

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

EAST LYME BOARD OF SELECTMEN

MEETING OF MAY 6, 2015

MINUTES

FILED IN EAST LYME
CONNECTICUT
May 7 2015 AT 3:05 AM PM
Birkhoff, D. Ferrin ATC
EAST LYME TOWN CLERK

PRESENT: Mark C. Nickerson, Kevin Seery, Holly Cheeseman, Marc Salerno, Rob Wilson.

EXCUSED: Rose Ann Hardy.

Mr. Nickerson called the meeting to order at 7:33 p.m. He noted all the people in attendance regarding the proposed cell tower discussion and suggested moving 2I. Discussion – Proposed Cell Tower – Ancient Highway up to begin new business.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Seery moved to add Item 2n – Authorize First Selectman to sign MOU with Donald Marr to the May 6, 2015 agenda.

Seconded by Mr. Salerno. Motion passed 5-0.

1c. Delegations

Jim Fleming of 10 Seebeck Road requested that the Selectmen act as interveners on the cell tower and he stressed that he would like them to be active interveners. He said that there are alternate sites for this tower and said that this group needed the Board's support.

Ann Santoro of 11 Rose Lane said that their group is known as East Lyme Residents for Responsible Cell Tower Placement. She added that the group does want the town to intervene and that the commercial nature on a residential lot presents personal property issues such as easement / ownership issues, utility issues, environmental issues, wetlands and conservation tracts, and historical importance issues. She said that the application presently before the Siting Council is for a temporary shorter tower; but that the site is wanted for a permanent taller tower and the issues remain for both.

Richard England of 22 Bittersweet said that he was not notified and lives within 600 feet of the tower but his property is not contiguous. He estimated that there are approximately 36 houses within 1000 feet of the tower and that if this tower is built; these properties will have a 10-40% property value decrease. He added that they were not given any choice on this and not much consideration has been given to alternate sites.

John Bialowans of 61 Walnut Hill Road read a letter into the record dated 5/6/15 regarding the solar farm and identified as Attachment A.

Rocco Tricarico thanked the First Selectman for setting up an informational meeting and stated that the quick process that the tower placement is operating on must be slowed down. He said that AT&T have not worked as true partners in this issue and that if the temporary tower is in place it is much easier to

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

get the taller permanent tower approved. He said that outside forces are coming into East Lyme and bypassing the environmental, planning and zoning concerns and taking the power away from the Boards and Commissions. He urged that the Selectmen sign on as interveners He said that other towns have postponed the process and that their planning and zoning departments are adopting local ordinances and templates that they want them to follow.

Carolyn Casey of the Board of Governors of Crescent Beach said that she was requesting the Board's support in the removal of Crescent Beach from the Golf Cart Ordinance because it is a safety issue. She said that the Board of Directors met and voted unanimously to not allow golf carts in their beach association area and she offered paperwork illustrating the actions, meetings, minutes and letters of the Board of Governors (identified as Attachment B.).

Carol Mirko of 61 Walnut Hill Road said that she did not want to see the cell tower become another solar farm.

Judy Best of 24 Wayne Drive said that by deed, she owns up to ½ of Ancient Highway since it is a private road. The easement says that there is a right of passage and the right to improve the property and since it is zoned residential, the cell tower does not qualify as a residential improvement.

Ms. Fleming of Seebeck Road inquired if it would be possible for the Town to purchase this property.

1d. 1. Approval of Minutes, Meeting of April 1, 2015

MOTION (2)

MR. Seery moved to approve the minutes of the meeting of April 1, 2015 as submitted.

Seconded by Mr. Salerno.

Aye: Mr. Nickerson, Mr. Seery, Mr. Salerno, Ms. Cheeseman.

Nay: None.

Abstain: Mr. Wilson. Motion passed 5-0-1.

1d2. Approval of Minutes, Public Hearing of April 15, 2015

MOTION (3)

Mr. Seery moved to approve the minutes of the Public Hearing of April 15, 2015 as submitted.

Seconded by Ms. Cheeseman.

Aye: Mr. Nickerson, Ms. Cheeseman.

Nay: None.

Abstain: Mr. Wilson, Mr. Seery, Mr. Salerno. Motion passed 2-0-3.

1e. Consent Calendar

MOTION (4)

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

Mr. Seery moved to approve the Consent Calendar for the meeting of May 6, 2015 in the amount of \$8230.82.

Seconded by Mr. Wilson. Motion passed 5.0.

2I. Discussion – Proposed Cell Tower – Ancient Highway

Mr. Nickerson noted that he had called an informational meeting with the surrounding property owners when he received the notice of the temporary cell tower placement. He said that the site was in the middle of three clusters of homes. He added that the property owner had stated that the purchase price for the property was \$3 million dollars. He said that he had the Town Planner create a packet noting 6 alternate sites for the tower and noted the wetlands that will be affected. He said that he had given this package to AT&T about 10 days ago, but that they had indicated that this was there more preferred site. He asked the Board to authorize him to apply the intervener status and to employ Town Attorney to review the environmental impacts, property value decreases and zoning impact.

Mr. Seery suggested contacting State Rep. Ed Jutila and State Senator Paul Formica to assist.

Mr. Salerno noted that he had previously served as Chair of the Zoning Commission and that the Zoning Regulations do address cell towers.

Ms. Cheeseman agreed and suggested that the group contact their elected officials.

Mr. Wilson said that he supported and applauded them.

MOTION (5)

Mr. Seery moved the following:

**RESOLUTION REGARDING INTERVENTION INTO THE
MATTER PENDING BEFORE THE CONNECTICUT SITING COUNCIL
TO PLACE A TEMPORARY CELL PHONE TOWER ON ANCIENT HIGHWAY**

WHEREAS, New Cingular Wireless, PCS, LLC ("AT&T") has filed a petition for a Declaratory Ruling before The Connecticut Siting Council to place a temporary cell phone tower on Ancient Highway; and

WHEREAS, interested parties may intervene in such proceedings; and

WHEREAS, the Town of East Lyme is an interested party, and may intervene in the pending application to ensure that the interests of the Town and its citizens are addressed, accommodated and enforced.

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

IT IS RESOLVED, that the Town Attorney is authorized to prepare and file such documents as may be necessary to intervene in the matter pending before the Siting Council and take such action as the First Selectman considers to be necessary or desirable.

Seconded by Mr. Wilson. Motion passed 5-0.

Mr. Nickerson adjourned the meeting for a 5 minute recess at 8:22 p.m.

Mr. Nickerson called the meeting to order again at 8:27 p.m.

2a. Action – Public Hearing re: Amendment to “Ordinance Prescribing Fees for Building and Demolition Permits”

MOTION (6)

Mr. Salerno moved to approve the amendment to “Ordinance Prescribing Fees for Building and Demolition Permits” as attached effective 10 days after publication.

Seconded by Mr. Wilson. Motion passed 5-0.

2b. COA – Parahus Expenditures

Mr. Nickerson noted that both of these expenditures had been approved by the Commission on Aging.

MOTION (7)

Mr. Seery moved to approve the following expenditures from the Nicholas Parahus account as approved by the Commission on Aging:

-Up to \$500 in support of the upcoming Annual Celebrate 90+ tea;

-Up to \$500 to add two additions to the stage at the Community Center in support of the Senior Center’s Drama Group.

Seconded by Mr. Salerno. Motion passed 5-0.

2c. Police Department Overtime

Mr. Nickerson noted that the original Police Department Overtime budget was established at \$254,000 which is over-expended by \$1,024. We estimate needing an additional \$43,765 to make it through the end of the fiscal year. Each shift an officer takes any type of leave time that impacts minimum patrol staffing pursuant to the collective bargaining agreement we are required to fill it with another officer on overtime. In addition to dealing with the above, we had two officers out for a substantial part of the year on workers comp injury and another officer on military leave. There are funds available for transfer in the debt area of the budget, due to the Regional Interconnection project coming in under budget.

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

MOTION(8)

Mr. Seery moved to approve a transfer in the amount of \$43,765 from the following accounts - \$23,765 from account 01-50-522-620-641 (DWSRF 2013-7022 Interest) and \$20,000 from account 01-50-523-600-641 (DWSRF 2013-7022 Principal) to account 01-25-216-100-514 (Police Overtime) and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 5-0.

2d. Transfer to Police Regular Wages Account

Mr. Nickerson noted that in a recent review of the Police Department budget, we estimate the regular salary account for the officers will be over-expended in the amount of \$68,617 at fiscal year end. Contributing factors are as follows: Fiscal year end 6/30/14 banked holiday pay in the amount of \$45,655 and two officers retiring unexpectedly and paying them a total \$39,796 accrued leave time on the books. There are funds available for transfer in the debt area of the budget, due to the Regional Interconnection project coming in under budget.

MOTION (9)

Mr. Seery moved to approve a transfer in the amount of \$68,617 from the following accounts - \$48,617 from account 01-50-522-620-641 (DWSRF 2013-7022 Interest) and \$20,000 from account 01-50-523-600-641 (DWSRF 2013-7022 Principal) to account 01-25-216-100-511 (Constables) and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 5-0.

2e. Budget Transfers Within Departments

Mr. Nickerson noted that various transfers within departmental budgets have been necessary for various reasons. Attached is the documentation for transfers made for a total amount of \$183,372.20 information presented includes: from account number, description of the budget line item, amount – to account number, description of the budget line item, amount. These requests are forwarded to you in accordance with section 6.3.4 of the charter.

MOTION (10)

Mr. Seery moved to ratify departmental transfers in the amount of \$183,372.20 processed for fiscal year end June 30, 2015 and to forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 5-0. (Transfers identified in Attachment C).

2f. Budget Transfer – Between Departments

Mr. Nickerson said that as previously discussed, due to the transfer of the Tax Aide to another department we decreased the number of hours for the new employee in the Tax Department from 30 to 25 hours per week. At the same time we increased hours for the Assistant Town Clerk position from 25 to 30 hours per week. Since these changes took place subsequent to the budget being adopted we will need additional funding in the Town Clerks budget to make it to

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

year end. In addition to the increase in hours the staff members have worked additional hours due to departmental illness during this fiscal year. We were able to cover a portion of the shortfall within the Town Clerks budget, however, need and additional \$5,161 to make it to the end of the fiscal year. Funds are available in the Tax Department budget for this request.

MOTION (11)

Mr. Seery moved to approve a transfer in the amount of \$5,161 from account 01-01-103-100-311 (Tax Aides) to account 01-01-107-100-311 (Assistant Town Clerks) to cover payroll through fiscal year end due to staff changes made during the fiscal year in each of the departments and forward to the Board of Finance for approval.

Seconded by Mr. Wilson. Motion passed 5-0.

2g. Authorization for First Selectman to Sign and Deliver an Agreement with Matrix Design Group, Inc. for Joint Land Use Study (JLUS) \$149,050.

MOTION (12)

Mr. Seery moved the following:

BE IT RESOLVED: That the Board of Selectmen, authorizes the First Selectman, in the name and on behalf of the Town, to sign and deliver an Agreement with Matrix Design Group, Inc., pertaining to a Joint Land Use Study (JLUS) regarding Stone's Ranch Military Reservation (SRMR) and Camp Niantic, in the amount of \$149,050.00.

Seconded by Mr. Salerno. Motion passed 5-0.

2h. Resolution - Historic Preservation Grant - \$3000

Mr. Nickerson noted that this was a yearly request.

MOTION (13)

Mr. Seery moved the following:

Be it resolved: That Mark C. Nickerson, First Selectman of the Town of East Lyme is empowered to execute and deliver in the name and on behalf of the Town of East Lyme a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

Seconded by Ms. Cheeseman. Motion passed 5-0.

2i. Special Appropriation \$3667.82 – EOC – Security Camera

Mr. Nickerson said that the Office of East Lyme Public Safety is requesting a special appropriation in the amount of \$3,667.82 to purchase a security camera server for the Emergency Operations Center. This new server is necessary to manage all of the Town's security cameras within the current system. The funding would come from Nuclear Safety Emergency Program (NSEP) fund via approved allocation # 2015-111.

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

MOTION (14)

Mr. Seery moved to approve a special appropriation in the amount of \$3,667.82 to budget account 01-70-725-224-006 (NSEP Equipment) and revenue account 01-04-400-401 (NSEP Grants) for the purchase of a new security camera server for the Emergency Operations Center and forward to the Board of Finance for approval.

Seconded by Mr. Wilson. Motion passed 5-0.

2j. Appointment – Smith Harris Commission

MOTION (15)

Mr. Seery moved to appoint Barbara Odgers of 36 Roxbury Road, Niantic, CT to serve on the Smith Harris Commission through January 4, 2016.

Seconded by Mr. Wilson. Motion passed 5-0.

2k. Sign Call – Public Hearing – Amend Golf Cart Regulation – Delete Crescent Beach

MOTION (16)

Mr. Seery moved the following:

**TOWN OF EAST LYME
BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING
REGARDING AMENDMENT TO THE REGULATION
CONCERNING THE USE OF GOLF CARTS**

NOTICE IS HEREBY GIVEN, of a public hearing to be held by the East Lyme Board of Selectmen at 7:00 p.m. on May 20, 2015 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut to consider an amendment to the "Regulation Concerning the Use of Golf Carts". Said Amendment will delete Section 5.1, thereby removing the Crescent Beach community from the list of beach communities authorized to operate golf carts on certain town roads pursuant to Connecticut General Statutes Section 14-300g.

Copies of the full text of the proposed amendment are on file for public inspection at the office of the East Lyme Town Clerk, 108 Pennsylvania Avenue, Niantic, Connecticut and at <http://www.eltownhall.com/> to which reference may be had. Interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut, on this 6th day of May, 2015.

EAST LYME BOARD OF SELECTMEN

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

Seconded by Mr. Wilson. Motion passed 5-0.

2m. Discussion / Authorize First Selectman to Sign MOU with Landmark

Mr. Nickerson noted that with the assistance of Senator Formica, an MOU has been drafted for signature with Glenn Russo of Landmark Development containing generic language which would enable them to sit at the same table and see how the parties could find another land parcel that would be advantageous for Landmark to develop. He added that the land proposed for development does not need to be in East Lyme or even in the state and could be anywhere. He said that we would rely on state and federal representatives to work toward a solution. He added that Landmark has an application before the Zoning Commission for an affordable housing development for the same parcel, noting that these two issues will work simultaneously. He said that the value of the land would be determined at a later date.

MOTION (17)

Mr. Seery moved the following:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") has been executed as of the ____ day of April, 2015, by and between the Landmark Development Group, LLC and Jarvis of Cheshire, LLC, 100 Roscommon Drive, Suite 312, Middletown, Connecticut 06457 ("Landmark") and the TOWN OF EAST LYME, 108 Pennsylvania Avenue, P.O. Box 519, Niantic, Connecticut 06357 ("East Lyme").

RECITALS

WHEREAS, Landmark owns a 236 acre parcel on Calkins Road (the "Property") and wishes to develop a multi-family residential development on the Property; and

WHEREAS, the proposed development of the Property has been and continues to be the subject of litigation involving Landmark and various East Lyme Commissions; and

WHEREAS, Landmark and East Lyme have indicated an interest in exploring extra-judicial options and possible resolutions to the litigation involving the Property;

NOW, THEREFORE, in consideration of the premises recited above and the undertakings of the Parties set forth below, Landmark and East Lyme have voluntarily undertaken to do the following:

1. The Parties will work together, with each Party reserving all rights with respect to the development process and any objections thereto, to:
 - (a) determine and agree upon, in a non-binding manner, a method to identify one or more separate properties, which need not be located within the Town of East Lyme or the State of Connecticut, and which could be owned by the

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

- federal government, another state's government, a public agency, or a private party, to which the development rights of the Property can be transferred;
- (b) negotiate and execute a transfer of the development rights of the Property to the other property or properties identified therein;
 - (c) cooperate to structure the transaction to maximize a Deduction for Charitable Contributions as permitted under the Internal Revenue Code, U.S. §176 "Qualified Conservation Contribution of Farmers and Ranchers," or similar tax credit or financial benefit, to Landmark, reflecting the transfer of such development rights;
 - (d) preserve the Property, in perpetuity, through a Qualified Conservation Contribution.
2. After execution of this Memorandum, the Parties shall issue a joint written statement expressing their good faith efforts in attempting to reach an extra-judicial resolution.
 3. Nothing in this Memorandum, including but not limited to the calculation of the value of any development rights, shall be construed or interpreted to limit the rights of East Lyme or Landmark as to any litigation – whether currently pending, or in the future, regarding the Property or the development of the Property. The sole and limited purpose of this Memorandum is to set forth a framework for a possible resolution of the ongoing disputes between the Parties. This Memorandum, and any discussions or representations between the Parties related thereto, shall not be admissible in any court, administrative proceeding or other dispute resolution proceeding of any kind or nature whatsoever involving the Parties.
 4. Nothing in this Memorandum shall be construed or interpreted so as to require any official or resident of East Lyme to refrain from opposing proposals advanced by Landmark for the use of the Property or proposals for the resolution of pending or future litigation between the Parties.
 5. This Memorandum creates no obligation, right or benefit, substantive or procedural, on the part of any Party or any officer, employee or official related to or on behalf of a Party, which may be enforceable by way of any action at law or in equity against any other Party or any officer, employee or official related to or on behalf of a Party. The actions of the Parties pursuant to this Memorandum shall be considered as entirely voluntary, resulting in no obligation or cause of action in favor of or against any Party. Any obligations or agreements between the Parties shall be the subject of separate and subsequent agreements.
 6. This Memorandum contains the entire understanding between the Parties.

THE NEXT PAGE IS THE SIGNATURE PAGE

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

Seconded by Mr. Salerno. Motion passed 5-0.

2n. Authorization to Sign MOU with Donald Marr

MOTION (18)

Mr. Seery moved to authorize the First Selectman to enter into a MOU with Donald Marr as submitted.

Seconded by Mr. Wilson. Motion passed 5-0.

3a. New England Forestry Foundation re: Purchase of KSK Assoc. LLC property off of Goldfinch Terrace – Open Space

Mr. Nickerson said that New England Forestry will present on May 20, 2015.

5a. Ex-Officio

Mr. Salerno attended the Harbor Management meeting where there was discussion on how they could resurrect the stream gauge now that it has been cut from the budget. On May 12th they will have a special meeting to review the Harbor Management Plan. He attended Inland Wetlands where they held a public hearing on a single family dwelling septic system which was continued. There was a discussion about the solar farm and he added that the Commission is pleased with Gateway's response.

Mr. Seery noted that the Parks and Recreation Commission held a 5K run which had been very well attended.

Ms. Cheeseman said she attended the Library Board of Directors meeting and that there were 3 vacancies on the Board and added if anyone was interested to contact her. She said there was also discussion about the very successful homebound delivery program. She also attended the Zoning Commission meeting on April 16th where a sidewalk waiver was approved for Industrial Park Road and they heard a request from Parks and Recreation about a gazebo at Bridebrook Park which was continued for more information on wind ratios. She added they also heard several applications for outdoor dining.

5b. First Selectman's Report

Mr. Nickerson said that he has been very busy with the day to day operations of the town. He was a guest at the Crescent Beach meeting and attended a Millstone meeting and added that they are a good neighbor, very safety conscious and community friendly. He held an informational meeting for the proposed cell tower and submitted alternate sites for the tower. He took part in the Opening Day of Little League and attended a Warden's quarterly meeting. He attended the Board of Education's budget

East Lyme Board of Selectmen Meeting of May 6, 2015 minutes

meeting and inquired who would be attending for May. (Kevin Seery). He attended the CCM Day on the Hill event. He reminded everyone that the Annual Town Meeting is Monday, May 11th at the High School at 7:00 p.m. and suggested possibly changing the venue next year back to Town Hall. The Annual Town Meeting will be adjourned to a referendum to be held on May 21st from 8:00 a.m. until 8:00 p.m. at the Community Center.

Ms. Cheeseman thanked the First Selectman for attending the new exhibit at the Children's Museum – a donated fire engine.

Mr. Nickerson commented on what a great exhibit it was and congratulated Ms. Cheeseman on being chosen the new Director for the Children's Museum.

6 Public Discussion

Robert Carlson of 68 Spring Glen Road suggested having the Police Department go independent due to the increase in resident trooper costs.

7 Mr. Nickerson said that he has been working with a public safety committee studying the potential of making the police department independent. He said if the state changes the costs of the Resident Trooper program to 100% that will be the tipping point.

MOTION (18)

Mr. Seery moved to adjourn the May 6, 2015 meeting of the East Lyme Board of Selectmen at 9:27 p.m

Seconded by Mr. Wilson. Motion passed 5-0.

Respectfully submitted,



Darlene C. Stevens, Recording Secretary

Attendant A

May 6, 2015

Good Evening First Selectman Nickerson and Other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road

I would like to bring to the attention of the Selectmen Board a matter on Walnut Hill Road and Grassy Hill Road about the Solar Farm. Since the Board of Selectmen is the beginning of our chain of command in our local government they should be able to help us. I would like their help, guidance on this matter. We have tried and others have tried for a long time to get the help of the Wetlands Commission. They had this matter off the agenda for a while now, since then they have put it back on the agenda (under Old Business) so nobody can make comments on the Solar Farm.

The matters that I would like the Board of Selectmen to do:

1. To tell the Wetlands Commission to do their job. The Town Attorney has been at one of their meetings and told them about their responsibilities and actions that they can do. Many people know that the Wetlands Commission had their hands tied very tight so Gary and the Wetlands Commission couldn't do their job. But, it's very surprising to many people how the Gateway Project is being hammered by the Wetlands Commission and the CT DEEP. Isn't that strange...no Politics involved at Gateway Project, and I repeat.....No Politics involved at Gateway Project
2. The Wetlands agency issued a Cease, Desist and Restore Order on the Solar Farm dated April 4, 2014.

3. Just on the CDR Order there are policies (procedures) not being followed, executed and addressed (just overlooked).
 - a. Authority Contents
 - b. Complaint Contents
 - c. Violation Contents
 - d. Corrective Action Contents
 - e. Submit Restoration Plan Contents
 - f. Full Compliance Contents
 - g. Non-Compliance Contents
 - h. False Statements Contents
 - i. Agency's Power Contents
 - j. No Assurance by Agent Contents
 - k. No Effect On Rights of Other Persons Content
 - l. Notification of Non-Compliance Contents

Here are just a few of the items that need to be addressed now, but don't forget about all the items on this CDR Order that need to be enforced, followed and not overlooked.

4. The Town of East Lyme Inland Wetlands and Watercourses regulations that are not being followed, executed, and addressed- just being overlooked.
5. The CT General Statutes, Sections 22A-42A that need to be enforced, followed and just being overlooked.
6. Chapter 440 of the CT Wetlands and Watercourses Act, Sections 22A-36 to 22A-45A, that is not being followed, executed and addressed (just being overlooked).

7. The better half, and myself only just started with the Federal guidelines for Wetlands, Watercourses and the Environment. Here are just a few for the Board to think about:
 - a. Clean Water Act, Section 404
 - b. National Environment Policy Act of 1969
 - c. United States Code of Wetlands and Watercourses, Section 552 of Title 5
 - d. United States EPA

As a taxpayer now and generations before paying taxes, why do we have to do the Town's work by hiring (well qualified professionals) an Attorney, Soil Scientist and various other people? It's in black and white that it's the Town's duty to enforce their Wetlands and Watercourses regulations, the CDR Order, the State of CT Wetlands and Watercourses regulations and the Federal Government guidelines, and all the laws to protect the Wetlands and Watercourses. We are trying to be taxpayer friendly but, if our Town is not going to be Town friendly it leaves us with no other recourse but to sue the Town for not their job on restoring our wetlands, tributary, Cranberry Meadow Brook, Latimer's Brook, and maybe the Sound. We are not the ones that altered their property, sold everything they could off of the property, striped the land down to hardpan, had retention ponds built (fail twice), and had all the surface water drain into one area on their property – not being absorbed into the farmland, wooded areas like it was before. It's a shame what they did to that property – they promised the Town everything, the siting counsel, and taxpayers...and did nothing. It's no wonder why nobody wants to be associated with this Solar Farm and the mess up there and just want it to be overlooked.

Since we are doing the Towns work, that they have overlooked on this Solar Farm to enforce, including their CDR Order, East Lyme's Wetlands and Watercourses Regulations, also the State and Federal

Wetlands and Watercourses Regulation, and all the laws pertaining to Wetlands and Watercourses. The Town would have had to hire an Attorney, Soil Scientists, and others to litigate this matter anyway. Again, I say, we are doing the Towns work and we were advised, and strongly feel that we should be compensated for damages, punitive damages, Attorneys' fees, litigation costs, expenses of various expert witnesses, and all related expenses for our tributary, pond, wetlands and natural resources damages (including Cranberry Meadow Brook and Latimer's Brook). Like it was when my grandparents bought and enjoyed it before.

We would also like to protect our tributary, wetlands, natural resources, and Cranberry Meadow Brook, and Latimer's Brook from any more damage - past, present and future. Also, the Town should execute a deed or restriction on the solar farm for this purpose of damages – since the water in our tributary is warming up. That is not good for so many reasons, and should also be addressed – not overlooked.

Finally I would like to add that this is the second time I have asked this Board about this problem in full. The Town didn't pursue any of its own Wetlands regulations, their CDR order, the Army Corp of Engineers regulations, CT Wetlands and DEEP regulations, and the Federal Government Wetlands regulations. It's surprising how all of these

Regulations have been overlooked because of politics. The date I handed all this information to the Board of Selectmen was at the November 19, 201~~4~~ meeting.

I would like to bring up some issues that were mentioned at the Wetlands meeting on Monday, May 4, 2015:

1. We had a mediation meeting on March 27, 2015 with 3 attorneys, Town officials, Don Fortunado, Michael Klein, Centerplan, Joan Bengston, and ourselves to discuss the damage to our tributary.
2. We had dates to be addressed by on this matter, and there were:
 - a. 4/13/15 Site walk (Gary, Don, Michael)
 - b. 4/17/15 Report due from Michael Klein
 - c. 5/1/15 All revisions done
 - d. 5/12/15 Discuss off site issues
3. It seems that all of us set up these dates, and nothing is going to happen.
4. The Town has a conservation easement on that parcel. Why is the Board of Selectmen doing nothing to enforce this easement?
5. During the Wetlands Commission Site Walk on Saturday, May 2, 2015 they found the solar farm still unstable, erosion problems, and other issues. Wouldn't you think that Centerplan would try to clean up the mess up there but, that just goes to show you – they don't care, they're above the regulations, didn't have to follow the Cease, Desist and Restore order on them, myself, everyone else that's involved, and would just like us to go away and forget about all the damage they caused on their property and others.

It's very surprising how Gateway Project had 2 Cease, Desist and Restore orders on them, and the Wetlands Commission was very happy how they acted so quickly to follow their CDR order and make it right – NO Politics to help them there.....

The almost last remark that I would like to say is I'm sorry that I've repeated myself to the Selectmen Board so many times in this letter. I'm not going away and forget about our damage to our tributary that was caused by a big rush of water from the retention pond failure.

Finally, my last remark is that the Town is very liable for their actions on how they handled, pursued and overlooked this matter, and if the members of the Board of Selectmen or any other person were in our shoes what would they do or how would they feel..... We just want to be whole again.

Sincerely,

John Bialowans, Jr.

Attachment B

Mark C. Nickerson
First Selectman
Town of East Lyme, CT

860-739-6931 x110

From: Casey, Carol-Lynne [<mailto:CCasey@chaseenterprises.com>]
Sent: Friday, April 17, 2015 1:30 PM
To: Mark Nickerson
Subject: RE: Crescent Beach - Opted out of Golf Cart Provision

Hi Mr. Nickerson,

The Crescent Beach Board of Governors learned after the fact that the town had passed an ordinance allowing golf carts in certain beach communities. Had we known about this proposed ordinance in advance, we would have taken action sooner.

When we first became aware of it, I called Paul Formica and asked for guidance on what Crescent Beach needed to do to opt out of the ordinance. He advised to send a letter stating that Crescent Beach was opting out of the golf cart ordinance and that was all we needed to do. He stressed that each beach community had the option of deciding to allow or not allow golf cart use in their respective communities.

The Crescent Beach Board of Governors solicited feedback from our membership and heard overwhelmingly from our members that they were not in favor of golf carts being permitted within the territorial limits of Crescent Beach. During our regularly scheduled July, 2013 Board of Governors Meeting, and following protocol, the Board voted unanimously to opt out of the golf cart ordinance. A letter was then sent to Paul Formica's office. Several days after I sent the letter I called his office to confirm receipt of the letter and to ask if anything further was required. I was told that yes, the letter was received and nothing further was required.

The vote to opt out of the golf cart ordinance was reflected in the Meeting Minutes which were posted at the beach and also at East Lyme Town Hall. The Crescent Beach web site was also updated with a notice that golf carts were not permitted in Crescent Beach. And, at the August Membership Meeting when the Board publically announced to the membership in attendance that we had opted out of the golf cart ordinance, we received an enthusiastically supportive response. A few people actually clapped their hands in support.

In late August, one member reported almost being run over by a golf cart that had traveled from Black Point to Crescent Beach to have breakfast at the Stand!

Also in late August, a Crescent Beach resident drove a golf cart to the beach to drop off sand chairs. I spoke with him personally and told him that the Board had voted to opt out of the golf cart ordinance and that golf carts were not permitted in Crescent Beach. This resident told me that he was going to drive his golf cart in Crescent Beach and that he had already called the East Lyme Police Department who had assured him that if someone were to call the police department to report that a golf cart was being operated illegally at Crescent Beach that they wouldn't even answer the call. I'm sure his statement about calling the East Lyme Police Department is fabrication, but it gives you a sense of his tenor. I imagine I will have further dealings with this gentleman this summer. But honestly, I am not aware of any other Crescent Beach residents who have golf carts. If there are others, we haven't seen them and they are respecting the law:

While I am disappointed that it appears that no action was taken on our request of last August, I do thank you in advance for getting this matter resolved. My email to you was prompted by a suggestion of one of our members to send a reminder that Crescent Beach had opted out of the golf cart ordinance so that no golf cart permits (or renewals) would be issued this year for anyone attempting to register a golf cart for use in Crescent Beach.

I look forward to hearing back that the town has taken action on our request.

Very truly yours,

Carol-Lynne Casey
President, Crescent Beach Board of Governors

From: Mark Nickerson [<mailto:MNickerson@eltownhall.com>]
Sent: Friday, April 17, 2015 12:41 PM
To: Casey, Carol-Lynne
Subject: RE: Crescent Beach - Opted out of Golf Cart Provision

Carol-Lynne,

Checking the records, I do not believe that the Board of Selectmen have acted on this or changed the ordinance. I am sending this to town attorney for his review and direction on how to act on this.

I understand that some of the Crescent Beach citizens have made an investment in a cart. This will certainly be a huge disappointment and point of contention for those people.

Mark C. Nickerson
First Selectman
Town of East Lyme, CT

860-739-6931 x110

From: Casey, Carol-Lynne [<mailto:CCasey@chaseenterprises.com>]
Sent: Tuesday, April 14, 2015 4:55 PM
To: Mark Nickerson
Subject: Crescent Beach - Opted out of Golf Cart Provision

Hello Mr. Nickerson,

Last August, 2014, the Crescent Beach Board of Governors voted unanimously to **opt-out** of the Town of East Lyme's Golf Cart Ordinance. A letter was sent to Paul Formica advising of this action. A copy of this letter is attached.

Can you confirm that the town's records show that golf carts are not permitted within the territorial limits of the Crescent Beach Association. Can you also confirm that the town will deny a request for a golf cart permit to anyone attempting to register a golf cart for use within the Crescent Beach Association?

Thanks so much.

Carol-Lynne Casey
For the Crescent Beach Board of Governors

Carol-Lynne Casey
Human Resources
Chase Enterprises
225 Asylum Street, 29th Floor

Hartford, CT 06103

☎: (860) 293-4217 2: (860) 293-4216 📧: ccasey@chaseenterprises.com

🌱 Go Green: Do not print this email if it is not necessary.

August 13, 2014

East Lyme Town Hall
Attn: First Selectman Paul Formica
P.O. Box 519
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Golf Cart Use – Crescent Beach, Niantic, CT

Dear Mr. Formica,

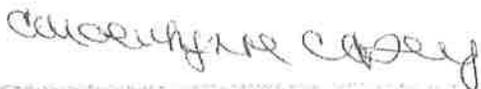
At the August 5, 2014 Crescent Beach Association Board of Governors Meeting, the Board of Governors voted, by unanimous vote of those present, to **opt-out** of the Town of East Lyme's Golf Cart Ordinance. Golf carts will not be allowed in Crescent Beach.

We respectfully request the effective date of this vote be immediate.

If you need anything further in this regard, please contact me.

Thank you very much.

Sincerely,



Carol-Lynne Casey, President
Crescent Beach Association

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
August 5, 2014 6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The August 5, 2014 Meeting of The Crescent Beach Board of Governors was called to order at 6:30p.m. by President Carol-Lynne Casey at 6:30 p.m. Board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons, and Jaye Sepko. Also present Ruth Ames, Tax Collector. Absent, Steve Rebelowski ZEO. Members present, Don Ames, Jim Barone, and Frank Bongo.
2. Public Discussion: None
3. Approval of Minutes of the July 1, 2014 Board of Governors Meeting: A MOTION was made by Heather Parsons to approve the Board of Governor Minutes from July 1, 2014 meeting. The MOTION was seconded by Terry Cohn. The MOTION passed unanimously.
4. Correspondence: An e-mail from the Town of East Lyme's Julie Wilson. (attachment 1)
5. Reports
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2)
 - b. ZEO: Steve Rebelowski's report was e-mailed to all board members. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her report and discussed placing liens on properties with delinquent taxes along with a letter. A MOTION by consensus of the board was made to send a letter from the board along with the lien.
 - d. Board Member Reports: Heather Parsons reported on the missing DANGER ROCKS buoy which will need to be replaced. She also updated the costs of beach cleaning maintenance to date. Rob Hendrickson reported on the life guards and his concerns with the consistency of coverage. He also stated that website updates would be entered on Tuesdays and would need all information to be included on Mondays. Jaye reported on the CBA basement ceiling and presented a bid. Rob Hendrickson said that he would check what needs to be done and if possible with the help of volunteers do the work. Jaye stated that the work needed to be completed by April 2015. She also noted that the kitchen faucets had been replaced. Terry Cohn reported that there have been complaints about smoking on the south beach. He also spoke with Peter Sepko regarding starting work on the new boat rack. Carol-Lynne reported that she had been in touch with Attorney Janney regarding several issues. Leeanne presented her report regarding the bluff. She and Carol-Lynne met with representatives from the Town of East Lyme, FEMA, DEMAS, Keith Nielson and Attorney Janney to make sure all protocol for the documentation and auditing

for funding of the project. At this point Keith Nielson reviewed what is currently happening at his end and provided copies of the Structure and Dredging Application. (attachment 4) LEEANNE and Carol-Lynne will be meeting with Paul Formica regarding the town's assistance in putting a bid together on August 6, 2014.

6. Old Business

- a. Bluff Repair: This was discussed at length during LEEANNE's report.
- b. Charter Review: Jack Pasquale presented a paper on Charter Revision procedure (attachment 5) and an Ordinance authorization, Ordinance 01-14 for the board to sign on approval.(attachment 6) Rob Hendrickson made a MOTION to approve ordinance 01-14 authorizing the Crescent Beach Association to adopt home rule pursuant to the Connecticut General Statutes Section 7-188 and to establish a Charter Review Commission. LEEANNE Engels seconded the MOTION. Heather Parsons was absent for this vote but the remainder of the board voted unanimously to approve the MOTION. Discussion followed regarding the protocol needed to proceed with the application and review process for the Charter Review Commission.
- c. Handicap Parking: Terry Cohn and Heather Parsons are continuing to review this issue.
- d. Family Activities: Jaye reported on Crescent Beach Day which was a success. (attachment 7)
- e. Golf Carts: After discussion a MOTION was made by Terry Cohn to opt-out of the Town of East Lyme's golf cart policy provision. The MOTION was seconded by Rob Hendrickson. The MOTION passed unanimously. Therefore golf carts will NOT be allowed in Crescent Beach and a letter will be sent to the town notifying them of the board's decision.

7. New Business:

- a. Crescent Beach Day Report: this was discussed under Family Activities.
- b. Review of Agenda/Warning for the August 23, 2014 Membership Meeting: the review and warning were discussed.

8. Zoning

- a. The Elms: reviewed in the ZEO report
- b. 44 Central: reviewed in the ZEO report

9. Any other business to come before the Board: None

10. Agenda for the September 2, 2014 Board of Governors Meeting: The agenda was set.

11. Adjournment: The meeting was adjourned at 8:30p.m.

Respectfully submitted, Jaye M. Sepko, Secretary

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
August 5, 2014 6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The August 5, 2014 Meeting of The Crescent Beach Board of Governors was called to order at 6:30p.m. by President Carol-Lynne Casey at 6:30 p.m. Board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons, and Jaye Sepko. Also present Ruth Ames, Tax Collector. Absent, Steve Rebelowski ZEO. Members present, Don Ames, Jim Barone, and Frank Bongo.
2. Public Discussion: None
3. Approval of Minutes of the July 1, 2014 Board of Governors Meeting: A MOTION was made by Heather Parsons to approve the Board of Governor Minutes from July 1, 2014 meeting. The MOTION was seconded by Terry Cohn. The MOTION passed unanimously.
4. Correspondence: An e-mail from the Town of East Lyme's Julie Wilson. (attachment 1)
5. Reports
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2)
 - b. ZEO: Steve Rebelowski's report was e-mailed to all board members. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her report and discussed placing liens on properties with delinquent taxes along with a letter. A MOTION by consensus of the board was made to send a letter from the board along with the lien.
 - d. Board Member Reports: Heather Parsons reported on the missing DANGER ROCKS buoy which will need to be replaced. She also updated the costs of beach cleaning maintenance to date. Rob Hendrickson reported on the life guards and his concerns with the consistency of coverage. He also stated that website updates would be entered on Tuesdays and would need all information to be included on Mondays. Jaye reported on the CBA basement ceiling and presented a bid. Rob Hendrickson said that he would check what needs to be done and if possible with the help of volunteers do the work. Jaye stated that the work needed to be completed by April 2015. She also noted that the kitchen faucets had been replaced. Terry Cohn reported that there have been complaints about smoking on the south beach. He also spoke with Peter Sepko regarding starting work on the new boat rack. Carol-Lynne reported that she had been in touch with Attorney Janney regarding several issues. Leeanne presented her report regarding the bluff. She and Carol-Lynne met with representatives from the Town of East Lyme, FEMA, DEMAS, Keith Nielson and Attorney Janney to make sure all protocol for the documentation and auditing

for funding of the project. At this point Keith Nielson reviewed what is currently happening at his end and provided copies of the Structure and Dredging Application. (attachment 4) Leeanne and Carol-Lynne will be meeting with Paul Formica regarding the town's assistance in putting a bid together on August 6, 2014.

6. Old Business

- a. Bluff Repair: This was discussed at length during Leeanne's report.
- b. Charter Review: Jack Pasquale presented a paper on Charter Revision procedure (attachment 5) and an Ordinance authorization, Ordinance 01-14 for the board to sign on approval.(attachment 6) Rob Hendrickson made a MOTION to approve ordinance 01-14 authorizing the Crescent Beach Association to adopt home rule pursuant to the Connecticut General Statutes Section 7-188 and to establish a Charter Review Commission. Leeanne Engels seconded the MOTION. Heather Parsons was absent for this vote but the remainder of the board voted unanimously to approve the MOTION. Discussion followed regarding the protocol needed to proceed with the application and review process for the Charter Review Commission.
- c. Handicap Parking: Terry Cohn and Heather Parsons are continuing to review this issue.
- d. Family Activities: Jaye reported on Crescent Beach Day which was a success. (attachment 7)
- e. Golf Carts: After discussion a MOTION was made by Terry Cohn to opt-out of the Town of East Lyme's golf cart policy provision. The MOTION was seconded by Rob Hendrickson. The MOTION passed unanimously. Therefore golf carts will NOT be allowed in Crescent Beach and a letter will be sent to the town notifying them of the board's decision.

7. New Business:

- a. Crescent Beach Day Report: this was discussed under Family Activities.
- b. Review of Agenda/Warning for the August 23, 2014 Membership Meeting: the review and warning were discussed.

8. Zoning

- a. The Elms: reviewed in the ZEO report
- b. 44 Central: reviewed in the ZEO report

9. Any other business to come before the Board: None

10. Agenda for the September 2, 2014 Board of Governors Meeting: The agenda was set.

11. Adjournment: The meeting was adjourned at 8:30p.m.

Respectfully submitted, Jaye M. Sepko, Secretary

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
August 5, 2014 6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The August 5, 2014 Meeting of The Crescent Beach Board of Governors was called to order at 6:30p.m. by President Carol-Lynne Casey at 6:30 p.m. Board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons, and Jaye Sepko. Also present Ruth Ames, Tax Collector. Absent, Steve Rebelowski ZEO. Members present, Don Ames, Jim Barone, and Frank Bongo.
2. Public Discussion: None
3. Approval of Minutes of the July 1, 2014 Board of Governors Meeting: A MOTION was made by Heather Parsons to approve the Board of Governor Minutes from July 1, 2014 meeting. The MOTION was seconded by Terry Cohn. The MOTION passed unanimously.
4. Correspondence: An e-mail from the Town of East Lyme's Julie Wilson. (attachment 1)
5. Reports
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2)
 - b. ZEO: Steve Rebelowski's report was e-mailed to all board members. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her report and discussed placing liens on properties with delinquent taxes along with a letter. A MOTION by consensus of the board was made to send a letter from the board along with the lien.
 - d. Board Member Reports: Heather Parsons reported on the missing DANGER ROCKS buoy which will need to be replaced. She also updated the costs of beach cleaning maintenance to date. Rob Hendrickson reported on the life guards and his concerns with the consistency of coverage. He also stated that website updates would be entered on Tuesdays and would need all information to be included on Mondays. Jaye reported on the CBA basement ceiling and presented a bid. Rob Hendrickson said that he would check what needs to be done and if possible with the help of volunteers do the work. Jaye stated that the work needed to be completed by April 2015. She also noted that the kitchen faucets had been replaced. Terry Cohn reported that there have been complaints about smoking on the south beach. He also spoke with Peter Sepko regarding starting work on the new boat rack. Carol-Lynne reported that she had been in touch with Attorney Janney regarding several issues. Leeanne presented her report regarding the bluff. She and Carol-Lynne met with representatives from the Town of East Lyme, FEMA, DEMAS, Keith Nielson and Attorney Janney to make sure all protocol for the documentation and auditing

for funding of the project. At this point Keith Nielson reviewed what is currently happening at his end and provided copies of the Structure and Dredging Application. (attachment 4) Leeanne and Carol-Lynne will be meeting with Paul Formica regarding the town's assistance in putting a bid together on August 6, 2014.

6. Old Business

- a. Bluff Repair: This was discussed at length during Leeanne's report.
- b. Charter Review: Jack Pasquale presented a paper on Charter Revision procedure (attachment 5) and an Ordinance authorization, Ordinance 01-14 for the board to sign on approval.(attachment 6) Rob Hendrickson made a MOTION to approve ordinance 01-14 authorizing the Crescent Beach Association to adopt home rule pursuant to the Connecticut General Statutes Section 7-188 and to establish a Charter Review Commission. Leeanne Engels seconded the MOTION. Heather Parsons was absent for this vote but the remainder of the board voted unanimously to approve the MOTION. Discussion followed regarding the protocol needed to proceed with the application and review process for the Charter Review Commission.
- c. Handicap Parking: Terry Cohn and Heather Parsons are continuing to review this issue.
- d. Family Activities: Jaye reported on Crescent Beach Day which was a success. (attachment 7)
- e. Golf Carts: After discussion a MOTION was made by Terry Cohn to opt-out of the Town of East Lyme's golf cart policy provision. The MOTION was seconded by Rob Hendrickson. The MOTION passed unanimously. Therefore golf carts will NOT be allowed in Crescent Beach and a letter will be sent to the town notifying them of the board's decision.

7. New Business:

- a. Crescent Beach Day Report: this was discussed under Family Activities.
- b. Review of Agenda/Warning for the August 23, 2014 Membership Meeting: the review and warning were discussed.

8. Zoning

- a. The Elms: reviewed in the ZEO report
- b. 44 Central: reviewed in the ZEO report

9. Any other business to come before the Board: None

10. Agenda for the September 2, 2014 Board of Governors Meeting: The agenda was set.

11. Adjournment: The meeting was adjourned at 8:30p.m.

Respectfully submitted, Jaye M. Sepko, Secretary

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
Tuesday, July 1, 2014 6:30p.m.
CBA Center, 37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The meeting of the Board of Governors was called to order by President Carol-Lynne Casey at 6:30p.m. with the following board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons and Jaye Sepko. Also present Ruth Ames Tax Collector. Steve Rebelowski ZEO absent. Membership present: Don Ames, Jim Barone and Frank Bongo.
2. Public Discussion: Ruth Ames presented Terry Cohn with Vessel Stickers which can be used for identifying missing/found boats.
3. Approval of Minutes of Board of Governors Meeting June 3, 2014: A MOTION was made by Leeanne Engels to correct the agenda to add the approval of minutes of the June 21, 2014 Board of Governors meeting following the June 21, 2014 membership meeting. The MOTION was seconded by Terry Cohn. The vote was unanimous. Leeanne Engels made a MOTION to approve the minutes of the June 3, 2014 Board of Governors meeting. Heather Parsons seconded the MOTION. The vote was unanimous. A Motion was made by Rob Hendrickson to approve the minutes of the Board of Governors meeting which followed the June 21, 2014 membership meeting. Terry Cohn seconded the MOTION. The vote was unanimous.
4. Correspondence: Jaye Sepko presented a letter from the Fire Marshal. (attachment 1)
5. Reports:
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2) At that time he announced that he will be resigning his position as Treasurer as well as his seat on the Board of Governors effective August 23, 2014.
 - b. ZEO: Steve Rebelowski was not present, but sent his report for the month of June. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her Tax Collector report and discussed with the board options for collecting delinquent tax bills and assessments. A MOTION was made by Terry Cohn to send a letter from the board to those who are delinquent on their first assessment installment. The MOTION was seconded by Leeanne Engels. The vote was unanimous.
 - d. Leeanne Engels updated the board on the bluff repair project. Keith from Docko and Frank from FEMA will again walk the bluff area. DEEP is concerned about Blue Grass growing in the area but it should not be in danger from any work performed on the bluff. Leeanne suggested a meeting with Dana Conover (DEMAS), Attorney Janney, Keith Neilson (DOCKO), President Carol-Lynne Casey and herself to review a "game plan" to move forward with the project. Carol-Lynne will also contact Paul Formica regarding participation from the town with on sight engineering. Terry Cohn reported that he followed up on an incident regarding a truck unloading a boat on South Beach. He also stated that the boat rack to be constructed has 8 out of 9 spaces spoken for already. And has a group of volunteers interested in helping with the construction. Rob reported that 42 people have signed up for the news letter via the website. He also said to forward to him any information which needs to be included in the website. Heather Parsons reported that the raft and lifelines are in place and that the beaches have been groomed and are being maintained. The rock removal machine did both beaches on July 1st. Jaye reported on repairs necessary for the CBA center also reported that the concessioner, Nick Kivalanka has been doing well. Carol-Lynne Casey reported on the lifeguards.

6. Old Business:
 - a. Bluff Repair Project: Reported on by Leeanne Engels
 - b. Charter Review: Carol-Lynne reviewed her conversation with Jack Pasquale regarding tabling the board vote to adopt a home rule ordinance until our August 5, 2014 meeting to allow time to search for committee members. 5 to 15 members are needed preferably 15 to allow the group to break down into subcommittees. Interested people will be asked to fill out an informational form. After the search and review the board will select committee members. Rob Hendrickson made a MOTION to table the vote to adopt a home rule ordinance until the August 5, 2014 Board of Governors Meeting. Leeanne Engels seconded the MOTION. The vote was unanimous.
 - c. Handicap Parking: The board continues to investigate options.
 - d. Family Activities: Jaye reported that Summer Kick –off Day was a success.
7. New Business:
 - a. Boat Rack: Discussed in Terry's report
 - b. Golf Carts: The board will obtain member feedback regarding allowing golf carts on the streets of Crescent Beach via email blast, website, and suggestion box before deciding on a course of action.
8. Zoning:
 - a. Elms Hotel: No change
 - b. 44 Central: No change
9. Any Other Business to Come Before the Board: None
10. Agenda for the August 5, 2014 Board of Governors Meeting: The agenda was set
11. Adjournment: The meeting was adjourned at 8:24p.m.

Respectfully Submitted,

Jaye M. Sepko, Secretary Crescent Beach Board of Governors

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
Tuesday, July 1, 2014 6:30p.m.
CBA Center, 37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The meeting of the Board of Governors was called to order by President Carol-Lynne Casey at 6:30p.m. with the following board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons and Jaye Sepko. Also present Ruth Ames Tax Collector. Steve Rebelowski ZEO absent. Membership present: Don Ames, Jim Barone and Frank Bongo.
2. Public Discussion: Ruth Ames presented Terry Cohn with Vessel Stickers which can be used for identifying missing/found boats.
3. Approval of Minutes of Board of Governors Meeting June 3, 2014: A MOTION was made by Leeanne Engels to correct the agenda to add the approval of minutes of the June 21, 2014 Board of Governors meeting following the June 21, 2014 membership meeting. The MOTION was seconded by Terry Cohn. The vote was unanimous. Leeanne Engels made a MOTION to approve the minutes of the June 3, 2014 Board of Governors meeting. Heather Parsons seconded the MOTION. The vote was unanimous. A Motion was made by Rob Hendrickson to approve the minutes of the Board of Governors meeting which followed the June 21, 2014 membership meeting. Terry Cohn seconded the MOTION. The vote was unanimous.
4. Correspondence: Jaye Sepko presented a letter from the Fire Marshal. (attachment 1)
5. Reports:
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2) At that time he announced that he will be resigning his position as Treasurer as well as his seat on the Board of Governors effective August 23, 2014.
 - b. ZEO: Steve Rebelowski was not present, but sent his report for the month of June. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her Tax Collector report and discussed with the board options for collecting delinquent tax bills and assessments. A MOTION was made by Terry Cohn to send a letter from the board to those who are delinquent on their first assessment installment. The MOTION was seconded by Leeanne Engels. The vote was unanimous.
 - d. Leeanne Engels updated the board on the bluff repair project. Keith from Docko and Frank from FEMA will again walk the bluff area. DEEP is concerned about Blue Grass growing in the area but it should not be in danger from any work performed on the bluff. Leeanne suggested a meeting with Dana Conover (DEMAS), Attorney Janney, Keith Neilson (DOCKO), President Carol-Lynne Casey and herself to review a "game plan" to move forward with the project. Carol-Lynne will also contact Paul Formica regarding participation from the town with on sight engineering. Terry Cohn reported that he followed up on an incident regarding a truck unloading a boat on South Beach. He also stated that the boat rack to be constructed has 8 out 9 spaces spoken for already. And has a group of volunteers interested in helping with the construction. Rob reported that 42 people have signed up for the news letter via the website. He also said to forward to him any information which needs to be included in the website. Heather Parsons reported that the raft and lifelines are in place and that the beaches have been groomed and are being maintained. The rock removal machine did both beaches on July 1st. Jaye reported on repairs necessary for the CBA center also reported that the concessioner, Nick Kivalanka has been doing well. Carol-Lynne Casey reported on the lifeguards.

6. Old Business:
 - a. Bluff Repair Project: Reported on by Leeanne Engels
 - b. Charter Review: Carol-Lynne reviewed her conversation with Jack Pasquale regarding tabling the board vote to adopt a home rule ordinance until our August 5, 2014 meeting to allow time to search for committee members. 5 to 15 members are needed preferably 15 to allow the group to break down into subcommittees. Interested people will be asked to fill out an informational form. After the search and review the board will select committee members. Rob Hendrickson made a MOTION to table the vote to adopt a home rule ordinance until the August 5, 2014 Board of Governors Meeting. Leeanne Engels seconded the MOTION. The vote was unanimous.
 - c. Handicap Parking: The board continues to investigate options.
 - d. Family Activities: Jaye reported that Summer Kick –off Day was a success.
7. New Business:
 - a. Boat Rack: Discussed in Terry's report
 - b. Golf Carts: The board will obtain member feedback regarding allowing golf carts on the streets of Crescent Beach via email blast, website, and suggestion box before deciding on a course of action.
8. Zoning:
 - a. Elms Hotel: No change
 - b. 44 Central: No change
9. Any Other Business to Come Before the Board: None
10. Agenda for the August 5, 2014 Board of Governors Meeting: The agenda was set
11. Adjournment: The meeting was adjourned at 8:24p.m.

Respectfully Submitted,

Jaye M. Sepko, Secretary Crescent Beach Board of Governors

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
Tuesday, July 1, 2014 6:30p.m.
CBA Center, 37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order: The meeting of the Board of Governors was called to order by President Carol-Lynne Casey at 6:30p.m. with the following board members present: Terry Cohn, Leeanne Engels, Scott Engels, Rob Hendrickson, Heather Parsons and Jaye Sepko. Also present Ruth Ames Tax Collector. Steve Rebelowski ZEO absent. Membership present: Don Ames, Jim Barone and Frank Bongo.
2. Public Discussion: Ruth Ames presented Terry Cohn with Vessel Stickers which can be used for identifying missing/found boats.
3. Approval of Minutes of Board of Governors Meeting June 3, 2014: A MOTION was made by Leeanne Engels to correct the agenda to add the approval of minutes of the June 21, 2014 Board of Governors meeting following the June 21, 2014 membership meeting. The MOTION was seconded by Terry Cohn. The vote was unanimous. Leeanne Engels made a MOTION to approve the minutes of the June 3, 2014 Board of Governors meeting. Heather Parsons seconded the MOTION. The vote was unanimous. A Motion was made by Rob Hendrickson to approve the minutes of the Board of Governors meeting which followed the June 21, 2014 membership meeting. Terry Cohn seconded the MOTION. The vote was unanimous.
4. Correspondence: Jaye Sepko presented a letter from the Fire Marshal. (attachment 1)
5. Reports:
 - a. Treasurer: Scott Engels presented his Treasurer's Report. (attachment 2) At that time he announced that he will be resigning his position as Treasurer as well as his seat on the Board of Governors effective August 23, 2014.
 - b. ZEO: Steve Rebelowski was not present, but sent his report for the month of June. (attachment 3)
 - c. Tax Collector: Ruth Ames presented her Tax Collector report and discussed with the board options for collecting delinquent tax bills and assessments. A MOTION was made by Terry Cohn to send a letter from the board to those who are delinquent on their first assessment installment. The MOTION was seconded by Leeanne Engels. The vote was unanimous.
 - d. Leeanne Engels updated the board on the bluff repair project. Keith from Docko and Frank from FEMA will again walk the bluff area. DEEP is concerned about Blue Grass growing in the area but it should not be in danger from any work performed on the bluff. Leeanne suggested a meeting with Dana Conover (DEMAS), Attorney Janney, Keith Neilson (DOCKO), President Carol-Lynne Casey and herself to review a "game plan" to move forward with the project. Carol-Lynne will also contact Paul Formica regarding participation from the town with on sight engineering. Terry Cohn reported that he followed up on an incident regarding a truck unloading a boat on South Beach. He also stated that the boat rack to be constructed has 8 out of 9 spaces spoken for already. And has a group of volunteers interested in helping with the construction. Rob reported that 42 people have signed up for the news letter via the website. He also said to forward to him any information which needs to be included in the website. Heather Parsons reported that the raft and lifelines are in place and that the beaches have been groomed and are being maintained. The rock removal machine did both beaches on July 1st. Jaye reported on repairs necessary for the CBA center also reported that the concessioner, Nick Kivalanka has been doing well. Carol-Lynne Casey reported on the lifeguards.

6. Old Business:
 - a. Bluff Repair Project: Reported on by Leeanne Engels
 - b. Charter Review: Carol-Lynne reviewed her conversation with Jack Pasquale regarding tabling the board vote to adopt a home rule ordinance until our August 5, 2014 meeting to allow time to search for committee members. 5 to 15 members are needed preferably 15 to allow the group to break down into subcommittees. Interested people will be asked to fill out an informational form. After the search and review the board will select committee members. Rob Hendrickson made a MOTION to table the vote to adopt a home rule ordinance until the August 5, 2014 Board of Governors Meeting. Leeanne Engels seconded the MOTION. The vote was unanimous.
 - c. Handicap Parking: The board continues to investigate options.
 - d. Family Activities: Jaye reported that Summer Kick –off Day was a success.
7. New Business:
 - a. Boat Rack: Discussed in Terry's report
 - b. Golf Carts: The board will obtain member feedback regarding allowing golf carts on the streets of Crescent Beach via email blast, website, and suggestion box before deciding on a course of action.
8. Zoning:
 - a. Elms Hotel: No change
 - b. 44 Central: No change
9. Any Other Business to Come Before the Board: None
10. Agenda for the August 5, 2014 Board of Governors Meeting: The agenda was set
11. Adjournment: The meeting was adjourned at 8:24p.m.

Respectfully Submitted,

Jaye M. Sepko, Secretary Crescent Beach Board of Governors

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
AGENDA
August 5, 2014
6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order
2. Public Discussion
3. Approval of Board of Governors Meeting July 1, 2014
4. Correspondence
5. Reports
 - a. Treasurer
 - b. ZEO
 - c. Tax Collector
 - d. Board Member Reports
6. Old Business
 - a. Bluff Repair Project
 - b. Charter Review
 - c. Handicap Parking
 - d. Family Activities
 - e. Golf Carts
7. New Business
 - a. Crescent Beach Day Report
 - b. Review Agenda/Warning for August 23, 2014 Membership Meeting
8. Zoning
 - a. The Elms
 - b. 44 Central
9. Any Other Business to Come Before the Board
10. Agenda for the September 5, 2014 Board of Governors Meeting
11. Adjournment

CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
AGENDA
August 5, 2014
6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357

1. Call to Order
2. Public Discussion
3. Approval of Board of Governors Meeting July 1, 2014
4. Correspondence
5. Reports
 - a. Treasurer
 - b. ZEO
 - c. Tax Collector
 - d. Board Member Reports
6. Old Business
 - a. Bluff Repair Project
 - b. Charter Review
 - c. Handicap Parking
 - d. Family Activities
 - e. Golf Carts
7. New Business
 - a. Crescent Beach Day Report
 - b. Review Agenda/Warning for August 23, 2014 Membership Meeting
8. Zoning
 - a. The Elms
 - b. 44 Central
9. Any Other Business to Come Before the Board
10. Agenda for the September 5, 2014 Board of Governors Meeting
11. Adjournment

**CRESCENT BEACH ASSOCIATION
BOARD OF GOVERNORS MEETING
AGENDA
August 5, 2014
6:30p.m. CBA Center
37 Bayview Avenue
Crescent Beach, Niantic, Connecticut 06357**

1. Call to Order
2. Public Discussion
3. Approval of Board of Governors Meeting July 1, 2014
4. Correspondence
5. Reports
 - a. Treasurer
 - b. ZEO
 - c. Tax Collector
 - d. Board Member Reports
6. Old Business
 - a. Bluff Repair Project
 - b. Charter Review
 - c. Handicap Parking
 - d. Family Activities
 - e. Golf Carts
7. New Business
 - a. Crescent Beach Day Report
 - b. Review Agenda/Warning for August 23, 2014 Membership Meeting
8. Zoning
 - a. The Elms
 - b. 44 Central
9. Any Other Business to Come Before the Board
10. Agenda for the September 5, 2014 Board of Governors Meeting
11. Adjournment

Mark E. Block
Eric M. Janney
Richard J. Pascal

Matthew J. Curtiss
Amanda P. Sisley



Respond to:
12 Roosevelt Avenue
Mystic, CT 06355

TO: CRESCENT BEACH BOARD OF GOVERNORS

FROM: ERIC JANNEY

DATE: JULY 7, 2014

RE: USE OF GOLF CARTS WITHIN THE CBA

I have been asked to give my opinion of the authority of the Governing Board of the CBA to regulate the use of golf carts within the geographic limits of the CBA in light of a recent Town of East Lyme ordinance or decision allowing for the use of golf carts within certain areas of the Town including within the CBA.

The Charter of the CBA gives clear authority to the Governing Board to enact, amend and enforce Bylaws, Ordinances and Regulations, that are not inconsistent with the Charter or existing law, "as it may deem necessary or desirable for the government and guidance of said Association." Subsection (1) of Section 8 of the Charter specifically includes within that authority the power "to regulate travel over the highways and roads, public and private, and parking thereon, within the said limits" of the CBA.

Further, Section 9 of the Charter reiterates the Governing Board authority to issue regulations relating to the operating of motor vehicles on roads within the CBA's geographic limits.

The Governing Board of the years has enacted one or more ordinances regulating traffic (see Chapter IV of the Ordinances and Regulations of the CBA). If the Governing Board wishes to limit or completely disallow the use of golf carts within the CBA then it should add a new subsection to Chapter IV of the CBA Ordinances and Regulations to make a provision relating to golf cart use. That decision once made by the Governing Board should be communicated to the Town of East Lyme since the Town's ordinance/regulation allows the various special act beach communities to opt out should it decide to do so.

Please let me know if you need further information on this topic.

Town of East Lyme
Budget Transfers
Fiscal Year 2014/15

A. Harbut C

To Account From Account

Date	Dept	Account #	Description	Account #	Description	Amount	Reason for Transfer
3/27/2015	GG&Misc	01-01-114-200-201	Unemployment Comp	01-01-114-100-127	Health/Dental Care	23,058.00	We are experiencing a large increase in activity.
	GG&Misc	01-01-114-100-123	Workers Comp	01-01-114-100-127	Health/Dental Care	25,685.00	Final MIRMA assessment not planned for and renewal was higher than original estimate.
4/8/2015	Emer Mgt	01-25-224-100-213	PT Dispatchers	01-25-224-100-212	Dispatchers	16,554.00	To cover cost of additional hours paid to part-time dispatchers to cover vacancy in 4th FT position.
4/21/2015	GG&Misc	01-01-114-200-290	Insurance PD&L	01-01-114-100-124	Pension	5,563.00	Additional insurance premiums related to new vehicles and equipment
	T Clerk	01-01-107-100-311	Asst Town Clerks	01-01-107-200-292	Land Records Mgt	5,250.00	Additional funding needed for Asst Town Clerks account due to additional hours and upgrade for working out of class
	T Clerk	01-01-107-100-311	Asst Town Clerks	01-01-107-300-257	Preservation	3,000.00	Additional funding needed for Asst Town Clerks account due to additional hours and upgrade for working out of class
4/27/2015	Finance	01-01-118-300-320	Misc Supplies	01-01-118-200-215	Maint of Equipment	180.00	We need to discard old files approved for destruction by the State Library in order to make room for more recent files. Due to the sensitive nature of our files we make arrangements to have them shredded.
	Finance	01-01-118-300-320	Misc Supplies	01-01-118-300-246	Transportation Allow	135.00	
	Finance	01-01-118-300-320	Misc Supplies	01-01-118-300-296	Wellness	495.00	
	PWD	01-30-317-100-315	Storm OT	01-30-317-200-224	Road Reconstruction	46,417.94	Excessive number of winter storms.
		01-30-317-200-221	Fleet Maintenance	01-30-317-200-224	Road Reconstruction	10,000.00	Excessive number of breakdowns, mechanic out.
		01-30-317-310-210	Fleet Fuel	01-30-317-210-296	Bulky Waste	14,000.00	Extra fuel due to excessive number of storms.
		01-30-317-400-210	Streelights	01-30-317-210-296	Bulky Waste	16,200.00	Higher CL&P rates.
	GG&Misc	01-01-114-100-123	Workers Comp	01-01-114-100-124	Pension	5,720.26	Additional invoice for premiums related to 2013/14 due to payroll audit.
		01-01-114-140-235	Labor Town	01-01-114-100-124	Pension	6,715.00	Estimated EOY town labor related legal fees.
		01-01-114-140-236	Labor PS	01-01-114-100-124	Pension	2,929.00	Estimated EOY public safety labor related legal fees.
4/28/2015	SHarris	01-01-134-300-210	Utilities-Electricity	01-01-134-200-225	Landscaping/Maint	900.00	Additional EOY for electric bills, will do landscaping after 7/1/2015.
		01-01-134-200-236	Museum Programs	01-01-134-200-222	Building Maint	570.00	Program for Middle School children, will delay maintenance item until 7/1/2015.

TOTAL \$183,372.20

BoS
5/6/2015