

EAST LYME BOARD OF SELECTMEN
MEETING OF MAY 19, 2010
MINUTES

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

ALSO PRESENT:
Attorney O'Connell.

Mr. Formica called the meeting to order and led the Pledge.

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

1c. Delegations

Mike Schulz of Lovers Lane expressed dissatisfaction with the way the Annual Town Meeting was run since there was no presentation of the 5-year Capital Plan. He added that he had filed a concern with the Selectmen's Office and said that this needs to be corrected so that it does not happen again. He said he was concerned with the amount of debt service the town has.

Mr. Wilson entered the meeting at 7:37 p.m.

Bob Gadbois of 357 Boston Post Road said he thought the town meeting was a farce. He said that Cathy Wilson did a great job honoring the seniors at the 90+ tea.

Arthur Saunders of 12 Center Road said he saw no reason for golf carts to be registered and he suggested that other areas be allowed to use the carts, not just beach communities. He said the insurance only costs about \$40.00.

1d1. Approval of Minutes, Public Informational Session of 5/5/10
MOTION (1)

Mr. Nickerson moved to accept the minutes of the Public Information Session of May 5, 2010 as submitted.

Seconded by Mr. Hogan.

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

Nay: None.

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

1d2. Approval of Minutes, Meeting of May 5, 2010

Mr. Formica noted on page 3, Motion 6., the Northeast Utilities payment should be reflected as \$87,454.

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MOTION (2)

Mr. Nickerson moved to accept the minutes of the regular meeting of May 5, 2010 as corrected.

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

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of May 19, 2010 in the amount of \$45.38.

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

2a. Parahus Disbursement Request – up to \$2000 – COA – Purchase of bingo equipment

MOTION (4)

Mr. Hogan moved to approve the request of the Commission on Aging for a disbursement from the Parahus Account up to \$2000 for the purchase of bingo equipment.

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

2b. Special Appropriation – Police \$2500 CT DOT Grant

MOTION (5)

Mr. Wilson moved to appropriate the \$2500 “Click It or Ticket” grant from the CT Department of Transportation to account 01-25-216-100-519 and forward to the Board of Finance for their approval.

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

2c. Wtfd / EL Shellfish Appointment

MOTION (6)

Mr. Nickerson moved to appoint Tom Bowlen of 37 South Street, Niantic, CT 06357 to serve on the Waterford / East Lyme Shellfish Commission through January 2, 2012.

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

3a. Discussion - Golf Cart Ordinance

Attorney O’Connell noted the new draft regulation dated May 17th and reviewed the changes with the Board.

Mr. Hogan reviewed the draft and noted that the enabling state statute had been written for beach communities and suggested that this regulation begin this way. He said if other areas were interested, they could petition the Selectmen.

Mr. Wilson said he thought the insurance coverage was a good idea. He noted that Section 4.1 states a CT drivers license and said that many operators might be holding

another state's license since they reside in another state most of the year. He suggested the section just say "valid license".

Attorney O'Connell said that the enabling act 14-300g, section 4 says "CT License". He added that our hands are tied since this is state law.

Mr. Birmingham said that registering the carts was a good idea so that we know how many are out there and that insurance coverage is necessary since they would not be covered under any other policy. He agreed to start this regulation with the beach communities and see what happens.

Mr. Nickerson agreed noting that someone's auto policy or homeowners would not cover the golf cart. He said the registration would start a database and that the fee for registering was not that important, the communication was necessary. He said insurance was definitely needed.

Ms. Hardy inquired about windshields and rear view mirrors. She agreed with keeping the insurance and registration requirement.

Mr. Formica said that the mirror could be mounted on the dashboard or side to get a rear view.

Mr. Formica inquired about liability for the Town and the pros and cons of adopting a regulation.

Attorney O'Connell responded that the State Legislature said that it was appropriate to let a community opt to allow use on certain roads in their community.

Mr. Wilson said no public hearing was necessary since this topic had been reviewed at several meetings and a public informational meeting had been held at the last meeting where residents offered comment.

The consensus of the Board was that there had been enough review and an opportunity for public input and they were ready to move on it.

Attorney O'Connell suggested building a record by including Sgt. Blanchette's letter regarding golf cart usage in Town and to get a letter from the Director of Public Works with his views. He said he would have a clean copy of the regulation to accompany these documents along with the minutes from the public informational hearing at the next meeting and the Selectmen should be ready to vote on this item then

Mr. Formica referred to the Annual Town Meeting comments made earlier noting that he had intended to review the Capital Improvement Plan but at the time it was brought up, he was at the back of the auditorium checking on a microphone and he heard the moderator asking two times for public comment. Since there had been no comment, the moderator moved the motion. He said that the Town Clerk's minutes of the meeting

reflect that the question was asked twice with no comment offered and everything is properly documented.

5a. Ex-Officio

Mr. Birmingham attended the Harbor Management Commission meeting and reviewed a letter by Chair Don Landers to the Coast Guard (identified as Attachment A). He said their main concern was boating safety while the new railroad bridge was being built.

Ms. Hardy said that Mr. Nickerson had attended the Zoning Commission meeting in her stead. She said there is another meeting tomorrow evening and there is a proposed change of zoning regulations to allow reduced minimum lot size for affordable housing in RU40 zones. She said that the Planning Commission had voted against this proposal because of the inclusion of the RU 40 zone. She inquired about the affordable housing report that was to have been delivered to the Board and requested a copy. She said she has concerns with this proposal since the majority of the Town was RU 40.

Mr. Formica stated that Ms. Hardy was confusing two separate and distinct items. He said that Attorney Harris is not available for the meeting tomorrow evening therefore, the public hearing on his text amendment reducing the minimum lot size for RU 40 zones will be continued. He said the second item has nothing to do with incentive housing zones. He added he will be attending the Zoning meeting and will present draft regulations for incentive housing zones drafted by Jim Butler of the Council of Governments. He said the incentive housing zones that are being identified are downtown Niantic and the Midway Mall area. He said that incentive housing allows the Town to suggest a more appropriate place for workforce housing and that the State will reimburse \$2000 for every unit planned and an additional \$2000 for every unit built. He said the Zoning Commission will be handling this decision.

Ms. Hardy requested a copy of the report listing the appropriate areas for affordable housing.

Mr. Nickerson said he attended the Board of Education meeting and they were starting a comprehensive study on capital needs and facilities review. He said they were moving forward with the sports complex architectural study.

Mr. Formica noted a bill was passed allowing the town to reduce the budgets of Board of Education by \$3000 per student but that the bill was only good for this year.

Mr. Formica attended the Leo leadership session and the Rocky Neck / Department of Environmental Protection Annual Park Pursuit. He said that the Regional Water committee had met and he would be hosting a Regional Water Stakeholders meeting on Tuesday, May 25th at 2:00 p.m. at Nett Hall, Camp Rell.

He said he has been working with Amtrak and the Coast Guard to control when the channel would be closed to boaters. He said that next week due to the tides, there will be

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no barge work in the channel. He also met with the Union Stewards on the picket line at Amtrak. He added that his main goal was to insure that the work was not slowed down.

He reminded residents to vote tomorrow at the Referendum at the ELLCC from 8:00 a.m. until 8:00 p.m. He attended the Board of Finance meeting as well as a meeting of the Celebrate East Lyme committee. He had a great time at the 90+ tea held at the Commission on Aging and attended the wakes of Ms. Donna Peretz and Steve Schady. He extended his deepest sympathies to the families.

He said that the Senate had failed to act on the extension of the conveyance tax and that we were anticipating \$224,000 in revenue this year. If the Senate does not act, the town will have to come up with the money.

He attended Ms. Hardy's Contemporary Issues class and noted that Ms. Hardy's legacy will be the interest she generates about the political process in our youth.

6. Public Comment

Mike Schulz said he has a trailer which he has to register and is taxed on and inquired if golf carts should be taxed. He said that the Board of Education is splitting their meetings on the same night making it impossible to attend both. He offered assistance to Ms. Hardy's Contemporary Issues class.

Art Saunders said that the public hearing was well publicized and a lot of people did not come out. He said the regulation was acceptable as is and should be adopted.

Mr. Hogan said that Memorial Day is coming up and he thanked all of the veterans for their service adding that it was because of their efforts, that they were all sitting here this evening.

MOTION (7)

Mr. Wilson moved to adjourn the May 19, 2010 meeting of the East Lyme Board of Selectmen at 8:52 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary

