

EAST LYME BOARD OF SELECTMEN  
MEETING OF SEPTEMBER 5, 2012  
MINUTES

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

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

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

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

FILED IN EAST LYME  
Sept 6, 2012 AT 12:50 P M  
Karen Gallo AR  
EAST LYME TOWN CLERK

1c. Delegations

Karen Rak of 27 Black Point Road wants answers and clarification regarding the athletic complex project. She said that Mr. Meltabarger said that boards and windows went to the barn in Ellington and she asked if this is a private entity. She said she wanted to know the value of the lights, topsoil and all aspects of the disposed and/or recycled material from the project. She asked if when these items were given to different entities, was there payment received and how the decision was made as to who will acquire the items. She asked that the Board of Education keep records of this.

John Drabik of 18 Drabik Rd. said that 2000 yards of fill has disappeared and was delivered to the house lot on Goldfinch Terrace, owned by a Board of Finance member. He asked why this material was not offered to the public. He added that we are not getting a lot of what we have approved at town meeting and noted the entrances of the athletic field.

Mr. Formica said that Mr. Drabik's accusations are answered in a document and he suggested adding this to the agenda for discussion.

1d1. Approval of Minutes, Special Meeting of August 1, 2012  
MOTION (1)

Mr. Nickerson moved to approve the minutes of the Special Meeting of August 1, 2012 as submitted.

Seconded by Ms. Cheeseman.

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

Nay: None.

Abstain: Rose Ann Hardy. Motion passed 5-0-1.

1d2. Approval of Minutes, Meeting of August 1, 2012

Ms. Hardy noted on page 2, number two, fourth line the word in should report replaced by and.

On page 3, item 2b., line 5, the word in should also be replaced by the word and.

MOTION (2)

Mr. Seery moved to approve the minutes of the Meeting of August 1, 2012 as amended.

Seconded by Mr. Wilson.

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

Nay: None.

Abstain: Rose Ann Hardy. Motion passed 5-0-1.

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar in the amount of \$2711.16 for the meeting of September 5, 2012.

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

2a. Appointments

MOTION (4)

Mr. Nickerson moved to appoint Grant Place of 4 Old Black Point Road, Niantic, CT to serve as a Cable TV Advisory representative for the Town of East Lyme through January 4, 2016.

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

MOTION (5)

The second appointment of Victor Benni of 230 South Brooksvale Road, Cheshire, CT to serve as an alternate to SCRRRA through January 7, 2013 was tabled. Ms. Hardy noted that the charter stated that all appointments had to be town residents and since there would be voting at SCRRRA, she suggested holding this item.

The motion was withdrawn.

2b. COA \$500 Expenditure – Parahus Account – Catering

MOTION (6)

Mr. Nickerson moved to approve an expenditure of \$500 from the Parahus Account to cover catering costs to Catering to You for the Annual Volunteer Recognition Dinner.

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

Ms. Hardy noted the Lions Club had donated \$500 to this activity. She offered thanks of the Board of the town's behalf.

2c. P/R Mower Request – Acquisition Plan

Mr. Formica noted that when the agenda item for the acquisition plan authorization process was prepared, the TORO Ground-master 4500-D Model #30857 was inadvertently omitted from the list. The mower was included in the capital improvement plan adopted at the May 14, 2012 town meeting. The total amount authorized for the acquisition plan at the town meeting held on July 18, 2012 was \$754,670 (which includes the financing cost). The amount authorized for equipment is \$729,000. The total equipment to be acquired with the Mower will total \$724,054 which is within the approved budget.

MOTION (7)

MR. Nickerson moved to authorize including the Toro Ground-master 4500-D Model #30857 Mower in the amount of \$53,693 for the Parks and Recreation Department into the acquisition plan for the 2012/2013 fiscal year as approved at the July 18, 2012 Town Meeting. We approve this request based upon its consistency with the Capital Improvement Plan adopted May 14, 2012.

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

2d. Budget Transfers

1. Carry over funds – 2012 Comprehensive DUI Enforcement Program

Mr. Formica noted that the town of East Lyme Police Department received \$53,925.00 in federal funds for the 2012 Department of Transportation Comprehensive DUI Enforcement Program which ends September 6, 2012. The grant was appropriated at town meeting on December 21, 2011. This grant money is allotted for funding East Lyme police officers and the resident state trooper to conduct high visibility DUI enforcement. The objective of this grant is to reduce the number of crashes, injuries and fatalities from impaired driving through increased high – visibility DUI enforcement activities.

MOTION (8)

Mr. Nickerson moved to approve carry-over of grant funds remaining in the 2012 Comprehensive DUI Enforcement Program to meet payrolls in the 2012/13 fiscal year for this purpose and forward to the Board of Finance for their approval.

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

## 2. Departmental List Transfers

Mr. Formica noted that various transfers within departmental budgets have been necessary for various reasons. He added there is documentation noting the transfers made totaling \$78,533.71.

Ms. Hardy inquired about the police line transfer of \$8000 + for overtime and added that the board had budgeted a great amount for boat duty and asked why there was such a cost overrun.

Finance Director Johnson replied that funding was coming from the boat duty accounts to other accounts.

Ms. Hardy stated that the boat was supposed to be out on the water a great deal this summer.

Mr. Formica noted that we utilize the regional boat this year.

### MOTION (9)

Mr. Nickerson moved to ratify departmental transfers in the amount of \$78,533.71 processed for fiscal year end June 30, 2012 and to forward to the Board of Finance for approval.

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

### 2e Resolution Authorizing First Selectman to File an Application with DECD

Town Engineer Bill Scheer said that the state needs a resolution stating that the first Selectman is authorized to sign this grant.

### MOTION (10)

Mr. Nickerson moved the following resolution:

WHEREAS, pursuant to the Small Town Economic Assistance Program (STEAP) CGS 4-66g, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of East Lyme make an application to the State for an additional \$400,000 in order to undertake the Main Street Enhancement Project Phase III and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Board of Selectmen

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by the Small Town Economic Assistance Program (STEAP) under CGS 4-66g.
2. That the filing of an application for State financial assistance by the Town of East Lyme in an amount not to exceed an additional \$400,000 is hereby approved and that Paul M. Formica – First Selectman is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of East Lyme.

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

2f. Discussion – Dominion – Dry Cask Storage

Mr. Formica noted that Dominion had hosted a joint meeting with Waterford and East Lyme to discuss their application which is going before the Siting Council to expand their dry cask storage. He added that he and Ms. Cheeseman had attended the meeting. He said that today he had met with some members of the Black Point Beach Association and these members have formed a fact finding committee to look into the ramifications of this storage. He said that he had suggested to open the Committee to other members of the public and/or the Board of Selectmen. He said that the natural waste storage facility in Nevada had been placed on hold and that is why they needed to store waste on-site. He said that Dominion was moving the process forward and encouraged the public to get involved.

Ms. Cheeseman said that Dominion had 18 casks and one was empty. She said the plan is to add to the number perhaps 20 and gradually fill out the footprint. She said that Dominion had been very open and answered all questions. She said this was happening because there was no national facility and that the waste would have to be stored at their own plant.

Ms. Hardy said that she thought that the State and the Siting Council had given them enough capacity for the next 30 years.

Ms. Cheeseman replied that this is an expansion of an already approved site.

Ms. Hardy urged contact should be made to the Senators and state representative and added that we also have radiological officer's for the town. She said she believed they were Steve Jackson and Chris Taylor and noted that Steve Jackson work for Dominion.

Mr. Wilson suggested that Chris Taylor be the Board's liaison to this committee. He said that there is no alternative they cannot see spending any money for legal fees for something that's going to happen anyway.

Ms. Hardy noted that we elect senators and state representatives and we should hold them accountable for their inaction on this matter and added that a letter should be sent stating this.

The consensus of the board was they had agreed that Chris Taylor should be the liaison for the board with the fact finding committee and that it does not make sense to accrue legal fees for this matter. It was noted that Ms. Hardy would write the letter to the Senators.

Mr. Formica suggested keeping this matter on the agenda under Unfinished Business.

g. Special Appropriation \$128,871 of CL&P Grant Funds - Energy Efficient Lighting System – 8 Capitol Drive

Mr. Formica noted that the lighting upgrade for the public works garage will consist of replacing 51 HID (high intensity discharge) lights with 25 Sun port units. Sun port units are installed through the roof and focus the light of the sun into the building. An average of 7.5 hours a day the areas under the sun ports will be lit with only the sun. Sun port units also have an array of eight high-efficiency T5 lights that come on in stages (4 then 8) when supplemental lighting is needed. Additionally, 10 HID lights will be replaced in the parts area with high energy T5 lights with occupancy sensors. They are only on when someone enters the area or needs parts or a stored item. The estimated savings is \$12,000 per year in electricity costs and \$2000 is savings from bulb replacement and maintenance of the existing lights. The energy rebate grant application has been submitted and rebate is conservatively estimated to be \$30,000. LOCIP funding will be used to fund the balance of the project of approximately \$98,871. The estimated return on investment is seven years with \$12,000 in direct energy savings every year following that timeframe.

MOTION (11)

Mr. Nickerson moved to approve a special appropriation in the amount of \$128,871 with CL&P and LOCIP grant funding for an energy efficient lighting upgrade to the Field Services Complex building at 8 Capitol Drive consistent with the Capital Improvement Plan and forward to the Board of Finance. The source of funds is approximately \$30,000 from a direct grant with CL&P and the remainder through the LOCIP program.

Seconded by Ms. Cheeseman.

Mr. Wilson asked who will be responsible if the roof leaks because we had to cut holes in it.

Town engineer Bill Scheer noted that there is a warranty and he will check on it.

2h. Sign Call – Special Town Meeting – 9/19/12

MOTION (12)

Mr. Nickerson moved the following Call:

NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on Wednesday, September 19, at 7:00 p.m. at the East Lyme Town Hall Upper Meeting Room to act upon the following:

1. To consider and act upon a Special Appropriation in the amount of \$128,871 with CL& P and LOCIP grant funding for an energy efficient lighting upgrade to the Field Services Complex building at 8 Capitol Drive consistent with the Capital Improvement Plan. (\$30,000 from a direct grant with CL& P and the remainder through the LOCIP Program).
2. To transact any other business proper to come before the meeting.

Dated at East Lyme, Connecticut, this 5<sup>th</sup> day of September 2012.

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

3a. Continued Discussion – Samuel Smith House

Mr. Formica noted that he had been negotiating with the property owners and the agreed purchase price was \$425,000. He added that if it is the consensus of the Board, an option could be drafted regarding the purchase.

MOTION (13)

Ms. Hardy moved to authorize the First Selectman to execute in the name of and on behalf of the town of East Lyme a 90 day option to purchase said property in the amount of \$425,000. This option is subject to the usual and customary adjustments and contingencies and is also subject to the approval of the proposed purchase by the appropriate boards, commissions and agencies of the town.

Seconded by Mr. Seery.

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

Nay: Ms Cheeseman. Motion passed 5-1.

MOTION (14)

Ms. Hardy moved to forward the potential purchase of the property at 82 Plants Dam Rd to the Planning Commission for an 8 – 24 review.

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

5a. Ex-Officio

Mr. Wilson had no report.

Ms. Cheeseman attended the Town Building Committee meeting where a report was received from the general contractor of the athletic complex. They reviewed the necessity of finishing the parking lot before the start of school. She also attended the Planning Commission meeting, but there was nothing pressing reviewed at the meeting.

Mr. Seery missed the Harbor Management meeting.

Ms. Hardy noted that tomorrow night the Zoning Commission was meeting and she added that this month it was her turn to attend the Board of Education meetings.

Mr. Nickerson noted that he attended Paul Zutanski's Eagle Scout ceremony. He also attended the music event at town Hall hosted by Parks and Recreation Commission.

Ms. Hardy noted the nice fall brochure that was put out by the Parks and Recreation department.

#### 5b. First Selectman's Report

Mr. Formica noted that he attended several COG meetings. He also attended a SECHA meeting and the children's Museum's 20th anniversary event.

He attended The Wiz presenting by the Parks and Recreation Department and noted that they had done a great job.

He attended the Board of Education meeting.

He said that COG and SEAT were working out plans for regional consolidations.

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

He chaired the Water and Sewer Commission meeting where they heard an applicant presenting a request regarding sewer capacity for Oswegatchie Hills. He said earlier in the week he attended a site walk with Attorney O'Connell, the applicant and his attorney.

He noted the Rocky Neck Heart Walk would be on October 7<sup>th</sup>.

He met with FEMA regarding the boardwalk and because of their request; no temporary improvements have been made since FEMA wanted to see the underlayment conditions. He added that the insurance adjuster came to view the boardwalk and now we are waiting for their determination.

He met with State Representative Ed Jutila and representatives of DEEP regarding an emergency exits through Rocky Neck State Park for Giants Neck Heights.

He noted that the dividers had been removed from the room by public works and added what a great job they and our custodial staff had done.

#### 6. Public Comment

John Drabik asked what happened to the dividers.

Mr. Formica responded that he would find out.

Marvin Schutt of 29 N. Edgewood Rd. thanked the Board for their positive vote and formoving forward the Samuel Smith property.

John Drabik inquired if there would be a public hearing regarding the purchase of the Samuel Smith property.

Mr. Formica noted that the normal procedure was review and approval by the Board of Selectmen, Board of Finance and Town Meeting and or referendum.

After some discussion it was decided by the Board to hold an informational public session regarding the purchase of the Samuel Smith property the evening of September 19<sup>th</sup>.

Mr. Drabik said that he wanted a written response as to where the 2000 yards of material went from the athletic complex. He said he believed that there is a question of ethics on this Board along with a member of the Board of Finance.

Ms. Hardy suggested that Mr. Formica respond so that the public could hear his response to this allegation.

Mr. Drabik stated that he was not accusing the First Selectman of wrongdoing however, he wanted an answer as to what happened regarding the material that was taken to the Goldfinch Terrace lot, owned by a Board of Finance member.

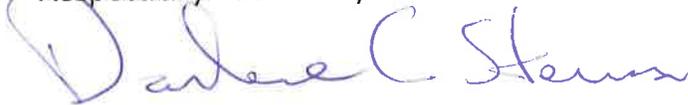
Ms. Rak said that she wanted her answers about the athletic complex made in public not in writing.

MOTION (15)

Mr. Nickerson moved to adjourn the September 5, 2012 meeting of the East Lyme Board of Selectmen at 8:45 p.m.

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

Respectfully submitted,



Darlene C. Stevens, Recording Secretary