



Town of
North Stonington, Connecticut

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NOTICE OF SPECIAL TOWN MEETING
February 23, 2015

TOWN CLERKS OFFICE
NORTH STONINGTON CT

A special town meeting of the electors and citizens qualified to vote in town meetings of the Town of North Stonington, Connecticut, will be held in the Wheeler High School Media Center on 23rd day, February, 2015, at 7:00 p.m. for the following purposes:

1. To hear and act upon a request for an additional appropriation of \$32,000 for Tribal Recognition General Fund line item B9.01.
2. To hear and act upon the acceptance of two drainage easements and the road right-of-way widening strip from Green Falls Associates, Lake of Isles Road, as described on a plan dated October, 2012, with amendments the last of which is dated August 21, 2013.
3. To hear and act upon the acceptance of a conservation easement from Green Falls Associates, Lake of Isles Road, as described on a plan dated October, 2012, with amendments the last of which is dated August 21, 2013.
4. To hear and act upon the revision of an Ordinance allowing the Board of Selectmen to name, number, and renumber parcels and residences in North Stonington in accordance with Connecticut General Statute 7-148, for the purposes of public safety and identification.
5. To hear and act upon the de-obligation of funds for Fiscal Year ending 2014 from the Capital Non Recurring Account as follows:
Plan of Conservation and Development \$837
6. To hear and act upon an additional appropriation as approved by the Board of Finance in the amount of \$48,825 for the State Troopers DUI Comprehensive Enforcement Grant.
7. To hear and act upon the adoption of an Approving Resolution for the Commercial Property Assessed Clean Energy (C-PACE) Agreement.
8. To hear and act upon a request for an additional appropriation of \$22,859 for the matching funds for the NSVFC grant for new SCBA packs and cylinders to Capital line item C3.25.

Dated at North Stonington, Connecticut, this 10th day of February, 2015.

BOARD OF SELECTMEN

Nicholas H. Mullane, II, First Selectman

Mark S. Donahue, Selectman

Robert L. Testa, Selectman



Town of
North Stonington, Connecticut

December 29, 2014

Board of Finance

Re: Tribal Acknowledgement B9.01

The Board of Selectmen have received the final invoice for the towns' comments to BIA on their revisions to the Tribal Acknowledgment Process. The invoice of \$43,727.23 was reduced by \$3,902 by Perkins Coie as a courtesy discount leaving a balance of \$39,825.

→ There is a balance in the account of \$9,260, therefore the Selectmen voted at their December 9, 2014 meeting to request \$32,000. These funds will pay the invoice and leave some money for future expenses through June 30, 2015.

This additional appropriation would require a town meeting because it is the second request this fiscal year.

If you wish a portion of the additional appropriation requested funds may be transferred from the excess funds in Capital 3300 Town Hall Lot Stonewalls \$10,000 which is now almost completed and 3540 Highway Boiler Replacement \$6,821 which came in under budget. This would leave \$13,744 to be approved at a town meeting.

We have no idea what will transpire on the Acknowledgment Process by the President, Department of Interior, Secretary of BIA, US Congress or others involved. We will keep you informed on the progress.

Michael H. Mullen

→ approved 1-7-15
Daniel A. Jones
BOF, Chairman

ARTICLE I. IN GENERAL

Sec. 2-1. Date of annual Town Meeting.

The Town of North Stonington shall have its Annual Town Meeting on the first Monday in May of each year.

(Town Meeting of 5-27-1957; Res. of 3-19-1984)

State law reference—Town Meetings, G.S. § 7-1 et seq.

Sec. 2-2. Annexation by a tribe or governmental entity.

The Town of North Stonington through the Board of Selectmen shall oppose annexation of any land in North Stonington by a tribe or a governmental entity, including annexation by a tribe, pursuant to 25 CFR 151, of any land located outside the boundaries of a tribe's federally recognized reservation.

(Ord. of 11-23-1993)

12-4544 (L)

Schaghticoke Tribal Nation v. Kent School Corp. Inc., et al.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15th day of December, two thousand fourteen.

PRESENT: RICHARD C. WESLEY,
PETER W. HALL,
GERARD E. LYNCH,
Circuit Judges.

SCHAGHTICOKE TRIBAL NATION,

Plaintiff-Appellant,

SCHAGHTICOKE INDIAN TRIBE,

Intervenor-Plaintiff,

-v.-

Nos. 12-4544, 12-4587, 13-4756

KENT SCHOOL CORP. INC., PRESTON MOUNTAIN CLUB, CONNECTICUT
LIGHT & POWER COMPANY, TOWN OF KENT, LORETTA E. BONOS,

ADMIN OF ESTATE OF FLORENCE E.M. BAKER BONOS, ESTATE OF
EUGENE L. PHELPS, SAM KWAK, UNITED STATES OF AMERICA,

Defendants-Appellees,

APPALACHIAN TRAIL CONFERENCE INC., BARBARA G. BUSH, NEW
MILFORD SAVINGS BANK,

*Intervenors-Defendants.**

For Plaintiff-Appellant:

BENJAMIN HEYWARD GREEN,
Zeichner Ellman & Krause LLP,
Greenwich, CT.

For Defendant-Appellee United States of
America:

JOHN B. HUGHES, Assistant United
States Attorney (Michelle L.
McConaghy and Sandra S. Glover,
Assistant United States Attorneys, *on the
brief*), for Deirdre M. Daly, United States
Attorney for the District of Connecticut,
New Haven, CT.

For Defendants-Appellees Kent School
Corporation, Preston Mountain Club,
Connecticut Light & Power Company,
and Town of Kent:

DAVID J. ELLIOTT, Day Pitney LLP,
Hartford, CT (Jaime Bachrach, John W.
Cerreta, Day Pitney LLP, Hartford, CT;
Richard L. Street, Carmody & Torrance,
Waterbury, CT; Jeffrey B. Sienkiewicz,
Sienkiewicz & McKenna P.C., New
Milford, CT; James R. Fogarty, Fogarty
Cohen Selby & Nemiroff, LLC, Old
Greenwich, CT, *on the brief*).

For Defendant-Appellee Sam Kwak:

Paul N. Gilmore, Updike, Kelly &
Spellacy, P.C., Hartford, CT.

* The Clerk of the Court is directed to amend the caption as above.

For Amicus Curiae State of Connecticut: Mark F. Kohler, Assistant Attorney General, *for* George Jepsen, Attorney General, Hartford, CT.

Consolidated appeals from the United States District Court for the District of Connecticut (Thompson, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,
ADJUDGED AND DECREED that the judgment is AFFIRMED.

These appeals arise from three consolidated actions. The common claim made by the Schaghticoke Tribal Nation ("STN") in each case is that it is an Indian tribe that has been dispossessed of Indian land without the approval of Congress in violation of the Indian Nonintercourse Act, 25 U.S.C. § 177. That statute provides, in relevant part, that "[n]o purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution." *Id.*

The consolidated cases were stayed in 1999 to allow STN to complete the Department of the Interior's ("DOI") federal acknowledgment process – a formal regulatory process by which DOI decides whether a petitioning group is entitled to certain privileges and benefits provided to officially recognized tribes. *See* 25

C.F.R. § 83.2. In 2005, DOI concluded that STN did not meet all of the criteria for federal acknowledgement and its determination was upheld on appeal.

Schaghticoke Tribal Nation v. Kempthorne, 587 F.3d 132, 134 (2d Cir. 2009).

Following that determination, the Defendants-Appellees moved for judgment on the pleadings in district court, which the court granted. STN appeals from the district court's ruling.¹

To establish a prima facie case of a violation of the Nonintercourse Act, a plaintiff must show that "(1) it is an Indian tribe, (2) the land is tribal land, (3) the United States has never consented to or approved the alienation of this tribal land, and (4) the trust relationship between the United States and the tribe has not been terminated or abandoned." *Golden Hill Paugussett Tribe of Indians v.*

Weicker, 39 F.3d 51, 56 (2d Cir. 1994). To constitute an Indian tribe within the meaning of the Nonintercourse Act, an Indian group must show that it is "a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory." *United States v. Candelaria*, 271 U.S. 432, 442 (1926) (quoting *Montoya v.*

¹ We review a "judgment under Federal Rule of Civil Procedure 12(c) de novo, accepting the complaint's factual allegations as true and drawing all reasonable inferences in the plaintiff's favor." *Kirkendall v. Halliburton, Inc.*, 707 F.3d 173, 178 (2d Cir. 2013).

United States, 180 U.S. 261, 266 (1901)) (emphasis added). Under the DOI regulations, on the other hand, a group constitutes an Indian tribe if it meets seven mandatory criteria. Two of the requirements, relevant here, are: (1) “[a] predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present;” and (2) “[t]he petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.” 25 C.F.R. §§ 83.7(b), (c).

Our decision in *Golden Hill* provides the framework for the interaction between the common law standard and the DOI criteria and the role of primary jurisdiction in that interaction. The primary jurisdiction doctrine is “[a] judicial doctrine whereby a court tends to favor allowing an agency an initial opportunity to decide an issue in a case in which the court and the agency have concurrent jurisdiction.” *Black’s Law Dictionary* 1310 (9th ed. 2009). The doctrine is applicable where “a claim is originally cognizable in the courts, but enforcement of the claim requires, or is materially aided by, the resolution of threshold issues, usually of a factual nature, which are placed within the special competence of the administrative body.” *Golden Hill*, 39 F.3d at 58-59. In *Golden*

Hill, we concluded that “[t]he Department of the Interior’s creation of a structured administrative process to acknowledge ‘nonrecognized’ Indian tribes using uniform criteria, and its experience and expertise in applying these standards, has now made deference to the primary jurisdiction of the agency appropriate.” *Id.* at 60. Thus, while the “federal court, of course, retains final authority to rule on a federal statute,” it should nonetheless “avail itself of the agency’s aid in gathering facts and marshaling them into a meaningful pattern.” *Id.*

That is precisely what occurred in the case now before us. The district court deferred to the factual findings of the DOI, but “agree[d] that it must independently apply applicable law to the factual findings.” *United States v. 43.47 Acres of Land*, 896 F. Supp. 2d 151, 157 (D. Conn. 2012). And it did. Ultimately, the district court concluded that the evidence submitted by STN was insufficient to satisfy the *Montoya* standard requiring that the group be “united in a community under one leadership or government.” *Montoya*, 180 U.S. at 266. In so deciding, it relied on DOI’s conclusions that STN had presented insufficient direct evidence of a distinct tribal community from 1920 to 1967 and after 1996, and of political authority over tribal members from 1801 to 1875 and after 1996.

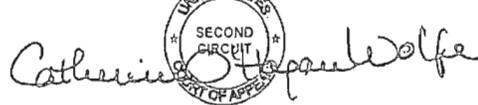
It was appropriate for the district court to rely on the DOI's factual findings. To hold to the contrary would require the district court to conduct the independent, complex evidentiary hearing that this Court sought to avoid in *Golden Hill*.

Finally, because we find that the district court appropriately deferred under the doctrine of primary jurisdiction to DOI's factual findings in concluding that STN did not satisfy the *Montoya* criteria, we need not address whether the doctrine of collateral estoppel applies in this case.

For the reasons stated above, the judgment of the district court is

AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk




United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: December 15, 2014
Docket #: 12-4544cv
Short Title: Schaghticoke Tribal Nation v. Kent
School Corp Inc

DC Docket #: 98-cv-1113
DC Court: CT (NEW HAVEN)
DC Docket #: 00-cv-820
DC Court: CT (NEW HAVEN)
DC Docket #: 85-cv-1078
DC Court: CT (HARTFORD)
DC Judge: Thompson

BILL OF COSTS INSTRUCTIONS

The requirements for filing a bill of costs are set forth in FRAP 39. A form for filing a bill of costs is on the Court's website.

The bill of costs must:

- * be filed within 14 days after the entry of judgment;
- * be verified;
- * be served on all adversaries;
- * not include charges for postage, delivery, service, overtime and the filers edits;
- * identify the number of copies which comprise the printer's unit;
- * include the printer's bills, which must state the minimum charge per printer's unit for a page, a cover, foot lines by the line, and an index and table of cases by the page;
- * state only the number of necessary copies inserted in enclosed form;
- * state actual costs at rates not higher than those generally charged for printing services in New York, New York; excessive charges are subject to reduction;
- * be filed via CM/ECF or if counsel is exempted with the original and two copies.

United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

ROBERT A. KATZMANN
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
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DC Judge: Thompson

VERIFIED ITEMIZED BILL OF COSTS

Counsel for

respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to
prepare an itemized statement of costs taxed against the

and in favor of

for insertion in the mandate.

Docketing Fee _____

Costs of printing appendix (necessary copies _____) _____

Costs of printing brief (necessary copies _____) _____

Costs of printing reply brief (necessary copies _____) _____

(VERIFICATION HERE)

Signature



September 30, 2014

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C St. NW, MS 4141
Washington, DC 20240
ATTN: 1076-AF18

Subject: Comments on Proposed Federal Acknowledgment Regulations, 25 CFR part 83

Dear Ms Appel:

The Mashantucket Pequot Tribal Nation respectfully submits the following comments regarding the Office of Federal Acknowledgment's (OFA) proposed revisions to 25 C.F.R. Part 83.

In general, the proposed revisions are good and would serve to streamline the process. However, we write further to object to the provision requiring the consent of third parties for tribes who re-petition as proposed in 25 C.F.R. Section 83.4(b)(1)(i). (79 Fed. Reg. 30773, 30,774 (May 29, 2014).

The proposed regulations allow a tribe to re-petition for acknowledgement under proposed 25 C.F.R. Section 83.4(b), which makes sense since there are tribes that were previously denied recognition but may now qualify under the revised regulations. In order for a tribe to re-petition, however, it must obtain the written consent of all third parties that participated in the administrative or court proceedings for the first petition. This will, in most cases, be tantamount to a veto by a third party, as that third party was most likely opposed to the first petition for acknowledgement and would be highly unlikely to voluntarily agree to another petition. While it makes sense to provide interested third parties with notice of the filing of the petition and an opportunity to comment or re-submit previously submitted materials or objections, the currently drafted provision appears to place veto authority in a third party which is, in most cases, opposed to the petition. The currently proposed revisions already contain a provision requiring the

Ms. Elizabeth Appel

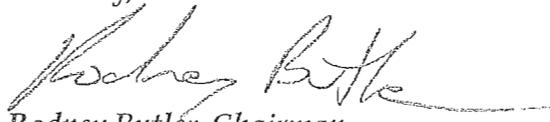
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September 30, 2014

Department, as a threshold matter, to determine whether the re-petitioning tribe has shown that the regulatory change supports reconsideration. This provision and a requirement that third parties be notified is adequate to address the concerns of third parties.

Thank you for the opportunity to comment.

Sincerely,



Rodney Butler, Chairman

September 30, 2014

Comments to BIAs proposed final regulations for federal recognition

As War chief of the Eastern Pequot Tribal Nation, I would like to interject and reiterate some important comments that are vital to the ongoing commentary regarding the final regulations for the federal recognition process. The process was instituted so that tribes would be able to obtain a procedure that was fair and equitable when applying for the federal tribal roles in order to gain federal recognition status. The purpose of this process was initiated for tribal nations to acquire the benefits that were promised to the native people by the United States Government. These benefits include federal compensation and assistance, as well as, program services such as, but not limited to, health care, education and housing. It was also instituted to enable tribes the protection of sovereign status while securing tribal land and properties and for the benefit to acquire resources and assistance for tribes to become economically self-sufficient.

Unfortunately, due to the economic choices of some tribal nations, which was to pursue tribal gaming through casino development, this has caused our tribal nation's ability to be unnecessarily strained while trying to pursue our rights as a tribal entity. The interference of The State of Connecticut and the towns has created an extremely complex and unjust playing field. Their insistence to continuously intrude in the process has wreaked havoc on the entire progression of events and has caused considerable damage circumventing the original intent of the procedure set forth. This process was established to ensure that it was fundamentally built upon a dialogue and procedure between the tribes and the United States government without undue influence by any state or town's opinion regarding the application process.

The choice for the State of CT and the surrounding town governments to intervene has clouded the public's position on federal recognition and has forced people to deliberate on issues that are not deemed appropriate while working through the application process where consideration is warranted. This process was intended to avoid the State's influence from unfair bias pertaining to the decision-making process. The State of CT had even encouraged and supported the tribe to apply for federal recognition when they thought that it might benefit them financially. They set up a committee and awarded the state tribes funding of 30,000 dollars to ally with the tribes in their plight to achieve federal status. However; a new administration was voted in and they then took a stance by completely altering their position when they realized that due to the Compact that had already been established with The Mashantucket Pequot and the Mohegan, that this was in fact now, not something they may profit from. Therefore; their position shifted and they soon rescinded their support and altered their position. Gaining momentum from the 29 towns, they soon created an adversarial group that was opposed to any tribe in the State of Connecticut to be awarded federal recognition.

The State of Connecticut had even went so far as to set up a committee called the Connecticut Indian Affairs Council and then when a new administration took the helm, they decided to renege on their support and to use the funding brought into the State of CT from casino gaming to wage war and fight the state tribes with the intent to disallow them to pursue their rights. They spearheaded strong tactics

with the towns to force the petitions to fail. Due to these blatant actions, the State of Connecticut should not be privy to the process and should be held accountable for merely looking out for the state of Connecticut's best interest and certainly, not the tribes. They have been deceitful throughout the process and have tried desperately to attack the tribe's efforts to obtain federal recognition and have engaged in hostile methods to force the tribes to be annihilated.

Unfortunately, the State of Connecticut's actions have clearly compromised the tribe's ability to obtain a fair and just process and quite blatantly have been disruptive to the integrity of the process. The modes of operation that they chose to utilize, broke trust between the State and the tribes for good reason. It is time for The Bureau of Indian Affairs and the United States Department of Interior to ensure that the decision upon our tribal nation, to receive our inherent rights (that were promised by the United States of America's government) are safeguarded from political malice. Only then will the tribes receive what they are due and what had been originally established to guarantee that the wrongs that lead to the oppression of the people are made right. President Obama has been quoted as saying that he "believes that reforming the federal acknowledgment process will strengthen our important trust relationship with Indian tribes." With that in mind, we strongly oppose the State of Connecticut and the towns thereof, to have any part of the decision making process and their voices should not hold merit and their ideology should be far removed.

The unfortunate ramifications of the State of Connecticut's actions put political pressure on the Bureau of Indian Affairs and the United States of America Department of the Interior. Due to this atrocity, the governmental agencies need to stand strong by their original decision to honor the positive finding that the tribe and the United States Bureau of Indian Affairs worked so painstakingly hard to achieve. These efforts were made to assure people everywhere that the decision was made with accuracy, truth and dignity. To conjure up such tactics to overthrow the rights of the tribe merely inflicts more wrongs. For the State of Connecticut and its townspeople to dissuade the government to falsely violate the rights of the Connecticut state tribes is a political travesty. The governmental agencies role was, and is, to assure all parties that this was in fact, the right decision. These findings were based on 30 years of documentation through lineage, archaeological findings, and with the assistance and years of hard work by experts from the finest institutions in the United States.

The Eastern Pequot Tribal Nation has sustained continuity as a Nation throughout history and has submitted the credentials to authenticate such claims. The tribe's intent to seek federal recognition began in the year of 1978 and consumed many resources and a significant amount of effort to gather documentation in support of these statements. The entire tribal nation was involved in this process as they devoted time and energy to search through years of evidence passed down through familial ties for many generations in spite of society's effort to annihilate the tribes. Tribal culture and customs have continued to be passed down through many generations and the tribal nation has continued to rise to ally with one another to provide the credentials that supports its claims beyond a reasonable doubt.

Both the United States government and the State of Connecticut's administrations have acknowledged and supported the tribe's existence throughout time. This fact has been indisputably proven and well documented throughout the petition. Therefore; the United States must uphold its initial decision and move forward without unfair influence. The tribal nations were forced to adhere to the regulations set forth by the Bureau of Indian Affairs and the United States government and have spent millions of dollars trying to protect and preserve their rights. The requirements that were set forth demanded

many hours of fact finding research which was substantiated in two positive decisions. To change the course of these positive decisions merely because of the public's interference (from anyone outside of the Bureau of Indian Affairs) constitutes a blatant obstruction of justice and wrongdoing and should be deemed foul play.

The Eastern Pequot Tribal Nation deserves a fair and equitable process. We have abided by the rules set forth by the Bureau of Indian Affairs and the United States Department of Interior and have succeeded in a positive finding. To somehow change this course of action at the last hour is another travesty and injustice. The United States Government needs to uphold its decision and reinstate The Eastern Pequot people to reclaim federal recognition status which was granted in 2002. To do anything but this, is in violation of the United Nations Declaration of Rights of Indigenous Peoples (adopted in 2007.) In order to sustain government to government relations and fulfill its obligations as a government, we ask, that you engage in responsible action without continuing to violate the rights of our tribal nation.

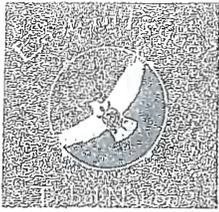
There should be no third party intervention as this is unprecedentedly unfair and without regard to the standards set forth through the process that was instituted by the Bureau of Indian Affairs and the United States Department of Interior.

The Eastern Pequot Tribe has upheld the expectations by proving the lineage and have also fulfilled all of the requirements to achieve federal status. We appreciate your concern due to the enormity of this issue and trust that you will stand by your initial and final approval in an effort to move forward and strengthen our trust relationship as governments.

Sincerely,

Ashbow Sebastian, War Chief of the Eastern Pequot Nation

Supported by his family: Colleen, Sean, Kylah, Shianne, Sherelle, Ashbow and Chenoa



Eastern Pequot Tribal Nation

*Eastern Pequot
Tribal Nation
Tribal Council*

Dennis Jenkins
Tribal
Chairman

Brenda Geer
Vice Chairman

*Lynn D.
Powers, MSM*
Recording
Secretary

*Katherine
Sebastian
Dring, Esq.*
Corresponding
Secretary

Joseph A. Perry
Treasurer

*Valerie A.
Gambrell*
Comptroller

Angie Oliver
Councilor

*La'Tasha
Maddox*
Councilor

*JoAnne Silva-
Njoku, M.Ed.*
Councilor

September 15, 2014

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C St. NW, MS 4141
Washington, DC 20240
ATTN: 1076-AF18

Subject: Comments on Proposed Federal Acknowledgment Regulations, 25 CFR part 83. (consultation@bia.gov)

Dear Ms. Appel:

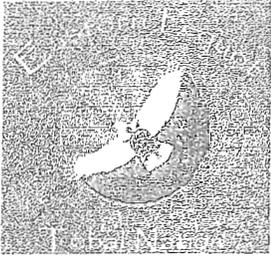
The Department of the Interior (DOI) took a positive step forward by acknowledging in the draft that the existence of a historical reservation is tantamount to the existence of a tribal nation. However, in the proposed regulations, DOI additionally allows states and local governments to decide whether tribal nations can re-petition for recognition. DOI has given states and others a veto over federal-decision making.

Enclosed please find comments on Proposed Rule 25 CFR 83.05, and a Petition: To remove the 3rd party veto provision and allow all tribes an equal opportunity to apply for recognition under the final proposed regulations for recognition.

We appreciate your kind consideration. Thank you.

Sincerely,

Dennis Jenkins,
Chairman



Eastern Pequot Tribal Nation

To: Bureau of Indian Affairs (BIA)

MS-4606-MIB
1849 C Street, N.W.
Washington, D.C. 20240

June 7th, 2014

COMMENTS AND PETITION

To remove the 3rd party veto provision and allow all tribes an equal opportunity to apply for recognition under the final proposed regulations for recognition.

After (22) years in the BIA process the Eastern Pequot Tribal Nation (EPTN) was federally recognized in 2002 as the historic EPTN with a reservation established in 1683. However, in 2003 CT and (29) towns appealed through the Interior Board of Indian Appeals (IBIA) (which is no longer a part of the recognition process under the proposed regulations) and in (2) years overturned the EPTN positive decision.

We, the undersigned acknowledge the work of BIA's proposed reform federal recognition regulations particularly giving great consideration to tribes with reservations and state relationships established since 1934. We agree with BIA that "a state reservation is a formalization of "collective rights in Indian land" that the Department identified as a dispositive indicator of an Indian tribe." However, we are shocked and extremely opposed to the exception of a 3rd party veto for tribes that have been previously denied. This 3rd party veto is in contravention of the very intent of the proposed regulations to "re-form the broken process, to establish objective standards, and to maintain the integrity of the process".

We understand that there is significant political opposition in the State of Connecticut against the proposed regulatory changes and the recognition of the Eastern Pequot Tribal Nation. The Federal government does serious disservice to Indian nations if it allows political pressure to undermine the Federal government's historical trust responsibility and deny the tribal, historical, legal, and political rights of the Eastern Pequot Tribal Nation.

Therefore we request that BIA remove the 3rd party veto provision and allow all tribes an equal opportunity to apply under the proposed final regulations for federal recognition.

391 Norwich Westerly Road - P.O. Box 208 - North Stonington, Connecticut 06359
Phone: 1-860-535-1868

Published on *Indian Country Today Media Network.com*
(<http://indiancountrytodaymedianetwork.com>)

[Home](#) > 'Ring Out the False, Ring in the True': Five Takes on 2015

1/1/15



Looking Ahead to 2015



'Ring Out the False, Ring in the True': Five Takes on 2015

A federal government official, the president of a large tribal organization, the chairman of a landless federally recognized tribe that's waiting for approval of its land-into-trust application, the chief of a state-recognized tribe with a reservation established in 1736 whose federal recognition was rescinded under political pressure, and a Washington lobbyist were asked to answer the wide open questions: "What should we expect in 2015? And/or, what would be the best thing to happen in Indian country next year?" Here are their diverse answers.

Department of the Interior Assistant Secretary-Indian Affairs Kevin K. Washburn, Chickasaw Nation

For 2015, the Department of the Interior will be continuing major efforts within the BIA and the BIE to improve education for Indian children. We will be taking a lot more land into trust for tribes to expand tribal homelands and working, through the Land Buy Back Program to consolidate fractionated interests to restore these lands to tribal control. We will continue to encourage tribes to take control of their own destinies through the HEARTH Act and other tribal self-governance mechanisms. We will work to strengthen

Indian families by finalizing new Indian child welfare guidelines for state courts and embarking on an effort to develop regulations that carry the force of law. We will be reforming a host of regulations to improve tribal and federal governance in Indian country, involving rights of way, secretarial elections, housing and transportation. We will be distributing resources to tribes to help develop indigenous responses to climate change. We will be finalizing the reform of our federal acknowledgment regulations so that the recognition process is more transparent, fair and efficient.

On the operations side, Interior will work to improve performance of our routine, day-to-day work serving Indian country to deliver services to Indian country faster, better and cheaper. At the same time, we will be working to further institutionalize the White House Native American Affairs Council and further the Council's crucial mission of bringing an all-of-government approach to supporting Indian country. We will also continue to promote an all-of-the-above energy development strategy in Indian country so that Indian country remains a key partner in American energy independence. We also look forward to continuing a bipartisan working relationship with Congress to keep Indian country's legislative agenda moving forward.

Brian Patterson, Oneida Indian Nation, Bear Clan Representative to the Oneida Indian Nation's Men's Council and Clan Mothers, and President of the United South and Eastern Tribes

I understand diplomacy. It's genetic – my people have 400-plus years of practicing diplomacy. Now I'm not looking to start a fight, but what is the opposite of diplomacy – what is needed when actions are taken that are against Indian country and the best interests of our children and our children's children going forward? How do you counter that? I think of a lion. If a lion is coming after you, you don't get diplomatic and say, 'Oh, what else would you rather eat besides me?' There is no time for diplomacy when the lion is coming after you. And I think in most regards that's where Indian country finds itself. Ultimately, there's no reason for the lion to fear you so it's going to continue on its course of attack. Now if Indian country had the means to generate enough pressure in a unified approach then maybe, just maybe we could deter that lion from attacking us.

Look, without the Violence Against Women Act we can't protect our women; without trust land we have Carciari and can't protect our land base; the Baby Veronica case and others show that the Indian Child Welfare Act is under attack and we can't protect our children. The lion is coming and no one's standing to deter that attack from the lion.

So where does that leave Indian country in looking at 2015? Politically speaking, Indian country has exemplified its ability to remain bi-partisan. We know there are continuing challenges between Congress and the administration, there's a growing public sentiment about a do-nothing Congress and there's heavy political posturing on the part of the candidates especially as we begin to turn our full attention on the next presidential election. For Indian country, the strain is always between the Congress and us. If we look at what just happened to San Carlos Apache Tribe [in Congress's vote to turn over a 2,400-acre sacred site to a giant copper mining outfit], we see that we can't protect our sacred sites, but they are more than sacred sites – they are our identity as a people and a reflection of our universal values. And so for 2015 and moving forward, our job and responsibility is to continue to advocate for the recognition of our inherent sovereignty and that doesn't change regardless of the makeup of Congress and the administration. The

threats are real – to our identity, to our children’s future. So the question becomes how do we put fear in the lion? I think the only way we can do that is through a unified approach. Indian country has to be accountable within itself; it has to embody trust within itself. The year 2015 will be critical for Indian country’s ability to define the next era in Indian country — and we’ll do that through our unity.

Mashpee Wampanoag Tribal Council Chairman Cedric Cromwell

We are hopeful that 2015 will be a banner year for tribes across Indian country, specially in light of the recent federal court decision in favor of the Cowlitz Indian Tribe that upholds the Interior Department’s ability to take land into trust. Even with the U.S. Supreme Court *Carcieri* ruling in 2009, which clouded the process, the Obama Administration has taken more than 200,000 acres of land into trust on behalf of tribes. And, at the White House Tribal Nations Conference in November, President Obama reiterated his commitment to take a half-million acres into trust by the end of his term. These developments will reverberate across Indian country in the upcoming year.

Of course, leaders across Indian country will need to build relationships with a new Congress. We will need to seek their support in sustaining economic development initiatives among tribal nations, so that we can rely on our own efforts to build housing; deliver healthcare; education; youth and elder services; and to conserve the cultural and environmental resources our Creator has bestowed upon us.

Schaghticoke Tribal Nation Chief Richard Velky

John F. DeForest, a prominent Connecticut historian reported in his History of the Indians of Connecticut (Hamersly Publishers, 1852) that “One of the largest, if not the largest, of the tribes who retreated before the advancing Colonists was the Scatacocks in Kent (CT).”

In addition to being forced to retreat from our traditional territory, the Schaghticoke population was destroyed via force of arms, European disease, and a wholesale taking of our aboriginal lands – a common story among the Indigenous Peoples of the northeast.

The King of England set aside a 2,300-acre reservation for the Schaghticoke in 1736. The State of Connecticut subsequently recognized the Schaghticoke and assumed “guardianship” over the tribe for the past 400 years – centuries characterized by neglect, a lack of support and, most recently, hostile attempts at cultural genocide by political attacks on our efforts for federal recognition.

The failed guardianship included the denial of a Schaghticoke request for a school in 1786. The state government denied our request claiming that our “savagery” would render a school useless.

Another failure occurred in 1900-1902 when the New Milford Power Company excavated and destroyed the tribe’s ancient burial grounds.

And recently, when the Schaghticoke received federal recognition in 2004, the state and other special interests combined forces in a successful political campaign to get the BIA to rescind its approval.

What would be good for Indian country in 2015? The best thing for Indian country would be for the BIA to move forward with the reformed federal recognition regulations presented in its draft proposal without further revisions.

For Connecticut, the best thing would be for the state to redeem its guardianship role by supporting its state-recognized tribes.

For Schaghticoke, the restoration of our federal recognition would put us on the path to cultural renewal and economic development projects that would create thousands of new jobs and generate billions of dollars for highways, bridges and roads in desperate need of repair. Instead of an adversarial relationship, it would mean Indian country and the state working together for generations to come.

Tom Rodgers, Blackfeet Nation, owner of Carlyle Consulting, a lobbying firm

English poet Alfred, Lord Tennyson wrote: "Ring out the old, ring in the new / Ring, happy bells, across the snow / The year is going, let him go / Ring out the false, ring in the true." As we contemplate the New Year's moments we reach for that which is true, that which is the escalator to opportunity – empathy. We now watch our President be unilaterally bold in his moments of empathy. But also in these moments we have a divided government and a Supreme Court where far too many justices have no knowledge or empathy for "us as a people." Now more than ever the New Year's moments call for BOLD vision and BOLD action at the Department of the Interior, not lowered ambitions. This is your legacy moment: remember when you leave you can take nothing that you received, only what you have given: a full empathetic heart, honest service, sacrifice and courage.

Full Name:

Gale Courey Toensing

Source URL: <http://indiancountrytodaymedianetwork.com/2015/01/01/ring-out-false-ring-true-five-takes-2015-158518>

O'BRIEN STUART EPPINGER & COLLIER, LLC

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860-536-3461

John C. O'Brien, Counsel Emeritus
September 24, 2014

VIA HAND DELIVERY

Nicholas H. Mullane II
First Selectman
Town of North Stonington
40 Main St.
North Stonington, CT 06359

Re: Green Falls Associates, LLC, Watson Estates Subdivision, North Stonington, CT

Dear Nick

I am enclosing information for use at the Town Meeting in regard to the acceptance by the Town of North Stonington of a Conservation Easement, Conveyance of Lake of Isles Road Right-of-Way widening strip and two Drainage Easements for Watson Estates Subdivision of Green Falls Associates, LLC. The following items are enclosed:

1. A narrative which describes the Conservation Easement, road right-of-way widening strip, and the two Drainage Easements; and
2. A letter from Harry Heller who represents Green Falls Associates, LLC with copy of the enclosed Warranty Deed for the road right-of-way widening strip and the two Drainage Easements and the Certificate of Title; and
3. A Resolution authorizing the conveyances by Green Falls Associates, LLC to the Town of North Stonington; and
4. A copy of the Declaration and Grant of Conservation Easement which had already been signed by you and recorded by Juliet Leeming in Volume 211, Page 796 of the Land Records; and
5. Three of the 17 survey maps that comprise the Watson Estates Subdivision which are marked in color markers to indicate the Conservation Easement, the road right-of-way widening strip, and the two Drainage Easements.

Nicholas H. Mullane II
September 24, 2014
Page -2-

If you have any questions about these materials, do not hesitate to contact me.

With best regards,

Sincerely yours,



Frank N. Eppinger

FNE/cab
Enclosures

c: Harry Heller, Esq. (w/o enclosures)

ACCEPTANCE OF WATSON ESTATES SUBDIVISION
CONSERVATION EASEMENT, LAKE OF ISLES ROAD
RIGHT-OF-WAY WIDENING STRIP AND DRAINAGE EASEMENTS

The following Conservation Easement, Conveyance of Road Right-of-Way widening strip and Drainage Easements are conveyed by GREEN FALLS ASSOCIATES, LLC to the TOWN OF NORTH STONINGTON, i.e.:

1) To accept a Conservation Easement to the Town of North Stonington, in, on, over, along and across portions of Lots 1, 4, 5, 6, 7, 8, 9, 11 and 12 of the Watson Estates Subdivision (SUB#12-100, approved by the North Stonington Planning and Zoning Commission on January 10, 2013), as delineated on certain maps or plans entitled: "Plan Showing Watson Estates Subdivision Property of Green Falls Associates, LLC Lake of Isles Road, North Stonington, Connecticut Scales as Shown October 2012, Dieter & Gardner Land Surveyors Planners P.O. Box 335 (860) 464-7455 Fax (860) 464-5028 email: dieter.gardner@snet.net, Dated: October 25, 2012, Revised 12/13/12, Add 15 Foot Conservation Easement and Added Property Conveyed to Long Rivers Council B.S.A., Revised 1/22/13, Added "Right to Drain, Revised 8/21/13, Added drainage easement", Sheets 3 and 4 of 17, which Plan is recorded on the Land Records of the Town of North Stonington; and

2) To accept a strip of land to widen the right of way of Lake of Isles Road, being,

A certain tract or parcel of land, together with the improvements thereon, situated in the Town of North Stonington, County of New London and State of Connecticut and being more particularly shown and designated on a certain map or plan entitled "Plan Showing Watson Estates Subdivision Property of Green Falls Associates, LLC Lake of Isles Road, North Stonington, Connecticut Scale: 1" = 100' October 2012 Revisions 12/13/12 Add 15 Foot Conservation Easement and Added Property Conveyed to Long Rivers Council B.S.A. 1/22/13 Added 'Right to Drain' in Two Locations 8/21/13 Added Drainage Easements Sheet 2 of 17 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1614 Route 12 Gales Ferry, CT. 06335 (860) 464-7455 Fax (860) 464-5028 Email: dieter.gardner@snet.net" which premises is more particularly bounded and described as follows:

Beginning at a rebar or drill hole to be set in a stonewall in the North Stonington – Preston town line at the southwesterly corner of the herein described tract and on the dividing line between the herein described tract and other land now or formerly of Green Falls Associates, LLC; thence running North 88°36'53" East for a distance of 300.27 feet to a rebar or drill hole to be set; thence running North 88°36'53" East for a distance of 90.00 feet to a monument or drill hole to be set; thence running North 88°36'53" East for a distance of 95.00 feet to a monument or drill hole to be set; thence running North 88°36'53" East for a distance of 46.10 feet to a monument or drill hole to be set; thence running North 87°18'20": East for a distance of 87.90 feet to a rebar or drill hole to set; thence running North 87°18'20" East for a distance of 32.95 feet to a monument or drill hole to be set; thence running North 81°09'26" East for a distance of 47.05 feet to a monument or drill hole to be set; thence running North 81°09'26" East for a distance of 30.91 feet to a monument or drill hole to be set; thence running North 88°10'43" East

for a distance of 44.04 feet to a rebar or drill hole to be set; thence running North 88°10'43" East for a distance of 98.72 feet to a rebar or drill hole to be set in a stonewall; thence running North 88°10'43" East for a distance of 82.27 feet to a monument or drill hole to be set; thence running South 80°01'10" East for a distance of 20.06 feet to a rebar or drill hole to be set; thence running South 80°01'10" East for a distance of 90.27 feet to a rebar or drill hole to be set; thence running South 80°01'10" East for a distance of 55.82 feet to a rebar or drill hole to be set; thence running South 77°20'19" East for a distance of 187.98 feet to a monument or drill hole to be set; thence running South 72°18'14" East for a distance of 77.72 feet to a monument or drill hole to be set; thence running South 68°35'44" East for a distance of 129.27 feet to a monument or drill hole to be set; thence running South 77°30'42" East, for a distance of 569.20 feet to a rebar or drill hole to be set in the northwesterly line of land now or formerly of Lake of Isles LLC as shown on the above referenced plan, the last eighteen courses being bounded generally southerly by other land now or formerly of Green Falls Associates, LLC; thence running North 09°53'45" East for a distance of 23 feet, more or less, bounded southeasterly in part by land now or formerly of Lake of Isles LLC and in part by Lake of Isles Road to a point in the centerline of Lake of Isles Road; thence running in a general westerly direction along the centerline of Lake of Isles Road for a distance of 2,095 feet, more or less, to a point in said centerline which is located North 10°16'20" West a distance of 21 feet, more or less, from the point or place of beginning; thence running South 10°16'20" East for a distance of 21 feet, more or less, along the North Stonington – Preston town line to the rebar or drill hole to be set in a stonewall at the point or place of beginning.

3) To accept two certain drainage easements, each 30 feet in width, which drainage easements are more particularly described as follows:

FIRST DRAINAGE EASEMENT

A drainage easement, thirty feet in width, for purposes of installing, utilizing, maintaining, repairing and replacing stormwater drainage structures and appurtenances, which drainage easement area is more particularly shown and designated as “30 Foot Wide Drainage Easement in Favor of the Town of North Stonington (See Detail)” on the above referenced plan, and which drainage easement is more particularly bounded and described as follows:

Beginning at a point in the southeasterly line of a strip of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road at the northeasterly corner of said drainage easement area, which northeasterly corner is located South 88°36'53" West a distance of 230.00 feet from a rebar or drill hole to be set at the northwesterly corner of Lot 2 as shown on the above referenced plan, as measured along said southwesterly street line; from said point of beginning thence running South 01°23'07" East for a distance of 30.00 feet to a point; thence running South 88°36'53" West for a distance of 30.00 feet to a point; thence running North 01°23'07" West for a distance of 30.00 feet to a point in the southeasterly line of a strip of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road; thence running North 88°36'53" East for a distance of 30.00 feet bounded

northwesterly by said strip of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road to the point and place of beginning of said draining easement area.

Said drainage easement is conveyed together with the right to flow and drain stormwater runoff collected in drainage structures located in the hereinbefore granted drainage easement area over and across remaining land of the Grantor in the natural drainage pattern as the same exists as of the day of this conveyance.

SECOND DRAINAGE EASEMENT AREA

A drainage easement thirty feet in width, for purposes of installing, utilizing, maintaining, repairing and replacing stormwater drainage structures and appurtenances over and across that area shown and designated as "30 Foot Wide Drainage Easement in Favor of the Town of North Stonington (See Detail)" on the above referenced plan which drainage easement area is more particularly bounded and described as follows:

Beginning at a point in the southwesterly line of a strip of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road, which point and place of beginning of said drainage easement is located the following courses and distances from the northeasterly corner of land now or formerly of Green Falls Associates, LLC as shown on the above referenced plan: North $77^{\circ}30'42''$ West a distance of 569.20 feet to a monument or drill hole to be set; North $68^{\circ}35'44''$ West a distance of 129.27 feet to a monument or drill hole to be set; North $72^{\circ}18'14''$ West a distance of 77.72 feet to a monument or drill hole to be set; North $77^{\circ}20'19''$ West a distance of 80.00 feet to the northeasterly corner of said drainage easement area and the point and place of beginning.

From said point and place of beginning thence running South $12^{\circ}39'41''$ West for a distance of 50.00 feet to a point; thence running North $77^{\circ}20'19''$ West for a distance of 30.00 feet to a point; thence running North $12^{\circ}39'41''$ East for a distance of 50.00 feet to a point in the southwesterly line of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road; thence running South $77^{\circ}20'19''$ East for a distance of 30.00 feet bounded northeasterly by said strip of land deeded or to be deeded to the Town of North Stonington for the future widening of Lake of Isles Road to the point and place of beginning of said draining easement area.

Said drainage easement is conveyed together with the right to flow and drain stormwater runoff collected in drainage structures located in the hereinbefore granted drainage easement area over and across remaining land of the Grantor in the natural drainage pattern as the same exists as of the date of this conveyance.

See three survey maps with highlighted Conservation Easement, Lake of Isles Road, right of way widening strip and drainage easements.

STREET NAMING AND NUMBERING (EMERGENCY 911 SYSTEM)

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF NORTH STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED BY THE TOWN OF NORTH STONINGTON:

Section 1. Street Naming and Property Numbering Ordinance.

There shall be a systematic and orderly naming and renaming of streets and numbering and renumbering of properties to facilitate the implementation and effective operation of the Emergency 911 system which is mandated by the State of Connecticut General Statutes.

Section 2.0. Designation of Street Names and Property Numbers.

When used in this ordinance, the term street means any street, highway, private road, paper road, pentway, right-of-way and/or thoroughfare. When used in this ordinance, the term property number means a number assigned to a property for a specific identification of that property. The property numbering placement is the responsibility of the property owner.

Section 2.1. The North Stonington Assessor's Office shall assign property numbers to all property fronting on any street within the town and may change any and all property numbers. All property number changes will be submitted to the Board of Selectmen for their approval. All future property number changes will be handled under Section 2.7. Whenever possible, existing street names and property numbers will be utilized. The Town may assign property numbers or names on streets which have not been accepted by the Town. However, this will not be construed as acceptance of that street and as such, the Town's liability will not change.

Section 2.2. One whole number shall be assigned based on the zoning descriptions in the Town's Zoning and Subdivision Regulation for roadway. Improved and vacant property on each street will be assigned a number when the parcel is approved for development.

Section 2.3. Starting from the point of origin, even numbers will be assigned to properties on the right hand side of the street and odd numbers will be assigned to properties on the left hand side.

Section 2.4. The North Stonington Assessor's Office shall assign property numbers to condominium and apartment complexes. As a general rule each property parcel will be assigned one property number. Internal units will be assigned with sub-numbers or letters, not individual property numbers.

Section 2.5. When rear lots exist or are created in a subdivision, special attention will be given to ensure a sequential numbering system can be maintained.

Section 2.6. New street names in subdivisions shall be proposed by the subdivider, reviewed by the North Stonington Planner's office and when approved, included as part of a final subdivision plan. The naming of all new streets must be approved by the North Stonington Planner's office.

Section 2.7. All property numbering systems proposed by the subdivider will be submitted as part of the subdivision plan and will be reviewed by the North Stonington Assessor's and Planning Office. The North Stonington Planning Office will then recommend the numbering system or change to the Board of Selectmen/Assessor's Offices for approval. Upon obtaining approval, the North Stonington Planning Office will notify the North Stonington Assessor's Office, who will notify the appropriate law enforcement department, fire department, postal office, ambulance provider, utility companies, and the 911 numbering database agency.

Section 2.8. No duplication of new street names shall be allowed. As safety factors dictates, the name of any existing street may be changed to prevent duplication of names. Similar sounding names are considered to be duplication regardless of spelling. Street names will be assigned by the North Stonington Planning Office and recommended to the Board of Selectmen for approval. Upon obtaining approval, the North Stonington Planning Office will notify the North Stonington Assessor's Office, who will notify the appropriate law enforcement department, fire department, postal office, ambulance provider, utility companies, and the 911 numbering database agency.

Section 2.9. Property numbers on streets will be assigned by the North Stonington Assessor's Office. No building permit may be approved until the Assessor's Office has assigned a property number. The North Stonington Assessor's Office, will notify the appropriate law enforcement department, fire department, postal office, ambulance provider, utility companies, and the 911 numbering database agency.

Section 3.0. Affixing of Property Numbers.

Because quickly locating a property is of primary importance during an emergency, every property owner of improved property shall, purchase and display the assigned number before the issuance of a Certificate of Occupancy. Property which is assigned a number that is different than the one in current use shall display the newly assigned number within thirty (30) days of receiving notice of the new number. In the case of rental property, the property owner is responsible for posting the numbers as well as informing the tenants of their new address.

Section 3.1. Property numbers shall be affixed to dwelling units or some object appurtenant thereto so as to be visible from and oriented toward the street from which the address is taken. When the structure is within fifty (50) feet of the edge of the street, the assigned number shall be displayed on the front of the building in the vicinity of the front door or entry and visible from the street. If the structure

is over fifty (50) feet from the street or if the line of sight is obstructed by plantings or other objects, then the number is to be displayed on a post, fence, wall or mailbox at the property line adjacent to the driveway entrance.

Section 3.2. The numbers shall be arabic numerals at least three inches (3") high or written in an easily readable sign and displayed on a contrasting background.

This ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation in the Town of North Stonington.

Adopted:

Effective:

DRAFT



Town of
North Stonington, Connecticut

Date: December 3, 2014

To: Board of Finance

From: Board of Selectmen's Office

Non recurring

Re: De-obligation of ~~Capital Project~~ Funds

The Board of Selectmen's Office request that the following funds be de-obligated from the Capital ~~Projects~~ Fund not expended in FY 2013-14 back to the unassigned General Fund balance: *Non recurring Fd.*

Wash Station	\$ 13 ✓
NSAA Equipment	\$3,185
Selectmen's Office Equipment and Furniture	\$ 3
NSVFC - Engine 2 Refurb.	\$3,476
Civil Preparedness	\$2,236
Transfer Station Improvements	\$5,000
→ Plan of Conservation and Development	\$ 837 ✓
Recreation Pavilions and Fields	\$1,650
Town Hall Computers	319

Thank you for your attention to this matter.

Nicholas H. Mullane II

Nicholas H. Mullane, II
First Selectman

*Approved
12-3-14
James J. Blawie
Chair, Board of Finance*

Town of North Stonington, CT

40 Main Street, North Stonington, CT 06359

ph: (860) 535-2877

fx: (860) 535-4554

Board of Finance Minutes 12/03/2014 Draft

North Stonington Board of Finance
Draft Meeting Minutes
of
Wednesday, December 3, 2014
New Town Hall
North Stonington, CT

1. Call to Order Chairman Dan Spring called the meeting to order at 7:31 PM. Brent Woodward, Charlie Steinhart, Emile Pavlovics, Mustapha Ratib and Tim Main were present.

2. Public Comments and Questions: No comments or questions.

3. BOS: De-obligations, Capital Projects/ Transfers/Appropriations (DUI, Rural Roads, SCBA, Tribal Recognition: First Selectman Nick Mullane, in a letter dated December 3, 2014, requested the BOF to de-obligate numerous monies from capital projects not expended in FY 2013/2014. During a detailed review, it was clarified that only those items classified as capital nonrecurring needed de-obligating which required approval at a Town meeting. Accordingly, Dan Spring moved to bring the de-obligation of the Wash Station at \$13.00 and the Plan of Conservation and Development at \$837.00 to a Town meeting for approval. The motion was seconded by Charlie Steinhart and carried 6-0-0.

In a letter dated December 3, 2014 the BOS requested an additional appropriation, not to exceed \$20,000, for Safety Contained Breathing Apparatus (SCBA) and cylinders (line item C3.25) used by the Fire Department. Although the general consensus by the BOF was in support of the request, no action will be taken until receipt of the anticipated grant.

In a letter dated December 3, 2014 the BOS requested an additional appropriation of \$48,825 for the 2015 Comprehensive DUI grant. This money will be reimbursed by federal funding. Dan Spring moved to bring an additional appropriation in the amount of \$48,825 (line item B26.04 State Troopers) to a Town meeting for approval. The motion was seconded by Tim Main and approved 6-0-0.

The First Selectman provided no new spending figures associated with Tribal Recognition attorney fees.

4. Audit Review (2013-2014): Sandra E. Welwood, LLC Certified Public Accountants: Sandra E. Welwood, LLC presented the BOF with the draft audit for FY 2013/2014 noting the marked improvement since providing this service to the Town three years ago. Although no material deficiencies were noted, three comments pertaining to the following were generated from the audit and will be addressed in coming months.

- Student Activity Funds
- Special Education Grant Fund and School Lunch Fund
- Property Taxes

Dan Spring moved to accept the draft audit prepared by Sandra E. Welwood, LLC for FY 2013/2014 as amended. The motion was seconded by Mustapha Ratib and passed 6-0-0.

5. BOF Fiscal Policies: Dan Spring provided the BOF with the second draft copy of the Undesignated Fund Balance policy, the first financial policy/procedure for review, which incorporated comments from a previous review by the BOF.

Dan Spring moved to bring the Undesignated Fund Balance policy, as adopted by the BOF, to a Town meeting for approval. The motion was seconded by Emile Pavlovics and passed 6-0-0.

6. Previous Minutes: Dan Spring moved to approve the minutes of November 19, 2014 as amended. The motion was seconded by Charlie Steinhart and carried 6-0-0.

7. Future Strategies: Fiscal Policies, Budget Prep (2015-2016): Capital projects will be the subject for the next fiscal policy development.

8. Adjournment: A motion to adjourn was made by Dan Spring. The motion was seconded by Mustapha Ratib and carried 6-0-0. The meeting was adjourned at 10:47 PM.

Respectfully Submitted,
\\BBW\
Brent B. Woodward
Secretary, Board of Finance



Town of
North Stonington, Connecticut

December 3, 2014

To: Board of Finance

Re: Additional Appropriation, State Troopers, B26.04

The Board of Selectmen are requesting an additional appropriation in the amount of \$48,825 for the new 2015 Comprehensive DUI Grant.

To date, the town has received revenue of \$5,540 from the judicial ticket sharing and \$31,064 from the Comprehensive DUI and Rural Roads grants.

Thank you for your consideration of this request.

N. Mullane

** to town mtg
approved 12-3-14
Nancy T. Jones
Chair, Board of Finance*

PROJECT TITLE	APPLICANT
FY 2015 Comprehensive DUI Enforcement Program for Resident Trooper	Resident State Trooper's Office

BUDGET SUMMARY

Federal Share	75.00%
State/Local Share	25.00%

BUDGET SUMMARY SUBMITTAL

COST CATEGORY	AMOUNT	SOURCE OF FUNDS	
PERSONNEL SERVICES	\$65,100.00	FEDERAL FUNDS (75%)	\$48,825.00
CONTRACTUAL SERVICES	XXXXXXXXXX	NON-FEDERAL FUNDS (25%)	\$16,275.00
OPERATING COSTS	XXXXXXXXXX	TOTAL FUNDS (100%)	\$65,100.00
EQUIPMENT	XXXXXXXXXX		
INDIRECT COSTS	XXXXXXXXXX		
TOTAL BUDGETED	\$65,100.00		

BUDGET SUMMARY APPROVAL (HSO USE ONLY)

COST CATEGORY	AMOUNT	SOURCE OF FUNDS	
PERSONNEL SERVICES	\$65,100.00	FEDERAL FUNDS (75%)	\$48,825.00
CONTRACTUAL SERVICES	XXXXXXXXXX	NON-FEDERAL FUNDS (25%)	\$16,275.00
OPERATING COSTS	XXXXXXXXXX	TOTAL FUNDS (100%)	\$65,100.00
EQUIPMENT	XXXXXXXXXX		
INDIRECT COSTS	XXXXXXXXXX		
TOTAL BUDGETED	\$65,100.00		

12:19 PM
 11/26/14
 Accrual Basis

2013 GENERAL FUND
Account QuickReport
 July 1 through November 26, 2014

Type	Date	Num	Name	Memo	Amount
A3 · INTERGOVERNMENTAL REVENUES					
A3.11 · POLICE REIMBURSEMENT - STATE					
General Journal	07/01/2014	743R		Q#4 TICKETS **13/14	-2,585.00
General Journal	07/01/2014	745R		DUI GRANT **13/14	-11,002.21
General Journal	07/23/2014	805		**13/14 DUI GRANT STAT...	11,002.21
General Journal	07/29/2014	806		**13/14 4TH Q TROOPER...	2,585.00
General Journal	09/15/2014	870	STATE POLICE:DUI GRANT 14/15	DUI GRANT #1	9,199.88
General Journal	10/25/2014	929	STATE POLICE:RURAL ROAD GRANT 14/15	RURAL ROADS GRANT 1...	14,100.00
General Journal	11/05/2014	971		Q#1 TICKET REVENUE	2,955.00
General Journal	11/18/2014	966	STATE POLICE:DUI GRANT 14/15		10,349.84
Total A3.11 · POLICE REIMBURSEMENT - STATE					36,604.72
Total A3 · INTERGOVERNMENTAL REVENUES					36,604.72
TOTAL					36,604.72



Town of
North Stonington, Connecticut

APPROVING RESOLUTION

**RESOLUTION TO APPROVE
COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (“C-PACE”)
AGREEMENT**

WHEREAS, Section 16a-40g, as amended, of the Connecticut General Statutes (the “Act”) established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the Act authorizes the Connecticut Green Bank (the “Green Bank”), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit and assign, benefit assessments to the Green Bank in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

WHEREAS, the Commercial Property Assessed Clean Energy (“C-PACE”) Agreement (the “C-PACE Agreement”) between the City/Town of North Stonington and the Green Bank, as attached hereto, constitutes the written agreement authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED:

(a) that we, the Town Meeting, constituting the legislative body of the Town of North Stonington, hereby approve the C-PACE Agreement, and (b) that Nicholas H. Mullane, II, First Selectman is hereby authorized and directed, on behalf of the Town, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.



Town of
North Stonington, Connecticut

January 7, 2015

To: Board of Finance

Re: Additional Appropriations-SCBA Grant

The Selectmen voted to request an Additional Appropriation, of \$22,859, as the matching funds for the North Stonington Volunteer Fire Company's SCBA Grant to replace the existing SCBA packs (25) and cylinders (50).

A regional grant with Center Groton, Groton Long Point, Noank, Ledyard, Gales Ferry and Old Mystic of \$1,237,003 was applied for and the NSVFC hopes to receive a 90% reimbursable grant to replace all the old cylinders and packs. The existing inventory is coming up on their expiration/replacement date and this grant will save the town an estimated at \$192,875. The funds shall be place in Capital line item C 3.25 and transferred to Capital Projects NSVFC-SCBA Cylinders #3283 for expenditure.

This request cancels and supersedes the previous request submitted. Thank you for your consideration of this request.

N. Mullane

*Approved
1-7-15
Daniel J. Henry
BoF, Chairman*

Robin Roohr

From: Fireoutchuck <fireoutchuck@yahoo.com>
Sent: Friday, December 05, 2014 3:05 PM
To: Robin Roohr; Gary Baron
Subject: Fwd: COMPLETE

Nick, this is grant info for SCBA'S

Sent from my iPhone

Begin forwarded message:

From: "Kenneth Richards, Jr." <chief@omfd.org>
Date: December 5, 2014 at 2:59:20 PM EST
To: BozymFD <nick.bozym@gffc.org>, "Charlie Steinhart (NSVFC)" <csteinhart5@nsvfc.org>, "chief@noankfire.org" <chief@noankfire.org>, "Derek Fauntleroy" <dee21engine@msn.com>, John Doucette <ld.chief@ledyardct.org>, "Kenneth Richards, Jr." <chief@omfd.org>, "Mark Debiasi (msdebiasi@aol.com)" <msdebiasi@aol.com>
Subject: COMPLETE

The regional SCBA grant is complete and submitted as of 1430 hours. The overall savings combined for all of us if its awarded is 1 million dollars. I want to thank all of you for getting back to me with the paperwork we needed to complete this grant. I won't lie to you it was a lot of work for myself, Janet and Kirsten but we did it as a team with your help.

EMW-2014-FR-00377 is the application #.

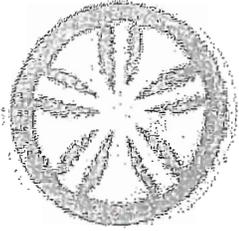
Janet will be drafting your MOU (memorandum of Understanding) for your 10% share of your cost next week. Because this grant was over \$750,000 as the host OMFd may have to get an A-133 Federal audit after the grand is closed. If so this will cost around \$8,000 - \$10,000 I would be looking at splitting that cost 7 ways.

Below is your total for each department you would pay 10% of this number:

Center Groton	\$167,015.00
Groton Long Point	\$ 47,660.00
Noank	\$111,343.00
Ledyard	\$238,312.00
North Stonington	\$214,306.00
Gales Ferry	\$238,312.00
Old Mystic	\$220,055.00

Ok I'm going to ask you to pray we get this grant.

Ken.



North Stonington Volunteer Fire Co., Inc
267 Norwich-Westerly Road
P.O. Box 279
North Stonington, Connecticut 06359
(860) 535-0937
FAX (860) 535-1793



11/18/14

Grant Info

25 SCBA Packs at \$6000 each = \$150,000

50 SCBA Cylinders at \$1000 each = \$50,000

Total worth is \$200,000

We pay with grant 10% = \$20,000

Charles A. Steinhart V
Fire Chief - NSVFC

Smoke Detectors and Residential Sprinklers Save Lives
For more info, go to www.firesprinklerinitiative.org

TOWN OF NORTH STONINGTON PROPOSED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2015

		Actual 2012/13	Approved 2013/14	Appropriations 2013/14	Proposed 2014/15
C	3	SELECTMEN CAPITAL			
C	3.00				
		8,418	7,500		6,400
C	3.01	12,970	11,500		11,500
C	3.02	0	2,500		2,500
C	3.03	981	1,000		1,000
C*	3.04	27,982	25,000		25,000
C	3.05	94	7,875		7,000
C	3.06	8,500	10,000		4,500
C	3.07	15,000	15,000		15,000
C*	3.08	76,000	68,000		53,526
C	3.09		20,000		50,000
C	3.10	2,386	2,500		1,000
C	3.12	0	280,000		0
C	3.13	0	350,000		0
C	3.14	0	160,000		0
C	3.15	0	10,000		10,000
C	3.19	2,500	0		2,000
C	3.22	0	0		38,000
C	3.23	0	0		8,000
C	3.24	0	0		4,650
C	3.25	0	0		7,600
C	3.16R	2,656	0	25,000	0
C	3.16R	1,112	0		0
C	3.16R	15,000	0		
C	3.16R	0	112,500		0
C	3.16R	2,000	0		0
C	3.16R	260,000	0		0
		435,599	1,083,375	25,000	247,676
C	4	OTHER CAPITAL			
C*	4.00	15,000	10,000		15,000
		15,000	10,000		15,000
C	5	SCHOOL CAPITAL			
C*	5.00	75,000	75,000		15,000
C	5.01R	150,000	0		0
		225,000	75,000		15,000
		804,535	1,228,875	25,000	405,649