

EAST LYME BOARD OF SELECTMEN  
MEETING OF DECEMBER 16, 2009  
MINUTES

PRESENT: Paul Formica, Mark Nickerson, John Hogan, John Birmingham, Rose Ann Hardy.

EXCUSED: Rob Wilson.

Mr. Formica called the meeting to order at 7:34 p.m. and noted that Mr. Wilson would not be present this evening due to a family emergency. He added that he wanted to wish the family well during this difficult time.

Mr. Formica led the Pledge.

1b. Additional Agenda & Consent Calendar Items  
There were none.

1c. Delegations

Tax Collector John McCulloch read a notice into the record regarding utilizing a lock box system for the collection of revenue against the Supplemental Motor Vehicle bills due in January (identified as Attachment A).

Bob Gadbois of 358 Boston Post Road congratulated the old and new members of the Board. He inquired who was paying for the town workers he saw working at the boardwalk, adding that it had been agreed that the Town would not be spending any money on the Boardwalk.

1d. Approval of Minutes, Meeting of December 2, 2009

MOTION (1)

Mr. Hogan moved to approve the minutes of the meeting of December 2, 2009 as submitted.

Seconded by Ms. Hardy.

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

Nay: None.

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

1e. Consent Calendar

MOTION (2)

Ms. Hardy moved to approve the Consent Calendar for the meeting of December 16, 2009 in the amount of \$6,370.58.

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

2a. Appoint Deputy First Selectman

MOTION (3)

Mr. Birmingham moved to appoint Mark Nickerson to serve as Deputy First Selectman through December of 2011.

Seconded by Mr. Formica.

Aye: Mr. Formica, Mr. Nickerson, Mr. Birmingham, Ms. Hardy.

Nay: None.

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

2b. Authorize First Selectman to Sign Check Registers

MOTION (4)

Mr. Nickerson moved the following resolution:

Resolved, that the Board of Selectmen delegates to the First Selectman and upon the absence or disability of the First Selectman, to the Deputy First Selectman, the Board's obligation to sign the orders of the Board of Selectmen on the Town Treasury for payment of regularly budgeted expenses of the Town, with exception of those of a capital nature over \$50,000 where bids are required; and further that the signed orders, covering the period subsequent to the previous regular meeting of the Board, be presented at each regular meeting of the Board for review.

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

2c. Discussion – Possible Action – Ex-Officios

Mr. Formica noted that he attended the Board of Finance and Economic Development Commission and would continue to do so. He suggested that Rob Wilson continue with Parks and Recreation and take on Inland Wetlands. He requested that Mr. Birmingham take Smith Harris Commission, the Library and Harbor Management / Shellfish. He suggested Mr. Nickerson attend Town Building and Water and Sewer. He noted that this would leave Board of Education and he inquired what the Board's feeling was as far as sharing this Ex-officio among the Board members.

Ms. Hardy noted that this was a good idea since the Board of Education has such a busy schedule and a lot of subcommittees. She suggested it be rotated among the Selectmen on a monthly basis, alphabetically; therefore, Mr. Birmingham would do the month of January. (February would be Mr. Formica, March Ms. Hardy, April Mr. Hogan, May Mr. Nickerson, June Mr. Wilson, July Mr. Birmingham, August Mr. Formica, September Ms. Hardy, October Mr. Hogan, November Mr. Nickerson and December Mr. Wilson).

2d. Schedule of Meetings – 2010

MOTION (5)

Mr. Nickerson moved to approve the meeting schedule for the Board of Selectmen as presented.

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

2e. Appointments – Boards and Commissions

MOTION (6)

Mr. Nickerson moved the following appointments:

**COMMISSION ON AGING:**

Move to appoint Marge Caste of 4 Windfall Lane, Niantic, CT;  
Mary D. Broga of 91 E. Pattagansett Road, Niantic, CT;  
Barbara R. Smith of 2 Clark Lane, Niantic, CT

to serve on the Commission on Aging through January 6, 2014.

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

**BUILDING CODE OF APPEALS:**

MOTION (7)

Mr. Hogan moved to appoint John Cutillo III of 74 Fairhaven Road, Niantic, CT  
Eugene Schultz of 24 Scott Road, East Lyme, CT  
Paul J. Baker of 8 Bishop Bay Drive, Niantic, CT

to serve on the Building Code of Appeals through January 6, 2014.

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

**TOWN COUNSEL:**

MOTION (8)

Ms. Hardy moved to appoint Edward B. O’Connell of 6 Lantern Lane, Niantic, CT as  
Town Counsel for the Town of East Lyme through January 2, 2012.

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

**DEPUTY TREASURER:**

MOTION (9)

Mr. Birmingham moved to appoint Scott E. Fraser of 83 Chesterfield Road, East Lyme,  
CT to serve as Deputy Treasurer in the Town of East Lyme through December 2, 2013.

Seconded by Mr. Nickerson.

Mr. Formica noted that this would not be a paid position.

Motion passed 5-0.

**MUNICIPAL AGENT FOR THE ELDERLY:**

MOTION (10)

Mr. Nickerson moved to appoint Cathy Wilson of 224 Ledyard Street, New London, CT  
to serve as the Town’s Municipal Agent for the Elderly through January 6, 2014.

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

**CONSERVATION OF NATURAL RESOURCES:**

**MOTION (11)**

Mr. Hogan moved to appoint

Tom Kalal of 80 Grassy Hill Road, East Lyme, CT,  
Mark James Christensen of 60 Grassy Hill Road, East  
Lyme, CT

to serve on the Conservation of Natural Resources Commission through January 6, 2014.

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

**HARBOR MANAGEMENT / SHELLFISH:**

Mr. Formica suggested that this Board be tabled until the January 6<sup>th</sup> meeting.

**ECONOMIC DEVELOPMENT COMMISSION:**

**MOTION (12)**

Mr. Birmingham moved to appoint Camille Alberti of 29 Harvest Glen, East Lyme, CT

Steven G. Santino of 11 Old Stone Way, Niantic, CT  
Charles Ambulos of 1 Blueberry Lane, Niantic, CT

to serve on the Economic Development Commission through January 6, 2014 and;

Edward A. Shapiro of 8 Irving Place, Niantic, CT

Richard B. Gada of 77 W. Main Street, Niantic, CT

to serve through January 2, 2012.

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

**DIRECTOR OF EMERGENCY MANAGEMENT:**

**MOTION (13)**

Ms. Hardy moved to appoint Pearl I. Rathbun of 74 Carriage Hill Drive, Niantic, CT  
to serve as Director of Emergency Management and;

Nick Merola of 15 Goodwin Street, Niantic, CT

to serve as Deputy Director of Emergency Management through January 6, 2014.

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

**DEPUTY FIRE MARSHAL:**

**MOTION (14)**

Mr. Nickerson moved to appoint Donald Marr of 29 Mayfield Terrace, East Lyme, CT

to serve as a Deputy Fire Marshal in the Town of East Lyme through January 6, 2014.

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

**TOWN HISTORIAN:**

**MOTION (15)**

Mr. Hogan moved to appoint Wilbur Beckwith of 69 Black Point Road, Niantic, CT

to serve as Town Historian through January 6, 2014.

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

**HISTORICAL PROPERTIES COMMISSION:**

**MOTION (16)**

Ms. Hardy moved to appoint Robert Guenther of 17 Bellaire Road, Niantic, CT  
Richard Waterman of Lake Avenue Extension  
as alternates to the Historical Properties Commission through January 6, 2014 and,  
Burt Hobby of 33 Upper Pattagansett Road, East Lyme, CT  
Luane Lange of 160 Pennsylvania Avenue, Niantic, CT  
Norman Peck Jr. of 21 Romagna Road, Niantic, CT  
to serve on the Historical Properties Commission through January 6, 2014.

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

**TOWN MODERATORS:**

**MOTION (17)**

Mr. Birmingham moved to appoint Eugene C. Cushman of 184 Upper Pattagansett Road,  
East Lyme, CT as Town Moderator and Pierce Connair of 3 Winchester Road, East  
Lyme, CT as Deputy Town Moderator through January 6, 2014.

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

**NIANTIC RIVER GATEWAY:**

**MOTION (18)**

Mr. Nickerson moved to appoint Mark H. Powers of 4 Round Rock Road, Niantic, CT;  
Ron Stevens of 1 Cherry Street, Niantic, CT and Paul F. Whitehouse of 3 West Road,  
Niantic, CT to serve on the Niantic River Gateway through January 6, 2014.

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

**PARKS AND RECREATION:**

**MOTION (19)**

Mr. Hogan moved to appoint Edward H. Dzwilewski of 90 N. Bridebrook Road, Niantic,  
Milan Keser of 8 Kevin Road, Niantic, CT; and Roger Nadeau of 22 S. Cobblers Court,  
Niantic, CT to serve on the Parks and Recreation Commission through January 6, 2014.

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

**REGIONAL PLANNING:**

Ms. Hardy noted that Ms. Lange had served as Alternate and was interested in being  
appointed as our Representative.

It was agreed to hold this appointment off until the January 6<sup>th</sup> meeting.

**SE CT WATER AUTHORITY:**

**MOTION (20)**

Mr. Birmingham moved to appoint Paul M. Formica of 20A Bush Hill Drive, Niantic, CT to serve on the SE CT Water Authority through January 7, 2013.

Seconded by Mr. Hogan.

Mr. Formica noted that SCWA had requested that as many First Selectman as possible be appointed to this position.

Motion passed 5-0.

**SMITH HARRIS COMMISSION:**

**MOTION (21)**

Ms. Hardy moved to appoint Ashley v. Peterson of 99 Indian Rocks Road, Niantic, CT to serve on the Smith Harris Commission through January 2, 2012; Margaret Prokop of 52 Lovers Lane, East Lyme, CT; Richard MacDonald of 23 Hopkins Drive, Niantic, CT and Gary Lakowsky of 12 Methodist Street, Niantic, CT to serve on the Smith Harris Commission through January 7, 2013.

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

**SCRRRA:**

**MOTION (22)**

Ms. Hardy moved to appoint William Scheer Jr. of 251 Whistletown Road, East Lyme and Mike Giannattasio of 109 Scott Road, East Lyme, CT to serve as our representatives to SCRRRA through January 7, 2013.

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

**TOWN BUILDING COMMITTEE**

**MOTION (23)**

Mr. Birmingham moved to appoint Gerard P. Burkhardt of 15 Ferro Drive, East Lyme, CT; John Rhodes of 6 Seebeck Road, East Lyme, CT; Abraham I. Fisher of 18 Sunnyside Drive, Niantic, CT and Andrew Resnisky of 22 Blue Heron Road, Niantic, CT to serve on the Town Building Committee through January 6, 2014.

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

**TVCCA:**

**MOTION (24)**

Mr. Nickerson moved to appoint Steve Kelley of 8 Joval Street, East Lyme, CT to serve on TVCCA through January 6, 2014.

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

**WATER AND SEWER:**

MOTION (25)

Mr. Hogan moved to appoint Stephen DiGiovanna of 1 Old Oak Lane, Niantic, CT; Joseph J. Mingo of 397 Boston Post Road, East Lyme, CT and David Murphy of 490 Boston Post Road, East Lyme, CT to serve on the Water and Sewer Commission through January 6, 2014.

Seconded by Mr. Nickerson.

Mr. Formica commented that Mr. Mingo has served 30 years on this commission.

Motion passed 5-0.

**ZONING BOARD OF APPEALS:**

MOTION (26)

Mr. Birmingham moved to appoint Charles P. Ambulos of 1 Blueberry Lane, Niantic, CT to the Zoning Board of Appeals through January 2, 2012 and John M. Smith of 2 Clark's Lane, Niantic, CT to serve as an Alternate on the Zoning Board of Appeals through January 2, 2012 and William Mountzoures of 88 Smith Street, Niantic, CT and Louis Mostowy of 42 Mostowy Road, East Lyme, CT to serve on the Zoning Board of Appeals through January 6, 2014.

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

2f. Appointments – Part time Officers

MOTION (27)

Ms. Hardy moved to appoint Robert Cutillo of 7 Grand Street, Niantic, CT and Paul Holmes of 9RCenter Road, Waterford, CT to serve as special constables through June 30, 2010.

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

Ms. Hardy noted that numerous people volunteer a great deal of their personal time serving on boards and commissions with no thought of personal benefit. She thanked them for all that they do adding this was commendable.

Mr. Formica agreed noting that a Town is as strong as its volunteer boards and commissions.

2g. Discussion – Budget Procedure and Schedule of Meetings

Mr. Formica stated that he already has appointments starting January 6<sup>th</sup> with the Finance Director to meet with the Department Heads to make the first review of their budgets for next year. He added that he had heard from Dr. Lombardo and this year the Board of Education was requesting a joint meeting with the Board of Finance and the Selectmen.

The consensus of the Board was to contact the Superintendent's Office and suggest January 11, 13 or 14<sup>th</sup> for a joint meeting to be held at the High School.

3a. Amend Board of Selectmen Regulations

Mr. Formica noted that he was suggesting an amendment to the agenda format under Rule 2., Section 5. to add Committee Reports.

Mr. Nickerson noted Rule 10., the words “on tape” should be deleted from the first sentence and the words “for 90 days after which the tape shall be erased and reused unless the First Selectman or any member of the Board of Selectmen shall direct otherwise” be removed and changed to “for 6 months”.

Mr. Hogan noted the last sentence should read:

A transcript of the recording of any meeting or hearing will be made upon a majority vote of the Board.

The consensus of the Board was not to change the starting time of the meetings.

Ms. Hardy suggested that when the First Selectman is away from town for more than 2 days, the Board members be notified and the Deputy is in the office for a portion of the day.

Mr. Formica agreed noting that Mr. McKirdy and Mr. Kleinhans both had come in the office for part of the day when he was out of state. He added that when the office is closed (during Ms. Stevens’ lunch) there is a clipboard on the door for the convenience of the residents.

Mr. Nickerson noted that he was aware of his responsibility as Deputy First Selectman and would fill in whenever asked to.

MOTION (28)

Mr. Nickerson moved to amend the Board of Selectmen regulations as stated.

Seconded by Mr. Hogan. Motion passed 5-0 (corrected version identified as Attachment B). Motion passed 5-0.

3b. Siting Council

Mr. Formica commented that the Siting Council would be calling a public hearing in East Lyme to listen to comments regarding the application for a cell tower on Brainard Road. He added that there were many in opposition to this and that we have the opportunity to attend and or write a letter. He said he contacted State Representative Ed Jutila who lives on the road and he offered to help in any way he could. He said that the Zoning Commission may have some jurisdiction, but the State Statute is unclear.

Ms. Hardy said that it is our job to reflect our citizens’ opinions and this is pristine, low marsh lands in close proximity to many property owners and if built, would result in visual pollution and possible harmful health effects and asked Mr. Formica to write a letter.

Mr. Formica agreed to do so.

Mr. Hogan said that at the presentation, he had requested a map illustrating areas of weak signals and they said they would provide it.

Ms. Hardy requested that Mr. Mulholland review the zoning regulations regarding this matter.

Mr. Nickerson said that in the past, an applicant had come to zoning to apply for a cell tower.

#### 5a. Ex-Officio

Ms. Hardy said that she attended the Zoning meeting where they changed their mixed use regulations to allow buildings on Main Street water side to build up to 3 stories and the other side of the street could be 3 stories up to 40 feet with the first floor being commercial and the second and third floor residential. She also attended the Conservation of Natural Resources and they discussed the need for an Agriculture Commission over a committee. She added she would like to have a discussion with Mr. Formica on this and then an agenda item on January 6, 2010' s agenda.

Mr. Hogan said he attended a special meeting of Planning where election of officers was held: Mike Bowers is Chair and George McPherson is Secretary. East Lyme Harbor Management had a discussion about the 187 permitted moorings that they have and that new permit applications will go out in January with the plans to pull non permitted moorings in the spring. He added that they have agreed to work with the Planning Commission on Chapter 5 of the POCD.

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

Mr. Formica said that he attended a 20 / 20 Facilities Meeting and they were moving forward with their charge. He added that he was called from this meeting to another with the police regarding the large number of burglaries in the north end of town. He said neighborhood watches were being set up and he was offering to visit neighborhoods with the Resident Trooper to speak to those areas that wanted to talk with him.

He met with the Mitchell Trust and outlined a potential new parking plan and received a favorable response with some suggested adjustments. The plan would offer 150 – 175 additional parking spaces without a lot of modifications.

Dan Steward of Waterford was the new Chair of the Route 11 Greenway Commission. He added that DOT Commissioner Marie is working on an outline for a facilities plan however, he has said he wants to repair before building new roads.

He congratulated the newly elected officials and said it was a great day and he thanked the National Guard for hosting the Inaugural.

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He met with the East Lyme Public Trust and when the Boardwalk was designed, funding was put into an account for maintenance. The town workers who were there last week were paid for out of that account, and no town money was used.

He attended the Board of Finance, Economic Development Commission, Pension and Water and Sewer meetings.

He attended an open house at the Admiral's Quarters in New London and the Light Parade on the rain date of Monday night was a great event.

Ms. Hardy requested that the Resident Trooper submit monthly activity reports to the Selectmen.

#### 6. Public Discussion

Mike Schulz of Lovers Lane said he had a tough 2009, but thanked the fire department, police department, neighbors and the law firm of Stevens, Harris, Guernsey and Quilliam for their pro bono assistance. He added he was looking forward to 2010.

#### MOTION (29)

Mr. Nickerson moved to adjourn the December 16, 2009 meeting of the East Lyme Board of Selectmen at 9:07 p.m.

Seconded by Mr. Hogan.

Mr. Formica asked for all to offer prayers for the Wilson family.

Motion passed 5-0.

Respectfully submitted,

Darlene C. Stevens, Recording Secretary