

**EAST LYME BOARD OF SELECTMEN
REGULAR MEETING
Wednesday, SEPTEMBER 7th, 2011
MINUTES**

PRESENT: Paul Formica, First Selectman, Mark Nickerson, John Birmingham, Rose Ann Hardy, Jack Hogan, Rob Wilson

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Art Carlson, Chairman, Natural Resources Commission
Luane Lange, Chairman, Historic Properties Commission

EXCUSED: No One

Chairman Formica called this Regular Meeting of the East Lyme Board of Selectmen to order at 7:30 PM.

1.a. Pledge Allegiance to the Flag

The Pledge was observed.

1.b. Additional Agenda & Consent Calendar Items

There were none.

1.c. Delegations

Mr. Formica called for Delegations.

Bob Gadbois, 358 Boston Post Road said that at the Darrow Pond hearing that they had lost the voice on the televising and then they lost the picture. If they cannot show it live properly then they should not show it at all. He added that he did not recall having so much trouble with the other system.

Dorothy Mattos, 41 Walnut Hill Road said that back in the 1980's they had a hurricane that washed out the road so they re-routed it with a bridge and now every time that it rains, it floods. She said that Mr. Formica came up and looked at it and said that it would be fixed. He gave her a number to call and she called and received a call back from an engineer who was rude to her. She said that it does not look like it will get fixed this year. The people at the end of Walnut Hill Road get flooded and have to be evacuated as there are three tunnels through the bridge that go into one and the water has no place to go. She said that she has lost 8' in width, 75' long of her property and that she wants it fixed and wants a wall put up as her property cannot hold back the water from the bridge. Every time that it rains more of her property is washed away. She said that it is 41 Walnut Hill Road and that they are welcome to come and look at it any time. She does not see why she should have to live this way.

Mr. Formica extended his sincere apology on behalf of staff to Ms. Mattos and asked that she also please feel free to call upon him at any time. He said that he would be up to look at her property and would speak with the engineer. He asked that she call him on his cell phone and provided her with his card with the number.

Tom Kalal, 80 Grassy Hill Road commended Town staff on the great job that they did during Hurricane Irene.

1.d. Approval of Minutes, Special Meeting of August 3, 2011

Mr. Wilson asked about minutes where there was no quorum.

Mr. Formica asked Attorney O'Connell his opinion.

Attorney O'Connell said that if there was no quorum that there was no vote.

Mr. Formica called for any discussion on the Special Meeting Minutes of August 3, 2011.

****MOTION (1)**

Mr. Wilson moved to approve the minutes of the Special Meeting of the East Lyme Board of Selectmen on August 3, 2011 as submitted.

Mr. Birmingham seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Hogan

▪ **Regular Meeting of August 3, 2011**

Mr. Formica called for any discussion on the Regular Meeting Minutes of August 3, 2011.

****MOTION (2)**

Mr. Nickerson moved to approve the minutes of the Regular Meeting of the East Lyme Board of Selectmen on August 3, 2011 as submitted.

Mr. Wilson seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Hogan

▪ **Special Meeting of August 29, 2011**

Mr. Formica called for any discussion on the Special Meeting Minutes of August 29, 2011.

Mr. Wilson noted that he was in attendance for this meeting.

****MOTION (3)**

Mr. Nickerson moved to approve the minutes of the Special Meeting of the East Lyme Board of Selectmen on August 29, 2011 as submitted.

Mr. Birmingham seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Birmingham

****MOTION (4)**

Mr. Nickerson moved to add Item 1.e. – Consent Calendar to the agenda.

Ms. Hardy seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

1.e. Consent Calendar

****MOTION (5)**

Mr. Nickerson moved to approve the Consent Calendar for the meeting of September 7, 2011 in the amount of \$9,178.22.

Mr. Hogan seconded the motion.

Vote: 6 - 0 – 0. Motion passed.

2. NEW BUSINESS

2a. Authorize the First Selectman to Sign Easement in favor of Yankee Gas for Haynes School and the Middle School

Mr. Formica noted that they have this information in their packets.

****MOTION (6)**

Mr. Nickerson moved that it be 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

RESOVED, 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.

Ms. Hardy seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2b. Authorize the First Selectman to enter into Contract with DCS Energy for Solar Systems at LB Haynes School / Well 6 and ELCC

Mr. Formica called for a motion.

****MOTION (7)**

Mr. Nickerson moved to authorize the First Selectman to enter into a contract with DCS Energy for two 9 k W solar systems at the Lillie B. Haynes / Well 6 and ELCC locations.

Mr. Birmingham seconded the motion.

Mr. Birmingham asked about the roof leaks being our responsibility if there were any.

Ms. Hardy said that they usually do not go through the roof to attach the panels and that they have not had problems at the high school.

Vote: 6 – 0 – 0. Motion passed.

2c. Accept Resignation – Town Historian – Wilbur Beckwith

Mr. Formica said that Mr. Beckwith had indicated that he wished to retire and that they had found someone to replace him and that he has indicated that he would work with them in the interim.

****MOTION (8)**

Mr. Nickerson moved to accept the resignation of Wilbur Smith as the Town Historian effective September 7, 2011 and to extend their gratitude for all he has done for the Town.

Mr. Birmingham seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2d. Appoint Town Historian – Elizabeth Kuchta

Mr. Formica noted that Ms. Kuchta was present this evening and called for a motion.

****MOTION (9)**

Mr. Wilson moved to appoint Elizabeth Kuchta of 154 Pennsylvania Ave., Niantic, CT to serve as the Town Historian through January 6, 2014.

Mr. Hogan seconded the motion.

Mr. Formica said that Ms. Kuchta came very high recommended.

Mr. Wilson said that through all the years that he has known Ms. Kuchta that he feels very comfortable with her talents and that she will serve the Town well.

Vote: 6 – 0 – 0. Motion passed.

2e. Appointment – Town Building Committee

Mr. Formica said that due to the storm he has not had the chance to connect with the person who is interested in this position and asked that they table this until their next meeting.

2f. Discussion – Historic Properties – Samuel Smith House

Mr. Formica said that this property has become available and that Art Carlson, Chairman of the Natural Resources Commission and Luane Lange, Chairman of the Historic Properties Commission have been actively researching how to secure this 1685 house and property.

Art Carlson offered some background and explained that this came up during the development of the open space plan for the Town. They had sent some 65 letters out for different properties and this was the first response that they received back. They would like to secure it as it is in the Bride brook watershed and because it has a circa 1685 house on the property. He said that he spoke with the Historical Properties Commission and has been working with them on it. He said that he thinks that this is a very good property for the Town to have and they are at the point where they need the go ahead from the Selectmen to proceed with further essential information such as an appraisal.

Luane Lange said that the Historic Properties Commission is interested in this property as the house on it is the fourth oldest house in this community and has 17 acres of original land that goes with it. She said that she had provided them with a 'Proposed plan for the purchase and preservation of the Samuel Smith House and land'. The land has the potential for archaeological digs and there may also be an Indian burial ground there. The Historical Society has been apprised of this potential. She said that they looked at the potential uses for the property and thought that they could have community gardens or a Town landscape nursery.

Mr. Carlson said that he thinks that they should look at this as a 25 year project – a place to add other historical buildings to such as a blacksmith shop and other buildings of that period. This is a top of the line property and it is also important in protecting the drinking water. He said that they are at the point where they need the consent of the Board of Selectmen to move this process forward. He has looked at the quality of the house and it is in remarkable condition for 300 years old. He said that he would recommend that they establish a 501c3 'friends of' for this house as they have for the Thomas Lee and Smith Harris House.

Ms. Lange said that there are a variety of historic entities that have funds however they have to have the property first.

Mr. Formica asked to be clear on the request here – authorization to engage an appraiser to determine the value and engage a person to evaluate the house.

Mr. Carlson and Ms. Lange said that was correct and added that they would also want to be able to discuss with the owners a cost.

Mr. Formica called for discussion from the Board members.

Mr. Birmingham noted that the back page of the information that had been provided to them has a list of organizations that can help – he asked how many of them they have enlisted.

Mr. Carlson said none at this time.

Mr. Birmingham asked if they are just solid possibilities.

Ms. Lange said that as they have discussed potential uses, these things have come up and they have kept track of them.

Ms. Hardy asked if part of the request is that the Town pays for the appraisal.

Mr. Carlson said yes, as they do not have any money.

Ms. Hardy asked Mr. Formica if he had any idea on the cost.

Mr. Formica said that he heard that it was low for a place of this size – not more than \$1200.

Ms. Lange said that Mr. Peck of the Historic Properties Commission said that it could be done for \$1000.

Ms. Hardy said that if they make a motion to go forward that they would have to put the appraisal value in it. She added that she is also somewhat biased and could envision an early American village re-created there.

Mr. Nickerson said that he thinks that Mr. Carlson should take his energy and enthusiasm and moved ahead with gathering this information.

Mr. Hogan said that he has walked this property with Mr. Carlson and thinks that they should move ahead.

Mr. Wilson said that years ago he used to go to this property and finds it hard to believe that people could live there even though it is a great piece of property. He said that he thinks that they should fund the appraisal and receive information back and go from there.

Mr. Formica said that he would like them to get public involvement to see how they feel about this. Mr. Carlson said that he would like to have open house tours during October and has been in conversation with the Huber's on it.

****MOTION (10)**

Ms. Hardy moved to authorize the Historical Properties Commission to explore opportunities for the Samuel Smith House and land and to appropriate up to \$1500 for an appraisal of the property contingent upon a report to the Board of Selectmen on the results of the appraisal.

Mr. Birmingham seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

2g. Request of Dawn Dupuis for Champagne Toast on 9/10/11 at the Smith Harris Barn

Mr. Formica asked for discussion on this request.

Mr. Wilson said that this falls well within past practice as they have allowed this type of thing as it involves one toast only. It is 'a toast'.

****MOTION (11)**

Ms. Hardy moved to approve the request of Dawn Dupuis for a Champagne Toast to be held on 9/10/11 at the Smith Harris Barn.

Mr. Birmingham seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

3. UNFINISHED BUSINESS

There was none.

4. COMMUNICATIONS

4.a. Ltr. To P. Formica from Asst. Atty. General Caley re: Resident Trooper Contract

Mr. Formica noted that they did resolve this after a year and a half.

5. INFORMATION AND REPORTS

5. a. Ex-Officio

Mr. Hogan noted that there would be a Trail Ride on October 9, 2011. He also said that he attended a Planning Meeting the previous evening and felt that there was some misinformation regarding the scenic road application that was the subject of a public hearing.

Mr. Birmingham said that he has not had any meetings to report on. He added that he sees a lot of people during the day at his job and that many said that the Town did a good job during the hurricane and to pass it on to Mr. Formica and Town staff.

Mr. Wilson said that they did not have a quorum for Parks & Recreation so there was no meeting. He echoed Mr. Birmingham's words of thanks for all that was done during and after the hurricane.

Ms. Hardy said that there is a Zoning meeting on Thursday however the agenda was light and she would not be able to attend as she would be at the school. She said that September is her month for the Board of Ed meetings. She thanked Mr. Formica for his efforts during the recent hurricane informing the public on the events as they unfolded. She also thanked all the Town departments and employees who worked to make things better for the people of the Town.

Mr. Nickerson also echoed how well Town staff led by Mr. Formica mobilized and responded to the hurricane and helped people.

5. b. First Selectman's Report

Mr. Formica said that Town staff was phenomenal during the hurricane and that the Connecticut National Guard was instrumental in the clearing of Route 161. He said that one of the challenges going forward is how to best communicate with people when the power is out. There is also the crisis of CL&P and how their upper management handled this event. It was not well organized from the top. The linemen and workers however were great. The Town had just over 150 roads impacted by downed trees and wires.

He said that they have been using Vet's Field for the brush and will get a chipper in to chip it up. For those who have put brush at the side of the road he asked that they please make sure that it is off the road. They will get to picking it up as they take another sweep throughout the Town. He said that as of Sunday only eight people were without power. On Tuesday they were back to a couple hundred however now everyone is back up. He thanked everyone for their support and the EOC who did a great job.

6. PUBLIC COMMENT

Mr. Formica called for Public Comment.
There were no comments.

7. SELECTMEN'S RESPONSE

There were no further comments.

ADJOURNMENT

****MOTION (12)**

Mr. Wilson moved to adjourn the September 7, 2011 Regular Meeting of the East Lyme Board of Selectmen at 8:35 PM.

Mr. Birmingham seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary, Pro-tem