

Board of Selectmen
Town Office Annex
June 6, 2012
Special Meeting Minutes

Selectmen Present: Mark Walter, John Blaschik, and Emmett Lyman

Also Present: L. Zemienieski, R. Ballek, Kapil Luthra (Be Free Solar) and R. Fortier

1. First Selectman Walter called the meeting to order at 11:02 a.m. and the attendees said the Pledge of Allegiance.
2. Approval of Agenda: Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the agenda as written. Unanimous aye.
3. Approval of Minutes: Regular Meeting of May 16, 2012.

Motion made by Mr. Walter, seconded by Mr. Blaschik, to approve the minutes of the Regular Meeting of May 16, 2012 as written. Unanimous aye.

4. Correspondence: Mr. Walter distributed a copy of a draft letter he plans to share with the two library boards regarding a unified library system. The letter was prepared with the help of Tim Cahill who handles our Purple and Palmer fund investments. Mr. Walter updated the board on the progress of the meeting with the two boards. Mr. Blaschik noted that unifying the libraries was first discussed 22 years ago.

5. First Selectmen's Report:

A. Clark Gates Road Property – Ray Fortier: Mr. Walter introduced Ray Fortier, who requested the board review a long standing issue he has regarding a boundary dispute on a piece of property he owns on Clark Gates Road. Mr. Walter explained that a previous Board of Selectmen had already voted on a decision regarding this issue back in 2006. Mr. Fortier explained that he had new survey done on his property by a licensed land surveyor after that decision. He noted that the town has neither formally agreed with nor has it rejected the new survey. He felt that the new survey map identifies the property boundary in a way consistent with Connecticut General Statutes given the fact that there was no survey map on file with the town for Clark Gates Road. He felt that the boundary line should be 25 feet from the center-line of the road and not what was voted on by the Board of Selectmen in 2006. Mr. Fortier noted that that board made their decision based on a dependent resurvey map which was incorrect. He explained that a dependent resurvey indicates that there was a previous survey to work from which in this case there was not. Mr. Fortier explained that the description of this road on file with the land records is clearly not the proper description of this road thus the roadway boundary of Clark Gates Road must be uncertain and subject to the CGS 13a-39. This statute states that whenever the boundaries of any highway have been lost or become uncertain the selectmen have the option to have a survey conducted to clarify the bounds. The board discussed the dedication and acceptance of the road and the survey maps as presented by Mr. Fortier. Mr. Walter noted that the previous board conducted a site walk back in 2006 and determined that the boundary was

pretty clear that the tree line was the boundary as there was also barbwire in the middle of the tree which indicated that the fence was there for a very long time. It was also consistent all the way along Clark Gates Road. Mr. Fortier restated that there was no survey map of the road and the road was listed incorrectly.

Mr. Lyman noted that he has seen the maps and he would be very hesitant to change the decision of the previous board. Mr. Fortier asked what survey he had reviewed. Mr. Lyman noted he had looked at both. Mr. Lyman noted that it would be very difficult for the Board of Selectmen to substitute for a surveyor.

Mr. Blaschik asked what has changed from then to now. Mr. Fortier replied that he has had a proper survey done and that the town now needs to accept the new survey in the absence of other information. He noted that because of this issue his title is clouded and he wishes to sell this property. He further noted that he has a problem with the previous board in that Randy Dill sat on both the Board of Selectmen and Inland Wetlands.

Mr. Fortier noted that the road width of Clark Gates Road is inconsistent and he has also reviewed what acceptable boundary markers were. Barbwire fences are for keeping animals corralled not for boundary markers. Mr. Blaschik disagreed and noted that barbwire fences were used for boundary markers.

The board reviewed both survey maps. Mr. Fortier noted that the first survey map was not legal and explained that he won that issue in court when he sued that surveyor. He noted that the town has taken 15 feet of his property.

Mr. Walter noted that the board will need to review this with the town attorney and discuss at their next meeting.

B. Mobility Project Progress Update: Mr. Walter presented the maps for the two crosswalks to be installed. The board has a brief discussion on how much it costs to have projects done on state roads.

6. Citizen's Concerns: There were no citizen's concerns expressed at the meeting.

7. Unfinished Business

A. 4-8 Middle School Discussion: Mr. Walter introduced Bob Ballek and Kapil Luthra from BeFree Solar. A proposal was presented from BeFree Solar to put solar panels on the new Middle School. Mr. Walter noted that he shared this with the Board of Education at their last meeting. BeFree Soar noted that they have done projects at Ballek's Farm and Franklin Academy. They explained that they were looking at East Haddam signing a Power Purchase Agreement. They explained the Power Purchase Agreement and ZREC plan. They explained that we are now paying \$.17 per kilowatt hour and if we went to solar we would be paying \$.10 per kilowatt hour.

Mr. Walter presented a list of questions that were submitted by Susan Taylor of the Board of Education. BeFree Solar noted that they looked at the questions and they don't pertain to the power purchase agreement scenario but they would address them and send a response to Mr. Walter.

BeFree Solar noted that they go to bid on the ZREC's on Tuesday and need a letter of intent from East Haddam concerning the procurement and construction of a solar system on Nathan Hale Ray Middle School. The letter of intent states that the Power Purchase Agreement is contingent on funding from the ZREC program run by CT Light & Power and that the town gives permission to BeFree Green Energy to bid for ZREC's and if awarded the town agrees to work with BeFree Green Energy on the completion of the solar system under a Power Purchase Agreement.

The board asked what the ramifications were if BeFree were allowed to bid for ZREC's for East Haddam but then when the project went before the Boards of Finance and Education the project was rejected. Kapil Luthra noted that if the project was not done in one year the contract would be voided.

The board discussed their concerns of putting holes in the roof of the new middle school to mount the system and the impact on the warranty of the roof for a school that has not completed the acceptance process. They also discussed an alternative of a ground system and the costs to protect it with fencing. BeFree noted that they work fencing into the cost of the project for ground systems.

The board reviewed and discussed the letter of intent. It was the consensus of the board to send a letter of intent to BeFree Solar with the understanding that additional language would be added making the project contingent on approvals of the Board of Finance, Board of Education and Town Meeting.

Mr. Ballek and Mr. Luthra also asked to discuss an item further down the agenda that they had an interest in. They discussed how building permit fees have an impact on building solar projects. They suggested that there be a cap on the amount the towns charge for these applications. They suggested that the fee cover the cost of the building official's time but not be based on the cost of the array. The building permit fees sometimes make it cost prohibitive to build the larger systems. The board noted that they would take that under consideration when they discussed that item.

Mr. Walter reviewed the letter and report submitted by Todd Moss, Chairman of the Building Committee noting that the project has been completed and they have fulfilled their duties as outlined in the charge of the committee. He explained that the Board of Selectmen will need to send a letter to the Board of Education saying that the project is ready for acceptance by the Board of Education.

Motion made by Mr. Walter, seconded by Mr. Lyman, to accept the 4 – 8 Middle School Building project as complete and send to the Board of Education for acceptance. Mr. Blaschik asked if the letter to the Board of Education should include the specific items that still needed

attention. Mr. Walter explained that the letter references the report as part of the package and the report contains all the warranty items that are outstanding on the project. The board voted unanimously to send to the Board of Education for acceptance.

B. Proposal to Exempt Class I Renewables from Building Permit Fees: The board discussed Kapil Luthra and Bob Ballek suggestion of putting a cap on building fees for these types of permits. Mr. Walter noted that he would like to go over all of this with the Building Official, Keith Darin before any decisions were made.

C. Three Bridges Road Bridge Discussion: There was no update on this agenda item.

D. Tax Exempt Handicapped Vehicles: There was no update on this agenda item.

E. Internet Usage Policy Discussion: There was no update on this agenda item.

8. New Business

A. Commission Resignation (IWWC): Mr. Walter called the Selectmen's attention to a resignation letter in their meeting packets from David Cassenti.

Motion made by Mr. Walter, seconded by Mr. Lyman, to accept, with regret, the resignation of David Cassenti from the Inland Wetlands and Watercourse Commission. Unanimous aye.

The board will look for interested citizens for this position.

B. Tax Refunds: Mr. Walter called the Selectmen's attention to two tax refunds.

Motion made by Mr. Walter, seconded by Mr. Blaschik, to award tax refunds in the amounts presented.

- \$177.81 to Rolf H. Olson
- \$ 8.78 to Matthew Tomasi

Unanimous aye.

9. Public Comment: There was no public comment at the meeting.

10. Selectmen's Discussion: Mr. Blaschik noted that he had received a complaint from a resident regarding kids hanging out at night at the skate board park. He also asked about the buffer of plantings that was supposed to be installed. Mr. Walter noted that the skate board park is not completed yet and there are signs posted that it not to be used yet and also noted since the project was not completed the plantings have not yet been installed. He will have the police periodically check the site at night.

Mr. Blaschik also asked about the status of a trailer permit that was submitted by the family who recently had a house fire. It was noted that the permit has not yet been received by the Selectman's Office but that if Mr. Blaschik already had a copy the office should have it soon. Once received it would need to be approved by the Building Department and Health Department and would then be on the next Board of Selectmen meeting for approval.

A. Neighborhood Assistance Act Public Hearing (June 13, 2012): Mr. Walter reviewed the applications that were submitted for the Neighborhood Assistance Act. He informed the board that the public hearing for these projects was on June 13. He also noted that this item would be on the next agenda for approval to send to the state.

11. Adjournment: There being no additional regular business to discuss, a motion was made by Mr. Walter, seconded by Mr. Blaschik, to adjourn the meeting at 1:12 p.m. Unanimous aye.

Tape: None

Respectfully submitted,

Emmett Lyman, Secretary