

**EAST LYME BOARD OF FINANCE  
SPECIAL MEETING MINUTES  
BUDGET REVIEWS – FY2016-2017  
Wednesday, MARCH 30th, 2016**

FILED IN EAST LYME  
CONNECTICUT  
Apr 5 2016 AT 10:04 AM  
Sullivan ATC  
EAST LYME TOWN CLERK

**Members In Attendance:** Steve Harney, Chairman  
Lisa Picarazzi, Secretary  
Camille Alberti  
Beth Hogan  
Jason Pazzaglia  
William Weber

**Also In Attendance:** Mark Nickerson, First Selectman  
Anna Johnson, Finance Director  
Lesley Blais, Town Clerk  
Dave Putnam, Director, Parks & Rec & Youth Services  
John MacDonald, Niantic Fire Chief  
Jim Levandoski, Flanders Fire Chief  
Dick Morris, Fire Marshal

**Absent:**

**A. Call Special Meeting to Order**

Chairman Harney called this Special Meeting of the East Lyme Board of Finance to order at 6:30 PM.

**B. Pledge of Allegiance**

The Pledge was observed.

**C. Delegations**

Mr. Harney called for Delegations.

Karen Rak, 27 Black Point Road said that all she would say about the new concept from the BOE is that it lacks transparency. Their job is to make sure that the Town has the ability to pay for the budget items. With that she noted a number of facts: the median income declined by 4% and the median wealth from 2001-2013 dropped; 51% of all American workers make less than \$30,000; 40% believe that the American Dream is dead; if you have no debt and \$10 in your pocket you are better off than 25% of the American public; 1 of 5 homes are on SNAP benefits; there are 1.5M ultra poor households in the U S.

These are statistics that they need to look at as East Lyme does not live in a bubble and many people have outpaced any increases that they get. 13 of our biggest retailers are closing stores throughout the country. In 2015 people spent more on taxes than on food and housing combined. People are not confident that they can retire comfortably. Manufacturing remains weak and U.S. homes are over-valued by 14%. 31% of East Lyme residents are between 45-64 years of age (many are on fixed incomes) and 20% of East Lyme residents are 65+.

Regarding their ability to pay – free and reduced lunch was provided to 4.2% and the most recent figure is 14.3% - this represents people living in Town and going to school. They are unable to meet the basic needs. 2,349 have Medicaid assistance in East Lyme. In 2015 there were 8,358 in the labor force when it had previously been 10,037.

She said that they need to look at the salary increases – Building Official – over 5%; Town Engineer – over 5%; IT data person – over 5%, Zoning Officer – over 5%; HR – almost 6% - to name some of them. And at the departments – Probate has an 18% increase, legal services for conservation are up 100%; Historic Properties is a new item – 100%; the BOF audit is up and the Board of Assessment Appeals is up by 254% - which, while it is due to appeals and the upcoming reval – maybe they should ask why there are so many appeals. The wetlands department is up – any department that is up by 2% or more needs to be scrutinized.

She said that she would like to invest in her own infrastructure - her home, and she would like savings and to know that she can have a nice retirement but with the way that things are going, that is not possible. She submitted the information to the Chair to look at, asked them to sharpen their pencils and thanked them for what they do.

Luane Lange, 160 Pennsylvania Ave. Historic Properties Chairman said that after the last meeting that it had occurred to her to share some documents with them that she had. She handed them out (copy attached) and said that they have had no budget for five years so any is a blessing.

Peter Naktanis, 3 Champlain Hill court said that he came to speak about the BOE meeting that took place on Monday. The speaker brought forth information on LB Haynes that shows that it could be sold and used as needed when first they had not thought that could be done. He said that false information was presented by the Superintendent that it could not be sold or used for anything but education. He thinks that it would be illegal for the Board of Finance to vote on it.

Mike Schulz, Lovers Lane said that he would not repeat what was previously said. But, the municipalities are tapped out on taxes and that his health insurance went up 14%. The State does not have any money. Also, it was written in the paper that the grand list has increased but those dollars go to paying people – administrators received a 3+% increase for the next 3 years and they want new schools – and we cannot do both. This year the BOE salaries represent 79% of the budget and in 2011 they represented 62% - which shows a large increase.

The BOE meeting on Monday evening was a nightmare. If we do not have the money – then we do not do anything – leave it be. The State does not have the money to give to us. He said that he thinks that the parents should pick up more of the load and not penalize the 75% who do not have kids. Further, Dr. Lombardo had said that the schools were not maintained BUT – we gave them the money to keep the schools up and we cannot tell them where to spend it – so things did not get fixed as they used it for other things instead.

Kelly Streich, 20 Brook Road said that she was there because of the BOE decision that was made on Monday night. She wants them to reject it and refer it back to the BOE for the information to be presented and questions to be answered.

Jennifer Murray, 7 Tabernacle Ave. said that she wants them to think of how big the budget is and how long they have been deliberating over it as it only took the BOE 18 days to decide the new plan. The big problem with the new plan is the \$34M especially when considering they are not building the new Flanders school. LB Haynes would be closed during the summer for asbestos abatement and they would not have a place to go for the programs that are usually held there – especially without Niantic Center. They will also have limited recess ability with the new plan and they have not decided on if they would need portable classrooms. It would be fenced in and would be like a prison and she does not want her kids going to something that is like a prison. She does not like the BOE plan. She said that they moved here from Mystic and picked this Town solely on the test scores that she looked up.

Karen Rak, 27 Black Point Road said that she wanted to clarify that the salaries that she spoke of previously are non-union and non-contractual salaries and she feels that they can be dealt with.

Jayne Keffe, 6 Mohawk Drive said that she is the parent of three kids in Town. She expressed her displeasure with the BOE process and said that she would like them to look for an equitable process so that their concerns would be addressed.

Mr. Harney read a letter that had been dropped off from Mykel Bridget Czaja of 6 Pleasant Drive requesting that they vote down the BOE plan that is being presented to them regarding the elementary school plan. (Copy attached)

#### **D. Old Business**

##### **a. Any Outstanding Information**

There was none.

## **E. New Business**

### **a. Budget Reviews – FY 2016 - 2017**

#### **♦ Town Clerk (107) – Lesley Blais, Town Clerk**

Mr. Nickerson noted that the increase is in record storage but there are also some decreases.

Ms. Blaise explained that 20-22 Town meeting books need to be archived each year so that they will not be lost as they are fading. Once done, record storage will go up.

Ms. Picarazzi asked if in line 311 – Assistant Town Clerks - if the 5.44% increase in payroll is for both people.

Ms. Johnson and Mr. Nickerson said yes and noted that one person was upgraded plus there was a step that they received.

Ms. Picarazzi said that would be another discussion as she is not happy with that.

Mr. Weber asked if record storage could be competitively bid.

Ms. Blais said that they provide them with everything – the computers, scanners, etc and that they are in a 6 year contract with this company. They could go out to bid when the contract is coming due.

#### **♦ Library (Culture and Rec) (420) – Lisa Timothy, Director; Dave Jacobs, President, Board of Trustees**

Mr. Nickerson explained that the library has their own Board of Trustees.

Lisa Timothy, Library Director said that they are the public library for the Town. They installed a counter at the door to see how many people utilize the library and they have had about 40,000 people through the door since November. They provide computer access and have 26 public computers and 41 total computers. Many of the unemployed use the computers to apply for jobs on-line. Their budget is 1.58% of the Town's budget and for every dollar invested they return \$3 in services. They are a non-union group. The budget that is being presented here has already been cut at the Board of Selectmen level and she had asked them to restore the cut but was told no.

Ms. Hogan asked if they are asking for restoration here.

Ms. Timothy said that obviously she does not want any further cuts.

Mr. Nickerson said that the Board of Selectmen cut \$25,000 from the original request.

Mr. Hamey asked about the endowments.

Ms. Timothy said that they provide \$30,000 and that it is for the purchase of books. They have asked for donations from the companies in town to build up the endowment. Two have responded and they also received a bequest.

Ms. Alberti noted that she has said that they were grossly underfunded over the past years when they had received 3+% and now a 4% increase – she asked for help in understanding this.

Ms. Timothy said that the increase is going towards health insurance.

Ms. Alberti noted that their budget is a bit different and that she had trouble following the detail provided.

Ms. Timothy explained that she inherited the methodology behind the budget and would be happy to change it for the upcoming year so that it works with what they receive from other departments.

Ms. Alberti said that she is happy that they installed the door counter and it would be interesting to see year over year the totals as the card holders has remained steady at 12,000.

Mr. Weber noted that he had the same issue with following the numbers in the detail.

Ms. Timothy noted that while the Town does not have direct oversight that Holly Cheeseman is on the Library Board.

Ms. Picarazzi asked if they were to save, where they would do it and what would they save.

Ms. Timothy said that they would close Sundays and that would save \$16,000 but 120 people who come would be out; if they close for one hour on Saturday that would save \$2000 to \$3000; and if they were to close a Monday or Tuesday it could be around \$18,000.

◆ **Registrars (110) – Mary Devine Smith and Barbara McGrath, Registrars**

Mr. Nickerson said that they have two new Registrars.

Mary Devine Smith said that they have more voters and they need another booth and also more training that they must attend. They have a skeleton budget and they have to pay minimum wage. They also do not have police coverage in their budget.

Mr. Nickerson said that he would try to work within the police budget for their coverage.

Ms. McGrath noted that the budget referendum does not require full staffing.

Mr. Weber asked what their assumptions were – one referendum and one primary.

Ms. McGrath said – one budget referendum, a school referendum, one referendum and one primary.

◆ **Parks & Recreation and Youth Services (421, 422) – David Putnam, Director**

Mr. Nickerson noted that there are a few increases here and that Mr. Putnam is here to explain his budget.

Mr. Putnam passed out the 2015 year in review that they publish for the Town which details the events that were held. He noted that they had received the National Field of Distinction Award for Peretz Field. He said that they have a great maintenance staff and Park Foreman that take care of everything. He said that they manage the new boardwalk and are anxious for it to open for the season. He explained that there is a new position in his budget – a Health & Wellness Counselor PT funded at \$10,000 to help at-risk youth.

Mr. Hamey asked about the McCook tent rentals.

Mr. Putnam said that they are booked just about every weekend and that the money received is in the Special Revenue under Special Events. They receive \$7000 to \$10,000 per year.

Ms. Picarazzi asked about the beach passes and fees.

Mr. Putnam explained that they stayed the same except that they added a new weekend non-resident day pass at \$30 per day. He said that they are a bit higher than rocky Neck.

Ms. Picarazzi asked about the counselor position – how many hours.

Mr. Putnam said that it would be 6 to 8 hours per week to start.

Ms. Picarazzi asked why this would not fall under the school as she is not sure that people would come in for it here.

Mr. Nickerson said that it would be under Youth Services and that it would not be just for students – it could be for the adults also to have a place to turn to for information.

Mr. Putnam said that he thinks that they need to address everyone as with the heroin issue – they are losing the 18-25 age group. The counselor would use his office during the non-work hours.

Ms. Picarazzi asked how that would work – and how people would go through the office in front of everyone to get to the counselor.

Mr. Putnam said that he has a back door to his office and that it would all have to be worked out. It would be by appointment and if there are no appointments for that day then the person would not come in.

Ms. Picarazzi said that she does not think that it is a good fit here.

Mr. Putnam said that he thinks that there is a need.

Ms. Picarazzi suggested having a list of counselors available and providing that information.

Mr. Putnam said that they already do that.

Mr. Nickerson said that Waterford has three counselors and wondered if they could approach them to share the service.

Ms. Picarazzi said that she does not see it working here in this department.

Ms. Hogan said that there would need to be a plan and there is none.

Ms. Alberti said that she would envision this as part of a regional crises center. She also noted that each school has a nurse (5 total) and that there are 9 counselors and 7 psychologists amongst the schools. There is also a dedicated DARE police person, so they certainly have the resources available.

Ms. Hogan said that calling 211 can walk people through everything and she suggested that they look at all of these tools instead of spending here to add someone.

Ms. Picarazzi asked about the Special Revenue Account that has an operating budget of \$979,919. Mr. Putnam said that it was set up in 2010 and that it is for programs. The totals are for the programs – how much they cost and how much they returned. They are doing well. He said that anything in profits over \$5000 that they use has to come before the Boards for approval.

Ms. Picarazzi said that the listing was difficult to follow and asked that they provide line descriptions with the carry over from the previous year for comparisons in the next budget that they present and when they update them quarterly.

Mr. Weber asked if there are any shared resources on tractors, lawnmowers, etc.

Mr. Putnam said that they share the building with Public Works so over the winter they work on the equipment so that it is ready to go. They do share some equipment with Public Works.

Mr. Weber asked about the increase in contracted services from last year.

Mr. Putnam said that it is around 3%.

◆ **Niantic Fire Department (217) – John MacDonald, Niantic Fire Chief**

Mr. Nickerson noted the increase in vehicle maintenance is due to the truck needing tires.

Chief MacDonald said that he requested a \$5000 increase in the TO and PT accounts as they have been running short.

Ms. Picarazzi asked why.

Chief MacDonald explained that one person this year had a heart attack and they used the dollars to cover the shifts. Also, with the Light Parade, and East Lyme Days, the Town shuts down and they cannot get people to the station so they keep PT people there to cover. He said that they have about 20 volunteers with various levels of training.

Ms. Picarazzi asked if there are any opportunities for efficiencies.

Chief MacDonald said that they try to minimize the costs and that they do share with Flanders as they have a good working relationship. The PT's and FT's are scheduled shifts.

Mr. Pazzaglia asked if the PT's turn over frequently.

Chief MacDonald said that they do not have any that are under a year and that they are certified to drive everything in the station.

Ms. Alberti asked if the un-used Maintenance dollars this year could be used for the tires for next year and then be taken out of the budget for next year.

Chief Macdonald said that he is very cautious with this and that he has not started spending for the items that they need as he does not want to have to come back for more money. He waits through the year in the event that something happens and then spends now for what is needed.

Mr. Weber asked the ages of the buildings.

Chief MacDonald the fire station was built in 1957 and that Station 2 in Niantic and Flanders station in 1973.

◆ **Flanders Fire Department (218) – Jim Levandoski, Flanders Fire Chief**

Chief Levandoski said that over the past three years they have had FT people out so the PT people have covered. This year that flopped from the FT people out to the PT. He said that he has three FT's, nine PT's and 18 certified volunteers.

Ms. Alberti said that she thought that the fuel came from the Town's supply.  
Chief Levandoski said that it does.  
Mr. Nickerson said that the diesel is paid for by the Ambulance Association.

Ms. Alberti noted that the wage increases last year were over 6%, this year it is another 4%. She asked how long they think that the Town can sustain 5% increases when inflation is only 1%.

♦ **Emergency Management (224) – Richard Morris, Fire Marshal**

Mr. Morris said that there is not much that is different in his budget – it only increased by 1.32%. He said that he would like to bring someone in Monday thru Friday mid shift and that he had asked for a 5<sup>th</sup> dispatcher to fill in.

Mr. Nickerson said that Mr. Morris had asked for a 5<sup>th</sup> dispatcher but they removed it. However, they did add four extra hours per day for now.

Ms. Picarazzi asked about the phones and the 15.91% increase here that is more than anywhere else.  
Mr. Morris said that they have a lot of phone lines and that they can't predict what Frontier will charge. It is the combination of new equipment and lines. They have 35 phone lines with phones that are used.

Mr. Weber asked if it is the same provider if it should be the same for everyone.  
Mr. Nickerson said that the cell phones are also in this.

Mr. Morris said that when the State puts in the new 911 system that it will save roughly \$400 per month times 12 months.

♦ **Gen. Govt. & Misc. Benefits (114) – Mark Nickerson, First Selectman & Anna Johnson, Finance Director**

Mr. Nickerson said that they went out to bid on the Health Insurance in January and they received three bids out of the 10 they sent. They heard from Aetna, Anthem and Cigna. They are staying with Aetna. They drained the account last year and are hoping to do better this year. The stop loss on self-insurance covers over the \$125,000 however this starts over every year even though it may be the same illness, injury. He said that they would like to build the insurance account back up as they do not have enough in it at present.

Ms. Johnson said that our claims were at \$1M and while they have the \$1M – some days the claim picks are over \$100,000 so she watches it very closely.

Ms. Alberti asked if there was a cost shift to the employees.

Ms. Johnson said that when they negotiated the contracts that they increase the premium shares. On July 1 all groups will pay in an 18% premium.

Mr. Hamey asked about Insurance P D & L.

Ms. Johnson said that they are working on another quote to get a better rate. She added that this is also driven by claims.

Mr. Pazzaglia asked why the Workers Compensation increase.

Mr. Nickerson said that it is tied to the other insurance.

Ms. Johnson added that it is also tied to the employee or the type of position that the employee is doing.

Ms. Alberti said that the pension shows a decrease which is misleading as it is really based on gains that they have made. She questioned the 7% increase in the defined benefit plan when the wages increase is 5.8%.

Ms. Johnson explained that it is amortized over 20 years and the percentage is a combination of factors that the actuaries do.

♦ **Contingency (120) – Mark Nickerson, First Selectman & Anna Johnson, Finance Director**

Mr. Nickerson explained that the numbers float depending upon the contracts that come due. They also have contingency for the department heads. The line item 500 contingency is for the operating budget at \$145,000 and is deemed a good management practice.

♦ **Capital (724) & CNRE – Mark Nickerson, First Selectman & Anna Johnson, Finance Director**

Ms. Johnson explained that the \$318,750 would be transferred to CNRE Municipal for the various items. It was also noted that the reval is mandatory.

Joe Bragaw, Public Works Director explained a spreadsheet that he had prepared noting that they were asking for more bonded money in roads so that they could do all of Bush Hill as it is in terrible shape and he gets calls daily about it. He said that the Town has 114 miles of roads to take care of.

Mr. Putnam said that he is looking to replace a 1999 tractor and that they have tractors and groomers that may not make it through the summer. He noted that they do make money on some outside grooming that they also do.

Ms. Picarazzi asked about the interest rates.

Mr. Nickerson said that they would look into that and let them know.

Ms. Hogan asked about the MRSA Sales Tax Sharing revenue that was new from the State and the rules that go with it.

Ms. Johnson said that she would get that information. She added that the PILOT shows the State reduction from last year.

## **F. Public Discussion**

Mr. Harney called for any comments from the Public.

Diane Swan, 7 North Beechwood Road said that she would like to see the Board support the Samuel Smith House request as she thinks it is a good educational resource. She would also support the Curator request. She said that she applauds Mr. Nickerson for trying to streamline cost sharing of materials where they can. She suggested that they proceed with caution on the sharing/cost saving with other Towns. She said that she has spoken with the BOE regarding meeting scheduling and would like them to all work together on scheduling.

## **G. Board Comments**

Mr. Harney called for any comments from the Board.

Ms. Alberti said that with regard to the comment on conflicting meetings that she wonders whose responsibility that would be.

Mr. Nickerson said that with all respect that the BOS and BOF do not meet on the same nights for their Regular Meetings. Further, it is not really our issue as we were not discussing the BOE that evening and we have to get our business in during the budget cycle.

Ms. Picarazzi said that she would like to know how they will handle the budget deliberations.

Mr. Harney said that they would look for what the Town can afford. He said that they are not the managers and that he would suggest that they come up with an amount for the First selectman to cut and provide some suggestions as they should paint with a broader brush. The Town has a diverse community and they are trying to work with the elderly and at least two-thirds of the budget is in education and we are not able to tell them where to spend their money. It is a challenge even to cut increases but we do not see these people everyday and the First Selectman does so he should best know where cuts can be made.

Ms. Picarazzi said that they would come up with a number and some suggestions and give it to the First Selectman.

## **H. Adjournment**

Mr. Harney called for a motion to adjourn.

**\*\*MOTION (1)**

**Ms. Alberti moved to adjourn this Special Meeting of the East Lyme Board of Finance at 10:30 PM.**

**Ms. Hogan seconded the motion.**

**Vote: 6 – 0 – 0. Motion passed.**

**Respectfully submitted,**

**Karen Zmitruk,  
Recording Secretary**



MEMORANDUM

TO: Paul Formica  
FROM: Tracy M. Collins  
RE: Samuel Smith House Grant of Easement Oversight  
DATE: July 15, 2013

We have been asked to determine who is responsible for the Easement oversight of the Samuel Smith House.

In exchange for the grant funds received for the purchase of the Samuel Smith House, the Town signed "Easements, Declaration of Covenants, and Declaration of Preservation Restrictions" in favor of the State of Connecticut. Pursuant to the Easement the Town has certain affirmative obligations with regard to the property. For example, the property has to be open for public viewing for at least twelve (12) days a year and the Town must publish notice of the dates in the newspaper. The Town must also make sure the property is preserved in its present condition.

The Town has 3 options for oversight of the property.

[redacted] the Town is currently overseeing the property and it may continue to do so. If the Town does continue to oversee the property we recommend that the Board of Selectman assign a certain department to be responsible for monitoring the property and complying with affirmative obligations of the Easement.

[redacted] Second, according to Paragraph 6 of the Easement the town MAY assign the duties to the Historic Properties Commission. If the town chooses to do so it must designate the Samuel Smith House a historic property according to town ordinance and establish the parcels as historic properties in accordance with CGS Section 7-147q. The procedure required for designating a "historic property" is set forth in my memo attached hereto dated May 17, 2013.

[redacted] Third, the Town may assign the oversight duties to any charitable corporation or trust whose purpose is to maintain and preserve historic properties. Under this option it may assign the duties to the Friends of Samuel Smith provided it is a charitable organization.

*Approved  
Jan 2014*

*Submitted by [unclear] RMT Sep 11th, 2013*

Attn: Tracy M Collins, Atty  
o/p Walter Smith & Melnot  
PO Box 88  
NH. 06320

1893

EASEMENTS, DECLARATION OF COVENANTS, AND DECLARATION OF PRESERVATION RESTRICTIONS

This grant of Easements, Declaration of Covenants, and Declaration of Preservation Restrictions, executed the 25 day of April, 2013 by the TOWN OF EAST LYME (hereinafter referred to as Grantor") and in favor of the STATE OF CONNECTICUT (hereinafter referred to as "Grantee"), acting by the STATE HISTORIC PRESERVATION OFFICE (SHPO), an agency of the State of Connecticut having its offices at One Constitution Plaza, 2<sup>nd</sup> Floor, Hartford, Connecticut 06103.

CONVEYANCE TAXES COLLECTED

WITNESSETH THAT,

NO

Lesley A. Blais  
TOWN CLERK OF EAST LYME

WHEREAS, the Grantee has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of buildings, structures, objects, districts, areas and sites significant to the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation, and in particular the Grantee has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of the site and improvements thereon (hereinafter referred to cumulatively as the "Property") which are described in Exhibits A and B hereof, together with any further exhibits to which Exhibit B may refer, attached thereto and made a part hereof, which site and improvements are hereby declared to be significant in the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation; and

WHEREAS, the Grantee wishes to protect and further such interest by acquiring legally enforceable rights, running with the land, to ensure that the Grantor and its successors in title to the Property use and maintain said Property in a way which will advance and further such interest; and

WHEREAS, the Grantor likewise has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of the Property, which the Grantor acknowledges to be significant to the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation; and

WHEREAS, the Grantor has represented itself as the owner in fee simple of the Property subject only to the encumbrances recited in Exhibit A hereof; and

WHEREAS, the Grantor wishes to impose certain limitations, restrictions, obligations and duties upon itself as the owner of the Property and on the successors to its right, title or interest thereon, with respect to maintenance, protection, preservation, restoration, stabilization and adaptive use of said Property in order to protect the historical, architectural, archaeological and cultural qualities of the Property; and

WHEREAS, the grant of easements in gross from the Grantor, its heirs, successors and assigns to the Grantee, and the declaration of covenants and preservation restrictions by the Grantor on behalf of itself, its heirs, successors and assigns in favor of the Grantee, its successors and assigns, will assist, advance and protect the interests recited above; and

WHEREAS, among the purposes of this instrument is the purpose of the Grantor to guarantee the

located. Documentation of such notices will be furnished annually to the State Historic Preservation Officer during the term of this covenant, easement and preservation agreement. No charges shall be made for the privilege of such viewing except to the extent that such charges have been approved in advance and in writing by the duly authorized representative or representatives of the Grantee. The procedure for submitting and responding to any request to the Grantee or its successors or assigns for permission to make such charges (which request shall include a proposed schedule of such charges) shall be the same as the procedure set in Section 2 of this instrument.

9. The Grantor, its heirs, successors and assigns, shall maintain for the Property such public liability and fire and extended coverage insurance, and flood insurance if the same is available, as shall, from time to time, be required by the Grantee, its successors or assigns, and shall provide them with satisfactory evidence of such insurance. It is contemplated by the parties hereto that the proceeds of such fire and extended coverage and flood insurance shall be used to repair and restore the Property site, buildings, structures and improvements should they be damaged or destroyed by any peril which the Grantor, its successors, heirs and assigns are required to insure against or which they have insured against. To the extent that the Property is destroyed or damaged by any casualty which the Grantor or its heirs, successors or assigns are not required to insure against and have not insured against, the Grantee, its successors and assigns shall have none of the remedies set forth out in Section 5 of this instrument for failure to repair such damages. The Grantor, its heirs, successors and assigns shall also maintain sufficient liability insurance to render the Grantee, its successors and assigns, harmless in any action arising from the acquisition, restoration, operation, maintenance, alteration or demolition of the Property or any portion of the Property, and shall provide them with satisfactory evidence of said insurance.

10. The Grantor warrants and represents that it is the owner in fee simple of the Property and all appurtenances thereto, and no other person or entity has any interest therein, except as set forth in Exhibit A hereof.

11. The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 [42 USC 2000(d)] and Section 504 of the Rehabilitation Act of 1973 [29 USC Section 794]. These laws prohibit discrimination on the basis of race, religion, national origin, or handicap. In implementing public access, reasonable accommodation to qualified handicapped persons shall be made in consultation with the Grantee. The Grantor, its heirs, successors and assigns agree that discrimination on the basis of race, color, national origin or disability will not occur in implementing public access provisions in accordance with 43 CFR 17.260.

12. The Grantor agrees and covenants that the provisions of this instrument will be inserted by it into any subsequent deed or instrument of conveyance whereby it transfers title to or any interest in the Property or any portion of the Property.

13. Wherever the context of this instrument would reasonably be deemed to so require, any gender shall include any other gender, the plural shall include the plural.

14. The rights, remedies, privileges, duties and obligations of this instrument shall inure to the benefit of, and be binding upon, as the case may be, the heirs, successors and assigns of the Grantor and Grantee, and the duties set forth herein shall run with the land, except that the provisions of the first sentence of the second paragraph of Section 2 shall not run with the land.

15. The easements, covenants and restrictions set forth herein shall terminate Twenty (20) years from the date of this instrument, but such termination shall not affect rights accrued under this instrument prior to such termination.





EXHIBIT A

Exhibit A to an instrument entitled: EASEMENTS, DECLARATION OF COVENANTS, DECLARATION OF PRESERVATION RESTRICTIONS, executed on the \_\_\_\_\_ day of April, 2013 by the TOWN OF EAST LYME and the STATE OF CONNECTICUT, acting by the CONNECTICUT STATE HISTORIC PRESERVATION OFFICE and made a part thereof.

The property encompassed by the term of this Preservation Restriction includes all the land with the buildings, structures and appurtenances thereon commonly known as

The Samuel Smith House

"As that certain piece or parcel of land, together with the buildings and improvements located thereon, situated in the Town of East Lyme, County of New London and the State of Connecticut, bounded as follows:

Beginning at a Drill Hole, Which is on the northerly side of Plants Dam Road and approximately 65' west of North Bride Brook Road; thence Northwesterly along a centerline of a brook a distance of 768+/- to a Point connected by a survey tie line North 30°01'35" West a distance of 753.03; thence South 84°24'11" West a distance of 534.36 to a Point; thence South 12°12'45" East a distance of 300.97 to a Point; thence South 12°12'45" East a distance of 425.00 to an Iron Pin; thence North 81°43'16" East a distance of 110.97 to a Point; thence North 89°02'26" East a distance of 22.48 to a Drill Hole; thence North 84°01'07" East a distance of 77.37 to a Point; thence South 86°55'05" East a distance of 10.68 to a Point; thence North 85°12'39" East a distance of 139.04 to a Drill Hole; thence North 82°54'28" East a distance of 146.23 to a Drill Hole; thence North 78°10'39" East a distance of 108.14 to a Point; thence North 76°51'12" East a distance of 149.57 to a Drill Hole; to the Point of Beginning; containing 10.09 acres +/-.

As recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of the East Lyme Land Records.

EXHIBIT B

Exhibit B to an instrument entitled: EASEMENTS, DECLARATION OF COVENANTS, DECLARATION OF PRESERVATION RESTRICTIONS, executed on the \_\_\_\_\_ day of April, 2013, by the TOWN OF EAST LYME and the STATE OF CONNECTICUT, acting by the CONNECTICUT STATE HISTORIC PRESERVATION OFFICE and made a part thereof.

MAINTENANCE STANDARDS FOR THE SAMUEL SMITH HOUSE

The Samuel Smith House is listed on the National Register of Historic Houses and is a rare surviving example of a late 1600s house in its original setting on rural land in East Lyme. This land includes 800 feet of the historic Bride Brook. Through the 330 years, it has been owned by only three extended families – each leaving their history but remarkably none destroying the integrity of the house or the property. The house was built in three stages. The original c. 1686 is a south facing “end chimney” on the west. In the 1730s or early 40s, it became a “center chimney” with an addition on the west side of an early 18<sup>th</sup> century house and finally in 1812 a small ell was added to the back. At present time two outbuildings remain; an original barn very close to the house and an 1812 five-holder outhouse that, in the 1930s, the Henry Ford Museum attempted to buy from the owner, Mrs. Rix, which, thank goodness, for practical reasons she did not sell.

The house has its original features intact.

The Grantors herein will preserve and maintain the structure as described in good condition during the life of this Preservation Restriction.

Recorded May 30 20 13  
(AM)  
11:00 PM Lady A Blair  
East Lyme Town Clerk



# ARCHEOLOGY AND HISTORIC PRESERVATION:

*Secretary of the Interior's Standards and Guidelines*  
*[As Amended and Annotated]*

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Preservation Terminology

print

## Preservation Terminology

**Acquisition**—the act or process of acquiring fee title or interest other than fee title of real property (including acquisition of development rights or remainder interest).

**Comprehensive Historic Preservation Planning**—the organization into a logical sequence of preservation information pertaining to identification, evaluation, registration and treatment of historic properties, and setting priorities for accomplishing preservation activities.

**Historic Context**—a unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

**Historic Property**—a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

**Integrity**—the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

**Intensive Survey**—a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance within specific historic contexts.

**Inventory**—a list of historic properties determined to meet specified criteria of significance.

**National Register Criteria**—the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

**Preservation (treatment)**—the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the

~~historic building materials.~~ [Current definition of this treatment standard, as revised in The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995:

**Preservation** is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.]

**Property Type**—a grouping of individual properties based on a set of shared physical or associative characteristics.

~~**Protection (treatment)**—the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measure may be temporary or permanent. [This treatment standard and definition was deleted in The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995.]~~

**Reconnaissance Survey**—an examination of all or part of an area accomplished in sufficient detail to make generalizations about the types and distributions of historic properties that may be present.

~~**Reconstruction (treatment)**—the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specific period of time. [Current definition of this treatment standard, as revised in The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995:~~

**Reconstruction** is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of

I request that my letter be read into the minutes of the meeting.

3/30/2016

Board of Finance members,

I am requesting that you consider voting down the plan that is presented to you regarding the Elementary School project. Research that has been conducted, albeit NOT reviewed by the Board of Education, has shown that the plan being brought forward is in neither the best interest of the students for whom it is supposed to serve, nor the taxpayers who will bear the burden of the financial responsibility. Even Mr. Nickerson stated at the Board of Education on Monday night that the plan we have to work with is "probably not the best", and "may even cost more long-term."

I am strongly urging the board to consider a slower course of action. Please consider redistricting students between the three schools to provide more equitable enrollment while a solid and responsible plan is generated moving forward. Common sense indicates that doing something right once is a better investment than doing something wrong twice.

On Monday night's meeting I felt accused of "fearmongering", in generating panic where there was none, when I presented research that demonstrates the negative impact of school overcrowding, the use of portables, and the presence of construction on a school setting. With all due respect, I am not the one who is fearmongering; we the parents are not the ones who are fearmongering. It is the boards within this town that are pushing through a *consolation* plan out of fear that the State budget will dry up. Thus, I ask the same of you. If I am not to react or conduct my interactions in a way that is driven by fear, it seems only fair that you conduct the business of this board the same way.

I moved to this town for the schools- the small schools- and have no connection to this town besides the schools themselves. The boardwalk is beautiful, but I do not pay the taxes I do in this town so that I may walk between two beaches. Main Street is beautiful, but I did not move here because I could walk from shops to restaurants. The library is wonderful, but it alone is not worth paying the premium I did for a home in East Lyme. I moved here because my kids are in a small, well run, and well-valued school. I am not alone in this. I repeat, I moved and live in this town for a small school, and it is my tax dollars on the house I bought for this reason only that are footing the bill for these other improvements. These other improvements are catering to our tourism population, not our full-time and long-term residents. I am asking you to hold off on your elementary project investment until it can be "the best one" as Mr. Nickerson might say. Wait for the one that will ensure families like me will stay, and more families like me will move in. Ultimately, this will provide more tax dollars over many years to come. Thank you for your time and your consideration.

Sincerely,



Mykel Bridget Czaja

(pronounced "Michael Bridget Chai-ya")

6 Pleasant Drive, Niantic

Attachment BOF 3/30/16

1  
or

