

EAST LYME BOARD OF SELECTMEN
MEETING OF SEPTEMBER 1, 2010
MINUTES

PRESENT: Paul Formica, Mark Nickerson, John Birmingham, Rose Ann Hardy, Rob Wilson, John Hogan (by phone)

ALSO PRESENT: Town Attorney Ed O'Connell, Finance Director Anna Johnson, Town Engineer, Bill Scheer

Mr. Formica called the meeting to order at 7:30 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items

There were none.

1c. Delegations

John Drabik of 18 Drabik Road said that he had watched the tape of the previous Selectmen's meeting and many of the statements were fabrication and questioned what was going on with the Boardwalk.

Mr. Formica responded that there was nothing improper going on other than some people's vivid imaginations. He stressed that there is no agreement between Amtrak and the Town regarding the Boardwalk. He said that Amtrak has a contract with the contractor, Ciambro and DEP issued the permit. He added that the Town was included to protect the interest of the people. He said he would be happy to discuss any of this with Mr. Drabik.

1d1. Approval of Minutes, Special Meeting of August 4, 2010

Ms. Hardy noted that pages 2 and 4 had been supplied this evening since they were missing in the mailed packet.

Mr. Wilson noted he had been present for some of the stops on the tour.

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of August 4, 2010 as submitted.

Seconded by Mr. Wilson.

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

Nay: None.

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

1d2. Approval of Minutes, Regular Meeting of August 4, 2010

MOTION (2)

East Lyme Board of Selectmen Minutes of September 1, 2010

Mr. Nickerson moved to approve the minutes of the regular meeting of August 4, 2010 as submitted.

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

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$14,262.19 for the meeting of September 1, 2010.

Seconded by Mr. Wilson.

Mr. Birmingham inquired about items 4 and 5 and asked if they were the same item.

After review it appeared that they were different.

Motion passed 6-0.

2a. Authorize First Selectman to Enter into Leases with Commercial Fishermen

Mr. Formica said the term of the leases was for three years and noted that when the prior leases were expiring, they did not know what effect Amtrak's construction would have on this area. After he had talked to all of the fishermen regarding their concerns, Attorney O'Connell had prepared the leases. He noted that they all had requested electricity and water however; this could not be accomplished presently. He said that he had raised the rents on four of the leases and reduced the rent on one and that four out of five have paid in full, while the other has paid 2/3, and will pay the rest presently.

Attorney O'Connell said that the leases are in the format familiar to the Board with the same provisions. The only new provision that was added is if there is any condemnation due to eminent domain, any award for taking of the property would go to the Town and not the fishermen. He said that the rent was assessed by the linear foot and that any payments made by the fishermen would be credited once the leases were approved.

MOTION (4)

Mr. Nickerson moved to authorize the First Selectman to enter into leases with the Commercial Fishermen from January 1, 2010 through December 31, 2012 as presented to the Board.

Seconded by Mr. Birmingham.

Ms. Hardy said she would be abstaining from voting since she preferred to read the leases before voting.

Mr. Formica offered to table the item until the next meeting of offer time to read them.

Ms. Hardy declined the offer.

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

Nay: None.

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

2b. Resolution re: Yankee Gas Easement – Chesterfield Rd. – High School

Mr. Formica said that Yankee Gas is installing a natural gas supply line from Chesterfield Road to the High School boiler room. An easement in favor of Yankee Gas will be required where they will have the right to enter upon the easement premises for the purpose of servicing, maintaining and repairing the natural gas supply line. He said that the land involved is used for educational purposes and is designated for school use by the Board of Education, but legal title is held by the Town of East Lyme. The Board of Selectmen needs to authorize the First Selectman to execute the easement.

Ms. Hardy inquired if they ripped up the area, would they be made to return the property to as good as or better?

Attorney O'Connell responded that yes, this is similar to all of our town easements and they would have to fix up the property if they disturbed it.

MOTION (5)

Mr. Nickerson moved the following resolution:

RESOLVED, that the Town of East Lyme grant and convey unto Yankee Gas Services Company, a specially chartered Connecticut corporation, having its principal office in the Town of Berlin and the State of Connecticut, and its successors and assigns, the non-exclusive perpetual right to install, operate, maintain and repair natural gas lines over, under and across land of the Town, more particularly described in Schedule A attached hereto; and (identified as Attachment A).

RESOLVED, the First Selectman be and hereby is authorized to execute and deliver in the name of the Town a Gas Distribution Easement in favor of Yankee Gas Services Company, and to do any and all other acts as may be necessary or desirable to effectuate the foregoing.

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

2c. Donation of Cameras – Boardwalk by EL Public Trust

President of the East Lyme Public Trust Dr. Robert DeSanto was present and reviewed the list of transfers and donations to the Town of East Lyme from the Trust (identified as Attachment B). He said he was here tonight to formally offer the video cameras and related equipment to the Town. He added that the cameras pan the boardwalk and the footage is available on the website

Ms. Hardy said that if the Town accepted these cameras we would be responsible for the maintenance and repair. She added it appeared that repairs were very costly and said if we have problems and do not have sufficient money to repair, could we come back to the Trust for monetary assistance.

Dr. DeSanto responded that of course the Town could approach the Trust and they would help out in the best manner they could.

Mr. Wilson asked that Dr. DeSanto report back to the foundation and offer their thanks and to tell them the Town sincerely appreciates it.

Mr. Formica concurred.

MOTION (6)

Mr. Nickerson moved the following:

RESOLVED, to accept the donation by the East Lyme Public Trust Foundation Inc., of the video camera systems and related equipment at the base of the Boardwalk area near the Hole in the Wall premises.

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

2d. Appointment – Smith Harris House Commission

Ms. Hardy said that this was a good appointment and that Ms. Jutila was very familiar with the Town and had been a working member of the Friends of Smith Harris in the past.

MOTION (7)

Mr. Wilson moved to appoint Donna Jutila of 23 Brainard Road, Niantic, CT 06357 to serve on the Smith Harris House Commission effective November 1, 2010 through January 2, 2012.

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

2e. Special Appropriation \$112,060 – Phone System – Schools

Business Director Don Meltabarger said that this proposal would provide onsite PBX telephone, intercom and voice mail system for the High School, Flanders Elementary and Central office.

Ms. Hardy said that this appeared to be the same type of system that had been put in at Haynes and Niantic Center and inquired how these were working out.

Mr. Meltabarger responded that this was a good working system and we had realized savings.

MOTION (8)

Mr. Nickerson moved the following resolution:

RESOLVED, to approve an appropriation to the Board of Education for the purpose of acquiring by way of lease or purchase or a combination thereof, a new telephone system and related equipment for the High School, Flanders School and Central Office for the total amount of \$112,060 payable in monthly installments over a period of five (5) years and forward to the Board of Finance for their approval.

Seconded by Mr. Wilson.

Ms. Hardy said that she would be voting on this issue. She said that she did not stand to gain anything on this and no more than every other employee of the school system.

Motion passed 6-0.

2f. Special Appropriation Generator at Middle School – up to \$25,000

Mr. Formica said that Emergency Management had already been awarded \$58,000 by the State of CT, Department of Emergency and Homeland Security, toward this project as part of the Emergency Operations Center / Shelter Generator Grant Program. He said that they are requesting up to an additional \$25,000 for the purchase and installation of the generator.

Director of Emergency Management Pearl Rathbun said that she requested the additional funding now since there would not be time to come back for funding later and meet the purchase / installation time line.

MOTION (9)

Mr. Nickerson moved to approve an expenditure of up to \$25,000 as outlined above from account 1-01-01-120-200-500 (Contingency) and forward to the Board of Finance for their approval.

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

2g. Special Appropriation \$19,520 – Clean Energy Fund Grant – Solar System – Hole in the Wall

Mr. Formica said that a grant in the amount of \$19,520 was awarded to the Town to purchase and install a solar system on the Hole in the Wall building. The project was sent out to bid and the winning bid of \$39,990 by Waldo Renewable LLC was accepted. The remaining \$20,470 will be paid from the remainder of the STEAP grant that was used to construct the Hole in the Wall Parking Lot and Building.

Ms. Hardy asked Town Engineer Bill Scheer to describe the system.

Mr. Scheer said that solar panels will be mounted on the roof facing the tracks and will collect 95-100% of the energy that is needed to electrify the building.

MOTION (10)

Mr. Nickerson moved to approve a special appropriation in the amount of \$19,520 a grant from the Connecticut Clean Energy Fund (CCEF) to construct a 5 KW Solar System on the south roof of the Hole in the Wall Building and forward to the Board of Finance for their approval. (The remainder of \$39,990 (\$20,470) project cost coming from previously appropriated STEAP funds).

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

2h. Sign Call – Special Town Meeting – 9/15/10

Mr. Formica noted that two of the items this evening had to go to Town meeting. He said that they along with the potential purchase of the Mobil Station were being put on a Town Meeting Call contingent upon the Board of Finance’s approval.

MOTION (11)

Mr. Wilson moved the following:

TOWN OF EAST LYME
NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting to be held on September 15th, 2010 at 6:30 p.m. at the East Lyme Town Hall Upper Meeting Room to consider and take action on the following:

1. To consider and act upon a resolution entitled “Resolution Appropriating \$740,000 for the Acquisition of Real Property at 224 Main Street in the Town of East Lyme and Authorizing the Issuance of \$740,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof, the Making of Temporary Borrowings for Such Purpose.”
2. To approve the purchase of real property known generally as 224 Main Street, more particularly described in Schedule “A” attached to an option to purchase said real property, for the price of \$675,000, subject to customary closing adjustments. The purchase is subject to a satisfactory title examination and a satisfactory environmental report. The First Selectman is authorized to execute, in the name and on behalf of the Town, closing statements and such other documents that may be necessary or desirable to effectuate the acquisition of the property by the Town.
3. Special Appropriation – Board of Education for acquiring by way of lease Or purchase or a combination thereof, a new telephone system and related equipment for the High School, Flanders School and Central Office for total amount of \$112,060 payable in monthly installments over a period of five (5) years.
4. Special Appropriation \$19,520 – Clean Energy Fund Grant – Solar System Hole in the Wall

Copies of the proposed bond resolutions are on file and open to public inspection at the Office of the Town Clerk.

Dated at East Lyme, CT this 1st of September, 2010.

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

East Lyme Board of Selectmen Minutes of September 1, 2010

4a. Ltr. Received from CT DEP re: local traffic issues – Rocky Neck

4b. Ltrs. From P Formica re: Insurance Coverage

4c. Ltr. from P. Formica to Warden Guase

Mr. Formica reviewed the communications. He noted Item 4b. and said that every year the Workers Compensation and Property Liability Insurances are put out to bid and this year, we will be staying with our current vendor and saving approximately \$86,000.

5a. Ex-Officio

Mr. Wilson had no report.

Mr. Birmingham had no report.

Ms. Hardy had no report.

Mr. Nickerson said he attended the Water and Sewer Commission meeting and noted that Mr. Formica would be covering it in his report.

5b. First Selectman's Report

Mr. Formica said he attended the tour at York Prison and added he was impressed with the facility and thanked the Warden.

He had a meeting with UCONN's Peter Minuitti and reviewed plans for parking areas downtown. He said there will be another meeting of the 20/20 Facilities Plan on September 13, 2010 at 7:00 p.m at the Police Station.

He met Mike Sousi the new High School Principal and the new security officer.

He attended the Kayak Regatta hosted by Save the River, Save the Hills.

He attended two wakes;

Henry White and Mrs. Ferguson and expressed his deepest sympathies for their loss.

He attended the Board of Education meeting this past week where they discussed the HVAC contract renewal, a field trip to Italy, goal setting and donations.

He said he has heard from MIRMA where they outlined the process of assessment for the year we were with MIRMA. He said there is an upcoming meeting and will keep the Board apprised.

He met with Ledge Light Health District and reviewed his concerns about their customer service problems.

He said he will be attending a Council of Governments meeting tomorrow where they will discuss other options for regional health districts.

He chaired the Water and Sewer Commission.

He attended a Regional Resident Trooper Meeting and was named Co Chair. He said that they are trying to develop a process for the regionalization of our resident troopers.

He met with State Representative Ed Jutila, Assessor Donna Bekech and resident Mr. Godbout regarding the way used vehicles are assessed.

He held a probate district meeting and reviewed the repairs, renovations and costs that will be necessary and said that we will be responsible for 25% of the costs. He said that the offices were to be ready the first week of January 2011.

He held a meeting regarding West Lane and Attorney Cunningham is reviewing new information that came forward.

He attended a Council of Governments Retreat where they discussed how they could help regionalization and how the Council could be more effective. He was named to the Legislative Committee for COG.

He attended a Pension Committee this week.

He said that we have applied for a STEAP grant to continue the improvements on the streetscape for Main Street and Hope Street.

He attended a meeting at the Emergency Operations Center regarding the potential hurricane. He added that he has taped a public announcement that is running on Channel 22 outlining what people should do and most importantly, they should be alert and aware of the potential storm.

He was visited by an agent from the Federal Bureau of Investigation due to a complaint that was filed for misappropriation of Federal funds. After the investigation was completed, the agent called him and told him that there was no evidence of anything out of the ordinary regarding the Boardwalk. Mr. Formica said that there has been a great deal of misinformation, innuendo and active imaginations.

6. Public Comment

Bob Gadbois of 358 Boston Post Road said that people in New London have been called nay-sayers and now, we are being called nay-sayers and he is tired of the name calling. He said everyone is always talking about all the money that is being saved on the new phone systems and gas lines and he hopes to see the savings in his next tax bill. He said the boards from the boardwalk were ours and what does the state have to do with our boards?

John Drabik said he wanted the comments about vivid imaginations to be put in the minutes because he believes he is being singled out.

7. Selectman's Response

Mr. Hogan said he will be out of town in October and not available until November 1st. He requested coverage for his Ex-Officios (Waterford /EL Shellfish and Planning).

Ms. Hardy said that we have not had any report from our representatives from Ledge Light in quite awhile. She also suggested getting reports from our Cable TV Advisory Representative and TVCCA. She said she had asked to have a discussion about illegal signs and incentive housing zones. She said she was disappointed that we could not retain a local insurance agent since this was a large sum of money going out of town. She suggested asking Segur for a donation to the Town, much like Dominion.

She asked if Mr. Formica would get a copy of the contract that Amtrak has about the Boardwalk.

Mr. Formica said he has never seen the contract, has asked Amtrak for a copy of the contract and is awaiting a reply from them.

MOTION (12)

Mr. Wilson moved to adjourn the September 1, 2010 meeting of the East Lyme Board of Selectmen at 9:02 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary