

EAST LYME BOARD OF SELECTMEN
MEETING OF JANUARY 6, 2010
MINUTES

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

ALSO PRESENT: Attorney Ed O'Connell, Town Counsel

Mr. Formica called the Regular Meeting to order at 7:48 PM, and noted that the cause for the late start was due to technical difficulty with a projector and he apologized for the delay.

Mr. Formica led the pledge of allegiance.

1b. Additional Agenda & Consent Calendar Items

There were none.

1c. Delegations

Mr. Mike Schulz of Lovers Lane East Lyme, voiced his concern about public officials who become elected to office and then resign within a couple of months. He said that after their resignation an individual who did not run for office gets appointed. He said that his comments were directed specifically in reference to the Board of Finance and that the recent appointment of Chairman was not voted by the town's people, and he felt this was wrong.

Mr. Mingo of 397 Boston Post Road, East Lyme, welcomed the new board members. He voiced his concern about two areas of road that he felt were very dangerous. One road being Boston Post Road and the other Flanders Road. He feels the issues could be easily resolved with a paint brush. He also said that he is displeased with the Post Office in Flanders, and that it needs to be removed before there is a tragic accident. He also mentioned the recent tragedies which have occurred in our town, primarily the loss of Woody Scott and that he would like to see the board write a proclamation in his memory. Mr. Bob Gadbois of 358 Boston Post Road, East Lyme said he wanted to echo Mr. Schulz's comments regarding the recently appointed position and he felt it should have been elected and not appointed.

1d1. Approval of Minutes, Special Meeting of December 16, 2009

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of December 16, 2009 as submitted.

Seconded by Mr. Hardy.

There was no discussion.

Motion passed 5-0-1.

Mr. Wilson abstained.

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1d2. Approval of Minutes, Regular Meeting of December 16, 2009

Mr. Nickerson moved to approve the minutes of the regular meeting of December 16, 2009 as submitted.

Seconded by Mr. Hogan.

Discussion: Mr. Hogan stated that on page 2 paragraph 2c. there was a sentence omitted. Following the sentence reading: He suggested that Rob Wilson continue with Parks and Recreation and take on Inland Wetlands. Should be inserted the following: Mr. Formica noted that there was a conflict with Planning and Harbor Management and asked Mr. Hogan to continue with the Planning and the Waterford / East Lyme Shellfish Commission.

Mr. Nickerson added that on page 9, 5a. Ex-Officio Mrs. Hardy had said that she attended the Zoning meeting where they changed their mixed use regulations to allow buildings on Main Street water side to build up to 3 stories etc... Mr. Nickerson wanted to point out that Zoning did not change their mixed use regulations on the water side of Main Street, only on the North side of Main Street and with strict consideration of architectural design. The correct wording for that statement should read as follows:

The Zoning Commission has revised the regulation regarding mixed use development. The building height was increased to 40 feet, but only allowing for 3 floors, with a total maximum square footage of 30,000. The portion of the regulation as it pertains to Main Street remains unchanged at 30 feet for the water side of the street.

MOTION (2)

Mr. Formica moved to approve the amended minutes of the regular meeting of December 16, 2009 as amended.

Motion passed 5-0-1.

Mr. Wilson abstained

1e. Consent Calendar

MOTION (3)

Mrs. Hardy moved to approve the Consent Calendar for the meeting of January 6, 2010 in the amount of \$283.19.

Seconded by Mr. Hogan.

There was no discussion.

Motion passed 6-0-0.

2a. Special Appropriation Emergency Management Equipment (Reimbursable)

Discussion: Mrs. Hardy asked Mrs. Rathbun, Director of Emergency Management, to come up to the microphone to answer questions regarding this Special Appropriation.

Mrs. Hardy asked what the function of the communications trailer would be. Mrs. Rathbun explained that the trailer would be used for emergencies such as a nuclear incident and also contain equipment necessary for other emergencies and allow emergency personnel such as fire and police to bring the necessary equipment to the people in need much faster. Mrs. Hardy asked if the funds were in fact reimbursable and would they be reimbursed in this fiscal year or calendar year. Mrs. Rathbun replied that it would be this fiscal year.

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Mr. Nickerson asked what the trailers life expectancy was, would it be at least 20 years. Mrs. Rathbun replied that yes it would be and there was clarification that the town was responsible for the maintenance of the trailer. Mr. Nickerson also clarified that the equipment to be stored in the trailer was part of the expense, and that the trailer would be stored at EOC and be covered by existing town insurance.

MOTION (4)

Mr. Nickerson moved to approve a Special Appropriation for Emergency Management Equipment as outlined (laptop computer, equipment batteries and communications trailer) in the amount of \$21,955 (NESP reimbursable) and forward to the Board of Finance and Special Town Meeting for action.

Seconded by Mr. Hogan.

There was no further discussion.

Motion passed 6-0-0.

MOTION (5)

Mr. Wilson moved the following Special Town meeting Call:

TOWN OF EAST LYME
NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting to be held on January 20, 2010 at 7:00 p.m. at the East Lyme Town Hall Upper Meeting Room to consider and take action on the following:

1. Special Appropriation \$21,955 – NESP (Nuclear Safety Emergency Preparedness fund reimbursable) for Emergency Management Equipment including a laptop computer and communications trailer.

Dated at East Lyme, CT this 6TH day of January, 2010.

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Seconded by Mr. Hogan.

Motion passed 6-0-0.

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2b. Discussion – Agricultural Committee

Mrs. Hardy introduced Mrs. Joan Nichols from the Ct. Farm Bureau who was there to present information regarding the Agricultural Commission. Mrs. Nichols had a Power point presentation describing the various towns which had an Agricultural Commission. She explained the benefits and also the involvement of the Ct. farm Bureau to support Ct. Agriculture and local farms.

Mrs. Hardy asked Mr. Art Carlson, Chairman of the East Lyme Commission for the Conservation of Natural Resources, Mr. Tom Kalal of 80 Grassy Hill Road, East Lyme, and Mark Christensen of 60 Grassy Hill Road, East Lyme, to come up and sit at the table for a discussion.

Mrs. Hardy asked Mrs. Nichols how the Conflict Resolution aspect of the Agricultural Commission would work. Mrs. Nichols gave an example of an issue in North Branford regarding wetlands. She said she found the Agricultural Commission to be of great benefit in researching and resolving the conflict in an advisory position.

Mrs. Hardy asked what the difference was between an Agricultural Commission versus a sub-committee was there any advantage as far as obtaining grants. Mrs. Nichols did not feel that there was any advantageous difference when applying for grants. Mrs. Hardy asked for statistics showing this comparison within towns that had Agricultural Commissions versus towns that had Sub-committees. Mrs. Nichols said she would look into this and provide what information she obtains.

Mr. Birmingham asked how many farms there were in East Lyme and what benefit would it be for them to have an Agricultural Commission.

Mr. Kalal said that they had not done a census yet but there was a farmers meeting a year ago and 75 people attended. Mr. Christensen felt there was great interest and participation amongst the farmers in East Lyme.

Mr. Formica asked Mr. Don Landers, Chairman of the Harbor Management Commission if he had anything to add. Mr. Landers said that currently the town had 700 acres of land in Niantic Bay leased to Commercial Shell Fisherman. He said that there has been funding from Aquiculture grants to accomplish various things within the commission.

Mr. Nickerson addressed Mr. Kalal, Mr. Carlson, and Mr. Christensen confirming that they represent the Conservation of Natural Resources. He asked what would prevent the town from empowering them to take on a dual roll and assist in Agricultural issues. Mr. Carlson replied that they have considered this, however they are overwhelmed with the work they currently have. Mr. Carlson said that he is very much in favor of having an Agricultural Commission and feels that they would serve a great purpose.

Mr. Formica said that he is in favor of the process with the exception of growing government into another commission. He said he would like to try to accomplish the same goals with a sub-committee and wanted to review further the potential cost of a Commission. Mr. Christensen commented on keeping farms in business and the benefit to the town keeping expenditures down. Mr. Kalal spoke regarding the Guilford Agricultural Commission Meeting he attended and said that they have routinely received up to \$50,000 (dollars) per year in grants and the recording costs and other associated costs are only a few dollars.

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Mr. Carlson said he didn't feel the issue was the cost he said he felt the community deserved a spokesman and needed a dedicated group of people to gather and review information and look for grants.

Mrs. Hardy suggested to Mr. Formica that they have this on the next agenda as an action item to give more people time to address the board regarding this issue.

Mr. Hogan agreed that the item should be on the next agenda but had concern with the wording as it was written and said that there was an amended proposal that needed to be forwarded to Attorney O'Connell.

There was a 10 minute recess due to equipment technical difficulty.

2c. Discussion – Brainerd Road Cell Tower

Mr. Formica said that at the last Board Meeting the Board voted unanimously to oppose the location of the proposed cell tower on Brainerd road, Niantic, and directed him to write a letter to the Ct. Siting Council stating the opposition. Mr. Formica said that per his discussion with Attorney O'Connell they would register the town as an interested party in this matter and also to recommend an alternative site. A letter has been written to this affect and meetings have been attended by both Mr. Nickerson and Mr. Hogan regarding this matter. Mr. Raia of the Pondcliff Association has also come forward to offer the use of property owned and operated by Pondcliff Association as an alternative site and that he would be presenting this offer to the Siting Council.

Mr. Nickerson said that at the meeting he attended the citizens who are concerned about the proposed location voiced their concerns and also had present an attorney from New Haven that specializes in dealing with the Siting Council. This attorney informed the residents that there were several applications for cell towers in process along the coast seemingly to accommodate Amtrak.

Mr. Hogan said that the residents weren't opposed strictly to the cell tower just it's location, and were in agreement to support finding an alternate location

Attorney O'Connell stated that under the statute and the regulations pertaining to the Siting Council the town has several opportunities throughout the process to make its position known. One of the factors for consideration was whether or not the town wanted to become an official or formal party and in other words have a "seat at the table", to force the Siting Council to listen to the town's objections. He said the statute requires that there be a hearing scheduled in the municipality where the tower will be located and that there will be a public hearing scheduled in the Town of East Lyme. He said the meeting during the day will be to discuss technical issues, and in the evening will be a public hearing where people can express their opinions and concerns. He said that a balloon has been flown in the proposed area to show the visibility of the tower from surrounding areas and that the application filed by the Telecommunications company contains photographs of this balloon. On the day of the public hearing this balloon will be flown again. He stated that when the town becomes an official party to the process it will have certain rights but will also involve more responsibility, time, effort and expense.

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The town is currently exploring the situation with its current resources being, Inland Wetlands, the Planning Dept. and experts that are currently on staff. He said that it is common knowledge that this process seems to be driven by Amtrak and their desire to provide wireless service to their customers. He suggested that the town explore the opportunity to share resources and effort with neighboring towns. He also commented that it may be necessary to move some future discussion to executive session.

Mrs. Hardy asked for clarification regarding the time frame of 30 days and could we apply for an extension if needed. Mr. Formica said that the 30 days began from the date of application by the telecommunications company and the town had 7 days prior to the public hearing to submit materials.

Attorney O'Connell said that the first piece of information that the town received was a technical report, followed by the application which was a large collection of papers and exhibits that would need to be reviewed. Following this there would be scheduling conferences with exact dates and exact definitions of the nature and extent of the proceedings. Mrs. Hardy confirmed that Attorney O'Connell would in fact be there to represent the town. Mr. Formica said that they have chosen the date of February 23rd for the public hearing and is looking at the Community Center or the Board of Education auditorium to hold this hearing. The Siting Council will then publish this notice in the paper and the town will have it on the Website and also on channel 22.

3a. Appointments – Boards and Commissions

Mr. Formica stated that he had a correction from the previous meeting. He was appointed to serve on the Southeastern Ct. Water Authority and the correct title is the Water Authority Advisory Board. It was decided to re-sign the appropriate statement.

HARBOR MANAGEMENT / SHELLFISH COMMISSION

MOTION (6)

Mr. Nickerson moved to appoint

Barbara Johnston of 35 Seacrest Avenue, Niantic, CT

William Mountzoures of 88 Smith Street, Niantic, CT

Marvin Schutt of 29 N. Edgewood Road, Niantic, CT

To serve on the Harbor Management / Shellfish Commission through January 6, 2014.

Seconded by Mr. Hogan.

Motion passed 6-0-0.

INLAND WETLANDS

MOTION (7)

Mrs. Hardy moved to appoint

Harold E. Clarke of 76 Giants Neck Road, Niantic, CT

To serve as an Alternate on the Inland Wetlands Commission through January 6, 2014.

Seconded by Rob Wilson.

Motion passed 6-0-0.

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MOTION (8)

Mr. Birmingham moved to appoint

Charles Reluga of 10 Bronson Street, Niantic, CT

Walter Procherena of 420 Boston Post Road, East Lyme, CT

Cheryl Lozanov of 9 West Society Road, East Lyme, CT

To serve on the Inland Wetlands Commission through January 6, 2014.

Seconded by Mr. Hogan.

Motion passed 6-0-0.

MOTION (9)

Mr. Hogan moved to appoint

Ed Hafner of 12 Ferro Court, East Lyme, CT

Joe Mingo of 397 Boston Post Road, East Lyme, CT

To serve on the Inland Wetlands Commission through January 6, 2012.

Seconded by Mrs. Hardy.

Motion passed 6-0-0.

REGIONAL PLANNING REPRESENTATIVE

REGIONAL PLANNING REPRESENTATIVE ALTERNATE

MOTION (10)

Mr. Wilson moved to appoint

Lu Anne Lange of 160 Pennsylvania Avenue, Niantic, CT

To serve on Regional Planning through January 6, 2014. **(Alternate)**

Seconded by Mr. Hogan.

Motion passed 6-0-0.

WATERFORD / EAST LYME SHELLFISH COMMISSION

MOTION (11)

Mr. Nickerson moved to appoint

Erik Kanter of 27 Wells Street Niantic, CT

Peter Harris of 5 S. Ridge Road Niantic, CT

To serve on the Waterford / East Lyme Shellfish Commission through January 6, 2014.

Seconded by Mrs. Hardy.

Motion passed 6-0-0.

YOUTH SERVICES

MOTION (12)

Mr. Birmingham moved to appoint

Lawrence O'Connell of 81 E. Pattagansett Road, Niantic, CT

Paul Lapidés of 39 Romagna Road, Niantic, CT

Linda Fecteau of 18 Oakwood Road Niantic, CT

To serve on the Youth Services Commission through January 6, 2014.

Seconded by Mr. Hogan.

Motion passed 6-0-0.

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Mrs. Hardy asked for a list of current vacancies. Mr. Formica said he would provide her with this information.

5a. Ex-Officio

Mr. Birmingham was unable to attend the library meeting but said that Mrs. Hardy did so in his place. Mrs. Hardy reported that the library board has been discussing placing a filter on the computers used in the children's room. They have voted to install medium filtering due to the fact that occasionally parents of the children are able to use these computers.

Mrs. Hardy reported on the Zoning Commission Special Meeting. She reported that Ed Gada was appointed to fill the vacancy of Regular Member left by Mark C. Nickerson. She said that there was a brief discussion about the cell tower regulations and the public concern and that it was decided they would resume discussion at the Regular Meeting scheduled for the following evening.

Jack Hogan reported that he and Mr. Nickerson attended the meeting on Monday night regarding the cell tower. He also attended the Planning Commission meeting where a number of people were appointed to various commissions and he would gather that information and forward this to Mr. Formica. He said there was a presentation for a subdivision which had to be left open due to the applicant not being ready.

5b. Committee Reports

There were none.

5c. First Selectman's Report

Mr. Formica attended a bridge meeting for Amtrak regarding numerous bridge issues on the shoreline including the two bridges here in Niantic that are going to be replaced. First the railroad bridge in Niantic, they expect to let the contract out some time this week and begin construction shortly. They will be scheduling a meeting with the town and the contractor and notice will be given when that meeting is scheduled. Second, the work is beginning on the bridge in Black Point, they indicated at the meeting that 90 percent of the work can be done during daylight hours although he thinks there might be some problems with noise. Mr. Formica encourages any residents of that area experiencing problems with noise to contact his office as Amtrak has promised to be very responsive to any complaints.

He attended the Chapman Woods Executive Board Committee Meeting regarding the possibility of a developer coming in behind Mr. P's package store, they are working out details involving the use of that road.

He attended the first cell tower meeting on 12-21.

He attended COG Executive Committee and he was elected to that committee as Secretary for this coming term.

He attended a press conference with Congressman Courtney where he announced a grant of \$300,000 (dollars) from the federal government to help jump start a regional interconnection with New London.

He attended a meeting in Hartford with Senator Stillman convened with the Commissioner of Public Safety, to resolve the ongoing differences with the Resident Trooper Contract that we would sign with the state. Mr. Formica said there is language in the contract that he finds problematic and has been working with the commissioner for the last six months, to no avail. He is sorry to say there was no resolution yesterday as well.

Mrs. Hardy asked if this was in any way affecting our coverage. Mr. Formica said he has been assured by the Commissioner that until this is resolved coverage will continue as normal.

Mr. Formica wanted to recognize the overwhelming support of the community over the past few weeks with the passing of both his wife and Mr. Wilson's wife. He said that words could not express the gratitude of both he and Mr. Wilson for the support. He wanted to personally thank everyone in the community for their support. He thanked the Town Hall staff and members of the board for their support and especially Deputy Selectman Mark Nickerson for his availability and support.

6. Public Comment

Mr. Schulz of Lovers Lane East Lyme said it was a good meeting and everything was well done. He felt the Agricultural issue was fantastic and there was nothing more important. He had a question regarding grants being tied in with private business. He said that no one gives him grants while he is business. He wanted to know where the grant money comes from.

Mr. Robert Mattison of 98 Grassy Hill Road, East Lyme said the concept of the Agricultural Commission sounded like a good idea however facing our economic times with people being laid off he didn't feel the cost was justifiable. He said most of the farms in the area were hobby farms. He said it seemed as if the subcommittee had already appointed themselves and he would question that committee about their own practices of filling in wetlands and chemically treating lawns. He urged the board to look into this before making any decisions.

Mrs. Karen Rak of 27 Black Point Road said she is not one to grow the size of government however as far as the agricultural commission goes she would have to say in this circumstance the benefits definitely outweigh the minimal amount of money that would be spent. She said she could think of other commissions to get rid of that were redundant.

Mr. Wilson said he would also like to thank the community for the outpouring of support for both families and wished everyone a better new year.

MOTION (13)

Mr. Formica moved to adjourn the January 6, 2010 Regular Meeting of the East Lyme Board of Selectman at 9:38 PM.

Seconded by Mr. Hogan.

Motion passed 6-0-0.

Respectfully submitted,

Zoe Zrakas, Recording Secretary