

MEETING OF MAY 6, 2009

MINUTES

PRESENT: Paul Formica, Robert Kleinhans, Jack Hogan, Rose Ann Hardy, Rob Wilson

EXCUSED: Pam Rowe.

ALSO PRESENT: Attorney Ed O'Connell, Finance Director Anna Johnson, Public Works Director Mike Giannattasio, Town Engineer Bill Scheer

Mr. Formica called the meeting to order at 7:32 p.m. and led the Pledge. He added that there would be a Shred It Day on Saturday, May 9, 2009 at the ELLCC. He also said that there is a link from the Town's website [www.eltownhall.com](http://www.eltownhall.com) to Ledge Light's site which offers information about the Swine Flu.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Kleinhans moved to add the following to the May 6, 2009 agenda:

Item 2g. Special Appropriation \$35,000 to construct real time storm water monitoring at Hole in the Wall – National Fish and Wildlife Foundation Grant.

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

MOTION (2)

Mr. Kleinhans moved to add Item 2h. Special Appropriation \$25,000 to construct Fishing Pier – Cini Park – Long Island Sound Grant to the May 6, 2009 agenda.

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

MOTION (3)

Mr. Kleinhans moved to add Item 2i. Special Appropriation \$50,000 construct Fishing Pier – Cini Park – OPM Grant to the May 6, 2009 agenda.

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

MOTION (4)

Mr. Kleinhans moved to add Item 2j. Sign Call – Special Town Meeting – (for these 3 special appropriations) on May 20, 2009 at 6:45 p.m. at the East Lyme Town Hall to the May 6, 2009 agenda.

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

## 1c. Delegations

Mike Schulz of Lovers Lane was troubled with the direction the town was heading. He said the union employees have not offered concessions and the Board of Education budget is still large. He said if you compare our programs to what is required by State Statutes, we offer much more. He said that the Board of Education does not want to cut any of the \$800,000 for extra curricular activities and they do not want to start a pay for play program. He also suggested that employees be permitted to anonymously offer suggestions on efficiencies and if these suggestions are used, they should be rewarded monetarily.

Tax Collector John McColluch noted that tax collection for April is the highest on record and that he expects to reach the tax collection goal that was set.

Joe Mingo of 397 Boston Post Road stressed that we now have an Ethics Ordinance and if any board member has a financial conflict, they should excuse themselves and leave the room for the discussion. He commented that #12 on the Scenic Road Ordinance talks about trees being cut down and that this is the Tree Warden's decision and should be removed.

Barbara Johnston of 35 Seacrest Avenue questioned the length of a scenic road adding that it was not listed in the draft ordinance. She requested that the Board of Selectmen not adopt this ordinance until after the Plan of Development was finished after June of this year. She requested that something green be planted at the side entrance of Town Hall, which would cover the foundation all four seasons.

## 1d. Approval of Minutes, Meeting of April 15, 2009

Mr. Formica noted on page 1, first paragraph, the wrong date was listed for the Shred It Day – the minutes should be corrected to reflect May 9, 2009 as Shred It Day.

## MOTION (5)

Mr. Kleinhans moved to approve the minutes of the meeting of April 15, 2009 as amended.

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

## 1e. Consent Calendar

## MOTION (6)

Mr. Kleinhans moved to approve the Consent Calendar in the amount of \$2,377.52 for the meeting of May 6, 2009.

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

## 2a. Review Water and Sewer Budget

Mr. Formica noted that this was a review only and no action could be taken on these budgets.

Director of Public Works Mike Giannattasio was present and reviewed both of these budgets. He commented on the water meter replacement program, which will help find additional savings with the new meters, but this replacement program is one of the increases included within the budget. He added that they are also considering rate increases.

Ms. Hardy noted that the Charter says the Annual Report should be presented before the Annual Town Meeting and inquired about the availability of it.

#### 2b. Water Emergency Ordinance Discussion

Mr. Formica noted that last year, we were short approximately 400,000 gallons daily and we have now added two sources of additional water supply with Wells 2A and 3B which will give us an additional 150,000 per day. He added that the ordinance calls for a public hearing to be held at least 3 days before restrictions are to be put in place. He said after discussion at the Water and Sewer Commission meeting, it was decided to implement these restrictions on July 3rd. He added that the Commission again recommended not using Items 6-10 of the ordinance and the implementation of restrictions would only be on weekends unless stronger measures became necessary. He said that he was recommending that boats be removed from #2 since it is important for boaters to clean off their boats and much of this would happen on weekends. He added that the Town is working to get Darrow Pond on line.

Ms. Hardy inquired what the dates were when we started and ended the restrictions last year?

Mr. Giannattasio noted he would get that information to the Board.

Mr. Formica stated he thought the approximate period was from July 4th through Labor Day.

Mr. Hogan agreed, adding that he believed restrictions were ended in mid August due to rainy weather.

#### MOTION (7)

Mr. Hogan moved the following Notice of Public Hearing:

TOWN OF EAST LYME

BOARD OF SELECTMEN

NOTICE OF PUBLIC HEARING

The East Lyme Board of Selectmen will hold a public hearing on June 17, 2009 at 7:00 p.m. at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, to consider water conservation measures proposed to be imposed pursuant to the East Lyme Water Supply Emergency Ordinance, as follows:

Water restrictions will be in effect from 9:00 a.m. on Friday through noon on Monday of each week until further notice.

The following restrictions will apply to all customers of the East Lyme Water System:

- 1) Prohibiting the sprinkling, watering or irrigation of lawns.
- 2) Prohibiting washing of motor vehicles, boats and trailers and the outdoor surfaces of all buildings and structures, sidewalks and driveways.
- 3) Prohibiting the filling or cleaning of swimming and wading pools.

- 4) Prohibiting the service of water to customers of public restaurants except at the specific request of customers.

Persons found violating any provision of the restrictions imposed by the Board of Selectmen shall be fined not more than ninety-nine dollars (\$99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. These restrictions are effective Friday, July 3, 2009 and will remain in effect until further notice.

Interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut on this 6th day of May, 2009.

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

#### 2d. Sign Call – Public Hearing Charter Revision Report

#### MOTION (8)

Mr. Kleinhans moved the following Call:

TOWN OF EAST LYME

#### NOTICE OF PUBLIC HEARING

The East Lyme Board of Selectmen will hold a Public Hearing on June 3, 2009. at the East Lyme Town Hall Upper Meeting Room at 7:00 p.m. on a draft report submitted to the Board of Selectmen by the East Lyme Charter Revision Commission. Copies of said report are available in the Town Clerk's Office and the First Selectman's Office.

Interested parties are invited to attend and be heard.

Dated at East Lyme, CT this 6th day of May, 2009.

EAST LYME BOARD OF SELECTMEN

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

#### 2e. Appointment – Planning Alternate

Mr. Formica noted that the Planning Commission had been unaware that there was another individual interested in this appointment when they recommended Mr. Sher.

Mr. Grant Livingston had written in to the Selectman's Office and sent in a resume, which is included in the packet.

Mr. Hogan stated that he was Ex-Officio to the Planning Commission and Mr. Sher had been in attendance at many of the meetings in the past.

Ms. Hardy commented that she was pleasantly surprised that there were two candidates to consider however; she said she would go with the Commission's recommendation.

## MOTION (9)

Mr. Hogan move to appoint Alvin Sher of 4 North Pine Street, Niantic, CT to serve as an Alternate on the Planning Commission through December 7, 2009.

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

## 2f. Request of Parks and Rec for a waiver of Flood Regulations for McCook's Gate House

Mr. Formica noted that the Parks and Recreation Commission were seeking a waiver of the flood regulations for the new gatehouse at McCook's. He added that a letter was included in the package from Building Inspector Joe Smith in favor of granting this request. The carpentry class at Grasso Southeastern Technical School would do the construction and installation of the new gatehouse and funding was provided by a grant to Grasso Tech from Lowes and this was being gifted to the town. He said that the new gatehouse will be moved approximately 40 feet into the parking lot from the entrance, which will help prevent traffic back-ups on Atlantic Avenue.

Mr. Kleinhans pointed out the plan included in the package and said that the left hand door opens to traffic and it should swing the other way; ideally sliding doors could be used.

## MOTION (10)

Mr. Kleinhans moved to approve the request of the Parks and Recreation Commission for a waiver of the Flood Regulations for the Gate House at McCook's Park.

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

## 2g. Special Appropriation - \$35,000 National Fish and Wildlife Foundation Grant

Town Engineer Bill Scheer reviewed the real time storm water-monitoring project for Hole in the Wall Parking Lot. He said that 3 Rivers College, UCONN and Goodwin College have partnered with us on this project and they are tailoring classes to utilize it.

He added that Metrocast is furnishing free internet access to the site forever as long as the project has an educational aspect to it. He said that we have also partnered with the Children's Museum.

Mr. Formica said that this project is great and has multiple gains and no down side.

## MOTION (11)

Mr. Wilson moved to approve a special appropriation in the amount of \$35,000 to construct a real time storm water-monitoring component at Hole in the Wall, funded from a National Fish and Wildlife Foundation Grant and forward to the Board of Finance for their approval.

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

## 2h. Special Appropriation - \$25,000 Long Island Sound Grant

Town Engineer Bill Scheer stated that he had been working on this project for a few years. The fishing pier will be a cantilevered concrete pad and although there was no impact to the

water, a DEP permit was necessary. He said that he has also been working with Fisheries to make the project 33% ADA accessible by changing railing heights in certain areas. He added that although 4 sections are permitted, only one section approximately 13' x 22' would be built at this time.

#### MOTION (12)

Mr. Kleinhans moved to approve a special appropriation in the amount of \$25,000 to construct a fishing pier at Cini Park, funded from a Long Island Sound Grant and forward to the Board of Finance for their approval.

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

#### 2i. Special Appropriation - \$50,000 OPM Grant

Mr. Scheer noted that we received this grant a while ago from OPM and it was awarded for a municipal docking facility. The Town extended the time line of the grant and at that time, modified the award to include the funding to be used on a fishing pier. This funding will be used to complete the dock construction and to fund the walkway.

Ms. Hardy commented that she thought that Mr. Scheer's ability to get grants to add to the infrastructure improvements to the town was admirable.

Mr. Formica agreed noting that Mr. Scheer does great work.

#### MOTION (13)

Mr. Hogan moved to approve a special appropriation in the amount of \$50,000 to construct a fishing pier at Cini Park, funded from an OPM Grant and forward to the Board of Finance for their approval.

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

Mr. Formica noted that all of these items would have to go to Town Meeting for approval.

#### 2j. Sign Call – Special Town Meeting 5/20/09

#### MOTION (14)

Mr. Kleinhans moved the following Call:

#### TOWN OF EAST LYME

#### NOTICE OF SPECIAL TOWN MEETING

Notice is hereby given of a Special Town Meeting to be held on May 20, 2009 at the East Lyme Town Hall Upper Meeting Room at 6:45 p.m. to consider and take action on the following:

1. Special Appropriation of \$35,000 to construct a real time storm water-monitoring component at Hole in the Wall, funded by a grant from the National Fish and Wildlife

Foundation.

2. Special Appropriation of \$25,000 to construct a fishing pier at Cini Park funded by a grant from Long Island Sound Grant Program.
3. Special Appropriation of \$50,000 to construct a fishing pier at Cini Park funded by an OPM Grant.

Dated at East Lyme, CT this 6th day of May, 2009.

EAST LYME BOARD OF SELECTMEN

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

3a. Insurance Waiver Request – ELLCC – 6/27/09

Mr. Formica said that this item has been withdrawn from our agenda and he commented that his office had checked into the process of approval for room use. It has been a practice to accept a copy of a resident's homeowners insurance for coverage. He added he questions if this would help the Town at all and said that he was checking with our new insurance agent and would review the matter with Town Attorney and then bring the policy with suggestions, back to the Board for discussion. He noted that he was looking for a Board member to assist in reviewing this matter.

Rob Wilson volunteered to work with Mr. Formica.

4a. Public Hearing 5/20/09 re Scenic Road Ordinance

Attorney O'Connell stated that he had been charged by the Board of Selectmen to define "intense vehicular traffic," which he did and the draft before the Board contains language defining that phrase in Section 8.1. He said that the Planning Commission met the evening before and reviewed the new version. Chair of the Planning Commission Lisa Picarazzi sent a letter to request that the Board of Selectmen send the original draft to public hearing since they believed that the new version with Section 8.1 was more restrictive than the State Statute and removes the flexibility that the State Statute allows the Planning Commission. (Identified as Attachment A). He said that this Board adopts ordinances after a public hearing and the decision was up to them.

Mr. Hogan noted that he was Ex-Officio to this Commission and agreed that this was the Planning Commission's belief. He suggested that the Board of Selectmen send the original version to public hearing and hear what the people think.

The consensus of the Board was to utilize the original version of the ordinance for publication and public hearing.

4b. Ltr. of 5/1/09 to Navy re: Dodge Pond Status

Mr. Formica called attention to the letter that he sent to the Navy regarding the status of Dodge Pond, adding that it was just a year since he had his tour and received a promise to be sent information on that status. He said to this date, he has received no information.

5a. Ex-Officio

Mr. Wilson had no report.

Mr. Hogan noted he attended the Planning Commission meeting on May 5th where they discussed the POCD and reviewed the timeline involved. He added that they have decided that they want to review the Plan of Development a section at a time, not as a complete work

Ms. Hardy said that Zoning meets Thursday evening May 7th and she will be unable to attend.

Mr. Kleinhans attended the Inland Wetlands meeting where they continued a public hearing.

#### 5b. First Selectman's Report

Mr. Formica noted that he had attended a Sergeant's Meeting at the Police Department and there was a letter in the Board's packet regarding the Draft Rules and Regulations and asking prior law enforcement personnel to review this draft

He commented that he is continuing his roundtable discussions with departments and this past week he met with the Water and Sewer field personnel.

Union discussions for budgeting assistance are continuing.

He attended the Commission on Aging Volunteer Recognition Dinner and complimented Cathy Wilson on the great work that she does.

The Council of Governments have nominated him to serve on the State's Station Access and Parking Task Force and added it would be good to serve on this taskforce in case there is any possibility of getting a station back in Niantic.

He toured a Flanders School classroom where skylights had been installed which actually channel the sunlight and almost eliminates the need for artificial light.

He met with Rob Sullivan, Paul Freeman and other school officials at the Middle School regarding the HVAC problem.

He attended and presented remarks on the budget at the Board of Finance Public Hearing and the Annual Town Meeting is scheduled for May 11th. A referendum vote on the budget will take place on May 22nd from 6:00 a.m. until 8:00 p.m. at the Community Center.

He said he has begun discussions with the Police Union on their contract and continued discussions with the Fire Fighters Union.

Water conservation measures were discussed at the Water and Sewer meeting and we are in line for a stimulus grant of \$700,000+ to be used for our chlorination process.

He said he met with new Chair Chris Santino of the Economic Development Commission.

He spoke at Rotary regarding the Boardwalk and Amtrak Bridge replacement.

He attended a presentation by CCAT regarding fuel cells and personnel from the prisons were also invited. Our buildings are not 24-hour facilities like theirs, so fuel cells may work there.

He sat on an interview committee for engineering firms to design a pedestrian / bike path on the Route 11 Greenway.

He noted that plans are underway for Celebrate East Lyme, which will be on July 18th.

He attended a play at York Correctional this morning, which was extremely moving.

He attended a meeting with the Council of beaches, accompanied by Sgt. Blanchette and Sgt. San Juan.

Human Resource Manager Renee Fecteau organized a very successful Health Day for the employees of the Town, which was well attended.

He attended a ribbon cutting at 38 Hope Street.

He presented proclamations for the opening of the Little League season and the rededication of their fields and George Jones was honored as the Father of Little League.

He went to the New London Elks and presented proclamations to 5 High School seniors from East Lyme.

He attended the Friends of Oswegatchie Hills Annual Meeting.

He hosted a potluck lunch Department Head meeting this week.

He interviewed Chris Magnussen and Sue Staley of Ledge Light Health Services regarding the Swine Flu.

Ms. Hardy inquired about information regarding the Boardwalk

Mr. Formica responded that during construction of the new bridge, the Boardwalk section from the bridge and extending 2500 feet would be closed. People could enter at the Hole in the Wall and walk the remaining 2800 feet.

Ms. Hardy asked about the potential of a tunnel under the tracks?

Mr. Formica responded that the potential tunnel would be located near the Morton House and therefore, would not be in the construction area.

## 6. Public Information

Joe Mingo complimented the dedication of some of our Town employees. He said that the water ban does not include anyone with a private well and it was a DEP requirement that boats have to be disinfected with fresh water when removing them from the salt water.

Mike Schulz said that when he had a boat housed at a local marina, they had a free boat washing service during the week and you just needed to sign up for it. He added that the spreading of zebra mussels were a serious problem and boats had to be washed. He asked if the Charter Revision report could be put on line. He asked if the Dispatchers Union had offered any concessions?

Barbara Johnston asked if information about the town-wide tag sale could be put on the town's website? She added that the 5 year Capital Plan should also be on the website.

Mr. Formica noted it would be presented at the Board of Finance meeting on May 7th.

Ms. Johnston suggested railings on the fishing pier since the current is very strong in that area and said that the grass berm area of Cini Park should be removed and more parking places made. She said that there would also be a need for porta potties with a fishing pier.

7. Selectmen's Response

Ms. Hardy said that Three Belles Marina has an application before Zoning for a concrete washing pad for boats.

MOTION (15)

Mr. Hogan moved to adjourn the May 6th meeting of the East Lyme Board of Selectmen at 9:37 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary