

EAST LYME BOARD OF SELECTMEN
MEETING OF JULY 17, 2013
MINUTES

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

ALSO PRESENT: Town Attorney Tracy Collins.

FILED IN EAST LYME
CONNECTICUT
July 18, 2013 AT 12:55 AM PM
Town Clerk, ATC
EAST LYME TOWN CLERK

Mr. Formica called the meeting to order at 7:35 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Nickerson moved to add Item 2d. Resolution – 18 Hill Road – Septic to the July 17, 2013 Board of Selectmen agenda.

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

1c. Delegations

Tax Collector John McCulloch explained the on line bill payment available on the Town's website.

Sally Wade of 392 Boston Post Road asked the Selectmen to adopt an ordinance declaring yellow bamboo a nuisance and not allowing it in East Lyme without a 40 foot setback.

Terry Groff from Preston and the Institute of Bamboo Research reviewed the problems that bamboo causes to the environment and to property.

Joe Mingo of 397 Boston Post Road brought in samples of bamboo and said that it was not on the list of invasive plants because it does not transfer by seed. He said that the town should not create an ordinance since this is a civil matter. Presently the State's Public Act says the Tree Warden, Zoning Enforcement Officer and the Wetlands Official are to enforce. He said that the Wetlands Official cannot go on private property and the Tree Warden can only operate on town owned land so the state law is totally unenforceable.

Dan Wade of 392 Boston Post Road said that bamboo is a town issue and is already on town property. He said that property values will drop where bamboo infestations are present and it is extremely difficult to get rid of bamboo.

1d1. Approval of Minutes, Special Meeting of June 19, 2013

MOTION (2)

Mr. Nickerson moved to approve the minutes of the Special Meeting of June 19, 2013 as submitted.

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

1d2. Approval of Minutes, Meeting of June 19, 2013

MOTION (3)

Mr. Nickerson moved to approve the minutes of the meeting of June 19, 2013 as submitted.

Seconded by Mr. Wilson.

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

Nay: None.

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

1e. Consent Calendar

MOTION (4)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$830.67 for the meeting of July 17, 2013.

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

2a. Unaffiliated COLA

Mr. Formica recused himself from the discussion and vote on this issue since his position stood to benefit.

Ms. Hardy noted that she and Mr. Nickerson had met several times with the negotiating committee for the unaffiliated group. She said that they were recommending an increase of 2.5% effective July 1, 2013 and no other changes in their working conditions.

MOTION (5)

Mr. Nickerson moved to approve a COLA raise of 2.5% effective July 1, 2013 for the unaffiliated employees in the Town of East Lyme.

Seconded by Ms. Hardy.

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

Nay: None.

Abstain: Mr. Wilson. Motion passed 4-0-1.

2b. Resolution – Town Clerk Historic Documents Preservation Grant

Ms. Hardy noted that this grant has been applied for and received for many years.

MOTION (6)

Ms. Hardy moved the following:

RESOLVED: that Paul M. Formica, First Selectman of the Town of East Lyme is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

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

Mr. Formica re-entered the meeting.

2c. Discussion – Samuel Smith House

Attorney Collins said that the Board has three options regarding the duties associated with the Samuel Smith property and that these duties arise from the Historic Preservation Easement and Connecticut law. The first option would be that the Town would monitor the property as it does all town property and perform the duties outlined in the Easement such as opening it for public viewing at least 12 days per year and publishing a notice in the newspaper. She said that the second option would be to designate the property as a historic property by following the procedures set forth in the Statute Section 7-147p and Town Ordinance and give oversight to the Historic Properties Commission. This would require reporting to the DECD and several hearings and publications and amending the Town's current ordinance. She noted that the third option would be to assign the duties to any charitable organization or trust whose purpose is to maintain and preserve historic properties. She added that the Selectmen could not assign responsibility to the Friends of Samuel Smith since it was not yet a charitable organization.

MOTION (7)

Ms. Hardy moved the following:

RESOLVED, to request the Historic Properties Commission to conduct a study and submit a report to the Department of Economic and Community Development, the Planning Commission, the Zoning Commission and the First Selectman regarding the proposed designation of the Samuel Smith House as a Historic Property and to hold a public hearing thereon, all pursuant to Connecticut General Statutes Section 7-147p, et seq.

Seconded by Mr. Seery.

Atty. Collins noted that the Board of Selectmen are the owners of the property and could reject the report when offered.

John O'Neill, Vice President of the East Lyme Historical Society said that the process for forming a commission and adding a new property are the same and they are familiar with the process.

Motion passed 6-0.

2d. Resolution – 18 Hill Road – Septic

Mr. Formica noted that this item had been added to the agenda for action so that the property owners could address the problem. He said that sewage system on 18 Hill Road had collapsed and they were proposing to utilize the unpaved and untraveled portion of the right-of-way in front of the property to install a new leaching system. This same problem occurred in 1986 to a neighboring property and Attorney Marrion's letter along with Board of Selectmen meeting minutes were included for the Board's perusal to see how it was addressed in the past. He said that the Director of Public Works had sent a memo noting he had reviewed the material and that he supported the plan.

MOTION (8)

Mr. Nickerson moved the following:

RESOLVED, that the Board of Selectman has no objection to the installation of septic facilities under the portion of Hill Road adjacent to the premises known generally as 18 Hill Road, on the condition that the Town Engineer be satisfied that the septic system be constructed and installed in a manner that will not create a hazard for the traveling public, and that the property owners obtain all necessary permits for such work.

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

Ms. Hardy inquired if the Board had any interest in discussing the bamboo issue this evening.

Mr. Wilson noted that there were numerous pages of material to review and he suggested we have this on the next agenda.

5a. Ex-Officio

Mr. Wilson had no report.

Mr. Seery said that he attended the Board of Education meeting and they had extended the Chartwell contract. He said that there was discussion about the elementary school process and they approved entering into a contract with a firm to come up with potential plans and costs. He said that Dr. Lombardo estimated the cost of this would be between \$35,000 and \$60,000 but gave no indication of where the funding would come from. He also attended the Harbor Management meeting.

Ms. Hardy attended the Natural Resource meeting and noted that on July 21st they would be sponsoring an open farm day at 3 farms in the Flanders area.

Ms. Cheeseman attended the Zoning Commission meeting where there were 3 public hearings. The first was to amend the regulations for parking allowing spaces in front of the business to be included in the total computation for parking. The second public hearing was for amending the zoning regulations for flood hazard areas which was approved. The third public hearing was to amend the zoning regulations for the keeping of poultry.

Mr. Nickerson had no report.

5b. First Selectman's Report

Mr. Formica noted that he had attended the High School Graduation.

-He attended a meeting with Mayor Finizio and First Selectman Steward regarding a report on potential combination of dispatch services for the three towns. It was determined that the combinations were feasible and would enhance efficiencies and they agreed to move to create an implementation schedule. He said he expects to have three different scenarios to bring to the Board about regionalizing dispatch services in the near future.

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-He attended a meeting regarding the four town animal control facility with Montville, East Lyme, Waterford and Old Lyme. He added that over \$120,000 had already been raised by the group wanting to improve the Waterford/EL facility.

-He attended the regional water interconnection ground breaking last week.

-He has attended meetings at York Prison where there was a fuel leak on our level A aquifer. He said the state is monitoring the area on a daily basis and we are observing mandatory water conservation on weekends because of this problem.

-He attended a meeting with the Assistant Deputy Commissioner regarding an emergency exit for Giants Neck Heights through the Park.

-He attended a reception for Library volunteers.

-He attended numerous Council of Government meetings where they were discussing the merger of the COG's. He said that the DOT has moved to take over SEAT and the cost of the fuel leak. He said that they will be appointing different representatives to SEAT in the near future.

-He attended the Board of Finance meeting.

-He said that we held a note sale where we got a rate of .21% on five million dollars.

-He participated in the first Mike Giannattasio Living Water Golf Tournament and teamed up with Mark Nickerson. He said the event raised money for wells for Haiti in Mike's honor.

-He attended at JLUS meeting and would be informing the Board about this in the future.

-He noted that Saturday, July 20, 2013 is Celebrate East Lyme.

6. There was no public comment.

MOTION (9)

Mr. Wilson moved to adjourn the July 17, 2013 meeting of the East Lyme Board of Selectmen at 8:58 p.m.

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

Respectfully submitted,



Darlene C. Stevens, Recording Secretary