

EAST LYME BOARD OF SELECTMEN  
SPECIAL MEETING OF AUGUST 19, 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, Dan Cunningham and Paul Dagle

EXCUSED: Marc Salerno

ALSO PRESENT: Finance Director Anna Johnson

First Selectman Nickerson called the meeting to order at 7:02 p.m.

2. Delegations

Kathy Cassidy, 14 Rockwood Drive, Waterford. Ms. Cassidy stated that she owns and pays taxes on a property at 488 Main Street, Niantic, and that she is a board member of the East Lyme Public Trust Foundation. Ms. Cassidy stated that she is curious as to why this meeting was called on such short notice.

Mr. Nickerson noted that the Board of Selectmen does not answer questions during delegations, which is meant only for public input on items which are on the agenda.

3. Appropriation of FEMA Funds to Public Safety Project

**MOTION (1)**

DISCUSSION: Mr. Nickerson asked Mr. Dagle to go into some details and give answers to questions that the Board of Finance stated were not answered as of yet. Mr. Dagle stated that he would review some information that was presented at the last Board of Finance meeting and noted that the final cost numbers cannot be determined at this time pending the Board of Selectmen's action tonight regarding the use of the FEMA funds from a financing standpoint. He stated that he did a comparison of the project costs submitted by the Vision Committee and Silver + Petrucelli and a comparison of the project costs that were submitted as evidence at the Board of Finance meeting. There was a slight adjustment in both the final numbers presented by the Vision Committee, as follows. \$6,670 that was not included in the \$7.17M project cost; \$1,670 for the asbestos inspection and \$5,000 for furniture that the police department purchased on sale, with the consent of the Town. That information was not provided to Silver + Petrucelli and was not included in their total amount, which brings the total amount to \$7,186,235, which is still within the \$7.2M that we had discussed and presented to the Board of Finance. The Board of Finance information that was entered into the record was overstated by \$5,839 and it was understated by \$3,000; specifically the cost for the bid alt for the elevator cab was listed at \$198,000 and the actual bid alt price submitted with the bid was \$201,051. The bottom-line difference is within \$2,200, and he stated that the \$7.2M project cost is an accurate cost for executing the project.

The next area is regarding financing costs for bonding of the \$7.2M and was partially addressed by the Finance Director and included in that meeting. The Finance Director did some calculations and the total bonding costs came out to approximately \$9.7M total cost to borrow \$7.2M. The short-term borrowing numbers were not included in the presentation, and the Finance Director will break out all of those financial costs at a future meeting based on the Board of Selectmen's decision tonight. Once the Town has the final

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number to be borrowed, the Finance Director will present at the Board of Finance meeting the actual short term and bonding costs above and beyond the amount of money that is bonded. The second that was not clearly presented during the Board of Finance meeting was the operating costs of the building, specifically electricity and propane, and what the Town has paid to-date since taking ownership of the building last May. Mr. Dagle will work with the Finance Director to clearly outline those operating costs, as well as what the forecasted costs will be once the Town is under contract and the work begins.

Mr. Dagle stated that the third area is regarding future CNRE costs. He stated that there has been quite a bit of discussion regarding not replacing both air handling units, not replacing the roof, and not replacing the parking lot. He stated that we do have estimates for these projects, and that they will be presented as future maintenance costs; he will present rationale as to why it is not prudent to borrow money at this current time to execute those replacements. He noted that waiting and not borrowing money now gives the Town the opportunity to apply LOCIP funds in the future, as well as give the Town an opportunity to put money aside in each yearly budget to cover the cost in the future.

Mr. Nickerson noted that the Board of Finance is basing their arguments on the original plan presented by the architect, which was a renovate as new project plan and was not ever the intention of the Town. This plan has since been modified and re-presented as the current plan which calls for the necessary renovations to make the facility functional for immediate occupancy. In comparison, he noted that the original school renovation project was first presented as a renovate to new project at \$85M, but that the Town and taxpayers chose to renovate as needed for \$38M and hold capital projects at bay that will be done later, i.e. the Niantic Center School roof. He stated that the Town fully admits that this is the case here, but for now we only need to do repairs to extend the life of these items. He noted that the Board of Finance is objecting to items such as a canopy over the parking lot, which was never part of the Vision Committee's proposal, so it is not justified for them to use that original plan as their basis for argument. He also noted that the air handlers on this building are far newer than some of the equipment on the Board of Education buildings, so we are not going to replace something that is in working order and has life left in it. We should not be ripping off a roof that has a good 10 years left with proper maintenance. Mr. Nickerson also noted it was never the intention to fully renovate the 2<sup>nd</sup> floor at this time, but to do that some time in the future as the budget permits and as the Town decides what to do with the space.

Mr. Dagle stated that the next item for discussion is the list of items that were labeled omitted from the project at the Board of Finance meeting. Those items will be addressed one-by-one to the Board of Finance. There are a couple of items that are already included in the base bid and should not be counted twice, and also some items that are not needed for this project and should not be counted at all. These items total \$850,000, and none of them effect the operability of the building nor do they represent the need for future dollars to put them into the building. Mr. Dagle stated that he has had a discussion with the Chairman of the Board of Finance, and she is aware of his intention to present such at an upcoming meeting of the Board of Finance. He noted that the items that were left out of the project were fully discussed and voted on by the Vision Committee; transparency has always been at the forefront of the Vision Committee. They have not been held back from the public, but he will address them again at his presentation to the Board of Finance. Mr. Dagle stated that the financial cost of bonding was poorly represented by the Board of Finance as it only included one to two years of financing and not the full financial cost of the bonding, and he noted that the Finance Director has that information and provided such when requested by the Board of Finance. He stated that those numbers are subject to change and will be amended subject to the outcome of tonight's meeting.

Mr. Dagle stated that there was a public comment regarding delaying the sally port and cells and doing that down the road after the sale of the building on Main Street, and he thought it should be brought up. He believes that every year that we continue not to have those items, the Town will be paying \$48,000+ to Waterford and he does not think this is fiscally prudent for the Town. This will be an additional cost to

the Town, as well as the uncertainty of future construction and bonding rates. Additionally, the Town will lose the efficiency of operating solely in their own town and not have to travel back and forth to Waterford. Mr. Dagle's recommendation is that the Town move forward with these items included in the project; to delay including these items gives the Town a Public Safety Building that does not meet the intent of a fully operational police department.

Mr. Cunningham thanked Mr. Dagle for all his work on this project and at tonight's meeting in preparation for presenting to the Board of Finance. He stated that he still supports the full project, and using the FEMA money, which will elevate the need to bond out this project in full and the financing costs in the future. Mr. Cunningham is hopeful that tonight's presentation will elevate some of the concerns that the Board of Finance has raised, and he feels that the Vision Committee has been transparent and truthful in this process.

Mr. Cunningham supports doing the full project, with the sally port and holding cells included, and supports moving forward and make this presentation to the Board of Finance and hopeful that they will be receptive to this project. Mr. Cunningham stated that he truly believes that there is no better alternative, and that he has no political motive; no motive at all except that he truly believes that it is right and what is best for the Town.

The Finance Director stated that she and Mr. Scheer have reviewed the FEMA storm records and have found that the Board of Selectmen earmarked \$203,560.89 to be a part of the \$4.4M appropriation that was approved in 2014. During the FEMA application process, that is what was expected to receive from Storm Sandy. As time when on, it was determined that the Town was eligible for more funding due to rebuilding the boardwalk to future mitigation hazards, which brought the total up to \$836K instead of \$203K estimate. Instead of \$1.7M being available to appropriate for this project, the total available is \$1,527,046.72. \$203,560.89 of this anticipated FEMA money will be put back into the Capital Fund to replace funds utilized at that time to rebuild the boardwalk.

Ms. Hardy stated that she does not feel that there has been any attempt to hide any information from the public in this matter, and feels that people that may not have been attending meetings all along may not have received all the information that has been presented along the way to get us to this point. She stated that a full report to the Board of Finance with all of the information presented up to this point is appropriate to give a full picture of how this project and the discussions have progressed. Ms. Hardy commended all of the people that have worked so hard on this project. She stated that the Town has had the advantage of having the Dominion building for \$1 per year for the last 15 years, and the Town should have been savvy enough to put money aside to build this facility. Ms. Hardy feels that the use of the FEMA money to build a new public safety facility to allow us to consolidate all of our emergency management functions will allow the Town to respond more efficiently to future emergencies and is an appropriate use of these funds. She stated that we do have to re-negotiate the terms of our contract with Waterford, and there is no guarantee that we will continue to get the same deal as we have now. Furthermore, the Town is not positive that Waterford will even want to consider continuing this agreement, which was only meant to be a temporary arrangement, and also that they are becoming crowded and running out of space as well.

Ms. Hardy supports doing the job right. She believes we should come together as a community, do the right thing, and get our emergency management services into this building in a proper and safe environment to allow them to do their jobs and provide the most important services to our community. She stated that this is not simply a police station, but an emergency management facility where all of these departments will be under one roof and working in unison as they should. Ms. Hardy supports moving this to the Board of Finance and ask them to do the right thing.

Mr. Seery stated that as per Mr. Price's comments at the last meeting, the new Police Accountability law changes everything in that we will be required to have a full functioning police station, including holding cells. Not doing this now will put us even more behind.

Mr. Nickerson stated that this new Police Accountability bill is maybe going to serve the community well, but will require each municipality to have a certain level of training, equipment, servers, backup, body cameras, new certifications, etc. and is going to cost each municipality, hence the taxpayers, to reach those levels that will be required. The Board of Selectmen are charged with doing what is best for the Town, not only today but into the future, and this is what is right for the Town, and time after time this Board, which is bipartisan, has voted unanimously to move this project forward to solve a problem that this town has had for many years. Mr. Nickerson stated that the Town has a solution, the taxpayers voted at referendum 2:1 to purchase this building that we now own. He stated that \$5,000,000 was approved, ~\$3M of which was used to purchase the building, and now we have this ~\$1.5M to use to finish this project now, and not leave it for the future and the next Board of Selectmen to deal with and try to get it done. He stated that this ~\$1.5M together with the \$2M that we already have appropriated will enable us to get this project started, and then the extra financing required of up to \$700,000 more to finish off the sally port and holding cells will be worked out.

Mr. Dagle stated that he had every intention of going through each of the aforementioned items line item by line item, but unfortunately it was a very long meeting and the full information was not reported. He reported once again that all of this information was discussed at length and voted on by the Vision Committee in their meetings, and there was never any intention to keep information from the public. He will go into detail of each one of these items at the Board of Finance meeting. Regarding the motion that is on the table. This is good opportunity to save the taxpayers money and save interest by not having to bond out this money by allocating this FEMA money to give this Town and its emergency response personnel a fully operating and functional building. This has always been the goal of the Vision Committee, and that committee did not receive pressure to keep it at the \$5M budget, or even the \$6M; the committee was charged to come up with the best possible plan for the least amount of money, and that is what they did.

Mr. Cunningham stated that he sat on that committee and enjoyed being a part of the process. The charge of the committee was never to refurbish as brand new; it was to make something that would be good, adequate, useful and functional for 50 years into the future. The committee was careful with all of the decisions that they made and there were no politics involved. The time is now as we are facing many uncertainties for the future and the Town needs to have a public safety complex that will consolidate all of the emergency services functions so that they can be efficient in protecting and serving this town into the future. The additional space on the second floor may come in handy if we face additional social distancing recommendations in the future. The time is now, and we all need to come together and do what is right for the Town.

Mr. Seery MOVED to approve a special appropriation in the amount of \$1,527,046.72 for the public safety facility project; funds of source being from Storm Sandy and from Storm Irene, and forward to the Board of Finance for approval. This is in addition to the \$5,000,000.00 previously authorized in bonding for this project.

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

#### 4. Completion of Public Safety Building Project and Alternative Financing Options

DISCUSSION: Ms. Hardy stated that she does not think that the Town should piecemeal this project. In her time representing the Town, she has seen many projects that have taken this direction, and then it ends up costing the taxpayers more money in the long run, as well as prohibiting the Town from getting the benefits that they anticipated right from the beginning. She feels that not completing this project will keep people on edge and not give them everything that they need to do their jobs effectively. Let's get this done and get it done right so that we can move forward and address other issues that need to be addressed and not have

to have this unfinished and continually worrying about how to make up for it. In the case of the High School, the project was cut back by five classrooms, which were needed at the time of the expansion, and the town has never been able to make up for that shortage. Regarding future upkeep, she stated that every single town building requires upkeep and equipment to be replaced, this building is no different. Ms. Hardy stated that it would be irresponsible for us not to move forward and get done what needs to be done. Making note of the newly passed Police Accountability bill, Ms. Hardy stated that there may be, and we should be looking for, any grants that may be available to smaller communities such as ours to meet the criteria set forth in this new legislation.

Mr. Cunningham stated that it just doesn't make sense to build a public safety building without holding cells and we should not build it that way, we should do it correctly from the beginning. There is also a legal liability of transporting prisoners from our town to another municipality should something happen during the transportation or while the prisoner is being held in that other municipality. Chain of custody issues are also a concern, and that is not well controlled when we have to transport evidence and house it away from our officers.

Mr. Seery stated that he has been in the law enforcement field for over 30 years and East Lyme has the most inadequate police facilities that he has ever seen, there is no comparison. To not equip our police officers fully would be like not equipping the schools with new smart boards or not having security at the doors any longer. We have the opportunity now to finish this project to the best of our ability with the funds that we have available; they can move in completely, and process and house prisoners as they should be able to do without having to go back and forth to Waterford. He believes that we should do the project right and in full now.

Ms. Hardy pointed out that the library is out of space, and she reminded everyone that project was cut back and not built to original specifications, in order to save money, and now they do not have enough room to function properly and are looking to have that building expanded to meet their actual needs.

Mr. Cunningham noted that he hears over and over again from taxpayers their disappointment in the town's short sidedness in not building or renovating facilities to their maximum worth, and he does not feel that we should make that mistake with this project. He fully supports this project, in full, as it is presented here tonight. He hopes that everyone can come together and do what is right for this Town and do this project right.

The Board of Selectmen did not move for any action on this item. To be discussed at a future Board of Selectmen meeting.

**MOTION (2)**

Mr. Seery MOVED to adjourn the August 19, 2020, special meeting of the East Lyme Board of Selectmen at 8:05 p.m.

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

Respectfully Submitted By:



Sandra Anderson  
Recording Secretary