

EAST LYME BOARD OF SELECTMEN

MEETING OF APRIL 1, 2015

MINUTES

FILED IN EAST LYME
CONNECTICUT

APR 20 2015 AT 8:40 AM/PM
Patricia J. Salerno
EAST LYME TOWN CLERK

PRESENT: Mark C. Nickerson, Kevin Seery, Holly Cheeseman, Marc Salerno, Rose Ann Hardy.

EXCUSED: Rob Wilson.

Mr. Nickerson called the meeting to order at 7:31 p.m. and led the Pledge.

1b. Additional Agenda & Consent Calendar Items

Mr. Nickerson noted that Item 2h., Transfer DWSRF interest to PWD – Miscellaneous Equipment will be removed from this evening's agenda.

1c. Delegations

Jim Shake of 129 Pennsylvania Avenue noted he was appearing as a private citizen. He said that turn out gear has a shelf life of 10 years and that Flanders Fire Department regularly requests turn out gear in their budget and not replacement hose. He said that additional dialogue was needed and that all the members should be aware of this request. Because of this, he requested that the Board table this item for more discussion.

John DeSantis of 7 Corey Lane stated that we are over-building the Town and we need more environmental studies. He said the traffic and accidents are increasing and with all the building we will need more public safety officers and asked what will be the additional costs when Costco is built.

1d. Approval of Minutes, Meeting of March 18, 2015

MOTION (1)

Mr. Seery moved to approve the minutes of the Board of Selectmen meeting of March 18, 2015 as submitted.

Seconded by Ms. Cheeseman.

Aye: Mr. Nickerson, Ms. Cheeseman, Ms. Hardy.

Nay: None.

Abstain: Mr. Salerno, Mr. Seery. Motion passed 3-0-2.

1e. Consent Calendar

MOTION (2)

Mr. Seery moved to approve the Consent Calendar for the meeting of April 1, 2015 in the amount of \$9267.15.

Ms. Hardy left the meeting at 7:37 p.m.

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

Mr. Nickerson suggested moving Item 2c. Proposed Amendment to "Ordinance Prescribing Fees for Building and Demolition Permits" forward to review this item first.

2c. Discussion – Proposed Amendment to "Ordinance Prescribing Fees for Building and Demolition Permits"

Ms. Hardy returned to the meeting at 7:41 p.m.

Chief Building Official Joe Smith noted that he was requesting this amendment to the ordinance and said that it was for re-inspections. He noted that many times he goes out for a re- inspection and items that were to be addressed before he can sign off have not been addressed, or the contractor is not there, requiring another inspection. He said this would not be a revenue generator but happens enough times that this fee would result in the project paying for itself as far as staff time. He noted that he would not penalize anyone for miscommunication or an emergency situation. He stressed that the purpose of this fee was to address the blatant lack of any attempt to remedy the items in question or not to show up for the inspection at all, once scheduled.

Mr. Seery inquired if this happened often.

Mr. Smith responded about 50 times last year.

2d. Sign Call – Notice of Public Hearing – Amendment to "Ordinance Prescribing Fees for Building and Demolition Permits

MOTION (3)

Mr. Seery moved the following:

TOWN OF EAST LYME

EAST LYME TOWN HALL

NOTICE OF PUBLIC HEARING

The East Lyme Board of Selectmen will hold a Public Hearing on Wednesday, April 15, 2015 at 7:00 p.m. at the East Lyme Town Hall Upper Meeting Room to act on the following:

Amendment to "Ordinance Prescribing Fees for Building and Demolition Permits" to add the following provisions:

6. A re-inspection fee of \$50.00 will be charged to the property owner or contractor for any of the following conditions:

A. Failure to comply with building code requirements that were cited during a previous inspection.

B. If the work to be re-inspected is not ready for inspection upon arrival of the building inspector or assistant building inspector.

C. If no one is present to meet the inspector and prior arrangements have not been made. The inspector at his discretion may waive the fee if an emergency situation is demonstrated.

D. If the scope of work has changed and prior approval was not obtained from the building official.

The fee must be paid prior to scheduling another inspection.

This amendment to this ordinance shall take effect ten (10) days after publication of its notice of adoption.

Dated at East Lyme, CT this 1st day of April, 2015.

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

Ms. Hardy left the meeting at 8:01 p.m.

2a. Discussion / Potential Action – NE Forestry Foundation - Purchase of KSK Assoc LLC property off Goldfinch Terrace – Open Space

Mr. Nickerson noted that he would be recusing himself and that Mr. Seery would be chairing this portion of the meeting. He added that Ms. Hardy had left the meeting for personal reasons which would leave the Board without a quorum. He said that the Selectmen would only be able to listen to the presentation and would not be voting this evening.

Whitney Beales of New England Forestry Foundation reviewed his document dated April 1, 2015 with the Board (identified as Attachment A). He said that a state grant had been received in the amount of \$500,000 and he urged a decision by East Lyme soon.

Steve Harney of 20 Islanda Court stated he was the managing owner of KSK and of the property being discussed this evening. He added that he was also the sitting Chairman of the Board of Finance, adding that if this item goes before the Board of Finance he will recuse himself. He reviewed a letter he had received which had been written to owners of land in town asking if they would donate it as open space. He also reviewed a letter he had received from Attorney Tobin regarding his ability to present this application while also serving as the Board of Finance Chair. He added that he has applied for a Federal grant. He added that he was requesting that the Town commit \$350,000 from the Open Space Fund. He noted that this action would be consistent with the Plan of Conservation and Development of the Town.

Mr. Salerno asked about the appraisals performed on the property and asked if the appraisal was for the entire 203 acres or only the 167 acres that are part of the application. He inquired how the land was divided and why was the 40 acres not included in the application.

Mr. Harney noted that he had planned to carve out 4 or 5 lots for potential group homes and that the grant value maxes out at one million dollars. He said he could always come back and apply for a grant for open space for the additional 40 acres.

Ms. Salerno inquired who would retain ownership of the land and the easements and who would manage these.

Mr. Harney said that the fee would be held by New England Forestry and the conservation easements would be retained by the State as is stipulated in the grant application. He said that the development rights would be extinguished in perpetuity.

Mr. Salerno inquired about where the public access would be.

Mr. Harney responded it would be at the end of Goldfinch and Cedarbrook.

Mr. Salerno inquired if it would be a deal breaker if the Town wanted ownership.

Ms. Cheeseman noted that the Board had suggested earlier that some public information sessions be held to let the residents know about this potential. She asked if anything had been done.

Mr. Harney responded that he has plans to do a mailing to residents after it goes to the Board of Finance.

Mr. Seery suggested better communication with the people before if moves forward so the Boards could gauge the support. He added that if the Selectmen move this forward to the Board of Finance, the clock starts and a Town Meeting must be held within a certain time limit. He suggested creating a power point presentation to be shown at the High School Auditorium inviting the people to come and learn about this project.

Mr. Harney noted that historically East Lyme, along with other area towns have overwhelmingly supported the purchase of open space.

2b. Special Appropriation \$1300 – EOC – 2 LED TV Monitors

Mr. Nickerson noted that the East Lyme Office of Emergency Management is requesting a special appropriation in the amount of \$1,300 to purchase two 48" LED TV/Monitors with Articulating Wall (Double Arm, 100 lb capacity), HDMI Cable & APC BGE70 UPS. These new monitors are necessary due to the age of our current equipment. The funding would come from training reimbursements received from the State of Connecticut.

MOTION (4)

Mr. Seery moved to approve a special appropriation in the amount of \$1,300 to purchase LED TV/Monitors and related equipment for Emergency Services to an account to be established titled, "LED TV/Monitors" and related revenue account and forward to the Board of Finance for action.

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

2e. Special Appropriation \$1000 – Police Dept. – Supplies

Mr. Nickerson noted that during January of 2015, a donation in the amount of \$1,000 was made to the Police Department by a benefactor who wished to remain anonymous. This \$1,000 was deposited into a Miscellaneous Police Revenue Account (01-08-800-817). He noted that the Police Department was requesting authorization to appropriate this \$1,000 for use in purchasing office supplies and equipment as we construct and furnish a Sergeant's Office for the two prospective Police Sergeants.

MOTION (5)

Mr. Seery moved to approve a Special Appropriation in the amount of \$1000 to the Police Department Budget account 01-25-216-300 320 (Miscellaneous Supplies) and revenue account 01-08-800-817 (Miscellaneous Police) for the purpose of supplies and equipment for a Sergeant's Office and forward to the Board of Finance for approval.

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

2f. Re-allocation of Funds – Niantic Fire Department \$7500

Mr. Nickerson noted that the Niantic Fire Department is requesting the re-allocation of funds allocated for the purchase of fire gear to purchase fire hose. The amount requested to be re-allocated is \$7,500. In account 01-70-724-700-461 (PS-NFD Equipment) we budgeted \$16,000 for replacement of hose and \$11,000 for turn-out gear. Due to having fewer new recruits in the department than originally estimated, we will have the funds available for this request. The reason for the request is to replace out of date fire hose. The department has more outdated hose than we had records for. This will allow them to be in full compliance with the National Fire Protection's 1962 standard.

Chief McDonald said that he thought he had more hose than he actually did and this was an oversight on his part. He said that he had made a mistake and had misread the amount of hose.

Mr. Nickerson inquired about the inventory control system that is in place at the department.

Chief McDonald noted that now everything is up to date and recorded.

MOTION (6)

Mr. Seery moved to approve re-allocating the amount of \$7,500 in account 01-70-724-700-461 (PS-NFD Equipment) from fire gear to fire hose and forward to the Board of Finance for approval.

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

2g. Fiscal Year Transfers within Departmental Budgets

Mr. Nickerson noted that various transfers within departmental budgets have been necessary for various reasons. Attached is the documentation for transfers made for a total amount of \$27,043.85 information presented includes: from account number, description of the budget line item, amount – to account number, description of the budget line item, amount.

MOTION (7)

Mr. Seery moved to ratify departmental transfers in the amount of \$27,043.85 processed for fiscal year end June 30, 2014 and to forward to the Board of Finance for approval.

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

Item 2h. Transfer DWSRF Interest to PWD – Misc. Equipment was removed from the agenda.

2i. Special Appropriation \$5000 Contingency – to Police Dept – Star Computer Invoice Annual Maintenance

Mr. Nickerson noted that this shortfall of monies is due to a \$5100 bill for the in car computer program "IMC" which was paid from our operating budget which had previously been paid in full by the East Lyme Ambulance Fund. The money is needed to pay the overdue bill for our Annual Maintenance Contract to Star Computers for our in car and desktop computer systems.

MOTION(8)

Move to approve the expenditure of five thousand dollars (\$5,000) from account 01-01-120-200-500 (Contingency) to pay the 2014/15 Police Department share of the Star Computers Contract. This was agreed upon during the budget process, however, not included in the Police Department Budget.

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

3a. Appointment – Zoning Commission Alternate

Mr. DeRosa was present and introduced himself to the Board and reviewed his resume and reiterated his request to be appointed as an alternate on the Zoning Commission.

Mr. Salerno reviewed Mr. Singer's resume and noted that he was familiar with him and that he was extremely qualified. He added that both applicants were qualified.

MOTION (9)

Ms. Cheeseman moved to appoint Shawn Singer of 8 Pear Grove Road, East Lyme, CT to serve as a Zoning Commission Alternate through December 7, 2015.

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

4a. Communications

Ltr. From C. Wilson to Niantic Lions Club for funding for freezer

Mr. Nickerson reviewed Ms. Wilson's letter and thanked the Lions Club for their generous donation to the Commission on Aging.

5a. Ex-Officio

Mr. Salerno attended Inland Wetlands where they held a show cause hearing regarding the water spill at

Gateway. 100 yards of sediment went into the wetlands and 2-3 feet of sediment has been removed. He attended the Harbor Management meeting where they were discussing moorings and a review of those not permitted. He said the shellfish beds were closed due to at least one inch of rain. He also attended the Board of Education meeting where Dr. Lombardo delivered his going away speech. He said they are doing a traffic study for Niantic Center School and they unveiled the architectural plans for the elementary schools. He commented about the Chinese tuition going straight to the schools and not the town.

Mr. Nickerson noted that this was talked about at the Board of Finance meeting and there will be more to come on this.

Mr. Seery attended and helped chair the Water and Sewer Commission meeting. He said that the electronics had to be replaced at Gateway due to the spill at the cost to the developer or his insurance.

Ms. Cheeseman attended the Zoning Commission meeting where there were a number of public hearings; a request for a small cell phone tower at 324 Flanders Road, a petition from Landmark on affordable housing, a site plan review at 11 Industrial Park Road and an application for an office / industrial use at Capital Drive.

Ms. Cheeseman noted that on April 11th there would be a Beers for Beauty event taking place at Smith Acres, hosted by Niantic Main Street.

5b. First Selectman's Report

Mr. Nickerson noted that he attended an event hosted by the Democratic Town Committee to honor Mr. and Mrs. Izzy Schwartz and Paul McDonough. He added that the fourth dispatcher had been hired and that two police officers had been promoted to Sergeant – Mark Hallbauer and Dana Jezierski. He said that the new Superintendent of Schools Jeff Newton started today and he wished retiring Superintendent Jim Lombardo well. He started a road race in a driving snow storm. He had a meeting with the Samuel Smith group and added that the Board needs to make plans on how to manage this property. He said that on May 9th, there will be commemorating the 100 year anniversary of the visit of President Taft and his wife to the Lee House.

6. Public Delegations

There were none.

MOTION (10)

Mr. Seery moved to adjourn the April 1, 2015 meeting of the East Lyme Board of Selectmen at 9:21 p.m.

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

Respectfully submitted,



Darlene C. Stevens, Recording Secretary



**Niantic River Headwaters Project
East Lyme, Connecticut
Opportunity to Acquire Strategically Important Open Space Land**

- Preservation of The Niantic River Headwaters property is consistent with the Town's, Region's, and State's approved plans of key open space and environmental protection initiatives.
- Its purchase and preservation through a permanent conservation easement will help to protect the water quality of critical Niantic River tributaries.
- If the site is developed, degradation of water quality would occur in the Niantic River, in its estuary and bay, and in Long Island Sound.
- The state DEEP confirmed the high quality of the land and its priority for protection through awarding a \$500,000 grant, the maximum award available.
- The land is available now at a per-acre price substantially below recent large forested blocks acquired for open space. This value is corroborated by two appraisals.
- There is no other significant parcel of land currently available for open space protection.
- The Town has approximately \$565,000 available in its open space account to spend on land protection; no new budget appropriation is needed.
- A Town commitment of \$350,000 would give the DEEP confidence that its grant will be matched.
- The New England Forestry Foundation will work with the East Lyme Land Trust to secure private and public funding to meet the purchase price obligations.
- Town participation in the project will strengthen grant proposals to philanthropic foundations; non-participation will raise questions.
- The last two open space referendum votes, Darrow's Pond and the Mobil gas station, passed overwhelmingly.
- If the state grant is not matched, and matched soon, the funds will be allocated to another project or projects.
- Unless you think that the proposal is inconsistent with the Town's *Plan of Conservation and Development*, we see no reason to withhold a vote tonight to move this forward to the Board of Finance and, ultimately, to a Town Meeting for a decision by the voters.

April 1, 2015