

Sound View Commission
Meeting Minutes
30 January, 2012
Town Hall, 7.30 pm

Present: Frank Pappalardo (Chair), Joann Reis Lishing, Michaelle Pearson (Secretary), Harry Plaut, Frank Maratta (Alternate)
David Kelsey, Joseph Camean (Alternate), Russ Carlo (Alternate)

Also present: First Selectwoman Reemsnyder (ex officio); Selectwoman Nosal (ex officio); Selectman Sibley (ex officio) Police Officer Tom Heinssen (ex officio); members of the public.

7.29p Meeting called to order by Frank Pappalardo.

7.30p Joann Lishing moved to approve minutes of 11/28/11. Seconded by David Kelsey. Approved.

7.35pm Selection of Chairperson and Secretary.

Michaelle Pearson nominated Frank Pappalardo for another term as Chairman. Seconded by Joann Lishing. Approved.

Harry Plaut nominated Ms. Pearson for another term as Secretary. Seconded by Ms. Lishing. Approved.

7.40p **Correspondence:**

Selectwoman Bonnie Reemsnyder sent a memo reminding the Commission to select Chair and Secretary at this first meeting in 2012.

Mr. Pappalardo sent letter to Dr. Osga on Jan. 3rd re: school bus service, as discussed at our previous meeting.

Federation of Beaches President Scott Boulanger sent a letter encouraging attendance at the meetings of the newly-formed Snow Plow Committee, which is to make recommendations as to the plowing of private roads. Inaugural meeting occurred on January 5th.

Ruth Roach asked about the GIS photographic survey. Frank Pappalardo responded in favor of the survey, saying that more detailed photos would be very helpful to SVC.

7.45 **Public comment:** None

7.46 Mr. Pappalardo stated that the Commission's Meeting Schedule for the coming year has been sent to the Town for posting on website.

7.48: Business:

Sound View Project proposal. Mr. Pappalardo presented the proposal to the Board of Selectmen in December, and received very positive responses from the Selectmen and members of the public. A preview was also presented to the Board of Finance in December.

Harry Plaut questioned several items regarding costs built into the proposal, which were answered by Selectwoman Reemsnyder and Chairman Pappalardo who stated that all the numbers used were very conservative, and correlate to historical hard data. Mr. Plaut said that he felt the numbers given looked too good to be true. Mr. Pappalardo responded, "I am comfortable saying that these numbers have solid facts backing them. Of course, if we have a summer with 10 weeks of rain, that's beyond our control, but in a normal year, these numbers will hold up. All of these numbers are based on real data from previous years. The Board of Finance asked some very good, hard questions and they reviewed the numbers." David Kelsey agreed, saying, "I think these numbers are achievable. We know the number of spaces, and the average revenue. The only question is the incremental revenue from extra hours, and we've been fair about that. These numbers are right up the middle." Mr. Plaut then stated that he was satisfied by those responses.

Chairman Pappalardo spoke about the grant submission to the CT Transportation Improvement Corp., which is administered through CRERPA. Based on the requirements for obtaining a grant, Mr. Pappalardo met with the engineers and added a bike path to the original proposal, which allows us to be eligible for funds through this program. Application has been submitted.

First Selectwoman Reemsnyder commended Mr. Pappalardo for his work on the application, and also thanked Joe Camean for his work developing a bike path for the project to connect to. Jean Davies (of CRERPA) called a special meeting last Wednesday in Westbrook. The 9 Towns got together to consider 2 proposals. This grant is administered through CRERPA. There is a total of 800K for all 9 towns to share. Our application was complete, and Jean Davies recommended they prioritize 527K for our project, with the remainder to Old Saybrook. First Selectman Ralph Eno of Lyme made the proposal, and the motion carried unanimously, which means that we are applying with the support of all 9 towns behind us.

Frank Pappalardo: We have also talked about meeting with State Senator Stillman and State Representative Giuliano, regarding other potential sources of funding, such as "Main Street" funding, etc. We may be eligible for other sources; right now we are talking about connecting to the bike and the transit district. 9 Town transit buses run along Route 156, and have bike racks on their buses. This would help to minimize traffic on our roads, and ties into the bike path that already exists, so it's a nice package. The First Selectwoman wrote a letter to the transit district regarding the Sound View Project proposal, and they

replied that they were very excited about this and fully supported it. We also have a number of letters in support: Federation of Beaches, and the Boards of Old Colony Beach, Miami Beach, Sound View Beach, and Old Lyme Shores. We also had a letter from Heidi DiNino of Hartford Avenue, concerned that we have parking for Town residents (which the plan does include). She was pleased with the restrooms and parking issues overall.

First Selectwoman Reemsnyder offered to scan the grant application for posting on the town website as a pdf.

8.17 Budget Submittal: Frank Pappalardo submitted a budget for the Commission which consists of office supplies, membership in CPRFA, mailing and postage for at least 3 mailings, digital recorder for meetings, entry gateway sign with new parking rules, maintenance items (flagpole repair, storm damage to beach signs, bocce court maintenance and repair (estimate still to come from Harry Plaut), repair planter on Hartford Ave, public safety issues (barricades needed at pass-throughs, center of road stop signs). I put it in our budget, hopefully Public Works and Public Safety will be able to step in for some of these items. Also, new trash receptacles, and a capital request for the parking lot plan.

Harry Plaut spoke about redoing the Bocce Courts, saying, I've done some research and have some questions. There are two bocce courts. One surface seems ok, may just need to be repacked. The other is in very bad shape. The wood frame seems in decent repair, just needs repainting. New scoreboards would be necessary.

Frank Pappalardo: I put in materials \$500, install \$1800. Last year Ed Adanti said he could round up the materials, and we have had some volunteers who may be able to help with the actual improvements. I know that the material on the courts now is not the correct surface, so that would have to be replaced on both courts. Once refurbished, Public Works would maintain the courts, possibly with some help from volunteers.

8.28pm Pavilion request to move the boat lane.

Frank Pappalardo: The Selectmen requested this come under the purview of the Commission. Frank Maratta would like to move the boat lane to a location in front of the Pavilion Bar.

Frank Maratta: Right now the boat lane is on private property and we have to transgress that private property with our tractor and other things to access the boating lane and we have to go across part of Sound View beach now. We put in a walkway/ boardwalk for people on our property and it's used quite a bit. We have a hundred signatures in a petition. If you are a boater, people seem to like to be able to walk down the boardwalk with their provisions, and have their boats

moored there. Get onto their boats and be able to go over to Long Island or wherever. It's in the best interest of everyone here.

Frank Pappalardo: Any comments?

Russ Carlo: This boat landing serves no purpose. It never should have been placed there in the first place. I remember this from way back, when the boat lane was supposed to be for emergency access only and it was located at the far end of Miami Beach. Then Frank Maratta and Gary Gnazzo somehow persuaded acting commissioner DeCarli to approve it. When I was a kid, that beach was unimpeded with any kind of boat lane. It was the most congested part of the beach for swimming, and now we have a boat lane there creating pollution and all kinds of problems. It serves no purpose at all and should never have been allowed. I had a petition with loads of signatures and I remember Wally Moore, the Selectman at the time strongly opposed having a boat lane. All of the Selectmen were against it. But somehow this DeCarli approved it against everyone's wishes. I'd love to see it gone entirely.

Harry Plaut: As the existing permits are stated, you have Old Colony Beach, private property and then Pavilion property. Right now Old Colony Beach and the Pavilion swim lines are shown exactly as they exist on this plan. The problem is that the existing boat lane happens to be on private property...whether it's a legal boat lane or not. People are bringing their boats into the area which is causing extreme hardship for everybody involved here. No matter what you decide, one of the things that needs to happen is that the DEP has strongly recommended that in any swim line area now there has to be an emergency opening, somewhere in the line to allow for emergency in and out. Old Lyme Shores has one, Old Colony has one, Point O'Woods has one.

Michaelle Pearson: I believe there is one in the existing Pavilion/ Sound View line. In fact, I remember you telling me about it last year.

Harry Plaut: There isn't a legal opening, but because I was told to leave one over the last 2 years, what we've done is we've moved the swim line, where we go from the corner of the fence straight out there's a swim buoy there, then there's a break of about 50 feet, and then the line continues all the way down to Garvin's property. So, in a way its kind of already been happening that way the last couple of years. I called the DEEP and they said that was fine. However, under the legal ramifications the Town would have to submit a new application for a swim line permit for that property because most of the property encompasses Miami Beach and Hawks Nest beach. As someone who's out on the water quite a bit, the congestion is difficult because of the restriction of where boaters can come in, whether they're allowed to or not...they're going to come in. And if they don't come in on a legal boat lane, then they will come in illegally and foul up lines. They do it every year. I'm just giving you an overview of what is

happening. I think Frank (Maratta's) suggestion is probably the most viable way because you are never going to stop these boats from coming in.

Frank Pappalardo: I have done some research on the history of the boat lane. This is the most heavily populated and used portion of the beach. Why put a boat lane in the most heavily populated portion of the beach? It wasn't until the interim commissioner DeCarli came in that the lane miraculously became approved. And conditional to that approval was a stipulated agreement between the Town and the parties involved that the boat lane would be placed where it currently is and also listing other restrictions which have not been followed.

Over the years, this is has evolved into a usage by a number of jet skis, by tractors running up and down the beach leaking oil, by dockages and all sorts of other things. I think we have to go back and look at the original intent and the original approvals and let's start from square one again and say, (a) does it need to be there at all, and (b), if it does, why not make it the way it was originally intended? One water taxi only. I've got some pictures here from this past summer, of the sand in front of the boat lane. I personally cannot see how moving the boat lane and bisecting Sound View beach, with tractors, jet skis, boats, docks, and water taxis is going to be a benefit to anybody.

Frank Maratta: I have a petition with a hundred signatures of people who want the boat lane moved.

Frank Pappalardo: I count around 75 households here, and out of those, only about 10 of them are from sound view.

Frank Maratta: The town has to have a permit to have swim lines

Frank Pappalardo: The town has a permit.

Michaëlle Pearson: You don't own the property below the mean high tide line.

Frank Maratta: That is correct.

Michaëlle Pearson: There's the doctrine of Public Trust. Sound View beach is a public swim area that the public has enjoyed for a very long time. What you are proposing is to take what we now have (a private beach, with the swim area, then the Swan Avenue access, that's public beach-- Sound View beach. Then the rest of this beach to the left, including the property in front of the Pavilion and onward to Miami Beach.) You are proposing to take this from this private beach which lies between Old Colony and Sound View and move it so that the public access to Swan Avenue will be effectively obliterated because there's no way that someone would be able to use that as part of the public beach access. This amounts to a taking of around 20,000 square feet of public swim area. Public swim area is something that we don't have a lot of in the State of Connecticut. You don't own the property below the mean high tide line. You are taking the property and using it with your tractor and with your dock and all of your assorted accoutrements that are not in your original agreement. You have been a terrible neighbor, Frank. I feel that there is a place for bars at the beach. I really wish that

we could all work together to make this a nicer place for everyone, and that would be great for residents and businesses, including yours.

Frank Maratta: But, it's my property.

Michaelle Pearson: No, it's not your property. It's the area in front of your property, the area in the Public Trust, that is at issue here. Right now, you are on a privately owned lot. That was the accommodation. Even De Carli, who approved the boat lane, said that there is no way it belongs in front of the Pavilion bar, which is why it was moved, because it was an accommodation, with a private property owner. Even De Carli, who had no business approving it – he was an interim commissioner, and both commissioners on either side opposed it-- even DeCarli said it would be inappropriate to place it in front of the Pavilion, because a boat lane in most crowded swim area in the state would present a clear public safety hazard.

Frank Maratta: There's no difference in putting it in front of my property and where it is now.

Frank Pappalardo: The difference is that you have an agreement between the DEP and the town of Old Lyme and the property owners at the time that say that's where it goes. We have DEP Commissioners on record saying it shouldn't be anywhere near there to begin with but we'll let you make this accommodation. We have that signed agreement, The boat lane was opposed by the town, by the Sound View Beach Association, by the entire Board of Selectmen. Unfortunately, you have been pushing the envelope. The tractor. Look at that tractor, look at that dock...and now you want to put that between two sections of public beach? How is that going to help the Sound View beach area? How is that going to be a benefit to anyone?

Frank Maratta: There are boaters who want to access their boats...

Frank Pappalardo: There are plenty of boat launches in town. There's no shortage of access for boaters.

Michaelle Pearson: The town of old Lyme has plenty of public boat access. It doesn't have plenty of public beach.

Frank Maratta: But that's not my problem.

Michaelle Pearson:: Actually it is. You are invoking the rights of boaters, and boaters have myriad public boat launches in this town. Look at the town website-- there are so many of them where people can go to launch their boats. Boats do not belong in a public swim area.

Frank Maratta: Some of these boaters live in Old Colony, Sound View, Miami Beach.

Michaelle Pearson: So, what you are saying is that every single person who lives there should have the right to put their boat in right in front of their house?

Frank Maratta: If they own property there. Yes. I am saying that. Absolutely.

Michaelle Pearson: But that completely flies in the face of the Public Use doctrine. Which, as you know, the courts have held trumps just about everything else. This is a public bathing beach. One of very few in the state. The town of Old Lyme has plenty of boat launches and waterway access but it does not have plentiful public shoreline, public swimming areas.

Frank Maratta: You need to have a permit for swim lines. You don't need to have a permit for a boating lane.

Michaelle Pearson: I don't think that's true, Frank. But in any case, according to your agreement, you have signed on to stipulations that you have not abided by you have not abided by your own original agreement. How many water taxis are in operation at any one time? At least two, sometimes three.

Frank Maratta: Very rarely.

Michaelle Pearson: You are supposed to have one. Only one. No Jet skis, parasails...

Frank Maratta: Well I know where this is going, so...

Michaelle Pearson: Shall we take a vote, or is Frank withdrawing his proposal?

Frank Maratta: I'll withdraw.

Michaelle Pearson: You are withdrawing your application?

Frank Maratta: Yes.

Frank Pappalardo: OK.

Frank Maratta: Can we table it?

Michaelle Pearson: Well, tabling it means that we will discuss it again at our next meeting, and I think we've had sufficient discussion tonight.

Frank Pappalardo: We can either take a vote, or you can withdraw your petition, which means we won't be discussing it again.

Frank Maratta: I don't really think you are knowledgeable. You don't know what kinds of permits are needed.

Frank Pappalardo: The town has the correct permits. That's not what we're discussing here.

Michaelle Pearson: The issue is that you are proposing taking an existing boat lane that's on private property and moving it onto publicly used beach. That boat lane would be right smack in the middle of what is currently a public swim area. And that's the issue. I think you can either withdraw your application or we can take a vote on it right now.

Frank Maratta: I'll withdraw it.

Harry Plaut: On the subject of the swim lines it's important that the town reapply for the emergency break in the swim lines.

Frank Pappalardo: I'll review that with Don, who has jurisdiction over that right now, and with the Selectmen.

8.47: Pavilion request to suspend bus prohibition ordinance

Frank Pappalardo read a letter from Frank Maratta to the Board of Selectmen requesting that the Bus Prohibition Ordinance be lifted in April and May to allow buses to drop off college students at the Pavilion Bar. The Board of Selectmen referred this matter to the Commission and asked for an opinion, with the final decision to be made by the Selectman, as stated in the Ordinance. Frank Pappalardo said he received a letter from Shirley Grande of Portland Avenue opposing the lifting of bus ordinance. Also two letters from public safety officers: Resident Trooper Inglis stated that "lifting the Ordinance would set a very bad precedent. The last thing we need is a bus or buses of college age drinkers..." and Old Lyme Police Officer Heinssen shared some historical information from previous years.

First Selectwoman Reemsnyder: The Commission was asked for a recommendation regarding the bus issue only, not the proposed event. The Selectmen will make the final decision.

Mr. Maratta said he did not need any approval for the Pavilion Bar to hold the proposed college day events and he intended to proceed regardless of the bus decision. He further stated that the buses would just let passengers off on RT 156 and they would walk to the Pavilion bar from there.

Pending additional information and in the absence specifics from Maratta, the Commission agreed to suggest to the Selectmen specific date and event, bus allowances for the Pavilion bar with conditions. A letter will be sent to the Selectmen for their consideration.

Other new business: Ms. Pearson asked if there had been a change in the snow plowing routes, as Sound View streets were not plowed until the end of the day, which had not happened before. First Selectwoman Reemsnyder said there had been no change and that she would look into the matter. If there are any issues with plowing, residents should call the Public Works Office.

Motion to adjourn made by Harry Plaut, seconded by David Kelsey. Motion carried, meeting adjourned at 9.21pm.

Next regular meeting: Monday, 27th February, 2012 at 7.30 pm, at Town Hall.

Respectfully submitted,
M. Pearson, Secretary
Recorder: A/02/02