

**EAST LYME BOARD OF SELECTMEN
MEETING OF JANUARY 20, 2010
MINUTES**

PRESENT: Paul M. Formica, Mark Nickerson, Jack Hogan, John Birmingham, Rose Ann Hardy.

EXCUSED: Rob Wilson.

ALSO PRESENT: Finance Director Anna Johnson, Town Planner Gary Goeschel, Attorney O'Connell.

Mr. Formica called the meeting to order at 7:42 p.m. and requested that Dan Munch lead the Pledge.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Nickerson moved to add Item 2d. Appointment – Harbor Management Commission – Ron Johnson to the January 20, 2010 agenda.

Seconded by Mr. Hogan. Motion passed 5-0.

1c. Delegations

Steve Dinsmore or 57 Chesterfield Road said that he was present to read a letter of support into the record from the Harbor Management Commission (Attachment A).

John Bialowans of 61 Walnut Hill Road said that he was in favor of this commission with some restrictions and entered his letter dated January 20, 2010 into the record (identified as Attachment B). He added that Walnut Hill Road has been left out of the Town's road reconditioning program and is in very bad shape.

Pauline Lord noted she was in favor of an agricultural commission especially since farm land is disappearing so fast.

Joan Kwasniewski Bengtson of 67 / 69 Walnut Hill Road noted she was in favor of a permanent commission.

Alicia Geer of 86-88 Grassy Hill Road said that she operates a horse stable and we need to protect our God given right to use our land and she supports the formation of this commission.

Robert Foster of 22A Scott Road said he was in favor of adopting a commission not a committee and that farming is an asset to this community and the small budget necessary should not be a reason not to approve this.

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Norm Peck of 32 W. Main Street said that he was a member of the Zoning Commission and said he was in favor of the formation of this commission.

John Drabik of 18 Drabik Road inquired who of this group files a Schedule f on his 1040 form. He said if the Board wants to form this commission – do it for the right reasons and if it is formed, then EDC or Zoning should be eliminated because of duplication of efforts.

Ruth Mattison if 98 Grassy Hill Road read a letter into the record stressing that the commissioners should be screened and that the members must represent the entire commission (identified as Attachment C.).

Bob Gadbois said he attended the Bd. of Education meeting and heard about a CIP meeting and noted that no agenda had been filed.

Amanda Stazick offered her support for a commission.

William Christiansen supported the message.

Joe Mingo of 397 Boston Post Road said that the State of CT has a farm ordinance that protects the farmers and he is not in favor of fixing something that is not broken. He offered a minority report to be made part of the record (identified as Attachment D.).

Stacy Munch offered support for the formation of a commission.

Kevin Kalal spoke in favor of the commission and added he would like to serve as one of the members.

Francine Schwartz noted that the Plan of Conservation and Development's section 3.5, supports an agricultural commission and she added that she was personally in favor of its formation (Statement identified as Attachment E).

Stuart Mattison inquired if the commission could be made self sustaining.

Ed Jutila of 23 Brainerd Road and 37th District State Representative said that he was in support of the commission and citizen participation should be encouraged. He offered a copy of a letter he had written stating his support (identified as Attachment F.).

Wayne Budney, President of the New London County Farm Bureau voiced his concern about the loss of farm land in CT and added to marginalize this group to just a subcommittee would be an insult.

Jim Marcen of 37 Center Street said he was an oyster farmer and would welcome the opportunity to grow oysters in town.

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Barbara Johnston of 35 Seacrest Avenue said she was a member of the Harbor Management Commission and she was against the formation of this commission.

Bob Gadbois inquired about the lack of agenda for the CIP meeting.

Mr. Formica responded that no meeting would take place without an agenda.

Nancy Kalal of 80 Grassy Hill Road introduced Danny Munch and his show chicken Mercedes. She added that the POCD, page 56 supports the formation of an Agricultural Commission.

Chris Bourque of the New London County Farm Bureau said that he had worked on a right to farm ordinance in Colchester and there is a need to defend our farms. He urged adoption of this commission.

Richard Waterman voiced his support for this commission.

Town Planner Gary Goeschel read a letter into the record supporting the commission (identified as Attachment G).

John Drabik noted that the Town Attorney had written an opinion on the right to farm in East Lyme and stressed that we do not need a town commission to get grants.

1d. Approval of Minutes Meeting of January 6, 2010

MOTION (2)

Mr. Hogan moved to approve the minutes of the meeting of January 6, 2010 as submitted.

Seconded by Mr. Nickerson. Motion passed 5-0.

1e. Consent Calendar

MOTION (3)

Mr. Hogan moved to approve the Consent Calendar for the meeting of January 20, 2010 in the amount of \$868.93.

Seconded by Mr. Nickerson. Motion passed 5-0.

2a. Discussion - Budget Schedules

Mr. Formica suggested that the budget will be presented to the Selectmen at the February 3rd meeting and suggested they wait until that evening to choose meeting dates.

2b. Discussion – Waiver of Insurance – Susan Marko – ELLCC

MOTION (4)

Mr. Nickerson moved to approve the request for an insurance waiver by Susan Marko for dances of the Dancer's Edge Studio at the ELLCC; all practice times to be coordinated with the Parks and Recreation management.

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Seconded by Mr. Hogan.

Mr. Formica commented that he and Mr. Wilson had been working with staff on the rules and regulations however, they were not ready yet.

Mr. Nickerson said that this entity was a commercial business and they should have liability insurance or should be able to get an external binder for an alternate facility.

Ms. Hardy said that she was unclear why we would grant this. She added that we have an ongoing struggle to have enough rooms for all of the events. She inquired if the business was sponsoring the dancers.

Mr. Formica suggested tabling the item and noted that we could get more information and a recommendation from the Parks and Recreation department.

Mr. Nickerson withdrew his motion and Mr. Hogan withdrew his second.

2c. Discussion re: Orchards Subdivision for acceptance of the public improvements including Pear Grove and a portion of Arbor Crossing, Phase III

Attorney O'Connell noted that he had reviewed all the pertinent deeds and the various town departments recommended accepting these portions of the Orchards Subdivision.

MOTION (5)

Mr. Nickerson moved the following resolution:

WHEREAS, the East Lyme Planning Commission has recommended that the Town accept as public highways certain roads and related improvements located in "Phase III" of the "Orchards at East Lyme" subdivision, known as Pear Grove and a portion of Arbor Crossing and more particularly described in deeds pertaining to said roads; and

WHEREAS, the Town Engineer and Director of Planning have determined that said roads and related improvements have been constructed in accordance with the Town's standards and approved plans; and

WHEREAS, the Town Municipal Utility Engineer has determined that the water and sewer lines located in said road have been constructed in accordance with Town standards and as-built plans;

IT IS RESOLVED, that the Board of Selectmen hereby accepts as public highways said roads and related improvements, subject to the developer's execution and delivery of deeds and related documents as approved by the Town Attorney.

Seconded by Mr. Hogan. Motion passed 5-0.

2d. Appointment – Harbor Management – Ron Johnson

MOTION (6)

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Mr. Nickerson moved to appoint Ronald L. Johnson of 11 Town Road, Niantic, CT to serve on the Harbor Management Commission through January 2, 2012.

Seconded by Mr. Hogan.

Mr. Formica read the letter of interest from Mr. Johnson into the record (identified as Attachment H).

Ms. Hardy said that as a shellfish warden, the town is really paying this gentlemen and if he were on our commission, this would be a conflict.

Attorney O'Connell noted that the Charter states that if a town official derives any financial benefit, he would have to disqualify himself.

Mr. Formica suggested getting some clarification on this matter.

Mr. Nickerson withdrew his motion and Mr. Hogan withdrew his second and the item was tabled.

3a. Cell Tower Update

Mr. Formica noted that on February 23rd a public hearing would be held by the Siting Council at Nett Hall to receive testimony.

Ms. Hardy inquired if they had to advertise this hearing.

Mr. Formica responded that they already had and requested that notice be put on the town's website.

3b. Agricultural Commission

Attorney O'Connell reviewed the draft ordinance and pointed out the sections that were redundant with the Charter and or unnecessary.

The Board members reviewed the sections and discussed whether the ordinance should be drafted as a 3 member with 1 alternate or 5 member with one alternate commission; whether appointments should be made 60 to 90 days after adoption; and how many times per year the commission should meet. The consensus was for Town Attorney to make the corrections and deletions and to come back to the February 3rd meeting with a draft ordinance reflecting the Board's comments.

3c. Appointment – Planning Alternate

MOTION (7)

Mr. Nickerson moved to appoint Joan A. Bengtson of 67 Walnut Hill Road, East Lyme, CT as an alternate on the Planning Commission to serve through December 2, 2013.

Seconded by Mr. Hogan. Motion passed 5-0.

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5a. Ex-Officio

Mr. Hogan had no meetings to attend however; he noted that he had drafted a proposed ordinance for the use of golf carts in town. He said that he would be out of town for the next three meetings and suggested having it on the agenda for the second meeting in March.

Mr. Birmingham said that he had attended the Board of Education meeting where their budget which has a 3.5% increase was discussed. He added that they are now looking at a 2-2.5% increase. He also attended the Harbor Management meeting where they were discussing moorings. He added that mooring permits need to be renewed yearly with a \$25.00 fee and they must be received by March 1st.

Ms. Hardy noted she attended a Commission on Aging meeting and that Zoning was meeting tomorrow.

Mr. Nickerson said that he attended the Annual Legislative Meeting for EB. He added that EDC has a new Discover East Lyme brochure and that he presented a proclamation to East Lyme's newest Eagle Scout Kevin Santa Maria. He also attended the Water and Sewer meeting.

5b. First Selectman's Report

Mr. Formica thanked Mr. Nickerson for filling in for him and offered his thanks to everyone for their prayers and wishes during this difficult time.

He attended the annual law enforcement luncheon with Sgt. Blanchette and has begun departmental budget reviews with the Finance Director. He said the budget will be presented to the Board on February 3rd. He attended a Legislative Committee meeting and heard the different initiatives they intend to pursue. He added he will be speaking tomorrow at the DEP since they are looking to further restrict stream flow initiatives. He stressed that this was not the time for this and it was misguided since it forces municipalities to divert much needed funding to defend against these new initiatives. He will be speaking against these regulations. He had a meeting regarding the interconnection of water. He said that the draft audit was complete and will be sent to the State by the end of the month. He noted that a review of established fiscal policies was performed at the COG (Council of Governments) meeting and he also attended the COST (Council of Small Towns) Annual meeting. He said that on the state level, they were looking at mid year cuts and are facing a \$4-5 million dollar deficit.

6. Public Discussion

Joe Mingo said that an alternate position would not be necessary for the Agricultural

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Commission and four meetings would be ample since the Chair could call as many special meetings as he wanted in a year. He added that there was no reason why the Conservation Commission could not handle farming matters.

Mr. Formica noted he had forgotten to mention that Finance Director Anna Johnson is working on refunding package to the town which would realize a \$306,992 savings. He added that the Capitol Drive environmental report had come back clean and we would be going forward with the purchase. He added that the Selectmen's signatures would be necessary for the negotiated sale on February 3rd.

Mr. Hogan said that he will be absent for the next 3 meetings, but would be available by phone.

MOTION (8)

Mr. Nickerson moved to adjourn the January 20, 2010 meeting of the East Lyme Board of Selectmen at 10:24 p.m.

Seconded by Mr. Birmingham. Motion passed 5-0.

Respectfully submitted,

Darlene C. Stevens, Recording Secretary