

EAST LYME BOARD OF SELECTMEN  
MEETING OF SEPTEMBER 4, 2013  
MINUTES

FILED IN EAST LYME  
CONNECTICUT  
*Sept 9* 20 *13* AT *2:45* AM/PM  
*Lesly Blair*  
EAST LYME TOWN CLERK

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

ALSO PRESENT: Town Attorney Tracy Collins; Finance Director, Anna Johnson;  
Public Works Director, Bill Scheer; Superintendant, Dr. Lombardo; BOE Business  
Manager, Don Meltabarger; BOE Facilities Manager, Ted Hunt; Library Director, Lisa  
Timothy.

Mr. Formica called the meeting to order at 7:25 p.m. and led the Pledge of Allegiance.

**1b. Additional Agenda & Consent Calendar Items**

Mr. Formica noted that there were no additional items.

**1c. Delegations**

. Mr. Chris Seery, 25 Quailcrest Road, of Ledge Light Health District and the Medical Reserve Corps, and part of the Disaster Epidemiology Disaster Strike Team (Disaster Epi-Strike Team) advised that they will be doing an emergency preparedness door-to-door survey on Saturday and Sunday, Sept 7 and 8, 2013, with residents in East Lyme, Waterford, New London, Groton, Ledyard, as well as Old Lyme. Whoever answers the survey, which will take approximately five minutes, will get a \$5 gift card to Dunkin Donuts. The team will wear bright colored shirts, and their cars will have magnet stickers, to identify themselves when taking the surveys.

. Ms. Sally Wade, 392 Boston Post Road, spoke on the subject of Bamboo, and voiced her objection regarding the fact that Mr. Mingo has stated, at the past Board meeting, that the law to control it is unenforceable. Ms. Wade said that is not true, it is enforceable, per Mr. Logan Senack, of the DEEP; and towns are given the option to assign someone to enforce the Bamboo law. She advised that there is bamboo along her property line, Yellow Groove bamboo, which was identified by a professional of the state. Therefore, she believes that East Lyme should pass an ordinance. Ms. Wade also provided photos of the yellow groove bamboo, and Selectman Formica instructed for it to be entered with the title: Delegation – Wade Exhibit. Ms. Wade also feels that East Lyme should pass an ordinance based on the facts, i.e., the need of a 40-foot set back.

. Mr. Robert Carlson of 68 Spring Glen Road stated that for this coming Winter, he requests that tire chains be on vehicles and that contractors should be on stand-by for the next big snow storm. He was concerned about the potential pile-up of snow and vehicles getting stuck, if there is no snow plowing in the developments. He stated that he has extensive experience working with contractors and knows how it should be handled. He feels that since there is garbage pick-up and recycling pick-up, East Lyme should provide all services – snow plowing developments included. He believes that the town should take a stand of: “All or Nothing.”

. Ms. Terri Groff from the Institute for Invasive Bamboo Research brought to the meeting (and left at each Selectman's seat) a list of 22 properties in Niantic/East Lyme that have the invasive Bamboo. She also included a printout of Connecticut laws showing the wording of the CT Nuisance Law. Ms. Groff believes there should be an ordinance of a 40-foot set back. She went on to say that she attended the DEEP and Invasive Plant Forum in Milford, on how to identify the plant, Public Act 13-82, and Mr. Mingo was there and took the packets that were handed out. She again reiterated that the town should establish an ordinance for 40-foot set back, minimum. She would also like a provision or stipulation established that rhizomes must be incinerated, NOT dumped. Example: a dug up 60'x32' above ground plant yields a weight of 14,000 lbs. of sifted rhizomes.

**1d. Approval of Minutes**

Approval of Minutes of July 17, 2013 is tabled until next meeting. Not all the pages were included in packet.

All were in favor.

**1e. Consent Calendar**

Mr. Nickerson moved to approve the Consent Calendar, in the amount of \$10,891.77 for the meeting of September 4, 2013.

Seconded by Mr. Wilson. All were in favor. Motion passed 6-0.

**2a. Agreement with the Small Business Energy Advantage to install Energy Efficient Lighting.**

Per Anna Johnson, Finance Director, the new lighting fixtures installation amount changed from \$6,248.50/paid over a five-year period/\$208.28 per month to now be: \$6,251.62/paid over a now 27-month period, with the monthly payment being \$231.54. Per Lisa Timothy, Library Director, the Groton Public Library has installed similar lights successfully.

Mr. Nickerson moved to authorize the First Selectman to enter into an agreement with the Small Business Energy Advantage (SBEA) for the purchase and installation of new lighting fixtures in the Children's Section of the Library in the amount of \$6,251.62 to be paid over a 27-month period for \$231.54 monthly, to be incorporated in the existing electric bill.

Seconded by Mr. Seery. All were in favor. Motion passed 6-0.

**2b. Budget Transfers**

Ms. Hardy questioned Anna Johnson, Finance Director, on last year's budget and Ms. Johnson stated that the deadline is 60 days until the end of the fiscal year (which is June 30<sup>th</sup>) to pay any bills and process requests. Ms. Hardy also questioned Energy Management – cannot transfer out of salary accounts into general usage accounts and Ms. Johnson advised that we do transfer from salary accounts.

Ms. Hardy also was concerned with the large number of transfers to the Niantic Fire Department, over \$3,000 to go to the part-time firefighters. Ms. Johnson explained that this was related to beginning of the year storms, so shortages will be at the end of the year. She said that each department has different needs.

Mr. Wilson then pointed out the differences between full and part-time between the two fire stations, and their different salary needs. The funds went to storm issues for weekends in Flanders – Flanders is one way, Niantic is the other way.

Ms. Hardy also had a Park & Rec comment that there is a large increase in utilities, and was this due to switched maintenance from part-time to full time, asking if the \$3,000 seasonal labor was because of the beach. Ms. Johnson stated that this year was hit hard by rain, so mowing was done on Saturdays by Park & Rec.

Mr. Formica then asked Ms. Johnson to give an estimate of how much the town will return to the general public and Ms. Johnson stated that \$700,000-800,000 is unspent.

Mr. Nickerson then moved to ratify departmental transfers in the amount of \$26,305.69 processed for fiscal year end June 30, 2013 and to be forwarded to the Board of Finance for approval.

Seconded by Ms. Cheeseman. All were in favor. Motion passed 6-0.

**2c. Special Appropriation Board of Education – Capital Budget**

Mr. Formica detailed the amount of the Special Appropriations for the East Lyme HS.

Mr. Nickerson moved the following resolution:

WHEREAS, the Board of Selectmen upon the recommendation of the Board of Education has determined that a true and very real need exists for the purchase and installation for the capital improvement projects described. BE IT RESOLVED, to approve a special appropriation to the Board of Education in the amount of \$221,487 in CNRE Fund 32 for the purpose of (1) ELHS – A-Wing Sprinkler Installation/Extension \$15,028, (2) ELHS – Domestic Hot Water Gas Conversion \$45,500, (3) ELHS – Athletic Wing Hallways \$27,607, (4) ELHS – Bleachers North Gym \$102,800 and (5) LBH – Electric Upgrade \$18,138 and a \$12,414 allowance for Contingency and forward to the Board of Finance for their approval. The source of funds will be \$80,000 from ELHS Roof Construction Settlement and \$141,487 from Learn Rental Fees. These projects are consistent with the 2013/14 Capital Improvement Plan as adopted.

Seconded by Mr. Seery. All were in favor. Motion passed 6-0

Mr. Formica then asked if there were any additional comments and Mr. Wilson asked Don Meltabarger, BOE Business Manager, to explain the athletic wing.

Mr. Meltabarger stated that they would like to put a real ceiling in, since the finished off the hallway and the cases. They would put in a drop ceiling with ceiling tiles (for replacement, if necessary).

Then the subject of bleachers was cited. They will install with handrails and will also be handicapped-accessible. They were hoping to do the work in the Summer, but it was not doable, so it will probably be done after the basketball season.

Ms. Hardy noticed that there will be some waiving of ADA code compliances, and Mr. Meltabarger advised that door handles, etc., can be done on our own.

Ms. Hardy questioned the work at Haynes and Mr. Meltabarger stated that there are health and safety issues for children on hot days, due to the fact that there are no air conditioners on that side of the building. Plus, there are smart boards and more computers, so there will be more of an electrical load.

Ms. Hardy then stated to him that the Board feels \$18,000 needs to be expended, and Mr. Meltabarger reiterated that we need air conditioning on that side of the school, due to the comfort and safety of the children on hot days, and it would not be a significant amount of money.

Everyone was in favor.

**2d. Discussion – Bamboo**

Mr. Formica suggested forming a subcommittee to identify species and identify current communities for ordinances and rules, for further discussion and merit, and bring it back to the Board, and he then opened the topic for discussion.

Ms. Hardy suggested we remand this to the Commission of National Resources, for a recommendation, and it happens that Ms. Hardy is on the Commission herself. This Commission is chaired by Mr. Carlson, and the commission meets the third Wednesday of the month. Per Ms. Hardy: They will become the resident experts and report back to the Board. Ms. Hardy requested that Mr. Formica send a letter, and the packet of Bamboo info, for the Commission to take this on.

**2e. Discussion – Yale Outdoor Education Center Trail**

Mr. Carlson initiated from the Committee to expand walking paths through one particular piece of property at the Yale property. Contract is not protected under recreational use

statute, so we have not been moving forward. We are at the point now to reach out to Yale to accept Selectman Formica's proposal to have East Lyme rent the property for \$1.00 per year, which would cover the town on their recreational statute. It would be protected under state statute.

Attorney Collins then stepped up to say that the town would not be covered under the recreational use statute and CIRMA advised against entering into this agreement. To explain: Licensees are not covered, but as a Lessee, we would be covered.

**2f. Seat Resolution**

Mr. Formica reported that regarding the Southeast Area Transit Use, East Lyme is one of the nine member towns. East Lyme wants to join to be a true regional entity, a true regional transit service. The DOT has taken a more active role in SEAT. Therefore, it is asked that upon resignation of our SEAT Advisory Board member, in this case Mr. Sistair, that the Board passes resolution appointing the East Lyme First Selectman (at this time, Mr. Formica) to be that member of the Advisory Board.

Mr. Nickerson moved the following:

RESOLVED that upon the Town Clerk's receipt of a notice of resignation from the Town's current representative to the Southeast Area Transit Board of Directors, the Board of Selectmen hereby appoints the First Selectman, Paul M. Formica, as the Town's representative on said Board.

Seconded by Mr. Seery. All were in favor. Motion passed 6-0.

**2g. Special Appropriation – STEAP Grant - \$500,000 – Repairs to Boardwalk**

Mr. Formica reported that he attended an Amtrak meeting on September 5, 2013. Per discussions at the meeting, this will move us along on the design process and bid process.

Mr. Scheer stated that this will be 60-90 days (November/December) and we won't have an idea of the final cost until bid process.

Ms. Cheeseman asked if FEMA has given anything toward the repairs, and Mr. Formica stated that first we collect insurances, etc., and then FEMA will come in to give any funds that couldn't be collected from other sources. Mr. Formica stated that the insurance settlement was a total of \$4.7 million.

Mr. Wilson spoke with Dave Putnam and said we have to be diligent until next May to get things back to normal, especially McCook's – we have to re-do the parking lot, for example, and we should try to get it done off-season.

Mr. Nickerson moved to approve a Special Appropriation in the amount of \$500,000 in Capital Projects Fund 55 for the STEAP Grant for the purpose of repairs to the Niantic

Bay Boardwalk and forward to the Board of Finance for their approval. This will require a Town Meeting.

**RESOLVED**, that Paul M. Formica, First Selectman of the Town of East Lyme be and hereby is authorized to execute on behalf of this municipal corporation a Personal Services Agreement with the State of Connecticut for financial assistance to complete the redevelopment/reconstruction of the boardwalk along Niantic Bay, STEAP 2014-01.

**IN ADDITION**, that Paul Formica, First Selectman is hereby authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

Seconded by Ms. Hardy. All were in favor. Motion passed 6-0.

**2h. Sign call – Special Town Meeting 9/18/13**

Mr. Nickerson moved to call a special town meeting is needed and moved to approve the following:

**NOTICE OF SPECIAL TOWN MEETING**

Notice is hereby given of a Special Town Meeting to be held on September 18, 2013 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT at 7:00 p.m. to consider and take action on the following:

1. Special Appropriation for Board of Education – Capital Budget – in the amount of \$221,487 for the purpose of (1) ELHS A-Wing Sprinkler Installation/Extension \$15,028, (2) ELHS Domestic Hot Water Gas Conversion \$45,500, (3) ELHS Athletic Wing Hallways \$27,607, (4) ELHS Bleachers North Gym \$102,800 and (5) LBH Electric Upgrade \$18,138 and a \$12,414 allowance for Contingency.
2. Special Appropriation – STEAP Grant - \$500,000 – Repairs to Boardwalk

Dated at East Lyme, CT this 4<sup>TH</sup> day of September, 2013.

EAST LYME BOARD OF SELECTMEN

Seconded by Ms. Hardy. All were in favor. Motion passed 6-0.

**2i. Appointments – Health and Safety Committee**

Mr. Nickerson moved to approve to appoint the following to the Health and Safety Committee: Julie Wilson, Ed Ball, Jim Levandoski, Ron Bence, Rick Pape, Victor Benni, Dick Morris, Karen Galbo, Renee Fecteau, Anna Hartung, and Christine Dixon. They are to serve on the Health and Safety Committee through September 1, 2014.

Seconded by Ms. Cheeseman. All were in favor. Motion passed 6-0.

**2j. Discussion -Act Requiring Cities / Towns to Designate Veterans Service Contact Person**

Mr. Formica wanted to make sure that the Board received the background information in their folders on the info for the town to designate someone specializing in Veterans' issues. This will be brought up for further discussion at the September 18<sup>th</sup> meeting.

**3. Unfinished Business**

It was noted that there was no unfinished business.

**4. Communications**

**a. Regional Communications Report**

Mr. Formica is to bring three proposals to the Board. There is a \$250,000 per town grant with East Lyme, New London and Waterford. (Note: Lyme/Old Lyme is under Valley Regional.)

Per Mr. Formica: Waterford, New London and East Lyme – three towns – which will provide for a single entity.

**5. Information and Reports**

**a. Ex-Officio Reports**

Mr. Seery's Report: Last month, Harbor Management approved a dock in the Golden Spur area. The most notable item is that Joe Hitchery tendered his resignation, effective the end of September 2013. Mr. Hitchery has been in his position since June 2009, and had done a great job and it will be a loss.

Ms. Hardy's Report: She attended the Planning Commission and there isn't anything to report. Also, Ms. Hardy will be serving on the Board of Education, and she will report back to the Board of Selectmen.

Mr. Nickerson's Report: No detailed report.

Mr. Wilson's Report: The Day's Town & Country Magazine recently had a nice article detailing the fact that Niantic was named the "Best Town" in Connecticut. He suggested all should try to secure a copy to read.

Ms. Cheeseman: No report.

**b. Selectman's Report**

Mr. Formica is working with the State Department of Environmental and Energy Protection regarding an emergency access way through Rocky Neck Park, along Giant's Neck Road, so we will be able to get emergency services in and out when needed.

New Employees: Matt Devore was promoted to Highway Foreman; Kevin Dougherty will be one of the Seasonal Public Works employees; Gordon Richardson has been hired as Field Service Building Maintenance Manager. Ron Bence will be working for him.

On behalf of the Town, Mr. Formica signed a Town of East Lyme Proclamation recognizing September as Leukemia, Lymphoma and Myeloma Awareness Month.

Mr. Formica is continuing to meet with the Old Lyme Beaches, who are interested in using our sewer conveyance capacity and dealing with the DEEP, who will provide us with an order. There will be a considerable payment to the town of East Lyme to buy into our system. We are also trying to get the sewer study moved through.

There has been activity through Gateway. Mr. Formica believes that Costco has signed on, and we've met with the CT Department of Transportation about the renovation of the on and off exit ramp at Exit 74.

Celebrate East Lyme occurred since the last meeting and it was a success. Town crews, Vendors, Park & Rec, etc. did a great job. People felt safe and Mr. Formica thanked the Public Safety community for making everyone feel safe.

Last, Mr. Formica advised that he convened a meeting of our area legislators, along with Congressman Courtney, to talk about providing updated renovations to the Central Rail Corridor, and it will be joined with the Massachusetts Department of Transportation Study that would look to connect from Palmer (where the new casino will be, and the Mohegan Tribe will operate). There were 30 people at the meeting, and this might help us get a train stop here and provide jobs and economic development and help the community.

#### 6. Public Comment

There was no public comment.

#### 7. Selectman's Response

Mr. Formica moved to adjourn the September 4, 2013 meeting of the East Lyme Board of Selectmen at 8:47 p.m.

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

Respectfully submitted,

Gloria A. Vincent, Recording Secretary