

EAST LYME BOARD OF SELECTMEN  
MEETING OF JUNE 6, 2012  
MINUTES

PRESENT: Mark Nickerson, Rose Ann Hardy, Kevin Seery.

EXCUSED: Holly Cheeseman.

Mr. Nickerson called the meeting to order at 7:32 p.m. and led the Pledge.

He noted that Mr. Formica was on his way from another meeting and would be here momentarily.

1b. Additional Agenda & Consent Calendar Items

There were none.

1c. Delegations

John Bialowans of 61 Walnut Hill Road noted that the budget had been approved and asked when Walnut Hill paving would be done. He also wanted an answer as to why the Town was doing work on the Mattos Pond since this was private property. He read his comments into the record (identified as attachment A.)

Mike Shultz of Lovers Lane said that he had talked in the past about leveling out taxes and he said he felt very strongly about it. He said it was unfair to charge people on the water higher taxes than those not since we all received the same services.

Mr. Formica arrived at 7:40 p.m.

Mr. Shultz asked about the Emergency Management Department getting a new building. He said that he would like to see all labor contracts on line and asked what contracts were presently under negotiation. He suggested not giving out longevity pay and money for waiving insurance. He noted that Mr. Formica had done a great deal to improve the efficiency of the town. He asked what the stipend was that was given to the Emergency Management Director.

Karen Rak of 22 Old Black Point Road said that not only should contracts be online, the town should be putting the check registers on line. She added that this would improve transparency and she encouraged the Board to do this. She said she did not want the town to be taking any more property off the tax roles and added that if a group wants to purchase this land, let them raise funding to accomplish it. She said the group should also be responsible for the cost for maintaining also.

1d1. Approval of Minutes, Public Hearing of May 16, 2012

MOTION (1)

Mr. Nickerson moved to approve the minutes of the Public Hearing of May 16, 2012 as submitted.

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Seconded by Mr. Seery.

Aye: Mr. Formica, Mr. Nickerson.

Nay: None.

Abstain: Mr. Seery, Ms. Hardy. Motion passed 2-0-2.

1d2. Approval of Minutes, Regular Meeting of May 16, 2012

MOTION (2)

Mr. Nickerson moved to approve the minutes of the regular meeting of May 16, 2012 as submitted.

Seconded by Mr. Seery.

Aye: Mr. Formica, Mr. Nickerson.

Nay: None.

Abstain: Mr. Seery, Ms. Hardy. Motion passed 2-0-2.

1e. Consent Calendar

MOTION (3)

Mr. Nickerson moved to approve the Consent Calendar for the meeting of June 6, 2012 in the amount of \$1271.19.

Seconded by Mr. Seery. Motion passed 4-0.

2a. Authorize First Selectman to Sign Lease with Lions for Lobsterfest 2012

MOTION (4)

Mr. Nickerson moved to authorize the First Selectman to sign a lease with the Lions for Lobsterfest 2012.

Seconded by Mr. Seery. Motion passed 4-0.

2b. Budget Transfers

a. \$6015 – Turn Out Gear – Fire Marshal

Mr. Formica noted that this item had been in the budget, but was cut by the Board of Finance.

MOTION (5)

Mr. Nickerson moved to approve a transfer in the amount \$6,015 from account 2-01-25-224-100-212 (Dispatchers) to account 2-01-70-724-100-212 (PS-Fire Marshal) for the purchase of PPE Turn-out Gear and forward to the Board of Finance for their approval.

Seconded by Mr. Seery. Motion passed 4-0.

b. Fire Fighter Transfer

MOTION (6)

Mr. Nickerson moved to transfer \$7,524 from account 2-01-01-120-100-500 (Contingency Pending PR Change) to the following accounts: \$3,994 to account 2-01-25-217-100-611 (Salaries NFD Firefighters) \$2,995 to account 2-01-25-218-100-611 (Salaries FFD Firefighters) and \$535 to account 2-01-01-114-100-121 (FICA/Medicare) due to the timing with the budget process and negotiating the wage re-opener and forward to the Board of Finance for their approval.

Seconded by Ms. Hardy. Motion passed 4-0.

c. Police Transfer

MOTION (7)

MR. Seery moved to transfer \$21,119 from account 2-01-01-120-100-500 (Contingency Pending PR Change) to the following accounts: \$19,619 to account 2-01-25-216-100-511 (Salaries Constables) and \$1,500 to account 2-01-01-114-100-121 (FICA/Medicare) due to the timing with the budget process and negotiating a successor agreement and forward to the Board of Finance for their approval.

Seconded by Ms. Hardy. Motion passed 4-0.

d. Non-Union Transfer

MOTION (8)

Mr. Seery moved to approve a transfer in the amount of \$36,307 from account 2-01-01-120-100-500 (Town Payroll Pending PR Change) to various budget line items as itemized on the attached worksheet titled, "Town of East Lyme Unaffiliated COLA increases 7/1/11 - 6/30/12 additional Funding Required and forward to the Board of Finance for their approval.

Seconded by Ms. Hardy. Motion passed 4-0.

e. Parks and Recreation Transfer

MOTION (9)

Mr. Nickerson moved to approve a transfer in the amount of \$10,000 from account 2-01-01-45-422-100-211 YS Director to account 2-01-45-421-110-314 P & R Maintenance Overtime and forward to the Board of Finance for approval.

Seconded by Ms. Hardy.

Mr. Wilson entered the meeting at 7:58 p.m.

Aye: Mr. Formica, Mr. Nickerson, Mr. Seery, Ms. Hardy.

Nay: None.

Abstain: Mr. Wilson. Motion passed 4-0-1.

f. Town Clerk Transfer

MOTION (10)

Mr. Nickerson moved to approve a transfer in the amount of \$3,634.95 to account 2-01-01-107-100-311 (Assistant Town Clerks) as follows: \$2,000 from account 2-01-01-107-200-292 (Contracted Land Record Management) and \$1,634.95 from account 2-01-45-422-100-211 (Youth Service Director) for the purpose of a lump sum vacation and compensatory time payment to the former Assistant Town Clerk and forward to the Board of Finance for their approval.

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

g. List of Transfers

MOTION (11)

Mr. Nickerson moved to ratify departmental transfers in the amount of \$121,313.49 processed for fiscal year end June 30, 2012 and to forward to the Board of Finance for approval.

Seconded by Mr. Seery.

Mr. Wilson asked about the Resident Trooper transfer for overtime.

Mr. Formica noted that he had met with the Attorney General and he had agreed that we were being billed 100% for overtime costs instead of the 70% which was appropriate. He said that he even drafted a bill for \$61,000 for the overcharges over the years and sent it to the State. They had not paid noting that they had not been charging for fringe benefits all that time and then changed the State Statute to reflect that the Town would be responsible for 100% of overtime costs. He said some of this transfer is due to the State assessing us more for the Resident Trooper's time and we were taking the funding from the part time constable funding.

Ms. Hardy asked if there was enough money in the new budget to cover these additional costs since the part time constable line had been reduced.

Mr. Formica responded that the Resident Trooper budget line had been increased by \$10,000 for this reason.

Ms. Hardy asked about the vet bills for the two K9 dogs.

Finance Director Anna Johnson noted that she had spoken to the Resident Trooper and he was going to make sure that the officers better coordinate their dog needs in the future.

Motion passed 5-0.

2c. Bonding Resolution – Roads

RESOLUTION APPROPRIATING \$900,000 FOR THE REHABILITATION OF VARIOUS TOWN ROADS AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND

PENDING THE ISSUANCE THEREOF THE MAKING OF  
TEMPORARY BORROWINGS FOR SUCH PURPOSE

MOTION (12)

Mr. Wilson moved the following:

RESOLVED: That the resolution entitled “Resolution Appropriating \$900,000 For The Rehabilitation Of Various Town Roads And Authorizing The Issuance Of \$900,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at Town Meeting.

Seconded by Mr. Nickerson.

Mr. Formica said that this was in the Capital Improvement Plan and that \$500,000 was for general road repair and \$400,000 to pave Walnut Hill Road and this would be done during this season. He said that the paving is stage two of the project and stage one was the installation of drainage.

Motion passed 5-0.

2d. Special Appropriation – Boardwalk - \$95,000 – Legal Settlement Funds

MOTION (13)

Mr. Nickerson moved to appropriate up to \$95,000 from the Boardwalk lawsuit settlement for the temporary repairs to the Boardwalk, aerial photogrammetry, and associated engineering consulting fees and send to the Board of Finance for approval.

Seconded by Mr. Wilson.

Mr. Formica said that the Town received \$1.6 million as settlement for the court case regarding the initial damage to the boardwalk. He noted that he has been working with FEMA for reimbursement for the damages due to Hurricane Irene. He added that they had offered a very low amount and the Town did not agree and now, FEMA will be sending a second engineer to review the situation. He said that one complaint that FEMA had made was that we had made no repairs to the damage since the storm. He added that Congressman Courtney’s office has been very helpful in our pursuit.

Ms. Hardy inquired if the spending of \$95,000 for repairs to the Boardwalk would impact our ability to collect from FEMA.

Mr. Formica responded in the negative and added that he hoped to have the repairs done by July 4<sup>th</sup> or sooner.

Motion passed 5-0.

2e. Approve CNRE Funds

MOTION (14)

Mr. Nickerson moved to appropriate the following projects in CNRE Fund 32 which are consistent with the 2012/13 Capital Improvement Plan and forward to the Board of Finance for approval:

<b>Project</b>	<b>Amount</b>
Cad Software & Survey Equipment	4,000
HVAC Pump Replacement – Town-wide	25,000
Various Town-wide roof replacement	50,000
Sidewalk Repair	50,000
<b>Total CNRE 2012-13</b>	<b><u>129,000</u></b>

*(Note: Town Meeting required)*

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

2f. Acquisition of Land – 194 Boston Post Road

MOTION (15)

Mr. Nickerson moved to accept the donation of a triangular portion of land at the northwest corner of property known generally as 194 Boston Post Road from Ronald and Ursula Rando, subject to approval by the Board of Finance and a satisfactory review of documentation by the Town Attorney.

Seconded by Mr. Wilson.

Attorney O’Connell noted the yellow highlighted property on the map (identified as Attachment B) was land that the Rando’s would like to donate to the Town. He said that the map shows where there is a pump station and the commercial assessment for sewers is based on a formula of frontage, value and area of land. He said since the pump station was built, it has made the yellow piece of land useless. The Water and Sewer Commission has reviewed and approved this request. He said that if approved, the assessment had to be recalculated, subtracting the yellow area which resulted in a lower assessment. The Water and Sewer Commission said that this recalculated assessment if approved, must be paid in full within 30 days. He added that if the Board approves this donation, the difference in tax collected would be \$23.92. He added that this would also have to be approved by the Board of Finance.

Motion passed 5-0.

2g. Appointment – ZBA

MOTION (16)

Mr. Nickerson moved to appoint Esther Williams of 137 Upper Pattagansett Road, East Lyme, CT to serve on the Zoning Board of Appeals as an alternate through January 4, 2016.

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

MOTION (17)

Mr. Nickerson moved to appoint John Smith of 2 Clarks Lane, Niantic, CT to serve on the Zoning Board of Appeals through January 6, 2014.

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

2h. Sign Call – Special Town Meeting 6/20/12

MOTION (18)

Mr. Wilson moved the following Call:

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, June 20, 2012. at the East Lyme Town Hall Upper Meeting Room to act upon the following:

1. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled "Resolution Appropriating \$900,000 for the Rehabilitation of Various Town Roads and Authorizing the issuance of \$900,000 Bonds of the Town to Meet Said Appropriation and pending the Issuance Thereof the Making of Temporary Borrowings for such purpose"
2. Special Appropriation \$129,000 CNRE for various projects consistent with Capital Improvement Program
3. Special Appropriation – Boardwalk - \$95,000 – Legal Settlement Funds
4. To transact any other business proper to come before the meeting.

Copies of the proposed bond resolution and the CNRE Project List are on file and open to public inspection at the office of the Town Clerk.

Dated at East Lyme, Connecticut, this 6th day of June, 2012.

Seconded by Mr. Seery.

Attorney O'Connell noted a clerical error in the bonding section of the Call.

Mr. Wilson amended his motion with the following and authorized the First Selectman to sign the Call as follows:

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, June 20, 2012 at 7:00 P.M. (E.D.T.) at the East Lyme Town Hall Upper Meeting Room for the following purposes:

1. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled “Resolution Appropriating \$900,000 For The Rehabilitation Of Various Town Roads And Authorizing The Issuance Of \$900,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.
2. To consider and act upon a resolution entitled “Resolution Appropriating \$900,000 For The Rehabilitation Of Various Town Roads And Authorizing The Issuance Of \$900,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.
3. Special Appropriation \$129,000 CNRE for various projects consistent with the Capital Improvement Plan.
4. Special Appropriation – Boardwalk - \$95,000 – Legal Settlement Funds.
5. To transact any other business proper to come before the meeting.

Copies of the proposed bond resolution and the CNRE Project List are on file and open to public inspection at the office of the Town Clerk.

Dated at East Lyme, CT this 6<sup>th</sup> day of June, 2012.

Mr. Seery seconded the amended motion. Motion passed 5-0.

2i. Request Letter of Support – Open Space / Watershed Protection Grant Application  
Mr. Formica noted that this was a request by a non profit entity for our support to apply to the DEEP for a grant. He added that this would not obligate the Town in any way.

Ms. Lange inquired whether or not it fit in with the Town’s Plan of Conservation and Development.

MOTION (19)

Mr. Nickerson requested a letter of support be drafted and signed by the First Selectman for Woodsmen Land Trust, Inc. offering the Board of Selectmen’s support for a grant application with the DEEP for an open space/watershed Protection Grant.

Seconded by Ms. Hardy. Motion passed 5-0.

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3a. Discussion – Samuel Smith House

Mr. Formica said that there will be another meeting with the owners as soon as the appraisals come in. He added that he had received a text at 4:45 p.m. from the Town Planner noting that one appraisal from Flanagan had arrived. He said that he spoke to the owners this week and they understand the process and are looking forward to meeting with the Town Attorney.

Ms. Hardy said the committee has been working and gotten more information and she suggested receiving an update from them at the next meeting.

4a. Resignation – Lew Mostowy – Zoning Board of Appeals

Mr. Formica noted the resignation from Mr. Mostowy.

The consensus of the Board was for Mr. Formica to write a letter of thanks to Mr. Mostowy for his many years of service.

5a. Ex-Officio

Mr. Wilson said that the Smith Harris Commission would be having a plant sale soon.

Mr. Seery had no report.

Ms. Hardy had no report.

Mr. Nickerson had no report.

5b. First Selectman's Report

Mr. Formica noted he attended the following events over the last two weeks:

-Touch a Truck and added it was a great success.

-L&M 100<sup>th</sup> Anniversary.

-Met with the Pension Committee.

-Met with the Water and Sewer Commission and added that the design for the regional interconnection project was at the 50% stage.

-Participated in a Mayors Forum on Affordable Housing for the State of CT.

-Stated that in August there will be a community forum on how to keep our 24 – 38 year olds here.

-Met with the HR firm that has been hired and reviewed the employee handbook and job descriptions for updating.

-Attended the Elks Police Officer of the Year Award Dinner and congratulated Jim Levandoski for the great job that he does.

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- Stated that the budget referendum passed.
- Attended the summer kick off event for CT Parks at Rocky Neck State Park.
- Attended a ceremony for Colonel Lukowski who is leaving for Afghanistan.
- Attended a meeting with CL& P representative Donna Barber Dunn regarding the power circuits in town and the problems with the circuits during the last storm.
- Attended the annual meeting of Black Point Beach Association.
- Participated in Memorial Day Parade.
- He noted that Dispatch negotiations have started along with Council #4 from AFSCME.
- He attended a celebration honoring he and others as East Lyme School District stars.
- He attended a meeting with Ed Jutila regarding an emergency access for Giants Neck Road.
- He attended a Girl Scout pinning ceremony.
- He attended a Council of Governments meeting and Executive Meeting and a regional water meeting.
- He hosted a department head meeting.
- He attended the Dare Graduation.
- He noted that there will be an Amtrak meeting regarding a potential two-day closing of the bridge span. He said that there would be a general boaters meeting Thursday at the old Radisson in New London.
- He announced that on May 18<sup>th</sup> he received the Republican nomination for U.S. Congress, 2<sup>nd</sup> district. He added that he was honored to have this opportunity. He said that this would be secondary to his job of First Selectman in the Town of East Lyme and he thanked everyone for the opportunity.

Ms. Hardy asked about the traffic meeting with DEEP at Rocky Neck.

Mr. Formica responded that they are working on a better cash handling method at the ticket booth. He said they have agreed to be stricter on walk ins and the new traffic light might help with the traffic. He added that they voiced some concern about the firemen conducting their boot donation drive on the roads and suggested they do it somewhere else.

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Ms. Hardy requested a copy of the Water and Sewer budget.

Mr. Wilson requested a proclamation be done for the 60 year Dairy Queen anniversary.

Mr. Formica noted that there will be re-enactors on June 9<sup>th</sup> at the Thomas Lee House from 10 – 4:00 p.m.

Mr. Wilson noted that High School graduation is on June 15<sup>th</sup>.

6a. Public Comment

Mike Shultz asked where the money was that Mr. Formica says will be returned or what it will be spent on.

Mr. Formica said the general fund is where the money for the budget comes from and if it is not spent, it stays there. He said that over the last few years, the town along with the Board of Education has not expended over \$2.5 million dollars from our budgets that has remained in the general fund.

Karen Rak said that a fund balance of 7.01% is great and we do not need a higher percentage. She said that we now have a double A2 rating and that is enough and it is time to help out the taxpayers.

MOTION (20)

Mr. Wilson moved to adjourn the June 6, 2012 meeting of the East Lyme Board of Selectmen at 9:27 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary