

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF SEPTEMBER 2, 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, Paul Dagle and Dan Cunningham
ALSO PRESENT: Finance Director Anna Johnson and Town Clerk Karen Galbo

First Selectman Nickerson called the meeting to order at 7:36 p.m.

2. Additional Agenda & Consent Calendar Items

There were none.

FILED IN EAST LYME
CONNECTICUT
Sept 9, 2020 AT 10:37 AM/PM
BRIDGEE J. JOHNSON A.C.
EAST LYME TOWN CLERK

3. Delegations

Camille Alberti, Chairman of the Board of Finance stated that she anticipates this Public Safety Building matter to be on the Board of Finance agenda for next week's meeting, and she read an email into record which is attached hereto. Ms. Alberti stated that she is not on board with piecemealing this project and would like to see it done complete and done right and is requesting that the dollar amount requested reflects a complete project. She stated that should the Board of Finance approve the appropriations at their September 9th meeting, her expectation is that there will be a referendum held on this matter.

4. Approval of Minutes

MOTION (1)

Mr. Seery MOVED to approve the Special Meeting Minutes of August 5, 2020, as submitted.

Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (2)

Mr. Seery MOVED to approve the Regular Meeting Minutes of August 5, 2020, as submitted.

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

MOTION (3)

Mr. Seery MOVED to approve the Special Meeting Minutes of August 19, 2020, as submitted.

Seconded by Mr. Cunningham. IN FAVOR; Nickerson, Seery, Hardy, Dagle and Cunningham. ABSTAINED; Salerno. Motion passed 5-0-1.

5. Consent Calendar

MOTION (4)

Mr. Seery MOVED to approve the Consent Calendar for the meeting of September 2, 2020, in the amount of \$14,403.25.

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

6a. Special Appropriation and Transfer – Town Clerk

MOTION (5)

DISCUSSION: Mr. Nickerson reviewed the Town Clerk’s detailed request for this special appropriation, which was a part of the supporting documentation filed with the agenda, and he noted that the Town Clerk’s office has always been a three person office until the last couple of years when someone left and they did not replace her in order to reduce their budget. Ms. Galbo explained that because of the effect that the pandemic is having on the primary and election, she has already expended her overtime account and she anticipates needing even more resources for the upcoming election. As a comparison, Ms. Galbo stated that in the 2016 primary her office issued 191 absentee ballots; in this past primary her office issued 2,410 ballots. For the 2016 presidential election they issued 1,073 absentee ballots, less than half of what her office issued this year for just the primary. The Town’s total number of registered voters is 14,673, and the Secretary of State’s office has recommended ordering 80% of that total number in absentee ballots for the election. Mr. Nickerson asked if the State will be reimbursing the Town for any money spent, and Ms. Galbo stated that yes, the State has committed to reimbursing the Towns. Ms. Johnson noted that this reimbursement is not guaranteed and the Town does not know when the funds will arrive; and she noted that a notice was received today that \$2,800 is being reimbursed to the Town for election related expenditures, but that it is not yet clear when that money will arrive or whether it is for the Town Clerk or the Registrars. Mr. Nickerson stated that this Board should expect to see the Registrars at an upcoming meeting to request additional funds, and Ms. Johnson reported that the Registrars expended over \$18,000 in August alone. Mr. Cunningham noted that the person that the Town Clerk selected to help out has previous absentee ballot experience so would not require any training.

Mr. Seery MOVED to appropriate and transfer \$14,413.40 from account number 01-01-120-200-500 (Contingency) to the following accounts:

01-01-107-100-412	PT Clerical Town Clerk	\$2,929.68
01-01-107-100-314	Overtime Town Clerk	\$4,340.00
01-01-107-300-251	Printing – Dog License & Ballots	\$7,042.80

for the Presidential Election and forward to the Board of Finance for approval. This request is made due to the ongoing Covid-19 pandemic.

In addition, approve the transfer of up to \$3,846.96 from account number 01-45-421-100-311 (Prog Coord/Secy/Admin P&R) to account number 01-01-107-100-311 (Asst Town Clerks) effective April 1, 2021 and forward to the Board of Finance for approval. This request is made due to the ongoing Covid-19 pandemic.

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

6b. Special Appropriation CNRE – Gateway Development Sidewalks

MOTION (6)

DISCUSSION: Mr. Nickerson stated that the contractor for phase II of this project worked with the Zoning Commission to come to an agreement that they would not install sidewalks from the complex to East Society Road, as originally planned, in exchange for giving the Town \$105,000 to use for future sidewalk construction and/or repair, as well as making current sidewalks and crosswalks ADA compliant. He stated that this money

has now been received and needs to be appropriated into the corresponding account; and he noted that there is already a proposed plan for sidewalk in the POCD. Ms. Hardy stated that sidewalks are not something that the Board of Selectmen traditionally have authority over, and she inquired if the residents of that housing complex were polled before that decision was made. Mr. Nickerson stated that the residents were not polled, and that through thorough discussion, the Zoning Commission passed the motion to accept this agreement based on minimal use of that area for pedestrian traffic, and the need for sidewalk repair and installation throughout town. Mr. Dagle inquired as to the actual cost of the sidewalks in the original plan, and Mr. Nickerson responded that there was \$210,000 allotted for this work. Ms. Hardy stated that she is not in support of this motion; because she is not confident this is in the best interest of the residents and that the dollar amount in her opinion should have been dollar for dollar.

Mr. Seery MOVED to approve a special appropriation of funds received from GDEL in the amount of \$105,000 in CNRE account 32-70-300-500-007 (Sidewalk Repair) to be used for new sidewalks, repairs to existing sidewalks and enacting ADA compliance on sidewalks and forward to the Board of Finance for approval. This resolution is passed under the guidance of Executive Order 7S with no town meeting and being less than 1% of the current budget.

Seconded by Mr. Salerno. IN FAVOR; Nickerson, Seery, Salerno, Cunningham and Dagle. OPPOSED; Hardy. Motion passed 5-1

6c. Reimburse PSB Utilities

MOTION (7)

DISCUSSION: Mr. Nickerson stated that up to this point the Town has been paying all operational expenses for the public safety building out of the project account, and that this needs to be rectified as operational expenses should come out of the general fund account, as is done with all town properties. Items such as electricity, propane and landscaping expenses are operational costs and not project costs.

Mr. Seery MOVED to approve an operating transfer in the amount of \$30,158.29 out of the fiscal year ending June 30, 2020 general fund account 01-01-120-200-500 (Contingency) to PS Safety Building Project Fund account 57-70-028-500-002 (Renovations FFE – PS Building) with an effective date of June 30, 2020 and forward to the Board of Finance for approval; and MOVE to authorize the use of up to \$40,890 in the 2020/2021 budget account 01-01-120-300-501 (PS Building Contingency) per the estimated electric and heating allocations and forward to the Board of Finance for approval.

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

6d. Appointment – Attorney Willetts to Check Indices

MOTION (8)

DISCUSSION: Mr. Seery stated that the Town is grateful for Mr. Willetts continued support of the town in this capacity; thank you very much.

Mr. Seery MOVED to appoint Attorney William Willetts, Jr. to examine the indices of the land records for calendar year 2020 in accordance with CGS Section 7-14 for the sum of \$2,000.

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

7. Communications

Mr. Nickerson referenced the thank you letter received from Jack LeBeau, included with this agenda's supporting documentation, and introduced Mr. LeBeau as in attendance from his college dorm room. Mr.

LeBeau thanked the Board of Selectmen and the Scholarship committee for choosing him to receive this year's East Lyme Board of Selectmen Government Studies Award. He stated that it was his honor to have Ms. Hardy as a teacher in Contemporary Issues, and he appreciates the amount of knowledge that he gained through her tutelage. Mr. Nickerson stated that Mr. LeBeau was a great leader to his class through a difficult year to be Class President in unprecedented times and that his leadership and patience is admirable.

8a. Ex-Officio Reports

Mr. Dagle reported that WELSCO is currently working with the Town Attorney to research into where the town line is between East Lyme and Waterford in the river. Ms. Hardy stated that a thorough study was done ten to twelve years ago and that the attorneys and the commission should review what is filed in the Town Clerk's office before doing too much independent research. Mr. Dagle thanked the Niantic Main Street group for their support of National Suicide month and for putting up the signage supporting this, which was received from the Connecticut chapter of the American Foundation for Suicide. He stated that currently this year's annual Jingle Bell Run is still on as scheduled.

Ms. Hardy reported that the Zoning Commission will be meeting this week and anticipates getting back into a regular schedule and anticipates conducting Zoom meetings until in person meetings are feasible.

Mr. Salerno reported that the Planning Commission had an application that was continued, and that they had a referral to Zoning on proposed changes to the Affordable Housing regulations which includes items that are inconsistent with the POCD. He noted that the Board of Selectmen will plan to discuss this POCD at their next meeting, and that the Board should be prepared to discuss this plan and make a decision on whether this matter should go to public hearing within the allotted time frame of sixty days.

Mr. Seery reported that Parks and Recreation is reporting that the beaches are consistently reaching capacity by 10:30 a.m. on the weekends and although it has been crowded, things have been running smooth and there have been very few complaints from the public. He reported that the Boardwalk is back to two-way and that there have been minimal issues. He stated that revenues are down a little, and a detailed report will be made at the next meeting.

8b. First Selectman's Report

Mr. Nickerson reported that the Governor has extended the current pandemic Executive Orders to February 9, 2021. He stated that although the upper meeting room at Town Hall is not yet equipped to record and broadcast meetings, the Board of Assessment Appeals will be holding their meeting next Saturday as they cannot conduct their business using online meeting resources. He reported that the upgrade to the audiovisual equipment in that room is still in process, and that he is hopeful that in-person meetings can begin soon.

9. Public Comment

There was none.

10. Selectman's Response

Mr. Nickerson stated that the Board of Selectmen forwarded an \$1.5M proposal to the Board of Finance and that the bond resolution will be finalized once the Board of Finance makes a final decision as the process of changing the bond resolution on paper by the attorney is very expensive and the Town has spent thousands of dollars on the two versions that attorney has prepared thus far. He stated that he believes that Ms. Alberti's questions have already been answered, but that Mr. Dagle, Ms. Johnson and the architects will be present and ready to discuss these questions again at the next Board of Finance meeting.

Mr. Nickerson stated that we must put politics aside and work together to get our police officers and emergency management into a proper and well-deserved facility. He will not support putting money into the existing building, which is slated to be torn down and the property sold. Mr. Nickerson stated that it is the Board of Selectmen's responsibility to decide if a matter should go to referendum or not.

11. Executive Session

MOTION (9)

Mr. Seery MOVED to enter into executive session at 8:38 p.m. for the purpose of discussing real estate matters.

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

MOTION (10)

Mr. Seery MOVED to exit executive session at 9:03 p.m., and he stated that no formal votes were taken.

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

MOTION (11)

Mr. Seery MOVED to adjourn the September 2, 2020, regular meeting of the East Lyme Board of Selectmen at 9:04 p.m.

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

Respectfully Submitted By:



Sandra Anderson
Recording Secretary

Sandra Anderson

From: Camille Alberti <morganalberti@aol.com>
Sent: Wednesday, September 02, 2020 8:30 PM
To: Sandra Anderson
Subject: Fwd: FEMA Questions

Hi Sandy,

Here is the email I read aloud at tonight's meeting. Please include as part of the official record.

Thank you,
Camille Alberti

-----Original Message-----

From: Anna Johnson <annaj@eltownhall.com>
To: Camille Alberti <morganalberti@aol.com>; Mark Nickerson <mnickerson@eltownhall.com>
Sent: Thu, Aug 20, 2020 3:57 pm
Subject: RE: FEMA Questions

Camille,

Hopefully, in the next couple of days. Will let you know.

Anna

From: Camille Alberti <morganalberti@aol.com>
Sent: Thursday, August 20, 2020 3:15 PM
To: Anna Johnson <annaj@eltownhall.com>; Mark Nickerson <mnickerson@eltownhall.com>
Subject: Fwd: FEMA Questions

Hi Anna and Mark,

I imagine my questions below are what prompted the reduction of the appropriation request of the FEMA funds from \$1.7 to \$1.5 million at last night's BOS meeting.

When do you think you will be able to forward the responses to me?

I have cc'd the entire BOF this time because I think, based on last night's BOS meeting, that this information should be forwarded to them as well so that we may properly deliberate at our next BOF meeting.

Thank you,

Camille

-----Original Message-----

From: Camille Alberti <morganalberti@aol.com>
To: Camille Alberti <morganalberti@aol.com>
Sent: Thu, Aug 20, 2020 3:02 pm
Subject: Fwd: FEMA Questions

-----Original Message-----

From: Camille Alberti <morganalberti@aol.com>
To: ajohnson@eltownhall.com <ajohnson@eltownhall.com>

Cc: mnickerson@eltownhall.com <mnickerson@eltownhall.com>
Sent: Fri, Aug 14, 2020 8:58 am

Hi Anna,

I have a few questions regarding the following BOF appropriation that was approved on 4/12/14 (and subsequently approved at Town Meeting):

d. Special Appropriation up to \$4,442,779 – Boardwalk

****MOTION (4)**

Ms. Hogan moved to approve a special appropriation of up to \$4,442,779 from proceeds related to legal settlement, insurance settlement and FEMA funds from Capital Projects fund 57 into an account entitled "Niantic Bay boardwalk 2014" to fund betterment and repairs. Remaining funds to be used for maintenance and upkeep.

Ms. Picarazzi seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Kelley noted that this requires Town Meeting approval.

1. Can you please break down the \$4,442,779 between the legal settlement, insurance settlement, FEMA Funds and STEAP Funds?
2. I would like an accounting of the Capital Projects Fund 57 for the "Niantic Bay Boardwalk 2014".
3. "2" above should tell me:
 - a. the date the funds were deposited
 - b. the related expenditures
 - c. and the remaining balance, if any, of the account to be used for "betterment and repairs".
4. Were the original claims you/Bill Scheer/Paul Formica/whomever made in the amount of \$1.7m for Storm Irene, and \$1.1m for Storm Sandy? If so, did we receive any partial payment from FEMA to date?
5. Do the anticipated payments of \$894,058.85 and \$836,548.76 represent the total amount from the claims in #4 above?
6. If we didn't receive any FEMA funds prior to the anticipated payments in #5 above, how did we pay for the Boardwalk repairs that were over and above the amount we received from the settlement and the insurance proceeds?
7. There are two more amounts on the FEMA claim website related to "Disaster #4087" in the amount \$173,005.24 and \$122,896.99. This is the same Disaster ID as the \$836,548.76 figure. Am I correct in assuming these also belong to East Lyme? If so, what is the status of those payments?

Thanks for your help on this,
Camille