

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF OCTOBER 16, 2019
MINUTES

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

ALSO PRESENT: Dan Price, Chairman of the Police Commission; Liz Kuchta and Mary Cutillo of the Historic Cemeteries Commission

Mr. Nickerson called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda and Consent Items

MOTION (1)

Mr. Seery MOVED to add agenda item 1F to be heard before old business, for an update on the Public Safety Complex.

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

1c. Delegations

Ms. Holly Cheeseman, 16 Mitchell Drive, State Representative 37th District, gave an update on numerous items. She reported that they are awaiting word on a possible special session to be called on a couple of matters; required to vote on the legal settlement for the hospital lawsuit. The State agreed to pay approximately \$150 million to settle that lawsuit and that requires legislative approval. There was a bill regarding restaurant minimum wage and tip wages; the bill passed unanimously in both the House and the Senate. The Governor vetoed it because he felt it might be unconstitutional because it would have retroactively banned class action lawsuits; the Public Hearing was last week and over a hundred restaurateurs attended. There is significant amount of bonding still outstanding, such as town aid road, that has not yet been voted on; the majority party and the Governor are approximately \$100 million apart. A new version of the transportation plan is being worked on and includes a 10-year plan, involves some tolling, and would access available federal funds. Ms. Cheeseman cannot confirm whether a special session will be held or if these items will be heard in the regular session. She attended a meeting of the Southeastern Connecticut Council of Governments (SCCOG) at which they discussed the Bike/Walk plan. For more information on this initiative please visit bikewalksect.com. Ms. Cheeseman is hosting a Business Advisory Council meeting on October 29th at the East Lyme Town Hall from 8am – 9am; all business owners are welcome to attend, and she will be answering questions on some of the new laws that took effect on October 1st. Ms. Cheeseman announced that she will be hosting an informational forum on vaping, in conjunction with our schools, school administrators and available local resources. The purpose is to communicate what vaping is, what the dangers are, and to discuss ways to combat this trend.

Mr. Mike Shulz, Lovers Lane, addressed the Board and spoke in opposition of changing the Police Commission ordinance to remove the First Selectman from that Commission. He inquired if the Charter had been changed to remove the First Selectman as Town Agent. He inquired as to who the Chief of Police reports to, and is concerned that if the First Selectman is not a part of the Police Commission, then the Chief of Police is only answering to the Commission and not to any elected official.

FILED

Oct 25 2019 AT 11:35 AM/PM
Kevin Shulz
EAST LYME TOWN CLERK

1d. Approval of Minutes

MOTION (2)

Mr. Seery MOVED to approve the Regular Meeting Minutes of October 2, 2019, as submitted.
Seconded by Mr. Salerno. Motion passed 6-0.

1e. Consent Calendar

MOTION (3)

Mr. Seery MOVED to approve the Consent Calendar for the meeting of October 16, 2019, in the amount of \$1,757.15.

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

1f. Mr. Nickerson stated that the architect, Mr. William Silver of Silver/Petrucci + Associates, was in attendance tonight to provide an update on the Public Safety Building project.

Mr. Silver stated that they have been in business for 28 years and have worked on over 200 emergency service facilities. This is a multiphase project; first phase is happening quickly because of tight timeline, and that phase is the needs assessment and conceptual design. Committee provided a roadmap, but Silver/Petrucci went into the building without any influence from the Committee or the Commission and did a thorough study of the building. They knew from start, and it was clearly communicated in the RFP and at the scoping meeting with the Committee, that the budget was \$1.7 million and they are going to meet \$1.7 million. He apologized for bringing the bigger picture to that public forum, and stated that it really was meant as a planning tool beginning with that committee. The public may listen to Mr. Silver's full remarks by visiting eltownhall.com.

Mr. Dagle, Chairman of the Public Safety Vision Committee, spoke and stated that this project is only in the concept phase. There are many aspects of this initial plan that are intended for future use, and that the Committee never received the chance to see the initial plan and work with the architects to scale the project back to fit within the budgeted amount. He reiterated that the architect stated that they are confident that the project will be completed within the budgeted amount. He stated that the Vision Committee is well represented by members of the Boards of Selectmen and Finance, the Police Commission, and members of the public; and that it is their responsibility to see that the project is completed within budget.

Mrs. Hardy stated that the public has a right to know what will be left out of the project in order to stay within the budget, and she feels as though everything that is necessary should be included in this initial phase so that nothing gets left out. She does not want to see the committee come back for necessary items because the project is underbid.

Mr. Nickerson reported that the building is a fully functional office building now and will not require things such as the roof replacement or HVAC system replacement for years to come. He also noted that the Board of Selectman approved \$6 million total for the project, and that the Board of Finance reduced that to \$5 million with the option of coming back for that \$1 million should it be needed. That \$1 million was meant to cover the cost of the sally port and holding cells.

2a. Discussion – Police Commission Ordinance

Mr. Price, Chairman of the Police Commission, addressed the Board and reported that the Town Attorney has reviewed and drafted the ordinance with the change that you have before you tonight. In January 2020, three of the current members of the Commission are up for re-appointment, and at that time the First Selectman will be removed from the Commission and a seventh member will be appointed. He stated that at the inception of the Police Commission, it made good sense to have the First Selectman on the Commission, but now that the Commission and the independent police department are in place and settled in and functioning, the Commission feels as though it is time to remove the First Selectman and replace him with an appointment member of the community. The Police Chief reports to the Police Commission, and

the Police Commission reports to the Board of Selectman so this commission and the police department are not independent from the Town. He stated that the First Selectman should remain an ex-officio member of the Commission, as every other board and commission in the Town is set up. Mr. Nickerson agrees that now that the Police Commission and independent Police Department are established, it is time to remove the First Selectman from the Commission as a voting member, and put in in line with all of the other boards and commissions. Mr. Price stated that each member of the Police Commission are taxpayers in this town and want to do what is best for the police department and the public. Mrs. Hardy stated that she is looking forward to the Public Hearing on November 6th to have the opportunity to hear public comment as she has some reservations about removing the First Selectman from this Commission. She believes that issues of public safety and public welfare should not be left solely in the hands of an appointed board with no elected officials. She stated that the Police Commission makes many decisions regarding the police department that do not involve money so they are not required to come before the Board of Selectmen. She stated that she will contemplate this change, and she looks forward to the public hearing.

2b. Schedule Public Hearing – Police Commission Ordinance

MOTION (4)

Mr. Seery MOVED that NOTICE IS HEREBY GIVEN, of a public hearing to be held by the East Lyme Board of Selectmen on November 6, 2019 at the East Lyme Town Hall at 108 Pennsylvania Avenue, Niantic, Connecticut beginning at 7:15 p.m. to receive comments regarding the following ordinance entitled:

**ORDINANCE MODIFYING THE ORDINANCE CONCERNING
THE BOARD OF POLICE COMMISSIONERS**

Said Ordinance proposes modifications to Section 32.16 of the said Ordinance regarding the composition of the Board of Police Commissioners to read as follows:

§ 32.16 COMPOSITION.

(A) The Board of Police Commissioners shall consist of seven resident electors of the town appointed by the Board of Selectmen. The terms of the members are as follows: three terms shall be filled by appointment of four years until the first Monday of January, 2022; four terms shall be filled by appointment on the first Monday of January, 2020 which terms shall expire on the first Monday of January, 2024.

(B) Members of the Board of Police Commissioners may serve no more than two consecutive terms. A member who has served two consecutive terms may not be reappointed to the Board until four years have elapsed from the conclusion of his or her most recent term.

(C) No member of the Board of Police Commissioners shall hold any other elective or appointed office within the town.

This Ordinance shall take effect on January 6, 2020. Interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut, on this 16th day of October, 2019. EAST LYME BOARD OF SELECTMEN

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

3a. Historic Cemeteries

Ms. Liz Kuchta, Town Historian and member of Historic Cemeteries, as well as secretary for the Old Stone Church Burial Ground Committee, addressed the Board and stated that she often says that you are never really dead until nobody remembers you, and that our mission is to keep all of these founding members and communities members of the Town of East Lyme alive and remembered. There are 19 cemeteries in the Town of East Lyme, and she distributed a map of said cemeteries which is attached hereto as Exhibit 1. There are three active cemeteries left; all three have cremation plots available, but burial plots are not available unless you have already purchased them. One of the things that the Historic Properties

Commission needs from the Board of Selectmen is to find some land that can be used for a new cemetery to accommodate our residents going forward.

Ms. Mary Cutillo, who is a founding member of the group, stated that her sister, Betty Murphy, was the driving force for this commission. She stated that they only receive \$1,500 in the budget yearly for maintenance, and that is just not enough; each time one of the cemeteries is mowed and trimmed, the cost is at least \$300. They have been able to get by doing some clearing with a gift left to the commission through someone's last will and testament, \$3,950. They believe that they will need much more than that to do all of the trimming and clearing that is necessary. She stated that Mrs. Hardy's classes have done some fundraising over the years, but the properties need to be constantly maintained.

Ms. Kuchta stated that a lot of the older stones are in very bad shape and need to be worked on and some replaced. In order to get to some of these cemeteries, the paths need to be cleared. She is asking that the Board of Selectmen help in that they direct Public Works to help out with some of the trimming and clearing, and also take the brush away as they currently put it all in their vehicles.

Mr. Nickerson asked if they could please arrange for the Board to tour one of the cemeteries, and he will speak to public works about getting some help with the trimming and clearing; he is suggesting possibly a spring and fall cleanup. He feels that just as we protect our historic properties, so should we protect our cemeteries. He thanked Liz and Mary for giving a great presentation on our town cemeteries and some history. He also asked them to leave the poster board in the lobby for a period of time so that citizens might stop see all of the pictures and information on the 19 cemeteries in town.

3b. Mosle Lane

Mr. Nickerson reported that he would simply like to make the Board aware of a request that will be forthcoming to sell Mosle Lane to the Old Black Point Association for them to use it for recreation. He would like the Board to consider this request, and noted that it will not affect any homes except for one property and that homeowner is in favor of closing the road as they will be given a right of way for their driveway. This road is coned off all summer to keep it safe for the children who play there and the residents that utilize the tennis courts. There is a long process that will involve the transfer of property from the Town to the Association, and he would like the Board to visit the property and do whatever research they deem appropriate in advance of the process getting started. He is in favor of doing this, and all of the property owners in the Association are also in favor. This matter will come up again for discussion and voting at a future time.

3c. Schedule Town Meeting - \$69,000 CNRE COA 5310 Bus Grant

MOTION (5)

Mr. Seery MOVED:

TOWN OF EAST LYME
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, November 6, 2019 at 7:00 P.M. (ET) in the Upper Meeting Room at East Lyme Town Hall for the following purposes:

1. To consider and act upon a resolution to appropriate \$69,000 in CNRE Fund 32 for the purchase of a new 12 passenger and 2 wheelchair bus to be utilized at the Senior Center – Delivery expected between July – October 2020 - to the account titled, "COA DOT 5310 Bus" as follows: \$55,200 from the Connecticut Department of Transportation 5310 Grant and to transfer the town's share in the amount of \$13,800 from Fund 32 account number 32-60-120-100-002 (Proceeds from the Sale of Vehicles).
2. To transact any other business proper to come before the meeting.

Dated at East Lyme, Connecticut, this 16th day of October, 2019. EAST LYME BOARD OF SELECTMEN

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

4a. Ex-Officio Reports

Mr. Salerno reported on the Board of Education and reported that the East Lyme and Old Lyme Robotics Team was at the meeting and demonstrated one of the robots that they utilize when they compete, and that they compete at the national level. The robot was very cool and the size of a human, and the demonstration was neat. He reported that the switch to in house food service has gone very well, and that now Salem is also participating. The program is in the black and it is a success. Coastal Connections classrooms have moved into the Central Office building, which is great for the kids as they can now easily walk over to the high to participate in classes and activities.

Mr. Dagle stated that he has no meetings to report on, and that he is looking forward to the next meeting of the Public Safety Building Vision Committee.

Mr. Seery reported on Parks & Recreation and reported that the new fences are being installed at the little league fields, and that the Vets Park backstop is being replaced.

4b. Mr. Nickerson reported that the shut down of Exit 74 will begin this evening and will be closed from 6pm tonight until noon on Sunday. There is a lot of work happening on Flanders Road so please drive slowly and with caution, and give yourself extra time. Costco's ribbon cutting and grand opening is scheduled for November 14th at 8am, and everyone is invited to attend. The Town has had two notices of retirement and one resignation; the Fire Marshal resigned, Sgt. San Juan is retiring from the Police Department, and Bill Rix is retiring from the Fire Department. They had a seminar on Grant writing and will be applying for grants through the SustainableCT program. The Town has already reached Bronze level for all of the work that has already been done. On December 3rd, he will be attending the annual meeting of CCM, and he reported that he has been appointed to the executive committee to work on property tax reform. Connecticut has the third largest property tax in the country, and with the cuts to state aid, we could end up being number one highest in the country, so they will be working hard on that. Niantic Main Street is working on improving the crosswalks on Main Street, and also we have received word from Amtrak that they will be replacing the fencing with new, decorative black wrought iron fencing which will be a great improvement from the existing fencing. Congratulations to all of the walkers of last weekend's Terry Brodeur Breast Cancer walk. Also that day was the Bikes for Kids event at the Brookside Farm Museum, sponsored by one of the local BNI groups, where children whose families cannot afford bikes received a bike that day. They spent some time doing activities and painting pumpkins and then they were surprised when the barn doors opened and there were brand new bikes in there for each of them. Two of our local residents organized a pasta dinner fundraiser at the Sportsmen's Club to raise money for the Make-A-Wish Foundation, and that went very well. He attended the East Lyme Regional Theatre Group sponsored Broadway review at the bandshell. He and a couple Town employees attended a hearing at the FOI Commission in Hartford; the Town is trying to get relief from a Vexatious FOI requestor and is utilizing a new statute which is designed to protect towns from such. East Lyme is the first Town to appeal to the FOI under this new law. He attended a planning meeting for the June 2020 Opsail event, in which the tall ships will come into the bay and hopefully the Navy will bring one of their amphibious vehicles and beach it as they did last year. Oysterfest was a huge success with many residents coming out to enjoy good food, good drink, local vendors and great music. Also that same night, he attended the annual banquet at Flanders Fire Department; Matthew Fergione was honored by his peers with the Firefighter of the Year Award for 2019, and David Baer was honored by his peers with the EMT of the Year Award for 2019. He will be presenting at a Chamber meeting this Friday morning spotlighting local businesses in Waterford and East Lyme. Tonight is the last Board of Selectmen's last meeting before the election; good luck to everyone and it has been a great honor to serve beside all of you. He has been asked by the Community Center to speak with both the RTC and DTC and ask members to please refrain from

putting excessive amounts of signs up on election day; this has been a request from members of the public. Everyone running for an elected position is welcome to stand outside with signs, but please refrain from putting up excessive signage. The community group Traffic Advisory Council met and they are brainstorming on ideas to make our community safer and to encourage people to slow down and respect other drivers, walkers and bikers.

5. Public Comment

6. Selectmen's Response

MOTION (6)

Mr. Seery MOVED to adjourn the October 16, 2019, regular meeting of the East Lyme Board of Selectmen at 8:56 p.m.

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

Respectfully submitted,



Sandra Anderson
Recording Secretary

EAST LYME CEMETERIES

KEY

- 1. OLD STONE CHURCH
- 2. UNION
- 3. PLANT'S DAM
- 4. MACK'S MILL ✓
- 5. PEST YARD
- 6. RIVERHEAD
- 8. HUNTLEY
- 10. POWERS
- 11. EAST LYME (FLANDERS)
- 12. TABER
- 13. LEECH
- 14. FOSDICK ✓
- 15. CHAMPION
- 16. TINKER
- 17. FOX FARM
- 18. HOLMES
- 19. BROCKWAY
- 20. TILLESON
- 23. REEVE

Numbers are those used in WPA 1934 survey. WPA nos. 7, 9, 21, 22 are not in E. Lyme.

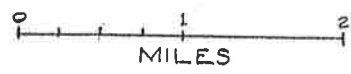
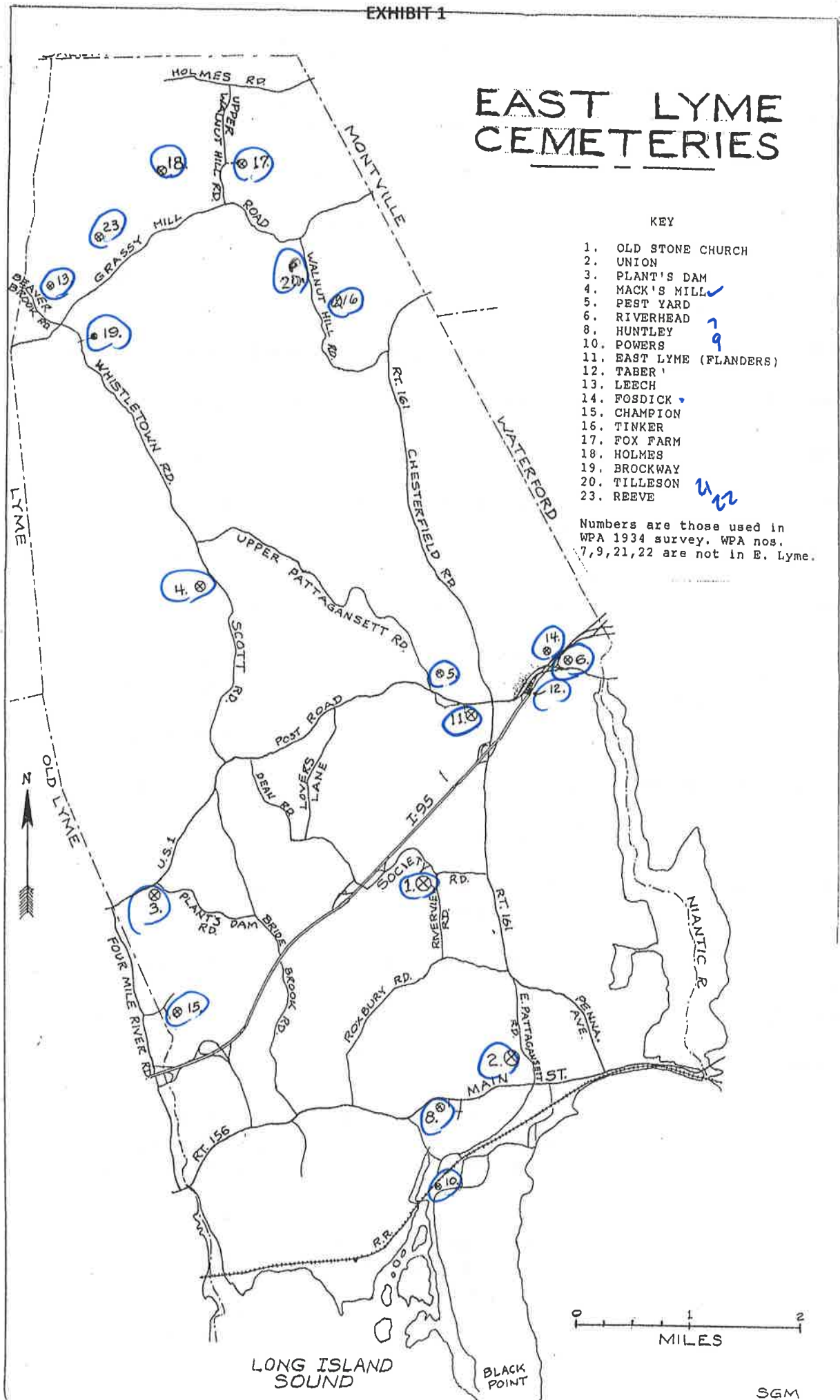


EXHIBIT 1
EAST LYME CEMETERIES

- | | |
|-------------------------------|--|
| 1. Old Stone Church | S.W. corner Society Rd. and Riverview Rd. |
| 2. Union | E. Pattagansett Rd. opposite and just north of Hope St. |
| 3. Banty or Old Meeting House | West side of Plant's Dam Rd. at intersection of Rt. 1 |
| 4. Roger's or Mack's Mill | West side Scott Rd., ½ mile south from intersection of Whistletown and Upper Pattagansett Rd. |
| 5. Pest House (Yard) | In back of 17 Upper Pattagansett Rd. on EL High School property |
| 6. Center or Riverhead | S. of I-95, N. of Rt.1, where Rt. 1 intersects I-95 |
| 8. Huntley or Beckwith | At the end of Sessa Lane at edge of the salt marsh. |
| 10. Power's | Behind 41 Old Black Point Rd. near RR tracks. |
| 11. Flanders | Southside Rt. 1, east of Baptist church |
| 12. Taber | On grass divider west of intersection of Rt. 1 & I-95 |
| 13. Leach | In woods east of Beaver Brook Rd. and North of Grassy Hill Rd.
Can be reached via cart path from the old farm house. |
| 14. Fosdick | On hillside 150' N. of I-95 opposite N.W. corner Riverhead cemetery |
| 15. Barthrick or Champion | In the woods south of Green Valley Lakes Road off dirt lane. |
| 16. Tinker | Rear of 85 Walnut Hill Rd. |
| 17. Old Fox Farm | East side of Upper Walnut Hill Rd. between #17 and #19 at the end of a long lane. |
| 18. Holmes | North side of Grassy Hill Rd. behind Hatt farm #119. |
| 19. Brockway | Whistletown Rd., E. side, ½ mile from Grassy Hill Rd. |
| 20. Tilleson | Near residence at 98 Walnut Hill Rd. |
| 23. Reeve | 1st left into State Forest going east on Grassy Hill Rd. from Whistletown. 200' from side is cart path on right. Follow cart path north 500'. In center of triangle formed by 3 roads. |

East Lyme Historical Cemetery Association
P.O. Box 112
East Lyme CT 06333