

## Minutes of the Sound View Beach Commission Formation Committee UNAPPROVED

Meeting held: August 24, 2009 at Shoreline Community Center, 7.30pm

Present: Regular Members: Frank Pappalardo (Chairman), Gail Fuller, Harry Plaut, David Griswold Alternate: Russell Carlo (seated for Michaelle Pearson, Secretary),

Also Present: Joann Lishing appointed to take minutes in Secretary Michaelle Pearson's absence

Absent: Michaelle Pearson

Guests: 15 additional attendees available for public comment

### **Call to Order: 7.31pm**

Motion made by Gail Fuller, seconded by Russell Carlo to approve the meeting minutes of 7.27.09 with changes as read by Frank Pappalardo. Motion carried.

### **Public Comment:**

**Carol Staziani** (44 Portland Ave.) reviewed a detailed scenario of a recent police complaint regarding a recent party at 42 Portland Ave. A brief overview follows: Ms. Staziani reported that a 911 call was placed at around 11.40 pm to complain about very loud noise, discharge of fireworks, and a large bonfire type fire at 42 Portland Ave. Ms. Staziani reported that she was asked if she was a year round resident by the police officer answering the call. The fire caused damage to Ms. Staziani's outdoor umbrella where she found ashes from the fire on it and on her vehicles in the driveway. Ms. Staziani was directed to report the fire complaint to the town's fire marshal, Dave Roberge, who in turn directed her to contact the DEP, who in turn directed her to contact the town fire marshal.

Frank Pappalardo suggested that Ms. Staziani request a copy of the fire marshal's report; Gail Fuller suggested that Ms. Staziani request a copy of the police incident report; Harry Plaut offered suggestions for alternatives such as filing a homeowner's insurance report for the damage. Mr. Pappalardo advised Ms. Staziani to let him know if she was refused a copy of the letter(s) as an FOI would need to be filed.

Ms. Staziani voiced her concerns regarding the call to police: she never saw police get out of car to investigate; why would it matter if she were a year round resident; and what does it mean that one needs to make the complaint call 3 times before a police officer will investigate?

Mr. Pappalardo will take the action to investigate the process for calling in a complaint. He will gather all the facts before addressing the issue. Mr. Pappalardo again reminded the Board members that SVB is not a private beach and therefore whatever ordinances apply to Old Lyme at large apply to SVB as well.

**Donna Brown**, 54 Portland Ave: expressed concern regarding the moving of the Sand Dune with grass at the right of way area of Miami Beach at the end of Portland Ave. Ms. Brown reported that she went to Town Hall and obtained a map delineating borders of houses and right of way. She also measured these areas and feels that an error in borders has been made, ergo, the Gallo fence is 6 feet over his property line.

Mr. Plaut informed the members that Scott Bellanger (Miami Beach Pres) informed Mr. Plaut that no permit was required per the DEP and the town hall--and it was approved by Ann Brown. Mr. Pappalardo noted that he believes a permit is required per the inland and wetlands

regulations. In addition, Mr. Pappalardo mentioned that if the poles in the right of way of the alley are creosote coated they may not comply with DEP regulations (poles put in last year). Mr. Pappalardo read the 12/9/1998 legal agreement between the Town and Miami Beach noting that although Miami Beach owns the right of way, it must be unimpeded allowing access to the unorganized public.

Several of the other guests voiced concerns about being denied access to the beach, the access is impeded and is not ADA accessible, family members are being intimidated on the beach so that they feel they must leave, etc. Mr. Pappalardo voiced his concerns of lack of accountability and the need for the 'commission' to assist with resolution. Joann Lishing mentioned that many of the alley ways are not being maintained as they were in the past. Again, Mr. Pappalardo questioned who has responsibility and accountability for these expressed concerns.

Ms. Brown asked who the chief of police is for the Town of Old Lyme. She was advised that Tim Griswold, 1st selectman is. Ms. Brown related an incident regarding illegal parking at a business whose property she is managing. She reported having 18 cars towed after having no response from the police. Ms. Brown reported that she called for police assistance 3 times and finally walked to the police station on Rt. 156. The door was open, but no one was there and she noted that all phone lines were put on hold.

Mr. Plaut noted that if this incident occurred on private property and a sign noting that cars will be towed, then police are not required.

#### **Business:**

#### **Member Reports:**

Frank Pappalardo presented a revised list outlining the potential duties, powers and responsibilities of a proposed "Sound View Beach Commission". He noted that these revisions were the result of comments/suggestions made by Selectmen S. Sibley and T. Griswold at last month's meeting. Each item was reviewed and all members agreed with the revised document except for some minor suggested changes.

Prepare / apply as necessary for State and Federal grants / funding: Mr. Pappalardo mentioned that since Old Lyme is on the Preserve America Town list that may be eligible for grant monies.

Funding Sections: Mr. Plaut made a suggestion of how to initially request financially funding from the Town.

Ms. Fuller suggested that meetings be not less than monthly; all members agreed that commission members be selected via application with a staggered 3 year term.

Mr. Pappalardo thanked the members for helping to finalize this document. Harry Plaut moved to submit the document as revised, seconded by Russ Carlo; the motion passed. Mr. Pappalardo will revise and submit to the Selectmen/Selectwoman who in turn will submit to the town atty.

R. Carlo brought up the issue of a Blight Ordinance. Mr. Pappalardo informed the group that the issue of blight is referenced in the housing standards; however, it was difficult to define. Mr. Pappalardo advised all that Michaelle is preparing a draft of a concrete blight ordinance for the group's review.

Dennis Melluzzo commented that there is no ordinance because Old Lyme is a rural town therefore a blight ordinance could affect farm land and buildings and vehicles associated with farm land.

## **2001 Economic Havilland Report**

Mr. Pappalardo asked each member his or her take on this report:

Mr. Carlo: referenced p. 12 re mention of bars on the beach are not the problem of the area. Mr. Carlo feels strongly that they actually are the problem. (He mentioned that he attended several of these meetings.)

Mr. Griswold: zoning--p. 45; modification of zoning and septic issues were a big impact on the area.

Mr. Melluzzo interjected that the interpretation of regulations is different than the intent.

Mr. Plaut commented that rules and regulations don't apply at the beach--it is an escape, therefore people's perception of coming to the beach is without thought of rules and regulations.

Mr. Pappalardo mentioned that we need to be mindful that Sound View Beach is Old Lyme.

Mr. Plaut mentioned that the police staffing is the same in the summer as it is in the winter.

Do to the late hour; Mr. Pappalardo said that letters and emails for the members' review will be held for the next meeting.

The date and time of the next 2 meetings were discussed. The next meeting of this Commission will be at 7.30 pm, Monday, September 28, 2009 and October 26, 2009, both at the Shoreline Community Center.

Meeting adjourned at 9.20pm. (Moved by Gail Fuller, seconded by Russ Carlo and passed.)

Respectfully Submitted,  
Joann Lishing