

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF NOVEMBER 6, 2019
MINUTES

PRESENT: Mark Nickerson, Kevin Seery, Rose Ann Hardy, Marc Salerno, Paul Dagle and Dan Cunningham

Mr. Nickerson called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda and Consent Items

Mr. Salerno stated that the East Lyme Boys 15U soccer team would be stopping in after their game; he announced that they have won the State Championship and that the coaches and parents were bringing the boys in to be recognized.

1c. Delegations
There were none.

1d. Approval of Minutes

MOTION (1)

Mr. Seery MOVED to approve the Regular Meeting Minutes of October 16, 2019, as submitted.
Seconded by Mr. Cunningham. Motion passed 6-0.

FILED IN EAST LYME
CONNECTICUT
Nov 10, 2019 AT 11:21 AM/PM
Wade Smith
EAST LYME TOWN CLERK

1e. Consent Calendar

MOTION (2)

Mr. Seery MOVED to approve the Consent Calendar for the meeting of November 6, 2019, in the amount of \$11,206.11.
Seconded by Mr. Salerno. Motion passed 6-0.

2a. Police Commission Ordinance

DISCUSSION: Mr. Nickerson stated that the Chief of Police is not a member of the Police Commission, and that the Police Commission hired the Police Chief. He reported that the Commission does make the decision to hire or fire police department personnel, including the Police Chief. He stated that currently the First Selectman is one member out of seven on the Commission and holds no more weight than anyone else, so removing the First Selectman will give a member of the public an opportunity to be a part of this commission. He noted that the First Selectman is not a member of any other board of commission, so this ordinance will put this commission in line with all the rest. The Police Commission has a narrow charge, and that is to oversee the Police Department; whereas the First Selectman has a very broad responsibility, including overseeing budgets for all departments, boards and commissions. Superintendent is in charge of the public education system and is overseen by the Board of Education. The Police Chief is in charge of the Police Department and is overseen by the Board of Police Commissioners. The responsibilities of the Police Commission are strictly guided by State Statute. The Chairperson is not in charge of the Police Department; that person is the orchestrator but is one vote out of seven members. Mrs. Hardy stated that she does not agree that this is the same as the other boards and commissions in town. She feels that there is a different level of interaction with the public than that of, for example, planning or zoning. She does not feel that an ex-officio member serves the public well. The ex-officio does not have a vote on the commission. She stated that this commission should have an elected member of the town, and not just an ex-officio member, and she is not in favor of the proposed modification of this ordinance. Mr. Dagle inquired if other towns have the First Selectman on their Board of Police Commissioners, and Mr. Seery

stated that he did some research and that Waterford is the only town that he can find that does have their First Selectman as a voting member of the Commission. Some towns don't even have a Police Commission. Most have the First Selectman as an ex-officio member, and there are strict State Statutes that govern the conduct of Police Commissions. Mr. Seery stated that he is in favor of this modification as the Commission is responsible to the Police Chief, the Board of Selectman, and to the judicial branch of the State of Connecticut. Mr. Salerno stated that he understands Mrs. Hardy's concerns, but that he is in favor of this modification because he feels that the First Selectman has no more power over the commission than the other members and is one vote out of seven. Mrs. Hardy feels that the Town Charter was written to make the First Selectman the Chief of Police for a specific reason. The First Selectman carries more weight because that person is elected by majority vote, and that is different than being appointed. Mr. Nickerson stated that he has the honor of being the first First Selectman in this position, and that he has had occasion to feel that, although he is one out of seven equal votes on the Commission, he has felt conflicted by the dual role of commission member and First Selectman, during the budget process especially. He stated that when this Board discussed creating the Board of Police Commissioners, the decision to have it an appointed board and not an elected board came about because it was decided that the members should be appointed because of their qualifications and not based on politics and popular vote. Mr. Nickerson reported that this decision was made solely by the Police Commission as a whole and was not something that he brought forth. Mr. Cunningham stated that he is in support of this modification to the ordinance and agrees that there is a conflict by having the First Selectman on this board. He feels that through the election process, the voters have entrusted the Board of Selectmen to appoint people to boards and commission so he feels that is how it should be done, and he agrees with modifying the ordinance.

MOTION (3)

Mr. Seery MOVED to adopt the "Ordinance Modifying The Ordinance Concerning The Board of Police Commissioners". This Ordinance shall take effect on January 6, 2020.

Seconded by Mr. Salerno. In Favor; Nickerson, Seery, Salerno, Cunningham and Dagle. Against; Mrs. Hardy.

Motion passed 5-1-0.

At this point in the meeting, Mr. Nickerson introduced the Boys U15 Soccer team and reported that they won the State Championship for the first time this year, and that the community is very proud of them and their coaches for all of their hard work and for their win. Mr. Nickerson announced that November 6, 2019 would officially become East Lyme U15 Boys Soccer Day in East Lyme and stated that the community is very proud of them. He handed out Town pins to all of the boys and requested that they pass those pins onto someone who has inspired them to achieve their goals. Coach Axel Mahlke, spoke and introduced the other coaches; Jerry Salan, Steven Novick, and Kevin Stefanski. He thanked Mr. Nickerson, the Board of Selectmen and the entire community, stating that it takes a village and they all appreciate the support that they receive from the Town, the parents and the community.

3a. 2020 Meeting Schedule

MOTION (4)

Mr. Seery MOVED to approve the Board of Selectmen 2020 meeting schedule, as submitted.

Seconded by Mr. Salerno. Motion passed 6-0.

4a. Mr. Dagle reported that the Public Safety Building Vision Committee have been working hard with the architect, and that a third concept has been presented to the Committee. They will be meeting again on Thursday to identify any questions that the committee has and to review the cost estimates presented. This plan so far seems to be a good plan and one that the committee and architect should be able to move forward with if approved. He is confident that they will be in a position to approve this concept. The final cost of this project is going to be determined when the design is done, and the construction bids are

received. He is confident that they can proceed with the final design provided the costs comes in at or below the budget of \$1.7M. Mr. Dagle congratulated his fellow Selectmen for winning the election and thanked the community for voting for them and supporting them. He is looking forward to working with his fellow Board Members over the next two years.

4b. Mr. Nickerson reported that the Town is mourning the loss of Mr. Bill Jezierski. Bill was the Town's Tree Warden, and his son and daughter-in-law are both officers on our police force. Mr. Nickerson noted that the Jezierski family has served this community for generations, and that Bill's father was the Tree Warden before him. All of our thoughts and prayers goes out to the family.

Mr. Nickerson congratulated his fellow Board Members on winning the recent election and stated that everyone brings a unique perspective to the table, which serves the Town well. He thanked everyone who ran for an elected position for their willingness to serve the community. Mr. Nickerson reported that Costco is scheduled to open on November 14th, and that the road construction is wrapping up. He reported that he spoke with the DOT today and the bridge project is on schedule to begin in the spring of 2021; this project is scheduled to take three years to complete. Mr. Nickerson reported that the bridge on Rte. 1 between Lovers Lane and Heritage is closed from November 11th through November 25th. There is a detour set up and everyone should avoid that route as there is no thru access. He advised the public to visit the Public Safety Facebook page for more information and updates.

5. Public Comment

Mike Shulz, Lovers Lane, inquired as to when the estimated move in date for the Police to move into the new building is. According to 32.17 Powers, the Board shall have sole power of appointment, promotion and removal of officers and members of the police department; will they be involved in arbitration.

6. Selectmen's Response

Mr. Nickerson stated that they just signed off on a four-year contract with the Police union. The First Selectman negotiates with the union, and the Board of Selectmen have the responsibility of approving. Binding arbitration remains the responsibility of the Board of Selectmen, with the First Selectman being the designee. The Police Chief is not in the union, so he is responsible for knowing the contract and applying proper discipline per the contract. The Chief is the only member of the police department is not in the union.

Mr. Dagle reported that they hope to have the schematic design done by December or early January. They anticipate that the earliest they would move into the new building would be June 2020, but there is no timeframe at the moment.

MOTION (5)

Mr. Seery MOVED to adjourn the November 6, 2019, regular meeting of the East Lyme Board of Selectmen at 8:02 p.m.

Seconded by Mr. Salerno. Motion passed 6-0.

Respectfully submitted,



Sandra Anderson
Recording Secretary