

**EAST LYME BOARD OF SELECTMEN  
SPECIAL MEETING MINUTES  
Wednesday, MAY 4, 2011**

Members In Attendance: Paul Formica, John Birmingham, Rose Ann Hardy, Jack Hogan,  
Robert Wilson

Invited Attendance: Darri Schofield, Kerri Culhane, Public Trust  
Attorney Tobin  
Anna Johnson, Finance Director

FILED May 6, 2011  
AT 2:00 PM

Excused: Mark Nickerson

*L. Blair*  
TOWN CLERK

**1. Call to Order**

First Selectman Paul Formica called this Special Meeting of the East Lyme Board of Selectmen to order at 6:03 PM.

**2. Enter Executive Session to discuss Attorney/Client Privileged Communication and Potential Purchase of Real Estate**

**\*\*MOTION (1)**

Ms. Hardy moved to enter Executive Session at 6:05 PM for the purposes of discussing Attorney/Client Privileged Communication and the Potential Purchase of Real Estate inviting Dari Schofield and Kerri Culhane of the Public Trust; Attorney Tobin and Anna Johnson, Finance Director to join them.  
Mr. Birmingham seconded the motion.  
Vote: 5 – 0 – 0. Motion passed.

**3. Return to Regular Session**

**\*\*MOTION (2)**

Mr. Wilson moved to return to Regular Session at 7:19 PM with no action taken in Executive Session.  
Mr. Hogan seconded the motion.  
Vote: 5 – 0 – 0. Motion passed.

**4. Adjournment**

**\*\*MOTION (3)**

Mr. Wilson moved to adjourn this Special Meeting of the East Lyme Board of Selectmen at 7:20 PM.  
Mr. Hogan seconded the motion.  
Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary, Pro-tem

**EAST LYME BOARD OF SELECTMEN  
REGULAR MEETING  
Wednesday, MAY 4th, 2011  
MINUTES**

PRESENT: Paul Formica, First Selectman, John Birmingham, Rose Ann Hardy,  
Jack Hogan, Rob Wilson

ALSO PRESENT: Joe Smith, Building Official  
Mike Giannattasio, Public Works Director  
Anna Johnson, Finance Director

FILED May 6, 2011  
AT 2:00 PM.  
J. Blais  
TOWN CLERK

EXCUSED: Mark Nickerson

Chairman Formica called this Regular Meeting of the East Lyme Board of Selectmen to order at 7:30 PM and led the assembly in the Pledge. He noted that Mr. Nickerson was excused as he was travelling.

**1.a. Pledge Allegiance to the Flag**  
The Pledge was observed.

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

**1.c. Delegations**  
Mr. Formica called for Delegations.

There were none.

**1.d. Approval of Minutes, Special Meeting of April 20, 2011**  
Mr. Formica called for any discussion on the Special Meeting Minutes of April 20, 2011.

**\*\*MOTION (1)**

Mr. Wilson moved to approve the minutes of the Special Meeting of the East Lyme Board of Selectmen on April 20, 2011 as submitted.  
Mr. Hogan seconded the motion.  
Vote: 4 – 0 – 1. Motion passed.  
Abstained: Ms. Hardy

**Approval of Minutes, Regular Meeting of April 20, 2011**

Mr. Formica called for any discussion on the Regular Meeting Minutes of April 20, 2011.

**\*\*MOTION (2)**

Mr. Wilson moved to approve the minutes of the Regular Meeting of the East Lyme Board of Selectmen on April 20, 2011 as submitted.  
Mr. Hogan seconded the motion.  
Vote: 4 – 0 – 1. Motion passed.  
Abstained: Ms. Hardy

**1.e. Consent Calendar**

**\*\*MOTION (3)**

Mr. Wilson moved to approve the Consent Calendar for the meeting of May 4, 2011 in the amount of \$1005.50.

Mr. Hogan seconded the motion.

Ms. Hardy asked if the two same people listed with the exact same amount (\$407.62) for refunds could be an inadvertent error. She said that it is highly unusual to see this type of thing and would prefer to table any action pending having it looked into. If it is correct, it could come back for their next meeting in two weeks.

The consensus of the members was to table action on this item to make sure that the numbers should be the same.

Mr. Wilson rescinded his motion to approve and Mr. Hogan rescinded his second of the motion.

## **2. NEW BUSINESS**

### **2.a. Appointment – Cable TV Advisory – Robert Vogel**

Mr. Formica said that he had met with Mr. Vogel and that he is a long time member of the Town and that he has computer expertise and is retired and would like to serve. He is registered as a Democrat.

Ms. Hardy said that she thinks that she knows who he is and that he is a good candidate.

#### **\*\*MOTION (4)**

Mr. Wilson moved to appoint Robert Vogel of 49 Webster Road, East Lyme, CT to serve on the Cable TV Advisory Board through January 6, 2014.

Mr. Hogan seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

## **3. UNFINISHED BUSINESS**

### **3.a. Discussion – Fee Schedule – Building, Planning and Zoning Ordinance - ZBA**

Mr. Formica explained that the ZBA fee was not in the ordinance and that it would need to be added. He said that he is not sure that it should be raised as people have already paid as part of the process. He said that Mr. Smith is present this evening and that what he is trying to accomplish with his addition of Item 6. under the Building Ordinance is to allow the flexibility when he is very busy to have the plan reviews done outside for the larger building projects or commercial projects at the applicants expense.

Mr. Wilson asked for a walk through on the fees from both views – in house plan review and outside plan review.

Mr. Smith said that our fees include the plan review however the international code council will do plan reviews for 2% of that fee. Their plan review should be complete as they write the code books. The result would be that our revenue would be reduced slightly by about 2% to 4% per project.

Mr. Wilson asked if we were to accept their review if we own it the way that it is.

Mr. Smith said that the applicant would submit their plans to the ICC and the ICC would review them and provide them with a list of anything that is lacking and that would need to be addressed. It would come to us that way and the applicant would have to correct the items on the listing.

Mr. Wilson asked Mr. Smith if he would take it from that point on. He said that his concern is that if there are issues that they would come to haunt us.

Mr. Smith said that the items on the list would have to be addressed by the applicant to meet code.

Mr. Formica asked if this would delay some of the applications due to the time factor.

Mr. Smith said that he would think that it would speed it up or be the same as they typically have a 1½ to 2 week turnaround which should be the same. By Statute they have 30 days.

Mr. Formica said that Attorney O'Connell would like them to make a fee determination for ZBA and a suggestion on the inclusion of the additional item under the Building ordinance.

Ms. Hardy suggested that they have a base fee and the cost of publication plus the State fee for the ZBA.

Discussion followed on if that base fee should be raised to \$150 from the current \$100 plus the cost of the publications and the State fee.

Mr. Formica and Mr. Hogan said that they could not see a reason to raise the base fee from the \$100 when they were instituting that the cost of the legal ads would be paid by the applicant along with the State fee. The legal ads could easily run up to \$300 and the current State fee is \$60.

It was suggested that they pass along to Attorney O'Connell their suggestions on the fees and that they also have him review the suggested addition to the Building ordinance and offer his opinion. This item would remain on the agenda for future discussion pending Attorney review.

**\*\*MOTION (5)**

Ms. Hardy moved to add item 3.b. – Discussion – Water & Sewer Budgets for FY 11/12.

Mr. Hogan seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

**3.b. Discussion – Water & Sewer Budgets for FY 11/12**

Mr. Formica noted that Mr. Giannattasio was present and could answer any questions that they might have. He noted that the Gates loss would be an 8% water loss to us and that they had tried to hold the line within the budgets.

Ms. Hardy asked if with the closing of Gates that we would be given the additional capacity back or if that capacity always belongs to Gates.

Mr. Giannattasio said she was correct in saying that it belongs to Gates.

Ms. Hardy asked if they could connect Rocky Neck.

Mr. Giannattasio said that Rocky Neck has its own capacity and that some was contracted out for Point O' Woods – however the State will get it back when the capacity is increased. He said that the new water meter at Rocky Neck should help them as they expect that they will now be billed for what they actually use as the old meter had lost accuracy over the years.

Ms. Hardy asked about the Civil Engineer II as that personnel line shows an increase of \$75,000.

Mr. Formica said that the Civil Engineer position was for the Regional project as it would easily cost them more to have to hire from outside for specific engineering tasks throughout the life of the project.

Ms. Hardy asked if the \$75,000 was for pay increases or for that particular person that they are hiring for the interconnection project. She also asked if they had someone in mind for the position.

Mr. Wilson said that the person is already working for us part time.

Ms. Hardy asked if it is a part time position and what the cost is for the position.

Mr. Giannattasio said that it is about \$70,000 for a CEII and that the position would be full time for the life of the project.

Ms. Hardy said that as they have said that this person is temporary for the life of the project – do they understand that when the project is done, the position is also done and; the position will in fact end.

Mr. Formica said yes, the position would end.

Mr. Wilson asked where they could find the revenue from Point O' Woods.  
Mr. Giannattasio said that it was in metered water/sewer billing in the second line.  
The Board members thanked Mr. Giannattasio for coming and for his work on the budgets.

#### **4. COMMUNICATIONS**

##### **4.a. Ltr. To Chief Fiscal/Admin Officer of Dept Public Safety re: Resident Trooper Bill**

Mr. Formica noted that this was in their packets.

#### **5. INFORMATION AND REPORTS**

##### **5. a. Ex-Officio**

Mr. Birmingham reported that he attended a Harbor Management meeting about commercial clamming. Smith Harris is having a Plant Sale on May 21, 2011 and a Garden Party on June 16, 2011 from 1 PM to 4 PM. Also, the library had some books donated to them regarding gardening and if anyone is interested in them, they should contact the library. On July 27, 2011 the library will have a lecturer speak on the history and future of libraries. Everyone is invited to attend.

Ms. Hardy said that she did not have a report.

Mr. Hogan reported that he had attended the Planning Commission meeting the previous evening and that they had approved a \$175,000 bond for the Orchards. They also rejected the implementation of a \$96/year account maintenance fee.

Mr. Wilson reported that the seasonal employees are coming on-board in Parks & Recreation and that the fields are seeing increased usage with summer softball, etc. The Boardwalk bench vandalism has taken a lot of the Parks & Recreation employees' time in trying to clean the graffiti from them.

There were no other reports.

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

Mr. Formica reported:

- He attended an advisory board meeting between COG and SCWAA on the management of regional water.
- He attended the Good Friday beach clean-up at McCook's.
- The Public Hearing on the budget was held on April 25, 2011 and if all holds with information from the Governor's budget, there should be a decrease in the mill rate.
- The Annual Town Meeting is Monday May 9, 2011 at the High School Auditorium at 7 PM and the Referendum on the budget will be held on Thursday May 19, 2011 at the Community Center from 8 AM to 8 PM.
- He met with a person from the Department of Labor on Economic Gardening – a concept to provide services to small businesses
- The bids are due on the RFQ for the Regional Interconnection soon
- He attended the ribbon cutting for Randall Realtors in Flanders
- He held a Chamber breakfast here where he updated them on the events in Town and Mr. Goeschel spoke on economic gardening
- He attended Ms. Hardy's Contemporary Issues class and noted the fine job that she does with her students.
- He attended the Little League opening day this past Saturday.
- He attended the COG Executive Monthly Meeting
- He held a Department Head monthly meeting where Social Media for Town Hall was discussed
- They are in the process of implementing the automated time clock system in Town Hall which will provide for greater efficiencies

- He attended a Chapman Woods meeting the previous evening.
- He attended a meeting with Crescent Beach Association trying to help them with a particular zoning issue although the Town has no standing as they are a private municipality with their own zoning.
- Mark Hammond from the Navy Program at Dodge Pond will hold a meeting here on June 15, 2011 speaking on the potential contamination cause for Dodge Pond. He said that he will provide them with the details of this event so that if they wish to attend and they have a quorum, he can have an agenda posted.
- On May 19, 2011 ASAP Coalition will hold a teen substance abuse meeting for both school people and the community to bring awareness of this problem to the community.
- Shred Day is this Saturday from 9 – 12 at the Community Center – free of charge
- There will be a Veteran's Candlelight Vigil on the Town Green on May 29, 2011 and a Memorial Day Parade

#### **6. PUBLIC COMMENT**

Mr. Formica called for Public Comment.

There was none.

#### **7. SELECTMEN'S RESPONSE**

There was none.

#### **ADJOURNMENT**

##### **\*\*MOTION (6)**

Mr. Wilson moved to adjourn the May 4, 2011 Regular Meeting of the East Lyme Board of Selectmen at 8:20 PM.

Mr. Hogan seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary, Pro-tem