

East Lyme Board of Selectmen

Meeting of December 17, 2014

Minutes

FILED IN EAST LYME
CONNECTICUT

Dec 18 2014 AT 3:00 AM/PM
Bridget D. Horton ATC
EAST LYME TOWN CLERK

Present: Paul M. Formica, Mark Nickerson, Holly Cheeseman, Rose Ann Hardy, Kevin Seery, Rob Wilson.

1. Call to Order

Mr. Formica called the December 17, 2014 Board of Selectmen meeting to order at 8:00 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Nickerson moved to add Item 2e. Discussion / Special Town Meeting Call, for a Special Town Meeting to be held on January 6, 2015 at 7:00 p.m. at the East Lyme Town Hall regarding the Proposed Settlement for the Pending Litigation with New England National to the December 17, 2014 agenda.

Seconded by Mr. Wilson. Motion passed 6-0.

1c. Delegations

Will Christiansen of 66 Grassy Hill Road read a letter into the record regarding the removal of passing zones on Rte 161, attached to these minutes and identified as Attachment A.

John Bialowans of 61 Walnut Hill Road read a letter into the record regarding frustrations with the solar farm, attached to these minutes and identified as Attachment B.

Joe Mingo of 397 Boston Post Road noted he was hoping to raise money for flag poles and flags for the school and in front of the Town Hall. He added he would like it done right and wanted to include the American Flag, the State Flag and the Town Flag which all would be lit. To achieve this, he would need to raise approximately \$6000 and donations could be sent to the Parks and Recreation department who have an account for this purpose. He noted that the Public Works department has agreed to do the work of installing the poles.

1d. Approval of Minutes, Special Meeting of November 19, 2014

MOTION (2)

Mr. Nickerson moved to approve the minutes for the Special Meeting of November 19, 2014 as submitted.

Seconded by Ms. Cheeseman.

Aye: Mr. Formica, Mr. Nickerson, Mr. Seery, Mr. Wilson, Ms. Cheeseman.

Nay: None.

Abstain: Ms. Hardy. Motion passed 5-0-1.

1d2. Approval of Minutes, Regular Meeting of November 19, 2014

MOTION (3)

Mr. Nickerson moved to approve the minutes of the regular meeting of November 19, 2014 as submitted.

Seconded by Mr. Seery.

Aye: Mr. Formica, Mr. Nickerson, Mr. Seery, Mr. Wilson, Ms. Cheeseman.

Nay: None.

Abstain: Ms. Hardy. Motion passed 5-0-1.

1e. Consent Calendar

MOTION (4)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$ 1215.33 for the meeting of December 17, 2014.

Seconded by Mr. Seery. Motion passed 6-0.

2a1. Action – Proposed New England National Settlement

MOTION (5)

Mr. Wilson moved to approve a settlement with New England National, LLC and all of its affiliates for \$650,000 as reported to the United States District Court following mediation and to be reflected in a written agreement to be signed by the parties and approved by the United States District Court. An outline of the general terms of the settlement being as follows:

1. Town of East Lyme to pay New England National the sum of \$650,000
2. New England National to convey the approximate 8 acres of Darrow's Pond to the Town of East Lyme;
3. New England National and its affiliates will release all of the easements property rights its controls on the Darrow's Pond Property;
4. New England National and its affiliates will be permitted to retain certain properties. These properties may be sold, but New England National and its

affiliates will not be permitted to develop any of the retained properties or apply for any land use permits, nor may New England National or its affiliates have any financial interest in any person or business which may purchase the properties. In other words, New England National may sell the properties but may not develop the properties;

5. New England National and all related parties will execute a covenant not to develop any further real estate in the Town of East Lyme for a period of 20 years;
6. Anne Torrance will be permitted to subdivide the 3 acre parcel on which her home sits into no more than 3 lots, provided the subdivision of the property meets existing zoning and land use regulations and no variances or waivers of the regulations are required; and
7. The parties will exchange full and final releases.

Payment of the \$650,000 is to come from the following sources of funds:

1. \$325,000 from Open Space Fund 59;
2. \$50,000 from General Fund Contingency Account;
3. \$146,000 from Undesignated Fund Balance; and
4. \$129,000 from Legal Settlement Fund

Seconded by Ms. Cheeseman. Motion passed 6-0.

2a2. Appointments – Part time Constable

MOTION (6)

Mr. Nickerson moved to appoint Paul T. Holmes of 278 Main Street Niantic, CT to serve as a Part time Special Constable for the Town of East Lyme through June 30, 2015.

Seconded by Mr. Seery. Motion passed 6-0.

MOTION (7)

Mr. Nickerson moved to appoint:

Rory Ghio of 104 E. Shore Drive, Niantic, CT

David Houseman of 474 Laurel Hill Drive, Norwich, CT

Gary Thorstensen of 81 Webster Road, East Lyme, CT to serve as Deputy Fire Marshals for the Town of East Lyme through January 8, 2018.

Seconded by Mr. Seery. Motion passed 6-0.

2b. Special Appropriation \$4546 Grant – National Fish and Wildlife Foundation – Support field trip to Stormwater Classroom

Town Engineer Victor Benni noted that the \$4,546 Grant was awarded to the Town of East Lyme to purchase signs, a three dimensional stormwater model, and two educational programs that will be tailored for the event. Long Island Sound is considered CT's largest and most important natural resource and untreated stormwater runoff creates water quality problems for Long Island Sound. The Outdoor Stormwater & Environmental Classroom at the Hole-in-the-Wall showcases many of the latest technologies & techniques utilized to treat & reduce stormwater and improve water quality before being discharged to Long Island Sound. All ten of the Town's 3rd grade classes will rotate through five stations at the Hole-in-the-Wall parking lot, which include presentations on the Stormwater Classroom, Plants & Soils, Shoreline Species & Habitat, a three dimensional Coastal Stormwater Model, and Recycling. The information presented at each of the stations complements the East Lyme Public School science curriculum. Last spring the Event partnered with the following organizations: Save the River-Save the Hills, CT DEEP Marine Fisheries Division and Bureau of Watershed Protection & Land Reuse, East Lyme High School AP Environmental Science, Southeastern CT Regional Resources Recovery Authority (SCRRA), Niantic River Watershed Committee, and the East Lyme Public Works Department. The remaining project cost of \$ 10,063 is based on an estimated "matching" contribution from Town staff and volunteers. The matching contribution is based on Town employees' and other local individuals & organizations time to prepare and run the event; there will be NO in-kind funds that the Town of East Lyme allocates for this program.

Ms. Cheeseman left the meeting to monitor the Special Board of Finance meeting.

MOTION (8)

Mr. Nickerson moved to approve a special appropriation in the amount of \$4,546 grant from the National Fish and Wildlife Foundation, Long Island Sound Futures Fund, to an account to be established titled, (NFWF – Stormwater Classroom) to provide support for a field trip to the Stormwater Classroom at the Hole-in-the-Wall parking lot for all of the Town's 3rd grade elementary school classes and forward to the Board of Finance for approval.

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

Ms. Cheeseman returned to the meeting.

2c. Accept Hathaway Farms Road Deed and Pedestrian Easement

Attorney O'Connell reviewed the colored maps of the area (Attachment C) and noted that the subject subdivision was over 10 years old and the deeds pertaining to the property had never been executed.

MOTION (9)

Mr. Nickerson moved the following:

HATHAWAY FARMS RESOLUTION

WHEREAS, the East Lyme Planning Commission has recommended that the Town accept as public highways certain portion of land and related improvements located in the "Hathaway Farms" subdivision, and designated as "All remaining Land Between Lots And Town Road To Be Deeded To Town Of East Lyme" and more particularly described in deeds pertaining to said land; and

WHEREAS, the East Lyme Planning Commission has recommended that the Town accept as public highways certain portion of land and related improvements located in the "Hathaway Farms" subdivision, and designated as "Turn Around Area To Be Deeded To Town of East Lyme" and more particularly described in deeds pertaining to said land; and

WHEREAS, the East Lyme Planning Commission has recommended that the Town accept a pedestrian easement designated as "10' Wide Pedestrian Easement" and more particularly described in deeds pertaining to said easement; and

WHEREAS, the Director of Planning and Town Engineer have determined that said land and related improvements associated with the "Hathaway Farms" subdivision have been constructed in accordance with the Town's standards and approved plans;

IT IS RESOLVED, that the Board of Selectman hereby accepts as public highways said portions of land and related improvements and further accepts said pedestrian easement, subject to the Town Attorney's approval of the developer's executed deeds and related documents as has been delivered to the Town.

Seconded by Mr. Wilson. Motion passed 6-0.

2d. Insurance Waiver Request – Stick Together Dance
MOTION (10)

Mr. Nickerson moved to approve the request for an insurance waiver at the ELLCC for December 31, 2014 for the Stick Together Dance Group with the understanding that no alcohol be served.

Seconded by Mr. Seery. Motion passed 6-0.

6a. Ex-Officio

Mr. Seery noted that he attended the Inland Wetlands meeting and Mr. Bialowans was present and voiced the same concerns that he made at this evening's meeting about the continued frustrations of homeowners in his area.

Ms. Hardy stated that she attended the Planning Commission meeting where they discussed The Orchards subdivision and legal lot releases and 26 Industrial Park Road, a re-subdivision of a lot on 26 Industrial Park Road into two lots, which was approved.

Rob Wilson noted that the Board of Education's School Committee had decided that they would return LB Haynes School to the Town but hoped that Project Learn and Creative Play School could remain in the building. He added that Niantic Center School would be renovated with an addition built and a new Flanders School would be built.

Ms. Hardy inquired if there had been any discussion about preserving the historic part of Flanders School.

Ms. Cheeseman had no report but she noted she wanted to bring an upcoming event to the Board's attention. She said that on December 31st, Countdown to Noon would be held at the East Lyme Community Center from 9:30 a.m. – 4:00 p.m. She added that she was very excited for this joint venture between Parks and Recreation and the Children's Museum and encouraged everyone to support it. She

said that there would be a balloon drop and talks on how others celebrate. She said that people could pre-register at the Children's Museum at 860-691-1111.

Mr. Nickerson said that he has spent a great deal of time at the Town Hall the last few weeks trying to provide a smooth transition as Mr. Formica moves on and he has been learning a lot. He added that he is looking forward to working with Senator - Elect Formica.

6b. First Selectman's Report

Mr. Formica noted that it has been a great honor and privilege to serve the Town of East Lyme. He thanked all those who have attended meetings and spoken with such passion during Delegations. He thanked all of his department heads for all of their hard work and made his work much easier, most especially Finance Director Anna Johnson. He thanked Mr. Nickerson who has supported him and complimented him for the professionalism he has shown. He thanked the other Board members for aiding and assisting him over the past seven years and noted he was looking forward to his future in the Senate.

The meeting was adjourned at 8:35 p.m.

Mr. Formica suggested re-opening the business part of the meeting to vote on the Special Call item that was added to the agenda this evening as item 2e.

TOWN OF EAST LYME NOTICE OF SPECIAL TOWN MEETING

MOTION (11)

Notice is hereby given of a Special Town Meeting to be held on Tuesday, January 6, 2015 at the East Lyme Town Hall Upper Meeting Room at 7:00 p.m. to consider and take action on the following:

1. To appropriate as approved by the Board of Finance a Special Appropriation of \$650,000 for Settlement of Litigation and full and final releases by New England National and all of its affiliates of all matters; \$325,000 would come from Open Space Fund 59, \$50,000 from General Fund Contingency, \$146,000 from General Fund Undesignated Fund Balance and \$129,000 from Legal Settlement Funds.

Dated at East Lyme, CT this 17th day of December, 2014

EAST LYME BOARD OF SELECTMEN

Paul M. Formica, Mark Nickerson, Kevin Seery, Rose Ann Hardy, Holly
Cheeseman, Rob Wilson.

Seconded by Mr. Seery. Motion passed 6-0.

MOTION (12)

Mr. Wilson moved to adjourn the December 17, 2014 Board of Selectmen meeting
at 8:43 p.m.

Seconded by Mr. Seery. Motion passed 6-0.

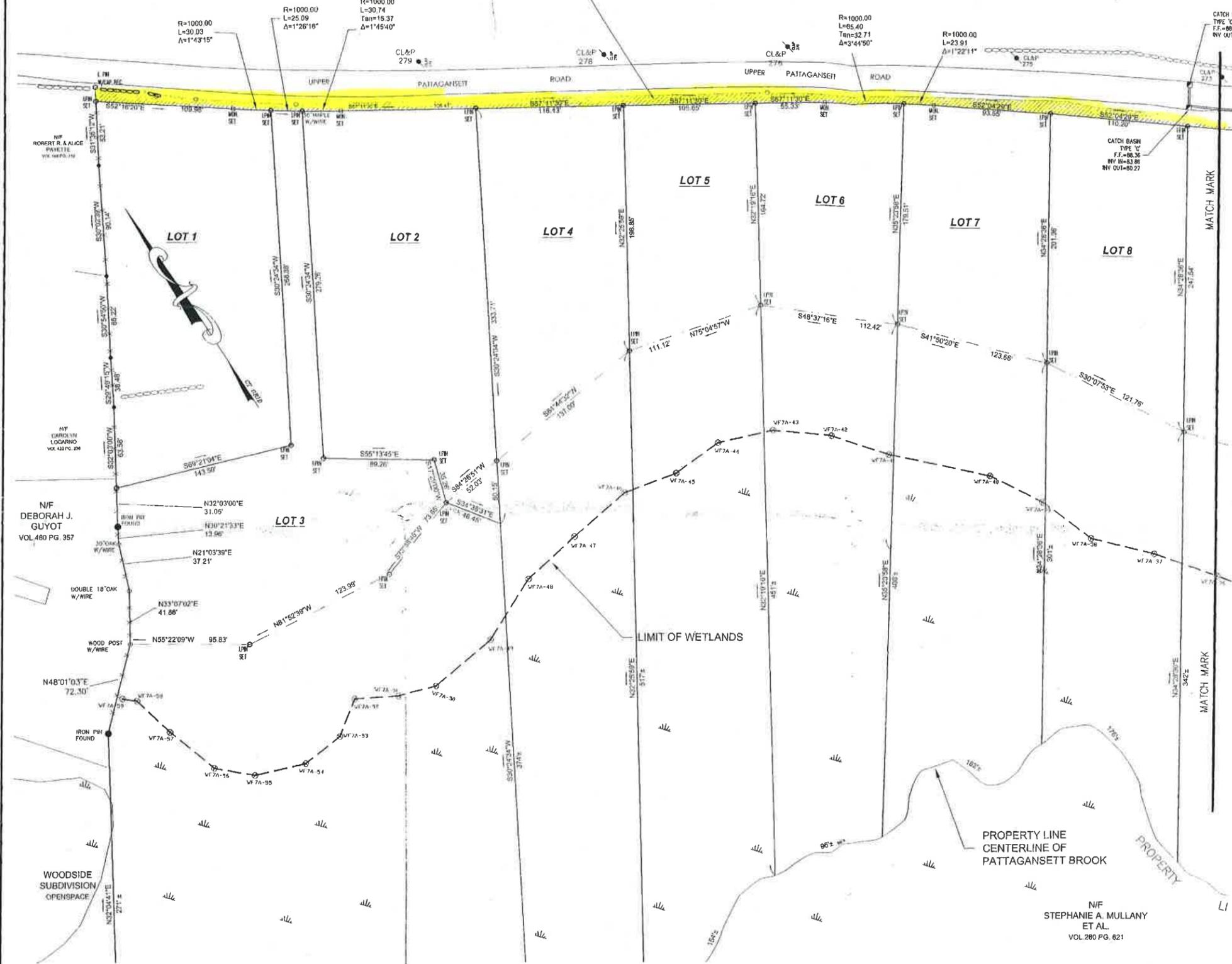
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene C. Stevens", followed by a flourish.

Darlene C. Stevens, Recording Secretary

Asst. Surveyor

ALL REMAINING LAND BETWEEN LOTS AND TOWN ROAD TO BE DEEDED TO TOWN OF EAST LYME



NOTES

1. THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS AN IMPROVEMENT LOCATION SURVEY BASED PARTIALLY ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2 AND IS INTENDED TO SHOW EXISTING MONUMENTATION SET AND AREAS TO BE DEEDED TO THE TOWN OF EAST LYME.
2. REFERENCE IS MADE TO THE FOLLOWING SURVEY MAPS ON FILE IN THE EAST LYME LAND RECORDS:
 - A. RESUBDIVISION HATHAWAY FARM UPPER PATTAGANSETT ROAD EAST LYME CONNECTICUT DATED MARCH 24, 2002 REV THRU 10-1-02 SHEETS 1-B PREPARED BY J. ROBERT PFANNER & ASSOCIATES P.C.
 - B. LOT LINE REVISION PREPARED FOR COVE LANDING ASSOC. 220 & 222 UPPER PATTAGANSETT ROAD EAST LYME CT. SCALE 1"=20' DATED JULY 14, 2008 PREPARED BY J. ROBERT PFANNER & ASSOCIATES P.C.
 - C. LOT LINE REVISION PREPARED FOR COVE LANDING ASSOC. 13 & 15 HATHAWAY ROAD EAST LYME CT. SCALE 1"=40' DATED FEBRUARY 4, 2009 REV 3/3/09, PREPARED BY J. ROBERT PFANNER & ASSOCIATES P.C.
3. THERE ARE EASEMENTS NOT SHOWN ON THESE PLANS. THEY HAVE BEEN LEFT OFF FOR CLARITY PURPOSES AND CAN BE FOUND ON THE MAP REFERENCES ABOVE.

ALL MONUMENTATION SHOWN AS SET WERE INSTALLED BY J. ROBERT PFANNER AS PART OF THE SUBDIVISION REQUIREMENTS AS SHOWN ON THIS MAP.

THIS SURVEY CONFORMS TO A CLASS A-2 SURVEY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS MATERIALLY CORRECT AS NOTED HEREON (SEE NOTE 1).

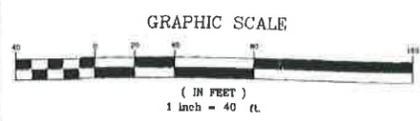


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| NO. | DATE | DESCRIPTION | BY |
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J. ROBERT PFANNER & ASSOCIATES, P.C.
 CIVIL ENGINEERS & LAND SURVEYORS

37 GRAND STREET NIANTIC, CONNECTICUT 06357
 TEL. 860-739-6216 FAX 860-739-0693



TITLE:
IMPROVEMENT LOCATION SURVEY
PREPARED FOR UPPER
PATTAGANSETT #2 INC

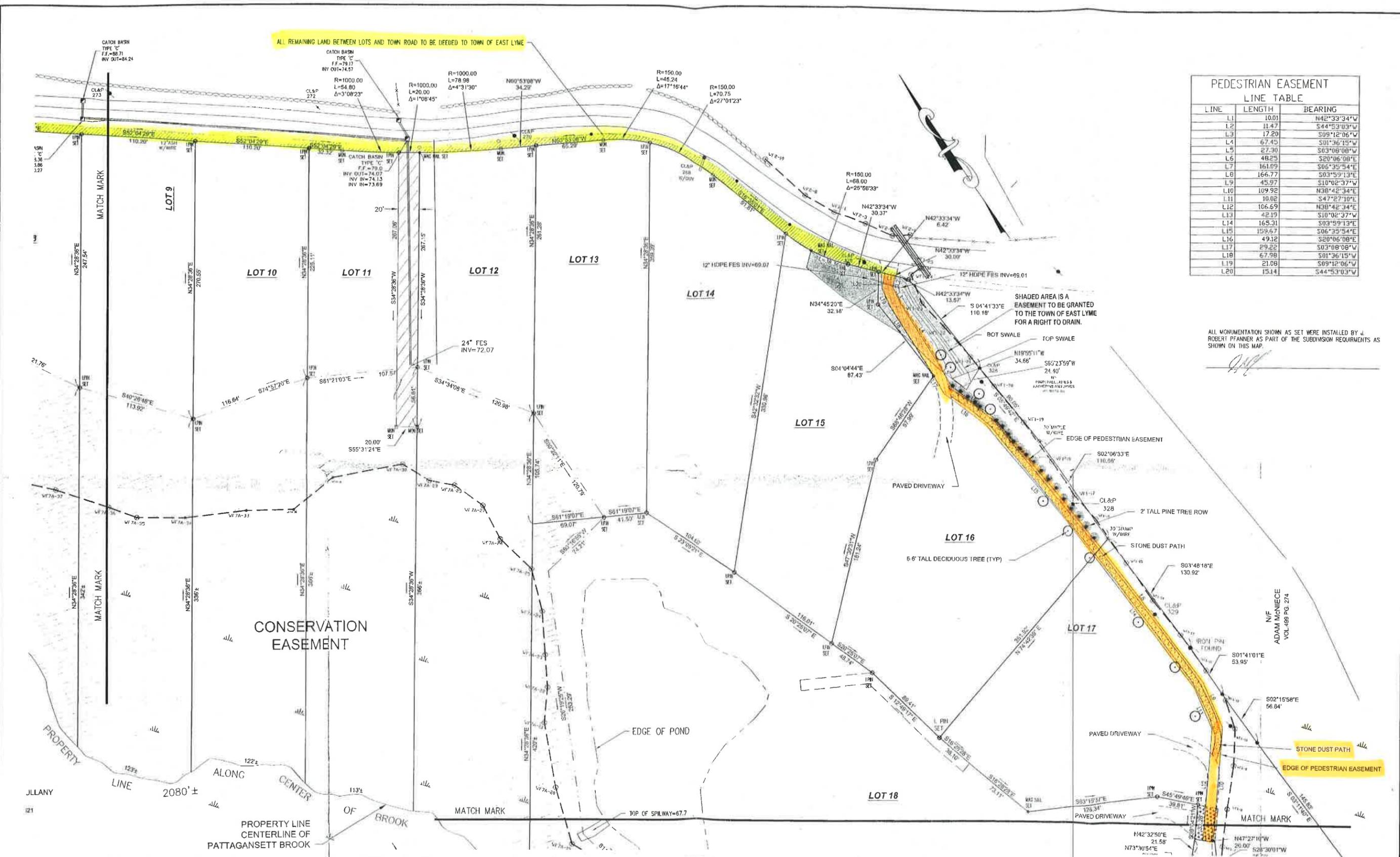
SHEET NUMBER
 1 OF 3
 03004-AB-3

LOCATION: UPPER PATTAGANSETT RD & HATHAWAY RD EAST LYME CT

ALL REMAINING LAND BETWEEN LOTS AND TOWN ROAD TO BE DEEDED TO TOWN OF EAST LYME

| PEDESTRIAN EASEMENT LINE TABLE | | |
|--------------------------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 10.01 | N42°33'34"W |
| L2 | 11.47 | S44°53'03"W |
| L3 | 17.20 | S09°12'06"W |
| L4 | 67.45 | S01°36'15"W |
| L5 | 27.30 | S03°08'08"W |
| L6 | 48.25 | S20°06'08"E |
| L7 | 161.09 | S06°35'54"E |
| L8 | 166.77 | S03°59'13"E |
| L9 | 45.97 | S10°02'37"W |
| L10 | 109.92 | N38°42'34"E |
| L11 | 10.02 | S47°27'10"E |
| L12 | 106.69 | N38°42'34"E |
| L13 | 42.19 | S10°02'37"W |
| L14 | 165.31 | S03°59'13"E |
| L15 | 159.67 | S06°35'54"E |
| L16 | 49.12 | S20°06'08"E |
| L17 | 29.22 | S03°08'08"W |
| L18 | 67.98 | S01°36'15"W |
| L19 | 21.08 | S09°12'06"W |
| L20 | 15.14 | S44°53'03"W |

ALL MONUMENTATION SHOWN AS SET WERE INSTALLED BY J. ROBERT PFANNER AS PART OF THE SUBDIVISION REQUIREMENTS AS SHOWN ON THIS MAP.

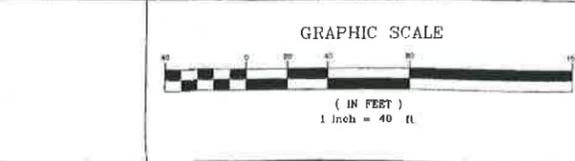


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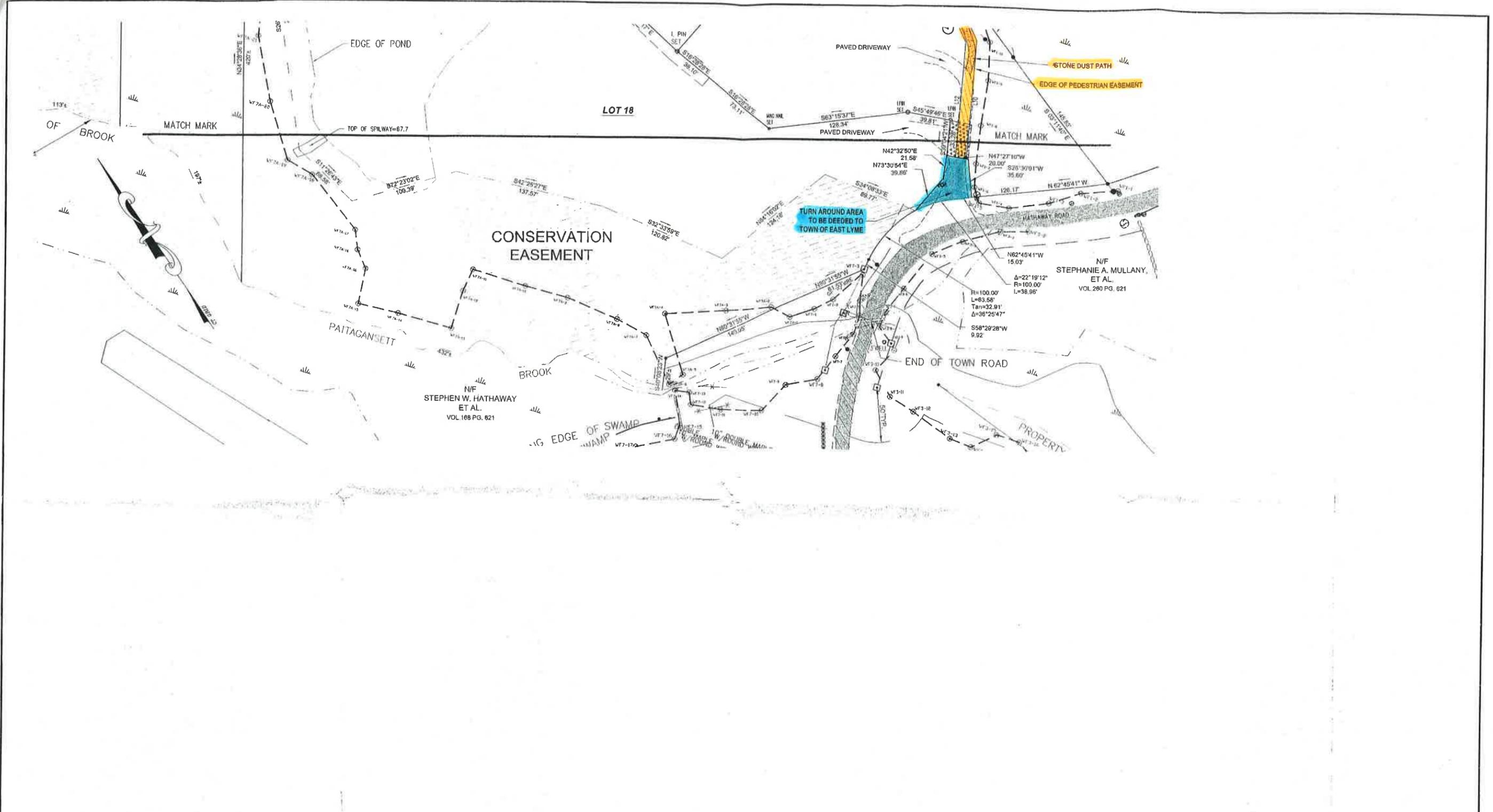
TITLE:
IMPROVEMENT LOCATION SURVEY
PREPARED FOR UPPER
PATTAGANSETT #2 INC

LOCATION: UPPER PATTAGANSETT RD & HATHAWAY RD EAST LYME CT

SHEET NUMBER
2
 OF
3

03004-AB-3

ASST. TO



ALL MONUMENTATION SHOWN AS SET WERE INSTALLED BY J. ROBERT PFANNER AS PART OF THE SUBDIVISION REQUIREMENTS AS SHOWN ON THIS MAP.

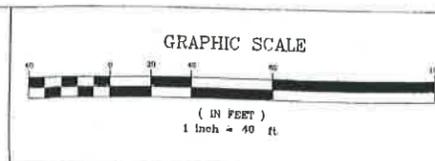
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TITLE:
IMPROVEMENT LOCATION SURVEY
PREPARED FOR UPPER
PATTAGANSETT #2 INC

LOCATION: UPPER PATTAGANSETT RD & HATHAWAY RD EAST LYME CT

SHEET NUMBER
3
 OF
3

03004-AB-3

Message to SELECTMAN, Dec. 17, 2014 meeting

Hello, my name is Will Christensen and I live at 66 Grassy Hill, East Lyme. I am in Mrs. Cunningham's Civics class at ELHS. I will soon be getting my drivers license, and I wish to bring to your attention dangerous conditions on Route 161, also known as Chesterfield Rd.

I've noticed that there are many passing zones on Route 161, and these zones create dangerous conditions. For instance, Mostoway Road was recently moved several hundred feet to the south, however, the passing zone remained the same. There is now a dangerous passing zone directly in front of Mostoway Rd. A situation could arise where a car could be heading north, passing in a legal passing zone and create a head-on collision with a car turning out of Mostoway Rd., heading south. Also, there are several busstops along Route 161. A bus could be stopped, with several trucks or cars behind the bus blocking the view of the bus from approaching drivers. There is a bus stop in a legal passing zone, and this may encourage drivers to pass the slowing cars behind the bus, and it is dangerous.

Finally, driving south on Route 161, the speed limit drops from 45mph to 35mph by the golf course to 25mph in the school zone. There is actually

a legal passing zone beginning at the 35mph sign, heading towards the school zone! On the one hand, the CT. Department of Transportation is saying slow down, and on the other hand, they are saying it's ok to pass! This is foolish, because cars rarely will do 35mph in that zone, so the result will be drivers passing dangerously at high speeds, heading towards a school zone!

There are clearly too many intersections and too many private driveways to allow ANY passing zones on Route 161. There are also many bike riders on this road. Route 1 in East Lyme is a similar state road, and it has no passing zones in East Lyme.

As East Lyme's governing body, it is up to you, the Selectman, to ask the Ct. Department of Transportation to take away these dangerous passing zones. I urge you to do this immediately, before someone gets seriously hurt due to unsafe passing zones on Route 161. I thank you for your attention on this matter.

Sincerely,

Will Christensen

Student, Mrs. Cunningham's civics class, ELHS

Soon to be a driver!

December 17, 2014

Good Evening Mr. Formica and other Board of Selectmen Members:

My name is John Bialowans, Jr. of 61 Walnut Hill Road, East Lyme, CT. Well Mr. Formica this is our last get together about problems I bring to the Towns' attention on Walnut Hill Road. Hartford isn't that far away but, I guess Mr. Nickerson would be hearing from me now, and he'll do a good job.

The problem that I would like to bring up is about the Cease, Desist and Restore Order on the Solar Farm. Many items have not been addressed or enforced. I read my concerns to the Board of Selectmen meeting on November 19, 2014 and, also the same letter to the Wetlands Commission on December 8, 2014.

Since the Towns' Attorney is here tonight it would be a good idea to ask if he was contacted yet by the First Selectman or by the Wetlands Official yet..... A layman could read this order, and see all the Corrective Action Procedures not being executed and enforced. The abutting land owners have been trying to work with Landino with no success. As being one of the abutting land owners we had the worst damage to our watercourse on our property. I'm not going away - I try to work with Landino - tired of the promises that never will be acted upon. We have retained a very qualified attorney (who knows Wetlands very well), and we have many issues with the Towns' handling of this situation. We're here tonight about a lawsuit that's been going on for a long time so; I wonder if this is another lawsuit coming.

John Bialowans Jr.