

**TOWN OF OLD LYME**  
**BOARD OF SELECTMEN**  
**REGULAR MEETING MINUTES**

The Board of Selectman held a Regular Meeting at 7:30 pm September 5, 2017 in the Meeting Hall of the Old Lyme Memorial Town Hall. First Selectman Bonnie Reemsnyder, Selectwoman Mary Jo Nosal and Selectman Skip Sibley were present.

**1. Approval of Minutes:**

August 8, 2017 Special Meeting Minutes

A motion was made by Selectman Sibley, seconded by Selectwoman Nosal, to approve the minutes of the August 8, 2017 special meeting. Motion passed.

August 22, 2017 Special Meeting Minutes

A motion was made by Selectwoman Nosal, seconded by Selectman Sibley, to approve the minutes of the August 22, 2017 special meeting. Motion passed.

**2. Communication:** Email from David Grove

First Selectman Reemsnyder read an email she and the other Selectmen received from David Gove. He expressed his praise for the Old Lyme EMS personnel, who on August 28<sup>th</sup> responded to a call at Point O Woods of a child choking and the professional way they assessed and handled all aspects of the situation. The BOS discussed and agreed with his recommendation to place a copy of his letter and letters of Commendation in the first responder's personnel file, naming Gabby as the first on the scene. First Selectman Reemsnyder also thanked David Gove for taking the time to write the letter (letter attached).

A motion was made by Selectwoman Nosal, seconded by Selectman Sibley, to move item 5. A. up on the agenda. Motion passed.

**5. a. Proposed Lease agreement for the Pump House Location**

First Selectman Reemsnyder gave an overview and read the purpose of the proposed lease agreement for the pump house. She wanted to make the Selectmen aware of how this is progressing and get their feedback. She will send them each a copy of the lease for their review and further discussion at the next meeting.

Frank Pappalardo, Chairman of the Sound View Commission has been working with First Selectman Reemsnyder on this project and joined the meeting. First Selectman Reemsnyder reminded everyone that approximately eight months ago the three private beaches (Miami, Old Colony and Old Lyme Shores) approached the Town to see if they would consider locating the pump house on Hartford Ave. First Selectman Reemsnyder and Frank Papalardo shared the discussions they have had with the three beaches and agree this may be a good opportunity to get the bathrooms added on to this project. The plan is that the beaches would lease the land that the pump house would be located on for a total cost of \$200,000. A draft lease was submitted, and the Town Attorney is working with the attorney for the private beaches to hammer out some of the details which include allowing the town to buy into the pump house at the same rate as the other beaches, the town would get \$20,000 for 10 years; and they would get to weigh in on the design and actual planning of the pump house.

If the town proceeds with this the following process would be followed:

1. Lease to be reviewed and approved by Selectmen
2. Section 8-24 Referral to the Planning Commission
3. A public hearing, as required by State Statute
4. Approval at Town Meeting

Frank added that this is a cost-effective way to fund restrooms, having all of the work done at once which would add to the quality of life in the area. The Town would have input on the design so they can assure it is aesthetically appropriate.

The BOS went on to discuss different aspects of what is involved, including getting the bathrooms completed, the lease would be for the land itself, the town would own the land and the restroom building, the pump house would operate on a proportionate share, the possibility of East Lyme providing the maintenance (as a sub-contractor), the involvement of the WPCA Chairs, the Sound View Commission, the Town Attorney and DEEP in the process, a back-up system needing further discussion (generator/possibly two pumps), bathroom design, possible ground breaking time frame depending on approval by the BOF and BOS. First Selectman Reemsnyder also added that the three beaches will be looking for easements as their system will likely cross Hartford Ave. Selectwoman Nosal requested that it be noted in the minutes that this is the first time the BOS are discussing this.

First Selectman Reemsnyder asked the selectmen to review the lease and make edits so they can discuss this further at the next meeting.

**3. Appointments:**

**4. Old Business:**

**a. Boathouse Hains Park Improvements Project**

First Selectman Reemsnyder reported the grass has been replanted and is being watered regularly. The basketball court was painted today (all four coats) and Don Bugbee reported it looks good and he asked Ed Adanti to cordon it off so no one walks, rides bikes or drives on it. The only other thing they are waiting for is the A-2s survey to be completed and she understands that should be completed soon.

Selectman Sibley asked if there was any update on the drainage behind the boathouse and on Grassy Hill Road. First Selectman Reemsnyder reported they are still waiting for the engineers to complete the final plan.

Selectwoman Nosal asked Selectman Sibley if he had an update on the cost of the plaque. Selectman Sibley stated he has not looked into the cost or design of the plaque yet but would reach out to the committee and Sophie Marsh to get an estimate of costs. The committee is waiting for a few more donations to come in so they can get a completed list of donors for the plaque.

He also clarified that the fundraising was separate from the boathouse project in response to Selectwoman Nosal's comment about having to have the plaque completed so they could close out the project.

Selectwoman Nosal gave Selectman Sibley a receipt from one of her neighbors who would like to be reimbursed for items she purchased for the ribbon cutting ceremony. Selectman Sibley said this was the first he had heard of this and would follow-up on it.

**b. Rte. 156 Bikeway/Sound View Improvements**

First Selectman Reemsnyder reported the paving that was scheduled for Sept. 5<sup>th</sup>, along with the parking ban, has been rescheduled to take place on Sept. 18<sup>th</sup>. She did reach out to let people know it was changed and will make sure this is added to News and Announcements on the website so residents are aware. She also reported that the punch list should be completed at this time including the banner posts and decorative signs.

Selectwoman Nosal added she has sent an email to the engineer to confirm when they will be completing the items on the punch list and she is waiting to hear back from him. Once the paving is completed it will take two weeks before they can put the epoxy striping on the road.

c. Academy Lane Fire Dock Update

First Selectman Reemsnyder gave an update on the budget for the Academy Lane Fire Dock. The initial budget including appropriations was \$276,496. Expenditures included Docko Inc. (Engineer) \$18,600, Advertisement \$537, Machnik Construction to date has been paid \$161,500 and \$40,486, and they were contracted for \$212,617. There is \$10,631 that is being held for retainage, as per the contract. To date, a total of \$231,763 has been spent, with \$44,733 remaining in the budget. She has reached out to Docko to see if they have any remaining expenses and they still have to come out and complete the survey and the final inspection. She has asked for an estimate of the cost for that and has not received that yet.

The contract allows for the retainage to be held for six months but she thinks once the project is completed she may request approval for releasing the retainage early. Selectman Sibley suggested it may be a good idea to go through the winter to see how the dock holds up before releasing the retainage.

d. Blight Ordinance Draft

First Selectman Reemsnyder reported she received the updated draft of the Blight Ordinance today from the Attorney with the edits since their Aug. 8<sup>th</sup> meeting. She has printed a copy for each of the selectmen so they can review it (she will send digital copy also) and discuss it further at their next meeting. The BOS discussed scheduling another special meeting to include the Town Attorney to discuss the edits and changes. They all agree the last meeting was very productive. First Selectman Reemsnyder will reach out to everyone and schedule a meeting.

e. Cross Lane Playground Committee Charge & Appointments

First Selectman Reemsnyder handed out copies of the updated charge and appointments. She also read a statement as a follow-up to Selectman Sibley's statement at the last meeting (see attached).

First Selectman Reemsnyder and Selectwoman Nosal both stated they have reached out to potential interested parents, neighbors, etc. to see if anyone would be interested in serving on the committee and have not heard back from anyone yet.

The BOS reviewed the charge with the recommended changes by Selectwoman Nosal from the last meeting. The Finance Director will attend the first meeting to establish and ensure a good understanding of the budget. Selectwoman Nosal also suggested they receive a copy of the booklet developed for Committees outlining the roles and responsibilities of the members of the committee. First Selectman Reemsnyder explained the process each new committee goes through when it is first formed.

A motion was made by Selectwoman Nosal, seconded by Selectman Sibley, to approve the Charge for the Cross Lane Playground Committee. Motion passed.

The BOS reviewed the appointments of: Anna Reiter, Emily Griswold, Missy Garvin, Meghan Anderson and Don Bugbee (with his approval) and agreed to appoint the members with one motion.

A motion was made by Selectman Sibley, seconded by Selectwoman Nosal, to approve the appointments of: Anna Reiter, Emily Griswold, Missy Garvin, Meghan Anderson and Don Bugbee (with his approval) to the Cross Lane Playground committee. Motion passed.

**5. New Business:**

- a. Proposed Lease agreement for Pump House Location – Moved up on the agenda
- b. Hains Park Bathroom Facility committee

First Selectman Reemsnyder reported she has not received any feedback from the posting advertising for members for the Hains Park Bathroom Facility committee. She will reach out to Bob Dunn to see if they can solicit some members for the committee.

She will begin working on a draft for the charge for the committee. Selectman Sibley suggested a similar charge to what was developed for the playground committee with the obvious modifications. He agrees they should begin working on this as they have the funds available through the budget, plus the carryover from the boathouse as well as money raised through the fundraising.

Selectwoman Nosal reiterated she would still like to know why Bob Dunn is now interested in taking on the bathroom project when he was not interested before. First Selectman Reemsnyder stated the Director of Parks & Rec had a conversation with his Chair and talked about possibly consolidating within Parks & Rec and that conversation was fruitful and they agreed on the concept.

- c. Hall Road Improvements Committee Presentation Scheduled

First Selectman Reemsnyder mentioned that the Halls Road Improvements Committee will meet this Thursday evening at 6:30pm at the Phoebe Griffin Noyes Library. They will be doing their second presentation (the first was done in August during their regular meeting-dry run of the presentation and they will be scheduling several other meetings) with people who have expressed an interest in what the committee is working on. They will be showing pictures of other towns in CT that have done similar renovations to street scapes. The primary focus of the meeting is hearing from the people attending and what they are looking for in the project.

Selectman Sibley stated this was the first he was hearing about these meetings and asked if it was a public meeting. First Selectman Reemsnyder stated it was a public meeting and it was posted. She also added that they had reached out to area businesses as well and invited them to attend. She also clarified that this is not a presentation on what they are doing, it is mostly to get feedback on what community members are looking for. Selectman Sibley stated he thought it was very short notice for a community feedback meeting. Selectwoman Nosal suggested that maybe the committee could announce future meetings at the Thursday night meeting. First Selectman Reemsnyder stated they have not set a regular schedule of meetings yet and they are scheduling them as they go along.

A motion was made by Selectwoman Nosal, seconded by Selectman Sibley, to add item 5. d. to the agenda. Motion passed.

- d. Ledge Light Health District Petition

First Selectman Reemsnyder reported that on Aug. 25<sup>th</sup> each of the BOS members received a copy of a petition that was submitted to the Town Clerks office to request a Town meeting to

terminate the agreement between LLHD and the Town of Old Lyme dated Oct. 31, 2016 and it had several signatures on it. Because of the way the petition was submitted and the subject of the petition she forwarded a copy of it to the Town Attorney for his opinion. She read the response she received from the Town Attorney (see attached; Memorandum, Exhibit A, B, C). First Selectman Reemsnyder stated for the record a copy of the letter has been given to the Town Clerk for her records.

The BOS further discussed the petition and expressed how surprised they were by this, they have spoken with some of the people who have signed this and some have stated that they really didn't understand what they were signing. Selectman Sibley suggested he would strongly encourage the BOS to schedule a meeting with local businesses and the Director of LLHD to provide everyone an opportunity to discuss concerns and ask questions.

First Selectman Reemsnyder added that there would be an increased cost to the Town should the Town decide to eliminate the agreement from LLHD. The Town would need to hire a full-time Health Director and Sanitarian (which are very hard to find), the State of CT is pushing for Towns to join a health district. LLHD has been very proactive in offering workshops free of charge to local businesses to provide them with training and education on state health codes and recent changes to the health code. They have also been very flexible with businesses when finding corrections that need to be made by allowing them ample time to make the changes. The BOS agree that it is important to get the consistency of services they are receiving from LLHD in meeting the health codes and keeping businesses and restaurants in the community safe for everyone.

First Selectman Reemsnyder will keep the BOS posted on her conversation with the Director of LLHD.

#### **6. Public Comment:**

Judith Read addressed the BOS to express her agreement with Selectman Sibley that there was not enough notice given for the Thursday evening meeting of the Halls Road Improvements Committee. She also asked if there were minutes of the Halls Road Improvements Committee meetings.

First Selectman Reemsnyder responded that there are minutes of the meetings on the Town Website, on file in the town clerk's office and offered to forward some to her.

#### **7. Other Business:**

Selectman Sibley asked if there was any follow-up on the conversation they had at the last meeting regarding the letter he received from Alice Burbank. First Selectman Reemsnyder reported she has spoken with Phil and went up to look at it. She has also had conversations with the public works superintendent, project engineer and the Town Attorney and it is a challenging fix and questionable as to who's responsibility it is to fix it. She did have a conversation with Mrs. Burbank which was tense at first but after explaining to her some of the actions they had taken and what the limitations are, she was more understanding. The best solution would be a drainage system put through her yard which she is not interested in doing. In the meantime, Ed Adanti has replaced the sandbags with new ones. Phil has also been up there and wants to give it some more thought and will get back to her.

Selectman Sibley asked if there was any update on the conversation they had at the last meeting regarding Pilgrim Landing.

First Selectman Reemsnyder reported she has reached out to the chair of the Harbor Management Commission and he agrees he would like to see a memorandum of understanding

be done. She has not had time to follow-up further but would like to get in touch with Steve Ross to get the original ideas for this. She will also reach out to Selectman Sibley for further input. Selectman Sibley recommends the first step should be having the property surveyed and staked out to identify where the lines are so they can see what needs to be done going forward.

Selectwoman Nosal asked if there was any update on the Mile Creek Road Bridge. First Selectman Reemsnyder reported that the planning is pretty well finished and the engineer is waiting to see if there is going to be any state bridge funding available (this would be eligible for 48% reimbursement). Right now, the next step would be to start planning for the construction with a possible start date of Feb. for presenting it to the public and going out to bid. She is not very hopeful on the state funding due to the state of the state budget. She also reported that the original estimate for the cost of the engineer is coming in lower than expected giving them some funds to use towards construction. Selectwoman Nosal asked who has been working on this with her and she replied Phil has been assisting her with this. She also added that the temporary safety fixes have been put into place.

Selectwoman Nosal asked what the status of the bid policy was and who was working on this. First Selectman Reemsnyder reported that Nicole has taken the suggestions and is working on an updated version.

**8. Executive Session: None**

**9. Adjournment:**

A motion was made by Selectman Sibley, seconded by Selectwoman Nosal, to adjourn at 9:35 pm. Motion passed.

Respectfully submitted,

Patti Broedlin

Bonnie Reemsnyder, Statement regarding the planned Love Your Playground project and the process.

I want to thank Selectman Sibley for taking the time to articulate his concerns and thoroughly explain why he abstained from the vote taken at the August 7, 2017 Board of Selectmen's meeting. While I understand his concerns, I feel it is important to point out the facts of the history of this approved expenditure.

The Jr. Women's Club first came to the Board of Selectmen with the Cross Lane Playground proposal on Oct. 19, 2015, when they reported that they had raised funds for maintenance & replacement of the playground at Town Woods Park. At that playground, due to removal of some broken playground pieces, there were areas with no equipment, and the gazebo was in need of safety repairs, so the Club arranged to run the concession stand during Saturday morning soccer to raise funds. That, along with other fundraising events, raised approx. \$15,000 to complete their planned work. They thoroughly explained how they had vetted several playground equipment companies, requesting quotes and researching the quality. After their rigorous process, they settled on Columbia Cascade Designs, due to the quality. The Board of Selectmen approved the installation with no oversight, as there were no town funds expended for this playground. We expressed our appreciation and encouragement for their work, and I might add, trusted their recommendations for equipment that would be our responsibility once installed. At that same meeting, the idea of a larger project for Cross Lane was brought up, including the idea of making it handicap accessible, and the BOS applauded and encouraged their efforts. I also recall discussing financial support from the town for this effort, even if done over a two or three year period.

On March 15, 2016, the Jr. Women's Club presented to the Board of Finance the full scope of their plans for Cross Lane, handing out the overview of the plan to all present (all three selectmen were in attendance), and reviewing their process. The minutes reflect their request to fund THEIR plan, as presented:

*The LYPC collected bids for a new playground from four companies and has selected Columbia Cascade Company to design and build a new playground. The proposed playground will include two play structures with assorted swings and climbing activities completely surrounded with a fence. Equipment cost is \$104,840, installation - \$13,800, rubber surfacing - \$46,981.71, rubber surfacing installation - \$3,000, mulch - \$2,200, paving - \$14,850 and fencing - \$13,275. Total project is \$199,946.71. The Junior Women's Club plan to raise themselves \$15,000, \$10,000 from community support, and \$125,000 in outstanding grants. Anticipated Town of Old Lyme request estimated between \$50,000 and \$175,000. So far, the Committee has met with and received approval from the Parks and Recreation Department and Parks and Recreation Commission, and has received acknowledgement of the project by the Board of Selectmen.*

At that meeting, they were requesting support from the Town of Old Lyme. We only approved \$10,000 in the FY 2017 budget for the playground.

Members of LYPC continued to meet with the Park & Rec Commission and with the Zoning Officer to secure the required permits for the playground, in the hopes that they would raise more money and have town funding support, as previously discussed.

Minutes from the April 7, 2016 Park & Rec Commission meeting include these excerpts:

*The Committee collected bids for a new playground from four companies and has selected Columbia Cascade Company to design and build the new playground. Anna and Melanie gave a presentation of the proposed changes to the Town Woods Park playground and for the proposed playground at Cross Lane Park. This presentation included the budget summary and fundraising summary.*

*The Parks and Recreation Commission members expressed their appreciation for such a great job and were in full support of these projects. Bob Dunn suggested that if they cannot raise all the needed funds, the project could be done in two phases. The Committee was in agreement.*

In the Fall of 2016, the Parks & Rec Dept. requested \$150,000 for the PLANNED playground at Cross Lane Park based on the presentations of the LYPC. With some concerns for the location, the Town even had a soil specialist work with us on the location to be sure that it was not problematic. Some areas, as expected, were too wet, so the location of specific equipment was relocated to avoid the areas of concern.

At the March 21, 2017 Board of Finance Meeting, the subject of the Cross Lane Playground was discussed, and I was an advocate for taking this project to a town meeting. This would give us the opportunity to present all the information gathered by the LYPC Committee to the residents, and clearly articulate the plan and the cost. In the end, the Board of Finance felt strongly that it should be a part of the budget process, and kept it in the Capital P&R budget, noting that it had been discussed for some time and P&R was clearly supportive since they had submitted the request. Subsequently it was approved as part of the FY 2018 budget in May of 2017. Clearly, they do not approve this kind of expenditure without a well thought out plan – in 2016 when our EMD requested \$5k for education purposes, the Board of Finance asked for a plan before considering approval.

Once the playground funds were approved, I met with Anna Reiter to further discuss their plan, particularly the final location. As early as June 2017, they were asking that the equipment be ordered so that installation could be completed before winter set in. I shared with her the suggestion that we form a committee through the town to get this going, and further had a discussion with our Finance Director about ordering the equipment. At first, the FD felt it was okay to place the order for the equipment, but after further discussion, felt that with BOS approval, the equipment could be ordered. We both agreed that the documentation provided by the LYPC was adequate to show a process had been completed, and several bids were solicited and received. In the end, the equipment is sole source, as it was chosen based on quality, anticipated life span, low maintenance costs, etc. After considerable pressure from the LYPC, and discussion about forming a town committee (basically from the LYPC committee members, since they were very familiar with the plan and process) I brought this to the Board of Selectmen on August 7, 2017 for approval to order the equipment based on all the approvals received already.

In addition, Anna Reiter, LYPC chair, Dave Catalano (rep from Columbia Cascade Playground Equipment), Don Bugbee, Bob Dunn and Missy Garvin met on August 10, 2017 at Cross Lane Park to review the chosen equipment, the layout plan, the installation process and the location, and to have an opportunity to ask questions. Don Bugbee reported back that the meeting went very well, and everyone was very satisfied with the plan and the process. He felt it was time well spent, and everyone was on the same page to move forward.



In the past, we have approved funding for capital expenditures for other organizations, and just issued a check for them to complete their project. As this project will be on Town Property, and will become the property and responsibility of the Town of Old Lyme, I recommended the formation of a town committee to resume where the LYPC group left off. So far, the only applications to be appointed to this committee are four members of the original LYP Committee, one who is also on P&R Commission. We all agreed that we should include Don Bugbee as Director of P&R to the committee as well. I have advertised for volunteers on News and Announcements with no response.

I believe that the research and planning for this project was done very well, and to think that we would go out to bid when the equipment purchase can be considered sole source is redundant at best, and, at worst, insulting to those who worked so hard to make this playground plan one that is perfect for the citizens of Old Lyme.

Chief, Deputy Chief, President, VP, and Town Selectmen,

On 08/28/17, at approximately 1812 hours, I heard one of our neighbors screaming outside. I looked to see her running across the street carrying a 1 year old toddler in her arms. She was screaming that the child was choking and not breathing. I ran out of my house to render assistance, as well as another neighbor who is a retired fire fighter. I called 911 for help and shortly thereafter, Old Lyme EMS personnel arrived on the scene at 57 Connecticut Road in Point O Woods.

In public service we most often receive correspondence of complaint, but that is not the intent of my email. I am writing to express great praise with your personnel.

OLEMS response was very fast. I did not write down the names of the responders, but I will do my best to describe the one I spoke with the most. She was a young woman, blonde hair, driving a white Subaru Legacy, and was the first on the scene. She was quick to assess the situation and to determine the level of care required. She stayed by the side of the toddler's mother and didn't leave her. She also quickly and effectively handled the two other children running around by allowing them to see and touch her stethoscope so they felt less scared. This quickly settled them down. She knew what to do, and when to do it.

Numerous other personnel quickly arrived, along with the ambulance. All EMS personnel were top notch, and handled themselves not only very professionally, but also read the situation very well and knew when and how to de-escalate the incident, helping the civilians involved. My 20 month old daughter was captivated by the flashing lights of the ambulance, and your staff was kind enough to allow her to see the ambulance up close. She was in awe.

How your personnel handled themselves could not have been any better. As a Police Officer of 19 years, I have seen first responders under many stressful situations, let alone a call for a choking 1 year old. Children in distress shake us to our core. Your personnel handled it so well, that I was compelled to write to you in their praise. Please determine who responded to this incident, include this letter of praise in their files, and commend them for their actions. They made Old Lyme proud, as well as its residents. Thank you.

MPO David Gove #985  
Wethersfield Police Department  
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Wethersfield, CT 06109  
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# Memorandum

Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.

**CONFIDENTIAL**  
**ATTORNEY- CLIENT PRIVILEGED**

To: Bonnie Reemsnyder, First Selectwoman, Town of Old Lyme (via email)

Cc: John A Collins (via email)

From: Michael P. Carey 

Date: September 5, 2017

Subject: "Petition" to Withdraw from Ledge Light Health District

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Ms. Reemsnyder:

A "Petition for: A Town Meeting to Terminate the Agreement between Ledge Light Health District and the Town of Old Lyme Dated October 31, 2016," consisting of three pages ("Petition"), was recently submitted to the Town Clerk. A copy of the Petition marked Exhibit A is attached. You have asked our office to review the Petition for legal sufficiency. In our opinion, the Petition, for many reasons, is legally insufficient and the Board of Selectmen should not schedule the Town Meeting it requests.

Connecticut General Statutes § 7-1(a) states that the selectmen of a town "shall warn a special town meeting on application of twenty inhabitants qualified to vote in town meetings, such meeting to be held within twenty-one days after receiving such application." However, several Connecticut court decisions have held that a board of selectmen need not schedule a town meeting pursuant to an "application" under § 7-1 unless the purpose of the requested meeting is "legitimate and proper," i.e., is within the town's authority. See, e.g., *Morris v. Congdon*, 277 Conn. 565 (2006); *State ex rel. Feigl v. Raacke*, 32 Conn. Supp. 237 (1975); *Willis v. Sauer*, 19 Conn. Supp. 215 (1954).

Thus the court in *State ex rel. Feigl* upheld the decision by the New Fairfield board of selectmen to decline to call a special town meeting pursuant to a petition that sought the meeting to compel the town to rebate to the taxpayers tax revenue that the petitioner claimed had been levied in excess of the amount called for by the town budget. The court found that under Connecticut law a municipality had no authority to make such a rebate, and that therefore the board of selectmen's decision not to warn a town meeting for that purpose was "quite correct."

Similarly, the Town of Old Lyme has no statutory authority to vote to leave the Ledge Light Health District at this time. C.G.S. § 19a-246(a), a copy of which marked Exhibit B is attached, allows a town to withdraw from a health district of which it has been a member, "by vote passed prior to January first, in any year ... **provided such ... town ... shall have been a member of the district for at least**

**twenty-four months prior to such vote of withdrawal ...**” (Emphasis added). You have advised us that the Town became a member of the Health District on November 1, 2016. Therefore, the statute prohibits the Town from voting to withdraw until after November 1, 2018. The “Petition” that has been submitted is therefore premature and out of order and the Board of Selectmen should not schedule a Town Meeting on account of it. It should also be noted that § 19a-246(a) provides that a vote to withdraw from a health district must be taken before January 1<sup>st</sup> in any year and shall become effective no earlier than the first day of July following. Thus, there is an at least six month waiting period even after a proper vote to withdraw.

The “Petition” also suffers from several defects of form. For example, C.G.S. § 7-9, a copy of which marked Exhibit C is attached, requires that a petition “for a vote by the electors of voters of a municipality” (1) must be on a form prescribed or approved by the town clerk; (2) that each page contain a statement signed under penalty of false statement by the person who circulated the petition stating the circulator’s name and address, and stating that each person whose name appears on each page signed in person in the presence of the circulator and that the circulator either knows each signer or that the signer satisfactorily identified himself to the circulator; and (3) that all the signatures on each page were obtained not earlier than six months prior to the filing of the petition. Per the statute, any page of a petition that does not contain the statement by the circulator shall be invalid. The “Petition” does not appear to meet any of these formal requirements.

# WESTLAW

## NOTES OF DECISIONS (7)

Connecticut General Statutes Annotated  
Title 7. Municipalities

Chapter 90. Town and Other Community Meetings (Refs & Annos)

### § 7-9. Petitions for vote. Form. Statement by circulator

Connecticut General Statutes Annotated Title 7. Municipalities (Approx. 2 pages)  
C.G.S.A. § 7-9

Form, sufficiency  
Mandamus  
Referendum  
Validity of petition

### § 7-9. Petitions for vote. Form. Statement by circulator

#### Currentness

Whenever under the provisions of the general statutes or any special act, any action for a vote by the electors or voters of a municipality is to be initiated by the petition of such electors or voters, in addition to such other requirements as such statute or special act may impose, such petition shall be on a form prescribed or approved by the clerk of such municipality, and each page of such petition shall contain a statement, signed under penalties of false statement, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on said page were obtained not earlier than six months prior to the filing of said petition. Any page of a petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement hereinbefore provided shall be subject to the penalty provided for false statement.

#### Credits

(1957, P.A. 347; 1971, P.A. 871, § 58.)

#### Notes of Decisions (7)

C. G. S. A. § 7-9. CT ST § 7-9

The statutes and Constitution are current with enactments of the 2017 January Regular Session effective on or before August 15, 2017.

End of  
Document

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Connecticut General Statutes Annotated  
Title 19a. Public Health and Well-Being (Refs & Annos)  
Chapter 368F. District Departments of Health (Refs & Annos)

C.G.S.A. § 19a-246

§ 19a-246.W withdrawal from district

Currentness

(a) Any constituent town, city or borough may, by vote passed prior to January first in any year, withdraw from the district, such withdrawal to become effective on the first day of July following, provided such city, town or borough shall have been a member of the district for at least twenty-four months prior to such vote of withdrawal. A city, town or borough on withdrawal shall at once resume such status with respect to the appointment of its director of health, employees and board of health as it held prior to becoming a member of the district as provided in section 19a-244. Employees shall not lose any benefits or civil services status as a result of the withdrawal from the district.

(b) Notwithstanding the provisions of subsection (a) of this section, no withdrawal or termination of participation by any constituent municipality shall affect any pledge, agreement, assignment or mortgage of any income, revenue proceeds or property of a district made for the benefit or security of any borrowing of the district entered into pursuant to subsection (b) of section 19a-243.

(c) Notwithstanding any other provision of the general statutes, no district shall cease to exist until such time as payment or provision for payment of the outstanding balance of borrowings of such district entered into pursuant to subsection (b) of section 19a-243 is made.

Credits

(1949 R ev., § 3882; 1958 R ev., § 19-111; 1961, P.A. 391, § 3; 1969, P.A. 688, § 3; 1999, P.A. 99-234, § 12, eff. June 29, 1999.)

C.G.S.A. § 19a-246, CT ST § 19a-246

The statutes and Constitution are current with enactments of the 2017 January Regular Session effective on or before August 15, 2017.

**Petition for:**  
**A Town Meeting to Terminate the Agreement**  
**between Ledge Light Health District**  
**and the Town of Old Lyme**  
**Dated October 31, 2016**

Signature	Print Name	Address	
<i>Michael Moran</i>	Michael Moran	46 Beech Hole Rd	Jr?
<i>T. Anastasio</i>	THEODORE ANASTASIOU	1 Butterwick Ln	
<i>Peter B. Huff</i>	PETER B. HUFF	20 Gravel Point Rd.	?
<i>Steven Champion</i>	Steven Champion	561 Rowland Rd	
<i>Phil Carney</i>	Phil Carney	1 Hastings Lane	
<i>Aaron Eighan</i>	AARON EIGHAN	308 Seaside View Ave	?
<i>Greg S. Johnson</i>	Greg S. Johnson	2 W. Grand St	EA?
<i>Stan Gochter</i>	STAN GOCHTER	Box 103 So. Lyme	EA?
<i>Tony Brozek</i>	Tony Brozek	W. Hill Ct	?
<i>Lenny Certo</i>	Lenny Certo	85 Hartford Ave	?
<i>Math Hayward</i>	Math Hayward	3 Cyrus Ct.	
<i>William Ferguson</i>	William Ferguson	7 Lake Drive	
<i>Connor Carberry</i>	Connor Carberry	16 Lords Meadow Ln	
<i>David McCarfield</i>	DAVID MCCARFIELD	22 Bailey Rd. O.L.	?
<i>Dan Chonac</i>	Dan Chonac	20 Old Colony Rd	OL, CT?
<i>Jeff Murtz</i>	JEFF MURTZ	11 Beckwith Ln.	
<i>Darcy Murtz</i>	DARCY MURTZ	11 Beckwith Lane	
<i>James Kesnan</i>	JAMES KESNAN	34 Mile Creek Rd	
<i>Greg Landry</i>	Greg Landry	8 Littlefield Lane	
<i>Al Peter</i>	AL PETER	211 Whymorewell Rd	?
<i>Bill Buscotti</i>	Bill Buscotti	3-1 Humbley Rd.	?
<i>Craig McDonald</i>	Craig McDonald	19 Corsino Ave	?
<i>Rich Modica</i>	Rich Modica	5 Corsino Ave	?
<i>Holly Modica</i>	Holly Modica	5 Corsino Ave	?
<i>Patricia Dean</i>	PATRICIA DEAN	43 Rogers Lake Trail	
<i>Ann Locks</i>	ANN LOCKS	43 Rogers Lake Trl	
<i>Chris Garvin</i>	Chris Garvin	6 Otter Rock Road	
<i>Peter Garvin</i>	Peter Garvin	3 Tyler Street	
<i>Harry S. Raut</i>	Harry S. Raut	362-1 Shore Road	



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Signature                      Print Name                      Address

Signature	Print Name	Address
<del>David Root</del>	<del>David Root</del>	<del>117 Shore Rd OL</del>
<del>Eric Jensen</del>	<del>ERIC JENSEN</del>	<del>137 MILE CREEK RD</del>
<del>Azam Khan</del>	<del>AZAM KHAN</del>	<del>277 Shore R.D</del>
<del>Kayla LeDuc</del>	<del>KAYLA LEDUC</del>	<del>32 Old Colony Rd</del>
<del>Abdul Rehman</del>	<del>Abdul Rehman</del>	<del>281 Shore Rd</del>
<del>W. L. Anastasio</del>	<del>W. L. Anastasio</del>	<del>2015 Shore Rd</del>
<del>Fauc Burrick</del>	<del>Fauc Burrick</del>	<del>38 Jericho Drive</del>
<del>Ken Coffee</del>	<del>Ken Coffee</del>	<del>169 Bedford Post Rd</del>
<del>Kirsten Siuranza</del>	<del>Kirsten Siuranza</del>	<del>61 Shore Rd OL</del>
<del>Richard Decker</del>	<del>Richard Decker</del>	<del>25 Corsina Ave OL</del>
<del>Jim Caramante</del>	<del>Jim Caramante</del>	<del>19 Halls Rd</del>
<del>Cyndie Caramante</del>	<del>Cyndie Caramante</del>	<del>19 Halls Rd</del>
<del>Judith Read</del>	<del>Judith Read</del>	<del>35 Ben Franklin Rd.</del>
<del>Azam Khan</del>	<del>AZAM KHAN</del>	<del>277 Shore R.D Duplicate</del>
<del>Valerie Corsino</del>	<del>Valerie Corsino</del>	<del>124 Fox Mile River Rd</del>
<del>Robert Dunin</del>	<del>Robert Dunin</del>	<del>7 SQUIRE HILL, O.L.</del>
<del>ASHLEY SIBLEY</del>	<del>Ashley Sibley</del>	<del>86-1 Lyme Ct. Registered Lyme</del>
<del>John Miller</del>	<del>John Miller</del>	<del>61 Salford Dr. OL CT</del>
<del>Nancy Hutchinson</del>	<del>Nancy Hutchinson</del>	<del>7 Squire Hill</del>
<del>Michelle</del>	<del>Michelle</del>	<del>624 Oxford Lane</del>
<del>Rita Bartalino</del>	<del>Rita Bartalino</del>	<del>160 Mile Creek R.O.L.</del>
<del>Jacqueline Decker</del>	<del>Jacqueline Rodriguez</del>	<del>14 Noyes Rd OL</del>
<del>Kathleen G. Hillborn</del>	<del>Kathleen G. Hillborn</del>	<del>24 Griswold Pt-OL</del>
<del>Tanna Pappaceno</del>	<del>Tanna Pappaceno</del>	<del>36 Hartford Ave</del>
<del>Carol Colangeli</del>	<del>Carol Colangeli</del>	<del>26 Browns LA</del>
<del>Rick Colangeli</del>	<del>Rick Colangeli</del>	<del>26 BROWNS LA</del>
<del>Mike Summy</del>	<del>Mike Summy</del>	<del>14 Evans Wood Rd</del>
<del>R. Kodeliques</del>	<del>R. KODELIQUES</del>	<del>14 NOYES RD OL CT</del>
<del>Azam Khan</del>	<del>Azam Khan</del>	<del>277 Shore Rd Duplicate</del>

agree  
i/panel (2)

R Joe Iannelli	Joe Iannelli	4 Manswood Rd, Old Lyme, CT
Dino DiWino	Dino DiWino	69 Hartford Ave Old Lyme, Ct
Rebecca DiWino Field	Heidi DiWino Field	101 Hartford Ave Old Lyme, Ct
Kevin Rowe	EVAN ROWE	65 HARTFORD AVE Old Lyme Ct.
Deborah Corto	Deborah Corto	33 Hawks Nest/Old Lyme Ct.
Jim Jewett	Jim Jewett	7 Grassy Hill Rd/Old Lyme CT
Amanda Brune	Amanda Brune	7 Grassy Hill Rd Old Lyme CT
Richard Texesse	Richard Texesse	55 Sunset Dr. @ 637 M
Robert DiNapoli	Robert DiNapoli	31 Mile Creek Rd. Old Lyme CT
Bentram Dean	Bentram Dean	30 Hillsbore Old Lyme Ct
John P. McCarthy	John P. McCarthy	54 Buttonball Rd Old Lyme Ct.
Carlton Ellis-Jewett	Carlton Ellis-Jewett	9 Grassy Hill Rd. O.L. Ct.
Arthur A. Beebe	Arthur A. Beebe	89 Boston Post Rd. O.L. Ct.
Tom Brown	TOM BROWN	62 TOLON MEADOWS RD O.L. Ct.
John Duddy	John Duddy	225 SPICE RD OL
Ethin Temple	Ethin Temple	23 Homestead Circle OL
Robert Doyen	Robert Doyen	7 DEVITT RD
Patrick Pryor	Patrick Pryor	41 TRILBO DR
Jason Casper	Jason Casper	139 4-Mile Trues Rd
Mike McCarthy	Mike McCarthy	69-1 Flat Rock Hill Rd
JAMES OLDFIELD	JAMES OLDFIELD	59 BROWN LANE Old Lyme
Dan Handeen	Dan Handeen	3 MILE CREEK Rd Old Lyme
Jessica Gromarty	Jessica Gromarty	jessicalynnkay@gmail.com
TOM RISOM	TOM RISOM	tomrisom@gmail.com
Steven Davis	Steven Davis	2 Mile Creek Rd Old Lyme
John L. McGersa	John L. McGersa	17 Mile Creek Rd Old Lyme Ct
Mary Beebe	MARY BEEBE	89 BOSTON POST RD OLD LYME
Barbara Doyen	Barbara Doyen	
Janet O. McCarthy	Janet O. McCarthy	54 Buttonball Rd, Old Lyme CT
Sue Campbell	Sue Campbell	27 Wildwood Dr.
Theodore Kuoik	Theodore Kuoik	60 KIDNEY ROAD
Frank Marston	Frank Marston	R Hartford
Marilyn O'Sullivan	Marilyn O'Sullivan	36 Champ Ocean Dr

no Casper here  
req. (ESSEX)