

**Town of East Lyme  
Special Town Meeting Minutes  
August 7th, 2019**

Gene Cushman, Town Meeting Moderator called the meeting to order at 7:00 p.m.

Mr. Cushman led the assembly in the Pledge of Allegiance.

Brooke Stevens, East Lyme Assistant Town Clerk read the Call of the Town Meeting and stated that said notice, had been posted on the Town signpost, published in the New London Day Newspaper, and recorded in the Town Clerk's Office.

Mr. Cushman discussed the rules of the Town Meeting in accordance with Section 7-6 of the Connecticut General Statutes.

1. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled "A Resolution of the Town of East Lyme, Connecticut Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement and Schedules Thereto for the Acquisition, Purchase, Financing and Leasing of Certain Equipment."

The communication was received (attached.)

2. To consider and act upon a resolution entitled "A Resolution of the Town of East Lyme, Connecticut Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement and Schedules Thereto for the Acquisition, Purchase, Financing and Leasing of Certain Equipment."

**Motion (1) Kevin Seery moved to approve Item 2.  
Seconded by Holly Cheeseman.**

Mark Nickerson, First Selectman, explained this is taking our Capital Plan and moving it into Acquisition, to buy said vehicles and equipment.

**Item 2 passed.**

3. To approve a special appropriation in CNRE Fund 32 to account 32-99-400-700-701 (BOE Vehicles) in the amount of \$25,000 with the source of funds as follows: \$2,949 from BOE vehicle sales and \$22,051 from Learn Rental Fees.

**Motion (2) Kevin Seery moved to approve Item 3.  
Seconded by Holly Cheeseman.**

Recorded Aug 14 2019  
9:20 AM  
PM Kevin Miller Walker  
East Lyme Town Clerk

Mark Nickerson, First Selectman, explained that although we published at the Board of Selectmen level using \$25,000 from funds from vehicle sales and Learn Rental Fees, the Board of Finance reduced this appropriation to up to \$18,000 to buy a used vehicle. He said that although we are voting on the \$25,000 the BOE is well aware that the BOF has only authorized an \$18,000 expenditure.

**Item 3 passed.**

4. To transact any other business proper to come before the meeting.  
There was no other business.

**Motion (3) Kevin Seery moved to adjourn the Special Town Meeting at 7:07 p.m.**

**Seconded by Dan Cunningham.**

**Motion passed.**

Respectfully Submitted,



Brooke Stevens  
Assistant Town Clerk

**A RESOLUTION OF THE TOWN OF EAST LYME, CONNECTICUT  
AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT  
LEASE/PURCHASE AGREEMENT AND SCHEDULES THERETO FOR THE  
ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN  
EQUIPMENT**

FILED  
JULY 8 20 19 AT 2:38 AM (PM)  
Camm...  
EAST LYME TOWN CLERK

WHEREAS, the Town of East Lyme, Connecticut (the "Town"), a political subdivision of the State of Connecticut (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property (tangible and intangible) for the benefit of the Town and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Board of Selectmen of the Town (the "Board") has determined that a need exists for the acquisition of certain vehicles and equipment for various departments throughout the Town, as set forth in Schedule A hereto at a cost of not to exceed \$1,126,992 (collectively, the "Equipment") on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the Town proposes to enter into an equipment lease/purchase agreement, including schedules and attachments thereto (the "Agreement"), with a lessor to be determined by a competitive bid process (the "Lessor"); and

WHEREAS, the Board deems it for the benefit of the Town and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition, financing and leasing of the Equipment to be therein described on the terms and conditions herein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board as follows:

*Section 1. Findings and Determinations.* It is hereby found and determined that entering into the Agreement is in the best interests of the Town for the acquisition, purchase, financing and leasing of the Equipment.

*Section 2. Appointment of Lessor.* The First Selectman, in consultation with the Director of Finance, is authorized to appoint the Lessor after a competitive bid process to select the lowest financing cost from a qualified leasing company.

*Section 3. Approval of Documents.* The First Selectman is authorized to determine the form, terms and provisions of the Agreement (including the form of any schedule of leased property and rental payments thereto); *provided however*, that the purchase price of the Equipment shall not exceed \$1,126,992, including financing costs, the term of the Agreement shall not exceed five (5) years, and the interest rate included in the lease payments shall not exceed 2.25%. The First Selectman is further authorized to sign and deliver on behalf of the Town the Agreement, any property schedule, any rental payment schedule attached thereto, and any related exhibits attached thereto if and when required.

*Section 4. Rent Payments.* Any rent payments required under the Agreement shall be appropriated in the Town's annual budget.

*Section 5. Other Actions Authorized.* The officers and employees of the Town shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions, contemplated thereby. The First Selectman is authorized to approve and execute and deliver any additional instruments and documents in connection with the Agreement, including, but not limited to, acceptance certificates, escrow agreements, tax certificates, investment agreements, and UCC financing statements creating a security interest in the Equipment in favor of the Lessor, and to take all action necessary in conformity therewith, including, without limitation, the

execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

*Section 6. No General Liability.* Nothing contained in this Resolution, the Agreement, any escrow agreement nor any other instrument shall be construed with respect to the Town as incurring a liability or charge upon the general credit of the Town or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, any escrow agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Town or any charge upon its general credit or against its taxing power, except to the extent that any rental payments payable under the Agreement are limited obligations of the Town, subject to annual appropriation, as provided in the Agreement.

*Section 7. Appointment of Authorized Town Representatives.* The First Selectman and the Director of Finance of the Town are each hereby designated to act as authorized representatives of the Town for purposes of the Agreement and other documents executed in connection with the Agreement until such time as the governing body of the Town shall designate any other or different authorized representative for such purposes.

*Section 8. Declaration of Official Intent.* The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this Resolution in the maximum amount of the Equipment with the proceeds of bonds, notes, tax-exempt leases, or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt Obligations 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 Equipment, 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 Director of Finance or his designee is authorized to pay Equipment expenses in accordance herewith pending the issuance of the Tax Exempt Obligations.

*Section 9. Severability.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 10. Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

# Town of

108 Pennsylvania Ave.  
P.O. Drawer 519



# East Lyme

Niantic, Connecticut 06357  
Phone: (860) 739-6931  
Fax: (860) 739-6930

July 24, 2019

To the Legal Voters of the  
Town of East Lyme

At a special meeting of the Board of Finance held July 24, 2019, the following resolution was adopted:

RESOLVED: That the resolution entitled "A Resolution of the Town of East Lyme, Connecticut Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement and Schedules Thereto for the Acquisition, Purchase, Financing and Leasing of Certain Equipment", a copy of which is attached hereto, is hereby adopted and recommended for approval by the legal voters of the Town at Town Meeting.

Very truly yours,

William D. Weber, Chairman  
Board of Finance

Recorded July 25 2019

10:25 <sup>(AM)</sup> PM Karen Miller Galbraith

East Lyme Town Clerk

# Town of



# East Lyme

**Mark C. Nickerson**  
First Selectman  
MNickerson@eltownhall.com

108 Pennsylvania Ave.  
P.O. Box 519  
Niantic, Connecticut 06357  
Phone (860) 691-4110  
Fax (860) 739-2851

July 11, 2019

To the Board of Finance and the  
Legal Voters of the Town of  
East Lyme:

At a meeting of the Board of Selectmen held July 10, 2019, the following resolution was adopted:

RESOLVED: That the resolution entitled "A Resolution of the Town of East Lyme, Connecticut Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement and Schedules Thereto for the Acquisition, Purchase, Financing and Leasing of Certain Equipment", a copy of which is attached hereto, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at Town Meeting.

Very truly yours,

Mark C. Nickerson  
First Selectman

Recorded July 11 2019  
9:02 <sup>(AM)</sup> PM Caren Miller Galtso  
East Lyme Town Clerk