

**MINUTES
SPECIAL TOWN MEETING
September 8, 2014**

A special town meeting of the electors and those qualified to vote at the town meetings of the Town of Lebanon was held on Monday, September 8, 2014 in the Lyman Memorial High School Auditorium, 917 Exeter Road, (Route 207) Lebanon, Connecticut. Audience:

First Selectman Joyce Okonuk called the meeting to order at 7:33 pm.

The meeting was opened with the Pledge of Allegiance.

First Selectman Okonuk then called for nominations for moderator.

Moved by Kevin Czwikla seconded by Tim Slate, to appoint Edward Tollmann as moderator. Vote called – Motion passed

Moved by Jan Van Woerkom, seconded by David Fields, to wave the reading of the call of the meeting. Vote called – Motion passed

Moved by Jan Van Woerkom, seconded by Jason Huling to bring item 1 to the floor. *“consider and act upon approving an easement by Algonquin Gas on town-owned property adjacent to the Lebanon Elementary School.”*

Allyn de Vars, Sr. Right of Way Agent for Algonquin Gas, spoke to the question as follows. Algonquin is working to replace the Natural Gas Pipeline throughout Eastern Connecticut. The pipe line crosses the Lebanon Elementary School property on the bottom eastern side of the school. Algonquin needs an additional ten (10) feet right of way from the Town of Lebanon to expand the pipeline, and has agreed to pay the Town \$15,000 to compensate for legal costs and land value.

(A copy of Exhibit A follows these minutes)

Moderator Tollmann called the question. Vote called - Item 1 passed.

Moved by Jan Van Woerkom, seconded by David Fields to bring item 2 to the floor. *“consider and act upon releasing \$50,000.00 (fifty thousand dollars and no cents) from the Capital Budget, Open Space Account #220-00-461-2701-0060 for costs associated with land preservation projects including appraisals, surveys and legal expenses.”*

Town Planner Philip Chester spoke to the question as follows. Town Meeting is being asked tonight to release \$50,000 from the Open Space Account to be used to conduct property appraisals, surveys and legal expenses associated with open space preservation projects.

Upon approval, these funds will be used by the Town over the course of a year or more through its Conservation and Agriculture Com. and Board of Selectmen to conduct property appraisals and surveys and for legal fees directly associated with open space preservation projects of which we currently have several in the works.

This request is supported by the Conservation and Agriculture Commission and Board of Selectmen

Moderator Tollmann called the question. Vote called - Item 2 passed.

Moved by Jan Van Woerkom, seconded by David Fields to bring item 3 to the floor. *“consider and act upon releasing \$26,950.00 (twenty six thousand nine hundred fifty dollars and no cents) from the Capital Budget, Open Space Account #220-00-461-2701-0060 for the purpose of preserving the 34-acre John and Dawn Drum farm at 567 Tobacco Street.*

Town Planner Philip Chester spoke to the question as follows:

Town Meeting is now being asked to release \$26,667 from the Open Space Account to help defray the cost to purchase a conservation easement on the 34-acre property owned by John and Dawn Drum valued at \$220,000. The town share cost has been adjusted downward by \$283 due to an adjustment made by our partners after the Town Meeting notice was published, so tonight your vote is on \$26,667 vs. \$26,950.

This property is a portion of the former Mary Kablik property located at 567 Tobacco Street. The property contains a house and barn and is being used for grazing of horses and cows and for hay.

The Drums will receive a total of \$160,000 for the easement which is valued at \$220,000. This means the Drums will gift or donate \$60K of the easement value.

The USDA-NRCS will contribute 2/3rds of the \$160,000 purchase price or \$106,666, and the Town has requested funding from CT Farmland Trust to split the remaining \$53,334 cost with the Town. The Town's share is \$26,667 or 16.67% of the project cost.

This request is supported by the Conservation and Agriculture Commission and the Board of Selectmen.

(A map of the property and breakdown of the costs follows these minutes)

Moved by Jan Van Woerkom, seconded by David Fields to amend item 3 to read *consider and act upon releasing \$26,667.00 (twenty six thousand nine hundred fifty dollars and no cents) from the Capital Budget, Open Space Account #220-00-461-2701-0060 for the purpose of preserving the 34-acre John and Dawn Drum farm at 567 Tobacco Street.*

Moderator Tollmann called the motion to amend. Vote called - Item 3 passed.

Moderator Tollmann called the question as amended. Vote called - Item 3 passed.

Moved by Jan Van Woerkom, seconded by David Fields to bring item 4 to the floor. *“consider and act upon approving a Resolution for the entrance by the Town into a lease-purchase agreement in a principal amount not to exceed one hundred forty thousand dollars and no cents (\$140,000.00) to finance costs related to the acquisition of a 2015 International Plow Truck, for use by the Town of Lebanon Public Works Department, to authorize the First Selectman to determine the lease-purchase financing provider, to accept and determine the amount, date, interest rate, term and other details of the financing under the lease-purchase agreement, and to take other actions as may be necessary or expedient in connection with the fulfillment of the provisions of the lease-purchase agreement and related transactions; to make certain declarations and to authorize the First Selectman to bind the Town pursuant to such representations and covenants necessary or advisable in order to maintain the continued exemption from federal income taxation of the interest portion of payments under the lease-purchase agreement, including covenants to pay rebates of investment earnings to the United States in future years; and to authorize the First Selectman and other proper officers and officials of the Town to take all other action and to enter into any other agreements which are necessary or desirable to complete the project and to finance the project through the lease-purchase agreement.”*

First Selectman Joyce Okonuk spoke to the question as follows: Non Charter towns are required to bring any lease purchase before town meeting for approval. Funding will come from the FY 14-15 Capital Expenditure Fund.

(A copy of the full resolution follows these minutes)

Moderator Tollmann called the question. Vote called - Item 4 passed.

Moved by Jan Van Woerkom, seconded by David Fields to bring item 5 to the floor. *“consider and act upon releasing 4,023 sq. ft. of town-owned land on Waterman Road to Prides Corner Farm in exchange for the Town’s acceptance of 5,118 sq. ft. of land from Prides Corner Farm at Waterman Road for the purpose of public road improvements at the intersection of Waterman and Madley Roads.”*

Town Engineer Brandon Handfield spoke to the question as follows: Prides Corner Farm has submitted an application for sightline improvements at the intersection of Waterman and Madley Roads. To facilitate the improvements Prides will need more land on Waterman Road, and has proposed the exchange of 5,118 feet of Prides Corner Farm land on Waterman Road, for 4,023 feet of Town owned land on Waterman Road. The project will take approximately two years to complete.

(A map of the proposed improvements follows these minutes)

Moderator Tollmann called the question. Vote called - Item 5 passed.

Moved by Jan Van Woerkom, seconded by David Fields to bring item 6 to the floor. *“consider and act upon Establishing a Public Works Building Committee to plan and oversee the building of a new Public Works Facility charged with following the recommendations of the Public Works Study Committee and authorizing the Board of Selectmen to appoint seven members with terms to expire upon completion of the project.”*

First Selectman Joyce Okonuk spoke to the question as follows:

A seven member study committee looked at the needs and conditions of the Public Works facility. Due to the conditions and code violations in the building the study committee recommended building a new facility. They looked at several Town owned properties. Two of their site recommendations are the current location and the town own property next the Fire House. \$25,000 has been allocated in the FY 14-15 Capital Budget for Building Committee expenses.

Moderator Tollmann called the question. Vote called - Item 6 passed.

Moved by Jan Van Woerkom, seconded by David Fields to adjourn at 8:00 PM.

Vote called – adjournment passed

Respectfully submitted,

Susan C. Coutu

RESOLUTION OF TOWN MEETING AUTHORIZING A LEASE-PURCHASE FINANCING TO FINANCE COSTS RELATED TO THE ACQUISITION OF A 2015 INTERNATIONAL PLOW TRUCK, FOR USE BY THE TOWN OF LEBANON PUBLIC WORKS DEPARTMENT

WHEREAS, it is proposed that the Town of Lebanon (the "Town") enter into a lease-purchase agreement (the "Agreement") with a lease-purchase financing provider to be determined (the "Lessor") in the estimated principal amount of \$140,000.00 to finance costs related to the acquisition of a 2015 International Plow Truck, for use by the Town of Lebanon Public Works Department (such acquisition and related costs, the "Project"); and

WHEREAS, it is contemplated that the interest portion of lease payments under the Agreement shall be exempt from Federal income taxation;

NOW, THEREFORE, BE IT RESOLVED, the Town of Lebanon hereby approves the entrance into the Agreement to finance the Project. The costs of the Project to be financed under the Agreement shall not exceed ONE HUNDRED FORTY THOUSAND DOLLARS AND NO CENTS (\$140,000.00). The First Selectman, on behalf of the Town, is authorized to determine the Lessor, to accept and determine the amount, date, interest rate, term and other details of the financing under the Agreement; to execute and deliver the Agreement and any addenda, schedules, notes, UCC financing statements, trust agreement or indenture, escrow or other agreements or instruments issued pursuant or related to the Agreement, the assignment of the Agreement, or the issuance of certificates of participation in the Agreement, and any other instrument or document which may be necessary or expedient in connection with the fulfillment of the provisions of the Agreement, the assignment of the Agreement or the issuance of certificates of participation therein; and to grant, or to delegate to other Town officials the power to grant, all consents, approvals and other determinations necessary to implement the provisions of the Agreement and any related documents.

FURTHER RESOLVED, that the Town 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 the Town reasonably expects to reimburse any such advances from the proceeds of the Agreement in an aggregate amount not in excess of the amount authorized above for the Project. The First Selectman is authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as the First Selectman deems necessary or advisable in order to maintain the continued exemption from federal income taxation of the interest portion of lease payments under the Agreement, if the Project is financed on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

FURTHER RESOLVED, that the First Selectman is authorized to make representations and enter into written agreements for the benefit of the Lessor, of any trustee to whom the Agreement is assigned or of the holders of certificates of participation or other interests in the Agreement 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 interests in the Agreement.

FURTHER RESOLVED, that the First Selectman and other proper officers and officials of the Town are authorized to take all other action and to enter into any other agreements on behalf of the Town which are necessary or desirable to complete the Project and to finance the Project through the Agreement.

Dated at Lebanon, Connecticut this 8th day of September 2014.

Joyce R. Okonuk First Selectman

Linda Finelli Selectman

John A. Bendoraitis, Jr. Selectman