

Minutes of EAST LYME BOARD OF SELECTMEN SEPTEMBER 6TH, 2023 REGULAR MEETING - 09/06/23

Date and time: 09/06/23 07:13 pm to: 09/06/23 08:22 pm

Present: Brooke Stevens, Recording Secretary, BOS Members Present:, Kevin Seery, First Selectman, Bill Weber, Anne Santoro, Rose Ann Hardy, Ann Cicchiello, Via Zoom, Absent:, Dan Cunningham

CC: Also Present: , Kevin Gervais, Finance Director, Joe Bragaw, Director of Public Works, Gary Goeschel, Town Planner

Location: EAST LYME TOWN HALL UPPER MEETING ROOM & VIA ZOOM

Topics

1. Call Meeting to Order and Pledge of Allegiance

Note: Immediately following a Special Town Meeting which commenced at 7:00 p.m., First Selectman Seery called the meeting to order at 7:13 p.m. and noted that the Pledge was observed during the Town Meeting.

2. Additional Agenda & Consent Calendar Items

Note: There were none.

3. Delegations

Note: There were none.

4. Approval of Minutes:

4-1. Regular Meeting of August 2nd, 2023

Note: Ms. Santoro noted that on page 4, under reports, her name is spelled "Ann" when it should be "Anne."

Decision: MOTION (1)

Ms. Santoro moved to approve the Regular Meeting Minutes of August 2nd, 2023, as submitted.
Ms. Hardy seconded the motion.
5-0-0.

4-2. Special Meeting of August 22nd, 2023

Decision: MOTION (2)

Ms. Santoro moved to approve the Special Meeting Minutes of August 22nd, 2023, as submitted.
Ms. Hardy seconded the motion.
Motion carried, 4-0-1.
Ms. Cicchiello abstained from the vote due to her absence from the meeting.

4-3. Special Meeting of August 29th, 2023

RECEIVED FOR RECORD
EAST LYME, CT
2023 SEP 19 A 8:12
Caulfield
TOWN CLERK

Decision MOTION (3)

Ms. Santoro moved to approve the Special Meeting Minutes of August 29th, 2023, as submitted.

Ms. Hardy seconded the motion.

Motion carried, 4-0-1.

Ms. Cicchiello abstained from the vote due to her absence from the meeting.

5. Consent Calendar

Decision MOTION (4)

Ms. Santoro moved to approve the Consent Calendar for the September 6th, 2023, meeting in the amount of \$23,222.60.

Ms. Hardy seconded the motion.

Motion carried, 5-0-0.

6. Old Business

6-1. Discussion – Charter Revision update

Note: Mr. Seery said the following:

The charter revision questions have been attached to the ballot for November.

He has received some questions as why these questions weren't included in the referendum, they will likely have for the purchase of the Hathaway properties.

People that can vote in a referendum can't necessarily vote in the general election, so it would make it extremely confusing to have both at the same time.

7. New Business

7-1. Discussion and Possible Action – Bulky Waste Transfer Station and Commercial Pickup Fees.

Note: Joe Bragaw, Director of Public Works, referenced the memorandum he prepared for them, and noted the following:

As of July 1st, we had increases in our bulky waste cost.

Our fee went up from \$95 to \$105, but that increase has not been reflected in the charge residents incur for dropping off their bulky waste.

Even though we have more cost, the revenue has been offsetting it.

He'd like to increase the resident rate from 9.45 cents to 10.5 cents per pound.

SCRRRA charges the town for all our trash and increased their tip fee by \$2.

There's no cost to any residents or businesses that utilize the roll out trash cans, but they do charge for all dumpsters in town.

Our local vendor, CWPM, empties those dumpsters and brings it to the trash facility in Lisbon, informs them it's from East Lyme, then the town is charged.

We then in turn charge the commercial vendor, but like most towns, we have an admin surcharge- the tipping fee, which was 61.25.

Since July the town has been charged 64 instead, so we've been losing out since we have not changed our fees.

This is why he would like to increase both fees and the sooner they can do this, the better.

Note: Ms. Santoro asked what a sensible time would be in terms of providing notice to the public, and Mr. Bragaw suggested the new fee schedule begin on September 19th, or September 26th, they can post it, and this would give residents ample notice.

Note Mr. Bragaw said he would like to start the commercial rate tomorrow and Mr. Seery said he thinks September 26th, 2023, would be more appropriate, but is fine with the commercial rate starting tomorrow. Ms. Hardy replied that it would be a courtesy to local businesses if they were given notice as well.

Note Mr. Bragaw said he's trying to act from a revenue standpoint, that he was hoping to start this in July, but summer was quite busy, and now they've been paying higher costs yet receiving less, since July.

Note Mr. Weber asked if the commercial parties would receive notification, or if it will be merely reflected in the bill? Mr. Bragaw said they will be notified by their bill and have already received a 2 1/2-month reprieve.

Note Mr. Seery said right now they're basically losing money and Mr. Bragaw concurred.

Note Mr. Seery said he thinks the townspeople should be given notice, but the haulers are aware of the situation. He said he's comfortable with September 7th for the commercial haulers, and September 26th, for residents.

Note Mr. Weber said he agrees; if businesses aren't going to get any kind of notification till their first meal, then it's not going to impact anything if we put into effect for tomorrow.

Decision MOTION (5)

Ms. Santoro moved to approve the revised fees as proposed in this memorandum, specifically the increase for residents at the transfer station from 9.45 cents to 10.5 cents per pound. That will become effective September 26th, with notice to be given at the transfer station and on the website.

MOTION (6)

Ms. Santoro moved to increase the charge to commercial haulers from \$64 a ton to \$66.25, to become effective tomorrow September 7th, 2023.

Neither of these motions require Board of Finance approval or a Town Meeting.

Mr. Weber seconded Motion (5) and Motion (6).

Both Motions carried, 5-0-0

7-2. Discussion and Possible Action- Purchase of Live Edge Metal Pless Plow System

Note Mr. Bragaw detailed how this is an all-in-one plow attachment and they don't currently have anything like it. He explained they have a 14-foot snow box, but you can't drive over the road with it, and with the live edge plow they can attach it to anything over four or five inches, so they can drive it.

Note Mr. Bragaw added that they're the backup for the Board of Education; if there was a big snowstorm, we would have to go in with all our artillery because they don't have money to do it. He further explained that this unit can do parking lots, intersections, and rows in 1/5 of the time they currently spend plowing.

Note Mr. Bragaw said it would be a huge asset to the town to have something like this and he discussed the specific mechanics of the machinery, how the live edges of the plow actually conform to the road, how it's a teardrop style, it forms to the road, scrapes everything up, and hardly any salt is used, because you reach black pavement right away.

Note Mr. Bragaw said you can have one person driving this one piece of equipment and can do everything in town as opposed to having to send three or four traditional plows out, so he highly recommends it.

Note Mr. Bragaw reminded the Board about the CNRE fund that is comprised of funds from selling old equipment and vehicles. He said they've sold a lot of different pieces of equipment over the years and he's working with the Finance Department on this because he thinks there is more in this account than \$56,589, that \$20,000 to \$30,000 from selling vehicles is sitting in another account.

He explained they're asking for \$41,107.50; it's a state contract so this is the best price you can get for one, it conforms to the purchasing policy, and he's bringing it to the table because the lead time will likely be a few months.

Note Mr. Bragaw and the Board further discussed how the Live Edge Pless Plow works.

Note Mr. Weber asked about maintenance and Mr. Bragaw replied that the use of the machinery outweighs any kind of issues with it, and it's a very solid piece of equipment. He added that the person who would maintain it is actually the person recommending it.

Note Ms. Hardy asked what its anticipated lifespan is, and Mr. Bragaw said 12 to 15 years.

Note Ms. Hardy noted that a major benefit of the machinery is the reduction of salt, since our salt usage has been a major concern of the Conservation of Natural Resources.

Note Ms. Santoro asked about any potential road damage and Mr. Bragaw replied that it's actually safer for the roads since its operator has a lot more control.

Decision MOTION (7)

Ms. Santoro moved to approve a special appropriation amount of \$41,107.50 from CNRE 32-3400-700-999 PWD, Public Works Department of reserve to purchase and forward to the Board of Finance for approval. Note, this requires a town meeting.

Ms. Hardy seconded the motion.

Motion carried, 5-0-0.

7-3. Discussion and Possible Action - Fiscal Year 2022/23 Year End Budget Transfers

Note Kevin Gervais, Finance Director, presented the needed year end budget transfers and noted his goal going forward is to do these quarterly so it's not so condensed in the future.

Note Mr. Gervais reported some of the following:

The budget did not include an increase to salary lines instead the town as a whole budgeted about \$373,000 for salary contingency, which had to be broken out.

This is why each of the lines with salaries has monies put in, because the salaries from fiscal year 22 are the same as fiscal year 23 salaries.

Because of contract negotiations they didn't know what the salaries would be.

We knew we had some accounts that were over budget throughout the year which we were watching.

We knew we had accounts that were under budget and were making sure they cancelled each other out so to speak.

Since they will be doing this quarterly, there will be much smaller packet from now on.

Note The Board reviewed and discussed the format of the budget transfer report.

Note Mr. Gervais detailed how in the end, everything zeroes out, so there are no actual appropriations needed; expense to expense, nothing increased, or decreased and this is a housekeeping item for audit purposes.

Mr. Gervais shared that we have to do these transfers because our accounting system will not let us process a journal entry or a disbursement, we can't issue a check if the account has is a penny over the 100%.

Decision MOTION (8)

Ms. Santoro moved to approve the year end budget transfer sheet provided by Finance Director Gervais. Mr. Weber seconded the motion.

Motion carried, 5-0-0.

7-4. Discussion and Possible Action- Planning Commission Subdivision Regulations

Note Gary Goeschel, Town Planner, reported the following:

There will be a public hearing on September 19th, 2023, to consider a number of changes to the subdivision regulations particularly Section 4, Section 6, Section 7, Section 8 and Section 11.

Section 4 relates to taxes.

Currently, applicants can make an application for a subdivision and the back taxes are not necessarily due or required to have been paid.

In order to get a building permit, the taxes have to be paid.

To be consistent, they thought they would add some language to the regulations which requires that the taxes be paid off or current before an application can be made.

Section 4 also relates to lot line configurations.

This regulation currently allows the Planning Director to approve lot line revisions.

However, it does not give them the authority to deny one.

There have been instances where opposing legal counsel have said our regulations are specific and that it's only an act of the Planning Commission.

This is to correct that.

If a Planning Director can approve the plan, they should be able to deny it at the same time.

Section 4 additionally relates to ERT's.

They actually have some pending litigation still going on regarding this requirement.

The Environmental Review Team does an assessment of the subject parcel typically prior to the subdivision.

It's a full biological and environmental review of the parcel that identifies any dangerous species on the site or plant flora and fauna.

The ERT is a separate agency and organization and they indicated to us that they could not do an ERT for this one particular application.

The applicant submitted that information into the record.

So, they're requiring applicants to request this review, when the agency will no longer do them for subdivisions.

If municipalities would like them to be conducted outside of a subdivision application, they're more than happy to entertain them.

Town Council had recommended the Planning Commission completely omit this portion of the Section.

The Commission was not comfortable with that and wanted something in return.

He edited the Section to say that they would need environmental review and evaluation, which essentially comes down to an environmental impact statement that the applicant would prepare and submit to the Planning Commission.

The Commission would be the reviewer of that document in conjunction with the Natural Resources Commission.

The CNRC will do a referral like the Planning Commission might do a referral for an application before the Zoning Commission.

Other Section edits are mostly housekeeping items such as pole locations and light fixture compliance with dark skies.

In addition, he had several discussions with the First Selectman regarding open space.

They've added language specifically that is very clear as to what the open space purpose is, as well as that it's preserved in perpetuity.

its preserved in perpetuity.

They're not changing the entities that can accept that open space as they are qualified entities. Warranty deeds and restrictive covenants need to be submitted with the application, not post. He has noticed that historically, we have some open spaces that were approved as open space, yet no easements were filed on the Land Records.

Hopefully this will alleviate some of these issues.

They're moving some text around and creating a new Section, but it's the same language.

To dead end streets, they're adding the term conservation design development.

They didn't have any dead-end streetlight cut off, so we had to add just one term into this section.

Section 11 has some big changes.

They wanted to create a section for fines and for violations.

It's generic language, they understand they would have to approach the Board and go through the ordinance for the fines, if they wanted to.

But they figured the language is there ahead of time, if ultimately needed.

They can then request that the town consider fines for violations of the subdivision regulations.

If there's any questions, please feel free to reach out to him or his office.

Copies of the regulations are available on the town website and with the Town Clerk.

They've been filed pursuant to statute, 10 days prior to their public hearing.

Note Ms. Hardy asked if they should include the Aquifer Protection Agency for the environmental impact statement review.

Note Ms. Hardy added that dead end streets are also a public safety issue. She said we have a fairly recent development in town, which has a large number of units, there are a large number of dead-end streets in that development, where there is no cul-de-sac, no turn around, and the only way to get off those streets is to drive into someone's driveway or back your way out.

Ms. Hardy said she would like to see this be given some consideration. Mr. Serry asked what development she is referring to and she replied that she would rather not say.

Mr. Seery added that it makes a difference whether they're town roads or not, which he elaborated on briefly.

Note Ms. Cicchiello asked if the environmental evaluation has to be done within a certain timeframe and how they can ensure that they can get the information in a timely fashion. She asked if a joint meeting would be held, and Mr. Goeschel explained that it will be treated exactly as a Planning Commission referral would be completed for a Zoning application. He added they haven't discussed a timeframe and that's really valuable feedback that he will share with the Commission.

Mr. Goeschel said the Planning Commission has 65 days to render a decision unless they're holding a public hearing, so they will obviously need all referral reports within that timeframe.

Note Ms. Santoro asked about the environmental review and if the DEEP Natural Diversity Database will be integral to that work. Mr. Goeschel replied that yes, that would be where you would start and he briefly discussed how that database might be utilized.

Note Mr. Seery thanked Mr. Goeschel for his efforts.

7-5. Discussion and Possible Action- Board and Commission Appointments

Note Mr. Seery reported the following:

Wanda Stadnick has been a volunteer with the Brookside Farm Museum for quite some time. She wishes to be a member and the seat she'll fill ends in January but she's fine with being reappointed. The same is the case for Steve Dinsmore, who would like to become a member of the Conservation of Natural Resources Commission. And lastly, he'd like to appoint Greg McIntire of Oak Grove Beach as a member of the Short-Term Rental Ad Hoc Committee, since the person they originally discussed is not a registered voter in town.

Decision MOTION (9)

Ms. Santoro moved to appoint Wanda Stadnick of 1109 Grassy Hill Road, East Lyme, Connecticut as a member of the Brookside Farm Museum Commission, with a term to expire on January 8th, 2024, Steve Dinsmore of 57 Chesterfield Road, East Lyme, Connecticut as an alternate member of the Commission for the Conservation of Natural Resources with a term to expire on January 8th, 2024, and Gregory McIntire of 41 Shore Road, Niantic Connecticut as a member of the Short Term Rental Ad Hoc Committee. Mr. Weber seconded the motion. Motion carried, 5-0-0.

8. Ex-Officio Reports

8-1. Ms. Hardy had nothing to report.

8-2. Ms. Santoro said some of the following:

Note The Short-Term Rental Ad Hoc Committee was formed and had its first meeting on August 14th. The next meeting is scheduled for September 12th.

She and Gary Cicchiello are Co-Chairs of the Committee.

At the next meeting we will be hearing from our department heads- Zoning, Building and the Fire Marshal about their experiences in the town on the issue of short-term rentals and their impressions.

The first of the two required public hearings will take place on September 25th.

At the meeting, we did discuss the timeline and it was agreed that a final report will be done in January, post-election.

The feeling was that time is needed to identify the issues and work through any information collected. She has also requested information from the Police Department as well.

8-3. Mr. Weber had nothing to report.

8-4. Ms. Cicchiello had nothing to report.

8-5. Mr. Cunningham was not in attendance.

9. First Selectman's Report

Note Mr. Seery shared some of the following:

The Route 161 Exit 74 project is ongoing, and they continue to do some blasting.

The DOT's app has been tweaked so anyone you had issues with it, should now have better luck.

They're pretty much on schedule right now.

He attended a Millstone Drill at the Emergency Operations Center a week ago.

The statute in McCook's Park has been moved and that area will be the Nehantic Tribe's burial ground.

They completed review of the Police contract, and it now has to go before their union for vote.

He had a great tour of Camp Nett.

They're looking to have the public hearing for the Hathaway Farm property on the 27th.

They would then approve it to go before the Board of Finance on the 4th of October.

Depending on how it works out, a referendum would be held either on the 17th or 19th of October.

The Giving Garden has donated 10,000 pounds of food to the needy.

They have a great lecture series coming up that people should check out.

The new hours of the Town Hall are working out well.

Touch a Truck was this weekend, and despite it being hot, it was a success.

At their next meeting the Darrow Pond Study will be presented to them.

The Oyster Fest is on September 23rd.

10. Communications

Note There was none.

11. Public Comment

Note Barbara Booth of 32 Riverview Road discussed her concern about the high speed of the vehicles traveling the road and questioned what could be done about it. She noted it's a great danger to pedestrians, and she detailed how a young mother, and her children are always walking that road.

Note Ms. Booth discussed how another sign that checks people's speed would be ideal and Mr. Seery noted they're quite expensive, which is why they're spread out throughout town. Mr. Gervais said they can determine if there is money in this year's budget to buy another.

12. Selectman's Response

Note There was none.

13. Adjournment

Decision MOTION (10)

Ms. Santoro moved to adjourn the September 6th, 2023, Regular Meeting of the Board of Selectmen at 8:22 p.m.

Ms. Hardy seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary