

East Lyme Board of Selectmen  
Meeting of December 21, 2011  
Minutes

PRESENT: Paul Formica, Mark Nickerson, Holly Cheeseman, Kevin Seery, Rose Ann Hardy, Rob Wilson.

ALSO PRESENT: Finance Director Anna Johnson.

Mr. Formica called the meeting to order at 7:12 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items  
There were none.

1c. Delegations

F. Kent Sistare of 22 Westchester Road, East Lyme, CT said that he was here to address the Ledge Light discussion item on the agenda. He said usually a discussion is held this time of year to decide if the Town will remain in the health district. He urged the Selectmen to remain in the district and to keep in mind the good service they have experienced with Ledge Light Health District.

1d1. Approval of Minutes, Meeting of December 7, 2011

Mr. Formica noted corrections on page 3, last paragraph should state a one time fee depending on population; and on page 5, first paragraph – word should be appraisals not appraisers.

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Meeting of December 7, 2011 as amended.

Seconded by Mr. Seery.

Aye: Mr. Formica, Mr. Nickerson, Ms. Hardy, Ms. Cheeseman, Mr. Seery.

Nay: None.

Abstain: Mr. Wilson. Motion passed 5-0-1.

1d2. Approval of Minutes, Special Meeting of December 13, 2011

MOTION (2)

Mr. Nickerson moved to approve the minutes of the Special Meeting of December 13, 2011 as submitted.

Seconded by Ms. Cheeseman. Motion passed 6-0.

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of December 21, 2011 in the amount of \$1,044.32.

Seconded by Ms. Hardy. Motion passed 6-0.

2a. Annual Insurance Waiver Request – ELLCC – AA

MOTION (4)

Mr. Nickerson moved to approve the request of AA for an insurance waiver at the ELLCC on December 31, 2011 with the understanding that no alcohol be served.

Seconded by Mr. Wilson. Motion passed 6-0.

2b. Resolution re: Conveyance of Utility Easement to Mitchell Trust – 11 Hope St.

Mr. Formica noted that this resolution was for an underground utility easement to the Hope Street Parking Lot which would allow the poles to be removed that are by Dunkin Donuts.

MOTION (5)

Mr. Nickerson moved the following:

RESOLUTION of the Town of East Lyme Board of Selectman  
Regarding the Conveyance of a Utility Easement to The Mitchell Trust, LLC over  
property located at 11 Hope Street

**WHEREAS**, the Town of East Lyme is the owner of real property known as 11 Hope Street, East Lyme (“Subject Property”) and shown on a map or plan entitled “MAIN STREET/HOPE STREET PARKING LOT IMPROVEMENTS, East Lyme, Connecticut, prepared by The East Lyme Engineering Department, Date: March 23, 2011, Scale 1”= 20’, Drawn by PJG, Reviewed by BAS.” (“Plan”); and,

**WHEREAS**, the Town desires to grant and convey to The Mitchell Trust, LLC an easement for underground utility wires under and across a portion of the Subject Property, in favor of real property located at 239-2 Main Street, as shown as the “Proposed Utility Conduit” on the Plan; and

**IT IS RESOLVED** that the East Lyme Board of Selectman hereby authorizes the First Selectman to execute and deliver a grant of easement in a form satisfactory to the Town Counsel and such other documents as may be necessary or desirable to effectuate such transaction.

Seconded by Ms. Cheeseman. Motion passed 6-0.

2c. Discussion – Ledge Light Health District

Mr. Formica noted that the Council of Governments had been trying to form their own regional health district for the last two years. He added that a consultant had been hired to identify the steps needed. He said that there had been a meeting this morning of the involved towns (Ledyard, East Lyme, Preston, Stonington, North Stonington and

Franklin). They found that they could set up an entity for \$5.00 per capita compared to Ledge Light's \$6.85. He said that this was not an indication that Ledge Light was doing a poor job, the concern was that they were doing too much. After discussion, instead of forming a separate district they decided to make Ledge Light stronger by adding more towns. If Stonington joins Ledge Light, we will see a reduction of \$.50 per capita for the next year. He said due to the enormity of the project, he was recommending that East Lyme remain with Ledge Light. He said that Preston, North Stonington and Franklin would look for another option or another health district. He added that the Ledge Light contract is reviewed annually and we assess rent at \$4400 per year. This figure has remained even though they moved their office downstairs in the Building, Health and Zoning Office since the two secretaries there, handle much of the paperwork, etc.

Ms. Cheeseman commended the First Selectman on all the work he had done on this and the potential of saving some more money. She said that his extra work insured the best product for all of our citizens.

2d. Resolution with Respect to the Authorization, Issuance and Sale of not exceeding \$10,000,000 Town and East Lyme General Obligation Refunding Bonds

Mr. Formica noted that we monitor our outstanding debt for opportunities to refund to save the town money. He said that since the market can be volatile, the expiration date of this resolution was December 31, 2012.

Finance Director Anna Johnson said that the best time to do refunding is in January.

MOTION (5)

Mr. Nickerson moved the following:

**RESOLUTION WITH RESPECT TO THE AUTHORIZATION,  
ISSUANCE AND SALE OF NOT EXCEEDING \$10,000,000 TOWN OF  
EAST LYME, CONNECTICUT GENERAL OBLIGATION REFUNDING  
BONDS**

**RESOLVED:**

**Section 1.** Not exceeding \$10,000,000 General Obligation Refunding Bonds (the "Refunding Bonds") of the Town of East Lyme, Connecticut (the "Town ") may be issued in one or more series and in such principal amounts as the First Selectman and the Town Treasurer shall determine to be in the best interests of the Town for the purpose of achieving net present value savings and/or to moderate debt service payments. The Refunding Bonds are hereby authorized to refund all or any portion of any one or more series of the Town's outstanding General Obligation Bonds (the "Refunded Bonds"). The Refunding Bonds shall be issued and sold either in a negotiated underwriting or a competitive offering, and at such time or times as the First Selectman and the Town Treasurer shall determine to be most opportune for the Town. If the Refunding Bonds are sold in a negotiated underwriting, the First Selectman and the Town Treasurer shall approve and designate the underwriter. Each series of Refunding Bonds shall mature in such amounts and on such date or dates as shall be determined by the First Selectman and the Town Treasurer provided that no Refunding Bonds shall mature later than the final maturity date of the last maturity of any Refunded Bonds being refunded by such series. The Refunding Bonds shall bear interest payable at such rate or rates as shall be determined by the

First Selectman and the Town Treasurer. The Refunding Bonds shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, and be approved as to their legality by Robinson & Cole LLP, Bond Counsel. The Refunding Bonds shall be general obligations of the Town and each of the Refunding Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate denominations, form, details, and other particulars thereof, including the terms of any rights of redemption and redemption prices, the designation of the certifying, paying, registrar and transfer agent, shall be subject to the approval of the First Selectman and the Town Treasurer. The net proceeds of the sale of the Refunding Bonds, after payment of underwriter's discount and other costs of issuance, shall be deposited in an irrevocable escrow account in an amount sufficient to pay the principal of, interest and redemption premium, if any, due on the Refunded Bonds to maturity or earlier redemption pursuant to the plan of refunding. The First Selectman and the Town Treasurer are authorized to appoint an escrow agent and other professionals and to execute and deliver any and all escrow, investment and related agreements necessary to provide for such payments on the Refunded Bonds and to provide for the transactions contemplated hereby. The First Selectman and the Town Treasurer, are authorized to prepare and distribute preliminary and final Official Statements of the Town for use in connection with the offering and sale of the Refunding Bonds, and they are hereby authorized to execute and deliver on behalf of the Town a Bond Purchase Agreement, a Continuing Disclosure Agreement, a Tax Regulatory Agreement and such other documents necessary or desirable for the issuance of the Refunding Bonds and the payment of Refunded Bonds.

**Section 2.** This resolution shall be effective until December 31, 2012.

Seconded by Mr. Seery. Motion passed 6-0.

2e. Appointments – Boards and Commissions

MOTION (7)

Mr. Nickerson moved to appoint Carrie D. Janus of 22 Park Place, Niantic, CT to serve on the Commission on Aging through January 4, 2016; and Philip L. Mountain of 42 Laurel Hill Drive, Niantic, CT to serve on the Commission on Aging through January 4, 2016.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (8)

Ms. Hardy moved to appoint J. Robert Pfanner of 2 Ferro Court, East Lyme, CT to serve on the Building Code of Appeals through January 4, 2016.

Seconded by Mr. Nickerson. Motion passed 6-0.

MOTION(9)

Mr. Seery moved to appoint Arthur D. Carlson of 30 Dean Road, East Lyme, CT to serve on the Conservation of Natural Resources through January 4, 2016 and Marvin Schutt of 29 North

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Edgewood, Niantic, CT to serve on the Conservation of Natural Resources through January 4, 2016.

Seconded by Mr. Nickerson. Motion passed 6-0.

MOTION (10)

Ms. Cheeseman moved to appoint Donald Landers of 3 Beach Avenue, Niantic, CT to serve on the Harbor Management / Shellfish Commission through January 4, 2016 and Gregory Murin of 83 Quarry Dock Road, Niantic, CT to serve on the Harbor Management / Shellfish Commission through January 4, 2016.

Seconded by Mr. Seery. Motion passed 6-0.

MOTION (11)

Mr. Wilson moved to appoint Maggie Prokop of 52 Lovers Lane, East Lyme, CT 06333 to serve on the Historic Properties Commission as an Alternate through January 4, 2016.

Seconded by Ms. Cheeseman. Motion passed 6-0.

MOTION (12)

Mr. Formica moved to appoint Norman K. Bender of 11 Poppy Lane, East Lyme, CT to serve on the Inland Wetlands Commission through January 4, 2016; Edmund Hafner of 12 Ferro Court, East Lyme, CT to serve on the Inland Wetlands Commission through January 4, 2016 and Joseph Mingo of 397 Boston Post Road, East Lyme, CT to serve on the Inland Wetlands Commission through January 4, 2016.

Seconded by Mr. Nickerson. Motion passed 6-0.

MOTION (13)

Mr. Nickerson moved to appoint Charles Fenick of 78 Riverview Road, Niantic, CT to serve on the Parks and Recreation Commission through January 4, 2016; J. Robert Pfanner of 2 Ferro Court, East Lyme, CT to serve on the Parks and Recreation Commission through January 4, 2016. and Jacqueline M. Curry of 3 Virginia Street, Niantic, CT to serve on the Parks and Recreation Commission through January 4, 2016.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (14)

Ms. Hardy moved to appoint Raymond O'Connor of 23 Roxbury Court, Niantic, CT to serve on the Town Building Commission through January 4, 2016 and Dale Johnson of 36 Bush Hill Drive, Niantic, CT to serve on the Town Building Commission through January 4, 2016.

Seconded by Mr. Seery. Motion passed 6-0.

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MOTION (15)

Mr. Seery moved to appoint Diane Zukowski of 36 Sunrise Avenue, Niantic, CT to serve on the Water Assessment Board of Appeals through January 4, 2016 and James E. Themig of 26 Pleasant Drive, Niantic, CT to serve on the Water Assessment Board of Appeals through January 4, 2016.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (16)

Ms. Cheeseman moved to appoint David Zoller of 3 Spinnaker Drive, Niantic, CT to serve on the Water and Sewer Commission through January 4, 2016.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (17)

Mr. Wilson moved to appoint Edward B. O'Connell to serve as Town Counsel through January 2, 2013.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (18)

Mr. Formica moved to appoint Stephen L. Jackson, 19 Mayfield Terrace, East Lyme, CT to serve as Radiological Officer through January 4, 2016 and Christopher Taylor of Niantic, CT to serve as Radiological Defense Officer through January 4, 2016.

Seconded by Mr. Nickerson. Motion passed 6-0.

MOTION (19)

Mr. Nickerson moved to appoint Richard E. Morris of 9 Haigh Avenue, Niantic, CT to serve as Fire Marshal for the Town of East Lyme through January 4, 2016.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (20)

Ms. Hardy moved to appoint Steve Kelley of 8 Joval Street, Niantic, CT to serve as representative to TVCCA through January 2, 2013.

Seconded by Mr. Seery. Motion passed 6-0.

3a. Unaffiliated Employees COLA Recommendation

Mr. Formica recused himself.

Mr. Nickerson noted that he and Ms. Hardy had met with the unaffiliated representatives and said they were prepared to offer a 2.5% wage increase in two steps.

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Ms. Hardy thanked the unaffiliated employees for being very agreeable in these hard economic times adding that the town is very fortunate to have them.

Mr. Seery said he knew what increase Board of Education employees received and inquired what increase this group received last year.

Ms. Johnson replied the increase was the same.

MOTION (21)

Mr. Seery moved to approve a 2.5% wage increase for non-union (unaffiliated) employees and elected officials of the Town of East Lyme for the 2011/12 fiscal year. The wage increase is to be implemented as follows: 1-1/4% retro-active to July 1, 2011 and 1-1/4% effective January 1, 2012. The 2011/12 salary increase is effective only for employees hired prior to July 1, 2011.

Seconded by Ms. Cheeseman. Motion passed 5-0.

5a. Ex-Officio

Mr. Wilson wished everyone a Merry Christmas. He said he attended the Board of Education meeting and had thanked them for their efforts at Inauguration. He also congratulated the High School football team for receiving an award from the Eastern CT Football Association.

Ms. Cheeseman attended the Town Building Committee meeting and was warmly welcomed. They discussed the field services building, the completion of the LB Haynes roof and the problems that were resolved with the High School boilers.

Mr. Seery attended the Harbor Management meeting where they re-elected Don Landers as Chair. They mentioned that Harbor Master Joe Hitchery was recognized for his efforts during Storm Irene. He said that the river is open for clamming and scalloping and they discussed the Harbor Management Plan noting they would like to do a lot of the work in-house.

Ms. Hardy said she attended the Commission on Aging meeting where their primary concern was the reduction for the elderly in home heating fuel by the State. She also attended the Inland Wetlands meeting and noted that both of these meet on the same night. She may have to request a switch if it becomes problematic to make the meetings.

Mr. Nickerson said making all of these appointments is a tangible reminder of how many people donate their valuable time and talents to make this town such a great place. He said that he met with the unaffiliated group regarding their COLA, and he chaired the Water and Sewer Commission meeting. He said that Dave Putnam is doing a great job combining Parks and Recreation and Youth Services. He attended a department head meeting and a Capital Improvement meeting. He wished everyone a joyous holiday season and a blessed New Year.

5b. First Selectman's Report

Mr. Formica noted that he had instructed Town Planner Gary Goeschel to start the process for a preliminary appraisal on the Huber House.

He said that the facility at Capital Drive is coming along and they will be moving in shortly. He said that we have received numerous applications for the new job of Field Services Manager and he will be scheduling interviews after the holidays. He added that the Union had challenged the position being non-union.

He attended a Save the River Save the Hills annual event.

He attended the meeting hosted by CT DOT about the replacement bridge at the Waterford / East Lyme line on Route 1 noting it should be finished in 2015.

He participated in the Lee Elci Radio Show regarding the Light Parade. He said they had a great turn out and this was the first year with daytime activities. He thanked all who participated.

He attended a number of meetings at the Council of Governments adding that he was elected Vice Chairman for next year and Dan Steward of Waterford was elected Chair.

He said that the Police Contract has been negotiated and he will offer more information at the next meeting.

He was called by the editorial staff at The Day to discuss regional water and there should be an article sometime over New Year's weekend. He said that they laid off 7% of their staff and our reporter Steve Chapaska was included in that layoff.

He attended a fluoride meeting with representatives of the State and many local dentists and there were those in attendance who questioned the need to fluoridate the water.

He met with the Mayor of Montville, New London, Ledyard recently and added that they were wonderfully talented people.

He said he attended the Board of Finance meeting where Ray Hart was elected Chair and Steve Harney elected Secretary.

He attended a Sub Base gathering.

He spoke at the Eastern CT Chamber of Commerce.

He met the First Selectmen of Waterford and Old Lyme to discuss a 3-town regional animal control. He said this subject would come to our agenda at the second meeting in January.

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He said he has attended more meetings regarding Opsail and that East Lyme is in the planning stages for a welcoming ceremony held in conjunction with Celebrate East Lyme which will be on July 6<sup>th</sup> next year. He said that Opsail is the national celebration of the War of 1812.

He noted that the Hope Street Parking Lot was completed and commended Bill Scheer for all of his hard work. He added that the trees that had been planted there cost \$3500 and the East Lyme Public Trust has donated the money for them.

Ms. Hardy inquired about the Field Manager position.

Mr. Formica said that the Human Resource budget had been cut in half over the last year. He said that he had hired a company to review our HR services that we presently provide. He said that he believed we could contract out work for other employees and the field service manager could perform HR services for the new building's personnel. He added that Public Works and Parks and Recreation would be paying ½ of the salary of this new position.

Ms. Hardy inquired about budget deliberations for this year.

Mr. Formica responded that he will be meeting with department heads the first few weeks of January and the Board will start the review process in late January or early February. He said that we will choose dates at the second meeting in January.

MOTION (22)

Mr. Seery moved to adjourn the December 21, 2011 meeting of the East Lyme Board of Selectmen at 8:13 p.m.

Seconded by Mr. Nickerson. Motion passed 6-0.

Respectfully submitted,

Darlene C. Stevens, Recording Secretary