Being properly seconded, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator asked for a vote on the resolution. The resolution passed by a unanimous voice vote.

The following is the Ordinance that was passed.

**ORDINANCE RE: SOLAR ENERGY AND RENEWABLE ENERGY TAX EXEMPTIONS**

WHEREAS, the Town of Stonington (hereinafter "Town") currently has an ordinance which provides for property tax exemptions for solar energy heating and cooling systems; and

WHEREAS, the Connecticut Legislature recently adopted Public Act 13-61 which permits, inter alia, a municipality to offer property tax exemptions for certain kinds of other renewable energy facilities and improvements; and

WHEREAS, the Town wishes to promote and encourage property owners to consider building and/or installing renewable energy facilities and improvements at their property.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT:**

Section 1. That the ordinances of the Town of Stonington be amended by deleting Section 1 of the current Solar Energy Tax Exemption ordinance and replacing it with a new Section 1 to read as follows:

That the Town of Stonington hereby authorizes the property tax exemption for solar energy and cooling systems set forth in Section 12-81(56)(a)(b)(c) and Section 12-81(62)(a)(b)(c) of the General Statutes of Connecticut and as the same may be amended from time to time; and the property tax exemption for a Class I renewable energy source, hydropower facility, or solar thermal or geothermal renewable energy source as set forth in Section 12-81(57), as amended by Public Act 13-61, and as the same may be amended from time to time.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance or the application thereof is held to be invalid such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end the provisions of this ordinance and the various applications thereof are declared to be severable.

This Ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

The Moderator asked for a motion to waive the reading of the second resolution. Motion was made and seconded. All were in favor.

The Moderator asked for a motion on the second item on the Call. Being properly seconded, First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

To consider and vote on an amendment to the Ordinance regarding bidder preference for a Town-based business by amending the Ordinance so as to apply the Ordinance to purchases and contracts that exceed \$10,000 (not \$5,000) but are less than \$500,000. All other provisions of the Ordinance shall remain the same.

Being properly seconded, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator asked for a vote on the resolution. The resolution passed by unanimous voice vote.

The following is the ordinance that was passed.

ORDINANCE RE: A BUSINESS WITH ITS PRINCIPAL PLACE OF BUSINESS LOCATED WITHIN THE TOWN OF STONINGTON HAVING BIDDING PREFERENCE OVER A NON-TOWN BASED BUSINESS

BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF STONINGTON:

#### SECTION I. DEFINITIONS

Whenever in this ordinance the following terms are used they shall be the meaning respectively ascribed to them in this section.

- a. **TOWN-BASED BUSINESS** – A business, the principal place of business of which is located within the Town of Stonington. A business shall not be considered to be town-based business unless evidence to establish that said business has a bona fide principal place of business in Stonington is submitted with each bid submitted by said business. Such evidence may include satisfactory proof of ownership of or a long-term lease of the real estate at which the principal place of business is operated or payment of property taxes to the Town of Stonington on the personal property of the business to be used in performance of the bid. A “town-based business” shall be required to maintain such status throughout the term of any contract with the Town of Stonington. Failure to maintain such status shall constitute grounds for the town to revoke said contract at its sole option. A business shall not be considered to be a town-based business if at the time of the bid award the business is delinquent in the payment of any real estate, personal property taxes or water and sewer charges.
- b. **BIDDER** – A person, firm or corporation submitting a competitive bid in response to a solicitation.
- c. **BID/PROPOSAL** – The submission of prices by persons, firms or corporations competing for a contract to provide buildings, facilities, supplies, materials, equipment, contractual services or any other facilities, goods or services.

- d. AWARDING – The decision by the (commission, agency or department of the state/political subdivision) to offer a contract to a bidder.

## SECTION II. DETERMINATION OF THE LOWEST RESPONSIBLE BIDDER

Except as provided in Section IV, in every instance of purchase or contract advertised for bid as to which a qualified town-based business is a bidder, the lowest responsible bidder shall be determined in the following order:

- a. Provided that such town-based business meets all requirements set forth in Section I(a) and Section III, where all bids submitted for purchases or contracts exceed Ten Thousand and 00/100 ( ) (\$10,000.00) Dollars but are less than Five Hundred Thousand and 00/100 (\$500,000.00) Dollars, any qualified town-based business which has submitted a bid not more than ten (10%) percent higher than the bid of the otherwise lowest responsible bidder may be awarded the bid provided that such town-based business agrees to accept the award of the bid at the amount of the bid of the otherwise lowest responsible bidder.
- b. Provided that such town-based business meets all requirements set forth in Section I(a) and Section III, where all bids submitted for purchases or contracts exceeding Five Hundred Thousand and 00/100 (\$500,000.00) Dollars but are less than Five Million and 00/100 (\$5,000,000.00) Dollars, any qualified town-based business which has submitted a bid not more than five (5%) percent higher than the bid of the otherwise lowest responsible bidder may be awarded the bid provided that such town-based business agrees to accept the award of the bid at the amount of the bid of the otherwise lowest responsible bidder.
- c. Provided that such town-based business meets all requirements set forth in Section I(a) and Section III, where all bids submitted for purchases or contracts exceeding Five Million and 00/100 (\$5,000,000.00) Dollars any qualified town-based business which has submitted a bid not more than three (3%) percent higher than the bid of the otherwise lowest responsible bidder may be awarded the bid provided that such town-based business agrees to accept the award of the bid at the amount of the bid of the otherwise lowest responsible bidder.
- d. Whenever more than one qualified town-based business has submitted a bid within the required percentage amount to qualify it as the lowest responsible bidder pursuant to Section II (a), (b) and (c) herein the town-based business which has submitted the lowest bid shall be considered the qualified town-based business for purposes of receiving the award of the bid at the amount bid by the lowest responsible bidder.

## SECTION III. IMPLEMENTATION OF TOWN-BASED BUSINESS PREFERENCE

Any bidder town-based business capable of meeting the requirements of a town-based business as defined herein responding to a bid solicitation shall be required to submit a town-based business Affidavit Form signed by an authorized representative of the bidder of the bid submittal. Failure to submit a town-based business affidavit on the form approved by the Town of Stonington will result in disqualification of town-based business status and loss of any preference given to a town-based business on the part of such bidder as to its bid.

## SECTION IV. RESTRICTIONS ON USE OF TOWN-BASED PREFERENCE

Section I (a) and Section III shall not apply in all instances where a bid requires a cooperative purchasing agreement or arrangement between the town and another municipality or municipalities; in cases of grants or loans provided by the State of Connecticut or the United States of America or where precluded by state or federal law or other ordinance of the Town of Stonington.

SECTION V. EFFECTIVE DATE

This ordinance shall become effective fifteen (15) days after publication in a newspaper having a substantial circulation within the Town.

The Moderator asked for a motion on the third item on the Call. First Selectman Haberek presented and read the following resolution:

BE IT HEREBY RESOLVED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL MEETING DULY ASSEMBLED:

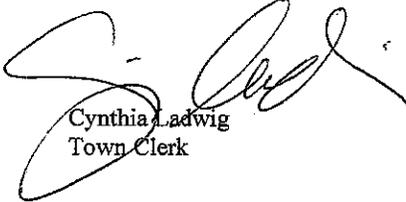
That the Town of Stonington make a supplemental appropriation to the Capital Improvements Fund – Deans Mill School Roof Replacement in an amount not to exceed ONE MILLION TWO HUNDRED THOUSAND AND NO/100 Dollars (\$1,200,000.00) for replacement of roof structures at Deans Mill School. Said appropriation includes all work outlined in the report prepared by The Garland Company, Inc for the Stonington Public Schools. Said supplemental appropriation includes a contingency amount of \$185,000 above the estimated cost outlined in the report prepared by The Garland Company, Inc. Said supplemental appropriation shall be funded from the Town's Fund Balance.

Being properly seconded, the Moderator opened the floor to discussion. Hearing no discussion, the Moderator called for a vote on the resolution. The resolution passed by unanimous voice vote.

Being no further business on the Call of the Town Meeting, the Moderator declared the meeting adjourned at 7:08 p.m.

/s/ Cynthia Ladwig  
Clerk of the meeting

Received for record this 19th day of March, 2014.

  
Cynthia Ladwig  
Town Clerk