

TOWN OF EAST LYME
BOARD OF SELECTMEN
SEPTEMBER 3, 2014
REGULAR MEETING MINUTES

Members Present:

Paul Formica, First Selectman
Rose Ann Hardy
Kevin Seery
Holly Cheeseman
Rob Wilson
Mark Nickerson

Also Present:

Tracy Collins, Town Attorney
John McCulloch, Tax Collector
Gary Goeschel, Town Planner

The Regular Meeting was commenced at 7:55 p.m.

1A. PLEDGE ALLEGIANCE TO THE FLAG

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

B. ADDITIONAL AGENDA & CONSENT CALENDAR ITEMS

There were no additional Agenda and Consent Calendar items.

C. DELEGATIONS

David Jacobs of 8 Spencer Avenue, Niantic stated there are signs all over town at major intersections; he is tired of picking up lawn signs on public property. They are illegal on utility poles and public property. The Town should enforce the Town Ordinance. He spoke to employees of Essex and Chester, both said they once had that problem, then they started to enforce the law and that did away with their sign problem. He asked the chairs of the two political parties in town to remind their members of the Ordinance and not to put any signs on town property also.

The East Lyme Tax Collector, John McCulloch stated Water and Sewer has software that his office may be able to use for the C-PACE program. He spoke with the Southington Tax Collector and they only have one property owner using the program. His office would print the bills, send out the bills, and collect the payment. Last year's final collection rate was 98.75%.

John Bialowans, Jr. of 61 Walnut Hill Road discussed the Solar Farm and the Mattos pond. He submitted Exhibit A (attached)

William Sawicky of 425 Drozdick Drive, Groton discussed his 15 acre tract of land by Darrow Pond. He believes \$250,000 would be a good value relative to the 166 acres they are discussing buying. He would like his property put on the Agenda for a meeting.

Joe Mingo, of Boston Post Road stated two weekends in row there have been signs all over Flanders Four Corners. There is no reason a town employee can't pick them up. Anyone can pick them up if they are illegal. It is environmental pollution.

**D. APPROVAL OF MINUTES, MEETING OF AUGUST 6, 2014
CONSENT CALENDAR**

Motion (1) Mr. Nickerson moved to approve the Minutes of the meeting of August 6, 2014 as submitted.

Seconded by Mr. Seery.

Motion Passed 6-0.

Motion (2) Mr. Nickerson moved to approve the Consent Calendar for the meeting of September 3, 2014 in the amount of \$721.41.

Seconded by Ms. Hardy.

Motion Passed 6-0.

****Ms. Hardy asked that Item 2a and Item 2b be reversed under New Business.**

There was no objection.

2. NEW BUSINESS

**A. RESOLUTION TO APPROVE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE)
AGREEMENT**

Ms. Hardy stated this seems excessively cumbersome and she is concerned with the amount of time this will take for the Tax Collector's office.

Mr. Formica stated the costs are reimbursable, and he asked Mr. McCulloch how much time this would take his office.

Mr. McCulloch stated he hasn't addressed that issue. It all depends if it catches on. Once it is set up he doesn't believe it will take a lot of time.

Mr. Formica stated Water and Sewer has a module they can piggy back on.

Mr. McCulloch stated he has gone back and forth with other Tax Collectors. There is a debate as to who is responsible for what. The State puts the contract together.

Ms. Cheeseman stated the state is financing energy improvements, the owner then repays the state over 20 years, but the payments are collected by the Town Tax Collector. C-PACE has a lien on the property and then the Town funnels the money to the State.

Attorney Collins stated we will act as a collection agent for C-PACE. To get this land owners need the consent of their mortgage holder. She doesn't foresee many banks or mortgage companies subrogating their loans to this.

Ms. Cheeseman stated that C-PACE will be the first lien holder; she doesn't think many banks and mortgage companies would be happy with that.

Attorney Collins stated they would have to consent prior to the loan being made. The Town does have 60 days to opt out. If someone defaults on their loan, then C-PACE takes over.

Ms. Cheeseman asked about the promotion of this program. What would the cost be?

Gary Goeschel stated the cost of promoting it would not be within the \$500.00 fee.

Attorney Collins stated she doesn't believe the promotion costs are included. C-PACE is responsible for all of the paperwork. C-PACE also pays the costs of recording documents on the land records.

Ms. Hardy asked if the Town has any legal responsibility with this.

Attorney Collins stated they do not.

Mr. Wilson asked about the building inspections.

Attorney Collins stated the owner pays for the permit for the work, then the Town would have to go through their regular building inspection process.

Mr. Wilson asked if the building inspector goes out would C-PACE pay him.

Attorney Collins stated no.

Ms. Hardy asked if churches are considered commercial.

Attorney Collins stated a church would qualify as non-residential.

Ms. Cheeseman asked what promotion would be involved.

Mr. Goeschel stated they would promote on the website, a possible letter to businesses, one or more workshops or roundtable events. He also stated multi-family properties of 5 units or more qualifies for this program. After the promotion time his involvement would be minimal.

Motion (3) Mr. Nickerson moved to approve the following:

**TOWN OF EAST LYME
RESOLUTION TO APPROVE
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (“C-PACE”) AGREEMENT**

WHEREAS, Section 157 of Public Act No. 12-2 of the June 12, 2012 Special Session of the Connecticut General Assembly (the “Act”) established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the Act authorizes the Clean Energy Finance and Investment Authority (the “Authority”), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit and assign, benefit assessments to the Authority in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

WHEREAS, the Commercial Property Assessed Clean Energy (“C-PACE”) Agreement (the “C-PACE Agreement”) between the City/Town of East Lyme and the Authority, as attached hereto, constitutes the written agreement authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED:

(a) that we, the Board of Selectmen, constituting the legislative body of the City/Town of East Lyme, hereby approves the C-PACE Agreement, and

(b) that Paul M. Formica, First Selectman is hereby authorized and directed, on behalf of the City/Town, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he or she may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.

Seconded by Mr. Seery.

Ms. Cheeseman asked that Mr. Goeschel and Mr. McCulloch come back in 6 months to discuss the progress on this program and let the Board know how it is going.

Resolution Passed 6-0.

B. DISCUSSION/ACTION NIANTIC RIVER HEADWATERS RESERVE

****Mr. Formica recused himself for this item.**

****Mr. Nickerson recused himself for this item.**

****Attorney Collins left the meeting.**

Mr. Seery stated this is continuing discussion on 166 acres that Mr. Harney has presented to them.

Steve Harney, 20 Islanda Court is the managing member of KSK Associates, the owner of the 166 acres. Mr. Beals from New England Forestry Foundation could not be here tonight. He would be happy to answer any of their questions. The public has reached out to him on this potential purchase. If they want to put off action on this item, he would then be able to do some mailings to the public and have some public forums. He is not in a rush if there is more time needed for questions or details.

Ms. Hardy asked about how the logs that are harvested would be exported from the property.

Mr. Harney stated that would fall under the forestry plan, he can find that out from Mr. Beals.

Ms. Hardy stated she wants to make sure they are not being taken out through residential properties.

Mr. Wilson stated he agrees that they should put it out there and let the public come in and comment.

Mr. Seery stated the public is in favor of Open Space, but educating the public on this property would be a good idea.

Mr. Harney stated he would be happy to give the public more information.

Ms. Hardy suggested asking the Commission for the Conservation of Natural Resources to host the forum.

Mr. Harney stated he has already met with Mr. Carlson.

Mr. Seery stated this will continue to a future agenda and they will wait to hear from Mr. Harney on plans for a public session.

Ms. Cheeseman asked that he please let the Board know when that public session will take place.

****Mr. Formica, Mr. Nickerson and Attorney Collins returned to the meeting.**

C. SIGN CALL – SPECIAL TOWN MEETING – 9/17/14

Motion (4) Mr. Nickerson moved to approve the following:

**TOWN OF EAST LYME
NOTICE OF TOWN MEETING**

Notice is hereby given of a Special Town Meeting to be held on Wednesday, September 17, 2014, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut at 7:00 P.M. to consider and take action on the following:

1. To approve a special appropriation in the amount of \$280,000 from Open-Space Fund 59 to purchase the property located on Assessor's Map 22, Lot 1 and abutting Quarry Dock Road and to authorize the First Selectman to execute, in the name and on behalf of the town, a contract to purchase said property at the above price subject to funds assembled from the following sources: \$150,000 from the Thompson Family Foundation, Inc; a \$100,000 grant from the State of Connecticut; \$25,000 from the Town of East Lyme; and the balance of \$5000 as may be amended by the usual and customary closing adjustments and costs will be paid by the Friends of Oswegatchie Hills Nature Preserve, Inc. The Sale is also subject to approval of the proposed purchase by the appropriate boards, commissions and agencies of the Town. The First Selectman is further authorized to execute a Declaration of Conservation Easement and Restrictions regarding the use of such property in favor of the Friends of the Oswegatchie Hills Nature Preserve, Inc., and to execute a Conservation and Public Recreation Easement and Agreement in favor of the State of Connecticut.

2. To approve a Special Appropriation for a grant in the amount of \$20,000 from the State Historic Preservation Office (SHPO) with the Department of Economic and Community Development (DECD) in CNRE Fund 32 to a budget account titled, "Archaeological Reconnaissance Survey" with a corresponding revenue account and forward to the Board of Finance for approval. The survey will be of the Samuel Smith property for the purpose of being recognized as a Certified Local Government (CLG).

Seconded by Ms. Cheeseman.

Mr. Formica stated we should remove the following from paragraph 2 "and forward to the Board of Finance for approval."

Mr. Nickerson moved to amend his Motion (4) to reflect that amendment.

Seconded by Ms. Cheeseman.

Mr. Nickerson stated we should remove the following from paragraph 1 "The sale is also subject to approval of the proposed purchase by the appropriate boards, commissions and agencies of the Town."

Mr. Nickerson moved to amend his Motion to reflect that amendment and to state the following:

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Seconded by Ms. Cheeseman.

Motion Passed 6-0.

D. AUTHORIZE FIRST SELECTMAN TO SIGN PERSONAL SERVICES AGREEMENT – BAYREUTHER PROPERTY

Attorney Collins stated the State requires this to be done any time they give money to a municipality to purchase property. This was also signed with the purchase of the Samuel Smith House. It is necessary to sign this in order to receive the money.

Motion (5) Mr. Nickerson moved to approve the following:

Resolution authorizing First Selectman to sign a "Personal Services Agreement" – Bayreuther Property

RESOLVED, to authorize the First Selectman to execute, in the name and on behalf of the Town, a Personal Services Agreement with the State of Connecticut and all agreements, contracts and documents necessary for the purpose of receiving g \$100,000.00 from the State of Connecticut for the purchase of the property located on Assessor's Map 22, Lot 1 and abutting Quarry Dock Road.

Seconded by Mr. Wilson.

Motion Passed 6-0.

3 UNFINISHED BUSINESS

There was no unfinished business.

4. COMMUNICATIONS

A. LETTER FROM CRESCENT BEACH OPTING OUT OF GOLF CART ORDINANCE

Mr. Formica stated they received a letter from Crescent Beach Association stating they would like to be removed from the Golf Cart Regulation. There is no action needed on this.

5. INFORMATION AND REPORTS

A. EX-OFFICIO

Mr. Formica stated Mr. Sawicky should speak to the Town Attorney regarding what materials he should bring to a meeting and they can then put his property on the agenda. He will need to bring them information, including the description of the property.

Mr. Seery stated he attended the Harbor Management Meeting and they are about ready to review the Harbor Management Plan. It should be done in the next several months.

Ms. Hardy stated the Planning Commission met last night. They approved a basketball court at the Middle School that will now go to the Zoning Commission.

Mr. Wilson had no report.

Ms. Cheeseman stated the Zoning Commission met on August 14th, they had an Executive Session regarding the JAG Capital Drive property. They reviewed the Gateway entrance relocation. She also attended a Board of Education meeting and they discussed the procedures for replacing the Assistant Superintendent.

Mr. Nickerson stated Parks and Recreation meets tomorrow night.

B. FIRST SELECTMAN'S REPORT

Mr. Formica stated he has been asked by Mr. Mingo as President of the Land Trust to waive the taxes on a piece of property and take ownership of it. It is off of Church Lane. Mr. Mingo stated it is a potential well site, and the owner doesn't want it. He suggested to Mr. Mingo that the owner pay the taxes and donate it to the Town and use it as a tax deduction, he is concerned with what kind of precedence this may set.

Ms. Hardy stated we should have an inspection done of the property to see what kind of potential it has for the town.

Ms. Cheeseman stated that would establish if the Town is interested in the parcel.

Mr. Formica stated the water interconnection operated last weekend and this weekend. The tennis court work at the high school has begun. The Care Here Contract has been completed, and he has copies in his office for them to consider at a future meeting.

6. PUBLIC COMMENT

Ralph Bates of 5 Hudson Lane discussed the Church Lane property.

Mr. Sawicky asked if he will be able to ask Mr. Harney questions at the public forum that he has.

The Board stated he can.

John Bialowans commended Mr. Goeschel on information he gave him on the solar farm.

7. SELECTMAN'S RESPONSE

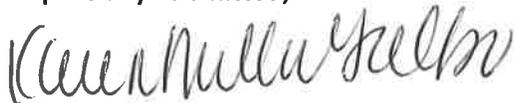
Mr. Formica stated he drove up to the solar farm and it seems the problem has been resolved. Centerplan indicated they will resolve any outstanding issues.

Motion (6) Mr. Nickerson moved to adjourn the meeting at 9:10 p.m.

Seconded by Ms. Cheeseman.

Motion Passed 6-0

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary Pro-Tem**

Exhibit A

September 3, 2014

Good Evening Mr. Formica & Other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road. I have a few issues to address to the Board of Selectmen tonight.

1. Is the Town still going to pursue the injunction on the solar farm (Centerplan) on Walnut Hill Road?
2. Is the Town going to (speaking for myself) help me pursue the damage and liability done to our property from the solar farms' (Centerplan) twice failed erosion control measures they built? The Town changed the zoning for this use and/or are they at fault also? We have silt, "beaver dams", and gullies 3 to 4 feet deep now. This was never like this in the 100 years or so my grandparents' and family owned this property.
3. The matter of the Matos pond that she says is the towns fault. Why is the Town doing anything to fix her pond (digging it out) and fixing the rocks of the pond? The Town dug it out once for her because it was the catch basins fault and Cummings horse farm. Now it's the alignment of the pipe under the road. Her father used to maintain the slopes before and never had any problems. The Town is going to open a can of worms doing this work. I am going to be one of the first taxpayers to ask for their help for my problems with Centerplan (the Town changed the zoning to special use for this solar farm). This is not the first time I have mentioned the Matos' pond to the Board of Selectmens' attention.

Also, I would like to say to Mr. Seery, about the nice letter he wrote to The Day, about Ed Morris, and to Joe Bragaw for answering my questions about the curbing and landscaping issues on Walnut Hill Road.

I'm going to end my comments for tonight now but, there are other issues that will be addressed later. Thank you for your time.

John Bialowans, Jr.