EAST LYME BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MAY 7, 2025

IN ATTENDANCE: Dan Cunningham, Ann Cicchiello, Candice Carlson, Rose Ann Hardy, Jason Deeble and Don MacKenzie

Mr. Cunningham called the regular meeting of the East Lyme Board of Selectmen to order at 7:00 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda & Consent Items
There were none.

1c. Delegations

Joshua Caskey, 1 Grooms Way, Niantic, spoke against the Town approving an 8-30G Moratorium. He stated that the town does not have enough housing inventory for the elderly and disabled due to lack of supply. He would like to see more affordable housing projects approved by the Zoning Commission.

1d. Approve Minutes
MOTION (1)
Ms. Cicchiello MOVED to approve the Public Hearing Minutes of April 16, 2025, as submitted.
Seconded by Ms. Cicchiello. Motion passed 6-0.

MOTION (2)
Ms. Cicchiello MOVED to approve the Regular Meeting Minutes of April 16, 2025, as submitted.
Seconded by Ms. Hardy. Motion passed 6-0.

1e. Consent Calendar
MOTION (3)
Ms. Cicchiello MOVED to approve the Consent Calendar for May 7, 2025, in the amount of $375.78.
Seconded by Mr. MacKenzie. Motion passed 6-0.

2a. 8-30G Moratorium Discussion
DISCUSSION: Town Attorney Tim Bleasdale was present to speak on this matter, and provided information on this matter, attached hereto as Exhibit #1. He stated that it is important to note that this is a moratorium on the Affordable Housing Appeals Procedure, not a moratorium on affordable housing projects themselves. Ms. Hardy, Ex-Officio Board of Selectmen member to the Zoning Commission, stated that the Zoning Commission is asking for this moratorium to give them more opportunity to review and understand the Affordable Housing Plan, noting that commission members change and this is a topic that has been discussed over a number of years. She also noted that there seems to be confusion between Affordable Housing and Low-Income Housing; it's low-income housing that our town residents need. It was decided that the Board members would review previous Zoning Commission minutes to familiarize themselves with the discussion and maybe invite the Chairperson to the next meeting for a further open discussion on the matter.

2b. Creation of Coastal Resiliency Reserve Fund Discussion
DISCUSSION: Mr. Cunningham stated that it is in the best interest of the Town to create and fund a Coastal Resiliency Reserve Fund. The information regarding this is attached hereto as Exhibit #2.

2c. Appointment to Cable TV Advisory Council
MOTION (4)
Ms. Cicchiello MOVED to appoint Catherine Steel, 23 Rose Lane, East Lyme, as the Board of Education Representative Member on the Cable TV Advisory Council of Eastern Connecticut for the Town of East Lyme with a term to expire on June 30, 2027.
Seconded by Mr. Deeble. Motion passed 6-0.

3. Old Business
There was no old business.

4a. Ex-Officio Reports

Ms. Cicchiello reported:
- The library is reviewing and updating their public gift policy.
- Regarding their memorial gardens and tree planting, are they allowed to plant whatever they want on the town property surrounding the community center?
- Mr. Cunningham suggested that they present their policy at the next meeting, and he will discuss it with Town Council and get an opinion if needed.

4b. First Selectman's Report

Mr. Cunningham reported:
- The Town audits have been behind, but Finance Director Kevin Gervais has been working diligently with the auditors and should be caught up by next year's audit.
- Two police officers have retired.
- The deputy fire marshal is on administrative suspension for a fire related incident.
- He is committed to restoring the confidence that the public has in the Town's staff and public safety personnel.

5. Communications
Mr. Deeble read an email communication into record from Ms. Carol York regarding ALS; attached hereto as Exhibit #3.

6. Public Comments
There was none.

7. Selectman's Response
There was none.

8. Executive Session

MOTION (5)

Ms. Cicchiello MOVED to enter into executive session for the purpose of discussing Public Safety personnel, and to include Town Attorney Tim Bleasdale.
Seconded by Ms. Cicchiello

The Board entered into executive session at 8:25 PM. They returned at 9:22 PM and Ms. Cicchiello stated that no formal votes were taken.

MOTION (6)

Ms. Cicchiello MOVED to adjourn the May 7, 2025, regular meeting of the Board of Selectmen at 9:22 p.m.
Seconded by Ms. Carlson. Motion passed 6-0.

Respectfully Submitted,

Sandra Anderson
Recording Secretary

Exhibit #1

Board of Selectmen

MAY 07 25'

Agenda Item #20

WSP | WALLER SMITH & PALMER PC
Attorneys at Law

TRACY M. COLLINS*
PHILIP M. JOHNSTONE+*
CHARLES C. ANDERSON
CATHERINE A. MARRION
TIMOTHY D. BLEASDALE

OF COUNSEL:
ROBERT P. ANDERSON, JR.
FREDERICK B. GAHAGAN
EDWARD B. O'CONNELL

+ ALSO ADMITTED IN RI
*ALSO ADMITTED IN MA

May 6, 2025
VIA EMAIL TO dcunningham@eltownhall.com

Daniel R. Cunningham, First Selectman
Town of East Lyme
108 Pennsylvania Ave.
Niantic, CT 06357

RE: POTENTIAL APPLICATION FOR A MORATORIUM ON THE AFFORDABLE HOUSING APPEALS PROCEDURE

Dear Mr. Cunningham:

On February 20, 2025, the East Lyme Zoning Commission voted to make an advisory recommendation to you that the Town of East Lyme apply to the State seeking a moratorium on the affordable housing appeals procedure. The Commission's vote is not binding on you because state law places the decision of whether to apply exclusively within the discretion of the First Selectman. The purpose of this letter is to provide you with more information about this issue so that you may be better prepared to make a decision.

What is the Affordable Housing Appeals Procedure?

State law creates a special appeals procedure that applies to certain types of land use applications proposing to construct or otherwise create affordable housing pursuant to General Statutes § 8-30g. The procedures for affordable housing are different, and much more favorable to applicants, than the rules that typically apply to land use appeals. The purpose of providing a different set of rules for affordable housing appeals is to encourage the creation of more affordable housing units by making it less expensive and easier to obtain necessary municipal permits to build such projects.

To understand the special treatment received by affordable housing applications, it is helpful to start with an explanation of the standard appeals process that applies to most other land use applications. For purposes of this explanation, we will focus on applications to the Zoning Commission. When the Commission considers most zoning

applications, the law provides the Commission with three options for action on the application: deny it, grant it, or grant it with modifications or conditions. The Commission may base its decision on any applicable requirement contained in the Zoning Regulations, State statutes, or decisional law from the Courts. If an applicant appeals from the Commission's decision, the matter moves to the Superior Court and the applicant bears the burden of proving that the Commission's decision was improper or incorrect.

By contrast, the provisions of General Statutes § 8-30g raises the bar for the Commission and tips the scales heavily in favor of applicants proposing affordable housing. When the Commission considers an affordable housing application, its action options are to grant it, grant it with modifications or conditions, or to deny it. However, if the Commission imposes modifications or denies the application it cannot base that decision simply on a requirement contained in the Zoning Regulations or State Law. Rather, the Commission must be able to specifically identify evidence in the record establishing that the modification or denial was (1) necessary to protect a substantial public interest in health or safety and (2) that the cited public interest clearly outweighs the need for affordable housing in Town.[1] This is a very high standard for the Commission to meet. Additionally, if the matter proceeds to the Superior Court on an appeal by the applicant, § 8-30g places the burden of proof on the Commission to prove that its decision was proper and correct. The practical effect of this is that it becomes extremely difficult for towns to apply their Zoning Regulations to affordable housing applications, which has lead to the oft heard colloquial declaration that zoning regulations just do not apply to affordable housing applications.

What is a Moratorium on the Affordable Housing Appeals Procedure?

It is important to stress that the moratorium is **not a moratorium on constructing affordable housing.** The moratorium only temporarily suspends for 4 years the special treatment affordable housing applications receive under § 8-30g. During a moratorium, the Town must continue to accept and act on applications for affordable housing developments, however, when the Commission considers such applications it must treat the application the same way it would any other land use application. This means that the Commission has its standard three options for action on the application: deny it, grant it, or grant it with modifications or conditions. The Commission may base its decision on any applicable requirement contained in the Zoning Regulations, State statutes, or decisional law from the Courts. In an appeal from that decision, the burden of proof remains with the applicant. This is a procedure that is much more favorable to towns than the § 8-30g procedure described above. It allows towns to strictly apply their Zoning Regulations as written and allows the public to more securely rely on the published Zoning Regulations to understand the types of uses and

[1] General Statutes § 8-30g(G) provides several additional considerations that apply to some applications, however, the criteria cited above are the criteria that applies to the majority of affordable housing applications.

structures that are permissible in the area they live, work, own property, or are considering purchasing property.

How Does the Town Obtain a Moratorium?

State law provides two avenues for towns to seek moratoriums. The first is to meet the State established target of having at least 10% of the housing stock in town meet the requirements of affordable housing contained in General Statutes § 8-30g. While this is the pathway most well-known, it is not the pathway the Town will be pursuing, if you decide to pursue a moratorium, because the Town has not met this threshold. The Town's Affordable Housing Plan notes that as of 2021 only 6.15% of the Town's housing stock qualified as affordable under the statute. This figure has likely decreased further over the past 4 years as creation of market rate housing units has continued to outpace creation of affordable housing units.

The second pathway, and the one which applies here, is to demonstrate sufficient progress toward the 10% threshold based on an accumulation of "housing unit equivalent points", commonly referred to as HUE Points. Under this pathway, housing units are awarded a certain HUE Point value between 2.5 and 0.25 based on statutory criteria considering factors such as the income restriction level on a housing unit and whether the unit is owned or rented. All units counted in the HUE Point formula must have valid certificates of occupancy issued for them, which helps ensure that towns are not counting units that have been approved but not yet constructed. If a Town can show proof that it has collected HUE Points equivalent to at least 2% of the total number of housing units in the Town, then the Town qualifies for a Certificate of Affordable Housing Completion, which is the technical name for this type of moratorium. For our Town, we must show proof of 222 HUE Points. The Town can likely meet this requirement by relying upon the Deerfield Village development, which supplies 157.5 HUE Points and the 38 Hope St./Seaside Village development, which supplies another 65.5 HUE Points. The state Department of Housing is the ultimate arbiter of whether a housing unit is countable. If the Department were to reject any of the units identified above, the Town can also draw an additional 135.5 points from the Rocky Neck Village development and the Edgewater/Brookside Apartments developments.

The moratorium application process requires a significant volume of documentation to be collected and organized within the statutory framework. To give you a sense of the volume of documentation, we are enclosing a copy of a moratorium application filed by Waterford last year. It is our recommendation, should you choose to proceed with a moratorium application, that you direct the Town Attorney's Office to coordinate that effort with the Land Use Office.

Once a complete application has been created, the Town must publish notice of its intent to apply for the moratorium in the newspaper and in the Connecticut Law Journal. The notice must include information regarding the public's right to inspect the application and Town's obligation to accept written public comment on the application. Any comments received must be included in the final application and include any written

response to the comments that the Town wishes to offer to the State. The public comment period lasts 20 days. During that period, the public may trigger a public hearing on the matter by submitting a petition signed by at least 25 residents of the Town requesting a public hearing. If that occurs, the Town has the option of having either the Board of Selectmen or the Zoning Commission conduct the public hearing. The public hearing must be completed prior to the Town submitting its application to the State.

Once the Town submits a moratorium application to the Department of Housing, the Department has a 90-day period to either grant or deny the application. If the Department fails to take action within that period then the application is considered to be provisionally approved unless or until the Department issues a decision denying the application. A moratorium is effective for 4 years. At the expiration of a moratorium, the Town may apply again, but may not count units used in any previous applications.

Anticipated Effects of a Moratorium

There are several effects that the Town should anticipate as a result of an application for a moratorium.

First, the Town must be aware the state has a 90-day period to consider the moratorium application. During that period, General Statutes § 8-30g continues to apply to any application filed before the State grants a moratorium. Some towns have experienced a sudden influx of affordable housing applications during this waiting period as developers try to take advantage of § 8-30g while they still can. Most recently, the Town of Fairfield experienced this phenomenon. The CT Examiner reported on April 11, 2025, that the total number of new proposed affordable dwelling units across these new applications in Fairfield was more than 300 units. It is also important to understand that affordable housing applications almost always include a mix of affordable and market rate units with the typical mix being about 70% market rate and 30% affordable. This suggests that the total number of new housing units that were proposed in Fairfield during this time exceeded 1,000 housing units.

If the moratorium is granted, the Town can anticipate a series of interrelated effects. The most immediate effect is that the Town can apply its regulations strictly as it would with any other application. The moratorium shifts control back to the Town on land use applications involving affordable housing. It allows towns to strictly apply their Zoning Regulations as written and allows the public to more securely rely on the published Zoning Regulations to understand the types of uses and structures that are permissible in the area in which they live, work, own property, or are consider purchasing property. This is the primary benefit to the Town of obtaining a moratorium.

A moratorium will also come with some potentially detrimental effects as well. The immediate negative effect will be that it will become more difficult and expensive to build affordable housing in East Lyme and the Town is likely to see less of it created.

The affordable housing appeals procedure is designed to decrease the barriers to building affordable housing so that it will become economical for developers to invest in affordable housing. A moratorium removes these incentives and will likely depress creation of additional affordable units. As time passes, the decrease in the number of new affordable units being constructed while market rate units continue to be constructed will result in it being more difficult to obtain affordable housing in East Lyme. This could result in families being priced out of East Lyme.

Finally, a moratorium will likely make it more difficult for the Town to meet its affordable housing targets. The State has set a goal for all towns to have at least 10% of its housing stock qualify as affordable under § 8-30g. As noted above, East Lyme is at or under 6.15% affordability in its housing stock. During a moratorium, we can reasonably expect that percentage to fall further as more market rate units are built and fewer affordable units are built. Likewise, this pattern may make it difficult or impossible for the Town to qualify for a second moratorium based on HUE Points.

If you are interested in pursuing a moratorium, the next step is to direct the Town Attorney's Office to prepare the application and begin the public process. We would be pleased to respond to any further questions or comments you might have regarding the affordable housing appeals moratorium.

Very truly yours,

Timothy D. Bleasdale

Encl.

Copy of Waterford Moratorium Application

FIFTEEN ROPE FERRY ROAD

WATERFORD, CT 06385-2886

TO: Town of Waterford Website

FROM: Jonathan E. Mullen, AICP, Planning Director

DATE: July 9, 2024

RE: Notice of Intent to Apply for State Certificate of Affordable Housing Completion

Legal Notice

NOTICE IS HEREBY GIVEN that the Town of Waterford intends to file an application to the Commissioner of the Connecticut Department of Housing for a Certification of Affordable Housing Completion in accordance with Connecticut General Statute Section 8-30g (1)(4)(B) for a 4-year moratorium on the applicability of the affordable housing appeals procedure set forth in Connecticut General Statute Section 8-30g.

The proposed application, including all supporting documentation, is available for public inspection and comment in the Department of Planning and Development and the Town Clerk's Office at the Waterford Town Hall, 15 Rope Ferry Road, Waterford, Connecticut 06385 from 8 a.m. to 4 p.m. weekdays. Materials will also be posted to the Town Website www.waterfordct.org. Written comments may be submitted to Jonathan Mullen, Planning Director, at the Department of Planning and Development Office, 15 Rope Ferry Road, Waterford, Connecticut 06385 or by email to jmullen@waterfordct.org within 20 days of the publication of this notice on the Town website, the New London Day and the Connecticut Law Journal. A copy of all written comments received and all responses prepared by the municipality will be included as part of the application to the Department of Housing.

Office of the First Selectman
Town of Waterford

Robert J. Brule
First Selectman

Town of Waterford

Application for Certificate of Affordable Housing Completion

July 9, 2024

Submitted by, Robert J Brule, First Selectman

Town of Waterford
15 Rope Ferry Road, Waterford, CT 06385
860 444-5813

Town Clerk, Town of Waterford, CT

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886

PHONE: 860-442-0553
www.waterfordct.org

June 24, 2024

Commissioner Selia Mosquera-Bruno
Connecticut Department of Housing
505 Hudson Street
Hartford, CT 06106-7106

RE: Application for Certificate of Affordable Housing Completion/Moratorium
Town of Waterford, Connecticut for 2024

Dear Commissioner Mosquera-Bruno:

The Town of Waterford respectfully submits an application for a Certificate of Affordable Housing Completion pursuant to procedures outlined in Connecticut General Statutes §8-30g.

The Town has documented and restricted a total of 2.06% of the 8,875 dwelling units listed on the 2020 Census.

The Certificate of Affordable Housing Completion requires proof of "housing unit-equivalency points" (HUEP) of no less than 2% of 8,875 (the number of housing units in the Town) or 178 HUEP. This application for State Certification of Affordable Housing Completion documents 200 affordable housing units for a total of 183.25 HUEP thereby meeting the qualifications defined in Conn. Gen. Stat. §8-30 (l).

Documentation in this application has been compiled and certified by Jonathan E. Mullen, AICP, Planning Director. Documents and calculations have been reviewed and further certified by Attorney Robert A. Avena, Esquire, Town Land Use Attorney and Nicholas F. Kepple, Town Counsel for the Town of Waterford, both of Suisman & Shapiro Attorneys-at-Law. Mr. Mullen, Attorney Avena and Attorney Kepple are available to answer any of your questions or provide additional information. Please feel free to contact them:

Jonathan. E Mullen,
Planning Director, Town of Waterford
860 440-0505
jmullen@waterfordct.org

Robert A. Avena, Esquire
Town Counsel, Town of Waterford
(860) 650-8008
RAvena@sswbgg.com

Nicholas F. Kepple
Town Counsel, Town of Waterford
(860) 650-8007
NKepple@sswbgg.com

Thank you in advance for your consideration and review of this application. We look forward to any questions and comments you may have.

Sincerely,

Robert J. Brule, First Selectman
Town of Waterford

Suisman Shapiro
Attorneys-At-Law

Robert A. Avena
Direct Dial: (860) 650-8008
E-mail address: ravena@sswbgg.com
Mailing address: P.O. Box 1445, Pawcatuck, CT 06379

April 26, 2024

Commissioner Seila Mosquera-Bruno
Connecticut Department of Housing
505 Hudson Street
Hartford, CT 06106-7106

RE: Application for Certificate of Affordable Housing Completion/Moratorium – Town of Waterford, Connecticut

Dear Commissioner Mosquera-Bruno:

This letter will constitute the certification required by Section 8-30g-6(c) (2) of the Regulations of Connecticut State Agencies regarding the accompanying Application for State Certificate of Affordable Housing Completion which is being submitted by the Town of Waterford (the "Town").

Housing Unit Equivalency Points claimed by the Town of Waterford towards a Certificate of Affordable Housing Completion are based on the values assigned to affordable housing types in Connecticut General Statues Section 8-30g (l) 6. These point values are listed in the table below:

Housing Unit-Equivalent Type of Unit Point Value Per Unit	
Market-rate units in a set-aside development	0.25
Elderly units, owned or rented, restricted to households at or below 80% of area median income	0.50
Family units, owned, that are 80% of area median income:	1.00
restricted to households with 60% of area median income	1.50
annual income no more than: 40% of area median income	2.00
Family units, rented, that are 80% of area median income:	1.50
restricted to households with 60% area of median income	2.00
annual income no more than: 40% of area median income	2.50
Mobile Manufactured Home in a resident-owned park:	
restricted to less than 80% of area median income	1.50
restricted to less than 60% of area median income	2.00
Market-rate within the park	0.25
Bonus Housing Unit-Equivalent Points In Addition to Unit Point Value Above	
A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two percent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995.	

In our opinion, the Application complies with the provisions of Section 8-30g of the Connecticut General Statutes and with Section 8-30g-6 of the Regulations of Connecticut State Agencies in effect on the day that the Application is being submitted with the following qualifying inventory:

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95 Clark Lane – AHEPA 250 - II Waterford

AHEPA 250-II is a three-story, 54-unit apartment building for which a Certificate of Occupancy was issued on July 28, 1995. The property is owned and managed by the American Hellenic Education Progressive Association (AHEPA). In exchange for a tax abatement from the Town of Waterford, the property is deed restricted such that occupancy of all 54 units is limited to persons ages sixty-two (62) or older of low to moderate income levels that are at or below 50% Area Median Income (AMI) qualifying them as Elderly Units. The property is deed restricted until 2034 provided the owners comply with the age restriction.

In accordance with the values set forth in CGS§ 8-30g (l) 6 the Town of Waterford claims .5 Housing Unit Equivalency Points (HUEP) per Elderly Unit for a total of **27 points**.

- **54 Elderly Units * 0.5 HUEP/unit = 27 HUEP**

Documentation for this property includes the following:

- The original Tax Abatement Agreement filed on the Town of Waterford Land Record on June 26, 1995
- The modification to the aforementioned agreement filed on the Town of Waterford Land Records on July 13, 2020
- The Certificate of Occupancy issued by the Town of Waterford on July 28, 1995
- The Rent Schedule from September 1, 2023
- The Assessor's card for the property

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55 Yorkshire Drive – Jordan Brook Terrace

Jordan Brook Terrace is a two-story, 26-unit apartment building for which a Certificate of Occupancy was issued on February 26, 1998. The property is managed by W.C. Peregrine Housing Association, LTD and managed by SK Management. In exchange for low income tax credits from the Connecticut Housing Finance Authority (CHFA) all 26 of the units are deed restricted to those aged 62 and above qualifying them as Elderly Units. The property is deed restricted until 2049. The breakdown of affordable units at Jordan Brook Terrace is as follows:

- 4 Elderly Units at 25% of the Area Median Income
- 10 Elderly Units at 50% of the Area Median Income
- 12 Elderly Units at 60% of the Area Median Income

In accordance with the values set forth in CGS§ 8-30g (l) 6 the Town of Waterford claims .5 HUEP per Elderly Unit for a total of **13 points.**

- **26 Elderly Units *.5 HUEP/unit = 13 HUEP**

Documentation for this property includes:

- The Extended Low-Income Housing Agreement Commitment (ELHIC) filed on the Town of Waterford Land Records, July 21, 1998
- The Certificate of Occupancy issued by the Town of Waterford on February 26, 1998
- The affordability breakdown as provided by S.K. Management dated February 16, 2024
- The Assessor's card for the property

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105 Boston Post Road – Victoria Gardens

Victoria Gardens is a three-story, 90-unit apartment building for which a Certificate of Occupancy was issued on October 30, 2018. The property is owned and operated by Victoria Gardens Waterford LLC. In exchange for low income tax credits from the Connecticut Housing Finance Authority (CHFA) 72 of the 90 Units are deed restricted to those aged 55 and above qualifying them as Elderly Units. The property is deed restricted until 2048. The breakdown of affordable units at Victoria Gardens is as follows:

- 18 Elderly Units at or below 25% of Area Media Income
- 29 Elderly Units at or below 50% of Area Median Income
- 25 Elderly Units at or below 60% of Area Median Income

In accordance with the values set forth in CGS§ 8-30g (l) 6 the Town of Waterford claims .5 HUEP per Elderly Unit for a total of **36 points.**

- **72 Elderly Units * .5 HUEP/affordable unit = 36 HUEP**

Documentation for this property includes:

- Declaration and Agreement of Restrictive Covenants filed between Victoria Gardens Waterford LLC and the Connecticut Housing Finance Authority (CHFA) filed on the Town of Waterford Land Records on April 21, 2017
- Declaration and Agreement of Restrictive Covenants filed between Victoria Gardens Waterford LLC and the State of Connecticut Department of Housing (CT DOH) filed on the Town of Waterford Land Records on April 21, 2017
- The Certificate of Occupancy issued by the Town of Waterford on October 30, 2018
- The 2024 Income Levels and Rents provided by Victoria Gardens Waterford LLC
- The Assessor's card for the property

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171 Rope Ferry Road – Graniteville Apartments

Graniteville Apartments is a one-story, 54-unit apartment building for which a Certificate of Occupancy was issued by the Town of Waterford on November 10, 2021. The property is owned and operated by 171 Rope Ferry Road, LLC. The project was approved as an 8-30g set aside development in which 16 of the 53 units are deed restricted as Family Units. The property is deed restricted until 2051. The breakdown of affordable units at the Graniteville apartments is as follows:

- 16 Family Units at or below 60% of Area Median Income

In accordance with the values set forth in CGS§ 8-30g (l) 6 he Town of Waterford claims 2 HUEP per Family Unit at 60% AMI for a total of **32 points.**

- **16 Family Units * 2 HUEP/unit = 32 HUEP**

The Town also claims .25 points for each of the remaining 37 market-rate units for a total of **9.25 points.**

- **37 Market Rate Units * .25/unit = 9.25 HUEP**

The Town of Waterford claims a total HUEP for Graniteville Apartments of **41.25 points.**
32 HUEP for Family Units + 9.25 HUEP for Market Rate Units = 41.25 HUEP

Documentation for this property includes:

- The Housing Affordability Plan Restriction filed on the Town of Waterford Land Records on March 25, 2024
- The Affordable Housing Compliance report submitted to the Town of Waterford Planning Department dated March 25, 2024
- The Certificate of Occupancy issued by the Town of Waterford on November 10, 2021
- The Assessor's card for the property

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908 Hartford Turnpike – Brookside Commons

Brookside Commons is a 3-story, 40-unit apartment building for which a certificate of occupancy was issued by the Town of Waterford on January 24, 2024. The property is owned by Cohanzie Partners and managed by Rocky Neck Village. In exchange for mortgage financing from the Connecticut Housing Finance Authority (CHFA) 32 of the 40 units are deed restricted as Family Units. The property is deed restricted until 2052. The breakdown of affordable units at Brookside Commons is as follows:

- 8 Family Units at or below 40% of Area Median Income
- 16 Family Units at or below 60% of Area Median Income
- 8 Family Units at or below 80% of Area Median Income
- 8 Market Rate Units

Exhibit #2

Town of East Lyme

Daniel Cunningham
First Selectman's Office

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: 860-739-6931
DCunningham@eltownhall.com

April 29, 2025

Denise Hall, Chair
Board of Finance
Town of East Lyme
108 Pennsylvania Ave.
Niantic, CT 06357

RE: CREATION OF COASTAL RESILIENCY RESERVE FUND

Dear Ms. Hall,

The purpose of this letter is to recommend to the Board of Finance that the Town of East Lyme create a Coastal Resiliency Reserve Fund (the "CRRF"). Coastal resilience is a planning concept in which a municipality develops strategies and resources to adapt to and mitigate the impacts of climate change, sea level rise, and the more intense storm surges that accompany these phenomena. A CRRF is a reserve fund in which the assets are managed in a manner similar to a pension fund and the funds are specifically earmarked to cover the Town's property losses caused by climate change, capital projects to adapt to and mitigate climate change impacts, and to fund studies related to mitigating hazards and vulnerabilities related to climate change. Creating a CRRF for East Lyme will place the Town in a better position to grapple with the challenges of a changing climate in the 21st Century.

Board of Finance Role In Creating a CRRF

In 2019, the General Assembly enacted a new statute, General Statutes § 7-159d, to authorize towns to create CRRFs and set forth the process for creating a CRRF. A copy of the statute is enclosed herewith for your ease of reference. The Board of Finance has an important role to play in the creation of the CRRF and, later, in the operation of the CRRF. General Statutes § 7-159d provides that a CRRF may only be created by the Board of Selectmen if (1) the First Selectman recommends creating a CRRF and (2) the Board of Finance approves the recommendation. By this letter, I am notifying the Board of Finance that I recommend the Town create a CRRF and respectfully request that the Board of Finance vote to approve the recommendation its May 14, 2025 meeting. Following Board of Finance approval, I will present to the Board of Selectmen a proposed ordinance creating the CRRF in accordance with § 7-159d at the Board's May 21, 2025 meeting. If the Board of Selectmen vote to proceed, it would schedule a public hearing on the proposed ordinance for June 4, 2025, allowing the CRRF to be in existence prior to the end of the current fiscal year.

Board of Finance Role in Operation of CRRF

Similar to the normal budgeting process in East Lyme, General Statutes § 7-159d creates a budgeting process requiring the First Selectman, Board of Finance, and Board of Selectmen to work together in determining the funding to be directed into the CRRF. Once funds are deposited into the CRRF, the Board of Finance has the responsibility to oversee and direct the Town Treasurer's management and investment of assets in the fund. Annually, the Board of Finance will receive a report from the Town Treasurer regarding the status of the CRRF and its investments. Finally, appropriations of CRRF moneys also require the First Selectman, Board of Finance, and Board of Selectmen to work together to determine how the CRRF is spent.

Benefits of a CRRF

East Lyme can expect to garner many benefits from creating a CRRF. First and foremost is that the Town will have created a financial buffer to help it meet the challenges of a changing climate head-on. It is difficult to know with certainty how a changing climate will challenge us in the years ahead, but we can be certain that it will and that as a coastal community we must prepare ourselves to adapt to and mitigate the hazards of rising sea levels, more intense storms, and more significant storm surges. Creating a CRRF is a key piece of our Town's preparations for this future and will complement other efforts the Town is making to plan for these future hazards through appropriate zoning and building regulations.

Having a CRRF will also benefit the Town's financial health by helping lower borrowing costs and improving the attractiveness of the Town's bonds. We need look no further down the Connecticut coastline than Branford to see why. Branford has been a leader in the area of CRRFs and was the first Connecticut town to take advantage of General Statutes § 7-159d and create a CRRF. According to the UConn Connecticut Institute for Resilience and Climate Adaptation ("CIRCA"), S&P Global Ratings specifically cited in its report for investors the existence of Branford's CRRF as a key factor supporting Branford's 2019 AAA rating. Given the significant threat posed by climate change in the future, CIRCA predicts that ratings agencies will continue to consider factors such as the existence of a CRRF in making ratings decisions because having a CRRF makes a strong statement about how the well towns will be able to manage the long term financial risks of climate change. This will have a direct and positive impact on borrowing costs for the Town and investors willingness to purchase our bonds.

Finally, having a CRRF will help the Town mitigate or avoid higher costs in the future. According to the U.S. Chamber of Commerce, for every $1 the Town invests in climate resilience and disaster preparedness, we can expect to see approximately $13 in future savings through mitigated economic impacts, damage, and cleanup costs after a climate related disaster event. To illustrate the scope of the problem and the potential benefits of each dollar invested in resilience and preparedness, it is helpful to consider that as of 2018 the Town had 639 structures – homes, businesses, Town facilities – in flood zones with this number expected to rise as flood zones are revised to account for rising sea levels. Our decision to invest in our future today by creating a CRRF will help

avoid greater expenses in the future and will likely help save lives as climate-change driven extreme weather events become more frequent in the future.

In closing, I ask that the Board of Finance vote at its May 14, 2025 meeting to approve my recommendation that the Town create a CRRF.

Very truly yours,

Dan Cunningham

Encl.

General Statutes § 7-159d
Copy of CIRCA Report

Connecticut General Statutes Annotated
Title 7. Municipalities
Chapter 98. Municipal Powers (Refs & Annos)

C.G.S.A. § 7-159d

§ 7-159d. Climate Change and Coastal Resiliency Reserve Fund. Authorized. Investment of funds. Report. Use of funds. Discontinuance of fund

Currentness

(a) Upon the recommendation of the chief executive officer of a municipality and approval of the budget-making authority of the municipality, the legislative body of any municipality, as defined in section 7-369, may, by a majority vote, create a Climate Change and Coastal Resiliency Reserve Fund.

(b) Upon the recommendation of the chief executive officer and approval of the budget-making authority and the legislative body in accordance with subsection (a) of this section, there shall be paid into such reserve fund: (1) Amounts authorized to be transferred into such Climate Change and Coastal Resiliency Reserve Fund from the general fund cash surplus available at the end of any fiscal year, and (2) the proceeds of bonds, notes or other obligations issued pursuant to subsection (b) of section 7-374b.

(c) (1) The budget-making authority of such municipality may, from time to time, direct the treasurer to invest a portion of such Climate Change and Coastal Resiliency Reserve Fund as in the opinion of such authority is advisable, including in any trust fund administered, held or invested by the State Treasurer pursuant to chapter 32 and for which the State Treasurer may adopt regulations, in accordance with chapter 54, to allow for the investment of moneys held in any such reserve fund, provided: (A) Not more than forty per cent, or with respect to such a reserve fund for which the budget-making authority has adopted an asset allocation and investment policy, fifty per cent, of the total amount of such reserve fund shall be invested in equity securities, and (B) any portion of such reserve fund not invested pursuant to subparagraph (A) of this subdivision may be invested in: (i) Bonds or obligations of, or guaranteed by, the state or the United States, or agencies or instrumentalities of the United States, (ii) certificates of deposit, commercial paper, savings accounts and bank acceptances, (iii) the obligations of any state of the United States or any political subdivision thereof or the obligations of any instrumentality, authority or agency of any state or political subdivision thereof, if, at the time of investment, such obligations are rated in the top rating categories of any nationally recognized rating service or of any rating service recognized by the Banking Commissioner, and applicable to such obligations, (iv) the obligations of any regional school district in this state, of any municipality in this state or any metropolitan district in this state, if, at the time of investment, such obligations of such government entity are rated in one of the top two rating categories of any nationally recognized rating service or of any rating service recognized by the Banking Commissioner, and applicable to such obligations, (v) in any fund in which a trustee may invest pursuant to section 36a-353, (vi) investment agreements with financial institutions whose long-term obligations are rated in the top two rating categories of any nationally recognized rating service or of any rating service recognized by the Banking Commissioner or whose short-term obligations are rated in the top rating category of any nationally recognized rating service or of any rating service recognized by the Banking Commissioner, or (vii) investment agreements fully secured by obligations of, or guaranteed by, the United States or agencies or instrumentalities of the United States.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, if such reserve fund is invested in any trust fund administered, held or invested by the State Treasurer pursuant to chapter 32, the asset allocation of such reserve fund shall be determined in accordance with the provisions of section 3-13d.

(d) The municipal treasurer shall submit, annually, a complete and detailed report of the condition of such Climate Change and Coastal Resiliency Reserve Fund to the chief elected official, budget-making authority and legislative body of such municipality. Such report shall be made a part of such municipality's annual report.

(e) Upon the recommendation of the chief elected official and budget-making authority of such municipality and the approval of the legislative body of such municipality, any part, or the whole, of such reserve fund may be used and appropriated to pay for municipal property losses, capital projects and studies related to mitigating hazards and vulnerabilities of climate change including, but not limited to, land acquisition.

(f) Such reserve fund may be discontinued, after recommendation by the chief elected official and budget-making authority of such municipality to the legislative body and upon approval of such discontinuation by such legislative body. Following any such vote to discontinue such reserve fund, any remaining portion of such fund shall be converted into, or added to, a sinking fund to provide for the retirement of the bonded indebtedness of such municipality. If the municipality has no bonded indebtedness, the remainder of such fund shall be transferred to the general fund of such municipality.

Credits

(2019, P.A. 19-77, § 1, eff. July 1, 2019; 2021, P.A. 21-115, § 18, eff. July 1, 2021; 2023, P.A. 23-140, § 1, eff. June 27, 2023.)

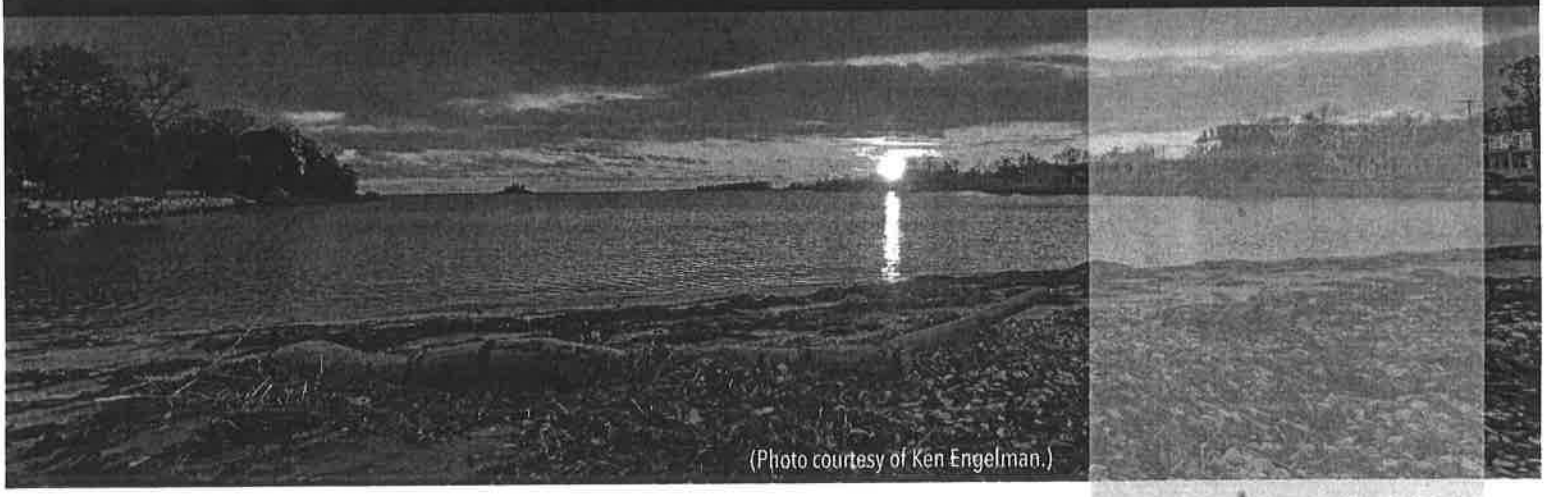
C. G. S. A. § 7-159d, CT ST § 7-159d

The statutes and Constitution are current with all enactments of the 2025 Regular Session enrolled and approved by the Governor on or before March 3, 2025 and effective on or before March 3, 2025.

End of Document

UCONN

Connecticut Institute for Resilience and Climate Adaptation



(Photo courtesy of Ken Engelman.)

Branford's Coastal Resiliency Reserve Fund - Planting Seeds for the Future

CIRCA

Information for a More Resilient Connecticut

"Start where you are. Use what you have. Do what you can."

- Arthur Ashe

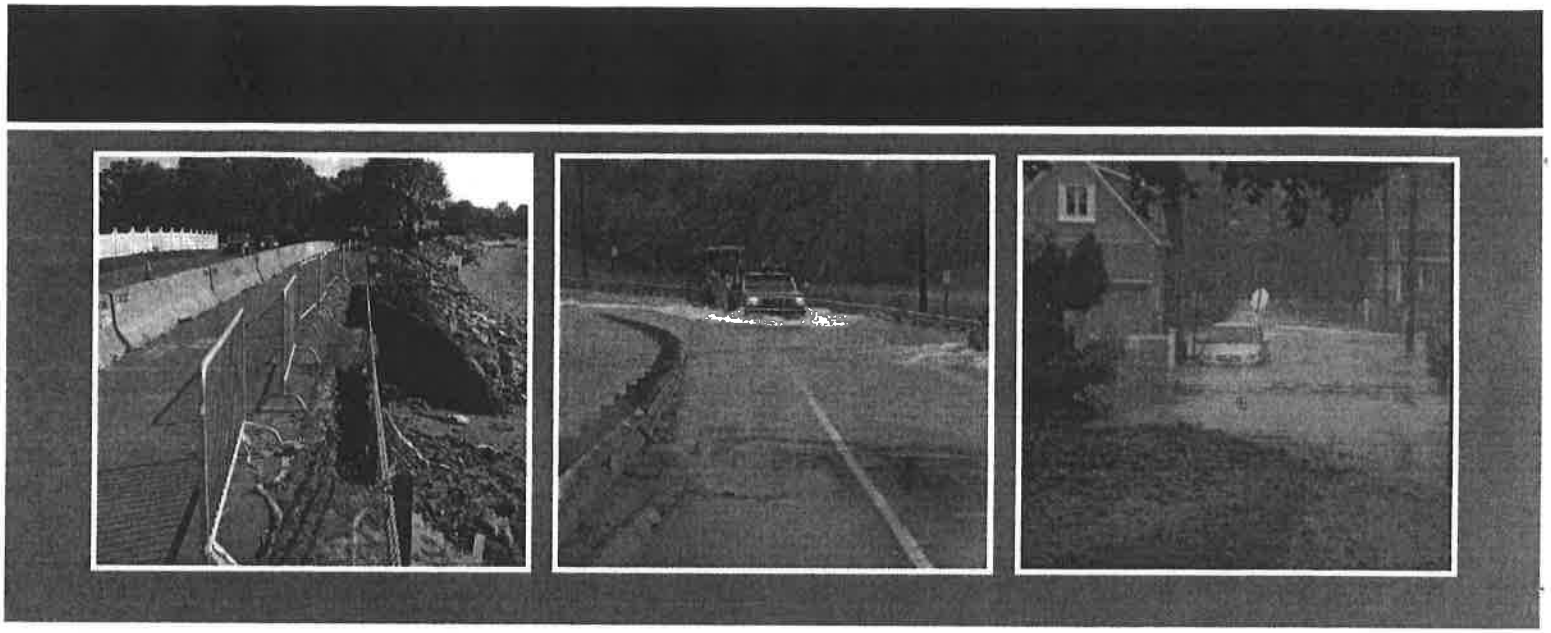
With over 20 miles of coastline on Long Island Sound, Branford is a coastal community on the front lines facing the challenges of sea-level rise and climate change in Connecticut. As recent storms in the past decade have revealed the extent of vulnerabilities across Connecticut's coast, Branford has taken proactive steps to put plans in place with an eye to the future. In 2016 a Coastal Resilience Plan was developed to identify location specific and town-wide options for adaptation. An update to Branford's Plan of Conservation and Development in 2019 considered the impact of sea-level rise to the town's vision for the future and had this to say: "The scope of the issues associated with sea level rise is so extensive and expensive that it will be difficult, if not impossible, for the Town of Branford or any other governmental organization to address them all." Branford's Director of Finance James Finch likes to use the above quote by Arthur Ashe to frame the town's approach to figuring out what to do next without giving in to doom and despair. What if the town created a fund dedicated to addressing resilience challenges and managed the assets similar to a pension plan? The idea is to invest what they have now, take a long term strategy, and grow the reserve fund with the goal of matching a future funding source to "the long-term liabilities" associated with

Contact

John Truscinski, CIRCA,
Director of Resilience Planning
john.truscinski@uconn.edu

circa@uconn.edu
resilientconnecticut.uconn.edu

University of Connecticut
Avery Point Campus
1080 Shennecossett Rd.
Groton, CT 06340



Stormwater flooding and damage on Branford roadways. (photos courtesy of James Finch and Jan Spiegel.)

sea-level rise. In addition to the traditional ways the town funds projects, such as capital improvement planning, federal and state grants, municipal bond issuance, and "pay-as-you go"; a coastal resiliency reserve fund would be another tool in the tool-kit to help Branford manage the costs of adapting to climate change over the long term. It's a simple idea that draws on the town's experience of managing other future financial expenses such as employee pensions, OPEB trusts, and self-insurance.

Up until 2019, no town in Connecticut had yet taken this approach, and a change in state law was needed to enable municipalities to create reserve funds for resiliency with the investment flexibility needed to create higher returns. Finch along with First Selectman Jamie Cosgrove, worked with State Senator Christine Cohen, to craft legislation and Public Act No. 19-77 "AN ACT AUTHORIZING MUNICIPAL CLIMATE CHANGE AND COASTAL RESILIENCY RESERVE FUNDS," (see sidebar) was approved unanimously in the Senate and signed by Governor Lamont on July 1, 2019.

Branford prides itself on having a history of balancing its budgets and developing strategies to identify and fund long-term obligations and capital needs. In his comments to the Board of Finance during the creation of the resiliency fund Finch noted,

"Often this results in a disciplined and consistent effort that over long periods of time reduces the burden on future tax payers while remaining sensitive to current tax payers."

The town allocated a $1 million surplus in 2019 from its general fund to seed the new Coastal Resiliency Reserve Fund. Going forward a small fraction of every budget will be set aside to continue building the reserve, with an additional $300k set aside in FY20 and FY21.

Public Act No. 19-77

- AN ACT AUTHORIZING MUNICIPAL CLIMATE CHANGE AND COASTAL RESILIENCY RESERVE FUNDS enables municipalities to create a Climate Change and Coastal Resiliency Reserve Fund (CCCRRF).
- A CCCRRF allows the budget-making authority of a municipality the option to invest a portion of the fund (up to 50%) in equity securities, US Government Bonds, certificates of deposit, commercial paper, savings accounts and bank acceptances, other state and municipal bonds, as well as other investment vehicles meant to allow flexibility and higher rates of return on investment.
- Upon the recommendation of the chief elected official and budget-making authority, and approval of the legislative body of a municipality, the reserve fund may be used and appropriated to pay for municipal property losses, capital projects and studies related to mitigating hazards and vulnerabilities of climate change including, but not limited to, land acquisition.

The costs and impacts to municipal budgets from sea-level rise are continuing to get more attention from the investment and financial services community (read Moody's Environmental Risks article, link on sidebar). In fact, Branford's approach with its resiliency reserve fund was highlighted among the factors that supported a AAA rating of the town's long-term General Obligation Bond by S&P Global Ratings in a 2019 report for investors. It's clear that the approach towns and states use to manage the long term financial risks of climate change will continue to factor into borrowing costs and investors' willingness to purchase their debt.

Moving forward there's still a lot of unknowns and the fund is still in it's infancy. Exactly how much will Branford need and when will they need it? Finch compares the problem to a recent college graduate wondering how much they'll need to save for retirement. "Given all the unknowns it would be easy to ignore the problem or push things off for another day. What we do know is if we start today and position the fund to grow over the long term, it's vastly superior to doing nothing," Finch says.

Learn more about additional financing options, including how Governor Lamont's climate adaptation bill (HB6441) will allow municipalities to pass a "buyers conveyance fee" and use it to create climate change and coastal resiliency reserve funds. Visit the Governor's Council on Climate Change website for more information. □

For More Information

Planning Inventory

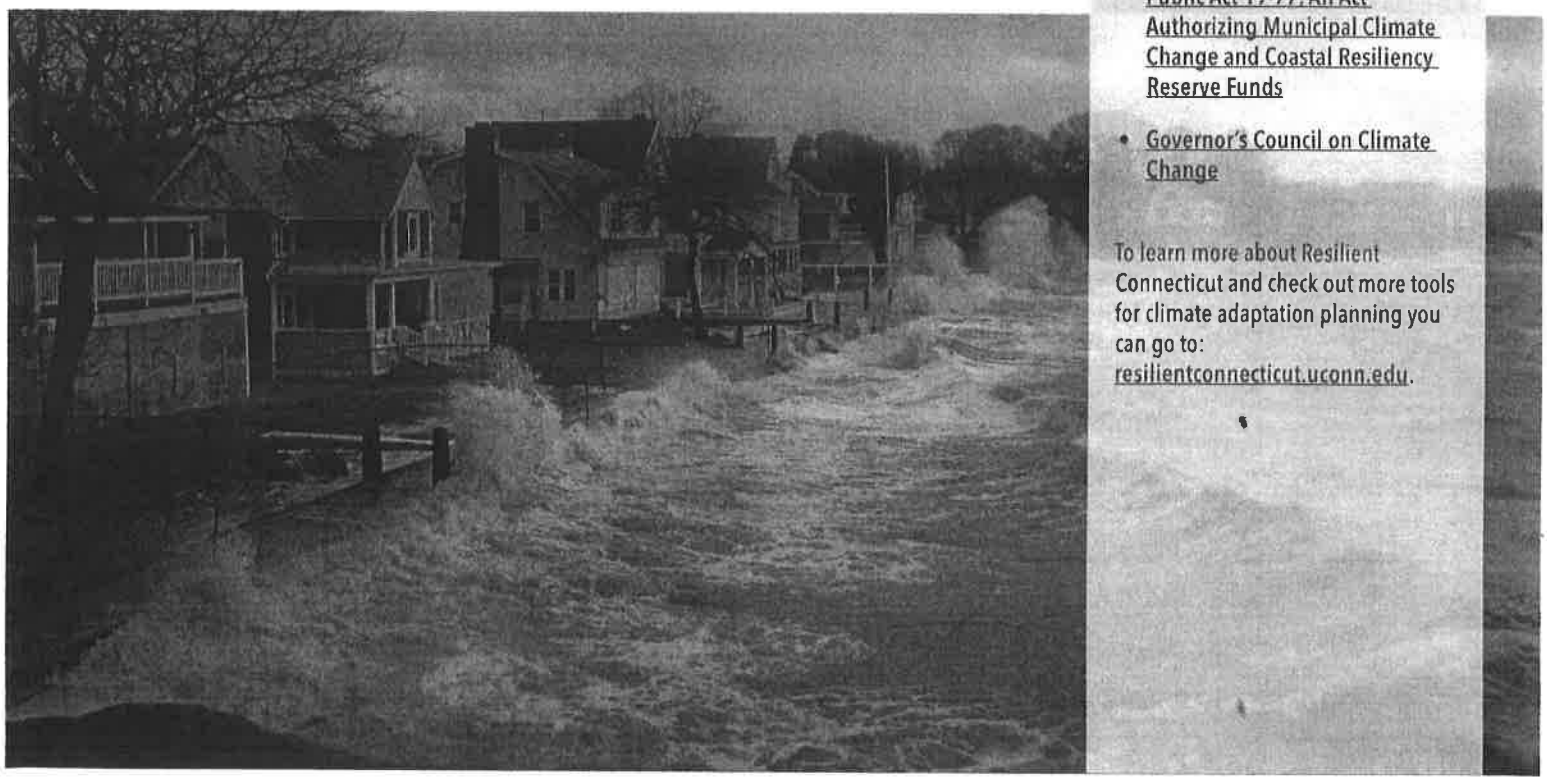
If you'd like to learn more about how towns are planning for sea-level rise and climate change, CIRCA has assembled a "Planning Inventory" as part of the Resilient Connecticut project.

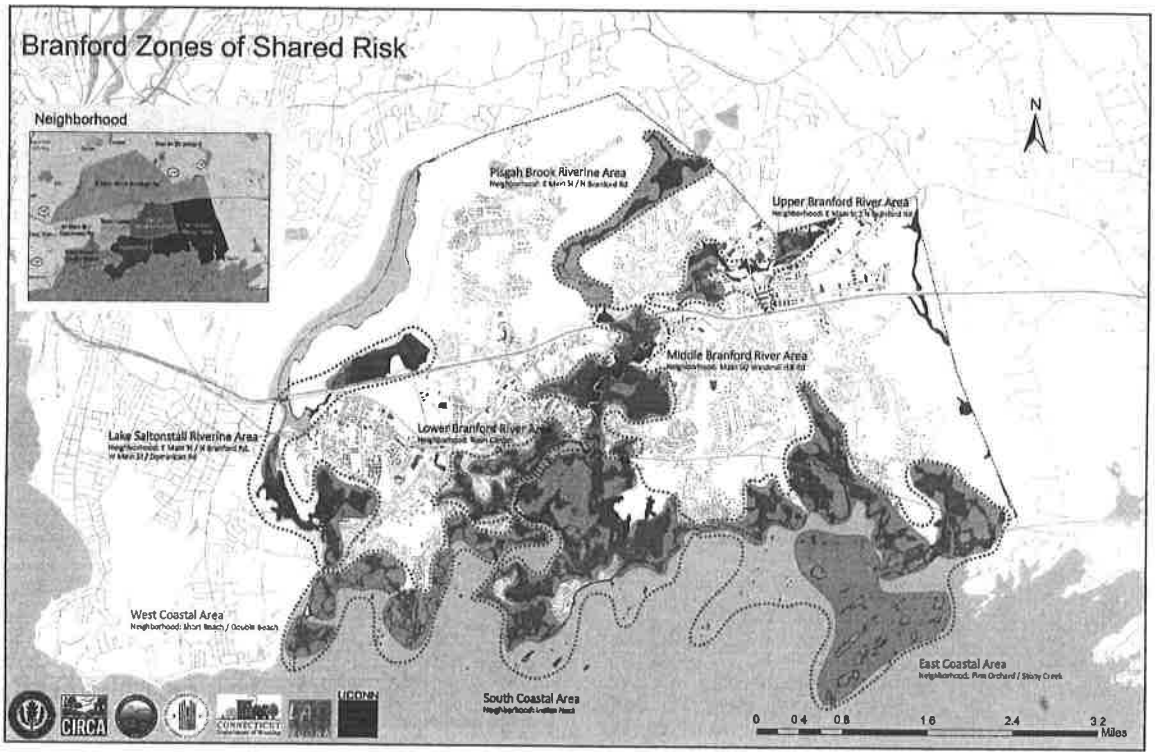
Additional Resources

- Branford Coastal Resilience Plan
- Branford's Plan of Conservation and Development
- Branford's S&P Global Ratings 2019 Report for Investors
- Moody's Environmental Risks Article
- HB 6441, An Act Concerning Climate Change Adaptation
- Public Act 19-77, An Act Authorizing Municipal Climate Change and Coastal Resiliency Reserve Funds
- Governor's Council on Climate Change

To learn more about Resilient Connecticut and check out more tools for climate adaptation planning you can go to: resilientconnecticut.uconn.edu.

Waves crash over the seawalls along Branford's shoreline during Hurricane Sandy in 2012. (Photo courtesy of CT Mirror and Jan Spiegel.)





About CIRCA and Resilient Connecticut

The Connecticut Institute for Resilience and Climate Adaptation (CIRCA) is a University of Connecticut research institute that brings together experts in the natural and social sciences, engineering, economics, finance, policy, and law to address climate impacts at a local and state level. The mission of CIRCA is to increase the resilience of communities vulnerable to the growing impacts of climate change.

CIRCA, along with state agencies, regional Councils of Governments (COGs), and municipalities, initiated the Resilient Connecticut project in 2018, which focuses on communities impacted by Superstorm Sandy in New Haven and Fairfield Counties. Activities include science-based risk assessments, community outreach, and pilot project designs. The goal of this work is to help decision makers prepare for changes in heat, flooding, and precipitation and advance planning for more resilient housing, transportation, and healthy communities. Importantly, Resilient Connecticut builds off existing planning efforts at the local and regional levels and uses CIRCA's climate research and tools for decision making.

As part of the Resilient Connecticut project, CIRCA is developing a Municipal Toolkit to help local and state agency staff better understand climate vulnerabilities and how to plan for them. The toolkit will contain both technical tools (data viewers, story maps, vulnerability assessments) and planning tools (stakeholder and planning inventories, model regulations, resilience planning checklist). "Zones of Shared Risk" (ZSR) maps like this one for Branford are part of the Toolkit. ZSR are regions that face common flood, wind, or heat related climate challenges and include the land, buildings, and infrastructure as well as the hydrological, ecological, and social elements that contribute to a place.

Branford's case study on financing resilience is another toolkit example and one product in a packet of "Information for a more Resilient Connecticut" that CIRCA created to help inform municipalities. A Coastal Resiliency Reserve Fund helps a community be proactive and address climate change by putting money in a fund today to help address the needs of tomorrow. □

CONNECTICUT Department of Housing

Funding for this project is provided by the U.S. Department of Housing and Urban Development through the Community Block Grant National Disaster Recovery Program, as administered by the Connecticut Department of Housing.

Exhibit #3

Sandi Anderson

From: Jason Deeble
Sent: Wednesday, May 7, 2025 8:27 PM
To: Sandi Anderson
Subject: Fw: Please Recognize May as ALS Awareness Month

From: Carol York <Carol.York.196385098@grsdelivery.com>
Sent: Tuesday, May 6, 2025 6:32 AM
To: Jason Deeble <jdeeble@eltownboardmember.org>
Subject: Please Recognize May as ALS Awareness Month

As your constituent and someone impacted by ALS, I am writing you on behalf of the ALS Association to request that you recognize May 2025 as ALS Awareness Month.

Amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease, is a devastating and fatal neurodegenerative condition. It progressively destroys motor neurons, leading to complete paralysis and, in most cases, death within five years of diagnosis. There is no cure. How can that be when Lou Gehrig was diagnosed with the disease in 1939!!

Military veterans are disproportionately affected by ALS—multiple studies show they are significantly more likely to develop and die from the disease than the general population. But regardless of who contracts the disease, it is awful for the patient and their loved ones to endure.

While their minds remain sharp, people living with ALS lose the ability to walk, talk, eat, and eventually breathe. As their independence fades, they often rely entirely on caregivers. In advanced stages, round-the-clock care becomes essential.

To truly confront ALS, we must raise awareness and ensure policies reflect the urgent needs of those living with this disease. Increased advocacy and legislative support are critical to advancing research, easing the burden on families, and ultimately finding a cure.

I urge you to stand with the ALS community by increasing awareness, prioritizing research funding, and securing additional caregiver support. Your leadership can make a lasting difference.

Second Deputy First Selectman Deeble, you can help raise awareness by recognizing May 2025 as ALS Awareness Month. Below, I have provided a sample proclamation, which can be used to help guide you in drafting an ALS Awareness Month proclamation.

Thank you for your consideration of this important cause.

Sincerely,

Carol York
92 Old Black Point Road, Niantic, CT, USA
byowner@aol.com

SAMPLE PROCLAMATION

Title: Amyotrophic Lateral Sclerosis Awareness Month

WHEREAS, amyotrophic lateral sclerosis, also commonly known as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease in which a person's brain loses connection with their muscles, slowly reducing a person's ability to walk, talk, eat, and eventually breathe; and

WHEREAS, thousands of new amyotrophic lateral sclerosis (ALS) cases are reported every year, and estimates show that every 90 minutes, someone is diagnosed with ALS and someone passes away from ALS; and

WHEREAS, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

WHEREAS, the exact causes of ALS are unknown and there is no known cure for ALS; and

WHEREAS, people who have served in the military are more likely to develop ALS and die from the disease than those with no history of military service; and

WHEREAS, securing access to new therapies, durable medical equipment, and communication technologies is of vital importance to people living with ALS; and

WHEREAS, clinical trials play a pivotal role in evaluating new treatments, enhancing quality of life, and fostering assistive technologies for those living with ALS; and

WHEREAS, the ALS Association is the largest philanthropic funder of ALS research globally and has committed more than $154 million to support more than 550 projects across the United States and 18 other countries; and

WHEREAS, the ALS Association is committed to accelerating the pace of discovery, fueled by the hope that one day ALS will be a livable disease for everyone, everywhere, until a cure can be found; and

WHEREAS, Amyotrophic Lateral Sclerosis Awareness Month provides an opportunity to increase public awareness of the dire circumstances of people living with ALS, acknowledge the terrible impact this disease has on those individuals and their families, and support research to eradicate this disease;

Now, therefore, I, Second Deputy First Selectman Deeble, do hereby proclaim the month of May 2025 as ALS Awareness Month. I call upon all Americans to join in supporting ALS research, advocating for increased funding, and standing in solidarity with those affected by this relentless disease.

[Your Signature]