

Section 5. Expiration

This Ordinance shall remain in effect only until September 30, 2022, and as of that date is repealed, unless a later enacted ordinance, enacted prior to September 30, 2022, deletes, extends or amends that date.

Moved by Councilor Jones, seconded by Councilor Wadecki
Discussion: Councilor Jones noted that a Public Hearing regarding the proposed Ordinance was held earlier this evening. He provided a recap of the purpose of the proposed ordinance and he stated that it would provide a property tax exemption just for the investment in the renewable energy source itself and not for the property or structure that it may be mounted on. He stated that the ordinance is structured to last fifteen years unless the legislative body of the town acts to cancel it sooner, or renew it. Councilor Williams stated that he would not support the proposed tax exemption ordinance being considered this evening because he believes that we need to be investing in nuclear energy and not on things that have not been proven to work. However, he stated that he admires those who are investing in alternative energy. Councilor Wadecki stated that providing a tax exemption to those who are willing to try to help this country save energy is an inexpensive way to reward them for the money they have spent. She stated that regardless of what we think they should be using to supplement their energy consumption that these residents are not using as much fossil fuel as the rest of us are using. Councilor Davis stated that these alternative energy structures do not add value to your property; therefore, she stated that it should not increase their property taxes. She stated that she would support the proposed ordinance being considered tonight. Councilor Johnson stated that it is great that people make an investment in alternative energy sources and he noted that Mr. Cohen showed his electric bill, which had a charge of 0.00, at the Public Hearing that was held earlier this evening. He stated that he would support the proposed ordinance.

VOTE: 8 – 1 Approved and so declared (Williams not in favor)

4.

MOTION to appropriate \$9,000 from—Account 001-001-090-0190 (Council Contingency) to account 001-0020-120-000 (Auditor's Fee) for additional costs.
Moved by Councilor Jones, seconded by Councilor Wadecki
Discussion: Councilor Jones stated that initially the request to pay for these additional fees was for \$15,000. However, he explained that the Finance Committee met with Mr. Centofanti of Kostin Ruffkess concerning these fees. He stated that the Finance Committee was not pleased with the lack of specificity of the bills. He stated that the Finance Committee concedes that they are not going to be able to recreate detail that was not recorded at the time, and that the bills need to be paid. He stated that they have reached an agreement with the Auditor that going forward the town will expect that the Auditor will clearly notify the Finance Director of any work that needs to be done outside the scope of the regular audit work so that the town will have an opportunity to decide if they want the Auditor to perform that work. He stated that the General Government owes Kostin Ruffkess \$9,000 for work that was over and above what should have been done to get the audit done. Councilor Wadecki stated there were several reasons why work beyond the scope of the regular audit was needed, and she stated that it was not all on the General Government side. She stated that the Auditor was able to break the bills out between the General Government, Board of Education, and WPCA. She stated the Finance Committee made it very clear that the town would not continue to pay bills that were not itemized.

VOTE: 9 – 0 Approved and so declared

General Items

5. MOTION to authorize the Mayor to sign the "Land Exchange Agreement" as contained in the draft dated November 27, 2006, concerning the Town of Ledyard owned property commonly known as Indian Town Park located at 119 Indiantown Road and the Mashantucket Pequot Tribe owned property commonly known as Clark Farm located 1025 Colonel Ledyard Highway.

Moved by Chairman Allyn, seconded by Councilor Champagne Discussion: Chairman Allyn stated that the Land Exchange Agreement calls for due diligence for both parties. He stated that the goal is to include the question of the land exchange on the annual budget referendum in May. He stated that the timeline to accomplish that goal dictates that the process must get started for both parties to conduct their due diligence prior to the town meeting and the referendum. He stated that by authorizing the Mayor to sign the Agreement does not bind the Town to anything, and that the Agreement contains escape clauses for both parties. He continued to explain that the Town Clerk is researching whether this item can appear on a referendum. Councilor Jones noted that the Agreement was drafted in November 2006, and therefore, it would need to be re-dated, however, he noted that in Paragraph 9 there is a place for a date, and he questioned what that date should be? Councilor Davis stated that it was her understanding that the blank should be "the closing date". Councilor Wadecki questioned whether they should be making changes to a document that the Town Attorney drafted and that has been agreed upon by the parties. She also questioned whether the Mashantucket Pequot Tribe has voted to sign the agreement. Chairman Allyn responded stating that the Town Council or the Town have not voted on the Agreement, however, he stated that the Mashantucket Pequot Tribe has been polled and they did want to sign the Agreement. Councilor Wadecki expressed concern that the questions that were asked a year ago have not been answered and she noted that the LUPPW Committee reported earlier this evening that several questions remain to be answered before the town meeting/referendum is held. She stated that without the answers to these questions that she would not be able to vote on this matter. Councilor Jones agreed that the answers need to be provided to our citizens before the townspeople are asked to vote on this matter, however, he stated that to make the May 2007 referendum that they do need to get the process started to begin due diligence, and he noted that the Land Exchange Agreement provides sixty (60) days for this to occur. Councilor Johnson stated that he continues to have concerns regarding the annexation issue, if the Mashantucket Pequot Tribe desires to annex the land after the swap. He stated that by not opposing annexation now that the Town might lose the next round in the future. He stated that he strongly disagrees with Perkins Coie Attorney Bauer's letter dated June 6, 2006 in which he stated that it would not have an effect on future court cases. He stated that you do not know what a judge will rule on any given day. Councilor Graebner stated that she wants the town to have the opportunity to vote on this matter, however, she stated that she was hesitant to make this recommendation tonight because they have still do not have the answers to the questions that were asked a year ago. Councilor Davis noted that the answers to the questions were not substantive. Councilor Williams stated that he agreed that the town should have the opportunity to vote on this matter. Councilor Champagne requested clarification stating that they would be voting to authorize the Mayor to sign the Agreement with the following stipulations:

- (a) The dates throughout the agreement be updated; and
- (b) Paragraph 9 be revised as follows:
 - 9. In the event that either party, upon examination, finds that the title to the premises said party is to receive is not good and marketable, the respective party shall, prior to the closing date ~~2006~~ deliver written notice to the conveying party of the particular defects encountered, and the closing, if necessary, shall be postponed for thirty (30) days. During the period prior to closing, the conveying party may endeavor, at said conveying party's expense, to cure the defects of which notice has been given. If, at the said time of closing, the conveying party is unable to convey good or marketable title, the receiving party shall have the option of:
 - (A) Accepting such title as the conveying party can then convey without change in the purchase price; or
 - (B) Declare an unwillingness to accept such title, whereupon this agreement shall terminate, and all rights of the parties hereunder shall terminate and cease.

It is agreed that no matter shall be construed as an encumbrance or defect in title unless the same shall be so construed under the Standards of Title of the State Bar Association of Connecticut, where applicable.

Chairman Allyn stated that was correct.
7 - 2 Approved and so declared (Johnson, Wadecki not in favor)

VOTE:

6. MOTION to recommend the Town accept a property transfer/exchange of Town owned Indiantown Park located at 119 Indiantown Road for the Mashantucket Pequot Tribe owned Clark Farm property located at 1025 Colonel Ledyard Highway in accordance with the "Land Exchange Agreement".

In addition, set a Town Meeting date to be held on May 21, 2007 at 7:30 p.m. at the Ledyard High School Auditorium; and at its conclusion submit the following question to a vote upon the voting machines between the hours of 6:00 a.m. and 8:00 p.m. on May 22, 2007:

"Shall the Town of Ledyard accept a property transfer/exchange of Town owned Indiantown Park located at 119 Indiantown Road for the Mashantucket Pequot Tribe owned Clark Farm property located at 1025 Colonel Ledyard Highway?"

Moved by Chairman Williams, seconded by Councilor Champagne

Discussion: Chairman Allyn stated that the words "*in accordance with the "Land Exchange Agreement"*" will allow the town meeting item not to occur if either party withdraws in accordance with the Land Exchange Agreement. He stated that the Town Clerk is checking with the Town Attorney to see if this item can be included on the voting machines. Councilor Jones questioned whether this item was time sensitive and whether they needed to recommend that the Town accept the property transfer tonight. The Town Council discussed that the Annual Town Meeting for the budget will be held on May 21st and the Referendum on May 22nd. Councilor Jones noted the cost saving to the town by not having a separate referendum for the land exchange question, and he noted the voter turn out for the Town's Annual Budget Referendum. Councilor Wadecki stated that a referendum on a voting machine is not required for this item. Councilor Williams stated that this motion is the Town Council's opportunity to weigh in on the matter, therefore, he stated that he would support making this recommendation to the town. Chairman Allyn stated that his recommendation to the town regarding the land exchange is subject to the Land Exchange Agreement and the results of the due diligence. He stated that if the due diligence discloses things that are not acceptable that he would not be in favor of the land exchange. Councilor Johnson noted that on November 16, 1993 a special town meeting that adjourned to a referendum on the voting machines approved the following question: "*Shall the Town of Ledyard through the Town Council and Mayor oppose acquisition in trust (e.g. annexation) by any governmental entity of any land in Ledyard for the benefit of an Indian Tribe when such land is located outside the boundaries of that Tribe's federally recognized reservation, including any acquisition pursuant to 25 C. F. R. Part 151.*" He stated that since they are not mentioning annexation in the "Land Exchange Agreement" that it could potentially lead to the annexation of land. He requested that Chairman Allyn seek the Town Attorney's opinion as to whether this violates that referendum. Chairman Allyn requested a copy of the November 16, 1993 referendum question/results. The Town Council took a recess to review the Town Charter.

Chairman Allyn called a recess at 8:20 p.m.

Chairman Allyn called the meeting to order at: 8:40 p.m.

Continued discussion: Councilor Champagne read Chapter VII; Section 8 of the Town Charter concerning the sale or purchase of property. He also discussed the time involved for the referendum ballots to be printed. Councilor Jones stated that because they were not much more than sixty (60) days away from the town meeting date/referendum that it would be a shame to miss a State Statute requirement to submit this question in time for the May 22, 2007 referendum. Therefore, he stated that because the motion "to recommend the Town accept a property transfer/exchange of Town owned Indiantown Park located at 119 Indiantown Road for the Mashantucket Pequot Tribe owned Clark Farm property located at 1025 Colonel Ledyard Highway included the language in accordance with the "Land Exchange Agreement"" that he withdrew his concern and he recommended that the Town Council act on this item tonight. Chairman Allyn stated that he would prefer that the Town Council act on this motion tonight and for the Town Council to come back at a later date and reverse their decision should the need arise.

VOTE: 7 - 2 Approved and so declared (Johnson, Wadecki not in favor)

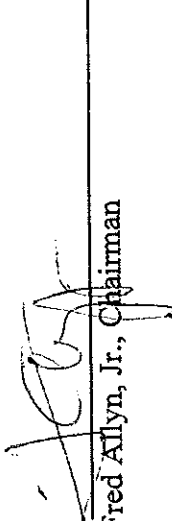
XIV. ADJOURNMENT

Councilor Wadecki moved to adjourn, seconded by Councilor Johnson
VOTE: 9 - 0 Approved and so declared. The meeting was adjourned at 8:50 p.m.



Transcribed by Roxanne M. Maher
Administrative Assistant to the Town Council

I, Fred Allyn, Jr., Chairman of the Ledyard Town Council,
hereby certify that the above and foregoing is a true and correct
copy of the minutes of the regular Town Council meeting held
on March 14, 2007.

Attest: 
Fred Allyn, Jr., Chairman