

Board of Selectmen
Town Office Annex
January 19, 2011
Regular Meeting Minutes

Selectmen Present: Mark Walter, Pete Govert, Emmett Lyman

Also Present: E. Blaschik, P. Carlson, R. Dill, T. Gelston, C. Matthew, P. Maxwell, N. Mackinnon, S. Mackinnon, E. McNamara (Patch), S. Merrow, B. Rioux (HTNP), R. Smith, TJ Tarbox, S. Wheeler, M. Ziobron, Claire Maeder.

1. First Selectman Walter called the meeting to order at 7:00 p.m. and the attendees said the Pledge of Allegiance.
2. Approval of Agenda: Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the agenda as written. Unanimous aye.
3. Approval of Minutes: Regular Meeting of January 5, 2011: Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the minutes of the Regular Meeting of January 5, 2011 as written. Unanimous aye.
4. Correspondence:
 - A. Letter from Resident Regarding Health Effects of Outdoor Wood Boilers & Outside Wood Combustion: Mr. Walter called the Selectmen's attention to a copy of a letter in their meeting packets from Don and Jean Breuler, dated January 11, 2011. Mr. Lyman advised that this item was on the agenda for discussion at the January 25th Planning & Zoning Commission meeting. He noted that the State was also looking at the issue.

Mr. Walter also called their attention to a copy of a letter in their meeting materials from Peter Maxwell, dated January 5, 2011, regarding the Connecticut River Ferries. He noted that Mr. Maxwell's letter was lobbying for support of continued ferry service on the Connecticut River. Mr. Lyman pointed out that there were a number of Connecticut DOT bridge projects in the planning stages and stated that he believed the projects could result in increased traffic in Town. He advised that, in his opinion, discontinuance of the Chester ferry service would make the problem even worse.
5. First Selectman's Report: There were no additional items discussed under this agenda item.
6. Citizen's Concerns: Mr. Tarbox stated that the New London Day had published an article about the December 16th meeting regarding the Hadlyme ferry that he felt did not accurately represent the issue.
7. Unfinished Business
 - A. 4-8 Middle School: There was no new update on this agenda item.
 - B. Goodspeed Opera House Update: There was no new update on this agenda item.
 - C. Old Middle School: There was no new update on this agenda item.

D. STEAP Power House Road Grant: Mr. Walter advised that the Connecticut DOT will provide the Town with the updated paperwork for the grant in February.

E. Rotary Club Donation of Edgar D. Williams Park: There was no new update on this agenda item.

F. Solar Project – 4-8 Middle School: Mr. Govert reported that Principal Peacock had informed him that Mr. Carroll will manage the application process for this project. Mr. Govert stated that he had left a message for Mr. Carroll and expected to speak with him soon.

G. Inland Wetlands and Watercourse Commission Ordinance Amendment: Motion made by Mr. Walter, seconded by Mr. Lyman, to recommend that the Inland Wetlands and Water Courses Commission Ordinance adopted June 20, 1974 and amended December 27, 1994 and further amended December 26, 2006 is amended as follows and that said amendment be sent to Town Meeting for approval:

Voted, Be it ordained by a duly warned and called town meeting of the Town of East Haddam: That the following ordinance be adopted pursuant to the provisions of the Inland Wetlands and Water Courses Act. P.A. 155 (1972), codified as Connecticut General Statute 22a-36 through 22a-45; as amended by P.A. 73-571, effective June 20, 1973, as amended.

Section 1. Statement of Purpose

The inland wetlands and water courses are an indispensable and irreplaceable but fragile natural resource with which the citizens of the Town of East Haddam have been endowed. The wetlands and water courses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and water courses have been destroyed or are in danger of destruction because of unregulated use by reason of disposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses. Such unregulated activity has had, and will continue to have a significant, adverse impact on the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the Town for its citizens now and forever more. The preservation and protection of the wetlands and water courses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Town of East Haddam. It is, therefore, the purpose of this act to protect the citizens of the Town of East Haddam by making provisions for the protection, preservation, maintenance and use of the inland wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion turbidity of siltation; preventing loss of fish and other beneficial aquatic organism, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and water courses for their conservation, economic, aesthetic, recreational, and other public and private uses and dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the Town of East Haddam and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the Town of East Haddam the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

Section 2. Membership

An Inland Wetlands and Water Courses Commission is hereby established which shall consist of five (5) members and two alternates who are electors of East Haddam and shall be appointed by the Board of Selectmen by a majority vote for a term of office of two years. In the event that a Commission member is absent from four consecutive meetings, the Board of Selectmen may remove the member by a majority vote and fill the vacancy created.

Any elector of East Haddam who is a municipal employee may be appointed to serve as member or alternate to the Inland Wetlands and Watercourses Commission as provided by Connecticut General Statutes, Section 7-421(e)(2)(D). (Town Meeting December 26, 2006)

At the first regular meeting of the Commission in January of every even numbered year the members shall elect officers, a chairman, a vice-chairman and a secretary.

Section 3. Responsibilities

The Commission shall have all the powers and responsibilities authorized under said Public Act (1972), codified at Connecticut General Statutes Sections 22a-36 to 22a-45 inclusive; as amended by Public Act 73-571, effective June 20, 1973, as amended from time to time.

Section 4. Effective Date

The Provisions of the Ordinance shall become effective ten (10) days after adoption by the legislative body of the Town of East Haddam, and publication in accordance with law.

Mr. Walter advised that the amended Ordinance included the following revisions:

- Removal of the requirement for one member to be from the Conservation Commission;
- Addition of language related to the election of officers, and
- Addition of the word “inclusive” in the 1st sentence of Section 3 – Responsibilities.

Mr. Walter reviewed the history leading up to the changes and asked Mr. Lyman to speak about how the Conservation Commissioners will be kept in the loop regarding issues the IWWC was considering.

Mr. Lyman stated that Attorney Branse had provided input regarding this subject and had expressed concerns about predetermination and *ex parte* communications issues under the current structure. Mr. Lyman advised the IWWC shares Atty. Branse’s concerns but also agreed that the Conservation Commission should participate in an advisory role at the IWWC meetings. Consequently, Mr. Dill, the Chairman of the IWWC, had proposed a protocol for ensuring clear and consistent communication was established and maintained between the two Commissions. Mr. Lyman further advised that, upon a vote and approval at the next IWWC meeting, the protocol will become the Commission’s standard operating procedures. He stated that Mr. Dill had sent a letter to Ms. Matthew, the Chairwoman of the Conservation Commission, advising her of the IWWC’s actions.

Mr. Walter stated that he felt this approach was a win-win in that it should eliminate IWWC’s issue with achieving a quorum at their meetings and would allow the Conservation Commission to

participate in an advisory role. He also stated that removing the requirement of having one Conservation Commissioner sit on the IWWC board allowed them to send the individual with the most expertise on a particular IWWC agenda topic to the meetings.

At Mr. Govert's suggestion, Mr. Walter opened the floor for comments. Mr. Tarbox stated that he supported the approach proposed by the IWWC. Mr. Gelston advised that the Conservation Commission had made two motions at their last meeting that did not conform with the proposed amendments to the IWWC Ordinance. He stated that he felt the Commissions and the Board of Selectmen have to be on the same page regarding amendments to the Ordinance. He also noted that he felt the predetermination and *ex parte* concerns were not exclusive to IWWC and the Conservation Commission because in a small town such as East Haddam people often participate on more than one Board and Commission. Mr. Gelston acknowledged that the primary issue was maintaining communication in a timely, efficient, and legal manner and suggested that the protocol be made a part of the IWWC Ordinance.

Mr. Walter reiterated that he did not feel there was any downside to the amendments in his motion. Mr. Gelston requested the Selectmen postpone their vote until their next meeting to allow the Conservation Commission time to review the minutes of this meeting to ensure they were in agreement with the Ordinance amendments, the proposed protocol and new IWWC operating procedures. There was a general discussion regarding these issues and Ms. Matthew, Ms. Ziobron, Mr. Govert, Ms. Merrow, Mr. Smith, Mr. Dill, and Mr. Gelston contributed to the discussion. The participants also discussed best practices to ensure that the Conservation Commission was able to provide input on applicants for a position on the IWWC.

The Selectmen decided not to postpone their vote and the motion was adopted by a unanimous aye vote.

8. New Business

A. Grange Hall – Beer & Wine Approval – Business Night: Ms. Ziobron presented a letter to the Selectmen requesting permission to serve wine at the Grange on January 31st at a Business Night event sponsored by the Economic Development Commission. She noted that two agenda items for the event were a presentation by Mr. Ventres on Obtaining a Home Occupation Permit and a discussion about forming an East Haddam Business Association.

Motion made by Mr. Walter, seconded by Mr. Govert, to approve the serving of beer and wine at the Grange Hall for the Economic Development Commission's "Business Night" on January 31, 2011. Unanimous aye.

B. Commission Appointment (HDC): Mr. Walter called the Selectmen's attention to an e-mail in their meeting packets from Will Brady, dated January 13, 2011, advising that the members of the Historic District Commission had unanimously voted to recommend the appointment of Ms. Pamela Rubenbauer as an alternate member on the Commission.

Motion made by Mr. Walter, seconded by Mr. Lyman, to appoint Pamela Rubenbauer to fill a vacant alternate position with a term to expire November 20, 2012 on the Historic District Commission. Unanimous aye.

C. Tax Refunds: Mr. Walter called the Selectmen's attention to two tax refunds.

Motion made by Mr. Walter, seconded by Mr. Govert, to award tax refunds in the amounts presented.

- \$303.36 to Nissan Infiniti CT, and
- \$389.00 to VW Credit Leasing LTD.

Unanimous aye.

9. Public Comment: There was no public comment at the meeting.

10. Selectmen's Discussion: Mr. Walter advised Mr. Smith that the discussion of the Open Space issue will be held at the Selectmen's February 2nd meeting. He noted that the delay of the discussion will not have any impact on the proposed schedule to bring the item to a referendum. The Selectmen discussed March 10th and 14th as possible referendum dates and agreed to tentatively schedule it for March 10th.

Mr. Govert raised the topic of the Middle School Conversion Committee's recommendation and stated that he did not want to lose sight of the issue.

Motion made by Mr. Govert to recommend that the Board of Finance allocate \$73,200.00 to the Middle School Conversion Committee budget in order to get the project they recommended to the Town ready to bring to referendum. There was no second and the motion failed.

Motion made by Mr. Govert to recommend that the Board of Finance allocate \$248,000.00 to the Middle School Conversion Committee budget to be used for the preparation of architectural plans for a project that was smaller in scope and for any related expenses necessary to move said project to referendum. There was no second and the motion failed.

Mr. Govert stated that he felt the Town has to make some kind of decision on this project and, therefore, he will continue to raise the issue and put forward motions that he hoped the other Selectmen will consider. Ms. Ziobron noted that the Committee has been working for a very long time on this project and, presently, did not see a clear way forward. She recommended Mr. Govert communicate his feelings and intentions regarding the project to Ms. Malavasi. She also suggested that the Board of Selectmen consider allocating the funds for the PCB testing since that would have to eventually be done no matter what decision was made on the buildings. Mr. Walter stated he would write a letter to Ms. Malavasi requesting the Committee prepare an estimate of the Phase I testing expense.

Mr. Blaschik expressed his disappointment that the First Selectman's letter in the current Event's magazine quoted a \$300 per-household expense for the project when the analysis the Committee had done put the maximum figure at \$214.00. Mr. Walter noted that his figure included operating expenses.

11. Adjournment: There being no additional regular business to discuss, a motion was made by Mr. Walter, seconded by Mr. Govert, to adjourn the meeting at 8:40 p.m. Unanimous aye.

Respectfully submitted,

Tape 633A
633B
634A

Emmett Lyman, Secretary