

EAST LYME BOARD OF SELECTMEN  
MEETING OF MARCH 17, 2010  
MINUTES

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

ALSO PRESENT: Finance Director Anna Johnson, Town Attorney Tracy Collins.

Mr. Formica called the meeting to order at 7:32 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 he attended the Board of Finance meeting last week and was shocked when someone got up to speak and were told to "Make it short".

Tony Attanasio of 97 W. Main Street said he was unable to attend the public hearing, but he had read the minutes. He said that local control is always preferable to state control.

Mark Christiansen referred to a letter from the Chair of the Agricultural Commission in Guilford supporting the quest for a commission and noting that they had received a grant from the state and there was minimal cost to the Town of Guilford for this commission.

Barbara Johnston of 35 Seacrest Avenue spoke in favor of the proposed golf cart ordinance. She said the list of shellfishing leases has not been updated and was incorrect.

Marvin Schutt of N. Edgewood Road said that he had received the number of leases from the Chair of the Harbor Mgt. / Shellfish Commission, Don Landers.

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

Mr. Nickerson moved to approve the minutes of the Special Meeting of March 1, 2010 as presented.

Seconded by Mr. Wilson.

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

Nay: None.

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

1d2. Approval of Minutes, Special Meeting of March 3, 2010

Mr. Formica noted that the minutes should reflect that Mr. Hogan was excused.

MOTION (2)

East Lyme Board of Selectmen Meeting of March 17, 2010 minutes

Mr. Nickerson moved to approve the minutes of the Special Meeting of March 3, 2010 with the noted correction.

Seconded by Mr. Wilson.

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

Nay: None.

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

1d3. Approval of Minutes, Special Meeting of March 3, 2010

MOTION (3)

Mr. Nickerson moved to approve the minutes of the Special Meeting of March 3, 2010 as presented.

Seconded by Mr. Wilson.

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

Nay: None.

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

1d4. Approval of Minutes, Public Hearing of March 3, 2010

Mr. Formica noted that these minutes should also reflect that Mr. Hogan was excused.

MOTION (4)

Mr. Nickerson moved to approve the minutes of the Public Hearing of March 3, 2010 with the noted correction.

Seconded by Mr. Birmingham.

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

Nay: None.

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

1d5. Approval of Minutes, Regular Meeting of March 3, 2010

MOTION (5)

Mr. Wilson moved to approve the minutes of the regular meeting of March 3, 2010 as presented.

Seconded by Mr. Nickerson.

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

Nay: None.

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

1e. Consent Calendar

MOTION (6)

East Lyme Board of Selectmen Meeting of March 17, 2010 minutes

Mr. Nickerson moved to approve the Consent Calendar for the meeting of March 17, 2010 in the amount of \$9040.36.

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

2a1. Budget Transfer - \$4884 for 2007/08 SEAT Invoice from Contingency

Mr. Formica said that this bill had been received in June of 2007 and there had been several referendums that year. He said the Town was operating under emergency orders paying only necessary expenditures. He added that this bill was set aside and had fallen through the cracks.

Mr. Birmingham asked if this was the total amount of the invoice.

Finance Director Anna Johnson said that this amount had been included in the budget, but not for the full amount that we had been invoiced.

MOTION (7)

Mr. Nickerson moved to approve a transfer in the amount of \$4884 from account 0-01-01-120-200-500 (Contingency) TO ACCOUNT 0-01-01-114-300-245 (SE COG / CRED/CCM) for the SEAT invoice for the 2007/08 fiscal year and forward to the Board of Finance for their approval.

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

Motion passed 6-0.

2a2. Budget Transfer \$6776 to Fees – ACO from Payroll Contingency

Mr. Formica noted that this additional funding is due to the fact that the Animal Control Officer is a Waterford Police Officer and his salary was adjusted subject to contract negotiations.

MOTION (8)

Mr. Nickerson moved to approve a transfer in the amount of \$6776 from account 0-01-01-120-100-500 (Town Payroll Pending PR Change) to account 0-01-25-226-100-215 (Fees – ACO) to fund the balance of the amount due to the Town of Waterford for ACO payroll and for a part time ACO and forward to the Board of Finance for their approval.

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

2b. Authorize First Selectman to Execute Documents for BOE Niantic Center School Phone System

Mr. Formica noted that this request had passed and authorization was needed to execute the documents.

MOTION (9)

Mr. Nickerson moved the following:

WHEREAS, the Board of Selectmen on March 3, 2010 and the Board of Finance on March 10, 2010 approved an appropriation to the Board of Education request for acquiring by way of lease or purchase or a combination thereof, a new telephone system and related equipment for Niantic Center School over a 5-year period. The total cost for the financing being up to \$34,000. The First Selectman is authorized, in the name and on behalf of the Town for the Board of Education, to execute and deliver any documents that may be required in connection with said transaction.

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

3a. Discussion – Ordinance Establishing an Agricultural Commission

Mr. Formica read a letter from Dick Waterman into the record (identified as Attachment A).

Mr. Hogan said that this matter had been discussed extensively for well over a year and he supported the adoption of the ordinance establishing an advisory commission. He said that the POCD endorsed the idea, the Planning Commission, and the Harbor Management Commission.

Mr. Wilson said “when townspeople come together for a reason, we have to take that into account and listen and that we would be better off having it than not.” He said he supported the ordinance.

Mr. Birmingham said that he had heard both sides and stressed that everyone wants to preserve farmland and open space. He said that there already are a lot of local resources to protect the farming; Planning, Conservation and the Zoning Commissions. He said there are also state and federal sites available. He suggested space on the Town’s website to promote agriculture and having a booth at Celebrate East Lyme. He reviewed the supplied list of farms in town. He questioned if all the farms on the list were viable since even he was on the list. He noted he had two horses that were largely pets and several others had “back yard horses”. He said that ten of the farms produce flowers and produce and of that, 4-5 are of one family. He said that the 3-6 other farmers raising flowers and produce had not come before this board to support the ordinance. He questioned if we really need it.

Ms. Hardy said that this has been discussed for well over a year and it came about as a result of a grass roots citizen request and noted that considerable interest had been expressed. She said that we have a number of citizens who have come to the Board of Selectmen requesting help to establish a commission for something positive in town. She quoted Senator Graham “Be a player, not a spectator” and stressed we should listen to this. She said that she supported this ordinance and said that passions should not carry a negative bias.

Mr. Nickerson said that this community of farmers does not need a municipal group or agency to be successful, they already are. He said the statutory requirement to publicize the draft ordinance had already cost the town \$1000 and if this ordinance is adopted, they

will have to comply with FOI requirements and any regulations or public hearings would also have to be publicized. He asked what staff member would help this group write grants. He suggested setting up an East Lyme Agricultural Association and appoint leadership modeled after Save the River, Save the Hills or the Friends of Oswegatchie Hills who have both educated and influenced the town commissions. He said this commission would not be formulated to preserve farms and open space since if a farmer wanted to sell and develop his land he can if he chooses. He said he respected those in favor of this, but he would not be voting to approve. He said he favored a subcommittee which would report to the Conservation of Natural Resources Commission. He added that subcommittees do not have to be temporary.

Mr. Formica said that he appreciated all the effort expended but said that this is a solution in search of a problem. He said that East Lyme is a farm friendly town. He said he was fundamentally opposed to growing town government in this environment. He said that no farm problem has ever come before this Board and that the Conservation Commission was split to make the Conservation Commission regulatory in nature and the Conservation of Natural Resources to study other issues. He said that some have said the Conservation of Natural Resources is too busy to accommodate this project. He said we do nothing to discourage farming and everything to encourage it. He stressed that a commission is not needed to pursue grants. He suggested that interested farmers could provide education and a subcommittee of the Conservation of Natural Resources would fulfill their needs and he did not believe an agricultural commission was needed. He said that a subcommittee should be formed and he would ask the Selectmen to add \$250.00 to the budget of the Conservation of Natural Resources for an agricultural subcommittee. He said if interest remains next year, he would personally support the formation of an agricultural commission. He said he would be voting against the proposed ordinance.

MOTION (10)

Ms. Hardy moved that the Board of Selectmen adopt the ordinance establishing an Agricultural Commission.

Seconded by Mr. Wilson.

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

Nay: Mr. Formica, Mr. Nickerson, Mr. Birmingham. Motion failed 3-3.

The consensus of the Board was for the First Selectman to write a letter to the Commission of Natural Resources urging it to create a subcommittee to address agricultural matters.

Mr. Schutt thanked the board for considering the ordinance and said he would not turn down the challenge to help the Commission of Natural Resources to create a subcommittee.

3b. Discussion – Ordinance Regulating the Use of Golf Carts

Mr. Hogan noted that he had created a draft ordinance to get things moving and that the Town Attorney had made some suggestions and another draft. He said that he drove all of the roads when he was drafting his and suggested a map with highlighted areas be used instead of street names. He noted the section of the Attorney version calls for seatbelts and passenger safety restraints and said that state statutes do not require seatbelt restraints. He said that he had added restraints for rear facing passengers. He suggested deleting section 2.1 regarding seatbelts. He said Section 2.3 of the Attorney version should end after the word cart. He said section 3.3 talks about a dollar amount and he was suggesting \$25.00.

Mr. Wilson inquired if this would be just a beach issue. He said there are other areas in town under the speed limits of what is suggested and inquired if they would be able to use carts in their areas.

Mr. Hogan said that Sgt. Blanchette was against carts anywhere with speed limits above 25mph. He said that any other community could come to petition to be included.

Mr. Nickerson suggested keeping it simple – it was a beach issue and if others came forward, the ordinance could be amended. He questioned the expiration date of the permit and suggested that it go in line with beach passes.

Mr. Birmingham inquired if a beach area with its own security would have to enforce this.

Mr. Formica said no, they would call the police department. He suggested adding a map of highlighted areas and suggested sending a letter to the Council of Beaches with the draft ordinance to get their comments.

The consensus of the Board was to alter the draft as follows:

- section 2.3 period after the words golf cart.
- section 3 – date should be consistent with beach passes – Memorial Day to Memorial Day.
- Wording stating that at no time would these vehicles be allowed on any other roads than those specified.
- section 3.3 a permit fee of \$25.00.

The First Selectman will write a letter to the Counsel of Beaches and send a draft of the amended ordinance for their input. Mr. Nickerson will check on insurance.

#### 5a. Ex-Officio

Mr. Birmingham attended the Smith Harris Commission meeting where Jane Dauphinais from the SE CT Housing Alliance spoke regarding affordable housing and different areas of town. He said they discussed summer programs of an open house, Yankee brass band and a one act play. He said he attended the Library meeting and they had discussed repairing a lighted sign that had been vandalized with funding from their capital reserve fund. He said they would be requesting a permit fee waiver from the town.

Ms. Hardy attended the Board of Education Special Meeting. She noted that at the regular meeting there was a presentation about 21<sup>st</sup> century skills for the 21<sup>st</sup> century learners and the culinary arts expansion was endorsed. She said there was a subcommittee meeting of elective offerings, they reviewed the student driving policy and they did not approve the tuition program. She added there is a meeting this Monday night where they will decide whether to continue having the subcommittee meetings running concurrently. She also attended a Commission on Aging meeting and marveled about all the programs they offer.

Mr. Nickerson had no report.

Mr. Hogan noted that the Planning Commission did not meet due to a lack of quorum.

Mr. Wilson attended a Parks and Recreation dinner along with Mr. Formica honoring Bob Tobin. He said that the sidewalks at McCooks and near St. Francis Chapel are great.

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

Mr. Formica said that he testified at the Legislative Office Building in Hartford regarding modifications for the contracts for the Resident Trooper programs.

He hosted a Marina District meeting and discussed the railroad bridge construction and added that we were enjoying good communications with Amtrak.

He attended a ribbon cutting for the new Edward Jones office in Niantic and wished the Griffiths well with this endeavor.

He attended the opening meeting for this year's Heart Walk at the Mohegan Sun and said that he planned on setting up a team to raise \$35,000 and to get 1000 walkers.

He hosted a tour and chat with Boy Scout Troop 24.

He presented this year's budget to the Board of Finance and added that the Departmental reviews will begin Thursday.

He attended two regional water meetings.

He said that the Capital Improvement Plan Committee met last week.

He attended the 90<sup>th</sup> birthday party of Mrs. Taylor.

He attended the Council of Government meeting where regional issues were discussed.

He was in mediation for 9 hours today regarding the Boardwalk in an attempt to get a solution to long standing litigation with the architectural design firm.

6. Public Discussion

Barbara Johnston thanked the Board for the golf cart ordinance and inquired why reflectors and lights were listed as required when hours of operation was limited to daytime? She suggested merging section 4.1 and 4.2 and said that the Board did not need to name every street in the ordinance. She added that she had heard that the First Selectman had donated money for the clock downtown, in memory of his wife. She added that they had been holding money in memory of Mr. Paul Kumpitch and said this money would be donated to either the clock or a bench in his memory.

Mr. Hogan suggested sending an amended draft of the golf cart ordinance to Resident Trooper Blanchette for his input.

MOTION (11)

Mr. Wilson moved to adjourn the March 17, 2010 meeting of the East Lyme Board of Selectmen at 9:11 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary