

**EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF MAY 3, 2023
EAST LYME TOWN HALL UPPER MEETING ROOM
Immediately Following Special Town Meeting to Commence at 7:00**

Present: Kevin Seery, First Selectman, Selectmen, Anne Santoro, Ann Cicchiello, Rose Ann Hardy, Dan Cunningham, Bill Weber.

Also Present: Mary Cutillo

1. REGULAR MEETING AGENDA

a) Call Meeting to Order and Pledge of Allegiance

K. Seery called the meeting to order at 7:10
The Pledge of Allegiance was recited.

b) Additional Agenda & Consent Calendar Items-none

c) Delegations-none

d) Approval of Minutes

1. Regular Meeting of April 19,2023

MOTION: (Santoro/Cicchiello) to approve the April 19, 2023, Regular Meeting Minutes as amended.

The following changes were made:

A. Santoro wanted the following statement added to the Dominion Building discussion:

"Ms. Santoro asked if the Yale charette is considering all options, private development as well as town ownership of the property".

MOTION: (Santoro/Cunningham) to enter Executive Session to discuss Estate-East Lyme Land Trust-Oswegatchie Hills/Hathaway Farms Property. Attending: Seery, Santoro, Cunningham, Cicchiello, Webber. Vote: APPROVED unanimously (8:01-8:13)

The Board came out of executive session and no formal vote was taken.

~~B. Weber reported on the Planning Commission's vote on a zoning amendment change as, inconsistent with the POCD.~~

Vote: APPROVED unanimously.

e) Consent Calendar

MOTION: (Santoro/Hardy) to approve the consent calendar for May 3, 2023, BOS meeting in the amount of \$554.55. Vote: APPROVED unanimously.

2. Old Business

a) Discussion -Charter Revision Update

RECEIVED FOR RECORD
EAST LYME, CT
2023 MAY 10 A 9:23
Cunningham
TOWN CLERK

K. Seery said the Charter Revision Committee is a great group of people who have worked very hard on the revision. They will have their last meeting on May 23, 2023, and they completed a wrap up meeting yesterday. They will have a Public Hearing on June 6, with a presentation to the BOS on June 21, 2023.

- They are recommending 4-year terms for virtually every office including BOS.
- They are not recommending any Chief Administrative office as the committee thinks that is an administrative action.
- Any vacancies in elected offices will be filled until the remainder of the term not until the next election.
- Removed appointed offices that are no longer positions in town.
- Assessors, Building Official, Fire Marshall, Building Inspector which had four-year terms will now be hired positions according to past practice.
- Referendums for appropriations will be held if there is a 5% increase or greater over the previous year's budget.
- Real Estate transactions of \$10,000 will be adjusted to be more in line to what it should be.
- Chapter 8 will be deleted.
- Other adjustments were made to the charter to reflect what has been common practice for past years.

K. Seery gave the legal notice for the Town Meeting next week, he noted the wrong figures were in the paper but were corrected immediately.

3. New Business

a) Discussion and Possible Action-ARPA appropriation for Fox Farm cemetery

R. Hardy referred to pictures of the Fox Farm cemetery and the fallen trees that endanger the stones. Funds need to be available immediately to protect the stones. Mary Cutillo, 74 Fairhaven Road, President, East Lyme Historic Cemetery Association, had previously asked the town to apply for a stated grant for repair of a stonewall at cemetery on Scott Road. They were awarded \$5000. She thanked the town for their efforts.

The money appropriated for cemetery care does not cover the cost of mowing the cemeteries they are responsible for.

They asked the town to consider using ARPA funds for the Fox Farm cemetery to take down the dead trees before they damage the old and fragile stones. They have received an estimate of \$7,400.

The earliest stone dates back to 1786 and the cemetery has stones for two veterans from the war of 1812. She submitted photos of the cemetery.

Santoro asked the tax status of the organization. Mary replied that they are a 501 (C)(13) tax exempt organization. She will provide documentation of the organization's tax-exempt status. A. Santoro explained the various non-profit categories and which nonprofits qualify for ARPA funding under the ARPA definitions.

M. Cutillo said none of the trees go over the road because the cemetery is off the road.

Santoro said the town opened up the ARPA funding to non-profits that fit into specific categories. She said all ARPA funds were appropriated, except \$5,000, since then, unused funds have come back to the fund and the board needs to decide on what to do with those funds.

Elizabeth Kuchta, Town Historian, 154 Pennsylvania Ave., believes they are a 501 (C)(13). She said there are state statutes which require towns to be responsible for maintaining cemeteries. She confirmed there are several trees that are in danger of falling and damaging stones.

K. Seery will investigate if towns are responsible for cemeteries within their boundaries. He said there would have to be three quotes for the tree work according to the purchase policy. The issue will be discussed at a future meeting with other possible funding mechanisms.

b) Discussion-BOF FY 2023/2024 Adopted Budget

The notice of town meeting was incorrect in the Day paper, it was immediately corrected.

**c) Discussion and Action-Approve Dispatchers Contract-
(Motion made after Executive Session #8)**

4.

1. Ex-Officio Reports:

R. Hardy reported held a public hearing for a building on Main Street was held by the Zoning Commission. There were many residents opposed to the proposed building. The builder met the zoning requirements and was approved. The commission is on alert that the public is concerned about large developments in town.

A. Santoro reported on the Water and Sewer Commission. There was a public hearing on supplemental sewer assessments. Three out of eighteen owners objected to their particular assessment. As the meeting went on it was determined that more discussion was needed with Ben North. The water meter project is going well, 73% of the total have been installed. The Commission adopted the water operating budget for 2024 and the sewer department. The water side of the budget reflects a 5% increase.

The Boston Post Road tank rehabilitation is almost finished and will come online soon and underbudget. The Commission wants to make it a priority to increase sewer capacity.

BOE middle school study concerning transition between grade 4 and 5 shows a drop in test scores. A study was completed, and the school will make sure there are practices in place to ease the transition between those two grades. There will be an increase in time for math and english for fifth grade. Jason Bitgood will be retiring from middle school. Financially the school is in good shape for the end of the school year.

A non-lapsing account is being considered by the BOE for town approval in the future. The high school baseball team will be using the field for end of year games and playoffs.

The Library Board of Trustees are using the self-checkout machine. The new conference room has been updated with the ARPA funds appropriated to them.

First Selectman's Report

- Last weekend was the kickoff for the new Niantic Bay Playhouse.
- Little League opening day was last week and Boardwalk 5-K was held with 636 participants.
- Groundbreaking for the exit 74 project with the Governor was held. The state has been very responsive when the town contacts them with an issue.
- The State conducted a Rt 161 Corridor study and was presented to residents; they are looking for input from the community.
- Soapy Noble gas station is hoping to open in late August.
- The New York Times had an article about East Lyme.
- The gas station on Main Street will remain a gas station, they are just updating the tanks.

5. Communications-none

6. Public Comment-none

7. Selectman's Response

8. Executive Session-Contract negotiations between the Town of East Lyme and local 1303-436, council 4, AFSCME, AFL-CIO (Dispatchers)

MOTION: (Santoro/Cunningham) to enter Executive Session to discuss Contract negotiations between the Town of East Lyme and Local 1303-436, Council 4, AFSCME, AFL-CIO (Dispatchers)Attending: Seery, Santoro, Cunningham, Cicchiello, Webber. Vote: APPROVED unanimously (8:02- 8:27)

The Board entered into Executive Session at 8:02 and came out at 8:27. No formal vote was taken.

MOTION: (Santoro/ Cicchiello) move to approve the Contract between the Town of East Lyme and Local 1303-436, Council 4, AFSCME, AFL-CIO (Dispatchers) for the period between July 1, 2023, to June 30, 2026. Vote: APPROVED unanimously

9. ADJOURNMENT:

MOTION: (Santoro/Cunningham) to adjourn at 8:00. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang
Recording Secretary



Historic East Lyme Cemeteries
Association, Inc
Post Office Box 112
East Lyme, CT 06333

May 3, 2023

Good Evening, Mr. Seery, Members of the Board, and residents,

My name is Mary Cutillo, my address is 74 Fairhaven Road, Niantic. Am here tonight as president of the Historic East Lyme Cemetery Association. I have with me our town Historian Liz Kuchta, a member of our group, and Steve Alligood, vice president and I last came before you in February of this year requesting that the Town apply for a state grant titled Neglected Cemetery Account Program which was available for up to \$5000. We asked that the Town apply for the funds to repair the stone wall at Macks Mill Cemetery on Scott Road. We had an estimate of \$7000 to do the work and were fortunate that the Town was granted the full \$5000 towards this project. We want to thank you so much for your efforts on our behalf. There are 16 cemeteries in East Lyme which come under our care. Annually we have the 3 largest and most visible mowed 3 to 5 times... always for Memorial Day, Fourth of July and Labor Day. Volunteers rake, pick up trash, cut brush and saplings at no cost to the Town throughout the year.

We have a small endowment with which we are very frugal, so that it will enable us to fund projects for a long time to come. The Town gives us \$2,500 annually. While we are very grateful for this assistance, that money does not even cover the mowings, much less wall and stone repair. To date this year we have already spent \$2000 for necessary tree and branch removal at Macks Mill Cemetery that we could not safely remove ourselves. WJ Tree Service has done our cemetery work since 1989. Some of you may remember that Wes Jezierski was the Town Tree Warden for many years and presently his son runs the business. They have the equipment and expertise to safely work around the old and fragile stones. Their prices are very reasonable and we can trust that the work will be done in a timely manner. Supporting local businesses is very important to us.

We understand that there may be some unused funds left from the ARPA fund and would like to be considered as recipients of a portion of those funds.

We have a situation at Old Fox Farm Cemetery on Upper Walnut Hill Road which needs to be addressed immediately. There are a large number of dead and dying trees which need to be removed professionally. WJ Tree Service has identified and marked them and given us an estimate of \$7400. Earlier this year a large tree fell on the wall there. One of our members has been able to cut it up, luckily it did not damage any of the ancient stones. The trees which have

been identified need to be removed for the safety of anyone walking or working in the cemetery itself.

Old Fox Farm Cemetery is about 90' x 100' and contains 102 gravestones. 45 are marked with names and 57 are fieldstones. The earliest marked stone is that of Ezra Moore in 1786. There are 2 veterans from the War of 1812 who receive flags on Memorial Day each year.

I have submitted photos which will show you the proximity of the trees to the stones and the very difficult working conditions.

If you have any questions I would be happy to try to answer them for you or consult with other members present. Thank you for your time and attention

W J TREE SERVICE INC.

175 Whistletown Road
East Lyme, Connecticut 06333
860-739-5659

JOB ESTIMATE

4/17/2023

East Lyme Historical Society Inc.

Mr. Rod McCauley
P O Box 112
East Lyme, CT 06333

SERVICE LOCATION

Fox Farm Cemetery
Upper Walnut Hill Rd, East Lyme, CT 06333

We propose the following work (CT sales tax exempt). Includes chipping of branches (unless noted), leave any large wood, clean up and cutting the stump(s) as low to the ground as possible where applicable::

Remove dead quad oak \$650 (marked green)

Remove 4 smaller oaks \$600 (marked green)

Remove 2 birches and 1 sassafras \$500 (marked green)

Remove 2 small maples \$250 (marked green)

Remove dying double oak \$2,300 (marked green)

Remove dead leaders in large partially live oak right corner \$400 (marked blue)

Trim dead in oak \$300 (marked blue)

Prices total for above: No more than \$5,000

Take wood from all above: No more than \$1,200

*Access road (marked orange):

Remove Maple halfway down driveway to cemetery and dead cherry next to it: \$1,000

Cut down dead cherry butt: \$200

QUOTE IS VALID FOR 15 DAYS. IF YOU ARE HAPPY WITH THE ABOVE ESTIMATE PLEASE SIGN AND DATE A COPY OF THIS ESTIMATE AND RETURN IT TO US. WORK WILL BE SCHEDULED UPON RECEIPT. NOT RESPONSIBLE FOR DELAYS BEYOND OUR CONTROL. PAYMENT DUE UPON JOB COMPLETION.

ACCEPTED BY: _____ DATE: _____

Historic East Lyme Cemeteries Association, Inc. (HELCA)
P.O. Box 112, East Lyme, CT 06333

as of 6/11/21

19 East Lyme Cemeteries (WORKING DOCUMENT)

1-27-2

Cemetery #'s are the same used on 1934 WPA Survey (#'s 7, 9, 21, & 22 are not in E. Lyme)

Cemetery #	Name(s) listed from current to oldest	Ownership: State, Town, Private, None		Year Oldest Stone	Owner's Permission	GPS - Lat/N/Long W (Need to Verify)	Location (Need nearest House #s)	Comments	Documented	# Vet Flags	1 If Mow
1	Old Stone Church Segate			1724		41,20.73/72,13.02'	SW Corner at intersection of Society & Riverview Rds	Maintained by Community Church			
3	Old Meeting House Hill Plants Dam Banty Niantic Hill			1758		41,34.45/72,25.97'	W side of Plants Dam at Rt 1 intersection Fr-Ind War: Simeon Wood, Cap't Morgan Co, died 12/24/1769 age 31. War 1812: Elisha Smith, Capt Manwaring Co, died 3/30/1821 age 62.	Active: Cremation plots only. Civil War: Joseph W Huntley, 11th CT Vol, died 2/15/1862 age 25; Dean Marshall, Co G 1st Reg, Lt, Art., RI Vol, died 1/28/1892.		4	1
4	Mack's Mill Rogers Whistle town			1819		41,30.00/72,25.05'	W side of 11 Scott Rd, 1/2mi. S from intersection of Whistle town & Upper Pattagansett Rds. Civil War: Albert Maynard, Co B 8th Inf. NJ Vol, died 8/31/1912 age 71	War 1812: Christopher Brockway, Capt Smith Co, died 12/1/1831 age 44; William Gee, Capt Manwaring Co, died 7/27/1843 age 76; John M. Rogers, died 8/2/1867 age 74. Folklore Slave Grave		4	1
5	Pest Yard Pest House	Town		1760	Y	41,22.22/72,13.07'	~400 behind 17 Upper Pattagansett Rd, On High School Property. Fr-Ind War: Abner Beckwith, 14th Co, died 3/8/1761 age 32; Capt. Matthew Marvin, died 12/16/1760 age 56.	Maintained by adjoining property owners. Owner's permission required. 2020 Solomkin.			2
6	Riverhead Center	Town		1778		41,22.37/72,11.90'	Boston Post Rd (Rt 1), E. Lyme, where Rt 1 intersects I95. Access from N side Rt 1 just S of I95.	Town records do not show driveway as part of right of way, but ownership inconclusive. 1930s 1 buried outside wall. Open hill is 1st people. Riverhead Assoc Formed in 1850.			1
8	Huntley Beckwith ~7 stones	Private		1740		41,19.15/72,12.97'	Sessa Lane between 1st & 2nd houses on R of Cul de Sac at edge of salt marsh.				
10	Powers 17 Stones (11 Headstones, others footstones only)	Private		1837	Y	41,31.05/72,21.71'	Behind 41 Old Black Point Rd. near RR tracks.	Access through driveway. Owner's permission required. 2021 F & J Jenks.			
12	Taber 3 Stones			1798		41,22.19/72,12.19'	On Rt 1 in grass divider on R just before Rt 1 overpass I95.				
13	Leech ~2 stones	Private		1802	Y	41,25.14/72,16.48'	Behind 15 Beaverbrook Rd. Access from cart path near old farm house. Several 100' from Rd to Private property.	Owner's permission required. 2021 Sally Udin.			
14	Fosdick 3 Stones			1785		41,22.38/72,11.91'	Access from dirt Rd on R of I95S Exit 75 off ramp. ~150' N of I95 overlooking Niantic River (brook).				
15	Champion Barthrick			1776		41,32.91/72,25.80'	S side of 9 Green Valley Lake Rd. HELCA owns 20' Right of Way from dirt lane to cemetery.	Rev War: Ruben Champion, 1st Co, 6th Reg't, died 12/10/1848 age 92; Henry Cone, CT Line 3rd Reg't, died 12/15/1827 age 83 - Marker cut incorrectly.			2
16	Tinker Few stones	Private		1823	Y	41,41.54/72,23.91'	Behind 85 Walnut Hill Rd. adjacent to solar farm property	Access through driveway. Owner's permission required. 2020 Sackett.			
17	Old Fox Farm	Private		1787	Y	41,25.66/72,14.92'	End of Lane between 17 & 19 Upper Walnut Hill Rd. War 1812: Moses Chapman Died 11/11/1836, Age 59; Ebenezer Strickland Died 12/1/1833, Age 59.	On private property, but HELCA has right of way.			2
18	Holmes Frink ~ 8 stones	Private		1813	Y	41,25.71/72,15.49'	Rock Hill Farm, 119 Grassy Hill Rd. Cemetery Gates ~1 mile drive into the farm	Owner's permission required. 2021 Megan Hatt Civil War: George R. Holmes, died 5/5/1863, age 32			1
19	Brockway					41,24.26/72,16.18'	E side Whistle town Rd, 1/2 mi from Grassy Hill Rd, 300' from Rd behind a pond next to Polley's Land				
20	Tilleson Few stones. 2 outside cemetery wall			1790	Y	41,25.18/72,14.93'	Near residence at 98 Grassy Hill Rd.	Access through driveway			
23	Reeve	State		1813		41,25.11/72,15.87'	From Whistle town Rd. go E on Grassy Hill Rd, take 1st left into Nehantic St Forest. 200' from roadside is a cart path on the R. Follow it 500' N. Grave in center of triagle formed by roads.				

Maintenance is the Responsibility of East Lyme Cemeteries Association

2	Union Center Gate	Town				41,32.42/72,20.29'	1-199 E. Pattagansett Rd.	Active	Mr. Lee - Sp/Am & Civil War War 1812-8, Sp/Am War-7, Civil War-36		51
11	East Lyme Cemetery Flanders	Town				41,21.84/72,12.85'	S Side of Rt 1, E of Baptist Lane, across from E.L. School.	- Active	War 1812-9, Sp/Am War-1, Civil War-24		34

Total 109 3

