

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF JULY 1, 2020
MINUTES

This meeting was held via Zoom online meeting services and was available for the public to view, listen and participate via videoconference and dial-in options.

This meeting, in its entirety, is available to view by visiting the East Lyme Town Hall webpage.

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

EXCUSED: Paul Dagle

ALSO PRESENT: Finance Director Anna Johnson, Administrative Sgt. Mike Macek and Flanders Fire Chief Bill Rix

First Selectman Nickerson called the meeting to order at 7:32 p.m.

2. Additional Agenda & Consent Calendar Items

There were none.

3. Delegations

There were none.

4. Approval of Minutes

MOTION (1)

Mr. Seery MOVED to approve the Regular Meeting Minutes of June 17, 2020, as submitted.

Seconded by Mr. Salerno. Motion passed 5-0.

5. Consent Calendar

MOTION (2)

Mr. Seery MOVED to approve the Consent Calendar for the meeting of July 1, 2020, in the amount of \$197.34.

Seconded by Ms. Hardy. Motion passed 5-0.

6a. Bonding – Public Safety Building

MOTION (3)

DISCUSSION: Mr. Nickerson stated that at the last meeting, this Board approved the Vision Committee's recommendations to move forward with this project. Tonight this board will approve the bond language and forward this matter to the Board of Finance. Ms. Johnson noted that Bond Counsel stated that we do not have to read the entire bond language into record, and that reading the title is sufficient along with the entire bond resolution being available to the public in the Town Clerk's office. To address any confusion, she noted that the title of the resolution references the original \$5M, and that the body of the resolution addresses the amendment to \$7.2M.

FILED
JULY 8 20 20 AT 3:48 AM/PM
[Signature]
EAST LYME TOWN CLERK

Mr. Seery RESOLVED That the resolution entitled "Resolution Amending A Resolution Making An Appropriation In The Amount Of \$5,000,000 For The Planning, Design, Acquisition, Construction, Equipping And Furnishing Of A Public Safety Building And Authorizing The Issuance Of \$5,000,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto as Exhibit 1, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at a Special Town Meeting. We waive reading the resolution in its entirety; a copy has been and will continue to be available for inspection in the Town Clerk's office.

Seconded by Mr. Salerno. Motion passed 5-0.

7a. Carryover – BoE SPED

MOTION (4)

DISCUSSION: Ms. Johnson stated that this matter has already been approved and the funds committed; however, the funds have not yet been fully paid out, so this matter should be carried over into the new fiscal year.

Mr. Seery MOVED to commit \$47,008.95 remaining from the Board of Education 2019/2020 budget to fund balance account 01-300-01-001 (Fund Balance – Assigned) specifically for the payment of the judgement in a pending litigation matter once it is finalized and we are ordered to issue payment by the court and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 5-0.

7b. Carryover – Police K9 Special Appropriation

MOTION (5)

DISCUSSION: Mr. Nickerson stated that the police department lost both K9 officers this past year, and that money was allocated for the purchase of one K9 and was discussed back before COVID19 hit and everything got put on hold. He inquired as to when the police department thought they would move forward to procure a K9, and Sgt. Macek estimated it would be approximately two to three months before they will begin the process. He reported that they have three officers to hire; and due to Sgt. Saffioti's retirement, they will be looking to move someone into a Sergeant position. He indicated that after that process is complete, they will then begin the process of procuring a K9. Mr. Nickerson stated that Sgt. Saffioti served this community for 38-1/2 years, and that we typically honor retirees at a Board of Selectmen meeting, and that the pandemic made that impossible in this case and that he hopes to be able to honor him at a future meeting. The Town and the community are grateful for Sgt. Saffioti's years of service as a member of the Police Department.

Mr. Seery MOVED to approve the carry-over of \$4,250 from Police K-9 account 01-70-725-720-501 from the 2019/2020 fiscal year to the 2020/2021 fiscal year and forward to the Board of Finance for approval.

Seconded by Mr. Cunningham. Motion passed 5-0.

7c. Bonding – Fire Apparatus

MOTION (6)

DISCUSSION: Chief Rix stated that the current pumper is over 25 years old and is currently out of service. Because of its age, parts cannot be purchased and need to be custom built and special ordered. He estimates that it would cost approximately \$26,000 to do all of the repairs needed to get it back on the road. He noted that NFPA guidelines suggest replacing a pumper every 20 years. He stated that they are currently utilizing a loaner pumper from the supplier, who has indicated that they would waive the rental fees if we

purchase a new pumper from them. Ms. Johnson noted that this item, along with several other items, require a Town Meeting. Mr. Nickerson stated that although there is a provision during the pandemic that the Town does not have to hold a Town Meeting, we will have one via Zoom because of the number of items to address, and that will be scheduled after the items are heard by the Board of Finance.

Mr. Seery RESOLVED That the resolution entitled "Resolution Making An Appropriation In The Amount Of \$635,000 For The Acquisition Of A Fire Pumper And Authorizing The Issuance Of \$635,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto as Exhibit 2, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at a Special Town Meeting. We waive reading the resolution in its entirety; a copy has been and will continue to be available for inspection in the Town Clerk's office and on the Town webpage.

Seconded by Mr. Cunningham. Motion passed 5-0.

7d. Special Appropriation – Revaluation

DISCUSSION: Mr. Nickerson explained that the Tax Assessor worked together with the Assessor from Waterford to secure this bid. They solicited bids as required, and ultimately chose Vision Appraisal. He noted that they will not be doing a full revaluation this year, but that it is a solid revaluation plan and will save about \$100,000 by reducing the amount of residences.

Note that Ms. Hardy lost connection and dropped off of the Zoom meeting for this vote.

MOTION (7)

Mr. Seery MOVED to award the 2021 state-mandated property revaluations to Vision Government Solutions, as per the Tax Assessor's recommendation and authorize the First Selectman to execute any and all documents necessary.

Seconded by Mr. Salerno. Motion passed 4-0.

Ms. Hardy re-joined the meeting.

MOTION (8)

Mr. Seery MOVED to approve a special appropriation in the amount of \$272,400 in CNRE Account #32-01-102-500-001 (Revaluation Project) to do the 2021 revaluation and forward to the Board of Finance for approval.

Seconded by Mr. Salerno. Motion passed 5-0.

7e. Carryover – Retirement Liability Account Balance

MOTION (9)

DISCUSSION: Ms. Johnson stated that this account was created due to an increasing number of employees retiring over the past couple of years, as well as the fact that we have an aging workforce and anticipate more retirements. The balance is carried over each year, noting that it is helpful when employees communicate their retirement dates as much in advance as possible, but that does not happen most of the time so it has been great to be prepared and not scrambling when they do occur. Mr. Nickerson stated that he can and will vote on this matter because as an elected official he is not eligible for retirement through the Town.

Mr. Seery MOVED to approve the carry-over of the remaining balance of \$93,355 in account 01-01-114-100-128 (Retirement Liability) from the 2019/20 budget to the 2020/21 fiscal year and forward to the Board of Finance for their approval.

Seconded by Ms. Hardy. Motion passed 5-0.

8a. Ex-Officio Reports

Mr. Seery reported that Parks & Recreation is doing very well with selling a limited amount of non-resident passes, and everything seems to be running smoothly.

Mr. Cunningham reported that the Brookside Farm Museum has not met since January, but that they had a barn rental on June 28th and he will update the board members at the next meeting.

Ms. Hardy reported that the Senior Center remains closed, but that Ms. Wilson is keeping everyone on the Commission on Aging up-to-date via email. Ms. Wilson and her staff have continued to deliver Meals on Wheels and assist with other needs as needed.

Mr. Nickerson stated that Ms. Wilson is doing a great job during this pandemic, and he noted that the Senior Center will be one of the last Town functions to open. The remainder of Town buildings, Town Hall, Parks and Rec and the Library, are planning to begin opening on July 6th. Registrars will be in their offices at their normal business hours, and Parks and Recreation is hoping to begin bringing back programs some time in July. Residents should either call directly or keep an eye on the webpage for up-to-date information. Mr. Nickerson stated that masks are required when entering any Town building and noted that a mask will be provided to anyone who needs one.

Mr. Salerno reported that Planning will be meeting next week. He reported that the POCD had met earlier this week, and that there is some confusion as to whether or not they were eligible for a 90-day extension for submission due to the pandemic.

8b. First Selectman's Report

Mr. Nickerson reported that Sgt. Terry Saffioti will be retiring as of June 30, 2020. Sgt. Saffioti has served this community on the Police force for 38-1/2 years. On behalf of the Board of Selectmen and the entire Town, thank you to Sgt. Saffioti for his many years of service to our community.

Mr. Nickerson reported that the beaches have been busy, and that they are doing well selling non-resident passes, averaging out to be ten to twenty percent of capacity depending on the number of residents at the beaches. Rocky Neck has been filling to capacity daily, and he noted that capacity is at 500 cars until camping opens up after which time the capacity will drop to 300 cars. Our Police have been busy with people parking in the Giants Neck Heights area to get into Rocky Neck, including parking in private driveways and on lawns. They are considering residential passes to help differentiate residents from visitors.

In regard to holding public meetings, Mr. Nickerson stated that the Town is considering in-person meetings for Board Members only, no public, possibly in August. The members of the respective board or commission would meet in Town Hall, and the public would attend and participate via Zoom. The process will be reviewed and decisions will be made based on the current status of the pandemic. He is hoping that we can get back to normal public meeting by October.

Mr. Nickerson reported that the Agriculture Committee will be holding its annual Open Farm Day this year, possibly on Sunday, July 19th. Please stay tuned and be on the lookout for more details in the upcoming days.

Mr. Nickerson and Ms. Hardy attended a very nice outdoor memorial service at Bride Brook Health and Rehabilitation Center to remember the thirty-three people that passed during the Covid19 pandemic, as well as to honor the staff for their hard work and dedication in caring for all of the patients there.

Mr. Cunningham inquired when Town Hall would be open to the public. Mr. Nickerson stated that the doors will be unlocked beginning July 6th; however, he may decide to close the building again depending on how things go. Mr. Nickerson asked that anyone not needing to go into Town Hall for a specific reason or an appointment to please pay by mail, online, or drop your payment/correspondence off in the locked drop box at the front of the building facing the road. He understands that people enjoy coming into Town Hall to

pay their taxes, but he asked that people please refrain from coming in this year unless absolutely necessary.

Ms. Hardy stated that normally the Board of Selectmen only meet once in July, but that since there is a lot going on maybe they should meet at second time. Mr. Nickerson stated that the Board would have to meet after the Board of Finance meets, so there will be a second, special meeting scheduled sometime later in July.

Happy Fourth of July to everyone and have a safe and happy holiday weekend.

9. Public Comment

There was none.

MOTION (10)

Mr. Seery MOVED to adjourn the July 1, 2020, regular meeting of the East Lyme Board of Selectmen at 8:27 p.m.

Seconded by Mr. Salerno. Motion passed 5-0.

Respectfully Submitted By:



Sandra Anderson
Recording Secretary

EXHIBIT 1

RESOLUTION AMENDING A RESOLUTION MAKING AN APPROPRIATION IN THE AMOUNT OF \$5,000,000 FOR THE PLANNING, DESIGN, ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF A PUBLIC SAFETY BUILDING AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The resolution entitled “Resolution Making An Appropriation In The Amount Of \$5,000,000 For The Planning, Design, Acquisition, Construction, Equipping And Furnishing Of A Public Safety Building And Authorizing The Issuance Of \$5,000,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, adopted at a referendum held February 20, 2019 (the “Resolution”) is hereby amended to increase the amount of each of the appropriation and the bond authorization set forth therein by \$2,200,000 from \$5,000,000 to \$7,200,000.

Section 2. Section 1 of the Resolution is hereby amended by deleting said Section and substituting the following in lieu thereof, thereby making said Section read as follows:

Section 1. The sum of \$7,200,000 is hereby appropriated by the Town of East Lyme, Connecticut (the “Town”) for planning, design, acquisition, construction, equipping and furnishing of a public safety building at 277 West Main Street, Niantic, Connecticut, of approximately 31,000 square feet on 17 acres, for police, dispatch, emergency operations and fire department uses, including, but not limited to, demolition, renovation, reconstruction and repairs of interior space for interview rooms, prisoner processing and detention, evidence, weapons and records processing and storage; expenses related to architectural services, engineering, permitting, soil, groundwater, geological, environmental and other testing and inspection of the site; relocate and upgrade bathrooms, shower facilities and locker rooms; installation of safety glass, security doors, video security and biometric access; installation of elevator; installation of 911 system and associated data and communications infrastructure; acquisition and installation of video and audio recording systems and other furniture, fixtures, equipment and carpeting; renovation, reconstruction and replacement of roof, skylights, exterior masonry, and windows; reconstruction and installation of air quality, heating, ventilation and air conditioning systems and ductwork; upgrade of electrical, plumbing, lighting, telephone, video, data, technology (Wi-Fi), life safety and security, energy, public address system and other infrastructure; ADA and building code compliance improvements; abatement of all hazardous materials and storage tanks; installation of sanitary sewer and water lines; earthwork, site work, and landscaping; construction, reconstruction and improvement of parking areas, sidewalks, driveways and access road; temporary parking and storage; and related legal, consulting, licensing, advisory, administrative, governmental fees and expenses and costs of issuance related thereto, said appropriation being inclusive of any and all State and Federal grants-in-aid thereof (the “Project”).

Section 3. Section 2 of the Resolution is hereby amended by deleting said Section and substituting the following in lieu thereof, thereby making said Section read as follows:

Section 2. To meet said appropriation, \$7,200,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time

to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts of State and Federal grants-in-aid of the Project, or the actual amounts thereof, if this be ascertainable and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the First Selectman and the Town Treasurer, in the best interest of the Town, in accordance with the Connecticut General Statutes.

Section 4. Section 5 of the Resolution, regarding Section 1.150-2 of the Federal Income Tax Regulations, shall be applicable to the appropriation added by this resolution, as of the date of adoption of this resolution.

Section 5. The remaining provisions of the Resolution are hereby ratified and confirmed.

EXHIBIT 2

RESOLUTION MAKING AN APPROPRIATION IN THE AMOUNT OF \$635,000 FOR THE ACQUISITION OF A FIRE PUMPER AND AUTHORIZING THE ISSUANCE OF \$635,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$635,000 is hereby appropriated by the Town of East Lyme, Connecticut (the "Town") for the acquisition of a fire pumper, with a 1,500 gallon per minute pump and a 1,250 gallon water tank, and administrative, financing and costs of issuance related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof (the "Project").

Section 2. To meet said appropriation, \$635,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). Said bonds may be issued in one or more series as determined by the First Selectman and the Town Treasurer, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amounts of State and Federal grants-in-aid of the Project, or the actual amounts thereof, if this be ascertainable and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the First Selectman and the Town Treasurer, in the best interest of the Town, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the purchase agreement shall be approved and signed by the First Selectman and the Town Treasurer.

Section 4. The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing the notes, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Tax Exempt Obligations") authorized to be issued by the Town. The Tax Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The First Selectman or his designee is authorized to pay Project expenses in accordance with this resolution pending the issuance of Tax Exempt Obligations.

Section 6. The First Selectman, Director of Finance and the Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 7. The First Selectman and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.