

CONNECTICUT RIVER GATEWAY COMMISSION

REGULAR MEETING MINUTES

March 22, 2018

Present/Absent: [Excused absence (E); Unexcused absence (U)]

Chester:	Margaret (Peggy) Wilson , <i>Errol Horner</i>
Deep River:	<i>Nancy Fischbach (E)</i> , Kate Cotton
East Haddam:	Harvey Thomas , <i>Crary Brownell (E)</i>
<i>Essex:</i>	Claire Matthews , <i>Vacancy</i>
<i>Fenwick:</i>	<i>Fran Adams</i> , <i>Borough Warden</i>
<i>Haddam:</i>	Susan Bement , <i>Vacancy</i>
Lyme:	<i>J. Melvin Woody (E)</i> , Wendy Hill
Old Lyme:	Peter Cable , Suzanne Thompson
Old Saybrook:	<i>Bill Webb (E)</i> , <i>Vacancy</i>
<i>Regional Rep:</i>	<i>Raul Debrigard (E)</i>
DEEP:	David Blatt
Staff:	J H Torrance Downes
Guests:	None.

Call to Order

Vice Chairman **Thompson** called the regular meeting of the Connecticut River Gateway Commission to order at RiverCOG offices located at 145 Dennison Road, Essex at 7:31pm.

Approval of 2/22/18 Regular Meeting Minutes

Motion by **Bement**, seconded by **Cable**, passed unanimously.

Treasurers Report

Wilson discussed a meeting with Bill Tate of Essex Financial held on March 5, 2018 attended by herself, **Brownell**, **Matthews** and **Fischbach** (by phone). Tate described the market as in a period of volatility. The GW portfolio is broadly diversified and still at a 60 equities/40 bonds mix. Investments balanced between "growth" and "value". With low unemployment and low inflation, the "Fed" is raising interest rates ¼% and is expected to raise rates twice more in 2018 to control the growth of the economy. **Wilson** reported that the GW portfolio has very little in the way of "undesirables" such as tobacco and oil. Members agreed to realignment with some funds moved to international (which are underrepresented at present) and some to cash bond fund (for the grant responsibility to the Deep River Land Trust). **Matthews** reported that the discussion was valuable and that Essex Financial is good to work with and has great interest in Gateway's plans moving forward.

Motion to approve \$1,944.70.66 (JHTD \$651.15 [15 hours], PF \$157.59 [4/5 hours], Overhead \$1,135.96) in staffing bills. Fernald spent more time than usual working with a computer program to balance the checkbook for the first time. Motion to approve payment of bills by **Bement**, seconded by **Matthews**, passed unanimously.

Correspondence/Staff Report

Status of Deep River Land Trust and Land Acquisition.

Status of the Horowitz property acquisition by the DRLT for the CT River Gateway Commission 3/22/2018 (as provided by Janet Stone, DRLT: The Deep River Land Trust applied to the State of Connecticut DEEP on Feb. 1, 2018 for open-space grant funding to purchase the Horowitz property. We have asked for \$104,000 (65% of the asking price of \$160,000) and have committed to a matching amount of \$56,000 (35%).

For the purposes of the State Grant application, we signed a "Letter of Intent" in conjunction with the land owner and have asked our lawyer, Campbell Hudson to draft a "purchase and sale agreement" in accordance with which we will put down a \$10,000 non-refundable deposit at the signing. Another \$10,000 deposit will be made in September 2018 (or at such time as we have heard a favorable response on the Grant application funding). Final completion of the sale will take place when we have

actually received the State Grant fund. Gus Horowitz, owner of the property, has verbally agreed to the draft purchase and sale agreement.

The cost of the Horowitz property is \$160,000, but an additional \$25,000 is needed to cover the costs of grant-writing, fundraising, appraisals, legal fees, surveys, and stewardship-- so we need a total of \$185,000. If we are awarded the State Grant of \$104,000, we will need to have raised \$ **81,000**.

At this time, we have in hand contributions toward the purchase of this property in the amount of **\$15,000** from private donors. We have a pledged grant from you (the Gateway Commission) in the amount of **\$30,000**, a pledge from a private donor for another **\$30,000**, and additional pledges of **\$6,000** (a total of \$81,000).

If we actually receive these pledges and the State Grant funding, we will be in the desired position to purchase the Horowitz property. It would be helpful for our planning purposes to know at what point in this process we might expect to receive the grant from the Gateway Commission in the amount of \$30,000.

Thank you very much for your interest in our potential open-space purchase. Please let me know if you have any additional questions.

First Meeting of the Lower CT River Land Trust. February 28, 2018 Bonnie Reemsnyder, Mike Maniscalco, Carl Fortuna, Noel Bishop, Cathy Iino, Tony Salvatore. **Melvin Woody**, Gateway Representative provided a history of the formation of the LCRLT. CLCC Conference thank you for GW support. GW provided \$500 and received a table to display Gateway information in return, as Gateway has done for numerous years in the past.

East Haddam. Request for annual support of East Haddam Land Trust calendar. Seeking donation by the end of April. GW has donated \$100 for several years in a row. **\$100 donation approved unanimously. Motion by Bement, seconded by Wilson. Thomas abstained.**

Old Saybrook. ZEO Chris Costa reported that a proposal will be coming in for an in-ground pool to be installed within the 100 foot riparian setback adjacent to an existing 9,000⁺ residential structure near Ragged Rock.

Regulation Petitions, Town of Essex

The Essex Zoning Commission submitted a petition to increase maximum height throughout town to 35 feet from 30 feet, as measured from "*existing natural grade*". Members will recall that a private developer petitioned for the same change for the waterfront district where the marina restaurant next to the CT River Museum will be built. That petition, approved by Gateway, was approved by the Zoning Commission. This petition for expansion of allowable height to 35 feet from "*existing natural grade*" from the existing 30 foot standard will match the Gateway minimum standard and bring Essex's height measurement in line with the other seven towns in the lower river valley.

Motion to approve by **Matthews**, seconded by **Bement**. Passed unanimously. Members asked Downes to include a comment that the new standards will be forthcoming shortly (see Governance, below).

Committees Reports

Land Committee. **Wilson** reported that MxLT Executive Director David Brown finally met with Mr. Hilt regarding the Hilt's piece of land in the Haddam Neck area of Haddam. Wilson also reported that Mr. Messina-Dessina has reiterated that he isn't interested in "wholesale" disposal of his nearby property at this time.

In conversation, Brown indicated that U S Fish & Wildlife Service is about to proceed with closing on the purchase of the Brainerd Quarry (Sogge) property on Injun Hollow Road in Haddam Neck. Pursuant to an agreement between the Gateway Commission and the Middlesex County Land Trust, Gateway will receive reimbursement for its portion of the costs for that purchase.

Downes mentioned that Gateway was contacted regarding condemnation of a Gateway-supplied easement across a State bridge over the Salmon River in Haddam. The owner of that easement (successor to who originally received that access easement), the Inglesia Ni Castro Church of Christ, was contacted and did not respond to the DOT. The purpose of the condemnation is for the reconstruction of that bridge. The small portion of property was condemned with the easement returning to the Church upon completion of the project. That easement area covers the construction zone as well as the area to access that zone and to store materials and construction equipment. Gateway was notified because it is in the line of succession. No actions need to be taken.

Governance Committee. Downes informed members that a letter of "strong support" was submitted on behalf of the Commission on Senate Joint Bill 35, the State Constitutional Amendment regarding the disposal of conservation land by the State of Connecticut (letter attached). The letter submitted during last year's session was updated for submission during this session.

Members also requested that the RiverCOG letter regarding testimony for the "Seaside Resort" in Waterford be forwarded so that they could supply testimony themselves.

Following discussion of the Essex petition regarding height regulations, members asked for an update on the status of the draft Gateway standards. Members asked if **Fischbach**, who had taken on the lead for the adoption of standards, could possibly have the final revision prepared for discussion and to set the Gateway public hearing at the April or May meeting. Downes indicated he would contact **Fischbach** and make the request.

Public Outreach Committee. **Thompson** "hosted" the showing of a five minute YouTube video on the preservation effort for Oswegatchie Hills located above the Niantic River in East Lyme. Discussion afterward included the fact that there is a statutory provision for a Niantic River Gateway Commission and an Upper Connecticut River Conservation Zone. The Niantic River commission was never formed while the Upper CT River commission operated for some time but recently disbanded, leaving on the CT River Gateway Commission overseeing the Lower CT River Conservation Zone. **Blatt** indicated that there is a Housatonic River Estuary Commission as well. These provisions are found in Title 25 of the General Statutes where the Lower CT River Conservation Zone statutes are found.

Thompson led a discussion of the March 17, 2018 CLCC Conference held at Wesleyan University in which Gateway participated.

Wilson mentioned that at 3pm on Sunday, March 25, 2018, Jane Seymour would be speaking at the Chester Meetinghouse on "Pollinators: Native Plants, Native Pollinators".

Old Business: None.

New Business: None.

Adjournment: Motion to adjourn by **Bement**, passed unanimously at 8:45 pm.



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Chester
Deep River
East Haddam
Essex
Haddam
Lyme
Old Lyme
Old Saybrook

March 16, 2018

Representative Daniel Fox
Senator Mae Flexer
Senator Michael A. McLachlan
Government Administrations and Elections Committee
Legislative Office Building, Room 2200
Hartford, Connecticut 06106

SUBJECT: Support of Senate Joint Resolution 35 (SJ35), "Resolution Proposing an Amendment to the State Constitution to Protect Real Property Held or Controlled by the State"

Dear Representative Fox, Senator Flexer and Senator McLachlan:

This testimony is being submitted by the Connecticut River Gateway Commission in strong support of Senate Joint Resolution 35 concerning the protection of real property held or controlled by the State of Connecticut. The Connecticut River Gateway Commission, enabled through Connecticut State Statute Sections 25-102a through 102s, was directly and adversely impacted by the event that "triggered" the need for this amendment, the now infamous "Tylerville Swap".

The Gateway Commission's 45 year mission of protection in the lower Connecticut River includes a land acquisition component whereby Gateway, with partners and by itself, acquires undeveloped land along the hillsides of the Gateway Conservation Zone in fee and in the form of scenic and conservation easements. Once acquired, Gateway then transfers to land and easements to conservation partners including the State of Connecticut and local land trusts. The Commission has been involved in the conservation of over 1,100 acres of land in the lower Connecticut River Valley, providing over \$1 million dollars of grants to do so.

Because of the trust placed in the Gateway Commission by private donors to act as a conservation partner in the lower river, members took great exception to the "Tylerville Swap", sending many letters of opposition to the Department of Energy and Environmental Protection, the State Legislature and Governor Malloy as well as providing testimony to the General Assembly in an attempt to stop what was seen as an attack on the conservation community's ability to securely protect open space from development. Because of that proposed "swap", Gateway heard from many constituents and potential donors who indicated that they would not donate land to Gateway and the State again because of the possibility that their preservation efforts could be undone with a vote of the State Legislature.

Although the "swap" didn't occur, Gateway has been supportive of efforts to formalize a review process that it hopes will prevent such a plan from ever coming forth again. Or, if such a plan *does* come forth, it will be fully vetted in the "light of day" before consideration of transferring land placed in conservation for purposes other than such preservation.

Thank you for your consideration of this testimony and anticipated support of this Constitutional Amendment.

For the Commission,

A handwritten signature in black ink, appearing to read 'J. H. Torrance Downes', with a long horizontal flourish extending to the right.

J. H. Torrance Downes
Deputy Director, RiverCOG
Staff to the Connecticut River Gateway Commission

Copies to:

Representative Devin Carney, 23rd General Assembly District
Representative Robert Siegrist, 36th General Assembly District
Representative Melissa Ziobron, 34th General Assembly District
Senator Art Linares, 33rd Senate District
Senator Paul Formica, 20th Senate District

Dr. Melvin Woody, Chairman, CT River Gateway Commission
Carl Fortuna, First Selectman, Old Saybrook
Bonnie Reemsnyder, First Selectman, Old Lyme
Steve Mattson, First Selectman, Lyme
Norm Needleman, First Selectman, Essex
Angus McDonald, First Selectman, Deep River
Lauren Gister, First Selectman, Chester
Lizz Milardo, First Selectman, Haddam
Emmett Lyman III, First Selectman, East Haddam
Robert Friedmann, Chairman, Old Saybrook Zoning Commission
Jane Cable, Chairman, Old Lyme Zoning Commission
David Tiffany, Chairman, Lyme Planning & Zoning Commission
Larry Shipman, Chairman, Essex Zoning Commission
Melissa Schlag, CFE