

Feb 21 2017 AT 10:00 AM/PM
(Allen Yalmon, CT)
EAST LYME TOWN CLERK

EAST LYME BOARD OF SELECTMEN
MEETING OF FEBRUARY 15, 2017
MINUTES

PRESENT: Mark Nickerson, Kevin Seery, Marc Salerno, Rose Ann Hardy and Paul Dagle

EXCUSED: Dan Cunningham

ALSO PRESENT: Ms. Holly Cheeseman, CT State Representative and Mr. Jeffrey Newton, EL Superintendent of Schools

Mr. Nickerson called the meeting to order at 7:16 p.m. and stated that the Pledge of Allegiance was performed earlier before the Special Meeting at 5:00 p.m.

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

1c. Delegations

Ms. Holly Cheeseman, 16 Mitchell Drive, Niantic, Connecticut, State Representative, addressed the Board to give the Town an update on what has been going on in Hartford. Regarding the Governor's budget, the legislature will have its say and we are lucky to have Senator Paul Formica as Co-Chair of Appropriations so the town has a strong voice there. There are public meetings and then public hearings scheduled for the next few weeks with different agencies throughout the state. If the governor's budget passes today as is, for the 17/18 fiscal year, East Lyme would see a reduction of \$5,944,830.00 taking into account changes to ECS funding, loss of other revenues, additional contribution to teacher's pension, etc. As we have seen in the past, very rarely does the Governor's budget end up where it was at the beginning, which is where we are now, so hopefully we will see some significant changes before it is passed. Ms. Cheeseman sits on the following boards/committees; Finance Review and Bonding, Energy and Tech Higher Education and Employment Advancement. From her point of view, coming up with a budget that is equitable for our town is a priority; she works with great people in Hartford that are looking for the same outcome. She is co-sponsor with Senator Formica to work on a bill for Dominion to be able to bid on long-term power contracts; Millstone is a great resource and community partner not only to East Lyme but throughout the region. They supply 60% of power to Connecticut and about 1/3 of the power to New England. Notification of a public hearing on Bill #154 that would require the General Assembly to adopt those portions of the budget that apply to municipal aid by March 1st. Please contact Ms. Cheeseman at any time if you have any questions at 860-842-1423 or email holly.cheeseman@cga.ct.gov.

Mr. John Bialowans, Jr. of 61 Walnut Hill Road addressed the Board of Selectman with some of his concerns. He stated that he came before the Board last meeting, but his written comments were not included in the minutes. He would like to see his comments and letters published within the minutes of the Board of Selectman. Mr. Bialowans continues to be concerned with the tributary failure on Walnut Hill Road. Every time it rains the tributary fails

and is creating problems on his property and he would like it rectified. He has also spoken to the Inland Wetlands Commission on this matter, and is looking forward to working with the new Chairperson. Mr. Bialowans reports that his family has owned the property for a long time and they never had problems like this before the construction of the solar fields.

1d1. Approval of Minutes, Joint Meeting of January 11, 2017 and Regular Meeting of February 1, 2017

MOTION (1)

Mr. Seery moved to approve the Minutes of the Joint BOE, BOS and BOF Meeting of January 11, 2017; and the Minutes of the Regular Meeting of the BOS of February 1, 2017, as submitted.

Seconded by Mr. Salerno. Motion passed 5-0.

1e. Consent Calendar

MOTION (2)

Mr. Seery moved to approve the Consent Calendar for the meeting of February 15, 2017, in the amount of \$26,149.31.

Seconded by Mr. Salerno. Motion passed 5-0.

2a. Continuation of budget reviews not completed at 5 p.m. Special Meeting, and finalize March 1, 2017 budget reviews

First Selectmen #101

Mr. Nickerson reported that this budget is lower due to the long-time Executive Assistant retiring and the new Assistant being brought in at the base salary.

Revenue

Mr. Nickerson reported that the revenue lines for PILOT, Pequot and prisons is showing no change, and this is because the final number will be determined on Governor's budget so these numbers may change.

Mr. Salerno inquired as to line item #01-08-800-801 Tuition-Other Districts, and Mr. Nickerson stated that this line item has decreased simply due to a drop in students attending.

Ms. Salerno inquired about the line item for Dog Revenue (01-08-800-832), and Mr. Nickerson explained that this has increased due to the shared ACO arrangement with Waterford.

Ms. Hardy inquired about line item 01-03-300-321 Youth Services Bureau Grant, and Mr. Nickerson stated that until the final Governor's budget is handed down, any of these numbers that are State driven could change.

Mr. Salerno inquired about line item 01-06-600-602 Extra Duty Police, Fire, and Ms. Johnson explained that this is in anticipation of outside projects planned in the upcoming fiscal year that are going to require traffic diversion. Mr. Nickerson reported that it is possible that we will lose MRSA funds, so please remember that until the Governor's budget is released, these numbers are not final and may change.

2b. Authorize an expenditure from Contingency for the purchase of VOIP phones
MOTION (3)

Mr. Seery moved to approve an expenditure of \$6,000 from account 01-01-120-200-300 (Contingency) for the purchase of VOIP phones, POE (power over Ethernet) switches, and wires to upgrade the Town Hall phone system to a Frontier VOIP system and forward to the Board of Finance for approval.

DISCUSSION: Mr. Bill Scheer addressed the Board and explained that the existing phone system at Town Hall is over 20 years old and the manufacturer, Lucent, went bankrupt so it has become increasingly difficult to purchase parts. He reported that they interviewed four companies to begin with, and ended up with two, Frontier and Digital Back Office. Ultimately the final decision was made to keep Frontier, who is our current carrier and also was the least expensive with all of the updated technological advancements that we need in a new system.

Mr. Salerno inquired as to if we would be purchasing extra phone sets in the initial order, and Mr. Scheer confirmed that there are an additional 4-5 phones but that they will be positioned around the building at empty workstations so that they can be utilized. If we need a phone for a new employee or one to replace a broken one, these additional phones will be used for that purpose.

Ms. Hardy inquired as to the safety aspect of moving over to a "cloud-based" system, and Mr. Scheer stated that Frontier uses Mytel and will provide us with a Level 5 Data Center that will simultaneously upload and save our data to numerous locations so there is always an active backup system online.

Ms. Hardy inquired as to if only Town Hall is getting the new phone system, how will this affect communications with our satellite buildings. Mr. Scheer reminded her that currently the phone systems are not connected and we have to dial an outside line to communicate between buildings, so there will be no change.

Seconded by Mr. Salerno. Motion passed 5-0.

2c. Authorize the First Selectman to enter into a Memorandum of Understanding with the Town of Waterford for the sharing of wheelchair accessible mini-buses
MOTION (4)

Mr. Seery moved that This Agreement by and between the Town of East Lyme ("East Lyme") and the Town of Waterford ("Waterford") (collectively, "the towns") constitutes a Memorandum of Understanding ("MOU") for the sharing of wheelchair accessible mini-buses beginning on January 1, 2017. It is anticipated that the MOU will become in Interlocal Agreement Connecticut State Statutes ("CGS") §7-148 and §§7-339a through 7-339l upon legislative approval of both towns. The towns hereby agree to the following terms:

- 1) The towns agree to share use of the senior citizen wheelchair accessible mini-buses, to be purchase by each Town's Senior Citizen Commission ("Commission"). Said use shall be regulated by the respective Commission of each town, and the mutual use of said vehicles may also be integrated into an Interlocal Agreement for subsequent years as noted above.

- 2) Shared use of vehicles shall be temporary and not to exceed a period of fifteen consecutive days unless a longer shared period is mutually agreed upon.
- 3) Each town shall notify its insurance carrier when in possession of a shared vehicle and obtain from the carrier a certificate of insurance listing the vehicle as the additional insured. The specific period of time that the vehicle is being shared shall be stated on the certificate of insurance.
- 4) All costs incurred or associated with the use of the shared vehicle including gasoline, fluids, repairs, damages, etc. shall be the responsibility of the town that is in possession of the vehicle at the time the costs are incurred.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement with the understanding that their assent is subject to the affirmative action of both towns' Board of Selectmen.

SO MOVED that Mark Nickerson as First Selectman of the Town of East Lyme is authorized to execute and deliver the Memorandum of Understanding By and Between The Town of East Lyme and the Town of Waterford for the Sharing of Wheelchair Accessible Mini-Buses, subject to approval by the Town Attorney as to form.

DISCUSSION: Attorney Ed O'Connell reported that they worked closely with the Town Attorney from Waterford on this matter, and in fact the resolution and agreement before you tonight mirrors the agreement already adopted by the Town of Waterford Board of Selectmen. He noted that the Waterford town attorney may add a paragraph regarding insurance, but that will not affect the final agreement and which is why the resolution will include the last sentence, "subject to approval by the Town Attorney as to form".

Seconded by Mr. Salerno. Motion passed 5-0.

2d. Temporary closing of the unpaved section of West Society Road

DISCUSSION: Mr. Nickerson reported that this matter is not ready to be brought before the Board so is removed from this agenda, but will be on a future agenda.

2e. Approval of communication tower on Mostoway Road site

DISCUSSION: Mr. Nickerson stated that this matter will only be discussed this evening, and that no approval on this matter will be made at tonight's meeting.

Town Attorney Ed O'Connell explained that there a number of things that still need to be discussed on this matter before it comes back before the Board for approval. The Town would be the landlord and would have the top 20' of the tower reserved for our municipal equipment, and the lessee's will be permitted to use space within that 20' if it does not interfere with our equipment. Attorney O'Connell advised that the Board of Selectmen send this matter to the Planning Department for 8-24 review.

Ms. Hardy inquired as to the visibility of this tower, and Mr. Nickerson reported that they did numerous testing with residents where they elevated a balloon to the height of where the top of the tower would be and had residents from around the area look to see if the visibility of tower was going to be a problem. Visibility of the tower was not an issue, and it is because the tower

itself will not be located on the top of the hill at Mostoway where the JCPenney distribution center used to be, it will be built and located much farther back on the property in the valley.

Mr. Seery reported that importantly, this tower is going to solve the communication problems that our emergency management crew currently has in that portion of town.

Ms. Hardy inquired as to what the small utility shed will be used for, and Mr. Nickerson explained that would be for the generator and other small equipment.

Mr. Nickerson noted that this is still in the early stages of development and discussion and that there will be plenty of time for further questions on the matter. He also noted that the access road to the tower will be on our Town property and will belong to East Lyme.

MOTION (5)

Mr. Seery moved to send a request on behalf of the Board of Selectmen requesting that the Planning Department complete an 8-24 Review on this matter.

Seconded by Mr. Salerno. Motion passed 5-0.

2f. Fill vacancies on various boards and commissions

MOTION (6)

Mr. Seery Moved to appoint Mr. Eugene E. Carini of 10 Corey Lane, Niantic, Connecticut to serve as a Member of the Town Building Committee beginning February 15, 2017 through January 8, 2020.

DISCUSSION: Ms. Hardy stated that Mr. Carini has over 30 years of experience in building trades and reviewed his experience and qualifications.

Seconded by Mr. Hardy. Motion passed 5-0.

2g. Authorize the First Selectman to draft a letter in support of the East Lyme Land Trust's proposed Pattagansett River Watershed Preserve

MOTION (7)

Mr. Seery moved to authorize the First Selectman to draft a letter in support of the East Lyme Land Trust's proposed Pattagansett River Watershed Preserve.

DISCUSSION: Mr. Nickerson reported that this letter will simply be the Town supporting the East Lyme Land Trust's proposal, and will by no means obligate the Town to fund anything. We should support this.

Seconded by Mr. Salerno. Motion passed 5-0.

2h. Discussion and possible action on CCM Energy bid contract

MOTION (8)

Mr. Seery moved to authorize the First Selectman to act upon any bids submitted by the CCM Energy Cooperative.

DISCUSSION:

Ms. Johnson reported that we have been participating over the past several years with CCM Energy doing an RFP better electricity rates. We have an RFP with them that is scheduled to open on the 28th so we would like to open this up for discussion because we will have to make a decision on that date.

Seconded by Mr. Salerno. Motion pass 5-0.

2i. Sign Call – Special Town Meeting March 1, 2017
MOTION (9)

Mr. Seery Moved that the First Selectman be authorized and directed to call a Special Town Meeting to be held at East Lyme Town Hall on March 1, 2017 at 7:00 P.M., to consider the resolution entitled “Resolution Making An Appropriation In The Amount Of \$37,500,000 For The Planning, Design, Acquisition, Construction, Equipping and Furnishing Of Alterations And Upgrades Of The Lillie B. Haynes, Flanders and Niantic Center Elementary Schools And Authorizing The Issuance Of \$37,500,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, and to submit said resolution to a referendum vote at an Adjourned Town Meeting to take place on March 14, 2017, at the hours to be determined by the Town Meeting in accordance with the Connecticut General Statutes Section 7-7, as amended, and the Notice of said Adjourned Town Meeting and referendum state the question to be voted upon as follows:

1. “Shall the resolution entitled ‘Resolution Making An Appropriation In The Amount Of \$37,500,000 For The Planning, Design, Acquisition, Construction, Equipping and Furnishing Of Alterations And Upgrades Of The Lillie B. Haynes, Flanders and Niantic Center Elementary Schools And Authorizing The Issuance Of \$37,500,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose’ as introduced and read at a Special Town Meeting held March 1, 2017, be approved?”

The form of the ballot label on the voting machine shall read as follows:

2. “Shall the resolution appropriating and authorizing bonds in the amount of \$37,500,000 for the planning, design, acquisition, construction, equipping and furnishing of alterations and upgrades of the Lillie B. Haynes, Flanders and Niantic Center Elementary Schools, be approved? YES/NO”

The vote will be by optical scan voting machine. Those in favor of the resolution referred to in the question shall fill in the oval “YES” under such question. Those not in favor of the resolution referred to in the question shall fill in the oval “NO” under such question. Absentee ballots will be available at the office of the Town Clerk as provided by law.

TOWN OF EAST LYME
NOTICE OF SPECIAL TOWN MEETING

Electors and persons qualified to vote at Town Meetings of the Town of East Lyme are hereby duly notified and warned that a Special Town Meeting will be held at East Lyme Town Hall, East Lyme on March 1, 2017 at 7:00 P.M. for the following purposes:

1. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled “Resolution Making An Appropriation In The Amount Of \$37,500,000 For The Planning, Design, Acquisition, Construction, Equipping and Furnishing Of Alterations And Upgrades Of The Lillie B. Haynes, Flanders and Niantic Center Elementary Schools And Authorizing The Issuance Of \$37,500,000 Bonds Of The Town To Meet Said

Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.

2. To discuss the resolution entitled “Resolution Making An Appropriation In The Amount Of \$37,500,000 For The Planning, Design, Acquisition, Construction, Equipping and Furnishing Of Alterations And Upgrades Of The Lillie B. Haynes, Flanders and Niantic Center Elementary Schools And Authorizing The Issuance Of \$37,500,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.

At its meeting held on February 15, 2017, the Board of Selectmen voted to submit Item 2 of the call of the Special Town Meeting to a referendum vote at an Adjourned Town Meeting to take place at the East Lyme Community Center, on March 14, 2017, at the hours to be determined by the Town Meeting.

3. To set the hours of voting of the above referendum.

4. To transact any other business proper to come before the meeting.

Copies of the proposed bond resolution is on file and open to public inspection at the office of the Town Clerk.

Dated at East Lyme, Connecticut, this 15th day of February, 2017.

DISCUSSION:

Mr. Nickerson explained that sending this to Town Meeting and then Referendum is what needs to be done according to Town Charter, and invited Mr. Jeffrey Newton to address the Board with any comments. Mr. Newton addressed the Board and thanked them and the public for the opportunity to move this matter to Referendum. Mr. Nickerson thanked Mr. Newton for his and for the Board of Education’s hard work during this process; they’ve done a great job and brought a great plan forward for the citizens to vote on.

Seconded by Mr. Salerno. Motion passed 5-0.

3. Old Business

There was none.

4. Communications

There was none.

5. Information and Reports.

There was none.

6a. Ex-Officio

Mr. Dagle reported that the Inland Wetlands Commission approved two applications at its last meeting; one for the work at 41 Walnut Hill Road, and the other for the retaining wall replacement on Walnut Hill Road, which will be started in the summer during the dry season to minimize the impact on the wetlands.

Ms. Hardy reported that a vacancy was filled tonight on the Town Building Committee, and there is one vacancy remaining there. Mr. Bekech was appointed to the Commission on Aging at the last meeting, and has already become active on the Commission. There is an open spot on the Cable Advisory Board that needs to be filled by someone to represent the Board of

Education; Ms. Hardy indicated that she would reach out to Mr. Newton to see if they have an interest in filling this position. If not, the responsibility would fall unto the Board of Selectmen to fill.

6b. First Selectman's Report

Mr. Nickerson reported that the past couple of storms have presented challenges to our Public Works employees, but that our crews did a great job. A lot of overtime was put in over that couple of days, but the crews are to be commended.

Last week was Restaurant Week, and unfortunately the storm probably put a damper on the event in the later part of the week; so please go out and visit our local restaurants now that the weather has improved.

Mr. Nickerson reported on the recent Arts Fundraiser Gala in support of the Judith Vaill-Lombardo Fund for ELPS Creative Arts. This event was a great success, and Mr. Nickerson pointed out that the Paul Lussier Band, who played at the event, initially came together because of the arts involving their children during Middle School. Mr. Nickerson reported that approximately \$4,000 was raised.

7. Public Comment

Mr. Terrance Donovan, 25 Woodland Road, addressed the Board to confirm that the correct term expiration for Mr. Carini is January 8, 2020.

8. Selectman's Response

Mr. Nickerson addressed Mr. Bialowans earlier delegation and stated that he has spoken to the Department Heads and the Town Attorney regarding Mr. Bialowans concerns. The Board of Selectmen is prepared to hear matters that are being brought forward just to this Board, not matters involving other Boards. The minutes are a summary of business discussed, and they are not meant to be a word-for-word transcript of the meeting. Subsequently we do not publish letters and memorandums submitted by the public as part of the minutes. Regarding the water in the North End, the water is chlorinated in that area, but it is clean drinking water and nothing wrong with it. Fishing piers were considered in the beginning stages of the Boardwalk project, but were removed due to budgetary restraints.

MOTION (9)

Mr. Seery moved to adjourn the February 15, 2017, meeting of the East Lyme Board of Selectmen at 8:43 p.m.

Seconded by Mr. Salerno. Motion passed 5-0.

Respectfully submitted,



Sandra A. Anderson, Recording Secretary