

EAST LYME BOARD OF SELECTMEN  
MEETING OF NOVEMBER 16, 2011  
MINUTES

PRESENT: Mark Nickerson, John Birmingham, Jack Hogan, Rob Wilson.

Mr. Nickerson called the meeting to order at 7:32 p.m. and led the Pledge.

Mr. Nickerson noted that Mr. Formica would be arriving shortly due to a speaking event he was attending and that Ms. Hardy was excused since she was travelling to Washington D.C. with her students.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Wilson moved to add Item 2a. Application of Karen Burnham for a variance from Town's Ordinance entitled Ordinance Concerning Flood Damage Prevention for property on 32 Manwaring Road, Niantic, CT.

Seconded by Mr. Hogan. Motion passed 4-0.

By taking this action, all items will drop down a letter on the agenda.

1c. Delegations

Joe Mingo of 397 Boston Post Road inquired why the Selectmen had the acceptance of a pump station on their agenda. He said that this is always done by the Water and Sewer Commission. He noted that he was Deputy Tree Warden for the town and that many trees had fallen during Hurricane Irene. He said there are many other trees still in danger of falling and if they are on private property, they are not the responsibility of CL&P. He said the Town has the responsibility to handle many of the trees and at least \$100,000 should be put in the budget to address this issue. He added that there are many invasive vines within the trees and special equipment would be needed.

Mr. Formica entered the meeting at 7:36 p.m.

1d1. Approval of Minutes, Special Meeting of November 2, 2011

MOTION (2)

Mr. Nickerson moved to approve the minutes of the Special Meeting of November 2, 2011 as submitted.

Seconded by Mr. Birmingham.

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

Nay: None.

Abstain: Mr. Hogan and Mr. Wilson. Motion passed 3-0-2.

1d2. Approval of Minutes, Meeting of November 2, 2011

Mr. Formica noted a change to be made on page 3, paragraph 2 which should read:

Ledge Light had looked into a regional ordinance and added that what we have been doing as a nation has not been working.

MOTION (3)

Mr. Nickerson moved to approve the minutes of the meeting of November 2, 2011 as amended.

Seconded by Mr. Birmingham.

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

Nay: None.

Abstain: Mr. Hogan and Mr. Wilson. Motion passed 3-0-2

1e. Consent Calendar

MOTION (4)

Mr. Birmingham moved to approve the Consent Calendar for the meeting of November 16, 2011 in the amount of \$1280.30.

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

2a. Application of Karen Burnham for a Variance from Town's Ordinance Entitled, "Ordinance Concerning Flood Damage Prevention for property located on 32 Manwaring Road, Niantic, CT

Mr. Formica said that action was necessary due to a result of the passing of a recent FEMA Ordinance. He noted that staff members Joe Smith and Bill Mulholland were present and that Mr. Smith had written a letter to Ms. Burnham regarding concerns about putting a heater in a location where flooding had occurred in the past. In order to perform this work now, a waiver of the ordinance was necessary and the Board of Selectmen is the governing body that would approve the waiver.

Mr. Smith noted that this change would make the situation better, although not perfect. He noted that he meant to cite the utility section of the Ordinance, while another is cited in error. He said that there is potential that during an extreme flood, there could be damage and therefore, Ms. Burnham was requesting to place this equipment as high as she reasonably could. He stated that he was present to testify in support of Ms. Burnham's request and said if this waiver were granted, Ms. Burnham could complete the work on her air to air heat pump.

MOTION (5)

Mr. Wilson moved to approve a variance for Karen Burnham of 32 Manwaring Road, Niantic CT for section 5.1.3.(4) of the Town's Ordinance entitled, Ordinance Concerning Flood Damage Prevention that states: electrical equipment shall be elevated to or above the base flood elevation to prevent water from entering or accumulating within components during conditions of flooding.

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

2b. Accept Orchard Sewer Pump Station

MOTION (6)

Mr. Nickerson moved the following:

WHEREAS, the East Lyme Planning Commission has recommended that the Town accept the West Sewer Pump Station and related improvements in the “Orchards at East Lyme” subdivision, .located on the property more particularly described in Exhibit A attached hereto; and

WHEREAS, the Town Engineer and Director of Planning have determined that the West Sewer Pump Station and related improvements have been constructed in accordance with the Town’s standards and approved plans; and

WHEREAS, the Town Municipal Utility Engineer has determined that the West Sewer Pump Station together with any and all sewer lines connecting the same have been constructed in accordance with the Town’s standards and as as-built plans.

IT IS RESOLVED, that the Board of Selectmen hereby accepts the West Sewer Pump Station, subject to the developer’s execution and delivery of the deed and related documents as approved by the Town Attorney.

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

2c. Approve Board of Selectmen Meeting Calendar – 2012

Mr. Formica noted that he would not be present for the scheduled January 4<sup>th</sup> meeting. Since numerous appointments are made at that meeting he suggested changing the date to January 9<sup>th</sup> and added that the room had been secured for that evening just in case.

The consensus of the Board was to amend the calendar and change the date from January 4<sup>th</sup> to January 9<sup>th</sup>.

MOTION (7)

Mr. Hogan moved to approve the meeting schedule for the Board of Selectmen for 2012 as amended.

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

2d. Special Appropriation – DUI Grant

Mr. Formica noted that we have applied for this grant for the last several years.

Mr. Nickerson said he remembered that monies were set aside in the budget for this purpose last year.

Finance Director Anna Johnson noted that this was true and the Selectmen had included the money in the proposed budget however, the Board of Finance had reduced this amount saying that if we received the grant, we could deal with an appropriation at that time.

MOTION (8)

Mr. Wilson moved to approve a special appropriation in the amount of \$53,295 to account 2-01-25-216-100-519 (Grant Overtime) and to corresponding revenue account 2-01-04-400-409 (Police Overtime Grants) and forward to the Board of Finance for Approval.

In addition, move to approve a transfer in the amount of \$13,481 from account 2-01-01-120-200-500 (Contingency) as follows: \$8,775 to account 2-01-25-216-100-519 (Grant Overtime) and \$4,706 to account 2-01-01-114-100-121 (FICA/Medicare) for the required town share and forward to the Board of Finance for Approval.

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

2d. Special Appropriation – Seatbelt Grant

Mr. Formica noted that his grant was 100% reimbursable and does not need Town Meeting approval due to the amount requested.

MOTION (9)

Mr. Nickerson moved to approve a special appropriation in the amount of \$2,500 awarded from the 2011 Department of Transportation Seatbelt Wave Grant to budget account 2-01-25-216-100-519 (Grant Overtime) and corresponding revenue account 2-01-04-400-409 (Police Overtime Grants) and forward to the Board of Finance for approval.

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

2f. Budget Transfer – Admin. Asst. Salary for EOC

Mr. Formica noted that Emergency Management Director Pearl Rathbun had retired and part time clerical employee Kathy Barry would be retiring in November. He stated that they had reassessed the needs in this department and the decision was to increase the clerical to a full time 37.5 administrative level and Mr. Morris would serve as Interim Emergency Management Director. He noted that cost savings were realized and that Julie Wilson has been hired as the Administrative Assistant.

MOTION (10)

Mr. Nickerson moved to approve a transfer in the amount of \$25,279 to account 2-01-25-224-100-311 (Administrative Assistant) from the following accounts: \$7,666 from account 2-01-25-224-100-412 (PT Clerical) and \$17,613 from account 2-01-25-224-100-211 (Director) and forward to the Board of Finance for approval.

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

3a. Samuel Smith House Appraisal

Mr. Formica suggested that since Ms. Hardy had requested this item be placed on the agenda and she is now out of town, that the Board table this item until next meeting. He

said that he had been informed that there would be an additional \$300 charge to update the appraisal once it was done to make it timely for the grant application.

The consensus of the Board was to table the item until December 7, 2011.

3b. Set Up Committee – Unaffiliated Employees COLA Recommendation

Mr. Formica noted that usually the Deputy First Selectman and another board member serve to review the COLA increase for the unaffiliated staff. He noted that Ms. Hardy previously had served and there were two possibilities:

-Have Ms. Hardy and Mr. Nickerson make a recommendation by December 5<sup>th</sup> or wait for the new Board to be seated.

The consensus of the Board was to have Mr. Nickerson and Mr. Hogan meet with staff and work on background information and then contact Ms. Hardy when she returns and have a recommendation by December 5<sup>th</sup>. If this turned out to be impossible, they would move to the second alternative, but would have background information already received.

5a. Ex-Officio

Mr. Wilson said that the Parks and Recreation meeting had been cancelled. He reported that things are working out well with Youth Services working under the umbrella of Director of Parks and Recreation Dave Putnam.

Mr. Hogan had no report. He took the opportunity to thank the townspeople he had served for the last four years. He said that he hoped that he had contributed to the good of the town and commended Mr. Formica for doing a great job in leading the town.

Mr. Birmingham had no report and added that he concurred with Mr. Hogan's comments. He said that it had been an enlightening two years and noted the great amount of time that people who serve on these boards expend. He said that they all do it because they like the town and he thanked everyone for their support.

Mr. Nickerson had no report. He commended both Mr. Birmingham and Mr. Hogan for a job well done.

5b. First Selectmen's Report

Mr. Formica noted he had been meeting about a potential regional animal control facility with Waterford and Old Lyme.

He attended a meeting with CT Public Health regarding the water interconnection project and they are very excited about the project. He added that East Lyme has been assigned a DPH liaison for permitting.

Council of Government's Legislative Committee has held meetings regarding organizing a new health district.

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He announced he is the Co Chair of the Publicity Committee for Opsail and East Lyme will host the opening ceremony on July 6, 2012 and we hope to combine it with Celebrate East Lyme. He informed the Board that Opsail is the Navy's celebration of the War of 1812 and said that they were attempting to tie in a history lesson with the schools for this event.

He noted the drug paraphernalia discussion the Board had at the last meeting. He said that ASAP had scheduled an informational public session which unfortunately had been postponed due to the wake of Brian Dagle. He said our hearts go out to the Dagle family.

He noted he attended a Public Safety Meeting with the prison wardens. He said that the population has only been reduced by approximately 200 inmates however; the ones who had remained had been moved to the Annex building.

He said that we are still working with FEMA to identify the costs from the damage of Hurricane Irene. He said we got the tub grinder from SCRRRA for no cost, and were chipping up all the tree limbs at Vets Field. He said that FEMA is looking at the restoration of our beaches and boardwalk and if we receive funding from this storm and couple it with the money from the boardwalk lawsuit; we could have a very positive solution in a few months.

He said he attended Federal Court regarding New England National.

He attended a Board of Finance meeting where they acted on the requests that this Board had forwarded. He noted that it was Mr. Kleinhans and Mr. Larcen's last meeting. He noted that they were both wonderfully talented people and would be missed.

He attended ceremonies on the Town Green, Niantic Center School and Lillie B. Haynes School for Veteran's Day.

He also attended the Rotary meeting where they honored Veterans.

He said that the Police negotiations were on-going. He showed the Board a copy of the new Rules and Regulations for the Police Department and thanked Joe Perkins, Joe Raia and Steve Rebelowski who worked on the Committee along with Union President Paul Renshaw to bring this document to fruition.

He and Mr. Nickerson attended a Crescent Beach Board of Appeals meeting.

He offered a state of the town address to the Lions Club this evening.

He noted an election complaint which referenced a letter he had written in support of a September 2010 referendum which had been on the website. He noted the allegation was that he had expended public funds by posting a statement on the town web's page to advocate a position and the end result was that he has signed a Consent Order saying that this will not be done again.

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He thanked the Board for all of their hard work to move the town forward and said that Mr. Hogan and Mr. Birmingham had been great members and would be missed. He welcomed Holly Cheeseman and Kevin Seery to the Board as of December 5<sup>th</sup>.

Mr. Wilson thanked Mr. Hogan and Mr. Birmingham for their service and noted he had made a great friend.

6. Public Comment

Mr. Mingo requested that Mr. Formica get clarification about why the Selectmen accepted a pump station instead of the Water and Sewer Commission.

MOTION (11)

Mr. Hogan and Mr. Birmingham simultaneously moved to adjourn the November 16, 2011 meeting of the East Lyme Board of Selectmen at 8:32 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary