

EAST LYME BOARD OF SELECTMEN  
MEETING OF JANUARY 5, 2011  
MINUTES

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

ALSO PRESENT: Attorney O'Connell.

Mr. Formica called the meeting to order at 7: 38 p.m. and led the Pledge.

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

1c. Delegations

Bob Gadbois of 358 Boston Post Road said that Selectmen members should be present in order to participate in a meeting. He supported the withdrawal from Ledge Light.

Karen Rak of 27 Black Point Road said that on December 20<sup>th</sup>, she had requested the environmental information on the Mobil Station be released to the public. She added that keeping this from residents does not help. She suggested that the Town look at a website called Sunshine Review for transparency issues and asked that the check registers for the town be put on line.

Don Gerwick of 11 Pleasant Drive said he approved of the Selectmen looking for ways to save money however; withdrawing from Ledge Light was not a sound idea. He added they offer many programs that are useful.

Phillip Delaney of 34 Huntley Court said the Town has to take back the control of expenses and this was an excellent time to make a change.

Karen Rak said that the Ledge Light had expanded their scope of services since the beginning and much of these extra programs were "over the top".

1d1. Approval of Minutes, Special Meeting of December 20, 2010  
MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of December 20, 2010 as submitted.

Seconded by Mr. Wilson.

Aye: Mr. Formica, Mr. Nickerson, Mr. Hogan, Mr. Wilson, Ms. Hardy.

Nay: None.

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

1d2. Approval of Minutes, Special Meeting of December 20, 2010

MOTION (2)

Mr. Nickerson moved to approve the minutes of the special meeting of December 20, 2010 as submitted.

Seconded by Mr. Hogan.

Aye: Mr. Formica, Mr. Nickerson, Mr. Wilson, Ms. Hardy, Mr. Hogan.

Nay: None.

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

1d3. Approval of Minutes, Special Meeting of December 30, 2010

MOTION (3)

Mr. Nickerson moved to approve the minutes of the Special Meeting of December 30, 2010 as submitted.

Seconded by Mr. Hogan.

Aye: Mr. Nickerson, Mr. Hogan, Mr. Birmingham, Mr. Wilson.

Nay: None.

Abstain: Mr. Formica, Ms. Hardy. Motion passed 4-0-2.

1e. Consent Calendar

MOTION (4)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of January 5, 2011 in the amount of \$280.81.

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

2a. Amend Motion for COLA for Unaffiliated Personnel from 12/20/10 Meeting

Mr. Formica recused himself from discussion and voting on this item.

Mr. Nickerson said that the previous motion made at the December 20, 2010 meeting was incomplete and left out some personnel. He noted that an amended motion would have to be made to include those who had been left out.

MOTION (5)

Ms. Hardy moved to amend the motion from the Board of Selectmen meeting of December 20, 2010 to include all omitted unaffiliated personnel working for the Town of East Lyme.

Seconded by Mr. Wilson.

Motion passed 5-0-0.

2b. Appointment of Public Official

Mr. Formica noted that this item would be removed from tonight's agenda and an Executive Session would be held at the next meeting for discussion of Personnel.

2c. Authorize First Selectman to Enter into Agreement for the Regional Probate Courts

Mr. Formica noted that the new regionalized Probate Court District would be housed in East Lyme and the towns of East Lyme, Salem, Old Lyme and Montville comprised the membership.

Attorney O'Connell reviewed this email regarding the salient points of the proposed Probate Court Agreement (identified as Attachment A).

Mr. Formica said that the renovations and repairs have been made to the building and the costs were shared with each town paying 25%. He said that he did not expect any other modifications and that we had set up a separate line item to track the costs of the Probate Court. He suggested adding a renewal clause to the agreement.

Mr. Nickerson commented that this was another good example of regionalization.

Ms. Hardy said that the Judge has a four year term while the agreement lasts for five years and asked if they should be made the same.

Mr. Formica said that the intention is to keep the court in East Lyme and this term was chosen purposely.

Ms. Hardy asked what would happen if one of the towns did not get their budget passed.

Attorney O'Connell responded that there is a system for towns to pay for necessary payments even when a budget has not been approved.

Ms. Hardy said that we are acting as the fiscal agent and we should be charging the other towns for that service.

Mr. Formica said that he would consult with our Finance Director.

Mr. Birmingham said that we are entering new territory with this agreement and suggested adding an additional item to the agreement allowing for a re-opener of the agreement by a majority vote in order to adjust the agreement during the 5-year term.

Mr. Formica requested that Town Attorney review the suggestions.

MOTION (6)

Mr. Nickerson moved to authorize the First Selectman to enter into an agreement for a Regional Probate Court contingent upon Town Attorney approval.

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

Ms. Hardy requested that a copy of the amended agreement be in the next package.

2d. Amend Board of Selectmen Regulations to Include Selectmen Participation by Phone  
Mr. Formica stated that the Selectmen's Rules and Regulations has no provision for members participating in a meeting by phone and that Roberts Rules does not address this either.

Mr. Nickerson said that Attorney Cellamme was present at the Special Meeting in December and when asked if two members could participate by phone, he suggested that something be put in the Rules to address this. He said it was important to have the ability to call in to that meeting since there was a time sensitive issue that had to be decided on by January 1<sup>st</sup>. He said that he was not in favor of members calling in for regular meetings and if we cannot get enough live bodies to make up a quorum, there should be no meeting. He stressed that the members should be present however there should be some provision for special circumstances. He said that perhaps it should be drafted noting that a minimum of 50% of the members available be present.

Mr. Wilson agreed saying this should be allowed but only under special circumstances. He said that he would support another rule allowing phone in participation only under extreme conditions.

Mr. Hogan said that he has to earn a living and many times his job takes him out of town. He said that this should not prevent him from doing his job for the town for which he was elected. He said that tele-conferencing is done every day and phone participation in meetings should be allowed for special circumstances and if a member is called away for job issues, he should be allowed to participate. He agreed that participation was not necessary when one was on vacation only work times. He added that he had been elected by the people and the Board would be denying him his right to participate if he was not allowed to call in.

Mr. Birmingham said if you sit on a Board, you should be expected to attend the meetings. He said events may arise that need immediate action and in that case, he would agree to support phone participation.

Attorney O'Connell noted that Roberts Rules' 10<sup>th</sup> edition has a provision that encourages the Board to adopt bylaws or rules of procedure to accommodate actions. He said it goes on to say that all parties must hear simultaneously – and all must be in the possession of the same materials. He agreed to draft a rule for the Selectmen.

Mr. Formica noted Rule #5 which states the agenda must be mailed and added that the State is permitting emails and this rule should be reviewed.

The consensus of the Board was to table this item until the next meeting.

### 3a. Continued Discussion – Withdrawal Ledge Light Health District

Mr. Formica noted that two members of the Ledge Light Health District were present; Chair of the Board of Directors Kent Sistare and Deputy Director Steve Mansfield. He said that SECOG had been working on creating a new health district for quite some time and that a number of communities were interested. He said that he had attended several meetings on this subject and it made fiscal sense to explore this idea. He said the reason for the December 30<sup>th</sup> special meeting was to comply with State Statute 19a-246 enabling a member town to consider withdrawing from the Health District as of July 1<sup>st</sup> of the upcoming year. He said that there is still more information needed so he was not looking for a decision this evening. He said one of his concerns with the proposed health district is that East Lyme's needs could not be handled by a part time operation. He said after discussion this evening, another meeting with the interested municipalities would be held to air all of the concerns and to review numbers. He added that he had shared the proposal with Ledge Light and they had gone over the numbers and found some discrepancies. He said that he has had concerns about Ledge Light's customer service and said they have gone from regionalization to privatization. He noted that Ledge Light has a significant bank account and just bought property without a mortgage. He said that perhaps savings should be passed back to the participating communities instead of going into a bank account. He suggested that the Board receive more information and make a decision by mid February, in time for the budget.

Mr. Nickerson inquired if Ledge Light was non profit.

Mr. Mansfield responded that they are a governmental agency, formed under State Statute.

Mr. Birmingham said that towns have different needs and perhaps there could be a cost reduction if a program were tailored just for East Lyme.

Mr. Formica said that this year we are paying \$144,000 and next year's figure is \$140,067. He added that we need to plug in true numbers into the spread sheet so that we can see true costs. He added that he had shared his information with Ledge Light in an attempt to get good numbers.

Mr. Mansfield said that food establishment inspections are not even listed.

Mr. Nickerson said that he has received numerous complaints about the fees tripling and asked what was the amount of fees collected in East Lyme and how are their fees determined.

Mr. Mansfield said he would get solid figures on the fees collected and he added that the Board of Directors approve the fees for services. He said that the Board needs to determine the expenses, the cost to participate, the revenues that come back to the district and the savings to businesses and or residents.

Mr. Nickerson asked why we have to pay for the prisoners and asked about the expanded scope of Ledge Light.

Mr. Sistare said that the State Health Department includes them in East Lyme's count, just as the Coast Guard is counted in New London's count.

Mr. Hogan noted that the monthly rate for the office Ledge Light uses is \$375 per month and asked if they pay for the room use for their classes and or parking.

Mr. Mansfield said that they do not reimburse for room use for classes or parking.

Mr. Formica said that more information is needed and he would notify Ledge Light when the item is on the agenda again. He handed out an email from Vijay Sikand MD, part time Director of Health for Old Lyme (identified as Attachment B).

5a. Ex-Officio

Mr. Wilson had no report.

Ms. Hardy had no report.

Mr. Nickerson had no report.

Mr. Hogan said that at the December 7<sup>th</sup> meeting of the Planning Commission Mike Bowers had been re-elected Chair and George McPherson had been re-elected Secretary. He noted that they had discussions about the scenic road ordinance. He said that at their January 4<sup>th</sup> meeting, they continued their regulations review. He said there had been progress on Darrows Ridge and that the street lights were going in. He added that they voted on the 8-24 review for the water interconnection noting that it was consistent with the Plan of Development.

5b. First Selectman's Report

Mr. Formica noted that he had been on a family vacation and thanked Mr. Nickerson for filling in during his absence. He said that furniture had been donated by a town resident for his office. He said that the City of New London had unanimously approved the compact between New London and East Lyme for the water interconnection and that this item would go to the Board of Finance next week.

MOTION (7)

Mr. Wilson moved to adjourn the January 5, 2011 meeting of the East Lyme Board of Selectmen at 9:41 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary

