

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING OF JANUARY 19, 2022
MINUTES

PRESENT: Kevin Seery, Rose Ann Hardy, Dan Cunningham, Bill Weber, Ann Cicchiello and Anne Santoro

Mr. Seery called the meeting to order at 7:01 p.m. and Mr. Seery asked Ms. Fredricka Gunther of the public led the Pledge of Allegiance.

Mr. Seery inquired if the Board Members wished to add an agenda item for them to schedule upcoming budget meetings. The decision was made to hold off on setting budget meeting dates until the next regular meeting.

1b. Additional Agenda & Consent Items
There were none.

1c. Delegations
Ms. Fredricka Gunther, 123 Pennsylvania Avenue, Niantic, addressed the Board regarding the recent discussion on declaring racism as a public health crisis in East Lyme. Ms. Gunther explained that she does not support East Lyme making such a declaration

1d. Approval of Minutes
DISCUSSION: Ms. Cicchiello stated that under ex-officio reports, it references WELSCO but that it was actually the East Lyme Harbor Management Shellfish Commission on which she was reporting. Ms. Santoro stated that on Page 8 under Public Comment the street referred to is "White Birch"; the minutes say "Birth".

MOTION (1)

Ms. Santoro MOVED to approve the Special Meeting Minutes of January 5, 2022, as amended.
Seconded by Mr. Cunningham. Motion passed 6-0.

1e. Consent Calendar

MOTION (2)

Ms. Santoro MOVED to approve the consent calendar for the special meeting of January 19, 2022, in the amount of \$1,767.31.
Seconded by Ms. Hardy. Motion passed 6-0.

2a. Hazard Mitigation Plan Update

Mr. Seery stated that the Board should take the plan home to review it and that Town Engineer Alex Klose will be present at the February 2nd regular meeting to present and answer any questions.

2b. Darrow Pond

Mr. Seery stated that the Parks and Recreation Commission will be presenting on this matter, and that they will be ready to do so at a meeting in February.

FILED

Jan 24 20 22 AT 9:00 AM/PM
Kenneth M. Williams
EAST LYME TOWN CLERK

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2c. Pension Committee

Mr. Seery explained that the Pension Committee was formed in 2008 by Paul Formica but was never added into the Town's Charter. This fund has grown exponentially since its inception, and we are expecting some retirements coming up. The formation is not in the Charter, and that would be a very lengthy and involved process, so the decision has been made to form this official committee via ordinance. The Pension Committee has forwarded some proposed language for the Board to review, and it will also be reviewed by Town Attorney for content and form. The draft is attached hereto as Exhibit 1.

2d. Charter Revision

Mr. Seery stated that both he and Ms. Alberti identified during the election process that charter revision is something that needs to be done in the near future, and he would like to start thinking about what that entails so that this Board can start working on this after the budget process is complete. He explained that the process and timeframe are clearly outlined in the statute, and that he would like to strive for this matter to be voted on during the 2023 election. Ms. Hardy stated that previously, they had developed a survey which they then made available to the voters at a general election to gather information on what is important to our citizens. Mr. Seery stated that they would consider having a survey available for the budget referendum, the November election, or at both events. The Board will review the process, think about the timeframe, organize some ideas, and discuss this again at the next meeting.

2e. Pandemic Discussion

Mr. Seery reported that although the positivity rate seems to be going down again, we should all stay vigilant in making good choices to keep ourselves and our neighbors safe. He reported that the scheduled drive thru Covid test kit distribution for this past Saturday had to be cancelled due to the extreme cold, and he hopes that the event will be rescheduled for this coming weekend so please keep an eye on the Town of East Lyme webpage and the East Lyme Public Safety Facebook page for up-to-date information. There will be a delivery of test kits to the Tow in the next week or so, but this supply which has been designated by the Governor to go to our population of senior citizens and all vulnerable residents of East Lyme through agencies such as our Senior Center, Care and Share and St. John's Church. If you are associated with any such agency, please contact them to inquire if they will receive an allotment and if you are eligible. Mr. Seery reported that our dispatch equipment and employees were moving into the new public safety building, and he stated that there has been some interruption with the broadcasting of Channel 22 but no issue at all with the 9-1-1 emergency services.

Ms. Hardy stated that the pandemic is affecting home healthcare in that it is difficult for them to find workers who are not either in quarantine for having Covid or from being directly exposed. It is important to support our Commission on Aging as the burden is falling upon them and the Meals and Wheels program more than ever. She inquired if the Board of Selectman could do anything further to assist the Commission any further, and Mr. Seery has indicated that Ms. Wilson would reach out if there was anything that they could do.

2f. Appointments

MOTION (3)

Ms. Santoro MOVED to appoint Susan Gonzalez, 44 Heritage Road, East Lyme, as a member of the Niantic River Watershed for the Town of East Lyme with a term to expire on January 5, 2026.

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

MOTION (4)

Mr. Cunningham MOVED to appoint Tracy Collins of Waller, Smith and Palmer, 52 Eugene O'Neill Drive, New London, as Town Attorney with a term to expire on January 5, 2026.
Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (5)

Ms. Santoro MOVED to appoint Marc Salerno, 8 Bobwhite Lane, East Lyme, as Deputy Treasurer for the Town of East Lyme with a term to expire on December 1, 2025.
Seconded by Ms. Cicchiello. Motion passed 6-0.

MOTION (6)

Mr. Cunningham MOVED to appoint the following people as Members on the Water Assessment Board of Appeals for the Town of East Lyme with a term to expire on January 5, 2026:
Marc Salerno, 8 Bobwhite Lane, East Lyme;
Paul Dagle, 5 Riverhead Lane, East Lyme.
Seconded by Ms. Cicchiello. Motion passed 6-0.

MOTION (7)

Ms. Santoro MOVED to appoint Alfred Hobby, 33 Upper Pattagansett Road, East Lyme, as a member on the Historic Properties Commission for the Town of East Lyme with a term to expire on January 5, 2026.
Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (8)

Mr. Cunningham MOVED to appoint the following people as Members on the Brookside Farm Museum Commission for the Town of East Lyme with a term to expire on January 5, 2026:
Maggi Prokop, 52 Lovers Lane, East Lyme;
Gary Lakowsky, 12 Methodist Street, Niantic.
Seconded by Ms. Hardy. Motion passed 6-0.

MOTION (9)

Ms. Santoro MOVED to appoint Donna Massung, 68 Dean Road, East Lyme, as an alternate member on the Historic Properties Commission for the Town of East Lyme with a term to expire on January 8, 2024.
Seconded by Ms. Cicchiello. Motion passed 6-0.

3a. Update from ARP Ad-Hoc Committee

Mr. Seery reported that he instructed all department heads to compile a list of items and projects that they have that would fit under the American Rescue Plan parameters and get that to him before the February 2nd Board of Selectmen meeting.

Ms. Santoro reported that the ARP Subcommittee will hold their organizational meeting tomorrow, January 19th at 5:30 p.m. at Town Hall. She gave a summary of the expenditure of ARP funds thus far and referenced all the many resources that are available which summarize the Department of Treasury's final rules on how the money may be spent.

4a. Ex-Officio Reports

Ms. Hardy requested that the Board of Finance work on preparing department head summaries for this year's annual report. She stated that there was nothing to report from the Zoning Commission. The

Commission for the Conservation of Natural Resources discussed wanting to meet with the Aquifer Protection Agency to collaborate on some items.

Ms. Cicchiello reported that she attended the Inland Wetlands Agency meeting and stated that they need to fill three alternate member positions so people from the community should inquire if they are interested in getting involved with this agency.

Mr. Cunningham reported that he attended the Parks and Recreation Commission for the first time; he is happy to report that the planning for this year's Celebrate East Lyme is moving forward as planned. He reported that after thorough review and discussion, they have decided to raise the fees on some of the facility rentals. One of the major items that they discussed needing to be addressed and resolved is the need for more public restrooms downtown. They discussed items that they will be sending to the Board of Selectmen ARP Subcommittee for consideration.

4b. First Selectman's Report

Mr. Seery reported that Dispatch has completed their move and are up and running in the new public safety building. Channel 22 is currently not working, and they will continue to work on that until it is fixed. The Police will be moving late this week or next week. He stated that we received some heavy rain recently and the new roof work held up with no issues to report; a special meeting will be held on February 2nd before the regular meeting and will include an executive session for the Board to take a tour of the facility. He reported that he will be reaching out to Dominion soon to begin discussing the next steps. Mr. Seery stated that he received a communication from Amtrak that they will be replacing the fence from Hole In The Wall beach to the Niantic River Bridge; the design that is being proposed is not ideal for the view of the Bay and he will be in contact with Amtrak to express the concerns of the Town and the businesses. They are estimating a timeframe of February through April to perform the fence replacement. He reported that the Historical Society is getting ready to move into the former Emergency Operations Center now that dispatch and the Fire Marshal have moved. Mr. Seery reported that he and the Finance Director have begun meeting with Department Heads to review budgets; the Board will be scheduling their budget meetings at the next regular meeting. He explained that all four union contracts are due to be negotiated this year, and that he is hoping to work with two of them to extend them out a year to stagger them going forward. He reported that there was some significant flooding in the Crescent Beach area, with our crews having to rescue a group of visitors from their rental home as the waters rose. Our Town crews did an expedient job cleaning up and keep our community members and visitors safe. He reported that he is waiting on a response from the State on when the Starlight hotel and Mobil station will be closed and demolished as part of the Exit 74 project.

Ms. Hardy stated that she would like to continue the discussion on hiring a Grant Writer to work for the Town; there is a lot of money out there to be applied for and we should have someone on staff working on applying for such grants. She inquired if the roof work at both the public safety building and at Fire Station 2 can be paid for with the ARP funds, and Mr. Seery stated that they are currently investigating that with the Town Attorney.

5. Communications

There was none.

6. Public Comment

There was none.

7. Selectman's Response

There was none.

8. Executive Session

MOTION (10)

Ms. Santoro MOVED to enter into executive session at 8:05 p.m. for the purpose of discussing real estate matters, the Hathaway property.

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

MOTION (11)

Ms. Santoro MOVED to return from executive session at 8:37 p.m. with no formal votes taken.

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

9. Adjourn

MOTION (12)

Ms. Santoro MOVED to adjourn the January 19, 2022, regular meeting of the East Lyme Board of Selectmen at 8:37 p.m.

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

Respectfully Submitted By:



Sandra Anderson
Recording Secretary

EXHIBIT 1

Recommendation: Establish a Pension Board to supervise the operation of the Town of East Lyme Pension Plan, a Defined Benefit Plan offered to covered employees.

History: Under the administration of First Selectman Paul Formica, a committee was formed to review the Town's pension plan and the assets set aside to fund pension payments to retirees. This ad hoc committee was originally comprised of the First Selectman, a member of the Board of Finance, a few volunteers/electors of the town with experience with money management, and a Town employee participant of the plan. The committee has continued to work with the Finance Director and the plan has grown from \$7.5 million in assets in 2010 to \$33 million in assets today. The Town would like to recognize the excellent work of Jim LaFond, the chair, for his stewardship in ensuring that the Town has a very healthy funded status – something many towns, cities and states have not been able to achieve.

More recently there hasn't been representation from the Board of Finance, the plan participant committee member has retired and no longer attends meetings, Denise Hall was appointed to the pension committee last year, and the chair of the committee has retired to Florida and is no longer an East Lyme elector. Most tragically, Paul Goulekas, an active member of the committee died suddenly last month.

The Board of Finance Chair Denise Hall has recommended, and I concur, that given the size of the assets, the complexity of Pension Administration, and the importance of maintaining a healthy pension, the Town should convert this committee to a Pension Board. In doing so, we will formally establish Board membership and terms, Board powers and duties including investment powers, insurance procurement powers, and the ability to engage necessary third parties as required to administer the plan.

Town of East Lyme Charter

Chapter 4

APPOINTIVE Boards and officers

4.5 Appointive Boards

Pension Board

Membership; Terms

The management and administration of the plan is hereby vested in a Pension Board, which shall consist of the First Selectman and five electors of the Town, to be appointed by the Board of Selectmen. The Director of Finance and the Human Resource Director shall be ex-officio members of the Board.

The members of the Pension Board shall be appointed for four-year terms, and each term shall continue until a successor shall have been appointed.

One appointed member of the Pension Board shall be an employee of the Town who is a member of the plan; two members shall be experienced in making investments of the kind in which the pension fund may be invested.

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All vacancies that may occur on the Pension Board shall be filled by the Board of Selectman in accordance with the provisions of Chapter 4.1.

The members of the Pension Board shall serve without compensation.

Powers and Duties

The Pension Board may make rules and regulations for the administration of the plan which are not inconsistent with its terms and provisions. The Pension Board may construe the plan, and its constructions thereof and action thereon in good faith shall be final and conclusive. It may correct any defect or supply any omission or reconcile any inconsistency in such manner and to such extent as it shall deem expedient to carry the same into effect, and it shall be the sole and final judge of such expediency. The Pension Board shall supervise and

control the operation of the plan in accordance with the terms hereof and shall have all powers necessary to accomplish that purpose.

The Pension Board may employ such actuarial, legal, consulting and other services as it deems necessary for the proper operation of the plan or pension fund within the limit of such appropriations as may be made by the Board of Selectmen.

The Town administration, as directed by the First Selectman, shall provide administrative support for the Pension Board and shall employ such staff as may be approved by the Board of Selectmen for such purpose.

Investment Powers

The Pension Board also shall manage and control the pension fund and shall invest and reinvest the principal and income of such fund, except so much thereof as the Pension Board shall deem necessary to meet allowances and benefits hereunder, in securities legal for investment by trustees under the laws of this state. The Pension Board may invest any portion of the pension fund in any group trust or common trust fund exempt from tax under § 501(a) or 584, respectively, of the Internal Revenue Code of 1986, as amended, that holds assets of retirement plans exempt from tax under § 401(a) of such code. Any such group trust or common trust fund shall be considered a part of the plan.

The Pension Board may provide by trust, agency, custodian or other agreement with one or more corporate fiduciaries for the custody, safekeeping, handling, investment and reinvestment, under the direction of the Pension Board, of the pension fund's investments.

The Pension Board may open in its name, with one or more banks or trust companies, such accounts as it shall deem necessary for the deposit and withdrawal of the funds received by it and which are to be administered under the terms and provisions of the Pension Plan.

Power to Procure Insurance

In addition, the Pension Board may procure in the name of the Town an appropriate group contract or contracts from any insurance company duly authorized to transact business in the state for the purpose of funding all or a portion of the benefits available from time to time under the plan. The type of contract or contracts and all terms and conditions thereof shall be determined

by the Pension Board on a basis which is consistent with the provisions of the plan. No publicly owned corporation, insurance company or bank shall be disqualified from being the trustee, agent, custodian or depository or from participating in the funding management of the pension fund pursuant to this section, solely because one or more members of the Pension Board may be an employee, officer, director or minority stockholder of such corporation, insurance company or bank.

Required Reports

The Pension Board shall submit annually to the First Selectman a schedule of its estimated expenses necessary for the administration of the Pension Plan and its estimate of the liability of the Town to the Pension Board.

The Pension Board shall annually report to the Board of Selectman the financial condition of the plan, including, at least every three years, an actuarial valuation of assets and liabilities and setting forth such other facts, recommendations and data as may be of value to the members of the plan and the Board of Selectman.