

TOWN OF EAST LYME

BOARD OF SELECTMEN

MARCH 20, 2013

REGULAR MEETING MINUTES

Members Present:

Paul Formica, First Selectman

Kevin Seery

Rose Ann Hardy

Holly Cheeseman

Mark Nickerson

FILED IN EAST LYME
CONNECTICUT
March 25 2013 AT 8:50 AM/PM
Brooke D. Hinson ATC
EAST LYME TOWN CLERK

1. A. PLEDGE OF ALLEGIANCE
- B. ADDITIONAL AGENDA & CONSENT CALENDAR ITEMS

There were no additional agenda and consent calendar items.

- C. DELEGATIONS

Robert Scheel of 31 Upper Walnut Hill Road read a statement (Attached as Exhibit A).

Karen Rak of 27 Black Point Road stated she does not think we need the Noise Ordinance; there are enough laws on the books.

John Drabik of Drabik Road stated he is against the Noise Ordinance. This fellow is being harassed. He is not sure why the police haven't done anything. Is the Town doing everything it can?

Giancarlo Deangeli of Penncove Road stated Mr. Scheel has tried everything for four years. There is no fix. A lot of other towns have Noise Ordinances, and he hopes they support this.

Mr. Drabik stated it is a criminal problem up there.

Mr. Scheel stated the noise takes place at night and on weekends. He can't expect the Zoning Officer or Wetlands Officer to come out then to deal with a noise problem.

Ms. Rak stated with a situation like this there are quite a few Statutes at your disposal. Aren't other neighbors hearing the noise?

Mr. Scheel stated he is the only abutting neighbor to the property. The neighbors are uncomfortable with causing any issues with this type of neighbor.

Ross Moratori of North Bride Brook Road stated he has been fighting Bride Brook because of their noise. He has gone to Town Hall and nothing can be done. The noise is aggravating. He also doesn't feel he should have to listen to the Sportsmen's Club every weekend.

Mr. Drabik stated they are opening a can of worms if they pass this.

Ms. Rak stated she is concerned that one of the previous speakers has now gone to complain about the Sportsmen's Club, that is the exact reason why they don't need this Ordinance. That is a group doing what they do on a Saturday.

D.1 APPROVAL OF MINUTES, PUBLIC HEARING OF MARCH 6, 2013

Motion (1) Mr. Nickerson moved to approve the Public Hearing Minutes of March 6, 2013.

Seconded by Ms. Cheeseman.

Motion Passed 5-0.

D.2 APPROVAL OF MINUTES, REGULAR MEETING OF MARCH 6, 2013

Motion (2) Mr. Nickerson moved to approve the Regular Meeting Minutes of March 6, 2013.

Seconded by Ms. Cheeseman.

Motion Passed 5-0.

D.3 APPROVAL OF MINUTES, SPECIAL MEETING OF MARCH 8, 2013

Motion (3) Mr. Nickerson moved to approve the Special Meeting Minutes of March 8, 2013.

Seconded by Mr. Seery.

Ms. Hardy stated on Page 3, half way down the page the first sentence of the paragraph should read:

Ms. Hardy said that several people have spoken to her since this past Wednesday evenings' meeting and they have expressed interest in having Hole in the Wall open throughout the summer season.

Motion Passed 5-0.

E. CONSENT CALENDAR

Motion (4) Mr. Nickerson moved to approve the Consent Calendar in the amount of \$6,743.81.

Seconded by Mr. Seery.

Motion Passed 5-0.

2. NEW BUSINESS

A. DISCUSSION/ACTION RE: PUBLIC HEARING – SAMUEL SMITH PROPERTY OPTION BY SPORTSMEN'S CLUB INC.

Motion (5) Mr. Nickerson moved the following Resolution:

RESOLVED, that the First Selectman is hereby authorized to execute, in the name and on behalf of the Town of East Lyme, a deed and such other documents as may be necessary or desirable to sell a portion of land known as 82 Plants Dam Road to the Sportsmen's Club of Niantic, Inc.

Seconded by Ms. Hardy.

Motion Passed 5-0.

3. A. DISCUSSION/ACTION POTENTIAL NOISE CONTROL ORDINANCE

****This item was moved up on the Agenda**

Attorney Matthew Kinell presented a new draft of the Noise Ordinance to the Board (attached as Exhibit B)

Mr. Nickerson asked what the standard decibel levels of an ATV are. Are we banning the use of all ATVs?

Attorney Kinell stated they would not be banning them if they are street legal.

Mr. Formica stated they are subject to the noise level at the property line. If there are modifications to them there may be an issue.

Ms. Hardy asked if this would apply to all zoning districts as well.

Attorney Kinell states it does, and any specific zoning restriction would trump a general ordinance.

Sergeant Blanchette stated he does take issue with Section 8. What teeth would we have if it is not paid? There are also questions as to the meter itself. The meter has never been used in Waterford. Are we leaving it there, who would be responsible for it? He doesn't dispute that we need something with more teeth.

Ms. Hardy asked if he had worked in other communities with noise ordinances.

Sergeant Blanchette has not. This will make things a little cleaner as far as being able to show someone what noise level they can be at.

Ms. Hardy stated the intent of this is not for a one time offender, but for a repeat offender.

Mr. Nickerson stated he is concerned with the can of worms that could be opened up with this. He thinks they should take Sergeant Blanchette's advice and look at Section 8.

Attorney O'Connell stated Section 8 is a reflection of a trend in municipal enforcement, such as parking tickets, and wetlands violations.

Mr. Seery stated if they wanted to use violation of a town ordinance, they would issue a state infraction and the fine would be based on the ordinance, it would be mailed to the State and the State gets the money.

Ms. Hardy stated she would like this kept on the Agenda, and she would like to hear back from Sergeant Blanchette after he can review it further.

Mr. Nickerson concurred with Ms. Hardy.

Mr. Seery stated he is sorry Mr. Scheel has had to go through this, and he is sorry this has taken such a long length of time.

Ms. Cheeseman preferred to call for a vote tonight.

Mr. Nickerson stated he is curious as to what a regular ATV decibel level is. It is getting to a point where it is difficult for ATV owners to use them reasonably.

Mr. Seery stated he would like to see Section 8 re-worded.

Mr. Formica stated he would like specifics so they can be finish this at the next meeting.

Mr. Nickerson stated Sergeant Blanchette could use something with more teeth, and he would be in favor of that, he could vote tonight.

Mr. Formica stated they have sent the zoning enforcement officer there, the Inland Wetlands Officer there, and the police. They have not ignored this issue.

Ms. Hardy stated she would like to see the suggestions of Sergeant Blanchette, Section 8 needs more thought.

Mr. Seery stated he would like to see an alternate to Section 8, but he could vote tonight.

Mr. Formica stated if they vote tonight it would be as it is stated.

Mr. Nickerson stated he thinks it should be tabled to come up with a better Section 8.

Sergeant Blanchette stated with Section 8 the way it is, we would ticket them, and we would need to make and print up tickets and give them to the officers.

Mr. Formica stated he would like a vote at the next meeting. Would that be a significant change that would require re-advertising?

Attorney O'Connell stated it would not, it doesn't change the substance.

B. DISCUSSION – CAPITAL IMPROVEMENT PLAN

The Capital Improvement Plan was reviewed (Attached as Exhibit C)

Motion (6) Mr. Nickerson moved to approve the Capital Improvement Plan as presented.

Seconded by Mr. Seery.

Motion Passed 5-0.

C. APPOINTMENT – BOARD OF FINANCE

Motion (7) Mr. Nickerson moved to appoint Camille Alberti of 7 Darrows Court to the Board of Finance to serve until the next municipal cycle.

Seconded by Ms. Cheeseman.

Motion Passed 5-0.

4. COMMUNICATIONS

There were no communications.

5. INFORMATION & REPORTS

A. EX-OFFICIO

Ms. Cheeseman attended the Zoning Commission meeting two weeks ago, there was a full agenda, with renewals of outdoor dining permits, and they declined the re-zoning on Capital Drive for Affordable Housing.

Mr. Seery attended a Harbor Management meeting, the scallop season ends March 31st, they re-seeded with 18000 scallop seeds, and are hoping for a large crop for the upcoming season. Mr. Hitchery stated the mooring fees continue to come in.

Ms. Hardy attended Commission on Aging, Inland Wetlands Agency, Conservation of Natural Resources, Board of Education, and the Planning Commission.

Mr. Nickerson attended Parks and Recreation, they are gearing up for summer, and Celebrate East Lyme. There is a new activities book out, and they used a new publisher. He attended the Connecticut Siting Council meeting regarding the solar panel farm.

B. FIRST SELECTMEN'S REPORT

Mr. Formica stated he attended a Commission on Aging lunch today, he will be attending a CCM meeting in the morning for an update on the budget process. He attended a Council of Governments meeting this morning. There is relief for non-profits and residents through the United Way if they were impacted by storms, they can go on the United Way website where there is information on funding from Grants, or they could call 211. The State of Connecticut Comptroller stated they are 131 million dollars in deficit. The DOT has officially taken control of SEAT, and they have assumed all of their debt. There is concern over the High School Baseball Field drainage issues. The Board of Education and Parks and Recreation will install a drain in short left field so they can get the regular season played on the field.

Ms. Hardy asked about the Governor's proposal regarding the motor vehicle tax.

Mr. Formica stated he will get more specific information tomorrow.

Ms. Hardy offered at the last meeting to write a letter regarding the motor vehicle tax, if it is resolved they won't need the letter.

Mr. Formica stated they will leave that option open. Ledge Light recently came out with their quarterly newsletter, and the Parks and Recreation Events are now printed at no costs, there have been suggestions that they concentrate on East Lyme advertisers for the next issue.

6. PUBLIC COMMENT

There was no public comment.

7. SELECTMEN'S RESPONSE

There was no Selectmen's response.

Motion (8) Ms. Cheeseman moved to adjourn the meeting at 9:50 p.m.

Seconded by Mr. Nickerson.

Motion Passed 5-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary Pro-Tem**

Exhibit A

Statement of Robert Scheel, Upper Walnut Hill Road, East Lyme

This summer, for the first time in about 30 years, I drove through a well known beach/resort area in Rhode Island. I was struck by the features of this town as compared to East Lyme. We have tree lined roads, conservative signs, reasonable traffic flow and no "mega bars" or bars catering to adults. In comparison, this town had little vegetation, blinking neon signs and other unhealthy characteristics. Why? It is because your predecessors developed a **vision** for East Lyme.....a quiet beach front community that is family friendly with good schools and good neighbors. To **implement** this vision, the town has developed a library of ordinances that help guide development, taxation and behavior. These ordinances have evolved over time.....some date back to the 1800s while many were developed in the 1950s through the 1980s.

Imagine.....You live in a beautiful home on one of the lakes that grace our town. After a prolonged cold snap, ATVs and snowmobiles start racing around the lake front destroying the community's peace and quiet as well as creating potential injury to the riders and our emergency response team. Well it can't happen. The town has ordinances against use of ATVs and snowmobiles on frozen surfaces.

Imagine.....Your neighbor falls on hard times, loses their job and becomes dependent on alcohol or drugs. They supplement their income by putting a trailer on their property and having other people live there. Junk and abandoned vehicles litter the property. People are defecating outside the home because the septic system has been overloaded. Well it can't happen. The town has ordinances against living in trailers, sleeping outside and littering property with unregistered or nonworking vehicles.

Imagine.....A mall close to our Middle School is in financial trouble. A developer wants to open a "Juice Bar" for those 18 years or older.....they are profitable in some adjacent towns. It can't happen.....The town has ordinances against adult establishments that are so restrictive they practically assure adult establishments can't be opened in East Lyme.

Imagine.....A mall close to our Middle School is in financial trouble. A store opens within 200 feet of our school premises that specializes in the sale of drug paraphernalia.....crack pipes, bongos, wrapping paper. It **has** happened.....no ordinances prohibit this type of establishment although it is clearly the town's vision to have drug free schools. No one could have for seen that such establishments would even be possible 10 or 20 years ago. Ordinances must evolve as times and our society change.

Imagine.....You live in your home peacefully for many years. A chronic noise generator then moves in next door. It could be loud music, race cars, ATVs. It is like having a running lawn mower inside your house, even when the windows are closed. It can happen. You have heard examples from me and other member of the community. The impact is almost impossible to describe

My message.....please don't be swayed by the argument that we don't need more ordinances. They implement your vision and our vision for the town. If you believe that it is wrong to allow a "chronic

noise generator" to invade the privacy of another's home and property, please endorse the noise ordinance.

Lastly....On Saturday, ATVs and motorcycles were present next to my home for most of the day. As my wife left for the grocery store a Yellow Dirt bike raced out of the property and quickly approached within 100 feet of her car. It stopped in front of my driveway, turned around and pulled a wheelie all the way down the street making the maximum amount of noise possible. Neither Anne nor I could positively identify the rider.....hence ticketing or arrest is difficult. While I appreciate the thought that existing laws and ordinances can help improve my current situation, enforcing these laws is often difficult. I also understand that enforcing a noise ordinance might be difficult. However, one of the major advantages of this initiative is that a **standard for noise** has been set by the town.....55dB may not mean much to most people, but if officers are armed with a readily understood **perspective statement** it can certainly help...most people can understand that the noise they generate at their property line should not exceed a (lawn mower, bagpipe, truck at idle, industrial air conditioner, etc). When they understand the limit, I believe most will try to conform without the police ever having to use a dB meter. This may not be true in my case.....but I can only hope.

Please endorse and support the enactment of an East Lyme noise ordinance.

Exhibit B

Town of East Lyme Noise Control Ordinance

I. PURPOSE: Pursuant to the general authority of Connecticut General Statutes § 7-148 and the specific authority of Connecticut General Statute § 22a-73(c) it is hereby resolved that to preserve and promote the health, safety and general welfare of the citizens of the Town of East Lyme (the "Town"), it is in the common interest to enact a reasonable regulation pertaining to the reduction, control and/or prevention of noise as to promote a general environment free from excessive noise and vibration.

This ordinance is enacted to preserve, protect and promote the public health, safety, convenience, general welfare, peace, quality of life, and property values for the citizens of East Lyme, and to facilitate the enjoyment of natural resources and tranquility of the town, through the reduction, control and prevention of excessive noise and vibration.

II. DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this chapter:

AMBIENT NOISE OR BACKGROUND NOISE - Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN - The Board of Selectmen of the Town of East Lyme or a duly authorized officer.

COMMERCIAL ZONE - As set forth in the East Lyme Zoning Regulations and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION - Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT - Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS - The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL - A logarithmic unit of measure in measuring magnitudes or sound. The symbol of dB.

DEMOLITION - any dismantling, intentional destruction or removal of structures, utilities, public or private right-or-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT - Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in

residential areas by a homeowner.

EMERGENCY - Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE - Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency. (14-283)

EMERGENCY WORK - Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

IMPULSE NOISE - Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE - As set forth in the East Lyme Zoning Regulations and all uses associated therewith, either permitted as a right or as a special use.

MOTOR VEHICLE - Per Section 14-1 of the Connecticut General Statutes.

MUFFLER - A device for abating sounds such as escaping gases.

NIGHTTIME HOURS - The hours between 10:00 p.m. and 7 a.m., Sunday evening through Saturday morning, except that "night" shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.

NOISE - Any sound, the intensity of which exceeds the standards set forth on Page 3.

NOISE LEVEL - The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designed db(A) or dBA.

PERSON - Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES - Any building structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dedicated street and highway rights-or-way, all road right-or-ways and waters of the state.

PROPERTY LINE - That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY - Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL MOTORIZED VEHICLE – Any motorized vehicle, whether or not duly licensed and registered, including but not limited to commercial or non-commercial racing vehicles, motorcycles, dirt bikes, go-carts, ATV’s, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

RESIDENTIAL ZONE - Those residential districts as defined and set forth in the East Lyme Zoning Regulations and all uses associated therewith either permitted as a right or as a special use.

SOUND - A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL METER - An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 - 1971. (Type S2A)

SOUND PRESSURE LEVEL - Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

III. NOISE LEVELS: No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her premises in excess of the following Noise Levels:

Property Use Emitter	Property Use Receptor			
	Residential:		Non Residential:	
	Day	Night	Day	Night
Residential Zone Emitter	55 dBA	45 dBA	55 dBA	45dBA
Non-residential Zone Emitter	55 dBA	45 dBA	52dBA	45dBA

Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e. microphone) shall be placed at a fifty foot (50’) distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground

that is located about one foot (1') beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under same ownership as indicted by public land records.

A. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dBA peak sound pressure level during the night time to any residential noise zone.

B. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dBA peak sound pressure level at any time to any zone.

IV. EXCLUSIONS: These levels shall not apply to noise emitted by or related to:

A. Natural phenomena

B. Any bell or chime from any building clock, school or church.

C. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided however, that burglar alarms not terminating in thirty minutes after being activated shall be unlawful.

D. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

E. Farming equipment or farming activity.

F. Train horns and signals.

V. EXEMPTIONS: The following shall be exempt from these regulations subject to special conditions as spelled out:

A. Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 3 Sec. A.

B. Noise created as a result of or relating to an emergency.

C. Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.

D. Noise from snow removal equipment.

E. Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.

F. Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.

G. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.

H. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.

I. Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

VI. REFUSE COLLECTION NOISE

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

VII. MOTOR VEHICLE NOISE:

- A. All motor vehicles as defined in Section 14-1 of Chapter 246 of the Connecticut General Statutes, operated within the limits of the Town of East Lyme shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 3 Sec. III).
- C. No person shall operate or cause to be operated any Recreational Motorized Vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Section III, Noise Levels.

VIII. ENFORCEMENT AND PENALTIES FOR OFFENSES

A. The East Lyme Police Department shall be responsible for investigating and documenting, through acoustic measurements, violations of this ordinance. Violators may be served with an ordinance citation, which shall be known as a "Noise Ticket". Payment of the fine prescribed by such Noise Ticket within the time specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Fines shall be in the amount of \$99.00 for each day that the violation continues until the noise is abated. Nothing in this ordinance shall prevent the Police Department, because of the perceived nature of the offense, from proceeding not under the terms of this ordinance, but under the provisions of Connecticut General Statutes §53a-181 and §53a-182, as they may be amended from time to time, which sections relate, generally, to breach of peace, etc.

B. An appeal process relative to noise tickets is established below. The First Selectman shall appoint a hearing officer who shall serve at his/her discretion to hear appeals from the issuance of noise tickets. A Person shall have thirty (30) days from the date of the Noise Ticket to deliver a written application for a hearing. The Hearing Officer shall hold a hearing within five days of the receipt of the application, and his/her decision shall be final.

C. In those individual cases where the background noise levels caused by sources not subject to this ordinance exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of Section A, Noise Levels, shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of this ordinance.

IX. VARIANCES

- A. Any person living or doing business in East Lyme may apply to the Town's Board of Selectman for a variance from one (1) or more of the provisions of the ordinance which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.
1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.
 3. The nature and intensity of the noise that will be generated.
 4. Any other information required by the Board of Selectmen.
- B. No variance from these regulations shall be allowed unless it has been demonstrated that:
1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 2. The noise levels generated by the proposed activity will not constitute a danger to the public health.
 3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.

X. SEVERABILITY

- A. If any term or provision, or any portion thereof, of this Ordinance, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Ordinance, or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law. Should a court of competent jurisdiction find any provision or part of a provision unenforceable as written the court may reform such provision or part of a provision to render it enforceable consistent with the general intent of the remaining portion of such provision and/or this Ordinance.

Exhibit C

Town of East Lyme
 Long Range Capital Plan
 Department Requests
 March 20, 2013

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Priority Ratings:

1. Essential for the provision of public health and safety.
2. Required by State and Federal regulations.
3. Required to maintain current levels of service/infrastructure.
4. Funded previously by outside sources.
5. Enhance or make more efficient provision of current level of service.
6. Provide additional services.

DEPT. #	2013/14 Priority	2013/14 PLAN	2014/15 PLAN	2015/16 PLAN	2016/17	2017/18	TOTAL REQUEST
102 ASSESSOR							
Revaluation (next reval in 2016 est \$294,000) and subsequent in 2021 est cost \$427,000 start funding	2	40,000	219,000	106,750	106,750	106,750	\$579,250
		\$40,000	\$219,000	\$106,750	\$106,750	\$106,750	\$579,250
103 TAX COLLECTOR							
Folding/Mailing Machine		\$0	\$13,051	\$13,051	\$13,051	\$13,051	\$52,204
		\$0	\$13,051	\$13,051	\$13,051	\$13,051	\$52,204
104 BUILDING							
Web Based Permit Application Software		\$15,000					\$15,000
		\$15,000	\$0	\$0	\$0	\$0	\$15,000
106 ENGINEERING							
CNRE (CAD Software & Survey Equipment) GF to CNRE	3 & 5	4,000	10,000	10,000	10,000	10,000	\$44,000
Engineering Survey Van (current 1995) (Acq Police SUV)		0					\$0
		\$4,000	\$10,000	\$10,000	\$10,000	\$10,000	\$44,000
109 INFORMATION TECHNOLOGY							
Computer Equipment							
Replacement of computers town departments	3,5	10,000	15,000	15,000	15,000	15,000	\$70,000
Total		\$10,000	\$15,000	\$15,000	\$15,000	\$15,000	\$70,000
110 REGISTRARS							
Fire-safe (6) Drawer Card File		\$5,000					\$5,000
		\$5,000	\$0	\$0	\$0	\$0	\$5,000
113 BUILDING MAINTENANCE							
HVAC Pump Replacement - Town-wide <i>Johnson Controls?</i>	1,3	37,000	37,000	37,000	37,000	37,000	185,000
Various Town-wide Roof Replacement	3	50,000	50,000	50,000	50,000	50,000	250,000
Various Town-wide Parking Lot	LoCIP	100,000	100,000	100,000	100,000	100,000	500,000
Police Department Handicapped Accessible Entrance							0
Probate Heating System Upgrade			20,000				20,000
Total		\$187,000	\$207,000	\$187,000	\$187,000	\$187,000	\$955,000
117 PLANNING							
GIS Upgrade		7,000	8,000	8,000			23,000
		\$7,000	\$8,000	\$8,000	\$0	\$0	\$23,000
118 FINANCE DEPARTMENT							
Accounting Software		0	45,000	45,000	45,000		135,000

Town of East Lyme
 Long Range Capital Plan
 Department Requests
 March 20, 2013

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Priority Ratings:

1. Essential for the provision of public health and safety.
2. Required by State and Federal regulations.
3. Required to maintain current levels of service/infrastructure.
4. Funded previously by outside sources.
5. Enhance or make more efficient provision of current level of service.
6. Provide additional services.

DEPT. #	2013/14 Priority	2013/14 PLAN	2014/15 PLAN	2015/16 PLAN	2016/17	2017/18	TOTAL REQUEST
		\$0	\$45,000	\$45,000	\$45,000	\$0	\$135,000
134 SMITH HARRIS COMMISSION							
Replace Back Porch			15,000				15,000
		\$0	\$15,000	\$0	\$0	\$0	\$15,000
136 HARBOR MANAGEMENT							
East Lyme Harbor Management Plan		15,000					15,000
		\$15,000	\$0	\$0	\$0	\$0	\$15,000
216 POLICE DEPARTMENT							
Police Station						7,000,000	7,000,000
Vehicles (2) per fiscal year \$42,000 each all inclusive package							
Acquisition Financing Package (2013 Explorers)	1,3	75,000	73,725	57,604	40,430	23,344	270,103
		\$75,000	\$73,725	\$57,604	\$40,430	\$7,023,344	\$7,270,103
217 NIAN TIC FIRE DEPARTMENT							
Fire Chief Vehicle		8,480	8,480	8,480	8,480	8,480	42,400
1995 Rescue Truck Chassis B-17 (20 yrs)				125,000			125,000
1995 Rescue Truck Chassis B-17 (20 yrs) (Ambulance)				125,000			125,000
Replace Fire Hose		8,400					8,400
New Station						4,000,000	4,000,000
		\$16,880	\$8,480	\$258,480	\$8,480	\$4,008,480	\$4,300,800
218 FLANDERS FIRE DEPARTMENT							
1989 E-One Tower Truck B-25 (24 yrs)		\$775,000					\$775,000
SCBA Gear Replacement		\$28,000					\$28,000
		\$803,000	\$0	\$0	\$0	\$0	\$803,000
224 EMERGENCY MANAGEMENT							
Radio System - New Antenna & Simulcast all System Antenna's		2,475	44,313	44,313	44,313		135,414
Vehicle Acquisition - FM New		9,965	9,965	9,965	9,965	9,965	49,825
Server Upgrade		28,762					28,762
		\$39,202	\$54,278	\$54,278	\$54,278	\$9,965	\$212,001
317 PUBLIC WORKS							
Vehicle Acquisition Program	1,3,5	455,000	444,881	347,070	234,944	115,508	1,597,402
Single Stream Recycling Carts Acquisition Program	5	62,500	62,500	0			125,000
MSW/Recycling Carts		12,000	12,000	12,000	12,000	12,000	60,000
Snow Plows		6,000	6,000	0			12,000
Street Sign Making Equipment	1 & 3	5,000					5,000

Town of East Lyme

**Long Range Capital Plan
Department Requests
March 20, 2013**

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Priority Ratings:

1. Essential for the provision of public health and safety.
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DEPT. #	2013/14 Priority	2013/14 PLAN	2014/15 PLAN	2015/16 PLAN	2016/17	2017/18	TOTAL REQUEST	
NEW	Sidewalk Repair	50,000	50,000	50,000	50,000	50,000	250,000	
	Sidewalk Construction (Gorton Pond along Route 161)	Bond	200,000	200,000	150,000		550,000	
	Improve road infrastructure existing Town roads	1,3,5	900,000	900,000	900,000	900,000	4,500,000	
	Maintenance of Town owned Dams	1 & 3	10,000	10,000	10,000	10,000	50,000	
	Grand Street Boat Ramp		70,000				70,000	
	Fueling Station & Tanks		10,000	550,000			560,000	
	Capital Parking Lot & Site Construction			350,000	350,000		700,000	
	Salt shed/Bus Office				500,000		500,000	
		\$1,780,500	\$2,585,381	\$2,319,070	\$1,206,944	\$1,087,508	\$8,979,402	
418	Commission on Aging							
	Vehicle Replacement (2-12 passenger buses) Acquisition Program		15,317	15,317	11,487		42,121	
	ELCC Expansion			70,000			70,000	
		\$15,317	\$85,317	\$11,487	\$0	\$0	\$112,121	
LIBRARY								
	Library Expansion Project					6,000,000	6,000,000	
		\$0	\$0	\$0	\$0	\$6,000,000	\$6,000,000	
421	PARKS & RECREATION							
	Cini Park Restrooms		500,000				500,000	
	Athletic Field Development/ Roxbury Road Park				4,000,000		4,000,000	
	Synthetic Turf Field				1,000,000		1,000,000	
	Parks Master Plan			20,000			20,000	
	Peretz Park Improvements			100,000			100,000	
	Deep Tine Aerator (new currently contract out) (acquisition)					25,000	25,000	
	Overseeder (replace existing mid-1980's) (acquisition)					15,000	15,000	
	Riding Paint Striper				20,000		20,000	
	Leaf Vacuum				10,000		10,000	
	McCooks - Improvements (Stairs, Walkways, Pavilion)					100,000	100,000	
	Fencing Little League Complex (replace)					75,000	75,000	
	Replace Vehicles Acquisition Program	1 & 3	65,000	60,313	51,494	43,546	34,293	254,646
	Pick-up Truck, Tractor 85 HP, Infield Pro, Beach Groomer							0
	Cini Park/Amtrak Beach Start-up Equipment		2,500					2,500
Skate Board Park		0	25,000				25,000	
Roxbury Road Park			2,000,000				2,000,000	
		\$567,500	\$2,205,313	\$5,081,494	\$258,546	\$34,293	\$8,147,146	
Town-wide Projects								
	CNRE Town Projects	3	75,000	100,000	100,000	100,000	100,000	475,000
Purchase Open Space Land	1,5,6	250,000	250,000	250,000	250,000	250,000	1,250,000	

Town of East Lyme
 Long Range Capital Plan
 Department Requests
 March 20, 2013

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DEPT. #	2013/14 Priority	2013/14 PLAN	2014/15 PLAN	2015/16 PLAN	2016/17	2017/18	TOTAL REQUEST
Regional Interconnection		8,000,000					8,000,000
224 Main Street							0
Transient Mooring - Niantic River					2,000,000		2,000,000
		\$8,325,000	\$350,000	\$350,000	\$2,350,000	\$350,000	\$11,725,000
TOTAL, TOWN GOVERNMENT REQUESTS		\$11,905,399	\$5,894,544	\$8,517,215	\$4,295,479	\$18,845,390	\$52,611,251
999 EDUCATION							
BOE Acquisition Program (vehicle, telephone, MIS eq)		168,481	167,918	159,369	123,476	55,776	675,019
District-wide - Future Security Needs		104,000					104,000
ADA Code items per - Kaestle Boos Report		20,000					20,000
Niantic Center ADA - Gym Access	2 & 3			30,000			30,000
Niantic Center Energy Windows (est 50% reimbursement)	3 & 5			750,000			750,000
Niantic Center Other-Sprinkler System	1,3,5			350,000			350,000
Central Office ADA Ramp				100,000			100,000
Central Office Energy-Windows				90,000			90,000
ELHS - A wing down stairs - Sprinkler Installation/Extension		23,880					23,880
ELHS - Domestic Hot Water Gas Conversion		20,000					20,000
ELHS - Athletic Wing Ceiling Hallways		27,607					27,607
ELHS - Reserve for Artificial Turf Field Replacement		15,000					15,000
ELHS - Boiler Parking Lot - Survey & Pave		90,000					90,000
ELHS Other - Tennis Courts resurfacing			400,000				400,000
ELHS Other - Gym Sprinkler System				270,000			270,000
ELHS Renovate Planetarium			230,000				230,000
ELHS - Bleachers		100,000					100,000
Flanders ADA Handicapped Bathroom				100,000			100,000
Flanders Energy Window Replacement (est 50% reimburse)	3 & 5			750,000			750,000
Flanders Other - Sprinkler System				400,000			400,000
Haynes - Redesign and Build Drop Off/Parking			600,000				600,000
Haynes - electric upgrade to east wing		30,000					30,000
TOTAL, BOARD OF EDUCATION REQUESTS		\$598,968	\$1,397,918	\$2,999,369	\$123,476	\$55,776	\$5,175,506
TOTAL TOWN & EDUCATION REQUESTS		\$12,504,366	\$7,292,462	\$11,516,583	\$4,418,955	\$18,901,166	\$54,633,532

Town of East Lyme
 Long Range Capital Plan
 Department Requests
 March 20, 2013

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DEPT. #	2013/14 Priority	2013/14 PLAN	2014/15 PLAN	2015/16 PLAN	2016/17	2017/18	TOTAL REQUEST
FUNDING SOURCES:							
Town		\$844,399	\$978,544	\$778,465	\$681,729	\$231,640	3,514,776
BOE		\$168,481	\$167,918	\$159,369	\$123,476	\$55,776	675,019
Grants		500,000					500,000
Bonds & Notes		10,440,487	5,550,000	9,990,000	3,150,000	18,150,000	47,280,487
Capital & Nonrecurring Fund		326,000	466,000	353,750	353,750	353,750	1,853,250
Capital & Nonrecurring Fund (LoCIP)		110,000	110,000	110,000	110,000	110,000	550,000
Other Funds		115,000	20,000	125,000	0		260,000
TOTAL FUNDING REQUIRED		\$12,504,366	\$7,292,462	\$11,516,583	\$4,418,955	\$18,901,166	\$54,633,532

Note:

2013/14 is the planned year to enter into a Permanent
 Funding Agreement with the State for the Regional Interconnect

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