

TOWN OF EAST LYME  
SPECIAL TOWN MEETING  
AUGUST 18, 2010

Recorded Aug 19 2010  
1:15 AM  
PM Esther B Williams  
East Lyme Town Clerk

Moderator, Eugene Cushman, called the Special Town Meeting to order at 6:30 PM at the East Lyme Town Hall. The assembly recited the Pledge of Allegiance. Esther Williams, Town Clerk, read the call of the meeting, stating it had been posted on the signpost, published in The Day on August 12, 2010 and filed in her office.

Moderator spelled out the rules of the meeting citing CGS Statute 7-6, eligibility to vote at a town meeting, saying that registered voters or taxpayers who are US citizens and whose names appear on the Grand List of October 1, 2009 and have a minimum assessment of \$1,000 are eligible. He also cited CGS 9-360 dealing with penalties for voting if not franchised. There were approximately twenty people in attendance.

After the reading of the call, Town Counsel Ed O'Connell stated there would be no vote taken on Items 1, 2 and 3 as the Board of Finance had not acted on them and that according to Charter, before the Town Meeting can take a vote, it must go through the process. He also stated that it is no longer necessary to read the bonding resolution into the record. Reading the title of the resolution alone is sufficient.

**Item 4 of the call:** To receive communications from the Board of Selectmen and Board of Finance with respect to a resolution entitled "Resolution Appropriating \$460,00 for the Acquisition of a Fire Apparatus and Authorizing the issuance of \$460,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose."

Ed O'Connell, Town Counsel said it is not necessary to vote on this Item and stated that communications from the Board of Selectmen and the Board of Finance had been received by the Town Clerk. Therefore, no action is necessary.

**Item 5 of the call:** To consider and act upon a resolution entitled "Resolution Appropriating \$460,000 for the Acquisition of a Fire Apparatus and Authorizing the Issuance of \$460,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof, the Making of Temporary Borrowings for Such Purpose.

See Attachment A – Bonding Resolution

Motion by Ed O'Connell, second by Mark Nickerson to adopt Item 5.

Paul Formica, First Selectman said that this is an item that is sorely needed. This is being bonded due to the fact that the CNRE accounts were not funded over the last number of years. It fits into our bonding plan and the cost of the dollars makes this an attractive way to finance this over a twenty year period. The current pumper that we do have is not able to be certified so it makes sense to bring it forward.

**Vote on Item 5 of the call was unanimous with one voting nay.**

**Item 6 of the call:** Special Appropriation \$792,690 – 2010-2011 Equipment Acquisition Plan

Motion by Chuck Holyfield, second by Darlene Stevens to adopt Item 6.

Paul Formica, First Selectman said this is Phase II of the upgrade to the fleet. We will replace vehicles such as two police cars, fully equipped, a backhoe, Mason dump truck, pumper truck, pickup truck and equipment trailer for the Board of Education and an auto recycle truck. The total of the acquisition is \$744,541 and the resolution will include the principal amount plus interest over a 5 year period which is the \$792,690 number. The interest is 2.58 percent. He also stated that payments are already in the operating budget.

John Drabik, 18 Drabik Road asked for the disposition of the old vehicles and questioned the wisdom of bonding over a twenty year period. Charles Holyfield, fleet manager said they will go to auction and it is hopeful they may bring in around \$18,000.

**Moderator called for a vote. Item 6 was unanimously adopted.**

**Item 7 of the call:** Special Appropriation \$58,800 for Upgrade of Emergency Generator at EL Middle School – Reimbursed by an Emergency Operations Center / Shelter Generator Grant Program.

Motion by John Drabik, second by Mark Nickerson.

Paul Formica said this is a grant that came through for an upgrade of the emergency generator at the Middle School. We have to provide emergency shelter which we do now at the High School and Community Center. This will allow us to increase our capacity at the Middle School. Also, the legislature recently enacted a law that requires us to provide shelter for pets. This must be completed by November. We may need an additional sum of fifteen to twenty thousand to adequately fund this and therefore might need to make an additional request.

**Moderator called for a vote. Item 7 was unanimously adopted.**

**Item 8 of the call:** Special Appropriation up to \$11,896.38 Fund 32 – Installing Additional Energy Savings Improvements at ELLCC and Town Hall.

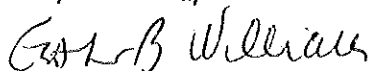
Motion by Chuck Holyfield, second by John MacDonald to adopt Item 8.

Paul Formica said this is actually a surprise rebate to the Town. In last year's budget, \$30,000 was budgeted to upgrade the lights at the Community Center. That project is nearly complete. As a result of doing that project, we found ourselves eligible for an energy grant. We therefore, determined it to be prudent to include this on the call of this meeting instead of having to call another meeting. This saves us in advertising costs and allows us to take that money and apply it immediately to energy savings either in this building or at the Community Center.

**Moderator called for a vote. Item 8 was unanimously adopted.**

There being no further business, Moderator called for a motion to adjourn. Motion by Ed O'Connell, second by Chuck Holyfield. Meeting adjourned at 6:55 PM.

Respectfully submitted,



Esther B. Williams  
Town Clerk

RESOLUTION APPROPRIATING \$460,000 FOR THE ACQUISITION OF A FIRE APPARATUS AND AUTHORIZING THE ISSUANCE OF \$460,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$460,000 is appropriated for the acquisition of a Triple Combination Class A Pumper Fire Apparatus, and for financing, legal and related costs of issuance.

Section 2. To meet said appropriation \$460,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the First Selectman and Town Treasurer in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the purchase agreement shall be approved and signed by the First Selectman and the Town Treasurer.

Section 4. The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with

maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Property acquisition. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the purposes described in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The First Selectman or his designee is authorized to approve expenditures in accordance with this resolution pending the issuance of reimbursement Bonds.

Section 6. The First Selectman, Director of Finance and the Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repository and state based information repositories, if any, (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.