

EAST LYME BOARD OF SELECTMEN  
REGULAR MEETING OF OCTOBER 20, 2021  
MINUTES

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

ALSO PRESENT: Finance Director Anna Johnson

Mr. Nickerson called the meeting to order at 8:24 p.m. and stated that the Pledge of Allegiance was done at the Public Hearing.

1b. Additional Agenda & Consent Items

Mr. Nickerson reported that due to a misunderstanding, the presentation on the Harney property will not take place tonight and that it will be on an upcoming agenda.

1c. Delegations

Mr. Don Danilla, 24 Pattagansett Drive, read into record a letter from the Pattagansett Lake Association, which is attached hereto as Exhibit 1. He stated that they are not in favor of developing this land and is requesting that the town assist in procuring this property for open space.

Ms. Diane Swan, 7 North Beechwood Road, stated that she is interested in being added to the list of American Rescue Plan funds recipients and wanted to send the Board of Selectmen members an email but found out that they do not have town issued email addresses. She feels that the Board of Selectmen and Board of Finance should have town issued email addresses to make those members more accessible to the public. Ms. Swan feels that the funds that have been distributed already without the subcommittee being formed yet is not fair to all the rest of the people wanting to receive funds. Ms. Swan represents the group STARS to STEM and would like that group to be included in the funds distribution for upgrades to the Planetarium.

Mr. John McCulloch, 3 Highwood Road, and stated that he is the Tax Collector and reported that today they have collected 56% of this years Grand List. Mr. McCulloch stated that he has been the Tax Collector since February of 2007, and that he has been re-elected throughout the years because of his education, experience, and history; he reported that his overall collection rate is 99%. He reported that he is currently collaborating with an attorney and that the town will be holding the largest tax sale in its history. He stated that the office has instituted many innovations since he became tax collector. Mr. McCulloch stated that he has a fantastic staff that is dedicated and knowledgeable, and he could not ask to work with better people. Mr. McCulloch stated that he hopes to be able to continue to serve the taxpayers of East Lyme.

1d. Approval of Minutes

**MOTION (1)**

Mr. Seery MOVED to approve the Regular Meeting Minutes of October 6, 2021, as submitted.

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

1e. Consent Calendar

**MOTION (2)**

Mr. Seery MOVED to approve the Consent Calendar for the meeting of October 20, 2021, in the amount of \$24,855.20.

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

FILED

Board of Selectmen Regular Meeting  
October 20, 2021

1 of 5

NOV. 3, 20 21 AT 1:39 AM/PM

*Brooke J. Seery ATC*  
EAST LYME TOWN CLERK

## 2. Presentation – Harney/Hathaway Property

Mr. Nickerson explained that as stated at the beginning of the meeting, this presentation will happen at a future meeting of the Board of Selectmen.

### 3a. American Rescue Plan Funds

#### **MOTION (3)**

DISCUSSION: Mr. Nickerson explained that he would like to re-affirm the action taken by this Board on October 6th regarding the American Rescue Plan funding; he noted that this action item was sent to the Board of Finance for their approval. He stated that the Board of Finance members put politics ahead of people when they refused to approve this funding request as these items are critical to the health and wellbeing of the taxpayers. He noted that the primary charge of the Board of Finance is to determine the affordability of a project that is forwarded to them by the Board of Selectmen. The Board of Finance do not get to pick the projects worked on, they do not get to determine the process in selecting the projects, nor do they determine policy on how something is decided; they only should answer the question, “is this affordable to the Town.” The town’s charter states that the Board of Finance will act on funding requests sent to them by the Board of Selectmen within 30 days, but tabling an item is not considered an action and there have been several times in the last year when the Board of Finance has not acted upon funding requests in a timely manner. The only project out of the few that were not acted on that is not urgent is the request for the Town Clerk to digitize records; she originally requested \$7,500 to do a portion of the records and the Board of Finance denied the request and asked her to come back with the full project price. The remaining were projects considered vital to the health and safety of the taxpayers; Care and Share, Niantic Main Street, and the Well 5 replacement project. He stated that the American Rescue Plan money is earmarked for covid recovery relief and building and maintaining infrastructure, and all the items brought forth so far fit those parameters. He explained that it was decided early on by the entire Board of Selectmen unanimously to support these urgent items and save the bulk of the community requests to the new administration. Each of the remaining Board members spoke in favor of re-affirming their original action to send those four items to Board of Finance for approval. All members of the Board of Selectman are displeased with the Board of Finance’s decision to not move those American Rescue Plan items to Town Meeting and stated that the Board of Selectman set the policy for the Town and that the Board of Finance makes sure that the projects can be funded.

Mr. Seery MOVED to request that the Board of Finance reconsider the action on the ARP items forwarded to them from the October 6, 2021, Board of Selectmen meeting.  
Seconded by Mr. Salerno. Motion passed 6-0.

### 4a. Smoking/Cannabis Ordinance

DISCUSSION: Mr. Dagle stated that he would like to take the time to review the law in more detail before making any decisions and noted that there has been great discussion on this subject. He does not feel that the Town needs to rush into a moratorium and can do that at any time. Ms. Hardy asked Attorney Collins if a new public hearing will need to be held if they approve a moratorium, and Attorney Collins stated affirmative. Ms. Hardy stated that both State Senator Paul Formica and State Representative Holly Cheeseman are against having a dispensary in town, so she asked that Senator Formica be invited to the next Board of Selectmen meeting to share his thoughts. Mr. Cunningham stated that he needed some time to digest all the comments and discussion that happened during the public hearing before deciding. Mr. Seery stated that the revenue is not as important to him as is what the community would like and what Chief Finkelstein’s thoughts are. He stated that the proposed location is ideal and the only place in town where an establishment as such would be approved by Zoning. Mr. Seery is not in favor of moving forward with a moratorium. Mr. Salerno stated that the 3% from the State is not a guarantee and should not be considered

when making the final decision, and that this is also not about a particular applicant at the moment. Mr. Salerno stated that his main concern is that people will be allowed to smoke openly in public and he would like to get Chief Finkelstein's opinion on the matter. Mr. Seery noted that as per the retired Police Officer that spoke during the public hearing stated, he feels that alcohol, opioids, and other drugs readily available to the public and some prescribed are more dangerous than cannabis. He also noted that cannabis is not legal in Connecticut and is being decriminalized in general. Mr. Dagle stated that Ms. Zrenda is a wealth of experience and knowledge but that there is no guarantee that she will be the one that is awarded the license. He stated that he has no issues with medical usage, but that he would like more time to review and consider recreational use but that he does not feel that we need a moratorium. Mr. Nickerson stated that he is more concerned about what is not covered in the bill than the issues addressed, and that in Colorado there is a lot of information being shared now on issues that have arisen since it became legal there. He stated that there has been some great information shared and informative speakers speaking out on this issue at COG and CCM, which can be found on their websites. Mr. Salerno stated that he would like more information on this, but that the location is ideal, and he understands that if we don't open one then a neighboring town will reap the benefits of the 3% revenue. He would also like more information on the production and cultivation of these products. It was decided that there is not a need for a moratorium now, and that there will be further discussion on this matter.

Ms. Hardy left the meeting at 8:59 p.m.

#### 5a. Ex-Officio Reports

Mr. Salerno reported that the Planning Commission had a referral from the Zoning Commission to amend the recommendations for the flood hazard area that are inconsistent with the POCD. There was an application in for a 5-lot subdivision on Roxbury Road that they approved. The Planning Commission gave clarification of a permit that was issued last year that is still active.

Mr. Dagle reported that the Harbor Management Commission met and gave a report on the number of mooring permits issued and the amount of money collected; 226 permits issued for a revenue total of \$6,600 including late fees of \$550. They authorized the purchase of a new Harbor Master buoy mooring, which has corroded over the years; that vessel will now be moored off of the shore of Camp Nett. He reported that the owner of the derelict vessel Lex Sea II has started working on that boat again, so he will report back at a future meeting of the status of that. They continue to work on the lease renewal for the shell fishing operations in the bay. Waterford has spread oyster seeds in the river to attempt to get oysters to grow naturally. He reported that UCONN has started an experimental venture in the bay too grow eel grass, which is imperative for the livelihood of oysters and scallops.

Mr. Cunningham reported that the Brookside Farm Museum has a special theme in November of "In The Groove," Recorded Music of the 20<sup>th</sup> Century; the museum is open on Sundays from 1pm to 3pm and Wednesdays from 2pm to 5pm, or by appointment.

Mr. Seery reported that the Parks and Recreation Commission has asked to have the Darrow Pond matter taken up by the Board of Selectmen at a meeting in the near future. They are working on the rates for next season, and they will also need to replace the large tent at McCooks at a cost of approximately \$8,000-\$10,000.

#### 5b. First Selectman's Report

Mr. Nickerson reported that the Town has two upcoming business opportunities coming; one at the former Bob's store and the second at the former Norton's property on Main Street; stay tuned for more information on both of those matters. He reported that Boats Inc. recently upgraded their establishment and that it looks great and shows pride in ownership which is a common theme with our local businesses. He reported that the mask mandate was lifted at municipal buildings in town, requiring that unvaccinated

individuals continue to wear a mask; and this does not apply to the schools which is mandated by the Board of Ed and Superintendent. He reported that the Public Safety Building is almost complete and that the Certificate of Occupancy should be issued within the next month or so. They are working through the roof issues and have devised a work around to add permanent, extra protection in the ceiling of the server room to protect the IT equipment. He stated that the elections will take place on November 2<sup>nd</sup> and that the town is back to three districts; the high school, the community center, and Center School. Please know your district and go out to vote; the polls are open from 6am until 8pm.

#### 7. Public Comment

Ms. Diane Swan, 7 North Beechwood Road, stated that as Mr. Cunningham stated earlier in the meeting, she was cut off at the Board of Finance meeting and was not allowed to share her request for use of the American Rescue Plan funds for the Planetarium at the high school, which is not a board of education item but a community item.

Ms. Camille Alberti, 7 Darrows Court and Board of Finance Chairman, stated that the Board of Selectmen did not address the issue of using \$12,500 of ARP money to purchase the pump out boat for the Save the River Save the Hills group, which was a violation of use as a municipality cannot use federal funds to offset a federal grant.

Ms. Laurie Zrenda, Mostoway Road, stated that the State has already produced regulations that municipalities can use to build their own, and can be found at [portal.ct.gov](http://portal.ct.gov) with all recreational cannabis regulations for cultivation and for dispensaries which outline that they prohibit the use of things such as certain chemicals and butane, which was a concern brought up tonight. The regulations are only fifty pages long so a little easier to navigate than the bill. She stated that she would be happy to coordinate a tour of a growing facility or other dispensary if the Board of Selectmen members would like to do that. Ms. Zrenda stated that a moratorium is essentially already built into this process because the State is not close to being ready to start issuing permits.

Ms. Jamie Barr Shelburn, 31 McElaney Drive, thanked the Board of Selectmen for listening to the public's comments tonight regarding the cannabis dispensary. She thanked them for re-affirming the Board of Selectmen's decision on the last round of American Rescue Plan fund money, and she stated that the Board of Finance did a disservice to the community by not sending that request to Town Meeting for the taxpayers to vote on.

Mr. Richard Steel, 23 Rose Lane, stated that he appreciated the Board of Selectmen hold the public hearing on the cannabis issue, and stated that the dispensary is not as big an issue as the cultivation is and that the town can also carve out what work for us. He stated that he supports the purchase of the Hathaway/Harney property and stated that our Land Trust board does a great job. He thanked everyone for their service to the town and wished those running for re-election good luck.

Mr. Terence Donovan, 25 Woodbridge Road, and member of the Zoning Commission, supports the Board of Selectmen's decision to take a pause to read the cannabis law as it is very important to read the facts and not base their decision on what people are saying to them and their opinions.

#### 8. Selectman's Response

Mr. Nickerson addressed Ms. Swan's statements and stated that anyone can submit a proposal to the Board of Selectman to be considered for the American Rescue Plan funds, and that they are only moving items forward now that are of direct need of the community and the infrastructure of the town. All other requests are being compiled and will be addressed by the incoming Board of Selectmen after they are sworn in on December 6<sup>th</sup>. He stated that there has been a lot of conflicting information and adjustments made to the process so if this expenditure is indeed a town responsibility and not the Board of Eds then that will be addressed by the incoming administration. He noted that the schools received their own, separate chunk of money from the government for American Rescue Plan fund usage and the schools are overseen by the

Board of Education and not the Town. In response to Ms. Alberti's comments regarding the use of the ARP funds for the pump out boat, he stated that they made a mistaken, it was brought to the attention of both this Town and Waterford who had already approved their usage also using ARP funds, and it has since been rectified. There was no ill intent and the grant writer and both Town attorneys approve this usage and have since been educated. Regarding the Harney/Hathaway property, the Town has been fighting hard for many years to protect open space and this area, so this matter will be heard at an upcoming meeting.

**MOTION (4)**

Mr. Seery MOVED to adjourn the October 20, 2021, regular meeting of the East Lyme Board of Selectmen at 9:45 p.m.

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

Respectfully Submitted By:



Sandra Anderson  
Recording Secretary

Exhibit I

**PATTAGANSETT LAKE ASSOCIATION**

October 12, 2021

Board of Selectmen  
East Lyme Town Hall  
108 Pennsylvania Avenue  
Niantic, CT 06357-1510

RECEIVED

OCT 12 21

First Selectman  
East Lyme, CT

Dear Selectmen:

On behalf of our membership, the Board of Directors of the Pattagansett Lake Association (PLA) are expressing our support for the efforts of The East Lyme Land Trust (ELLT) in acquiring the tract of land referred to as the Hathaway property.

This parcel of approximately 120 acres borders the northwestern portion of Pattagansett Lake, including approximately 3,000 feet of shoreline. This property has been rated as the highest priority for acquisition of any undeveloped property in the Town of East Lyme in the town's Plan of Conservation and Development. As already noted by many people in our town, preserving this property is seen as essential for protecting our town's drinking water supply. As you know, Pattagansett Lake lies within one of the aquifers providing public drinking water to town residents and businesses. The Hathaway property also contains wetlands and a prized mature forested area, which is part of a much larger forest block having many positive ecological attributes.

We wish to emphasize that protecting this land also serves to protect Pattagansett Lake itself. If this property were to be developed for housing, which reportedly would be as many as 70 homes, this would result in significant additional inputs of nutrients into the lake through groundwater septic discharges and lawn fertilizer usage. Increased nutrient input to water bodies results in increased growth of aquatic plants and algae and furthers the degradation of a lake's trophic level. For many years the PLA and its members, many of whom are lakeside residents, have been faced with the issue of controlling aquatic weed overgrowth, which limits lake usage and recreational activities.

Pattagansett Lake is a significantly important natural feature within East Lyme and its publicly accessible boat ramp provides many town residents and visitors the opportunity to engage in many types of water-related recreational activities. The lake itself provides an environment for many types of wildlife, both fully aquatic and terrestrial. The Fisheries Division of the Connecticut Department of Environmental Protection manages Pattagansett Lake as a Trophy Bass Lake, one of the few in the state receiving that distinction. Degradation of the lake's water quality would most likely result in fewer human recreational opportunities, loss of some natural wildlife habitat, and reduction in the value of lakeside homes.

Given the importance of the lake itself and its placement within one of our drinking water aquifers the PLA hereby urges the Board of Selectmen to assist the ELLT financially and by any other means as necessary so that the Hathaway property can be acquired to become a significantly important open space for the Town of East Lyme.

Respectfully,



Wendy Richardson, President

On Behalf of the Pattagansett Lake Association

cc: Ron Luich, President, East Lyme Land Trust