

EAST LYME BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
JANUARY 4, 2023

RECEIVED FOR RECORD  
EAST LYME, CT

2023 JAN 12 P 3:00

PRESENT: Kevin Seery, Rose Ann Hardy, Dan Cunningham, Bill Weber and Anne Santoro

EXCUSED: Ann Cicchiello

ALSO IN ATTENDANCE: Town Attorney Edward O'Connell and Town Engineer Alex Klose  
*Alex Klose*  
TOWN CLERK

Mr. Seery called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda & Consent Items

There were none.

1c. Delegations

Ms. Rena Powers, 4 South Street, Niantic stated that she and her husband, Gerry, run a 501(c)(3) organization called The Blue Door Foundation, Inc. About ten years ago, they started assisting people in need of medical equipment throughout the community using social media to. Throughout the years, this organization has grown and has become a very busy non-profit organization. They would like to request that they be added to the list of non-profits supported in the yearly Town budget, as well as any other ideas that the First Selectman and Board of Selectmen think would help them to further their contribution to the community.

Mr. Timothy Burke, 11 Smith Avenue, Niantic, wanted to publicly thank all of the First Responders for saving the life of one of his family members recently. He commended the quick, professional and compassionate response and assistance from all of the First Responders.

1d. Approval of Minutes

DISCUSSION: Ms. Santoro made the following corrections. On page three under section 2a town ethics policy, add the following sentence at the end; "Ms. Santoro further noted that the ordinance is codified (binding)". Next sentence should read, "Ms. Santoro noted that the ethics ordinance is printed into and part of the Town's purchasing policy"; it is the ethics code that is codified, not the policy.

Under ex-officio reports, Ms. Santoro's first bullet point should read that the Board of Education discussed the results of a youth services survey which was sent out to students in grades 7-12, not ages 7-12.

**MOTION (1)**

Ms. Santoro MOVED to approve the Regular Meeting Minutes of December 7, 2022 as amended. Seconded by Mr. Weber. Motion passed 5-0.

1e. Consent Calendar

**MOTION (2)**

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of January 4, 2023, in the amount of \$4,109.35.

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

Ms. Hardy requested that the Tax Collector provide additional information when the refunds on the consent calendar are a large amount, as was done with the former Tax Collector.

Mr. Seery stated that unless there was an objection, he would like to request that Attorney O'Connell be allowed to present on the items that he is present for. Without hearing any objections, Mr. Seery called for agenda item 2b regarding Riverhead Cemetery to be heard.

2b. Riverhead Cemetery

DISCUSSION: Attorney O'Connell summarized the events that have led up to the signing of this boundary line and easement agreement, which began at the inception of the project for a gas station in the area of exit 75 and included the process of transferring ownership of the cemetery to the Town of East Lyme. The owners of the gas station have also agreed to replace the gate to the cemetery, which was stolen many years ago. The road to the cemetery crosses over the gas station property, which is covered by this boundary line and easement agreement. Ms. Hardy stated that although she is a member of the historic cemeteries association, she does not feel that this is a conflict of interest, and she is comfortable voting on this matter.

**MOTION (3)**

Ms. Santoro MOVED the following; RESOLVED to authorize the First Selectman, in the name and on behalf of the Town, to execute and deliver a Boundary Line and Easement Agreement with Noble East Lyme LLC, pertaining to the common boundary between property of Noble East Lyme LLC and property of the Town known as Riverhead Cemetery and a related easement in favor of the Town, and to do all things necessary to effectuate said agreement. Seconded by Mr. Cunningham. Motion passed 5-0.

3c. Merge Parks and Recreation and Youth Services Commissions

DISCUSSION: Mr. Seery explained that the Youth Services Commission has had a very difficult time to find and keep members, and that a couple of their members are also currently on the Parks and Recreation Commission. He stated that he has asked the Town Attorney to create an ordinance which combines these two commissions, and he requested that he bring that document to the first Board of Selectmen meeting in February. These two commissions currently work together, and the current members of the youth services commission have expressed their desire in merging with the Parks and Recreation Commission. Attorney O'Connell stated that the Youth Services Bureau is established by ordinance, so that can be amended without revising the Charter; the commission would be dissolved, and the duties rolled into Parks & Recreation Commission. Ms. Santoro expressed concern that this merger would put undue stress and increased workload on the Parks and Recreation Commission, and Mr. Cunningham, who is Ex-Officio, state that the members of both of these commissions are very receptive and support this merger.

2a. Special Appropriation – Replace Grand Street Boat Launch Ladder

DISCUSSION: Town Engineer Alex Klose explained that the current ladder is no longer functional and that it needs to be removed and replaced. Mr. Klose confirmed that this purchase falls under the purchasing policy and will require three bids; he explained that the project needs to be approved first in this case, and then the Town will go out to procure the proper bids. Ms. Santoro stated that this is not the usual procedure and that she is not entirely comfortable with appropriating funds before going out to bid. Mr. Weber asked if the cost could be reduced, and Mr. Klose stated that he would investigate any appropriate alternatives that might reduce the

final costs. He noted that Town Engineer Bill Scheer designed this setup and put a lot of time and effort into this version with the appropriate materials.

**MOTION (4)**

Ms. Santoro MOVED to approve a Special Appropriation not to exceed \$7,000 for the replacement of the boat access ladder at the Grand Street Boat Launch from the American Rescue Funds, and forward to the Board of Finance for Approval. This does not require a town meeting.

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

3a. 20/21 STEAP Grant Authorization – Improvements to EL Transfer Station

DISCUSSION: Mr. Klose explained that this is a project that was brought before the Boards a couple of years ago and was approved; it is now time to move forward with the project.

**MOTION (5)**

Ms. Santoro MOVED the following: RESOLVED, that Kevin Seery, First Selectman of the Town of East Lyme, be and hereby is authorized to execute on behalf of this municipal corporation a Grant Agreement with the State of Connecticut for financial assistance to "Complete the Improvements to the East Lyme Transfer Station, including a Vehicle Scale and Scale House in Niantic (East Lyme)" (STEAP FY 20-21).

In addition, that Kevin Seery, First Selectman of the Town of East Lyme, is hereby authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

It is further certified that Kevin Seery, First Selectman of the Town of East Lyme was elected First Selectman. His term of office began on December 6, 2021 and will continue to December 4, 2023. As the East Lyme First Selectman, Kevin Seery serves as the Chief Executive Officer for the Town of East Lyme and on January 4, 2023, Kevin Seery, First Selectman of the Town of East Lyme had both the authority and the office to sign on behalf of the Town of East Lyme a Grant Agreement for financial assistance to "Complete the Improvements to the East Lyme Transfer Station, including a Vehicle Scale and Scale House in Niantic (East Lyme)" (STEAP FY 20-21).

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

3b. HMP Update

DISCUSSION: Mr. Klose presented a mandatory yearly update to the Board of Selectmen on the HMP (Hazard Mitigation Plan). The action items that are being reviewed were summarized and are attached hereto as Exhibit #1.

2c. Update on Dominion Building

DISCUSSION: Mr. Seery reported that the Yale Charrette group met with him and the Niantic Main Street group in December, and they are planning on another meeting this Friday with Mr. Mitchell included. Mr. Seery stated that if the Town takes ownership of the property, the Town will have a say in how it is re-purposed; if Dominion retains ownership and sells it to a private buyer, the Town will have no say outside of the regulations that may govern the activities on said property. He stated that there will be public information session scheduled after the budget meetings have concluded. Mr. Seery stated to Ms. Hardy that he investigated if the town has

ever applied for a Brownfield Grant for that property and he did not find a record of any previous applications.

#### 2d. Ethics Policy

DISCUSSION: Mr. Seery stated that the Board of Education does have an ethics policy and does review said policy; Ms. Hardy apologized for the misunderstanding is saying previously that they did not. Mr. Seery stated that the Human Resources staff is working on a form that will be signed off on when someone is appointed or elected to a board or commission.

#### 3d. Schedule Budget Meetings

DISCUSSION: Mr. Seery stated that the FY 2023/24 budget reviews are underway with Town Department Heads. The first Selectman's budget will be presented at the February 1, 2023 Board of Selectmen meeting. He will reach out to Mr. Newton to schedule the Board of Education budget review. Below is the anticipated schedule:

Monday, February 13 @ 6:30 PM; Police/EMD/Dispatch/ACO, Fire Departments, Fire Marshal

Wednesday, February 15 @ 5:30 PM; Parks and Recreation, Commission on Aging, Library

Wednesday, February 22 @ 6:30 PM; Registrars, Public Works/Engineering/Building Maintenance, Building/Zoning/Planning

Monday, February 27 @ 7:00 PM; Services to Community

#### 4a. Ex-Officio Reports

Mr. Weber reported:

- Planning Commission discussed the following:
  - The possibility of putting a building in the lot in between the Village Café and the Citgo station.
  - Proposed Hathaway Farms 3-lot subdivision
  - The level of road salt in our drinking water
  - They held elections and appointed the Chairman.

#### 4b. First Selectman's Report

- Replacement of the Amtrak fence has been delayed until at least next spring; Groton will have their fence replaced first.
- Niantic Main Street, Mr. Mitchell and the Yale Charette people will be meeting this Friday; one of the topics of discussion will be parking.
- He and the Finance Director are meeting with department heads regarding budgets.
- There will be an upcoming meeting regarding the proposed highway diversion plan for exit 74.
- The discussion regarding sidewalks will be postponed until next year.
- East Lyme Ambulance Association purchased an old vehicle that they will have outfitted with current equipment for an estimated cost of \$75,000. They are currently using a borrowed ambulance from Montville as the two ambulances that they own are both out of commission.
- The Route 161 Corridor Study is ongoing.

- Information can be found on the Town webpage.
- Airbnb's continue to be a problem; looking to both Stonington and the Council of Governments for direction.
- The Police Department is sending two new police officers to this upcoming Police Academy.
- Sgt. Levandoski announced his retirement as of March 17, 2023.
- Mr. Joe Mingo has announced that he is stepping down from the Water & Sewer Commission. Mr. Mingo has been a member of this commission since 1973. Thank you very much for your many years of dedicated service, Mr. Mingo.
- The new flagpole has been installed at the Liberty Green.
- The light parade was a huge success this year; the police did a great job with traffic.

#### 5. Communications

There were none.

#### 6. Public Comment

Jaime Barr Shelburn, 31 McElaney Drive, inquired as to who she should speak with to re-align a crosswalk at the intersection of McElaney Drive and Black Point Road. Mr. Seery stated that he would respond to her question under "selectman's response".

#### 7. Selectman's Response

Mr. Seery called the Town Engineer, Alex Klose, up to the podium to answer the question. Mr. Klose advised Ms. Shelburn to contact the Public Works department, but that once he determines what the request is in its entirety, it will either be a Public Works issue or a matter that would need to be take up with the Board of Police Commissioners.

#### 8. Executive Session

##### **MOTION (6)**

Ms. Santoro MOVED to enter into executive session for the purpose of discussing real estate matters, East Lyme Land Trust Oswegatchie Hills property.  
Seconded by Mr. Cunningham. Motion passed 5-0.

The Board entered into executive session at 8:33 p.m. They returned at 9:03 p.m. and it was stated that no formal votes were taken.

#### 9. Adjourn

##### **MOTION (7)**

Mr. Cunningham MOVED to adjourn the regular meeting of January 4, 2023, at 9:03 p.m.  
Seconded by Ms. Hardy. Motion passed 5-0.

Respectfully Submitted By:



Sandra Anderson  
Recording Secretary

Town of

P.O. Drawer 519

Town Engineer

Alexander T. Klose, P.E.



East Lyme

108 Pennsylvania Ave

Niantic, Connecticut 06357

Phone: (860) 691-4112

AKlose@eltownhall.com

To: Kevin Seery, First Selectman

From: Alex Klose, P.E., Town Engineer & CRS Coordinator

Date: December 27, 2022

RE: Hazard Mitigation Plan Update Annex for the Town of East Lyme  
Progress Monitoring 2021 - 2022 (Annual Report)

To be Presented to the East Lyme Board of Selectmen (BOS)

The *Hazard Mitigation Plan Update Annex for the Town of East Lyme* (HMP) is a 5-year plan that was prepared for the Town of East Lyme by Milone & MacBroom, Inc. through coordinated efforts with the Southeastern Connecticut Council of Governments (SCCOG). The HMP was adopted by the Board of Selectmen on February 21, 2018. The primary goal of the plan is to identify particular vulnerabilities to natural hazards and potential mitigation measures for such hazards in order to reduce the loss of or damage to life, property, infrastructure and natural, cultural and economic resources.

The Town of East Lyme is a participant in the Federal Emergency Management Agency Community Rating System (FEMA CRS) program which entitles its residents to discounts on their flood insurance policies. The CRS program was created by the Federal Insurance Administration and is an integral part of the National Flood Insurance Program (NFIP). The HMP is a required component of the NFIP, in order for the Town to maintain its status in the CRS program. In addition, local communities must have a FEMA-approved HMP in place to receive Federal Grant Funds for Hazard Mitigation Projects; including Hazard Mitigation Grant Program funds that are distributed to the Town from Federally declared disasters.

The Certificate of Adoption of the HMP, by the Town of East Lyme BOS, requires an annual report on the progress of the implementation elements of the HMP be presented to the BOS. According to the HMP, the Town of East Lyme will review the status of the HMP recommendations each year. A list of the *Mitigation Actions and Strategies for East Lyme 2016-2021* (Table 11-1 from the HMP) has been included as an Enclosure.

## 2021 - 2022 Mitigation Actions and Strategies Results

**Action #5** – *Pursue elevation of properties that suffer flood damage; prioritizing repetitive loss properties in the Niantic Bay area.*

**Status:**

As the longtime Community Flood Plain Coordinator, the Zoning Official applies and enforces the FEMA regulations. The requirements regarding the elevation of structures that suffer flood damage, prioritizing repetitive loss properties in the Niantic Bay area, are contained within the Zoning Commission’s zoning regulations and the town ordinance. The Town ordinance covers those beach areas that control their own zoning. As land owners make applications for repair or reconstruction, they must comply with said regulations.

**Action #6** – *Apply freeboard standards of one foot or more when requiring elevations for renovations or new construction in coastal flood zones.*

**Status:**

The Zoning Department is in constant contact with FEMA regarding the application of the regulations and the introduction of any updates. Zoning Officials have added new language to the zoning regulations and town ordinance to reflect recent changes regarding freeboard and certain flood hazard areas.

The Building and Zoning Departments currently apply 1-ft free board above BFE (Base Flood Elevation). Our recent completion of the CRCASS Study (Coastal Resilience and Climate Adaptation and Sustainability Study) recommends the Town consider adopting 2-ft of free board above BFE.

**Action #7** – *Pursue mutual aid agreements with non-profits to provide volunteer labor for response activities.*

**Status:**

The Public Safety Department continues its efforts in working with the Town’s Fire Chiefs to develop a volunteer program made up of volunteer firefighters whom would become certified in traffic management to assist with road closures and detours during severe weather events and/or evacuations. Completion of this course certifies participants for four (4) years and places them on the American Traffic Safety Services Association (ATSSA) national registry. Public Safety personnel have also initiated conversations with faith based organizations to develop an on-call volunteer labor response force which could take advantage of certain State & Federal funded safety & emergency response trainings. This process was put on hold during the Covid-19 pandemic; however, efforts will resume in 2023.

**Action #10** – *Investigate funding sources and the feasibility of elevating locally owned roads with an emphasis on those needed for evacuation.*

**Status:**

The Engineering Department created a plan for an emergency connection on Romagna Road to create a second egress for the Bush Hill neighborhood. The department is also investigation the feasibility of elevating Brook Road, Bush Hill Road and Atlantic Street funding sources continue to be investigated with FEMA and the Bipartisan Infrastructure Bill, Infrastructure Investment and Jobs Act (IIJA). This work will continue thru 2023 and the findings may be presented in the 2022-2023 Annual Report.

**Action #11** – *Upgrade storm water collection and discharge systems to keep up with rising sea level, particularly in Niantic.*

**Status:**

The Town has undertaken significant project of mapping the structures in its storm water system. This work has been initiated in order to satisfy the mapping requirements associated with the Town's MS4 General Permit under CT DEEP. The Town continues to complete annual inspections & upgrades to its storm water collection system on its locally owned roads, and where paving projects have been scheduled. The East Lyme Highway Department cleans & inspects catch basins & culverts on an annual basis and will continue to complete upgrades at problem locations and as possible. Additional work is being done by the East Lyme Engineering Department to look into protective measures for the Town's metal stormwater piping to prevent further corrosion and limit pipe failures throughout the Town, including neighborhoods in the Flood Hazard Areas.

**Action #12** - *Consider removing a small dam downstream of Route 1 to reduce flooding of Route 1 by Latimer Brook.*

**Status:**

The East Lyme Engineering Department has spoken to CTDOT, the owner of the dam, and it was determined that this action is not feasible at this time. Sufficient evidence that the removal would provide significant upstream mitigation is not available at this time.

**Action #17** – *Identify a location for a brush-disposal operation for dealing with debris following wind storms and determine potential reuse.*

**Status:**

The East Lyme Transfer Station already functions as the primary debris collection site during emergency events.

**Action #20** – *Consider an annual “Wind Fair” to familiarize the public with wind hazards and potential mitigation measures.*

**Status:**

East Lyme Emergency Management has created a PowerPoint presentation on emergency preparedness for severe weather events, (including high wind, hurricane and tornado preparedness actions) and presented this critical information on three occasions in 2022. Printed FEMA brochures including high wind hazards and mitigation measures were distributed at numerous Covid-19 PPE distribution events throughout the pandemic. Additionally, this important information is regularly shared on the Town's social media platforms and is also provided on our Town website.

**Action #21** – *Visit schools and educate children about the risks of wind events and how to prepare for them.*

**Status:**

Officials from Emergency Management hold regular meetings with the Director of Security of the East Lyme Public Schools. Educational materials from FEMA and the National Weather Service are used to supplement education provided to all East Lyme Public School K-12 students. The Director confirmed that as part of the district required emergency response drills, weather events are covered.