

MEETING OF MARCH 18, 2009
EAST LYME BOARD OF SELECTMEN
MINUTES

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

EXCUSED: Pam Rowe.

Mr. Formica called the meeting to order at 7:30 p.m. and led the Pledge. He introduced High School Interns Brent Snide and Alex Gilbertie who will be assisting the boards in the live airing of the meetings. He said that they are getting school credit in the Career Class for this experience.

1b. Additional Agenda & Consent Calendar Items

MOTION (1)

Mr. Kleinhans moved to add Item 2c., Accept Resignations of the following to the 3/18/09 agenda:

- Sandra Mulholland as an Alternate on the Planning Commission;
- Mary Royce as a member of the Economic Development Commission;
- Andy Dousis as a member of the Board of Education.

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

1c. Delegations

Mr. Mingo of 397 Boston Post Road commented that an Ordinance regarding Ethics had been passed last year and although it contains no real punishment for infractions, someone should realize when they are doing something morally wrong. If a Board member has a financial or personal interest in an item, they should recuse themselves and not vote on it. He added that the proposed Farm Ordinance is a total waste of time since there is already a state statute in place. He is dead set against spending any money on this. He said if there are problems, we have the court system for remedy.

John McCollough, East Lyme Tax Collector stated that to date, his collection rate minus refunds is 97.7% or a short fall of \$30,000 compared to last year.

John Drabik of 18 Drabik Road said that the proposed Farm Ordinance is merely a pretty name for agra business in a neighborhood by hobby farmers. He said these people pushing this ordinance are not listed on the tax roles for paying a farm equipment tax. He said they are not legitimate farmers and the State of CT statute will protect farmers. He said this should not even be taking up the time of the town.

Barbara Johnston of 35 Seacrest Avenue agreed with the comments already made. She said that nothing should be recorded on the deed and to place dispute resolution on the Conservation of Natural Resources Commission is ridiculous. She added that the State Statute covers this group.

1d1. Approval of Minutes, Special Meeting of March 4, 2009

MOTION (2)

Mr. Kleinhans moved to approve the special minutes of the meeting of March 4, 2009 as submitted.

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

1d2. Approval of Minutes, Special Meeting of March 4, 2009

MOTION (3)

Mr. Kleinhans moved to approve the minutes of the Special Meeting of March 4, 2009 as submitted.

Seconded by Mr. Wilson.

Aye: Mr. Formica, Ms. Hardy, Mr. Hogan, Mr. Wilson.

Nay: None.

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

1d3. Approval of Minutes, Meeting of March 4, 2009

MOTION (4)

Mr. Kleinhans moved amend the minutes of the Meeting of March 4, 2009 as follows:

Page, 3., Mr. Kleinhans comment should be moved to after his arrival time on page four.

Ms Hardy noted on page 2., Item 1b's motion, Item 2e., the word **Funds** was omitted from the end of the line.

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

1e. Consent Calendar

MOTION (5)

Mr. Kleinhans moved to approve the Consent Calendar for the meeting of March 18, 2009 in the amount of \$2,396.93.

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

2a. Deferral of Department Head 2009 / 2010 COLA

Mr. Formica said that the Department Heads had met last week and voluntarily chosen to defer their 3.5% COLA that would take effect on July 1, 2009, to July 1, 2010. He inquired if the Board thought they should make a motion for this action since the Board had previously made a motion giving this group of employees a 2-year COLA and this would change that.

Mr. Kleinhans suggested a letter be sent to these employees thanking them for their understanding.

Mr. Formica commented that he had informed the Board of Finance that he would forego his COLA for the upcoming year.

Mr. Hogan said that he was willing to forego his stipend for the upcoming year.

Mr. Kleinhans agreed.

Ms. Hardy said that she did not believe it was fair for one group of employees to take the brunt of a town wide problem, everyone should.

Mr. Formica noted he would be meeting with the Union Presidents and their representatives on Friday.

2b. Request for Filing Fee Waiver - \$300.00 AHEPA250-V

Mr. Formica reviewed Zoning Official Bill Mulholland's memo dated March 18, 2009 regarding this Zoning Fee Waiver Request (identified as Attachment A).

Ms. Hardy commented that this Board has waived fees in the past.

Mr. Kleinhans inquired if HUD had included permit and filing fees and if so, he saw no reason to waive the fee. He said he wanted this question answered before he acted and he was very disappointed that someone would request a waiver and not be present when the Board reviewed it. He added that this would be the third building on the site.

Mr. Hogan commented that the addition of this building will increase the density of the property and therefore a text amendment would be necessary which had not been needed on the other buildings.

Ms. Hardy said that the requesting party should be present and suggested tabling the item until the next meeting. In the interim she asked that a representative be sent to attend the meeting and have the pertinent answers for the Board.

2c. Accept Resignations

MOTION (6)

Mr. Kleinhans moved to accept with regret the resignations of the following:

- Sandra Mulholland as an Alternate on the Planning Commission;
- Mary Royce as a member of the Economic Development Commission;
- Andy Dousis as a member of the Board of Education,

effective immediately and to request that the First Selectman send a letter to each, thanking them for their service.

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

Mr. Hogan noted that by Charter, the Planning Commission has 30 days to fill a vacancy. He said that due to the snow storm and their meeting being cancelled, they were running out of time and they had requested an extension to try and find someone.

Ms. Hardy said that they could call a Special Meeting to fill their own vacancy.

Mr. Formica said that the Board of Selectmen could also appoint someone based on Planning's recommendation.

Ea. Right to Farm

Mr. Formica noted the memo stating concerns about the potential ordinance from Attorney O'Connell received this evening (identified as Attachment B).

The consensus of the Board was to table this item.

Mr. Formica requested that Ms. Hardy take the Attorney's concerns back to the Commission for their input.

4. Communications

Mr. Formica noted the enclosed letter dated March 18, 2009 from Sgt. Blanchette regarding assistance provided by Town employee Rob Wilson (identified as Attachment C).

5a. Ex-officio

Mr. Kleinhans had no report.

Mr. Wilson noted that Parks and Recreation had met and the main topic of discussion was the budget changes. He said that Director Dave Putnam was going before the Zoning Commission for lights at the Little League sports field.

Ms. Hardy said that the Commission on Aging had met and they were taking on an ambitious schedule of programs with a few new offerings. There was a general discussion about how much better the new office structure was. She said that the Library did not have a quorum and by the time she had arrived, the Charter Revision Commission meeting was over.

Mr. Hogan said that the POCD had met on Monday evening where there was a seminar about affordable housing and there would be another workshop in the future. He added that the Harbor Management Commission met and received a presentation from the Harbor Master about the moorings and the new fees. He said that there had been a short discussion on funding for the Harbor Management Plan and said that they will be requesting \$20,000 next year.

Ms. Hardy said that the Historical Properties Committee met and continued their discussion about their ordinance, which has to be approved by the State. She said there was a discussion about the basic qualities of those making up the commission and they wanted to know if this should be incorporated within the ordinance or require a separate ordinance. She said she preferred getting everything in one ordinance and added that the Town Attorney would have to decide.

5b. First Selectman's Report

Mr. Formica commented that he had received a fax from Fire Marshal Dick Morris today about the condition of the buildings to be razed at Camp Rell. He said that Lt. Lukowski had reported that they were in very poor condition and that there was little historical value.

Care and Share will be offering a presentation at the April 1st meeting. He said that they have received 60% more requests this year compared to last and they need help.

The Celebrate East Lyme group met to start to shape this year's event, which will be on July 18th.

Mr. Wilson and he attended the Annual Banquet for the Niantic Fire Department and had a great time.

He attended a meeting of the National Federation of Small Businesses in Hartford and he is busy trying to bring as much financial information as possible back to the town.

He attended a Board meeting of Save the Rivers Save the Hills last week.

The Chair of the Appropriations Committee spoke at the CCM meeting and indicated that when the Governor numbers are presented to the legislature, they are worse case scenarios however, this is not the case this year – they are to be 10-15% below those given.

Mr. Formica informed the Board that the revenue picture is what will drive the budget.

He met with the Energy Taskforce group and they are studying LED lights for the parking lot and

they are meeting this week with someone from New Haven who was in charge of signing all of New Haven's street lights over to LED and a lot of money was saved.

He has started talks with the IAFF for their new contract.

He said he met with Webster Bank regarding the legalities of utilizing the wells at Darrow Pond.

He met with the Friends of Oswegatchie and they are working on placing new markings on the trails and a new kiosk.

He said he presented the budget to the Board of Finance and they will start their reviews tomorrow.

He said that the Department Heads returning their COLA for next year was a classy thing to do and he appreciated it very much. He added that he will be meeting with all the union presidents and their representatives on Friday and he will tell them about the fiscal picture we are facing.

The Council of Governments adopted a policy to support regional initiatives on water and he will be asking the citizens to conserve water again this summer.

He said that the Town Engineers met with Amtrak at the DEP and the results were covered in the newspaper. The President's stimulus package includes the replacement of the Niantic River Bridge and he was fighting to protect the Boardwalk for future generations. He said that the talks were going well with Amtrak and they had incorporated our ideas into their design.

Ms. Hardy inquired about the regionalization of water and if the State had funds available to districts that regionalized?

Mr. Formica said that there is some money available and they were checking into it.

6. Public Comment

Joe Mingo said he wanted to offer a point of clarification; we are not regionalizing the water department, we are only buying regionalized water from a regionalized source.

He was concerned about the Department Heads cutting their salaries noting that we have some very valuable, dedicated employees and he is afraid they could be lured away with the promise of more money. He said he wanted to thank the Department Heads but he would refuse the offer. He said we should cut Celebrate East Lyme's funding since we don't need a town wide party, but we do need our department heads.

John Drabik agreed with Mr. Mingo and said that the Town needs to readdress how we are doing things.

MOTION (7)

Mr. Wilson moved to adjourn the March 18, 2009 meeting of the East Lyme Board of Selectmen at 8:40 p.m.

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

Respectfully submitted,

Darlene C. Stevens, Recording Secretary