

TOWN OF EAST LYME
BOARD OF SELECTMEN
OCTOBER 15, 2014
REGULAR MEETING MINUTES

Members Present:

Paul Formica, First Selectman
Kevin Seery
Rose Ann Hardy
Mark Nickerson
Holly Cheeseman
Rob Wilson

FILED IN EAST LYME
CONNECTICUT
Oct 21, 2014 AT 8:20 PM
Ruth Hatfield
EAST LYME TOWN CLERK

Also Present:

Gary Goeschel, Town Planner
Tracey Collins, Town Attorney

Mr. Formica called the meeting to order at 7:15 p.m.

1. a. Pledge Allegiance to the Flag

Mr. Formica led the assembly in the Pledge of Allegiance.

b. Additional Agenda & Consent Calendar Items

There were no additional Agenda & Consent Calendar Items.

c. Delegations

John Bialowans, Jr. of 61 Walnut Hill Road discussed the Mattos Pond, the work at the Tinker homestead, and the Solar Farm. He presented Exhibit A (attached).

Joe Barry of 111 S. Edgewood Road discussed the work at the Boardwalk. He has concerns about the setting of the sheets. He believes they are being put in incorrectly. If there is overrun by the contractor to fix problems who will pay for it? He was down there and didn't see an inspector. He believes there should be someone there from the Town for quality assurance.

Craig Peterson of 56 Walnut Hill Road discussed the erosion at the Solar Farm. He applauded the Inland Wetlands Agency for extending the Cease and Desist order to spring. He believes a photo record should be kept. He also wanted to know how to name the brook. He followed the brook down to Cranberry Meadow and there are still some spots that haven't been repaired.

- d. Approval of Minutes, Special Meeting of October 1, 2014

Motion (1) Mr. Nickerson moved to approve the Special Meeting Minutes of October 1, 2014 as submitted.

Seconded by Mr. Seery.

Motion Passed 6-0.

- d1. Approval of Minutes, Regular Meeting of October 1, 2014

Motion (2) Mr. Nickerson moved to approve the Regular Meeting Minutes of October 1, 2014 as submitted.

Seconded by Mr. Seery.

Ms. Hardy stated on Page 3, under Ex-Officio reports it should state Bride Brook Nursing Facility and Rehabilitation Center.

Motion Passed 6-0.

- e. Consent Calendar

Motion (3) Mr. Nickerson moved to approve the Consent Calendar for the meeting of October 15, 2014 in the amount of \$1,365.33.

Seconded by Mr. Seery.

Motion Passed 6-0.

2. New Business

- a. Resolution – Authorization to Sign and Deliver a funding application to STEAP (Small Town Economic Assistance Program) to OPM for Cini Park Restrooms and water and sewer project.

Motion (4) Mr. Nickerson moved the following:

Be it resolved, that we the Board of Selectmen, constituting the legislative body of the Town of East Lyme, hereby authorizes the First Selectman to sign and deliver a certain funding application – Small Town Economic Assistance Program (STEAP) Grant for Cini Park Restrooms, Water and Sewer Project with the Office of Policy and Management (OPM) of the State of Connecticut.

Seconded by Mr. Seery.

Ms. Hardy stated the public was promised that would be an undeveloped area. They were also told there was no water and sewer available there. She is still not in favor of developing this parcel.

Mr. Nickerson stated he is also not in favor of developing it, but this is a public service for people using the beach and the Boardwalk.

Mr. Seery asked if this would affect the area presently set aside for the park.

Mr. Formica stated this would not affect that area.

Motion Passed 5-1 (Ms. Hardy – Nay)

3. Unfinished Business

a. JLUS – Resolution (Joint Land Use Study re: Stone’s Ranch Military Reservation and Camp Niantic)

Motion (5) Mr. Nickerson moved the following:

Be it resolved, that the Board of Selectmen, constituting the legislative body of the Town of East Lyme, hereby authorizes the First Selectman to sign and deliver an Agreement with the Department of Defense, acting through the Office of Economic Adjustment (OEA), pertaining to a Joint Land Use Study (JLUS) regarding Stone’s Ranch Military Reservation (SRMR) and Camp Niantic.

Seconded by Ms. Cheeseman.

Ms. Hardy asked if Old Lyme and Lyme are requesting similar funds.

Mr. Goeschel stated that is part of the process. Once it is out for RFP they will amend the Grant application.

Ms. Hardy asked what happens if this doesn’t cover the whole amount of the project.

Mr. Goeschel stated they would amend the Grant to cover beyond the \$12,000.

Ms. Hardy asked about Page 2 emergency assistance.

Mr. Goeschel stated they provided those services after hurricanes

Mr. Formica stated the military is more than willing to help in any way they can during emergencies.

Mr. Seery thanked Mr. Goeschel for his explanatory memo. If we move forward this gives us the ability to give feedback and make our feelings known in advance.

Ms. Hardy thanked Mr. Goeschel for his report.

Motion Passed 6-0.

b. Health & Safety Appointments

Motion (6) Mr. Nickerson moved to appoint the following to the Health and Safety Committee with terms expiring on October 1, 2015.

Karen Galbo
Anna Hartung
Ed Ball
Tania Ranelli
Matt Devore
Julie Wilson
Victor Benni
Joe Bragaw
Rich Pape
Chris Taylor
Lisa Timothy
Mike McDowell

Seconded by Mr. Seery.

Motion Passed 6-0.

4. Communications

There were no communications.

5. Information and Reports

a. Ex-Officio

Mr. Seery attended Parks and Recreation and they were given an update of the Boardwalk construction. They discussed the beaches for next year. He attended Inland Wetlands and they discussed the Solar Farm Cease and Desist order being left on until Spring. There is still work that needs to be done there.

Ms. Hardy stated she will not be able to attend the Planning meeting next Tuesday. They will be discussing a proposed zoning text amendment lowering the proximity of businesses selling alcohol near places of worship. They will also discuss the discontinuance of a portion of Mostowy Road.

Mr. Wilson had no report.

Ms. Cheeseman stated she attended the October 2nd Zoning meeting. They approved a mixed use application, which will be the re-location of Mermaid Liquor Store with an apartment upstairs.

Mr. Nickerson stated he attended the Board of Education meeting last night. They are reviewing new bylaws.

b. First Selectman's Report

Mr. Formica stated he will go and view the construction on the Boardwalk regarding Mr. Barry's concerns. He did lock in the electric rates from March 30, 2016 through December of 2017 at 8.87 cents. There is an inspector on site at the Boardwalk who is paid for by the architect. Darrows Ridge will be on the next agenda. They used the bond funds to pave the final coat on Darrows Court. The Town is finishing the realignment of Mostowy Road. They are doing drainage work now. They also paved the circles for plowing and garbage pick up.

6. Public Discussion

Mr. Bialowans asked Town Counsel regarding an injunction on the Solar Farm. The Siting Counsel gave them a deadling of October 17th to repair the damage.

Mr. Formica stated he will follow up with them and let him know. He will act on behalf of the community.

7. Selectman's Response

Respectfully Submitted,



Karen Miller Galbo
Recording Secretary Pro-Tem

Exhibit A

October 15, 2014

Good Evening Mr. Formica & Other Board Members,

My name is John Bialowans, Jr. of 61 Walnut Hill Road, East Lyme, CT. We have some concerns that are bothering a lot of people to the Commission. I always get nominated to speak for them.

1. The first concern is about Matos' pond which I have mentioned quite a few times before. The Town dug it out once because the Matos' complaint about the drains, Cummings Horse Farm, catches basins, and how the brook was changed. Now it's about their erosion on their banks because the rocks are falling (slipping down) into the pond. Their father used to have Earl Rix repair the embankment when the rocks moved. If the Matos' maintain their property (like their father) this would not have happened. Now it's the Towns' fault after all these years again. Again, I say, the Town dug the pond out once. I have some different items that need to be addressed by the Town on our property, and so do a lot of other taxpayers in this town.
2. The next concern is an East Lyme dump truck & trailer was on the Tinker homestead picking up flat rocks from the old foundation. Where did they go? What kind of deal did Landino get for the rocks? I have some extra loam if the Town needs it. I wonder what kind of deal I'll get.
3. The next concern is about the Solar Farm:
 - a. The Town officials kept telling everyone that asked that they were going to put an injunction on the property September 30, 2014. What happened to it?

- b. The cease and desist is just a slap on the hand for all the sediment and erosion problems that are still there after the March 29, 2014 rainstorm. It wasn't no act of god for these problems – it was Centerplan and Landino not doing the job complete like they promises the Siting Counsel on doing. If they felt that this was going to be problems, change it – not have it fail twice already. Everyone that bought the Solar Farm idea now wishes their names weren't involved with it. Also, all the sediment and erosion problems that they caused to the taxpayers who live near the Solar Farm site need to be fixed. Centerplan and Landino said at a Wetlands meeting that they take this problem very seriously, and it's their responsibility to repair the damage to the people affected.
- c. You hear enough rumors out there, so I'm asking as a taxpayer to the Board of Selectmen, that they should be keeping the best interest of the Town and taxpayers in mind. So what's the deal with the injunction?
- d. I feel that the Army Corp of Engineers in Concord, Mass should be called, and look into the damage to the wetlands and the tributary. It failed twice, so what is this last attempt to fix the problem going to do? The Solar Farm site looks like a big mess, and I know I wouldn't put my name on it or be associated with it.
- e. I would also like to know or who to ask – Did Centerplan/Landino get all their Federal & State money for this project yet? Also, are they being fined since the Solar Farm is not running yet? You try to get answers but, are sent the wrong way and you can feel it in your gut. Boy, is there a lot of politics involved with this project, and they wish it would go away.

4. It's really a shame to live, retire and be a taxpayer in a town being used this way, and being lied to. My family has been here for 100 years, and their tributary has never looked the way it does now – with other bigger storms that came and went. The rainstorm on March 29, 2014 was only 3.42 inches. The problem was the farmland was stripped down to the hardpan – so where was the water going to go on this Solar Farm? It was a very rushed up job and very secretive project also.
5. The next concern is about Landino building a home at the Tinker homestead. First he was going to save it and fix it up. But the biggest promise was that if he was going to build homes on the land he owns, he was going to put in drains, repave the road (from the Tinker house to Grassy Hill Road, fix the retaining wall on Walnut Hill Road (that has all silt in it from the Solar Farm). What happened to that promise? Or is it just another deal the Town gave him?
6. I'm done for tonight but, there are other concerns - like Walnut Hill Road, Darrow Ridge, etc. to be answered.
7. Like I said before the last Selectmen's meeting – stop the rumors.

Thank you for your time and your answers to our concerns as taxpayers of East Lyme, CT.

John Bialowans, Jr.