

EAST LYME BOARD OF SELECTMEN  
MEETING OF MAY 18, 2011  
MINUTES

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

ALSO PRESENT: Town Attorney Ed O'Connell.

Mr. Formica called the meeting to order at 7:37 p.m. requested that Art Carlson lead the Pledge.

1b. Additional Agenda & Consent Calendar Items  
There were none.

1c. Delegations  
There were none.

1d1. Approval of Minutes, Special Meeting of May 4, 2011  
MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of May 4, 2011 as submitted.

Seconded by Ms. Hardy.

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

Nay: None.

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

1d2. Approval of Minutes, Meeting of May 4, 2011

Mr. Formica noted on page 3, item 3b, first paragraph should not say 8% water loss – he said that the loss of Gates was a revenue loss and a water gain.

MOTION (2)

Ms. Hardy moved to approve the minutes of the meeting of May 4, 2011 as amended.

Seconded by Mr. Birmingham.

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

Nay: None.

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

1e. Consent Calendar

Mr. Formica noted the memo of explanation from Tax Collector John McCulloch regarding the two payments of the same amount noting that they were for sewer assessments.

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of May 18, 2011 in the amount of \$1318.83.

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

2a. Bond Resolutions – Capital Improvement Plan

Mr. Formica reviewed the projects for the \$2,585,000 bonding appropriation. He said that he expected some of the money listed, to come back to us. He reviewed the \$140,000 request for street lights for Main Street and the Hope Street parking lot and added that we were also placing the request for this funding in a new STEAP grant. He said that the STEAP grant had to be submitted by June 23<sup>rd</sup>. He added that if we do not receive this money, we will need to have it in the bonding package.

Ms. Hardy inquired about the STEAP funding and asked if the Town was allowed to receive funding if they had already built and expended the money to do a project.

Mr. Formica said he understood that this does not apply to the STEAP grants.

Mr. Wilson asked what work they would be getting done for \$50,000 worth of high school baseball field repairs.

Mr. Formica responded the left field drainage area would be corrected.

Ms. Hardy asked about the repairs listed for the high school music wing and inquired if the materials would be brick.

Mr. Formica responded that brick would be used. He noted Section 2. which offers that any estimated amounts for projects in Section 1, not required to meet the actual cost of the project may be transferred by the First Selectman and Town Treasurer to meet the actual cost of any other project set forth in this Section 1.

Mr. Wilson inquired about the bathrooms for Vets Field.

Mr. Formica responded he was not sure what the design would be like.

MOTION (4)

Mr. Nickerson moved the following:

RESOLVED: That the resolution entitled “Resolution Making Appropriations Aggregating \$2,585,000 For Various Capital Improvements And Authorizing The Issuance Of \$2,585,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at Town Meeting.

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

MOTION (5)

Mr. Wilson moved that the First Selectman be authorized and directed to call a Special Town Meeting to be held on Wednesday, June 1, 2011 at the East Lyme Town Hall, at 7:00 P.M. (E.D.T.), for the following purposes: (i) to consider and take action on the resolution entitled “Resolution Making Appropriations Aggregating \$2,585,000 For Various Capital Improvements And Authorizing The Issuance Of \$2,585,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, and (ii) that the First Selectman be directed to cause a proper notice of said meeting to be published as a paid advertisement in a newspaper having circulation in the Town, and that said notice be posted in the office of the Town Clerk. Action contingent upon approval by the Board of Finance.

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

2b. Trust for Public Land – Authorization for First Selectman to sign Technical Assistance Letter

Mr. Formica noted that after discussions, the Town had reached an agreement with the non profit Trust for Public Land to work jointly to buy 301 acres of open space for \$4.5 million dollars from Webster Bank (Darrow Pond). He said that the agreement calls for the trust to negotiate the purchase of the property, but the town must approve the purchase through bonding at a referendum sometime in the fall.

Darci Schofield of the Trust for Public Land said they had previously worked with the town on the protection of Oswegatchie Hills and they now have the opportunity with Darrow Pond. She added that the agreement with Webster Bank was through October 31<sup>st</sup>. She said that she was asking for a technical assistance letter which did not incur any commitment by the Town; it was merely a way of tracking for the Trust. She reviewed the technical assistance letter (identified as Attachment A).

MOTION (6)

Mr. Nickerson moved to authorize the First Selectmen to sign a Technical Assistance Letter with the Trust for Public Land.

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

Ms. Schofield noted the News Release which would be put out (identified as Attachment B).

2c. Discussion – Amend – Scenic Road Ordinance

Attorney O’Connell noted that there was one suggested change – the method of notification – amend to read either certificate of mailing or by certified mail.

Mr. Nickerson said that zoning utilizes certified mail since certified mailings do not offer proof that the resident has received the mailing.

Mr. Hogan noted that other towns utilize certified mailing. Mr. Formica said that we will be asking for input from the public on all of these ordinance changes.

2d. Discussion – Amend FEMA Flood Control Ordinance

Attorney O’Connell said that the amendment to the FEMA Flood Control Ordinance is necessary to bring East Lyme into compliance and it has to be done by July 18, 2011.

3a. Discussion – Fee Schedule – Building, Planning, Zoning Ordinance – ZBA Building Ordinance – Attorney Review

Mr. Formica said that this was brought up so that the Zoning Board of Appeals fee schedule could be added to the ordinance.

Attorney O’Connell said that previously, ZBA had imposed fees on their own (\$100 per application) and were not part of the ordinance. He had checked with the Planner, Town Zoner and Inland Wetlands and they did not want to charge a separate publication fee. He said that the Zoner had offered a memorandum which advised the average cost for publications for the ZBA was \$342 and noted that the application fee as is does not cover the cost to the town to do business.

Mr. Formica suggested raising the ZBA permit fee to \$350 and the Board agreed. He added that there is legislation regarding the required notice in the paper allowing a short notice in the paper and referring the public to a website. He said he believed that the newspapers would be lobbying against this legislation.

Mr. Formica said that last item which the Board had not seen as yet was the Peddling Ordinance. He said presently the cost was \$2.50 a day for a permit and it costs the police a good deal more to investigate and produce an ID card.

Mr. Wilson said he got a vending permit from the State a few years ago and it was \$55 for a day.

After discussion, the consensus of the Board was to raise the fees as follows:

- \$10.00 per day; \$40.00 per week; \$45.00 per year.

MOTION (7)

Mr. Nickerson moved to call a public hearing on June 15, 2011 at 7:00 p.m. at the East Lyme Town Hall to receive comments regarding the following amended ordinances:

- Scenic Road Ordinance
- FEMA Flood Control Ordinance
- Fee Schedule – Building, Planning, Zoning and Zoning Board of Appeals

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

5a. Ex-Officio

Mr. Birmingham had no report.

Ms. Hardy had no report.

East Lyme Board of Selectmen Meeting of May 18, 2011 minutes

Mr. Hogan attended the first meeting of the Niantic Bay ½ Marathon. He said that this item will be on the July 15<sup>th</sup> agenda. He added that he attended the Planning Commission meeting last evening and the majority of the discussion was regarding Chapter 4 of the POCD (Plan of Conservation and Development) regarding economic development.

Mr. Wilson noted the Parks and Recreation meeting was cancelled due to a lack of quorum.

Mr. Nickerson said he attended the Youth Service meeting on Monday and the ASAP Coalition (Alcohol and Substance Abuse) will be holding a meeting on May 19<sup>th</sup> at 7:15 p.m. at the High School.

5b. First Selectman's Report

Mr. Formica noted he attended a celebration with Mohegan Sun and the State. He said that the Annual Town Meeting on May 9<sup>th</sup> had been adjourned to a referendum vote on the budget for May 19<sup>th</sup> from 8:00 a.m. – 8:00 p.m. and urged everyone to go out and vote. He said if the budget should pass, the Board of Finance will set the mill rate on May 25<sup>th</sup> and it should be lower than the present mill rate. He noted he had attended an Elks dinner celebrating 10 years of service as a Dispatcher for Forrest Andrews and a job well done by Detective Don Marr and Officer Mark Comeau for solving the many burglary cases in the area. He held a pension committee meeting and the previous interest income had been at 3% and now following the financial advisor, the rate was 13% after nine months. He attended a 90+ Tea at the Senior Center which was co-sponsored by Bridebrook and Crescent Point. He attended a CCM meeting on May 17<sup>th</sup> where they reviewed the impact of the State budget. He said it appeared that aid and state revenues were to increase approximately \$122,000 from the present year. He met with Professor Liu from Shandong Province in China about the potential of setting up a sister city. He interviewed five candidates for a new canine officer for the police department. He said we would be getting a new dog due to the demise of Harley and he also wanted to get a narcotics dog since many wanted to donate money for this purchase.

6. Public Discussion

There was none.

7. Selectmen's Response

There was none.

MOTION (8)

Mr. Wilson moved to adjourn the May 18<sup>th</sup> Board of Selectmen meeting at 8:47 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary

