

**EAST LYME BOARD OF SELECTMEN
REGULAR MEETING
Wednesday, SEPTEMBER 16th, 2009
MINUTES**

PRESENT: Paul Formica, First Selectman, Robert Kleinhans, Deputy First Selectman,
Pamela Rowe, Rob Wilson

ALSO PRESENT: Attorney Edward O'Connell, Town Counsel
Attorney Tracy Collins, Town Counsel
Anna Johnson, Finance Director

EXCUSED: Rose Ann Hardy, Jack Hogan

Chairman Formica called this Regular Meeting of the East Lyme Board of Selectmen to order at 7:30 PM and led the assembly in the Pledge. He noted that Ms. Hardy and Mr. Hogan were excused this evening.

1.a. Pledge Allegiance to the Flag

The Pledge was observed.

1.b. Additional Agenda & Consent Calendar Items

Mr. Formica asked if there were any additional agenda items.

****MOTION (1)**

Mr. Kleinhans moved to add Item 2.g. to the agenda – Discussion/Action – Power Purchase Agreement Confirmation with Trans Canada Power Marketing Ltd.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

1.c. Delegations

Mr. Formica called for Delegations.

John Drabik, 18 Drabik Road said that he understands that they will be setting a Town Meeting date this evening. He is upset that they are running this through so fast without a public hearing and it disappoints him that people will not be able to have more input. He said that he was talking with Joe Mingo and was told by him that they will flood the floor of this building to find the low spot so that they can sink a drain. That method tells him that the Town Engineer does not know anything and that the Engineer who did the study also does not know anything. He said that he also has not seen any hard figures on this and he would like to see this item go to Public Hearing and Referendum as if they can spend \$3500 for an Engineer to do a study, then they can put this out to the people to decide. He added that he also is not keen on the location either.

Bob Gadbois, 358 Boston Post Road said that he is very upset over this just as he was when they took acres in the Industrial Park and put housing in there instead – and here they are doing it again. He said that he does not want them to think that he is not concerned for the working conditions of the employees as he is concerned for the people, but there has to be other places for such a building rather than taking a commercial building off of the tax rolls. He said that he attended the Board of Finance meeting the other evening this week and that he listened to Jeff Langan who talked about a lot of the concerns that he had about this building and the effect upon the taxpayers. He asked that they look at

the State who has shelved the Route 11 project as they do not have the money either for big projects. He does not think that this property should come off of the tax rolls and does not care if it takes 30 years for someone to come along and want to put a business in it. Let it sit on the tax rolls.

1.d. Approval of Minutes, Public Hearing of September 2, 2009

Mr. Formica called for any discussion on the Public Hearing Minutes of September 2, 2009.

****MOTION (2)**

Mr. Kleinhans moved to approve the minutes of the Public Hearing of the East Lyme Board of Selectmen of September 2, 2009 as submitted.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Approval of Minutes, Regular Meeting of September 2, 2009

Mr. Formica called for any discussion on the Regular Meeting Minutes of September 2, 2009.

****MOTION (3)**

Mr. Kleinhans moved to approve the minutes of the Regular Meeting of the East Lyme Board of Selectmen on September 2, 2009 as submitted.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Approval of Minutes, Special Meeting of September 9, 2009

Mr. Formica called for any discussion on the Special Meeting Minutes of September 9, 2009.

Mr. Kleinhans asked that on Page 4 of the minutes under Item 4. of the agenda that the following Motion be added (and to renumber the motions accordingly) as they had moved the Resolution prior to moving the Sign Call under Item 5: ADD the following:

****MOTION (2)**

Mr. Kleinhans moved to adopt the following resolution: Resolved: That the resolution entitled "Resolution Appropriating \$2,900,000 For the Acquisition of Land in the Town of East Lyme and Authorizing the Issuance of \$2,900,000 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.

Ms. Rowe seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Formica asked that on Page 1 that Mr. Hogan be deleted from Present and that Ms. Rowe be added.

****MOTION (4)**

Mr. Kleinhans moved to approve the minutes of the Special Meeting of the East Lyme Board of Selectmen on September 9, 2009 as amended.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

1.e. Consent Calendar

****MOTION (5)**

Mr. Kleinhans moved to approve the Consent Calendar for the meeting of September 16, 2009 in the amount of \$10,152.09.

Mr. Wilson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

2. NEW BUSINESS

2.a. Discussion/Action – Appropriation of \$79,119 Energy Efficiency Conservation Block Grant

Mr. Formica explained that the Towns within the State received differing amounts from this Block Grant to promote energy efficiency and conservation. The amount that East Lyme received is \$79,119 and this Grant is currently slated to fund solar power and high efficiency lighting projects such as: Solar power at the Hole in the Wall; LED streetlights as part of the Niantic Streetscape project; Energy efficient parking lot lighting at the Community Center and Solar powered parking lot lighting in various locations.

****MOTION (6)**

Mr. Kleinhans moved to appropriate the \$79,119 American Recovery and Reinvestment Act Energy Efficiency Conservation block Grant for energy conservation projects in East Lyme to an account to be established titled “ARM Energy Efficiency and Conservation Grant” and send to the Board of Finance for approval and to Town Meeting.

Ms. Rowe seconded the motion.

Mr. Wilson said that he wanted to speak to the parking lot lighting at the Community Center which is awful and has been put off for quite awhile. He would like to see the list prioritized and the Community Center parking lot put at the top of the list.

Mr. Formica noted that they had put some money towards this project for this year and that this would help.

Vote: 4 – 0 – 0. Motion passed.

2.b. Discussion/Action – re: Parks & Recreation Request - \$8,435 for new picnic Tables at McCook’s

Mr. Formica called for a motion for discussion on this item.

****MOTION (7)**

Mr. Kleinhans moved to approve use of \$4,600 of left over Capital Improvement Funds Acct. # C-57-70-004-000-001 and \$3,835 from Acct. # C-57-70-003-000-001 to an account to be established entitled “McCook Point Park Picnic Tables”.

Mr. Wilson seconded the motion.

Mr. Formica said that Mr. Putnam, Parks & Recreation Director was present this evening and would answer any questions that they might have.

Mr. Wilson asked if the tables are plastic.

Mr. Putnam said that the new tables are plastic and that they would also be portable. They would move the usable wooden tables that are currently there to areas within the Town of less intensive use until they could no longer be used at all.

Mr. Kleinhans said that he is interested in the type of coating on the tables.

Mr. Putnam said that the tables and the coating are durable and that they come in colors. He passed around the brochure for the members to see.

Mr. Wilson said that due to the good use of funds prior to this that they are able to get these tables and put them in McCook’s park which is a high use area. He thanked Mr. Putnam for his efficiency.

Vote: 4 – 0 – 0. Motion passed.

2.c. Discussion/Action – Inter-municipal Agreement w/Waterford – re: Animal Control Officer

Mr. Formica asked that they put discussion on this off to the next meeting as another Town has asked to join in with this program and he will be meeting with them in the near future to discuss details and feasibility.

2.d. Filing Fee Waiver Request – AHEPA 250-V \$1,100.

Mr. Formica said that Mr. Mitchell was present this evening and would explain this request.

Terry Mitchell said that HUD would like the Town to take some part in this and that while they have already been waived the \$300, they would be asking for this as they get extra points from HUD and it is a rating on their application. They need to get 99 points. He said that they would be paying for the building permits that would have to be pulled and other permits and that he thought that would come to around \$100,000. He said that they are also looking to put another project in this Town besides the current one and that would also require permits. He added that they also pay taxes and that they do not utilize many Town services.

Mr. Kleinhans said that he had not recalled that they would be back for more waivers however; since it has been explained in this way, AHEPA housing is certainly something which fulfills a need within the Town.

****MOTION (8)**

Mr. Kleinhans moved to waive the filing fees for the proposed AHEPA 250-V Housing for the Elderly building to be built on the Roxbury Road site in the amount of \$1,100 itemized as; \$500 for the Multi-Family Housing Special Permit fee; \$300 for the site plan review and \$300 for a storm water permit. Mr. Wilson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

2.e. Sign Call – Appropriation for Acquisition of Properties \$2,900,000 and to Issue Bonds in Aid Thereof

****MOTION (9)**

Mr. Kleinhans moved the following amended Sign Call:

Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on Wednesday, September 23, 2009 at 6:30 P.M. 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 \$2,900,000 For The Acquisition Of Land In The Town Of East Lyme And Authorizing The Issuance Of \$2,900,000 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 \$2,900,000 For The Acquisition Of Land In The Town Of East Lyme And Authorizing The Issuance Of \$2,900,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".

3. To transact any other business proper to come before the meeting.

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

Dated at East Lyme, Connecticut, this 16th day of September, 2009.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed

2.f. Appointments – Historic Properties Commission

****MOTION (10)**

Mr. Kleinhans moved to appoint the following people as Regular Members to the Historic Properties Commission for the period from 10/1/09 through 1/2/2012 (these terms will be appointed every four years thereafter)

Carol Hallas of 191 Whistletown Road, East Lyme, CT

Mark Christenson of 56 Grassy Hill Rd., East Lyme, CT

And to appoint the following people as Regular Members for the period 10/1/09 through 1/4/2010 (these terms will be appointed every four years thereafter)

Burt Hobby of 33 Upper Pattagansett Road, East Lyme, CT

Luane Lange of 160 Pennsylvania Ave., Niantic, CT

Norm Peck Jr. of 21 Romagna Road, Niantic, CT

And to appoint the following people as Alternate Members to the Historic Properties Commission for the period from 10/1/09 through 1/4/2010 (these terms will be appointed every four years thereafter)

Richard Waterman of 11 Lake Ave., Ext. Niantic, CT

Robert Guenther of 17 Bellaire Rd., Niantic, CT

And to appoint the following person as an Alternate Member for the period from 10/1/09 through 1/2/2012 (this term will be appointed every four years thereafter)

Maggie Prokop of 52 Lovers Lane, East Lyme, CT

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed

Mr. Formica thanked the members for their interest in serving on this Commission for the Town.

2.g. Discussion/Action – Power Purchase Agreement Confirmation with TransCanada Power Marketing Ltd.

Mr. Formica explained that this is an action that he took the previous day as it was through a bid and the savings were blended such that their previous rate of 10.718¢ per kWh would become 10.10¢ per kWh as of October 1, 2009 and the contract would be extended out to 2014. This should realize the Town a savings of \$32,000 per year. The contract had to be signed by 5 PM yesterday which is why it is now before them.

Mr. Kleinhans said that he finds it difficult to oppose savings of \$32,000 per year from what they were already saving.

Mr. Wilson thanked Mr. Formica and Ms. Johnson for coming in with more savings.

****MOTION (11)**

Mr. Kleinhans moved that it be resolved, to ratify the execution of Power Purchase Agreement Confirmation with Trans Canada Power Marketing Ltd. for the provision of quantities of electricity to the Town at the prices and for the terms specified in said agreement dated September 15, 2009.

Mr. Wilson seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

3. UNFINISHED BUSINESS

3.a. Discussion – Golf Cart Usage – Town Roads

Mr. Wilson asked that the table discussion on this to the next meeting so that Ms. Hardy and Mr. Hogan could also be present and provide input.

Mr. Kleinhans said that he would like some research on how they would do this – as an ordinance or a rule.

Attorney O’Connell said that would have to check the enabling act regarding enforceability, licensing and collecting of fees.

Mr. Wilson said that they would have to minimize the areas in order to stay within the 25 mph ruling. He added that he would like the time to read up on how this might be doing in places other than Old Saybrook.

Mr. Kleinhans recalled that the Statute had said that it was for 25 mph areas.

Attorney O’Connell said that there might be 25 mph roads that do not connect to other 25 mph roads and that are separated by roads with 40 mph speed limits. He added that this is for Town roads only and that the State roads are a separate entity and this Statute does not apply to them.

3.b. Discussion/Action – Resident Trooper Contract

Mr. Formica said that there has been no movement on this and that they are still waiting to hear from the Comptroller on it.

4. COMMUNICATIONS

4.a. Memo – re: Historic Properties Commission

Mr. Formica noted that this correspondence was in their packets and related to the appointments that they had made.

4.b. Letter – DOT Commissioner Marie

Mr. Formica noted that the Town had sent in our 10% funding portion as required for the signal light that was to be installed at the intersection of Giants Neck Road and Rte. 156 by the State. This letter from Commissioner Marie explains that the DOT cannot currently commit the finances to this project. He wanted to let everyone know the status and added that he would send it along with a note to Representatives Jutila and Stillman to see if they can try to find the money for this project.

Mr. Kleinhans suggested that they also send a copy to the Governor’s office.

4.c. Memo – re: Stop & Shop Assessment

Attorney O’Connell explained that this was a hotly contested tax appeal and that originally the numbers were very far apart and that in the end they settled at the higher end.

5. INFORMATION AND REPORTS

5. a. Ex-Officio

Mr. Wilson noted that the beaches are open although there are no life guards or staff from parks & Recreation on them.

5. b. First Selectman’s Report

Mr. Formica reported that as a result of the Governor’s decision not to sign the budget that her line item vetoes were restored by order of the Attorney General. This gave the Town an additional \$100,000 which was due to the efforts of State Representative Jutila. This will help with the PILOT reduction. He also noted that through the hard work of the department heads that they were able to save \$978,658 with \$61,695 from the Board of Ed. They had a revenue shortfall of \$654,610 which with the savings

allowed \$382,746 to be returned to fund balance. He commended the department heads for working very hard and for deferring their raises.

He stated that they had a full presentation on the Colton Road project and that the Board of Finance has approved it, the Board of Selectmen has approved it and the PowerPoint presentation has been taped and is being shown on Channel 22. He said that the Town Meeting will go as long as necessary to answer questions. He said that he thinks that this project makes perfect sense as they know that the size of the Roxbury Road site will not accommodate the size that they need. There were good points that were brought up by the public regarding the industrial use of the building and removing it from the tax rolls. He noted that industrial use has changed over time and that most of the heavy industrial use has moved out of this country to other countries.

He lastly thanked Brent and Zack for their assistance this evening running the equipment for the live broadcasting and taping of the meeting.

6. PUBLIC COMMENT

Mr. Formica called for Public Comment.

Mike Schulz, Lovers Lane said that based upon the feedback that was given this evening regarding the efforts of the department heads that he finds what they have done to be commendable and extends his thanks for their efficiencies. He said that he went on the tour of the areas within the Town which would benefit from the proposed building and saw the Board of Ed equipment outside and no place to work on any of the equipment. He asked if any of their equipment would be brought into the new complex as where they are now is pretty nasty and if they would get rid of some of the trailers. He said that he took pictures of the places along the tour and was rather astonished by the mess inside of the buildings. Items are stacked up in corners and work benches are so messy that you would have trouble finding anything on them. If the new complex turns into looking like what he saw and has on the pictures, then they are wasting their time. He said that it is the supervisors' responsibility to see that things are not thrown into a mess and that they give their people the time to keep things neat.

7. SELECTMEN'S RESPONSE

Mr. Formica said that the Board of Ed has been invited to move their equipment to the new building and that they have not yet indicated that they would and that they would also have to wait and see what happens with the trailers. He said that he has also seen the mess that Mr. Schulz has spoken about and has asked that things be kept neater and expects that they would be if there was more room to put things.

ADJOURNMENT

****MOTION (12)**

Mr. Kleinhans moved to adjourn the September 16, 2009 Regular Meeting of the East Lyme Board of Selectmen at 8:32 PM.

Ms. Rowe seconded the motion.

Vote: 4 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary, Pro-tem