

EAST LYME BOARD OF SELECTMEN  
MEETING OF NOVEMBER 6, 2013  
MINUTES

PRESENT: Paul Formica, Mark Nickerson, Holly Cheeseman, Kevin Seery, Rose Ann Hardy.

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

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

FILED IN EAST LYME  
CONNECTICUT  
November 20 13 AT 11:00 AM/PM  
Bridget D. Donnan ATC  
EAST LYME TOWN CLERK

1c. Delegations

John Bialowans of 61 Walnut Hill Road read a letter into the record (identified as Attachment A.). He also gave the Board copies of a petition that he had circulated among the residents of Walnut Hill Road, Mountain View, Cranberry Lane and King James Court (identified as Attachment B.) He passed out several pictures of the area (identified as Attachment C.).

Mr. Wilson entered the meeting at 7:38 p.m.

1d1. Approval of Minutes, Special Meeting of October 16, 2013

Mr. Formica noted that there was a typo on the date of the minutes – should read October 16, 2013.

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of October 16, 2013 as amended.

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

1d2. Approval of Minutes, Regular Meeting of October 16, 2013

MOTION (2)

Mr. Nickerson moved to approve the minutes of the regular meeting of October 16, 2013 as submitted.

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

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of November 6, 2013 in the amount of \$5,481.40.

Seconded by Ms. Hardy. Motion passed 6-0.

2a. Special Appropriation \$8,400 – NFD Hose

Mr. Formica noted that during the 2013/14 proposed budget process, the Niantic Fire Department requested \$8,400 for the purchase of replacement hose which was decreased by the

Board of Finance. The National Fire Protection Association hose standard requires that all hose manufactured prior to 1987 be taken out of service. Currently, we have 89 lengths of 3 inch hose manufactured prior to 1987. The 20 lengths of 1-1/2 inch hose also were manufactured prior to 1987. He said that the following was what Niantic Fire Department hoped to do:

**Niantic Fire Department Plan:** Replace the 20 lengths of 1-1/2 inch hose with color coded 1-3/4 inch hose. Currently there is 1-1/2 inch hose mixed in with the 1-3/4 inch hose. Color coded hose will prevent the incorrect line being secured while operating at a fire. Removing the older 1-1/2 inch hose will prevent the different hoses from being mixed together. We will also begin replacing the older 3 inch hose. The requested funds will allow the department to finish converting all of the apparatus to color coded hose while replacing the older hose. Our goal is to purchase 1600 feet of 1-3/4 inch hose and 600 feet of 3 inch hose. All of the new hose will be used to replace older hose.

MOTION (4)

Mr. Nickerson moved to approve the use of \$8,400 from account 4-01-01-120-200-500 (Contingency) for the Niantic Fire Department to purchase 1600 feet of 1-3/4 inch and 600 feet of 3 inch hose to meet National Fire Protection Association standards being in the best interest of the Town of East Lyme and forward to the Board of Finance for approval.

Seconded by Mr. Wilson.

Ms. Hardy said that she was upset to see this item on the agenda. She said that during the budget process the Selectmen had approved the request since it was a matter of public safety and she was very disturbed to know that the Board of Finance had removed this item from the budget. She said that it was very irresponsible of the Board of Finance and she hoped that the Board of Finance would see fit to pass it this time.

Mr. Wilson agreed with Ms. Hardy's sentiments but added that this Board could not control the actions of the Board of Finance.

Motion passed 6-0.

2b. Approval of Transfer \$32,473

Finance Director Anna Johnson noted that the State required that we enter into separate Interim Funding Obligations (IFO's) and when completed Permanent Funding Obligations (PLO's) for the Engineering and Construction phases of the Regional Interconnection Water Main Project. She said that the Engineering Phase IFO matured on June 30, 2013 at which time we entered into a PLO. The first payment is due in December 2013. She did not include funds in the budget for the payments. In order to meet our obligations, she was recommending that we transfer funds from the contingency account.

Ms. Cheeseman inquired why this wasn't in the budget if it was a known entity.

Ms. Johnson noted that it was an oversight and was for the engineering portion of the project.

Ms. Hardy asked if the money would be returned to the Contingency Fund.

Mr. Formica responded in the negative and added that the Town is saving approximately \$143,000 off the contract amount.

Ms. Hardy asked why money could not be paid back to contingency if we were saving \$143,000.

Ms. Johnson responded that this is for the repayment of the engineering phase which she likened to the repayment of debt. She noted that these were two separate agreements.

Ms. Hardy said that with over 8 months left in the fiscal year, we are leaving only \$104,000 left in the Contingency Fund for emergencies.

MOTION (5)

Mr. Nickerson moved to approve a transfer in the amount of \$32,473 from account 4-01-01-120-200-500 (Contingency) to accounts to be established as follows: DWSRF Principal 2012-7010 in the amount \$25,473 and DWSRF Interest 2012-7010 in the amount of \$7,000 and forward to the Board of Finance for approval.

Seconded by Mr. Seery.

Aye: Mr. Formica, Mr. Nickerson, Ms. Cheeseman, Mr. Seery, Mr. Wilson.

Nay: Ms. Hardy. Motion passed 5-1.

2c. Deposit FEMA Vehicle Funds for FEMA

Mr. Formica noted that we recently received a payment from FEMA for curb repairs (Category C) as a result of winter Storm Nemo of which \$4,410 is reimbursement for use of town equipment. We will also receive \$27,052 for emergency protective measures (Category B) during Storm Nemo. In addition from Storm Sandy we will be receiving \$48,222 for debris removal (Category A).

He noted that it was the recommendation of the Finance Director to deposit these portions of the FEMA reimbursement into the CNRE Fund 32 for future allocation towards vehicle purchases in the acquisition/maintenance program. For example for Police vehicles several vendors are used to purchase lights, radios, computers and cages which is a more time consuming part of the acquisition program. Having the resources to purchase these accessory items directly will be more efficient.

MOTION (6)

Mr. Nickerson moved the following:

RESOLVED, to approve the deposit of FEMA reimbursement funds from Storms Nemo and Sandy in the total amount of \$79,684.00 to the Capital Non-recurring (CNRE) Fund 32 to be allocated towards the acquisition of vehicles and needed items in accordance with the town's

vehicle acquisition and maintenance program and forward to the Board of Finance for their approval.

Seconded by 


 Mr. Wilson.

Motion passed 


 6-0.

2d. Special Appropriation – CNRE – Painting – Re-allocated Town Vehicles

Mr. Formica noted that in the fall of 2012 we purchased a new autoloader to replace a 2004 model. At that time we were unable to find suitable disposal of the old truck. Our Highway Superintendent, Chuck Holyfield worked with the dealer and local trash companies to no avail. He did not take it to auction for fear of not obtaining a fair price. More recently after purchasing another autoloader in our 2014 acquisition program, the City of New London approached Mr. Holyfield regarding worked with the dealer and did some independent research and determined \$35,000 for each unit was fair to the City of New London and the Town of East Lyme. We received the \$70,000 from the City of New London and deposited it into the Capital and Non-Recurring Fund to reinvest in future vehicle acquisitions.

MOTION (7)

Mr. Nickerson moved the following:

RESOLVED, to appropriate \$70,000 from the sale of two autoloaders to Capital Non-recurring (CNRE) Fund 32 for the purpose of future vehicle acquisitions in accordance with the town’s vehicle acquisition and maintenance program and forward to the Board of Finance for their approval.

Seconded by Ms. Cheeseman.

Aye: Mr. Formica, Mr. Nickerson, Ms. Cheeseman, Mr. Seery, Mr. Wilson.

Nay: Ms. Hardy. Motion passed 5-1.

Mr. Formica noted that Mr. Holyfield stated that when a vehicle is handed down a thorough cleaning and safety inspection is performed. In recent years we have been moving to white vehicles to allow for easier departmental changes. A hand me down vehicle that has fresh paint and a clean bill of health allows for the operators to meet our expectations of taking pride in ownership and keep them maintained and clean. It makes a hand me down be “new” with fresh paint and no body damage.

As a result of our current fiscal year acquisition program, we have the following vehicles to be re-allocated among town departments and recommend painting them white:

Ms. Hardy asked if these vehicles were being added to our fleet.

Mr. Formica noted that Mr. Morris was getting a new vehicle and that his present vehicle would be handed down to Joe Smith and Mr. Smith’s present vehicle would be auctioned off. He said that Chief McDonald’s present car would be auctioned off and he would receive a new vehicle.

Ms. Hardy asked why we are spending the money to repaint – why not just reletter. She added that she is not in favor of spending \$10,000 on vehicles that were being termed as short timers.

Mr. Wilson agreed with Ms. Hardy and suggested saving the money.

Mr. Formica said that we were trying to keep the fleet uniform and all the same color. He said the reason that we went to white was the cost of adding a color was \$1500 per vehicle.

Mr. Seery asked if the painting were to help with rust. He said if not, we should hold off on the painting.

Mr. Nickerson said that East Lyme squeezes the life out of all of our vehicles and the repainting will enable us to get good value for the vehicle when we go to auction.

MOTION (8)

Mr. Nickerson moved the following:

RESOLVED, to appropriate the sum of \$10,000 from the Capital Non-recurring (CNRE) Fund 32 into an account entitled "Paint Vehicles" for the purpose of painting town vehicles and forward to the Board of Finance for their approval.

Seconded by Mr. Wilson.

Aye: Mr. Formica, Mr. Nickerson, Ms. Cheeseman, Mr. Seery.

Nay: Ms. Hardy, Mr. Wilson. Motion passed 4-2.

2e. Schedule of Board of Selectmen Meetings – 2014

Ms. Hardy suggested changing the meeting on April 16<sup>th</sup> since this was school vacation week.

The consensus of the Board was to change the April 16<sup>th</sup> meeting until April 23, 2014.

MOTION (9)

Mr. Nickerson moved to approve the schedule of Board of Selectmen meetings for 2014 as amended.

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

2f. Authorize First Selectman to enter into and sign contracts with CT Dept. of  
Agriculture

Mr. Formica noted that this resolution was needed to apply for a grant with the Department of Agriculture.

MOTION (10)

Mr. Nickerson moved the following:

Be It Resolved that it is in the best interest of the Town of East Lyme to enter into contracts with the Department of Agriculture.

In Furtherance of this Resolution, the Honorable Paul M. Formica, First Selectman of the Town of East Lyme is duly authorized to enter into and sign said contracts on behalf of the Town of East Lyme. The Honorable Paul M. Formica, First Selectman is further authorized to provide such additional information and execute such other documents as may be required by the State of

Connecticut, in connection with said contracts and to execute any amendments, rescissions and revisions thereto.

Seconded by Ms. Cheeseman. Motion passed 6-0.

2g. Special Appropriation CNRE for 2013/14 Acquisition Program Town Vehicles

Mr. Formica noted that during the proposed 2013/14 budget process, the Board of Finance approved a reduction in department 70 account number 724-700-708 PWD Trucks for the acquisition program. The reason being to use funds previously allocated for vehicles in the Capital and Non-recurring Fund. After performing an analysis of actual acquisition payments due and funding available in department 70 in the General Fund, an operating transfer out of CNRE Fund 32 in the amount of \$70,000 will be required.

MOTION (11)

Mr. Nickerson moved the following:

RESOLVED, to transfer the sum of \$70,000 from the Capital Non-recurring (CNRE) Fund 32 presently allocated to the acquisition of public works vehicles, to the General Fund into the account titled, "PWD – Pick Up Truck and forward to the Board of Finance for their approval.

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

*Note: This action requires a Town Meeting.*

2h. Sign Call – Special Town Meeting - 11-20-13

MOTION (12)

Mr. Nickerson 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, November 20, 2013, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut at 7:00 P.M. to consider and take action on the following:

1. Special appropriation to approve the deposit of the FEMA reimbursement funds from Storms Nemo and Sandy in the total amount of \$79,684.00 to the CNRE Fund 32 to be allocated towards the acquisition of vehicles and needed items in accordance with the town's vehicle acquisition and maintenance program.

2. Special appropriation of \$70,000 from the sale of two autoloader to CNRE Fund 32 for the purpose of future vehicle acquisitions in accordance with the town's vehicle acquisition and maintenance program.

3. Special appropriation of \$10,000.00 from the CNRE Fund 32 into an account entitled "Paint Vehicles" for the purpose of painting town vehicles.

4. Special appropriation of \$70,000.00 from the CNRE Fund 32 presently allocated to the acquisition of public works vehicles, to the General Fund into the account titled, PWD – Pick Up Truck.

5. Special appropriation of the sum \$1,260.00 to the 134 Smith Harris Commission account 01-01-134-100-145 to fund, in part, the museum curator position and to appropriate \$90.00 to account 01-01-114-100-121 to fund FICA/Medicare related to said position.

Dated at East Lyme, Connecticut, this 6<sup>th</sup> day of November, 2013.

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

3a. Public Safety Committee

Mr. Formica noted that the reason for forming a public safety committee was to address concerns and issues with the police department.

Ms. Cheeseman suggested checking with other towns to see what they do.

Mr. Nickerson said that now would be a good time to start this committee.

Ms. Hardy said that we had a committee like this several years ago and it was very successful.

Mr. Formica noted he would check with other towns and bring back some more information.

5a. Ex-Officio

Mr. Seery attended the Inland Wetlands meeting where there was a presentation by Yankee Clipper and the new construction planned. He said no public hearing would be needed since the property does not encroach on any wetlands.

Ms. Hardy had no report.

Mr. Wilson congratulated everyone who won in the Election.

Ms. Cheeseman had no report since Zoning had been cancelled.

5b. First Selectman's Report

Mr. Formica congratulated everyone on the Election results.

He noted that he had attended a Crescent Point Open House and read a proclamation at the retirement of DEMHS Tony Scalora. He attended a M.O.R.E. education subcommittee meeting. He said that the Water and Sewer Commission had met and increased the rates. He witnessed the directional drilling for the water interconnection project. He added that East Lyme is not providing Mr. Lombardi with free water; we are providing the area with fire protection for which they will pay. He said that we will be paving ½ of the lane where the pipe is and Mr. Lombardi will be paving the rest. He attended a few COG meetings and convened a meeting of all the historic groups in town to foster communication.

He added that the Town had hosted a CL&P meeting where the utility presented their need for replacement of the telephone poles on Walnut Hill Road. He said that he would ask if they could utilize brackets instead of cross bars.

He attended the ribbon cutting for the new athletic field and attended a meeting of the Black Point Board of Governors. He took part in the 27<sup>th</sup> annual Halloween Parade and went to the Children's Museum today to read to the kids.

Mr. Formica introduced newly hired Director of Public Works Joe Bragaw and welcomed him.

He noted that Attorney Collins had completed the Yale Agreement for a walking trail through this property.

Mr. Nickerson noted that he was a parent of a senior high school student and would be assisting with the 2014 Graduation Party. He attended a military affairs breakfast and a meeting of the Friends of Niantic who were interested in creating a calendar of events for all the groups. He attended the Board of Education meeting.

Mr. Formica noted that Mr. Ellis had brought a conversation to the Board of Selectmen and the Board had made no decision on this matter since we have to perform our due diligence on it. He added that he did not know about the no through truck signs on Walnut Hill Road.

Mr. Seery said that the State Traffic Control determines what roads can be labeled with no through truck signs.

Mr. Formica said that the Light Parade will be on December 7, 2013 and there will be fireworks and events will be starting in the afternoon.

6. Public Comment

Mr. Bialowans said that he is not happy with the water line ties on Mr. Lombardi's property.

Mr. Formica said that this is for fire protection and will be billed by the Town of East Lyme.

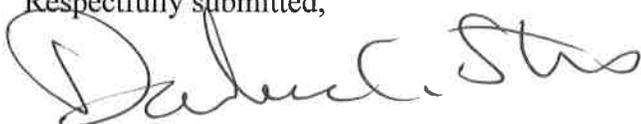
Mike Shultz of Lovers Lane said that \$10,000 is a lot of money for painting 3 used vehicles.

MOTION (13)

Mr. Wilson moved to adjourn the November 6, 2013 meeting of the East Lyme Board of Selectmen at 8:51 p.m.

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

Respectfully submitted,



Darlene C. Stevens, Recording Secretary

Attached A

John Bialowans, Jr.  
61 Walnut Hill Road  
East Lyme, CT 06333

Good Evening Mr. Formica and other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road. I have a few items for your attention to be looked at, answered and resolved.

Here's a petition signed by the residents of Walnut Hill Road, Cranberry Lane, King James Court and Mountain View Road. The petition was sign by at least one member of the household. The signing person always asked for another copy for the other member of the household to sign. You know how busy everyone is now – I got a few returns later. I had a few households that didn't sign for a few of the following reasons:

1. You call and complain to the Town Hall and nothing is done – just promises
2. "Were looking into the matter and we will call you later...or you call us"
3. We live in the North End of Town – "just give us your tax money so we can spend it elsewhere"
4. Mad about how the solar farm was handled and slid through
5. Landino and Lombardi did whatever they wanted to do and the Town did or said nothing (what deals were done behind closed doors)

The next item is the replacement of poles (on Walnut Hill Road) to 3 phase. After the meeting with CLP representatives, about the work involved (poles and clearing) I noticed on Route 161 that some poles have brackets on them instead of those cross arms. The brackets look a lot better than those cross arms and that would help keep our rural character of our road.

The next item is the pothole starting near the bridge on the road near # 4 Walnut Hill Road. Someone put cold-patch in it (do it right!). I wonder how that got started?

The next item is that I asked the Board of Selectman about the dump trucks and trailers using Walnut Hill Road. Mr. Formica said he talked with John Lombardi and the problem will be solved. The next day the trucks were going up and down starting in the afternoon. I called the First Selectman's Office (and the funny thing Edith Fletcher was walking, and we were talking on the side of the road and the trucks went by). It was a good thing I called instead of Mrs. Fletcher because she was humming....Paul owes me one now. I got Paul on the phone and he said the problem was solved, yesterday. He also said that "I can't stop them". Here are examples of signs in Town saying "no thru trucks", and these pictures were taken right where Walnut Hill Road and Grassy Hill Road meet. That sign was done about 18 to 20 years ago to stop the truck from using Grassy Hill Road (as a short cut) to go Senkow's gravel bank in Old Lyme. It worked then – why not now? The regulations are a lot harder now than before and there were fines with this before, too. If this could be addressed as soon as possible – dump truck are traveling up and down the road – empty and loaded –continuously these days.

The next item is that I heard that the Town is going to put a fire-shed or sub-station on Landino's property to protect his solar panels or a fire up there. Why should the taxpayers pay for this, operate it, and maintain it? Should this problem been looked into before, and addressed with the plans when started with the solar farm idea.....Another item forgot. Let Landino pay for this.

The next item is: Is Landino going to fix the retaining wall (near # 97 Walnut Hill Road), and also paying for the paving of the road from the Tinker House to Grassy Hill Road. He agreed to that before with his subdivision approval. So you're telling the taxpayers, that if he puts up one house on this solar farm site (that's a subdivision) he is responsible for his agreements and promises.... So, I guess when the time comes we will see how he is going to squirm out of it or make deals behind closed doors. Now, since Landino just bought the proposed golf course on Holmes Road and Grassy Hill Road this would be a good time for it to be included with his plans, and paid for. You know Walnut Hill Road will be a short cut.

The next item: I would like to ask the First Selectman & Chairman of the Water & Sewer Depts. about Lombardi's business park in Montville. I've asked various people in our Town government and residents of our Town about the water line through his property.

1. Most say that he was going to get fire hydrants there only
2. The water tank being built there looks only big enough to protect his property. Or is it there for his business park water pressure?
3. I was really surprised when I saw water line tie ins to his business lots. How did that happen?
4. Who paid for these tie ins?
5. How is Lombardi going to get billed by what town or is it free water there?
6. Are we going to pave Lombardi's road for him?

The next issue is that the proposal before the Town to buy Darrow's Ridge and Gurly Road from John Ellis: It makes no sense to buy it. If we waited another 2 years to purchase Darrow's Pond Ridge we could of save probably ½ the price we paid for it. Nobody was really interested in it and that's where there should have been a water tank, and new wells drilled. I thought that's why we "needed" this valuable property --- for the good of the Town.

The next issue is how this solar farm was forced down the throats of the residents of Walnut Hill Road. I have other issues to bring up, and would like to get addressed. Another meeting, another time.

Thank you all for your time and attention to these matters, and I hope you can save our road, the rural character of Walnut Hill Road, and get paid for our water usage and installations.

Sincerely,  
John Bialowans, Jr.

Attachment B

# SAVE OUR ROAD!!

**SHOW YOUR SUPPORT!!! COME TO THE MEETING NOV. 6, 2013 / 7P-7:30P**

WE, THE UNDERSIGNED AS RESIDENT OF WALNUT HILL ROAD, CRANBERRY ROAD, MOUNTAIN VIEW ROAD, AND KING JAMES COURT NOTE THAT:

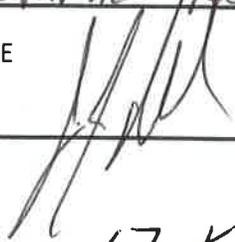
1. SAFETY CONCERNS – BOTH PEDESTRIAN AND VEHICLE
  - A). WALNUT HILL ROAD IS VERY NARROW, WITH TWIST, TURNS AND TIGHT CORNERS
  - B). SCHOOL BUS TRAFFIC, SCHOOL CHILDREN, WALKERS, JOGGERS, ETC. CONCERNED FOR THEIR SAFETY
  - C). MORE HOMES LOCATED ON OR JUST OFF WALNUT HILL ROAD
  - D). GRASSY HILL ROAD IS A STRAIGHT AWAY ROAD WITH FEWER HOMES
  - E). LESS PEDESTRIAN TRAFFIC
2. DAMAGE TO OUR NEWLY PAVED ROAD
3. WHO WILL BE RESPONSIBLE TO PAY FOR DAMAGE REPAIRS? THE TOWN, LOMBARDI, LANDINO?
4. SPEEDING CONCERNS
5. HOURS OF OPERATION
6. IN THE BEGINNING THEY WERE USING GRASSY HILL ROAD – WHY NOT NOW?
7. THESE ARE A FEW OF OUR CONCERNS LISTED ABOVE

THEREFORE WE ASK THAT:

THE SELECTMEN AND ZONING DEPARTMENT DO ALL IN THEIR POWER TO RECIFY THE SITUATION BEFORE A SERIOUS ACCIDENT OCCURS, AND BEFORE OUR LONG AWAITED NEW ROAD IS DESTROYED.

JAMES HOLDA

PRINTED NAME



SIGNED NAME

17 KING JAMES DR. EAST LYME, CT

ADDRESS

DATE

**PLEASE RETURN SIGNED PETITION TO:**

**JOHN BIALOWANS, JR. & CAROL MURCKO**

**61 WALNUT HILL ROAD**

**EAST LYME, CT 06333**



Attachment C



→ #4 Walnut Hill pothole  
cold patch

