

East Lyme Board of Selectmen
Meeting of September 19, 2012

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

FILED Sept 24, 2012
AT 1:30 P.M.

Jesley A. Blais
TOWN CLERK

Also Present: Ed O'Connell, Town Attorney
Dave Putnam, Director of Parks and Recreation
Gary Goeschel, Director of Planning
Bill Sheer, Town Engineer
Anna Johnson, Director of Finance
John Bysiewicz

First Selectman Paul Formica called the East Lyme Board of Selectmen Meeting of September 19, 2012 to order at 7:50 p.m.

1. a. Pledge Allegiance to the Flag. The Pledge was observed.
- b. Additional Agenda & Consent Calendar Items. There were no additions to the Agenda and no discussion of the Consent Calendar items.
- c. Delegations. Mike Schultz of Lovers Lane, East Lyme asked what is the status of fundraising from the Board of Education. A presentation was given before the Referendum for the Sports Complex. It indicated that the fundraising was to help with its cost. The entire amount passed. This would suggest that there was no fundraising. There is no money for a concession stand or bathrooms. Fundraising should be a large portion of it. We don't have children and yet we have to pay for items such as this.

The Board of Education won't consider sponsorship. He asked why not? The concession stand could be paid for by fundraising. The Town of Salem will not contribute towards these costs, but they are enjoying the benefits of it. We have a three year contract with Salem. He felt Salem should contribute.

John Drabik, of 18 Drabik Road, felt there is a lack of transparency in Town.

Bill Sheer, Town Engineer, reported before we signed the contract we discussed demolition of the bleachers at a cost of \$9,000. It is written in the specifications that the contractor owns the materials he is asked to remove, except for top soil. The top soil went to the transfer station.

Karen Rak, of 27 Black Point Road, stated the Board of Education is part of the Town and its expenditures are passed on to the taxpayers. She questioned what is the overall value of what the contractor received. Mr. Sheer stated each contractor has different values.

John Drabik of 18 Drabik Road stated the light poles are approximately eight years old. The fill is worth \$24 a cubic yard. He asked who signed the contract the Board of Education or the First Selectman? He feels we need an Asset Management Program.

Mr. Sheer stated removal of unsuitable material was in the contract. This contract was signed by Mr. Formica and Dr. Lombardo.

Mike Schultz, of Lovers Lane, East Lyme, stated he was told that the contractor received top soil from the school system.

d1. Approval of Minutes, Special Meeting of September 5, 2012. Mr. Formica asked for additions, deletions or corrections to the Special Meeting of September 5, 2012.

MOTION: Mr. Nickerson moved to approve the Board of Selectman Special Meeting Minutes of September 5, 2012, as presented. Seconded by Kevin Seery. (6-0) Unanimous.

d.2. Approval of Minutes, Regular Meeting of September 5, 2012. Mr. Formica asked for additions, deletions or corrections to the Regular Meeting Minutes of September 5, 2012.

MOTION: Mr. Nickerson moved to approve the Board of Selectman Regular Meeting Minutes of September 5, 2012, as presented. Seconded by Ms. Cheesman. (6-0) Unanimous.

e. Consent Calendar.

MOTION: Mr. Nickerson moved to approve the Consent Calendar for September 19, 2012 for the Meeting of September 19, 2012 in the amount of \$2,589.83. Seconded by Mr. Wilson. (6-0) Unanimous.

PRESENTATIONS: Niantic ½ Marathon and 5K Race
Parks and Recreation—Review of Special Revenue Fund

Mr. Byslewicz, reported he has been Event Coordinator for the 5K Marathon since 2007. This year's race will be held on September 23 at 9 a.m. Approximately 1,000 runners will participate. Many of the volunteers are from East Lyme. The race contributes to the Lions, Leos, Boy Scouts, Chamber of Commerce and Children's Museum. Over the years we have tried to improve the traffic plan. Giants Neck and Giants Neck Height residents are given a flyer

informing them of expected traffic delays. They are given alternate routes. We hope participants will shop in town.

Mr. Formica stated over the last couple of years this marathon has gone very well.

Dave Putnam reported this is the second year that the Special Revenue Fund has been in existence. He thanked Anna Johnson, Rose Cotoia and Deb Levandowski for their help. We are extremely pleased with the way this fund has worked. Mr. Putnam is required to give updates. Expenses include FICA and Medicare for program personnel and instructors, fees for credit card sales, and the program brochure which is printed four times a year. As of June 30 the Special Revenue Fund had \$1,869.85, Celebrate East Lyme has a fund balance of \$1,936 which goes into the Special Revenue Fund, \$21,537.73 came from donations. A large portion of that is from the Niantic Rotary Club for the installation of a new playscape at McCook Point Park. Fifteen Thousand dollars was received from Jeffrey's Run. As of July 1 all Youth Services funds come out of that fund.

Mr. Formica stated we took program fees and moved them into this fund.

Ms. Hardy felt the brochure is very impressive. She is opposed to non-resident employees receiving discount rates for the use of our facilities. Mr. Putnam replied the Parks and Recreation Commission approved it. Ms. Hardy asked if profits from some of these activities are in the Special Revenue Fund. Mr. Wilson replied this is a fund run by Mr. Putnam and what is left comes back into the General Fund.

Mr. Formica stated Mr. Putnam does wonderful work and the Town is lucky to have him.

2. New Business

a. Checking of the Indices. Board members reviewed September 7, 2012 Memo from Lesley A. Blais, Town Clerk, regarding review of the indices. Ms. Hardy felt his fees are low for this service.

MOTION: Mr. Wilson moved to approve the fee to Attorney William Willetts, Jr. in the amount of \$2,000 to examine the indices of the land records for the calendar year 2011 in accordance with CGS Section 7-14. Seconded by Ms. Cheeseman.
(6-0) Unanimous.

b. Opportunity for Public Input—Samuel Smith Property. There was no discussion at this time.

c. Resolution—Main Street Investment Fund Grant Application. Mr. Formica reported this grant is for water and sewer in order to have restroom facilities at Cini Park.

MOTION: Mr. Nickerson moved to adopt the resolution that

Paul M. Formica, who is the First Selectman of the Town of East Lyme, is empowered to execute and deliver in the name of and on behalf of the Town of East Lyme a certain funding Application-Cini Park Commercial Marine & Municipal Facility Improvements under the Main Street Investment Fund Program referenced in Section 78 and 79 of the PA11-1 with the Office of Policy and Management (OPM) of the State of Connecticut, and is authorized to affix the Town Seal. Seconded by Mr. Wilson. In Favor: Formica, Wilson, Cheeseman, Nickerson and Seery. In Opposition: Hardy (5-1) Motion carried.

Ms. Hardy was opposed because there was no information presented on where it would go, nor how much open space it would take up. Unless more information is provided she is opposed to the development of this property. She did not know how much money will be needed for this project.

Mr. Goeschel, Director of Planning, stated we need restroom facilities to accommodate patrons of the Boardwalk. We are asking for \$500,000. We expect to receive a grant from CL&P. The net cost will be zero.

Ms. Hardy felt there would be ongoing maintenance fees for it. Mr. Wilson stated we have developed the Boardwalk, and we need facilities. If we don't have restroom facilities, we will need to pay for portapotties.

Ms. Hardy stated we have not discussed fees. There are no plans to bring in any money to support it. She felt those discussions should be in place. We are committing more development at the expense of the local taxpayer.

d. Road Acceptance—Bride Brook Estates Subdivision. A bond was used to take care of improvements and finish the job. CL&P will put up street lights when the Town accepts the road.

MOTION: Mr. Nickerson moved that the East Lyme Planning Commission has recommended that the Town accept certain roads, drainage and water main easements and related improvements located in the "Bride Brook Knoll, LLC" subdivision, known as Coach Drive, Paddock Drive and Grooms Way and more particularly described in deeds pertaining to said roads; and that the Town Engineer and Director of Planning have determined that said roads, easements and related improvements have been constructed in accordance with the Town's standards and approved plans; and that the

Town Municipal Utility Engineer has determined that the water lines located in said subdivision have been constructed in accordance with Town standards and as-built plans; and that the Board of Selectmen hereby accepts as public highways said roads, easements and related improvements, subject to the developer's execution and delivery of deeds and related documents as approved by the Town Attorney. Seconded by Mr. Seery. (6-0) Unanimous.

3. Unfinished Business

a. Continued-Samuel Smith House. Mr. Formica reported the property has been agreed to be sold for \$425,000, and the Town has the option to purchase. Mr. O'Connor has contacted the Hubers' attorney. The Town will have a public/private partnership with the Sportsman's Club. The Town will apply for a grant in the amount of \$175,000.

Mr. Formica discussed the purchase with Finance Director Anna Johnson. It was felt it would be better to use the CNR Fund and when the grant comes in that sum will be returned to the CNR Fund. That will eliminate the need for bonding.

Mr. Seery stated several months ago he had discussions with Ms. Lange and Mr. Schutt. This community has always come forward to help. Mr. Formica and the Sportsman's Club have worked well together to ease the amount spent by the taxpayers. He supports the purchase of this property.

Ms. Hardy felt this is a great opportunity for the Town. The Smith-Harris House which was purchased by the Town in 1986 is an ongoing property in development. The Town owned that property for six years before it was open to the public. The Lee House has volunteers that donate their time and visitors that donate money. Even if the Town does not receive a grant for this property over the next ten to fifteen years it will increase taxes by \$5 per taxpayer per year. She felt this is money well spent. She is in favor of the most recent proposal. She thanked the Sportsman's Club for stepping forward to help the Town.

Mr. Wilson thought a lot about this and feels Mrs. Hardy has valid points. We have missed opportunities in the past. Supporting history means also supporting East Lyme's future history. This will not impact the taxpayers very much.

Matthew Fleisher stated he is in favor of either proposal.

Ms. Cheeseman thanked the First Selectmen and everyone who has worked hard on this. She is unable to support it at this time. There are questions of the resources available to this group to take care of repairs. She asked how much is in the checking account?

Mr. Nickerson felt the Samuel Smith House should be preserved. Although he did not want it to be an ongoing expense. He would like to mirror the Thomas Lee House that does not lean on the Town. The Sportsman's Club partnership made him in favor of this purchase. He is in favor of \$125,000 commitment from the Sportsman's Club.

Mr. Formica stated his job is to bring information to the Board and Town. The Town has experience on how these houses will be run. Each historical house should work to obtain grant monies, He is in favor of this purchase. The Sportsman Club will allow an opportunity for the Friends of the Samuel Smith House to use the land for whatever they wish to. The Sportsman's Club asks if the Samuel Smith House became available for sale, they would like first option to purchase it.

Mr. O'Connell stated he has only received the name of the Hubers' attorney two to three days ago. It will need to be approved by the Sportsman's Club and the Hubers. If the Board of Selectmen approves this purchase it will need to be forwarded to the Board of Finance. A Town Meeting will need to be scheduled. The grant application is due on October 26. Mr. Formica stated the Board of Finance meets next week. If approved by the Board of Finance, a Town Meeting would be held on October 3.

MOTION: Mr. Nickerson moved to adopt the resolution to approve and forward to the Board of Finance a special appropriation in the amount of \$425,000 from Capital Non-recurring (CNRE) Fund 32 for the acquisition of the Samuel Smith property. It is further resolved, to reimburse the fund with proceeds received from the sale of any portion of the property and with any grants received from this transaction. Seconded by Mr. Seery. In Favor: Formica, Seery, Hardy, Nickerson and Wilson. In Opposition: Cheeseman. (5-1) Motion carried.

MOTION: Mr. Nickerson moved to adopt the resolution to authorize the First Selectman to sign and cause to be published a notice of a Special Town Meeting to be held on Wednesday October 3, 2012 at 7 p.m. at East Lyme Town Hall from the CNRE Fund 32. Said fund to be reimbursed with the proceeds from the sale of a portion of the property and with any grants received pertaining to said property regarding an appropriation in the amount of \$425,000 for the acquisition of the Samuel Smith property. Seconded by Mr. Wilson. (6-0) Unanimous.

b. Continued Discussion-Dominion Dry Cask Storage. Mr. Formica will work with the beach community. Ms. Hardy has begun a draft letter to officials which she plans to have available by the next Selectmen's packet.

4. Communications

a. Resignation—John Jasper—Water and Sewer Commission. Mr. Formica felt Mr. Jasper's resignation is a loss to the Commission.

5. Information and Reports

a. Ex-Officio. Mr. Seery asked that the Athletic Complex be placed on the next Selectmen's Meeting Agenda.

Mrs. Hardy asked that disposal of properties also be placed on the next agenda. Mr. Formica stated when items are disposed of there is a sign off. The existing ordinances and policies will be reviewed: Mr. Wilson suggested inviting the Board of Education to a meeting of the Selectmen.

Mr. Seery stated the Harbor Management/Shellfish Commission is continuing to work on the Harbor Management Plan. Mr. Kanter reported at the September Harbor Management/Shellfish Commission Meeting there are many scallops in the bay.

Ms. Hardy stated Zoning will meet tomorrow evening. On its agenda is a request from Crest Ford to enlarge their parking area. This has an impact on the aquifer and wetlands. At a previous meeting there was a request for a change in Zoning for Rt. 156 and Capitol Drive and a proposed application for sixty-nine residential units on that property. Landmark Affordable Housing is ongoing. The Court has asked the Zoning Commission to review its existing affordable housing regulations, and see if additional modifications are needed.

Ms. Cheeseman had nothing to report.

Mr. Nickerson reported Parks and Recreation had discussions about the new beach under the Boardwalk. More personnel and revenue will be required.

He read a proclamation at the Senior Center. Steve Kelly will be retiring as a Meals-on-Wheels driver. He was applauded by the seniors in attendance.

b. First Selectman's Report. Mr. Formica reported he has had jury duty over the last few weeks.

He discussed an insurance cooperative with the Board of Education to reduce administrative costs.

The Care and Share facility on Roxbury Road will be ready for the holiday season.

He had a meeting in Hartford and had discussions on how to retain young people in our community with housing, transportation and jobs.

He attended a Health Care Seminar on the Affordable Care Act.

The Board of Finance met and acted on items this Board forwarded to them.

Rocky Neck Heart Walk will be held on October 7 at 9 a.m. to raise money for the American Heart Association.

Department heads met with CIRMA to discuss the Town's new insurance policy and outlined their new processes.

DEEP has sewer issues at Saunders Point.

The Council of Government met this morning.

6. Public Comment

Mr. Drabik asked that the appropriation of the Samuel Smith House go to Referendum.

Ms. Rak asked that the Board put its check register on line. She felt privacy issues can be handled. She would like ordinances and disposal of property to be addressed. She felt an Asset Management Program was worthwhile.

Matthew Fleisher stated he has lived in East Lyme his entire life. The Sportsman's Club approved the purchase 9.5 acres of the Samuel Smith House property, and it will be taxed to preserve the land.

Mike Schultz, of Lovers Lane, East Lyme, referred to the \$1,809.71 credit card fees paid by Parks and Recreation, and stated it could use an IPAD and there would be no cost.

Ms. Lange reported we have spoken to the Historical Properties Commission. The main concern of that group was the use of the land. Mr. Goeschel stated it is consistent with the POCD. An individual from the state will be coming to East Lyme on Monday.

MOTION: Ms. Cheeseman moved to adjourn the September 19, 2012 Meeting of the Board of Selectmen at 9:30 p.m.
Seconded by Mr. Wilson. (6-0) Unanimous.

Respectfully submitted,



Frances Ghersi, Recording Secretary