

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF APRIL 21, 2021
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, Marc Salerno, Rose Ann Hardy, Paul Dagle and Dan Cunningham
ALSO PRESENT: Public Works Director Joe Bragaw, Niantic Fire Chief Jim Barone, Parks & Recreation Director Dave Putnam, and Parks & Recreation Commission Member Todd Donovan

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

1b. Additional Agenda Items

There were none.

1c. Delegations

Mr. Seery stated that he was asked by Camille Alberti to read something into the record, which he did, and which is attached hereto as Exhibit 1.

1d. Approval of Minutes

MOTION (1)

Mr. Seery MOVED to approve the Special Meeting Minutes of March 24, 2021, as submitted.
Seconded by Mr. Salerno. Motion passed 6-0.

MOTION (2)

Mr. Seery MOVED to approve the Special Meeting Minutes of March 31, 2021, as submitted.
Seconded by Mr. Salerno. Motion passed 6-0.

MOTION (3)

Mr. Seery MOVED to approve the Special Meeting Minutes of April 7, 2021, as submitted.
Seconded by Mr. Cunningham. Motion passed 6-0.

MOTION (4)

Mr. Seery MOVED to approve the Regular Meeting Minutes of April 7, 2021, as submitted.
Seconded by Mr. Dagle. Motion passed 6-0.

1e. Consent Calendar

MOTION (5)

Mr. Seery MOVED to approve the Consent Calendar for the meeting of April 21, 2021, in the amount of \$718.67.
Seconded by Mr. Salerno. Motion passed 6-0.

2a. Special Appropriation 2021 Nuclear Safety Emergency Preparedness (NSEP) Grant

MOTION (6)

DISCUSSION: Mr. Nickerson stated that this grant has just been approved by the State and that the money must be spent by the end of June, so we need to move quickly and move this right to Board of Finance and then to town meeting; this will go to town meeting since the executive order has expired. One hundred percent of this purchase will be covered by the grant.

FILED

May 6 2021 AT 8:30 AM/PM
Camille Alberti
EAST LYME TOWN CLERK

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Mr. Seery MOVED to approve a special appropriation in the amount of \$ 44,475.00 to account number 01-70-725-224-001 (NSEP Radios & Related Equipment), to cover the cost of purchasing portable radios and related computer equipment for the EOC, and forward to the Board of Finance for approval. Source of funds: Nuclear Safety Emergency Preparedness Grant. This requires a Town Meeting.
Seconded by Mr. Salerno. Motion passed 6-0.

2b. Discussion and Approval – Public Works Safety Manual

MOTION (7)

DISCUSSION: Mr. Nickerson stated that since this is a procedural manual and town policy for the Public Works employees, it should be reviewed and endorsed by the Board of Selectmen. Mr. Bragaw stated that all Public Works employees must read this manual and sign an acknowledgement to be placed their personnel file; but noted that the office staff is only required to sign off on a portion of the manual that is related to in-office procedures.

Mr. Seery MOVED to approve the Public Works Safety Manual, as presented

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

2c. Special Appropriation – Morris Building Asbestos Remediation

MOTION (8)

DISCUSSION: Mr. Bragaw reported that it came to his attention that there might be an asbestos issue in the garage area of the Niantic Fire Department, also know as the Morris Building. They had someone come out to test for asbestos and found that there is asbestos in the flooring tiles, so they immediately closed off the area and began talking about remediation. He stated that he has received three quotes, in line with the purchasing policy even though this is an emergency situation, and they will be going with the lowest bid who is EGI (Environmental Group, Inc.) out of Middletown, Connecticut; he noted that Mystic Air recommended all three companies so they decided on the lowest bid. Mr. Bragaw stated that the contractor must give ten days' notice when doing asbestos work, so he anticipates that the remediation would begin shortly thereafter.

Mr. Seery MOVED to approve a special appropriation in an amount not to exceed \$11,000 to be expended from account 01-01-120-200-500 (Contingency) for the purpose of abating asbestos in NFD Morris Building garage and forward to the Board of Finance for approval.

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

2d. Discussion and Possible Approval – Revised Fees for Trash Cans/Bulky Waste Disposal

DISCUSSION: Mr. Bragaw stated that the Town is running into a situation with the amount of trash cans that are being requested. He noted that a lot of businesses have gotten rid of their dumpsters and are requesting numerous trash cans instead to accommodate the amount of refuse that they have. Currently if you call to request an additional trash can the fee is \$110 per can; Mr. Bragaw is proposing that we continue to charge \$110 for one additional can, and charge \$220 for each additional can requested thereafter. This does not apply to recycle bins. Regarding the bulky waste fees, he noted that Willimantic Waste has raised their fees, so we need to follow suit. Mr. Nickerson stated as a reminder that the Board of Selectmen are responsible for setting fees so this will not need to go to Board of Finance or town meeting.

MOTION (9)

Mr. Seery MOVED to approve raising the cost of more than one (1) garbage can to \$220 per can.

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

MOTION (10)

Mr. Seery MOVED to approve raising the cost of Bulky Waste Disposal at the Town's Transfer Station to \$0.0760 per pound.

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

2e. Partridge Court Road Acceptance

MOTION (11)

DISCUSSION: Mr. Nickerson stated that this is a new neighborhood, and this road is now ready to be accepted as a town road. Both the Town Planner and the Town Attorney have reviewed this and support this acceptance.

Mr. Seery MOVED that WHEREAS, the East Lyme Planning Commission has recommended that the Town accept for public highway purposes a certain roadway designated as Partridge Court in the Orchards subdivision, as more particularly described on a map depicting said road and in a deed conveying said road, and a drainage easement appurtenant thereto; and WHEREAS, the Town Engineer and Director of Planning have determined that said road and appurtenances have been constructed and installed in accordance with the Town's highway standards and approved plans; IT IS RESOLVED, that the Board of Selectmen hereby accepts as a public highway said road and appurtenances designated as Partridge Court, in its entirety and the associated drainage easement as depicted on the plan entitled "Plan Showing Property of The Orchards of East Lyme Development, Inc., To be Conveyed to the Town of East Lyme, Partridge Court, East Lyme, Connecticut, Scale 1" = 40', Sheet 1 of 1, Date: January 15, 2021, Job No. 11-006" as a Town Road, subject to the developer's execution and delivery of a deed and related documents as approved by the Town Attorney.

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

2f. Building Dept – Amend Source of Funds

MOTION (12)

DISCUSSION: Mr. Nickerson stated that this item was previously approved by the Board of Selectmen but that it failed at the Board of Finance because they did not feel that the source of funds was allowed and wanted to seek an opinion from the Town's auditors. He noted that this item was reviewed and deemed appropriate by the Town Attorney, but that to move the item forward they will amend the source of funds. Ms. Hardy stated that she is not in favor of amending this item as she believes it was done correctly the first time.

Mr. Seery MOVED to approve a special appropriation and transfer in the amount of \$21,800 from account number 01-01-120-200-500 (Contingency) to the following expenditure accounts: \$3,000 to 01-01-104-100-311 (Admin/Clerical) and \$18,800 to 01-01-104-100-212 (Building Official) and forward to the Board of Finance for approval.

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

2g. Change in Budget Approval Schedule

MOTION (13)

Mr. Seery MOVED that as permitted by the Governor's Executive Order due to COVID-19, the Annual Town Budget Meeting for Fiscal Year 2021/2022, normally held on the second Monday in May in accordance with the Town of East Lyme Charter, is hereby scheduled for the first Monday in May, which is May 3, 2021. Furthermore, the date of the referendum will be set for Wednesday, May 19, 2021. This action will allow additional time for eligible individuals to vote for the annual town budget by "no excuse" absentee ballot.

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

2g. Town Meeting Notice

MOTION (14)

Mr. Seery MOVED the following:

TOWN OF EAST LYME NOTICE OF HYBRID ANNUAL TOWN MEETING

Notice is hereby given of the Annual Town Meeting to be held on Monday, May 3, 2021 at the East Lyme High School Auditorium, 30 Chesterfield Road, East Lyme, at 7:00 p.m.

In accordance with the Governor's Executive orders due to COVID-19, the meeting will be a "Hybrid Meeting" to be held via Zoom and in person. Those qualified to vote at a Town Meeting have the option to attend and vote in person and those attending via Zoom may vote with a show of hand. The following items will be acted upon:

1. To review and discuss the budget for the fiscal year beginning July 1, 2021 as recommended by the Board of Finance.
 - a. In accordance with Chapter 7.3 of the Town Charter, the moderator shall adjourn the annual budget meeting to a referendum on the voting machines. The budget resolution will be submitted to the persons qualified to vote in a Town Meeting by Referendum by machine vote, which referendum shall take place on May 19, 2021 at the East Lyme Community Center from 8:00 a.m. to 8:00 p.m.
2. To adopt a Ten Year Capital Plan.
3. Special Appropriation – \$ 44,475.00 – 2021 Nuclear Safety Emergency Preparedness (NSEP) Grant.
4. To conduct such other business as may properly come before the meeting.

The Zoom link will be posted on the Town of East Lyme's website <https://eltownhall.com> five days before the meeting. Dated at East Lyme, Connecticut this 21st day of April, 2021. EAST LYME BOARD OF SELECTMEN Seconded by Mr. Salerno. Motion passed 6-0.

3. American Rescue Plan Discussion – Parks and Recreation

DISCUSSION: Mr. Dave Putnam, Director of Parks and Recreation, was present to speak on this matter. There are 300 acres of land up at Darrows Pond, 200 of which are part of a conservation easement and 100 acres that are open for use; and they see this as an opportunity to enhance the Town's recreational activities in the north end of town. To get the public's opinion, they published a survey on the webpage and have received 427 responses as of the time of this meeting, with 63% of those responses coming from East Lyme residents. Some of the responses that have come in are to build a dog park, improve the hiking trails, add bike trails, and disc golf, but the main thing that they think should be done is an improvement to the parking area as it currently only fits about 8-10 vehicles. They are recommending that a Master Plan be devised, and these quotes are coming in at around \$21,000 - \$25,000 but that it should be done the correct way. Mr. Seery inquired as to the basic logistics of disc golf, and Mr. Putnam stated that it is not played on flat ground like traditional golf, and that the course includes the natural surroundings including trees, bushes, and hills. Mr. Todd Donovan was also in attendance and stated that he supports having a study done and agrees that the parking is an issue; and he stated that he is hearing a lot of support for disc golf and feels that such an activity will enhance the natural surroundings. Everyone was in support of having a master plan done before any plans are made; there was a discussion about traffic concerns on Mostowy Road, and all agreed that this is something that should be considered closely. Mr. Putnam stated that he will work closely with the youth sports teams to identify their needs, and it was noted that lighting needs to be looked at for all the parks, and that the varsity baseball field needs to be replaced. Mr. Nickerson stated that we should take into consideration existing infrastructure first, then fix what we have that should be fixed, then finally add and enhance. It was stated that the public and especially the neighbors should be able to weigh in, and Mr. Donovan stated that the surrounding homeowners from all the neighborhoods that are adjacent to the property have been contacted.

4a. Ex-Officio Reports

Mr. Dagle reported that at the Inland Wetlands meeting they only had one item on the agenda; they approved an application to do some timber harvesting at 57 Walnut Hill Road. He also reported that the public safety building is moving along, and they are working on a couple change orders; one is for how the water supply reaches the building and the other one is the trenching path from the building out to the road for the communications work. He stated that Town staff

and the design agent are working through those items to finalize that scope of work to get that going. The external work to the building will begin shortly; there has been a slight delay in the delivery of the air handling unit, and he will have an update at the next meeting. He stated that town staff, the design architect and the design firm, and the Clerk of the Works are very satisfied with the quality of the work that is being executed.

Mr. Salerno reported that the Planning Commission approved the acceptance of Partridge Court, and that was discussed here at tonight's meeting; they approved that item and reduced the bond. He reported that there was there was a presentation and some discussion about the eastern cottontail bunnies in our area. They are currently reviewing their bylaws; one of the items being annual time reports are currently required yearly and it is suggested that they change that to "if required by the Board of Selectmen". Mr. Salerno reported that they appointed an alternate member to the commission.

Mr. Cunningham reported that he attended the WELSCO meeting and stated that they had two new dock applications on the Waterford side of the river, so nothing pertaining to East Lyme directly. The bigger picture is the amount of boat traffic in the river, and some of it this year might be due to the pandemic as it is very hard to find a boat for sale and very hard to find a slip; he thinks they may see increased activity this year.

Mr. Seery reported that the Parks and Recreation Commission approved a vendor permit for ice cream at McCook's and Hole In The Wall beaches for the summer. He stated that after the SCORE group came and presented last month, he and Mr. Cunningham would like to meet with the group and would like to report back at a future Board of Selectmen meeting. Mr. Nickerson agreed that they would form an unofficial subcommittee who will work with SCORE and maybe identify items where we can enhance equity and inclusion in our community. He looks forward to hearing back from them at a future meeting on ways that we might work together on this.

4b. First Selectman's Report

Mr. Nickerson thanked Mr. Seery for being a great Deputy First Selectman and for always or helping him out. He reported that there has been some confusion with the Memorial Day parade and that he is encouraging them to have it; he stated that there is plenty of room for people who are comfortable doing so, to safely attend the parade downtown then head out to a restaurant or take a walk after. He is hoping that the parade will happen, and that he and the rest of the Board of Selectmen will walk in the parade as they have every year; he will report back on this.

5. Public Comment

There was none.

6. Selectman's Response

There was none.

MOTION (15)

Mr. Seery MOVED to adjourn the April 21, 2021, regular meeting of the East Lyme Board of Selectmen at 9:08 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, April 21, 2021 4:48 PM
To: Mark Nickerson; kseery@sbcglobal.net; rannhardy@yahoo.com; drclawllc@aol.com; marcsalerno@sbcglobal.net
Cc: Sandra Anderson
Subject: Fwd: [External] Accounting Entry Advice

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Board of Selectmen Members,

You will notice on your agenda this evening that the Board of Finance did not take action on an appropriation request to fund additional Building Department expenditures through the use of a revenue source. I'm forwarding the explanation to you from our Auditors, and I think you will agree it's self-explanatory. I would like you to please read this email into the record.

Thanks in advance for agreeing to make the correct appropriation request.

Best regards
Camille Alberti
Board of Finance Chair

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

From: Matthew E. Bonin <Matthew.Bonin@claconnect.com>
To: Camille Alberti <morganalberti@aol.com>
Sent: Thu, Apr 15, 2021 5:13 pm
Subject: RE: [External] Accounting Entry Advice

Hi Camille,

GAAP would not come into play here as what you are referring to relates to the budgetary basis of accounting.

We don't typically see revenue budgets being adjusted during the year although it can be done. However, adjusting the revenue budget does not mean you can in turn adjust the expenditure budget without taking the proper action. Meaning you still would need to approve either a transfer from another department or you would need an additional appropriation.

Hope this helps.

Matt

From: Camille Alberti <morganalberti@aol.com>
Sent: Thursday, April 15, 2021 12:24 PM
To: Matthew E. Bonin <mbonin@blumshapiro.com>
Subject: [External] Accounting Entry Advice



Think Security
at CLA

This email originated from an external source.

Hello Matthew,

I am hopeful you will be able to provide advice as to the appropriate handling of an appropriation request made by our Building Department/First Selectman.

The revenue generated from building permits in our current fiscal year 2020-2021 far exceed the budgeted amount for that revenue source. The building department has made an appropriation request for additional funds to cover salaries for building inspectors for the remainder of the year. The appropriation request included an increase in the budgeted building revenue account to "cover" these additional expenses. I am uncertain as to whether this accounting entry is permissible under GAAP. Even if there is no such rule prohibiting this accounting, the requested transaction does not appear appropriate to me.

As our Audit Manager from Blum Shapiro, can you please provide an opinion to me on this matter?

Thank you very much for your help.

Best,
Camille Alberti
East Lyme Board of Finance Chair
860-857-7330

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CliftonLarsonAllen LLP
