

EAST LYME BOARD OF SELECTMEN  
MEETING OF JUNE 20, 2012  
MINUTES

PRESENT: Paul M. Formica,

1b. Additional Agenda 7 Consent Calendar Items

1c. Delegations

Creig Peterson of 56 Walnut Hill Road said that he was pleased with the vote on Walnut Hill Road. He requested that the work be done as soon as possible.

John Bialowans of Walnut Hill Road noted he wanted to publicly apologize to Mr. Formica. He said that he was so passionate about Walnut Hill Road and that he wanted the repairs to be completed in his lifetime.

Joe Mingo of 397 Boston Post Road noted that he had apparently offended some of the bureaucrats downstairs. He said that this town is governed by boards, commission and committees with agendas and minutes and he does not want decisions made from downstairs.

John Drabik of 18 Drabik Road asked how certain roads are deemed town roads and therefore, get repaired with town funds. He said that he still had a question about a new backhoe being purchased because the old one was going to be auctioned off and now the town has two operating backhoes. He said the town's check book should be put on line.

Ron Rando of 194 Boston Post Road said that many people did not understand how the town worked out the mill rate after the referendum. He said that they thought that the increase would be .5 mills and it was not. He said that businessmen want to come into town and there is an employee who says that "we don't want that type of business in town". He asked who has the last say on businesses coming to town and added that he always said that if he were elected First Selectman he would clean house downstairs.

Karen Rak of 22 Black Point Road said that she wants to see the check register on line along with contracts, road schedules, sidewalk schedules and roofing schedules with the understanding that they could be changed. She said she did not question the validity of the endeavor, but the town should not fund any endeavor to purchase the Samuel Smith property.

Barbara Johnston of 35 Seacrest requested that the Selectmen offer the group interested in purchasing the Samuel Smith property time and added this is history.

Creig Peterson said that there is digging and construction on the former North American Wildlife property with Landino trucks and asked what was going on. He said he had checked downstairs and no permits had been taken out.

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LuAnne Lange, Chair of the Historic Properties Commission said that there is a great deal of interest in the Samuel Smith property and a lot of mis-information out there. She said that the chimney and siding of the house had been checked and they were awaiting estimates for that work. She said the house does consist of 3 different time periods which is common and if there are any architectural sites on the property, work can be done around them with the aid of architectural easements.

Presentation – Rotary Check

Rotarians Dick Gada and Esther Williams accompanied by Rotary President Sue Wheeler presented Mr. Formica with a check for \$15,000 for a digital sign to be installed at Flanders Four Corners.

1d. Approval of Minutes, Regular Meeting of June 6, 2012

MOTION (1)

Mr. Nickerson moved to approve the minutes for the Board of Selectmen meeting of June 6, 2012 as submitted.

Seconded by Mr. Seery.

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

Nay: None.

Abstain: Ms. Cheeseman. Motion passed 5-0-1.

1e. Consent Calendar

There was none.

2a. Appointment – Part time Constable

MOTION (2)

Mr. Wilson moved to appoint Paul T. Holmes of 9R Center Road, Waterford, CT to serve as a part time constable through December 31, 2012.

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

2b. Sign Call – Public Hearing – Water Conservation Measures

Mr. Formica noted that a water shortfall was a yearly occurrence however; he hoped that with the interconnection being built, the problem would end.

MOTION (3)

Mr. Nickerson moved the following Call:

BOARD OF SELECTMEN  
NOTICE OF PUBLIC HEARING

The East Lyme Board of Selectmen will hold a public hearing on June 28, 2012 at 6:00 p.m. at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, to consider water conservation measures proposed to be imposed pursuant to the East Lyme Water Supply Emergency Ordinance, as follows:

Water restrictions will be in effect from 9:00 a.m. on Friday through noon on Monday of each week until further notice.

The following restrictions will apply to all customers of the East Lyme Water System:

- 1) Prohibiting the sprinkling, watering or irrigation of lawns.
- 2) Prohibiting washing of motor vehicles, boats and trailers and the outdoor surfaces of all buildings and structures, sidewalks and driveways.
- 3) Prohibiting the filling or cleaning of swimming and wading pools.
- 4) Prohibiting the service of water to customers of public restaurants except at the specific request of customers.

Persons found violating any provision of the restrictions imposed by the Board of Selectmen shall be fined not more than ninety-nine dollars (\$99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. These restrictions are effective as needed and will remain in effect until further notice.

Interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut on this 20<sup>th</sup> day of June, 2012

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

2c. Approve Expenditures – Nicholas Parahus Account

MOTION (4)

Mr. Nickerson moved to approve the following expenditures for the Commission on Aging from the Parahus Account:

1. WB Mason - \$4000 – new office furniture for the Senior Center Office.
2. \$400. for the collages from 2011 and 2012 Celebrate 90+ Tea
3. \$212.16 to reimburse Ms. Wilson for frames.

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

2d. Resolution Authorizing First Selectman to Sign all Grant Applications for 2012 / 2013

MOTION (5)

Mr. Nickerson moved the following:

RESOLVED, that Paul M. Formica, First Selectman of the Town of East Lyme, CT is hereby authorized and directed to sign all grant applications and execute and deliver any and all documents on behalf of the Town of East Lyme for FY 2012/ 2013,

and to do and perform all acts and things which he deems necessary or appropriate to carry out the terms of such documents, including but not limited to executing and delivering all applications contemplated by such documents.

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

2e. Special Appropriation \$400,000 – STEAP Grant – Continuation of Main Street Streetscape Project Phase III

MOTION (6)

Mr. Nickerson moved to appropriate the \$400,000 STEAP grant to continue construction of the downtown Main Street Streetscape Phase III including portions of new sidewalks, brickwork, granite curb, trees, streetlights and other aesthetic streetscape treatments and send to the Board of Finance for approval.

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

2f. Special Appropriation \$754,670 – Equipment Acquisition – Public Works

Mr. Formica noted that this amount was approved in the budget but now we needed to appropriate it.

MOTION (7)

Mr. Nickerson moved the following:

RESOLVED, to approve an appropriation in the amount of \$754,670 for the purpose of acquiring by way of lease or purchase various vehicles more particularly described in the Town's FY 2012/2013 Equipment Acquisition Plan, as evidenced by one or more agreements for the acquisition of said vehicles by lease or purchase or a combination thereof, for a total price of \$729,000 plus interest at the rate of 1.37% per annum, payable in annual installments of \$150,934 (\$12,578/month) over a period of five (5) years. The First Selectman is authorized, in the name and on behalf of the Town, to execute and deliver any documents that may be required in connection with said transactions and send to the Board of Finance for approval.

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

2g. Special Appropriation \$234,045 – Computer Acquisition Program – BOE

Mr. Formica noted that this was year 2 for the technology upgrade for the Board of Education.

Ms. Cheeseman inquired if the smart boards could be moved once installed.

Ms. McKenney answered in the affirmative.

MOTION (8)

Mr. Wilson moved the following resolution:

RESOLVED, to approve an appropriation to the Board of Education in the amount of \$234,045 for the purpose of acquiring by way of lease or purchase or a combination thereof, various new computer and smart board equipment for the High School, Middle

School, Niantic Center School, Lillie B. Haynes, Flanders School and the Central Office more particularly described in the East Lyme Public Schools Proposed Year One Computer Replacement Plan 2012/13 for the total amount of \$226,084 plus interest at the rate of 1.37% per annum, payable in annual installments of \$46,809 (\$3,901/month) over a period of five (5) years and send to the Board of Finance for approval.

Seconded by Mr. Seery.

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

Nay: None.

Abstain: Ms. Hardy. Motion passed 5-0-1.

2h. Sign Call – Special Town Meeting – July 18, 2012

MOTION (9)

Mr. Seery moved the following Call:

TOWN OF EAST LYME  
NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting to be held on July 18, 2012 at the East Lyme Town Hall Upper Meeting Room at 7:00 p.m. to consider and take action on the following:

- Special Appropriation in the amount of \$400,000 – STEAP Grant – Continuation of Main Street Streetscape Project – Phase III
- Special Appropriation in the amount of \$754,670 for Equipment Acquisition Plan
- Special Appropriation in the amount of \$ 234,045 for computer acquisition program

Dated at East Lyme, CT this 20<sup>th</sup> day of June, 2012

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

2i. Possible Action re: Holmes vs. Town of East Lyme

Mr. Formica said that no action would be taken on this item at this time.

2j. Appointment – Building Official

MOTION (10)

Mr. Wilson moved to appoint Joe Smith of 73 Flanders Road, Niantic, CT to serve as Chief Building Official for the Town of East Lyme through June 15, 2016.

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

3a. Discussion – Samuel Smith House

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Mr. Formica said that the second appraisal is ready although he has not seen it as yet. He said that once it is in and reviewed, they will commence negotiations with the property owner.

Ms. Hardy suggested calling a special meeting in order to have an Executive Session on July 18<sup>th</sup> so that the Board could discuss the appraisal and the negotiations.

The consensus of the Board was to have the Special Meeting start at 6:15 p.m.

5a. Ex-Officio

Mr. Wilson had no report.

Ms. Cheeseman attended the Town Building Committee meeting where they discussed the new athletic complex. She added that they were happy that they were now in the loop. She added that the Library will be hosting a tribute reception in honor of retiring Director Bill Deakyne on Saturday, June 30<sup>th</sup> from 1-4:00 p.m. and noted everyone was invited. She said that it would take place in the main meal room at the Community Center.

Mr. Seery attended the Harbor Management meeting and noted that 238 moorings had been renewed. He said there was discussion about the old police boat which would be shared with Waterford. He said that the Finance Director was attending the next meeting to discuss finances and where the mooring permit money goes.

Ms. Hardy noted that the Zoning Commission would meet on June 21<sup>st</sup>. She said that there will be a discussion about increasing the size of outdoor patios for outdoor dining adjacent to town sidewalks. She said that they have also received a request from Peter Tytla to change the zoning from commercial to RU 40 at 91 Boston Post Road. She said there will also be a discussion on increasing the number of properties with shared parking on Main Street.

Mr. Nickerson said he attended the Parks and Recreation meeting where there was a presentation from the group supporting the Samuel Smith property purchase. He said that they were also considering a request to make all of our parks and beaches smoke free. He also attended the Economic Development Commission meeting and they also had a presentation from the group supporting the Samuel Smith property purchase.

5b. First Selectman's Report

Mr. Formica noted he attended the following functions over the last few weeks:

-CCM Annual Meeting where he was elected to serve on the Board of Directors for the upcoming year.

-Amtrak boaters meeting where the bridge's progress was discussed and a mid July closure reviewed. He said the closure will be from 9:00 p.m. Sunday 7/15 until late in the evening of July 17<sup>th</sup>.

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- He attended the annual meeting of Niantic Main Street.
- He hosted a meeting with the Land Use department.
- He attended a retirement party in honor of Montville's Mayor Jaskiewicz.
- He attended the open house at the Lee House.
- He attended an open house at Three Belles Marina.
- He presented a proclamation in honor of Dairy Queen's 60<sup>th</sup> Anniversary.
- He attended the wake and funeral for Bob Bulmer and sent condolences to the family.
- He met with the Board of Directors from St. John's Church about the potential of increasing the parking for Hole in the Wall with property from behind the church.
- He met with the HR Consultant and discussed the Employee Manual updates and job descriptions.
- He attended a meeting with DEEP at the Hole in the Wall.
  - He attended the Darrows Pond Grand Opening Celebration hosted by the Trust for Public Land.
- He attended the Flanders Health Care Open House.
- He took part in a Board of Finance meeting.
- He took part in a forum to develop Connecticut's transit future and affordable housing.
- He spoke at the Attawan Beach Annual Meeting.
- He attended a Council of Governments and Route 11 meeting.
- He attended a press conference for Opsail which will take place in New London on July 7<sup>th</sup> and 8<sup>th</sup> with the opening ceremonies at McCook's at 4:00 p.m. on July 6<sup>th</sup>. He said that there will be a dinner for the crew and navy and coast guard dignitaries which is being paid for by area businesses and added that the Nickerson Band will be playing.
- He noted that bids were opened for the athletic complex and parking lot and they came in under the budgeted number.
- He attending a meeting regarding the on-going status of SEAT.

-He thanked our IT Person Carmen Ames and introduced our new Intern who will be filming the meetings; Matson McCrabb.

6. Public Discussion

Marvin Schutt of 29 N. Edgewood entered pamphlets with the latest information about the Samuel Smith property into the record (identified as Attachment A).

Ron Rando of 194 Boston Post Road said he could not believe that the Board was thinking of investing money for the Samuel Smith House. He said that the property has been on the market for four years, is over priced and we should not invest a dime. He asked how much the legal fees were so far for the lawsuits by Mr. Holmes against the Town.

Mr. Formica responded that the grievance and arbitration which was lost cost the town in excess of \$100,000. He said that the federal case presently is being paid by the insurance company.

Mr. Rando expressed frustration over the on-going status of this matter.

Karen Rak asked if either the Selectmen or the Board of Finance receive an accounting of the legal fees incurred by the Board of Education.

Mr. Formica responded “only during budget time”.

MOTION (11)

Mr. Wilson moved to adjourn the June 20, 2012 meeting of the East Lyme Board of Selectmen at 9:24 p.m.

Seconded by Mr. Nickerson. Motion passed unanimously.

Respectfully submitted,

Darlene C. Stevens, Recording Secretary