

TOWN OF EAST LYME

BOARD OF SELECTMEN

PUBLIC HEARING

APRIL 23, 2014

**Members Present:**

Paul Formica, First Selectman

Mark Nickerson

Kevin Seery

Holly Cheeseman

Rose Ann Hardy

Rob Wilson

**Also Present:**

Tracy Collins, Town Attorney

FILED IN EAST LYME  
CONNECTICUT  
April 28, 2014 AT 8:50 AM/PM  
Marlene D. Green ATC  
EAST LYME TOWN CLERK

The Public Hearing was called to order at 7:05 p.m.

Mr. Formica led the assembly in the Pledge of Allegiance.

**GOLF CART USE ON TOWN ROADS IN BEACH AREAS**

Attorney Collins confirmed the Public Hearing was duly advertised in the New London Day newspaper.

Mr. Formica stated that Connecticut General Statute allows the Town to adopt a Regulation concerning the use of golf carts on town roads, with the Board of Selectmen acting as the Traffic Authority. Golf carts are prohibited on any road with a speed limit above 25 miles per hour. Mr. Formica showed the audience a map of all of the roads affected by the proposed Regulation. There are roads on the map, shown as yellow that have a sign of 25 miles per hour, but the State shows that speed limit as 30 miles per hour. The map will have to be modified. Golf carts will not be able to pass on the yellow roads. He has received a written request from the Board of Governors of Giants Neck Beach requesting that they not be included in the Regulation because they have no on street parking, and they have no parking at their beaches.

Mr. Formica read a letter from Peter McAndrew (Exhibit 1)

Mr. Formica read an email from George Fries (Exhibit 2)

Mr. Formica read a letter from Arthur C. Saunders (Exhibit 3)

Mr. Formica read an email from Trip Hartigan (Exhibit 4)

Mr. Formica read an email from Page Heslin (Exhibit 5)

Mr. Formica stated he meant to email the Council of Beaches on this matter, but he inadvertently did not do that.

Mr. Formica read an email from Karen Marvin (Exhibit 6)

## Public Comment

Allen Steiger, 5 Cherry Street, stated he is the President of the Pine Grove Association. They met on Monday, and they are unanimously asking to be excluded from the Regulation if it is passed. They have limited on street parking, narrow roads, and they are concerned with safety issues.

Ann Farley, 39 Seacrest Avenue stated she supports the Regulation. She read an email in support of the Regulation from Linda Pendergast, and from Anne Soracchi (Exhibit 7)

Sally Cini, 28 Seabreeze Avenue thanked the Board for listening to them. She has spoken to Bob Shea and they feel the headlight requirement is giving people approval to drive in the dark. She also stated that golf carts beep when they are put in reverse, so they don't need tail lights. They believe the communities need the golf carts.

Sue Coggins, 33 Cottage Lane stated that people have said that kids will be driving the golf carts, but it is up to the parents to be responsible for their children. Golf carts don't go as fast as cars. A decent golf cart costs \$10,000, she doesn't think too many people will be buying them. The people who will buy them are the people who need them.

John (last name unknown), 60 Shore Drive is in favor the golf carts. Young families can use them going back and forth to the beach, for some people it is quite a walk to the beach. It makes a lot of sense to approve this Regulation.

David Ogle, 19 Park Court is in favor of the Regulation. The Statute says that they can only be used in daytime hours. The proposed regulation is more restrictive than the State Statute, he doesn't see the need for headlights. It is an invitation to violate the Regulation. The Town of Old Saybrook has a golf cart Regulation and they did not include the requirement of headlights.

Barbara Johnston, 35 Seacrest Avenue stated this Regulation was originally proposed for elderly and disabled people to reach the beaches. This was denied in 2010, and she is asking that they deny this in 2014. Her auto insurance won't cover a golf cart, she would have to go to other insurance. She tried to call a meeting of the Black Point Board of Governors in August of 2013 and she couldn't get this on the Agenda. Usually there is a meeting of the residents before something like this is passed. There is very limited parking at their beaches.

Sally Cini stated she met with Marilyn Giuliano and heard her explanation on this Statute she helped pass. It was always meant for it to be for anyone with a Connecticut Drivers License. They do have lots of parking at every beach.

Mr. Formica read a letter from Tom Kelly, the Chair of the Black Point Board of Governors dated March 17, 2014.

Mr. Nickerson stated insurance policies are available and they would cost approximately \$120.00 to 140.00 per year.

Mike Manifold, 19 South Trail thanked the Board and commended them on their practical approach to this Regulation. He asked that this Regulation go forward.

Belma Ferreira, 75 East Shore Drive stated she is worried about the safety of the children. Last year golf carts were used after sunset. Who will monitor the usage in Black Point? She is worried about their streets not being wide. Everyone walks at night, the kids ride their bikes at night.

Mr. Formica stated the East Lyme Police Department would issue infractions as necessary.

Attorney Collins entered the Proposed Golf Cart Regulation as part of the public record (Exhibit 8)

The Public Hearing was closed at 7:44 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Karen Miller Galbo".

Karen Miller Galbo  
Recording Secretary Pro-Tem

R'cd 4/23/14 LAB

APR 23 2014

Peter McAndrew  
6 Seaview Avenue  
Niantic, CT 06357

Board of Selectmen  
Town of East Lyme  
108 Pennsylvania Avenue  
Niantic, CT 06357

April 22, 2014

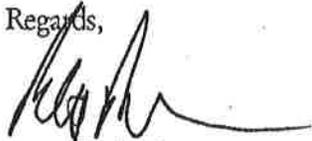
RE: Notice of Public Hearing regarding Golf Carts

Dear Board:

I write to you in opposition to the proposed regulation that would allow the use of golf carts on some, if not all, Black Point streets.

The streets, which have no sidewalks, are already heavily used by both pedestrians and vehicles. As such, I see no compelling reason to an additional level of activity on the streets. We have survived all these years without golf carts and the mere convenience for some does not justify this change.

Regards,



Peter McAndrew

Exhibit 1

Lesley Blais

R'cd - 4/23/14 LAB

**From:** Friesg@aol.com  
**Sent:** Tuesday, April 22, 2014 8:53 PM  
**To:** Lesley Blais  
**Cc:** friesg@aol.com  
**Subject:** Board of Selectman

APR 23 2014

**Town Clerk...I. BLAIS**

**Tell Paul Formica the East Lyme Internet site stinks....I've spent at least 45 minutes trying to leave a message at each Selectman's site. Could not find same...only Paul's telephone number 860-739-6931. Perhaps you could forward this to Paul at the Flanders Restaurant. As is usually the case the Board will vote on something that effects all the owners in East Lyme...the only thing is most can't attend the Meeting....the highest paying TAXPAYERS are still in the south....STOP the bull...t...vote NO on Golf Carts...the East Lyme Police can't handle the problems that will arise...they can't stop 12 - 14 year olds now driving a gas driven scooters.... NOW Golf Carts, give us a break...be on notice East Lyme will be in line for a multi-million dollar suit when the first underage driver is involved in an accident.**

**YOU (Paul) AND THE TOTAL EAST LYME BOARD OF SELECTMAN HAVE BEEN PUT ON NOTICE!**

**George E. Fries [friesg@aol.com](mailto:friesg@aol.com) - (Nehantic Drive)**

**PS: I. Blais.....SEE that all selectman receive this notice. ASAP !**

Exhibit 2

April 17, 2014

Town of East Lyme  
Board of Selectmen  
108 Pennsylvania Ave.  
Niantic, CT 06357

Subject: Public Hearing to consider adoption of a Regulation Concerning the Use of Golf Carts

Dear Selectpersons,

A few years ago, Selectman John Hogan proposed a similar regulation. Lengthy discussion by the Board of Selectmen resulted in what could only be considered a "draw." Mr. Hogan's proposal was deemed unworkable and unenforceable due to its amount of detail and excessive restriction.

Tonight, you will once again enter into discussion where the proposed regulation will be discussed and commented upon by the Board as well as interested citizens. With some work and cooperative attitudes by all those involved, the Town can have a very effective regulation which is fair to all and not overly bureaucratic.

As I am unable to attend the Public Hearing this evening, I offer the following points for consideration by the Board:

- Safety – since the use of golf carts have been popularized in the Niantic beach communities, no accidents involving them have been publicized. Additional safety equipment may be unnecessary.
- Applicability – addressing a rumor, usage by senior citizens only is discriminatory and should not be considered.
- Usage – if golf carts are not allowed to be operated in hours of darkness, the requirement for headlights and brake lights is superfluous.
- Registration – as most municipalities feel that an identifying number should be affixed to everything under its purview, a one-time only registration should be conducted.
- Proliferation – the proposed regulation is limited to beach communities only. Consideration for applicability should be given to Niantic's several "55 and over" developments as they could provide useful neighborhood transportation in those areas as well.

All other requirements should be invoked as per the State Statues concerning these vehicles.

Thank you for your time and consideration.

Exhibit 3

Arthur C. Saunders, III  
12 Center Road  
Niantic, CT 06357

**Darlene Stevens**


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**From:** Paul Formica  
**Sent:** Thursday, April 17, 2014 10:36 AM  
**To:** geicomana@aol.com; hazexx@aol.com; kseery@sbcglobal.net; Paul Formica; robert.wilson01@snet.net; rose ann hardy  
**Cc:** Darlene Stevens  
**Subject:** FW: Opposition to golf cart proposal

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**From:** Trip Hartigan [mailto:triphartigan@hotmail.com]  
**Sent:** Tuesday, April 15, 2014 8:45 AM  
**To:** Paul Formica  
**Subject:** Opposition to golf cart proposal

Dear Mr. Formica:

Please accept this letter as my strong opposition to the proposed ordinance concerning the use of golf carts on roads within East Lyme beach communities. To the extent that this ill-advised plan proceeds, I ask that Giants' Neck Beach Association be excluded (as several other beach communities apparently have been.)

I have been unable to attend any Board of Selectman meetings at which this proposal has been discussed, but refer for the purposes of this objection to the summary of the issue set forth in the April 12, 2014 article by Kimberly Drelich in *The Day*.

Though one of the reasons set forth in support of this measure is "to help senior citizens and disabled individuals . . . navigate their community," there does not appear to be anything in the proposed ordinance that would limit the use of golf carts to senior citizens or disabled individuals. The goal of assisting such residents in "navigati[ing] their community" is undoubtedly a worthwhile one, but one which should be addressed by the town with respect to *all* of its senior or disabled citizens, not merely those who happen to live in the beach communities.

Each summer in Giants Neck Beach brings multiple instances of (and complaints about) passenger vehicles ignoring speed limits, stop signs and parking restrictions. (I do not suppose that our community is alone in this complaint.) A proposal to add *more* vehicles to our narrow streets - that are often full of children and others walking, biking, skating, etc. - will almost certainly lead to an increase in such traffic/parking violations. I would rather see the town take the lead in attempting to limit the amount of vehicular traffic instead of approving a plan that would not only increase traffic but allow for apparently unregistered vehicles that will *almost certainly* end up being operated by unlicensed and/or underaged drivers.

Ms. Drelich's article noted one of the proponent's claims that the size of golf carts would alleviate parking problems" as they take up less space than cars. (I assume from the context

Exhibit 4

that she is referring to use of golf carts to travel from residents' homes to the beach.) On this issue in particular, I note the apparent difference between Giants' Neck Beach and the other beach communities. *None* of the points-of-access to the beaches within our community is equipped with parking and there is no "on-street" parking permitted anywhere in our community. All residents using the beach either walk (or cycle) from their homes or are dropped-off by car by someone who then returns the car to the resident's private property. Approval of this ordinance would invariably result in golf carts being parked haphazardly (and illegally) on marginal greenspaces or, more dangerously, on roads or on the narrow causeway that runs adjacent to the most popular beach access point. (I would also point out that it does not appear that any property within Giants' Neck Beach is more than two-tenths of a mile from a beach access point, thus further distinguishing our community from those where residents might live - as claimed by the proponent - "a mile away from the beach.")

One proponent of the ordinance is quoted as saying, "In 2014, there are golf carts everywhere." I disagree. There will only be golf carts everywhere if the town approves this nuisance, a nuisance that would do little to effectuate the claimed benefit but much to erode the quality of life. I respectfully request that the town not approve this proposal. If, however, it is inclined to approve it, please do not include Giants Neck Beach in the plan.

Trip Hartigan  
3 Point Road, Niantic

**Darlene Stevens**

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**From:** Paul Formica  
**Sent:** Thursday, April 17, 2014 10:36 AM  
**To:** geicomana@aol.com; hazexx@aol.com; kseery@sbcglobal.net; Paul Formica; robert.wilson01@snet.net; rose ann hardy  
**Cc:** Darlene Stevens  
**Subject:** FW: Proposed regulation concerning golf carts in beach association

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**From:** Heslin, Page [mailto:PHeslin@assaabloyusa.com]  
**Sent:** Wednesday, April 16, 2014 5:52 PM  
**To:** Paul Formica  
**Cc:** president@giantsneckbeach.org  
**Subject:** Proposed regulation concerning golf carts in beach association

Dear Mr. Formica:

I write to you as President of the Board of Governors of Giants' Neck Beach Association ("GNBA BOG") with reference to East Lyme's consideration of the adoption of a "Regulation Concerning Use of Golf Carts." I was surprised and disappointed to learn of this for the first time through an article published in The Day a few days ago; given that at least one other beach association was quoted in the article and there is a clear recognition that some beach communities should be excluded from the proposed regulation due to significant adverse impacts, I would have expected that someone would have reached out to each of the proposed communities to determine their views on whether they should be included.

The GNBA BOG respectfully requests that the town not include Giants' Neck Beach Association in the proposed regulation. Please note that parking is prohibited on all streets within the Giants' Neck Beach Association, and that in addition there are no parking facilities at any of the beaches or other recreational areas. This is a significant difference from some of the other communities and would eliminate the benefit of the proposed regulation as there would be no place to park the golf carts at the end of any journey. In addition to the traffic concerns raised by the addition of golf carts to our already busy streets, the complete absence of legal parking would inevitably lead to illegal parking of the carts on these streets and marginal lands within the association or most significantly, on the narrow causeway that borders the main beach and provides vehicle access (including emergency vehicle access) to a significant portion of the homes in our association, thus creating both a nuisance and significant safety concerns. Indeed, it appears that lack of parking has been recognized as disqualifier for inclusion in the proposed regulation, as Attawan was reportedly excluded from the proposed regulation on this very basis. For this and other reasons, we are opposed to the proposed regulation generally and strongly request that at a minimum Giants Neck Beach Association, like Giants Neck Heights and Attawan, not be included in any regulation providing for the operation of golf carts within association limits.

I believe you are familiar with our association, but I would be happy to meet with you there this weekend to show you around to further explain and illustrate the basis for our strong opposition to the proposed regulation, at least so far as it applies to Giants Neck Beach Association.

Please let me know if you would like to set up a meeting, or if you have any further questions.

Exhibit 5

Also, could you please let me know the time of the meeting on the 23rd and whether a final vote is planned at that time.

Thank you,

Page Heslin  
President, GNBA BOG  
[president@giantsneckbeach.org](mailto:president@giantsneckbeach.org)  
203.685.7322 (cell)

## Darlene Stevens

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**From:** Paul Formica  
**Sent:** Thursday, April 17, 2014 10:36 AM  
geicomana@aol.com; hazexxa@aol.com; kseery@sbcglobal.net; Paul Formica; robert.wilson01@snet.net; rose ann hardy  
**Cc:** Darlene Stevens  
**Subject:** FW: Golf Carts

-----Original Message-----

From: Karen Marvin [mailto:kbmarv@sbcglobal.net]  
Sent: Wednesday, April 16, 2014 6:37 PM  
To: Paul Formica  
Cc: Marvin Karen  
Subject: Golf Carts

As a resident of Black Point Beach Association, I would like to express my opposition to the proposed approval of golf carts in the area. Safety is my primary concern and the rationale provided in The Day article did nothing to persuade me otherwise.

According to the article in The Day, an informal survey of association members was conducted which indicated support for the proposal. I am a year-round resident and was never contacted.

In addition, it was suggested that a majority of members attending the Annual Meeting were in support. Of the "620" families in Black Point, I suggest that less than 20% would have been in attendance. If this proposal is to proceed, it should be subject to a full review and vote by the membership.

Thank you.  
Karen Marvin

It from my iPad

Exhibit 6

**Re: Golf Cart Hearing**

from Linda Pendergast to you

Ann,

Thank you for offering to take our support of the golf cart issue to the April, 23rd meeting. Linda and Paul Pendergast are in FULL SUPPORT of the use of golf carts in the community of Black Point.

See you in a few months.

Linda

Sent from my iPad

From

- [anne soracchi](#)

to

- [Ann Farley](#)

I have no objection to having golf carts, as I think it would cause all to drive slower. Here on Marco Island the speed limit is 35 m/h in most places. It makes for a much more restful time when driving. I'm not sure what the speed of golf carts are so perhaps they can't go that fast. Also I would hope that they would have to have seat belts and limits on how many could be riding in one. Keep me posted on this issue as we won't be back in time to go the the meeting.

Anne Soracchi

20 Sunset Ave.

Exhibit 7

## REGULATION CONCERNING THE USE OF GOLF CARTS

1. Pursuant to the provisions of Section 14-300g of the Connecticut General Statutes, as amended, the East Lyme Board of Selectmen, acting herein as the duly constituted Traffic Authority of the Town of East Lyme, hereby permits the operation of Golf Carts within the Town in accordance with the terms of this regulation.

2. Gas or electric powered Golf Carts permitted on East Lyme town roads must be equipped with a minimum of four (4) wheels, capable of a maximum speed of no more than twenty five (25) miles per hour, capable of transporting no more than four (4) persons and comply with the following standards:

2.1. equipped with a locking brake, main power switch, head lamp(s), tail/brake lamps, operable horn as defined in section 14-80(e) of the Connecticut General Statutes, rear view mirror and seatbelts/passenger safety restraints for rear-facing passengers.

2.2. a flag with a minimum height of seventy two (72) inches from the ground and at least one foot above any installed roof shall be placed on the left rear of the Golf Cart to assist pedestrians and motor vehicle operators in observing the location and operation of a Golf Cart.

2.3. a valid registration sticker from the East Lyme Police Department placed in a visible location on the rear of the Golf Cart.

3. Prior to operation of a Golf Cart the owner shall register it with the East Lyme Police Department. The East Lyme Police Department shall prepare a registration form and registration sticker for the registration of Golf Carts. The registration shall expire on May 31st of each calendar year. The owner of a Golf Cart shall at all times meet the following standards to obtain and maintain a valid Golf Cart Registration:

3.1. The owner must submit proof of ownership, such as a certificate of title or bill of sale, and a certificate of insurance covering the Golf Cart that meets the State of Connecticut minimum liability insurance requirements for a motor vehicle or insurance requirements that are established by the Connecticut Department of Motor Vehicle Regulations concerning Golf Carts upon adoption of same.

3.2. The Golf Cart must satisfy the standards of section 2 above.

3.3. The payment of a fee in the amount of \$35.00 is due for each registration period. From time to time the Board of Selectmen may amend the amount of such fee to an amount sufficient to cover all costs associated with the implementation and enforcement of the requirements of this regulation.

4. The following conditions shall apply to the operation of a Golf Cart:

4.1. Operators must possess a valid Connecticut motor vehicle operator's license, proof of insurance and a valid Golf Cart registration.

4.2. All applicable Connecticut and local laws and regulations governing the operation of a motor vehicle, including but not limited to parking rules and regulations, are applicable to the operation of a Golf Cart.

4.3. Operation of a Golf Cart shall be permitted only between one-half hour after sunrise and one-half hour prior to sunset.

4.4. Passengers shall be limited to one (1) passenger per seat, with no more than four (4) passengers in a Golf Cart.

5. Golf Carts may be operated only on roads located in the following areas of the Town:

5.1. The Crescent Beach community, more particularly described on a map or plan entitled "Plan Indicating Street Layout at Crescent Beach Niantic, Connecticut. Scale 1" = 100' Sept. 15 1961 Revisions December 15, 1961 Revisions Feb. 14, 1962" prepared by Dwight S. Vibbert.

5.2. The Oak Grove Beach community, more particularly described on a map or plan entitled "Map Showing Oak Grove Beach Niantic, Conn. Prepared for Oak Grove Beach Association, Inc. Dec. 1, 1994 Scale 1" = 100' Rev. 4/15/95 4/12/96" prepared by David M. Coonrod L.L.S.

5.3. The Black Point Beach Club Association, Inc. community, more particularly described on a maps or plans entitled "Plan No. 2 Black Point Beach Club Property as Niantic, Town of East Lyme, Conn. Owned By Jas. Jay Smith" and "Black Point Beach Club Property at Niantic, Town of East Lyme, Conn. Owned by Jas Jay Smith, sheets 1 of 2 and 2 of 2."

5.4. The Old Black Point community, more particularly described on the Town of East Lyme Assessor's Maps Nos. 02.1, 02.2 and 02.3, dated October 2008 and Town of East Lyme Assessor's Map No. 02.4, dated October 2009.

5.5. The Giants Neck Beach community, more particularly described on a map or plan entitled "Property of Walter D. Brockett at Giants Neck East Lyme Conn. June 1929 Scale 40 ft = 1 inch".

5.6. The Pine Grove community, more particularly described on a map or plan entitled "Street Line Map of The Connecticut Spiritualist Camp Grounds Roads. Located in the Town of East Lyme. - Scale: 1" = 50' - Oct. 1943

Surveyed by N.J. Fogg Assist. Super. Of Grounds.”, and that portion of Pine Grove Road north of the delivery entrance to the State Military Campground.

5.7. The Saunders Point community, more particularly described on a maps or plans entitled “Revised Plan of Building Lots owned by The Estate of George S. Smith, East Lyme, Conn. Original Survey and Layout by Chandler & Palmer June 1922. Revised Layout by Daboll & Crandall April 1925 Scale 1IN = 40 FT.” and “Plan of Hoskins Point, East Lyme Ct. As Surveyed and Plotted by Robt. B. Gorton of Niantic Ct. Scale 1/300 or 1” to 25’ - September 10 AD 1901” and “Bishop’s Bay Park Owned and Developed by Merton W. Bassett of Hartford Conn. Scale 40 ft = 1 Inch. Survey and Plan By L.E. Daboll Civil Engineer New London Conn 1936.”

6. The East Lyme Police Department shall prepare a map or plan depicting the roads described in Section 5 hereof, shall file the original thereof with the East Lyme Town Clerk, and shall make copies thereof available to members of the public.

7. Any person who operates a Golf Cart in violation of any provision of subsection (a) of Conn. Gen. Stat. §14-300g, any insurance requirement established in accordance with subsection (b) of Conn. Gen. Stat. §14-300g or any conditions or limitations established by the East Lyme Board of Selectmen for the operation of Golf Carts shall have committed an infraction and will be subject to the same fine structure of motor vehicles as defined in Connecticut General Statutes.