

EAST LYME ZONING COMMISSION

SPECIAL MEETING

DECEMBER 16, 1999

MOTIONS

minutes ? ll

FILED IN EAST LYME TOWN

CLERK'S OFFICE

Dec 27, 19 99 at *4:15* ^{AM} _{PM}

Esther B. Willaw

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Special Meeting on December 16, 1999 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357. Acting Chair Athena Cone called the meeting to order at 7:32 PM.

PRESENT: Athena Cone, Norman Peck, Shawn McLaughlin, William Weber, David Chamberlain, Ed Gada and Donna Orefice.

Also Present: Edward O'Connell, Town Attorney

Absent: Robert Bulmer, Rose Ann Hardy, ex-officio

SPECIAL MEETING

I. Mrs. Cone opened the Meeting at 7:32 PM and the Pledge of Allegiance was lead by Mr. Joe Kwasneiwski, 67 Walnut Hill Rd., East Lyme.

II. Election of Chairman of the Zoning Commission.

Mr. McLaughlin nominated William Weber for Chairman. Mr Gada seconded the nomination. There being no other nominations, Mrs. Cone asked for a vote on this nomination. It was unanimous.

MOTION (1): Mr. McLaughlin nominated Mr. Weber as Chairman of the East Lyme Zoning Commission.
Mr. Gada seconded the nomination.
Vote in favor: (5-0), Unanimous

Mrs. Cone relinquished the gavel to Mr. Weber, Chairman.

III. Election of Secretary of the Zoning Commission

Mr. McLaughlin nominated Athena Cone for Secretary. Mr. Chamberlain seconded the nomination. There being no other nominations, Mr. Weber asked for a vote on this nomination. It was unanimous.

MOTION (2): Mr. McLaughlin nominated Mrs. Cone as Secretary of the East Lyme Zoning Commission.
Mr. Chamberlain seconded the nomination.
Vote in favor: (5-0), Unanimous

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IV. Public Delegations

1. Joe Kwasniewski, 67 Walnut Hill Rd. congratulated Mr. Weber and Mrs. Cone on their election.
2. Robert Gadbois, 358 Boston Post Road inquired as to the status of the Community Signs. He also congratulated Mrs. Cone and Mr. Weber on their election.

Mr. Weber stated that a letter will be sent informing Mr. Gadbois of the Community Signs status.

V. Town Attorney

Mr. O'Connell addressed the Commission regarding Statutes, Rules & Regulations, etc. which effect the Commission.

1. Freedom of Information Act as it applies to a Public Agency.
 - a. Agendas are to be written and available to the public
 - b. Meetings are open to all members of the public
 - c. Meetings may be videoed by the public
 - d. Written minutes will include a list of Motions and votes and filed within 48 hours. The full Minutes must be filed within 7 days.
 - e. No public is allowed at Executive Sessions which are called to deal with limited and specific Commission duties.
2. Actions, i.e. Legislative and Administrative
 - a. Legislative – Zoning changes and Regulation changes
 - b. Administrative – Review site plans and grant special permits. Review applications and materials submitted by an applicant in order to determine compliance with Regulations.
3. Public Notices – Public must be given fair warning of a Public Hearing. This is accomplished generally by publishing the in the New London Day announcement within a specific time frame prior to the Hearing
4. Public Hearings
 - a. Part of the public record and transcribable. All exhibits are to be identified and labeled.
 - b. Any appeals to the Courts are limited to the record made at the Public Hearing.
 - c. Note should be made of which Commission members are sitting at the Public Hearing. Any member of the Commission voting on the application must be familiar with the record either by having attended the Public Hearing or by having listened to the tape recording of the Hearing and reviewed the exhibits and evidence presented and declaring same.
 - d. The Chairman will clearly state when the Public Hearing is closed.
 - e.
5. Disqualifications Mr. O'Connell read from CT Statutes, Section 8-11.
 - a. Unfamiliarity
 - b. Predetermination
 - c. The appearance of a conflict of interest

6. Liability of Members

As a general rule, municipal officers are protected from personal liability when acting in their official capacity as members of a Board or Commission by the concept of governmental immunity. If the member exercises good faith and reasonable one cannot be subject to any damages. The exceptions are willful misconduct and malice.

Mr. Weber inquired as to the role of the Alternates during Public Hearings.

Mr. O'Connell indicated that the Alternates sitting in the audience cannot ask questions during the Public Hearing. The alternates can listen and consider but not comment or be active participants. During the decision making process, only the decision-makers may discuss. An Alternate or Member not present at a Public Hearing must review the evidence and listen to the tapes of the Public Hearing in order to be familiar with it and must declare to that fact.

MOTION (3): Mrs. Cone moved to adjourn the meeting at 8:05 PM.
Mr. Chamberlain seconded the motion.
Vote in favor: (6-0), Unanimous.

Respectfully submitted,



Anita M. Bennett
Recording Secretary