

EAST LYME BOARD OF SELECTMEN
MEETING OF MAY 5, 2010
MINUTES

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

ALSO PRESENT: Finance Director Anna Johnson, Town Attorney Ed O'Connell.

Mr. Formica called the meeting to order at 7:43 p.m. and Mr. Wilson led the Pledge.

Mr. Formica introduced Town Clerk Esther Williams and her Assistant Town Clerks Lesley Blais and her new employee Lindsay Chester. Mr. Formica read a proclamation in honor of Town Clerk's week.

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

1c. Delegations

John Drabik of 18 Drabik Road said that we were out about 6 million for the Boardwalk and we got back \$1.6 million. He said the entire project was all lies and misconceptions and asked who has been paying the legal costs and this money should be refunded to the taxpayers. He said no one has ever said who messed up and it was not just the size of the rocks that made it fail. He also noted that the referendum was set for a date before the beach people come down and since they provide 35% of the taxes the date should have enabled them to attend.

Town Clerk Esther Williams noted that absentee ballots are already available and taxpayers can do everything by mail to vote.

Bob Gadbois of 358 Boston Post Road said that at the last meeting he had been told that the boards from the boardwalk would be tagged, stored and then put back. He said now he has heard that the new boardwalk will be made of concrete and asked where the boards are adding that they were town property. He said only one high school boiler was cracked yet they were replacing all. He said he had heard they were building a track around Peretz Park and added he thought we were trying to keep people in town to patronize the businesses.

1d1. Approval of Minutes, Special Meeting of April 21, 2010
MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of April 21, 2010 as submitted.

Seconded by Mr. Birmingham.

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

Nay: None.

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

1d2. Approval of Minutes, Regular Meeting of April 21, 2010

MOTION (2)

Mr. Nickerson moved to approve he minutes of the regular meeting of April 21, 2010 as submitted.

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

1e. Consent Calendar

Mr. Formica noted that the Consent Calendar should be amended to reflect the date May 5, 2010.

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$2315.40 for the meeting of May 5, 2010.

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

2a. Disbursement from Parahus Account – COA - \$250

MOTION (4)

Mr. Nickerson moved to approve the request of the Commission on Aging for a disbursement from the Parahus Account in the amount of \$250.00 to support the upcoming Celebrate 90+ Tea.

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

2b. Discussion / Action – High School Boilers

Business Manager Don Meltabarger was present and reviewed the need for new boilers at the high school. He said that 8 bids had been received and added that the winning bid was not the lowest. He added that the lowest bid was found to be inadequate and therefore, they went with the one most qualified. He said that there will be a less than three year payback for this project.

Mr. Nickerson said we have 15 year boilers showing 30 years of wear and inquired why?

Mr. Meltabarger responded that a strict building maintenance plan has been drawn up and will be followed in the future.

Ms. Hardy said that she had concerns utilizing the funds from the Industrial Park Road sale since they were to be used for the public works building. She said she understood that the Colton Road building would be bonded but she asked for assurances that if this money is given to the boiler project, there will be no problem getting the Colton Road building up, going and completed as laid out.

Mr. Formica said he is looking to bring costs down on the public works building with some potential plans to regionalize with Old Lyme. He said we will have the opportunity to offer the Board of Education part of the old space at the Town Garage. He said after the move, the roof at the old building will be looked at in terms of repair.

Mr. Meltabarger said that the boilers should last for 20-25 years and that it makes sense to replace all the boilers at once and then the work is done for many years.

MOTION (5)

Mr. Nickerson moved to approve and forward to the Board of Finance for their approval a special appropriation of up to \$457,865 for the purchase of a new boiler system at the East Lyme High School. Source of funds to be as follows: \$383,944 from Capital Projects Fund from the proceeds of 40 Industrial Park Road and \$73,921 from CNRE Learn Rent Fees. This amount is before the Northeast Utilities incentive payment of \$87,424 which will be returned to the Capital Projects Fund upon completion of the project for a net project cost of \$370,441. This project is consistent with FY10 Capital improvement plan approved 5/7/2009 for \$450,000 Seconded by Mr. Hogan.

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

Nay: None.

Abstain: Ms. Hardy. Motion passed 5-0-1.

2c. Sign Call – Special Town Meeting 5/19/10

MOTION (6)

Mr. Wilson moved the following Call:

TOWN OF EAST LYME
NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting to be held on Wednesday, May 19, 2010 at 7:00 p.m. at the East Lyme Town Hall Upper Meeting Room to act upon the following:

1. Special Appropriation of up to \$457,865 for the purchase of a new boiler system at the East Lyme High School. The source of funds is as follows:

\$383,944 from Capital Projects Fund from the proceeds of 40 Industrial Park Road and \$73,921 from CNRE Learn Rent Fees. This amount is before the Northeast Utilities incentive payment of \$83,053.80, which will be returned to the Capital Projects Fund upon completion of the project for a net project cost of \$374,812. This project is consistent with FY10 Capital improvement plan approved 5/7/2009 for \$450,000.

Dated at East Lyme, CT this 5th day of May, 2011.

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

2d. Fiscal Year Transfers Within Departmental Budgets

Finance Director Anna Johnson was present and reviewed the transfers.

MOTION (7)

Mr. Hogan moved to ratify departmental transfers in the amount of \$71,179 processed for fiscal year end June 30, 2010 and to forward to the Board of Finance for approval.

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

2e. Request of Smith Harris to Allow Use of Alcohol at Smith Harris Barn

Ms. Hardy said that this request comes before the Board frequently and in the past, they have allowed a single champagne toast. She said use of alcohol is not allowed on town property and that there are numerous establishments in town who have licenses and pay fees and are equipped to serve and control liquor and this is how they make their living. She asked what "light adult beverages" were. She added that town residents should not be burdened by this type of liability situation. She said she understood the source of income would increase for the commission if alcohol was allowed, but she was against it. She said the Board has approved a single toast on a case by case basis, but noted that this request is asking for a waiver for the future. She stressed the benefit does not outweigh the risks.

The consensus of the Board was to deny the request for a waiver for the future and requested a letter be sent by the First Selectman informing the commission of this. The Board did approve a one time champagne toast for the wedding.

Mr. Formica said that even if the user party has an insurance policy, the town would still have liability.

Mr. Birmingham said he had attended the meeting and light beverages meant wine or beer. They also discussed a one million dollar insurance policy to cover the use and a licensed bartender.

Ms. Hardy said we cannot have one policy for one building and a different policy for another.

Mr. Formica said that he could not support the waiver, but did support a one time champagne toast.

Mr. Nickerson agreed saying he was against the serving of beer and wine. He added he would be interested in hearing a detailed plan request presented by the Smith Harris House at a future meeting and noted someone from the commission should have attended the meeting for discussion purposes.

Attorney O'Connell said that there is no way that you could completely obliterate all liability to the town in if there were a problem.

MOTION (8)

Mr. Nickerson moved to deny the request for light beverages to be served at the Smith Harris Barn. They did approve a one time champagne toast for the people who were hoping to host a wedding at the Barn. The Board further noted that the policy will remain as before, no alcohol will be served on town property and any exception to this policy must come before the Board of Selectmen for a case by case review and decision.

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

3a. Discussion – Golf Cart Ordinance

The consensus of the Board was to have Mr. Maillet and Mr. Saunders review the regulation with Selectman Hogan and to note the following concerns:

- They do not want to eliminate head and tail lights.
- Turning signals could be removed and hand signals used instead.
- A horn would be required.
- Section 3.1 the owner must submit proof of ownership, etc.
- Regulation will reflect either gas or electric golf cart.
- Choose dates for seasonal use.

Mr. Nickerson is to review insurance issues and report back and then Attorney O'Connell will firm up the draft regulation.

Attorney O'Connell stated that since the Board of Selectmen acts as the traffic authority we do not have to have a public hearing on this regulation. He said if the Board decided to have a public hearing, to note that the entire text of the regulation would be available in the Town Clerk's office.

Mr. Birmingham said it would make sense to put up signs stating "no golf carts beyond this point and the fees could pay for the signs.

5a. Ex-Officio

Mr. Hogan attended the Planning meeting where they denied a text amendment by Attorney Harris because of the inclusion of RU 40 zones. He added that they were in favor of it if RU 40 was left out. He said they also approved new bylaws making them consistent with state statutes. He noted they filled their alternate position with Brian Bomback.

Mr. Wilson had no report.

Mr. Birmingham attended the Smith Harris meeting. He said they will have a plant sale on May 15th from 9-3; an open house on 6/12; summer hours will be from 12 – 4 on Saturday and Sunday and by appointment on Friday. He said that on June 30th the Yankee Brass Band will play. He also attended the Library meeting and the repair of the lighted sign was moving along. He said on March 5th they had a picture of a day in the life of a library and over 300 people visited the library on that date, with well over 80,000 visiting all over the state.

Ms. Hardy had no report.

Mr. Nickerson attended the Water and Sewer Commission meeting. He complimented Dave Putnam and crew at Parks and Recreation for the great job they have done on the little league and babe ruth fields. He also attended the East Lyme Middle School where the band members played some great music.

5b. First Selectman's Report

Mr. Formica noted that there would be a shredding day at the Commission on Aging on Saturday, May 8th from 9-12 and it was free.

He attended a Siting Council hearing regarding the placement of a cell tower on Brainerd Road. He noted that no decision has been made as yet.

He had been reviewing the Town Hall Pavilion along with the Lions Club. A new roof had been installed and the Lions were going to work on the landscaping. He said that this summer after Celebrate East Lyme, there will be a music series on Saturday nights.

He hosted a Chamber of Commerce breakfast where he and Dr. Lombardo discussed the State of East Lyme.

He attended a Route 11 meeting where they agreed to meet quarterly.

He said the Capital Improvement Plan Committee had met and they would be presenting their plan on May 10th at the Annual Town Meeting.

He said he attended the Public Hearing on the budget hosted by the Board of Finance.

He said that the Town Meeting will adjourn the meeting on the budget to a referendum. He noted that the Charter Revision Committee had been successful in changing the referendum date to a Thursday and that the Selectmen set the time of the referendum.

He said the Water and Sewer Commission is working on negotiations with New London on a regional water connection.

He invited the Board members to attend a Regional Water Stakeholders meeting he was hosting at Nett Hall at Camp Rell on May 25th at 2:00 p.m.

He attended COST Day at the Capital.

He met with the Commander of the Coast Guard and local fishermen about the bridge closures over the channel. So far, it had been agreed to close 4.5 hours from Sunday to Wednesday and there would be no closure on the full moon weeks. He said they had agreed to meet after May 22nd to see how things were going.

He attended Rachel's Challenge at the High School.

He attended a Sergeant's meeting at the Police Department where there were discussions about a uniform policy.

He said there had been a health fair at Town Hall and the goal is to have healthier employees since a healthier workforce is more productive and saves money.

He hosted his monthly department head meeting.

He met with First Selectman Tim Griswold of Old Lyme and they discussed regional options.

He attended the Rotary meeting.

He said the boardwalk was priced at \$3.8 million to build the entire 1.1 mile and that now, Amtrak would be replacing half of it. He said the designer and the inspector were found to be at fault and they had settled the lawsuit and that legal fees had been included in the settlement. He said that \$40,000 had been given the Public Trust for maintenance.

6. Public Comment

John Drabik said the cost of the Boardwalk was \$5.3 million when you factor in the ½ million from the Hole in the Wall parking lot. He said that there was a letter from Baier Construction saying that it was falling apart as they were building it and he believes the project had been underfunded. He said the next big hype will be the sports complex the Board of Education is proposing. He asked how much money could be held in a capital fund without spending.

Bob Gadbois said a Board of Finance member should attend the Board of Education meetings.

7. Selectmen's Response

Mr. Formica said that West Lane's ownership had been questioned and an attorney acting as Special Counsel, hired by Ms. Hogan recently came back with a ruling. He states that West Lane is a public road and this has created some controversy. He said that the containers at the entrance of Cini Park contain the railings and they will be used to replace the railings on the wooden boardwalk across the road. He said the benches and plaques have been stored.

Ms. Hardy inquired who made the decision to rebuild the boardwalk with cement.

Mr. Formica said that Amtrak must replace the boardwalk equal to what we had or better. Amtrak came up with a plan which the town deemed to be inadequate. The Town Engineer, Director of Public Works and DEP officials put together a plan for the boardwalk and Amtrak accepted it.

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Ms. Hardy said a number of people have talked to her with concerns that the cement will not be as aesthetically pleasing as the boards. They also expressed concern about the concrete cracking in the winter.

Mr. Hogan noted that this Sunday would be Mothers Day.

MOTION (9)

Mr. Wilson moved to adjourn the May 5, 2010 meeting of the East Lyme Board of Selectmen at 9:37 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary