

EAST LYME BOARD OF SELECTMEN
MEETING OF MARCH 2, 2011
MINUTES

PRESENT: Paul Formica, Mark Nickerson, John Birmingham, Rose Ann Hardy.

Mr. Hogan participated by phone.

EXCUSED: Rob Wilson.

Mr. Formica called the meeting to order at 8:35 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items

There were none,

1c. Delegations

Ron Rando of 194 Boston Post Road likened the Board of Education budget review to a presentation of a “snake oil salesman”. He said that the Superintendent makes over \$200,000 and noted he was getting a pretty good raise (\$6000) and so were the other administrators. He said that the schools were falling apart and they get money every year to fix them and he asked where that money goes. He said that he was tired of all the money going to education. He asked how a commercial business can go on a private road. He stressed that reval should make our assessments go down since the housing prices have fallen so low. He inquired what the legal fees were for Torrence and asked what had been done about Dodge Pond. He said he liked Mr. Formica and that he was doing a good job but he was starting to spend a lot of money.

Richard Steele of Rose Lane suggested that instead of big box retail at the Gateway project, the developers and the Town think about placing an Alzheimer Disease Facility or a regional indoor track facility there.

Mr. Formica noted that he had passed out copies of letters that had been sent to the Navy regarding Dodge Pond and he was planning to send them to the Department of Military Affairs.

1d1. Approval of Minutes, Meeting of February 16, 2011

MOTION (1)

Mr. Nickerson moved to approve the minutes of the meeting of February 16, 2011 as submitted.

Seconded by Ms. Hardy.

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

Nay: None.

Abstain: John Birmingham. Motion passed 4-0-1.

East Lyme Board of Selectmen Meeting of March 2, 2011

1d2. Approval of Minutes, Special Meeting of February 16, 2011

MOTION (2)

Mr. Nickerson moved to approve the minutes of the special meeting of February 16, 2011 as submitted.

Seconded by Ms. Hardy.

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

Nay: None.

Abstain: Mr. Birmingham, Mr. Hogan. Motion passed 3-0-2.

1e. Consent Calendar

MOTION (3)

Ms. Hardy moved to approve the Consent Calendar in the amount of \$17,732.14 for the meeting of March 2, 2011.

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

2a. Resolution – Commission on Aging – Grant for Medical Transportation

Mr. Formica noted that this resolution was needed for an ongoing medical transportation grant. The grant provides rides or mileage reimbursement to volunteer drivers for participants to go to medical appointments in southern New London County.

MOTION (4)

Mr. Nickerson moved the following resolution:

Resolution authorizing the First Selectman, Paul M Formica, to negotiate and execute all necessary Agreement/Contract documents on behalf of the Town of East Lyme with the Department of Transportation of the State of Connecticut and to affix the corporate seal.

Seconded by Ms. Hardy. Motion passed 5-0.

2b. Accept Resignation – D. Jutila – Smith Harris Commission

MOTION (5)

Ms. Hardy moved to accept the resignation of Donna Jutila of 23 Brainerd Road, Niantic, CT from the Smith Harris Commission effective immediately.

Seconded by Mr. Nickerson. Motion passed 5-0

2c. Appointment – Pamela Stevens – Smith Harris Commission

MOTION (6)

Mr. Nickerson moved to appoint Pamela Stevens of 31 Manwaring Road, Niantic, CT to serve on the Smith Harris Commission through January 2, 2012.

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

The consensus of the Board was to take the other items on the agenda out of order and review the budgets last.

2f. Action – Power Purchase Agreement Extension

Mr. Formica noted that the original agreement had been in place before he took office. He said that if the Town signs on to this, it will extend the agreement until 2016.

Mr. Nickerson said that he thought it was prudent for us to sign on since power costs were only going up.

Ms. Hardy inquired how this would affect our dealings with Dominion.

Mr. Formica responded that we cannot purchase power directly from Dominion anyway.

MOTION (7)

Mr. Nickerson moved to RESOLVE, to approve the execution of Power Purchase Agreement with TransCanada Power Marketing Ltd. for the provision of quantities of electricity to the Town at the prices and terms to be specified as a result of bidding the commodity on March 8, 2011 provided a savings will be realized by the Town of East Lyme.

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

3b. Final Action – Ledge Light Health District

Mr. Formica noted that in late December, a motion was made by this Board to withdraw from Ledge Light Health District. He said that the Council of Governments had been working on setting up another health district, but did not have the time to complete the task. He said he had talked to the Board at the last meeting about remaining with Ledge Light for another year and said that Ledge Light had decreased their budget an additional 9%.

Mr. Hogan said that he was concerned about the status of negotiations for the use of Town building rooms and the payment for that use.

Mr. Formica said that negotiations had not been started on that point and they would be meeting next week.

MOTION (8)

Mr. Nickerson moved the following resolution:

Whereas, on December 31, 2010 the Board of Selectmen voted to withdraw the Town of East Lyme from the Ledge Light Health District effective July 1, 2011; and

Whereas, in the period of time after said vote additional information has been made available to the Board and the Board has reviewed the additional information and relevant circumstances; and

Whereas, upon consideration of the additional information the Board has determined that it is appropriate for the Town to continue participation as a member of the Ledge Light Health District.

It is resolved, that the Board of Selectmen hereby rescinds its December 31, 2010 resolution and authorizes the First Selectman to enter into negotiations for a new Operations Agreement.

Seconded by Ms. Hardy. Motion passed 5-0.

3a. Amend Board of Selectmen Regulations – Phone Participation for Meetings

Mr. Formica noted that we had delayed voting on this item at the last meeting because we were missing one member and another was participating by phone. He added that this was the same circumstance this evening.

The consensus of the Board was to review the item.

Mr. Formica said that Item 1. should say a majority of people (4) should be physically present at every meeting.

After discussion the consensus was that this item would continue to say that two members must be physically present for an emergency meeting.

Mr. Formica said that #2 should have the words – not vacation added.

#3 was fine as is.

#4 and #5 should be reversed.

#6 should say “If remote members do not have access to the same documents that are distributed to Board members before the meeting, they shall abstain from voting.

#7 was fine as is.

#8 Should say, Remote members are not eligible to participate in Executive Sessions of the board.

#9 ok.

#10 ok

#11 ok.

Mr. Nickerson said that he was strongly opposed to Rule 12 adding that this is government, not a teleconference. He said that members should be present in order to interact with our public that we serve. He said that we accept obligations to attend these

meetings as well as serving as Ex-Officio's and attending other meetings when we decide to run for this board. He acknowledged that this might be the future, but not necessarily the future of government. He said he thought phone participation was fine in the case of an emergency, but not at regular meetings and or public hearings. He said that we do not allow residents to call in.

Ms. Hardy said that the public has the right to elect who they wish and phone participation was better than no participation at all.

Mr. Birmingham said that if a person is elected and their job conflicts with meetings, he should be allowed to call in to participate as long as there were four members present and he stressed that the practice should not be abused.

The consensus of the Board was to get a clean copy from Attorney O'Connell for the next meeting and vote then.

2d. Review Budgets

Probate: (attachment A)

Mr. Formica noted that historically, Probate had a budget of \$5000 from East Lyme and the revenues they generated were sufficient to pay all their expenses. He said that now that the courts are regionalized, their share of expenses is determined by their grand lists. He said that the budget for Probate for 2011 / 2012 for East Lyme's share was \$11,664.

Capital Improvement Plan

Mr. Formica noted that the Committee had a meeting this week and he was unable to attend. He said he would be bringing the Capital Improvement Plan to the Board of Selectmen for approval at the March 16th meeting.

Revenues:

Mr. Formica reviewed the Projected Revenues for 2011 / 2012 (identified as Attachment B). He noted the different scenarios offered and said that his favorite was Scenario e, but the expected revenue will not be clear until the General Assembly passes the state budget.

2e. Approval 2011 / 2012 Budget

Mr. Formica reviewed the adjustments that the Board had made throughout the budget process (identified as Attachment C).

MOTION (9)

Mr. Nickerson moved to approve the Summary of Board of Selectmen Budget Adjustments as listed, in the amount of a reduction of \$154,930.

Seconded by Ms. Hardy.

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

Nay: None.

Abstain: Mr. Hogan (due to not having all applicable paperwork). Motion passed 4-0-1.

Ms. Hardy had questions about the Human Resource reduction.

Mr. Formica said that there would be a management field office manager position which was funded in the Public Works and Parks and Recreation budget. This position will offer human resource services to those employees working at the new building. He said that new time clocks have been ordered and once installed; the workload of the payroll clerk will be reduced due to automation. She will assume some of the duties of HR and someone (or a company) will be hired to handle the confidential HR services (health and pension) at Town Hall which should take about one day a week.

MOTION (10)

Mr. Nickerson moved to approve and forward to the Board of Finance the proposed 2011 / 2012 General Government and Capital Budget in the amount of \$16,106,087.

Seconded by Mr. Birmingham.

Mr. Nickerson said that this was a very conservative budget.

Motion passed 5-0.

MOTION (11)

Mr. Nickerson moved to approve and forward to the Board of Finance the proposed 2011 / 2012 Debt Service, Interest and Principal budgets in the amount of \$5,247,037.

Seconded by Ms. Hardy. Motion passed 5-0.

MOTION (12)

Mr. Nickerson moved to forward to the Board of Finance the proposed 2011 / 2012 Board of Education budget as approved by the Board of Education in the amount of \$41,089,104.

Seconded by Mr. Birmingham.

Mr. Hogan said that this budget should be reduced to reflect a 0% increase.

Ms. Hardy suggested that the comments be made public to the Board of Finance.

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

Nay: None.

Abstain: Ms. Hardy. Motion passed 4-0-1.

4. a. Ltr. of 2/14/11 from First Selectmen Paul Formica and Dan Steward

Mr. Formica said that he and Waterford's First Selectman Dan Steward were announcing the formation of a regional committee to review the potential of sharing services of our police departments. He said he was not looking to regionalize the police departments and was not trying to combine departments or eliminate positions. He said this was a fact finding mission to see how we can share services. He added that he wanted these plans and alternatives on the shelf in case we find that we need to absorb additional state cuts. He added that this would be for more than just mutual aid. He said he wanted the information available to make an educated decision. He added that the final draft of the Rules and Regulations for the Police Department should be coming to the Board at our next meeting. He said this was three years in the making.

Ms. Hardy said that they will need to pay attention to the differing pay scales between the two towns.

5a. Ex-Officio

Mr. Hogan had no report.

Mr. Birmingham said he attended the Smith Harris House meeting and welcomed Pam Stevens to the Board. He said that they are working on a code of ethics and will have a fashion show on May 16th, a plant show on May 21st and a garden party on July 16th. There is talk of an antique fair for the future.

Ms. Hardy stated that there is a zoning meeting on Thursday for approval of an affordable housing development on Upper Pattagansett Road.

Mr. Nickerson said that he attended the Town Building Committee meeting and is now sitting on the Military Affairs Committee of the Chamber of Commerce. He attended an alcohol and substance abuse coalition meeting and noted they were working on a grant.

5b. First Selectman's Report

Mr. Formica said that he attended a Culture Day at Flanders School and attended a class and heard Robert E. Lee.

He said that the agreement was signed with the City of New London for the regional water project and it would be put out to bid shortly. He added that this will provide water supply to East Lyme for generations to come and the costs will be offset.

He offered a customer service seminar to the Tax Collector's office and was going to each department to review individual issues.

He attended a Water and Sewer meeting.

He attended the girls' basketball game.

He attended legislative subcommittee meetings of COG and CCM.

He testified before the General Assembly against increasing the stream flow regulations.

He has been elected to the MIRMA Board and added that since he has been involved, the town's overall assessment has gone down \$1,200,000.

He noted that there would be a meeting of the 20 / 20 Facilities Committee on March 30th and they would be reviewing the Board of Education's feasibility study.

He pointed out the letter he had written to DEP Commissioner Marrella reminding her of issues about Rocky Neck State Park summer traffic and issues that still needed to be resolved.

He noted the letters that had been sent over the last few years to the Navy regarding Dodge Pond and noted he would be sending them to the Department of Military Affairs.

He said that the water tank is in the \$10 million dollar bond package.

He said he had been working with Jim Brahm and had met with Chapman Woods four different times trying to help Mr. Brahm get his development supported.

6. Public Discussion

Ron Rando suggested that the Board also look into the Principal's raises along with other administration. He asked why tires for town departments were being purchased out of town.

Mr. Formica responded that this had changed and the Director of Public Works had gotten quotes and tires were being purchased locally.

Mr. Rando said that it is important when you run for a position in town; you decide whether or not you are available to participate as needed. There should be no phone conversations – the members should be present for meetings. He suggested having alternate members instead of call in members. He said there should be a quorum present for meetings and if the Selectmen are allowed to call in, the other boards will do it. He added that Ledge Light has started another governmental bureaucracy and we should not stay with them.

7. Selectmen's Response

Ms. Hardy said that alternate membership was discussed by the Charter Revision Committee and was decided against.

Mr. Nickerson said that the trail system at Gateway was now on private property and that the proposal for Gateway had already been approved.

MOTION (13)

East Lyme Board of Selectmen Meeting of March 2, 2011

Mr. Hogan moved to adjourn the March 2, 2011 meeting of the Board of Selectmen at 10:48 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary