

**EAST LYME BOARD OF SELECTMEN
REGULAR MEETING
Wednesday, APRIL 18th, 2012
MINUTES**

PRESENT: Paul Formica, First Selectman, Mark Nickerson, Holly Cheeseman, Rose Ann Hardy, Rob Wilson

ALSO PRESENT: Attorney O'Connell, Town Counsel
Anna Johnson, Finance Director

EXCUSED: Kevin Seery

Chairman Formica called this Regular Meeting of the East Lyme Board of Selectmen to order at 7:50 PM immediately following the previously scheduled Special Meeting.

1.a. Pledge Allegiance to the Flag

The Pledge was observed.

Mr. Formica said that he would like them to address Unfinished Business prior to New Business as there were people present who wished to speak regarding the items listed under Unfinished Business.

****MOTION (1)**

Mr. Nickerson moved that they address the items under 3. Unfinished Business prior to the items listed under 2. New Business.

Mr. Wilson seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

1.b. Additional Agenda & Consent Calendar Items

There were none.

1.c. Delegations

Mr. Formica called for Delegations. He noted that the Samuel Smith House discussion was listed under Item 3. and that at that time Art Carlson would update them. He asked that others, who wished to speak regarding that item, please speak at this time.

Maggie Prokop, 52 Lovers Lane said that she is an Alternate on the Historic Properties Commission and also serves on the Smith Harris House Commission. She said that she came this evening to speak against the Samuel Smith House on Plants Dam Road as the Town does not need another museum – we already have two with the Smith Harris House and the Thomas Lee House. She said that approximately 450 people visited those combined homes last year. The owners of the Samuel Smith House are paying \$4300 in tax revenue to the Town and it should not be taken away. As far as the aquifer and water situation – there will be a pipeline to Lake Konomoc soon and the acquisition of the Darrow Pond property will also help with the water situation for current and future needs. With regard to walking trails – the public has access to plenty of walking trails already – such as the new Darrow Pond property, Oswegatchie Hills, Nehantic State Forest, Rocky Neck State Park and the Smith Harris Property just to mention a few. She said that she thinks that the property would be more of a liability than an asset. (Letter submitted; attached)

Ms. Hardy asked Ms. Prokop if she was speaking as a member of the Commissions that she serves on. Ms. Prokop said no, she was speaking as a citizen.

Elizabeth Kuchta, East Lyme Town Historian said that she was here to speak in support of the Town acquiring the Samuel Smith House and property on Plants Dam Road. She said that she believes that they need to preserve this historic property as it is a rare occasion that such unused land and a house becomes available. She told of the history that brought the Smith Harris House and Thomas Lee House to the Town as museums. She said that the Lee House open house last year drew 200 visitors and that the Smith Harris House also draws visitors. This house presents another great learning tool for the children and saving the aquifer. (Letter submitted; attached)

Normal Peck, President, East Lyme Historical Society said that he was speaking on behalf of the East Lyme Historical Society and that they wished to support the Town's purchase of the Samuel Smith House provided that there be formed a non-profit organization of volunteers responsible for preserving the building and maintaining the land as historically correct. This organization should be as self sufficient as possible. They also recommend that the support organization with the assistance of the Historic Properties Commission diligently pursue grants and donations to assist in a purchase. (Letter submitted; attached)

**1d. Approval of Minutes, Regular Meeting of April 4, 2012
Special Meeting of March 28, 2012**

Mr. Formica called for any corrections, changes or a motion on the April 4, 2012 Regular Meeting Minutes.

****MOTION (2)**

Mr. Nickerson moved to approve the Minutes of the April 4, 2012 Regular Meeting of the Board of Selectmen as submitted.

Ms. Hardy seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Formica called for any corrections, changes or a motion on the March 28, 2012 Special Meeting Minutes.

****MOTION (3)**

Mr. Nickerson moved to approve the Minutes of the Special Meeting of March 28, 2012 as submitted.

Ms. Cheeseman seconded the motion.

Vote: 4 – 0 – 1. Motion passed.

Abstained: Ms. Hardy

1e. Consent Calendar

****MOTION (4)**

Mr. Nickerson moved to approve the Consent Calendar for the meeting of April 18, 2012 in the amount of \$6,050.68.

Ms. Hardy seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

2. NEW BUSINESS

2a. Sign Call – Annual Town Meeting and Set Referendum Hours

****MOTION (5)**

Mr. Nickerson moved the following CALL:

TOWN OF EAST LYME
NOTICE OF ANNUAL TOWN MEETING

Notice is hereby given of the Annual Town Meeting to be held on Monday, May 14, 2012 at the East Lyme High School Auditorium at 7:00 p.m. to act on the following:

1. To review and discuss the budget for the fiscal year beginning July 1, 2012 as recommended by the Board of Finance.
- 1.a. In accordance with Chapter 7.3 of the Town Charter, the moderator shall adjourn the annual budget meeting to a referendum on the voting machines. The budget resolution will be submitted to the persons qualified to vote in a town meeting by referendum by machine vote, which referendum shall take place on May 24, 2012 at the East Lyme Community Center from 8 AM to 8 PM. (amended to **6 AM to 8 PM**)
2. To adopt a Five Year Capital Plan.
3. To conduct such other business as may properly come before the meeting.

Dated at East Lyme, CT this 18th day of April, 2012.

EAST LYME BOARD OF SELECTMEN

Ms. Hardy seconded the motion.

Ms. Hardy asked if they should have the Samuel Smith property purchase on the agenda. Attorney O'Connell said that it should be specifically stated in the CALL as the public needs warning notice of it.

Ms. Hardy asked if it could be added.

Attorney O'Connell said that if they were to do that, they would have to re-advertise as the public needs warning. If they were to add it now – they would not have any purchase price to put there and they need that.

Mr. Wilson said that they need to go forward with the CALL as it is now as it involves the budget and referendum.

Attorney O'Connell clarified that Item 2 of the call does not really call for a motion as it is a statement and he would suggest for clarity that it be called 1.a. rather than 2 as it does not call for a vote or motion from the public.

Mr. Nickerson amended his motion on the CALL to change item 2. to 1.a. and re-number the other items consecutively.

Ms. Hardy amended her second of the motion to accept the change.

Mr. Formica asked Attorney O'Connell about setting the time for referendum voting.

Attorney O'Connell said that as it was going to be adjourned to referendum that the hours are set by the Board of Selectmen who would be the entity to do so as set forth in the Town Charter.

Mr. Wilson said that he would prefer to allow for the voting hours to be from 6 AM to 8 PM as it involves the budget and some people may want to go before work and would not be able to do so if they started at 8 AM.

Mr. Nickerson amended his motion on the CALL to change the voting hours to 6 AM to 8 PM.

Ms. Hardy amended her second of the motion to accept the change.

Mr. Formica called for a vote on the motion and amendments.

Vote: 5 – 0 – 0. Motion passed.

2b. Economic Development Commission Appointment

Mr. Formica noted that Ms. Bengtson was present this evening and called for a motion on her appointment to the Economic Development Commission.

****MOTION (6)**

Ms. Cheeseman moved to appoint Joan Bengtson of 67 Walnut Hill Road, East Lyme, CT to serve in the Town of East Lyme on the Economic Development Commission through January 16, 2014.

Mr. Wilson seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Ms. Bengtson thanked them for their consideration of her for this position and said that she is looking forward to working hard for the Town.

2c. Special Appropriation – America the Beautiful Grant Award - \$4000

****MOTION (7)**

Mr. Nickerson moved to approve a Special Appropriation for the America the Beautiful Grant in the amount of \$4000 to account 01-70-725-720-493 (America the Beautiful Projects) and forward to the Board of Finance for approval. This grant will be used to establish a municipal tree nursery.

Ms. Hardy seconded the motion.

Mr. Formica explained that this grant is fully reimbursable and is for the planting of trees to be used by the Town – a municipal nursery.

Ms. Cheeseman asked where on Darrow Pond the trees would be planted.

Mr. Goeschel said that the open space commission approved a temporary location near the parking area in case it needs to be moved.

Ms. Cheeseman asked if the trees would be used throughout the Town.

Mr. Goeschel said yes, they are a donation from the Leos and Lions and the \$4000 grant is for 20 trees plus the materials, site preparation, shovels and all that is involved with the process of the nursery.

Ms. Hardy asked if this is a grant that they might be eligible for again.

Mr. Goeschel said that it is available under the DEEP and that they were previously awarded \$1500 for a windbreak to be constructed at the Colton Road property.

Mr. Formica called for a vote on the motion.

Vote: 5 – 0 – 0. Motion passed.

3. Unfinished Business

a. Discussion – Samuel Smith House

Mr. Formica noted that they have Art Carlson from the Natural Resources Commission and Luane Lange from the Historic Properties Commission present to participate in this discussion.

Ms. Hardy asked for an update on any new information that they had for them since their last meeting.

Mr. Carlson, Chairman of the Natural Resources Commission said that they have added information that with the Samuel Smith House that they would have a historical triangle in the Town – with the Smith Harris House, Thomas Lee House and Samuel Smith House. With regard to if it is historically true or not – he said that a year and a half ago that Nick Bellantoni the CT State Archaeologist had written them that he was aware of the property and had visited it in the summer of 2010. It is a late 1600's house and compares with the Thomas Lee House. They were pleased to support the preservation efforts and to assist in help with any Federal or State funding that might be available for that effort. Mr. Carlson continued that they are talking about 17.4 acres of deeded space and that he thinks that they would look very smart years from now for having purchased this property. He said their position is to secure it so as to not have any roads built on it so that they can protect the aquifer.

Mr. Formica noted that part of the Natural Resources Commission charge is to bring items such as these before the Board of Selectmen for consideration and that the Historic Properties Commission of

which Ms. Lange is the Chairman charge is to try to be an umbrella type of organization to govern over each individual house that might be supported by a 'friends of' type of organization for each property.

Ms. Lange said that in calling around the State that there has been an effort to try to coordinate some of the houses and private organizations in some areas also take charge of them. With respect to the Historic Preservation Grant – the former person who was in charge of it has retired and the new person has expressed interest in coming down to see the property. The grants range from \$5000 to \$200,000. In the handout that was created for the property it states that it is critical to learning about past history for the students and anyone coming to visit the site as it is a tapestry of the past. She said that they also received a request by email from someone from Norway who wished to give a donation for the purchase of the House.

Ms. Hardy said that one of the major challenges would be how to inform the public about this property and asked how they proposed to do that.

Ms. Lange said that Mr. Carlson has two more open houses set up for the next two weekends – from 12 noon to 4 PM on Saturday and Sunday and that he has also set up something with regard to information with The Day paper.

Mr. Carlson said that he thinks that there is genuine interest in this.

Mr. Nickerson thanked them for the information and said that he thought that they should table discussion on this at this time as they do not have a price and have spoken of having the First Selectman and the Town Attorney work with the owners on trying to negotiate a price.

Ms. Hardy asked if there was any way for the public to get the printed information that they had.

Ms. Lange and Mr. Carlson said yes – they will put copies at the Town Hall and the Library and they also have a website that can be linked to for it.

b. Care & Share Lease

Mr. Formica said that they have Mae Hills and other members of Care & Share present this evening and asked Attorney O'Connell to update them on this.

Attorney O'Connell said that he has determined that this is a bit more complex than he first thought as there are the expenses of utilities and heat and they are trying to figure out how to allocate these. Mr. Giannattasio is working out a formula so that the expenses will be equitable. They also have to identify parking spaces and the type of space and nature and extent of the renovations that are involved so he does not have an exact lease for them this evening.

Ms. Hills asked about the length of time on the lease.

Mr. Formica said that he thought that it was an initial five year lease with an option for an additional five years. He asked that Attorney O'Connell have this ready for their next meeting on May 2, 2012.

Mr. Nickerson asked Ms. Hills if the five years with an option on an additional five years would be beneficial to them.

Ms. Hills said yes – they would need 10 years with additional options.

Ms. Cheeseman noted that once this is done that there is a need for them to hold a Public Hearing on this.

Attorney O'Connell said that a recent change in the Statute makes a Public Hearing necessary when it involves public property that is for lease or sale. He suggested that they could hold the Public Hearing prior to the next Regular Meeting on May 2, 2012.

c. Children's Museum Lease

Mr. Formica asked Attorney O'Connell for an update on this item. He noted that the Planning Commission had endorsed this lease proposal.

Attorney O'Connell said that this is not as complex and that it would be on track for the May 2, 2012 meeting. He suggested that they could hold a Public Hearing on the both lease items commencing at 6:30 PM on May 2, 2012 and then have them on the regular agenda for action.

4. Communications

There was no discussion.

5. Information and Reports

5a. Ex-Officio

Mr. Nickerson reported that Parks & Recreation has moved many of their items to the new building and that they are also concerned with the cuts that were made to their budget. He also reported that he went to an EDC Meeting where Tony Sheridan spoke and that the new Economic Development members are busy working on some different projects. He lastly said that he had attended a Care & Share Meeting and that their meetings are very well run.

5b. Selectman's Report

Mr. Formica said that he had received one important update to give them and reported that there is now a traffic light hanging at the intersection of Giants Neck Road and Route 156 that is just waiting to be energized by CL & P.

Ms. Hardy asked Mr. Formica if the Board of Finance has reduced the budget.

Mr. Formica said yes, Town Government was cut by \$90,000+ and the Board of Ed was cut by \$350,000.

Ms. Hardy asked that they receive information on the cuts that were made. She said that she would also be interested in thoughts on how to accommodate the \$90,000 cut.

Mr. Formica said that Ms. Johnson could provide them with the information on the cuts that were made and that it would also be available on the Town website.

6. Public Comment

There were no public comments.

7. Selectman's Response

There was none.

****MOTION (8)**

Mr. Wilson moved to adjourn the Board of Selectmen meeting of April 18, 2012 at 8:57 PM.

Ms. Cheeseman seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully Submitted,

Karen Zmitruk

Recording Secretary, Pro-tem