

EAST LYME BOARD OF SELECTMEN  
MEETING OF MARCH 16, 2011  
MINUTES

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

Mr. Formica called the meeting to order at 7:42 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 he strongly objected to Selectmen being able to call in to meetings. He thanked Mr. Nickerson for his comments against this practice. He said that if this is passed tonight, they should be allowed to call in for the Delegation comments. He added that Karen Rak felt like he did and that these people are elected to be here, not on the phone.

1d1. Approval of Minutes, Special Meeting of March 2, 2011

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of March 2, 2011 as submitted.

Seconded by Ms. Hardy.

Aye: Mr. Formica, Mr. Nickerson, Mr. Birmingham, Ms. Hardy.

Nay: None.

Abstain: Mr. Hogan, Mr. Wilson. Motion passed 4-0-2.

1d2. Approval of Minutes, Special Meeting (2) of March 2, 2011

MOTION (2)

Mr. Nickerson moved to approve the minutes of the Special Meeting (2) of March 2, 2011 as submitted.

Seconded by Mr. Hogan.

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

Nay: None

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

1d3. Approval of Minutes, Regular Meeting of March 2, 2011

MOTION (3)

Mr. Nickerson moved to approve the minutes of the Regular Meeting of March 2, 2011 as submitted.

Seconded by Mr. Hogan.

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

Nay: None.

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

1e. Consent Calendar

MOTION (4)

Mr. Wilson moved to approve the Consent Calendar for the meeting of March 16, 2011 in the amount of \$14,869.52.

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

2a. Discussion / Approval – Capital Improvement Plan

Mr. Formica reviewed the 5-Year Capital Improvement Plan (identified as Attachment A) stressing those improvements that were to be accomplished in 2011/2012. He pointed out the binder which contained the just finished Board of Education Feasibility Study. One of the items he noted on the Capital Plan was the carpeting for the downstairs in Town Hall. He said he is reviewing the need for a large Ledge Light office in Town Hall since Ledge Light just purchased a new building in New London and might relocate their office there. He said then he was thinking of re organizing the Building, Zoning and Planning offices and having a corner there for Ledge Light. He added that this would mean we would lose the \$4400 rental. He said there might be the potential to set up a meeting room in the present Ledge Light office.

Mr. Wilson said that some of the schools have ADA issues that should supersede other issues and asked if things are prioritized on the list.

Mr. Formica said that the Board of Education controls their buildings and they were asked what they wanted to bring forward. He said that they brought one item forward. He noted the memorandum from Dr. Lombardo, Superintendent of Schools (identified as Attachment B). He said that he is getting a lot of calls about the turf field that the Board of Education approved and many want to know what we will do about it.

Mr. Wilson said that we have to look at the whole picture and get the biggest bang for the buck. He added that this is a wish list after the first year and everything does not come to fruition. He said these are items that we believe are necessary, good intentioned, planned well and needed but that some other item might come up to supersede what is on the list.

Mr. Formica said that each of these items has to be approved by the Selectmen, Board of Finance and Town Meeting or Referendum. He suggested including the plan on the next agenda

Ms. Hardy noted that she would like more time to review this plan. She said that we shouldn't approve a plan where we only agree with the first year and then switch other

items in future years. She said if we approve this for five years, we should be committed to the five years.

Mr. Wilson asked if we have ever approved a five year plan and completed everything for all five years.

Ms. Hardy said “Yes, a few years.”

The consensus of the Board was to take action on this item.

MOTION (5)

Mr. Nickerson moved to approve the Capital Improvement Plan as presented for the Fiscal Year beginning 7/1/2011/12 – 2015/16 and forward to the Board of Finance for their consideration.

Seconded by Mr. Wilson.

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

Nay: None.

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

Mr. Formica noted he had the Board and Commission vacancies on the Town’s website.

2b. Accept Resignation – Walter Prochorena – Inland Wetlands

MOTION (6)

Mr. Nickerson moved to accept the resignation of Walter Prochorena from the Inland Wetlands Agency effective immediately.

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

2c. Appointment – Keith Hall – Inland Wetlands

MOTION (7)

Mr. Nickerson moved to appoint Keith Hall of 35 Webster Road, East Lyme, CT to serve on the Inland Wetlands Agency through January 6, 2014.

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

2d. Appointment – Brian Donohue – Economic Development Commission

MOTION (8)

Mr. Nickerson moved to appoint Brian Donohue of 18 Beckwith Street, Niantic, CT to serve on the Economic Development Commission through January 2, 2012.

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

3a. Discussion / Action – Amend Board of Selectmen Meeting Regulations – Phone Participation

Mr. Formica noted that upon review, Number 1 should be three members not four since the person on the phone would make the quorum.

Mr. Hogan said that on Number 6 should be treated on a case by case basis. If the item does not substantially change that is to be voted on and the change does not have a huge impact, then the phone participant should vote. He agreed that three members should be physically present for a meeting.

Mr. Birmingham said he wanted to stick to four members present. He said if a situation arises and a member cannot be at a meeting, perhaps the other members present should vote on if a member could participate by phone.

Mr. Nickerson noted that without a quorum present, no vote could be taken.

Attorney O'Connell stated that this is not a legal issue; it is up to the board.

Mr. Wilson said that he would rather see business handled than have a meeting postponed.

Mr. Hogan said that they were breaking new ground and that Town Attorney could not find rules on this item in any other town. He said that this would give the board a good starting point.

#### MOTION (9)

Mr. Hogan moved to accept Rule 12, draft #2 with a change to Number 1 from four members to three members.

Seconded by Mr. Wilson.

Mr. Nickerson said that he strongly opposed to this and that there were no regulations from any other town because this is government and business should be handled in front of those we represent. He added that he was not sure this would be the type of government the townspeople wanted or deserved.

Ms. Hardy said this Rule would be helpful in an emergency situation. She added that we seldom do not have a quorum but suggested that we give it a try. She added that it was better to have an elected member participating than not.

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

Nay: Mr. Nickerson.

Motion passed 5-1.

#### 5a. Ex-Officio

Mr. Hogan attended the Planning meeting and they were reviewing a potential amendment to the Scenic Road Ordinance regarding mailings.

Mr. Wilson noted that the Parks and Recreation meeting had been cancelled.

Mr. Birmingham attended the Harbor Management meeting and they were revising a Memorandum of Understanding for shell fishing in town. He said that they were also reviewing a request for commercial clamming in the river.

Ms. Hardy had no report. She added that the Zoning public hearing will continue tomorrow regarding proposed affordable housing units off Upper Pattagansett Road. She added that she will not be able to attend and Mr. Nickerson has said he will attend in her place.

#### 5b. First Selectman's Report

Mr. Formica said that the Niantic River Compact had been signed by four CEO's (identified as Attachment C).

He said that he is meeting with the Police Union regarding contract negotiations. He is also talking to the fire departments and Council #4 regarding extending their contracts.

He met with the Lt. Colonel of the State Police and three other new members. He also met with the Comptroller regarding the percentage of fringe benefits on the Resident Trooper invoices. He said that Governor Malloy opposes the present 70-30 split and is recommending towns pay 100% of wages and benefits.

He attended a town meeting of Flanders School second graders.

He attended the Flanders Fire Department annual banquet.

He was a judge for the Chili Contest at Boats Inc.

He attended the High School Class play and said the talent there is remarkable.

He attended a number of meetings regarding the regional water project.

He met with Baker Salisbury and Steve Mansfield from Ledge Light.

He continued meeting with individual departments on customer service.

He met with Mark Hammond from the Navy on Dodge Pond.

He said that he attended a meeting about Opsail 2012 and said that the tall ships would be returning in July of 2012 and they want us to host some of the ships. He added that we may change the date for Celebrate East Lyme for next year to coincide with the tall ships arrival.

He attended a meeting in Waterford where they discussed resource sharing for dispatch and other departments such as public works.

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He said that he, Mr. Nickerson, and Mr. Wilson will be marching in the Parade in New London for St. Patrick's Day.

MOTION (10)

Mr. Nickerson moved to adjourn the March 16, 2011 meeting of the East Lyme Board of Selectmen at 9:02 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary