

EAST LYME BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
JUNE 21, 2023

IN ATTENDANCE: Kevin Seery, Anne Santoro, Dan Cunningham, Ann Cicchiello and Rose Ann Hardy. Bill Weber arrived at 6:51 p.m.

CHARTER REVISION COMMITTEE MEMBERS IN ATTENDANCE: Marc Salerno, Anna Johnson, Maryanna Stevens, Jeffrey McNamara, Timothy Hagen, Barry Sheckley, Wayne Blair, Larry Fitzgerald, Jay Ginsberg and Vivek Purohit.

ALSO IN ATTENDANCE: Finance Director Kevin Gervais and Town Attorney Tracy Collins

Mr. Seery called the regular meeting of the East Lyme Board of Selectmen to order at 6:37 p.m., and Mr. Salerno led the Pledge of Allegiance.

1b. Additional Agenda & Consent Items

There were none.

1c. Delegations

There were none.

1d. Approve Minutes

**MOTION (1)**

Ms. Santoro MOVED to approve the Regular Meeting Minutes of June 7, 2023, as submitted Seconded by Ms. Cicchiello. Motion passed 5-0.

**MOTION (2)**

Ms. Santoro MOVED to approve the Special Meeting Minutes of June 13, 2023, as submitted Seconded by Mr. Cunningham. Motion passed 5-0.

1e. Consent Calendar

**MOTION (3)**

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of June 21, 2023, in the amount of \$374.78.

Seconded by Ms. Cicchiello. Motion passed 5-0

Mr. Weber joined the meeting at 6:51 p.m.

2a. Charter Revision

DISCUSSION: Attorney Collins explained that the Board of Selectmen have two options once they have fully reviewed the draft plan submitted by the Charter Revision Committee. The Board could recommend no changes to the draft report of the East Lyme Charter Revision Commission amendments, declaring the draft report to be the final report and submitting same to the electors of the town at the regular election to be held on November 7, 2023; or the Board could recommend changes in the draft report of the charter revision commission and request that the charter revision commission confer with the Board of Selectmen concerning such recommendations.

**Changes were discussed and made as follows:**

Charge 1: Consider possible elimination of automatic budget referendum provision in Section 7.3 of the Charter.

RECEIVED FOR RECORD  
EAST LYME, CT  
2023 JUN 30 A 9:31  
Cunningham  
TOWN CLERK

The CRC recommends amending the Charter to allow for four-year terms for the First Selectman and for staggered four-year terms for the five Selectmen. The proposed amendment provides that at the next regular municipal election in November 2025, a First Selectman and two other Selectmen will be elected to terms of four years, and three other Selectmen will be elected to serve terms of two years. In all subsequent municipal elections, the term of the First Selectman and other Selectmen will be four years.

BOS Recommendation for Charge 1: Do not eliminate the automatic budget referendum. Keep Section 7.3 as written.

Charge 2: Remove the Town Clerk and Tax Collector from elective offices and add the positions to hired administrative officers.

The CRC recommends that the offices of Town Clerk and Tax Collector cease to be elective offices (as set forth in 2.8.1 ), and that the positions transition to being hired administrative officers. (see new 5.4). This change is consistent with existing Town employees.

BOS Recommendation for Charge 2: No changes to CRC Recommendation.

Charge 3: Remove the residency requirement set forth in Sections 4.1.2 and 5.3-5. 7 for certain appointive and administrative officers, including the Town Counsel, Animal Control Officer, Director of Emergency Management, Tree Warden, Assessor, Building Official and Fire Marshal.

The Charter Section 5 administrative officers are the Assessor, Director of Health, Building Official, Building Inspector, Fire Marshal, Animal Control Officer, Town Counsel, and the Town Meeting Moderator. The Director of Health is now Ledge Light and the Assessor is a hired position and not appointed. The Building Official (currently in Section 5.5), according to State statute must be appointed to a four year term and this position has been moved to Section 4.6 "Appointed Officers." The three proposed remaining Appointed Officers are the Town Counsel (Charter Section 5.2) and Town Meeting Moderators (proposed Charter Section 5.3). The Commission recommends deleting the residency requirement for Town Counsel and keeping the residency requirement for the Town Meeting Moderators.

BOS Recommendation for Charge 3: No changes to CRC Recommendation.

Charge 4: Amend Section 6.3.4 to provide that the failure of the Board of Finance to act upon requests for special appropriations or transfers of funds within 30 days of receipt will result in automatic approval.

The CRC recommends instituting automatic approval of requests for Board of Finance approval of special appropriations and transfers of unexpended funds upon the failure of the Board of Finance to act on such a request within thirty days of submission. The proposed new text appears in proposed Section 6.3.5.

BOS Recommendation for Charge 4: No changes to CRC Recommendation.

Charge 5: Amend Section 6.3 to add Section 6.3.4 which provides that projects funded entirely by State, Federal or private grants and which do not require an appropriation of town funds, need not be approved by the Board of Finance or a Town Meeting except in situations when the acceptance of such grant has an adverse impact on future operating budgets.

The CRC recommends the addition of a new Section 6.3.4 to the Charter providing that those projects funded entirely by State, Federal, and private grants need not be approved by the Board of Finance or a Town Meeting other than in situations in which the acceptance of said grant has an adverse impact on the operating budget. An example of an instance when the acceptance of a grant will require town meeting approval "because of future adverse impact on the operating budget" is if the town receives a grant to hire a police officer, that hire will increase the operating budget for the following year and therefore a special town meeting would be required.

BOS Recommendation for Charge 5: No changes to CRC Recommendation.

Charge 6: Amend Section 6.3.1 to provide that the current dollar threshold for special appropriations be raised from \$10,000 to an aggregate amount of \$100,000 per town department in each fiscal year and any funds approved by town meeting shall not be included in the aggregate limit for the fiscal year.

The new section provides "The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may make special appropriations from cash surplus or any approved contingency fund in amounts not to exceed an aggregate amount of one hundred thousand dollars per town department in each fiscal year. Any funds approved by town meeting shall not be included in the aggregate limit for the fiscal year."

BOS Recommendation for Charge 6: No changes to CRC Recommendation.

Charge 7: Amend Sections 3.3.1.5 and 7. 7 to raise the threshold requiring town meeting approval for the purchase and sale of real estate from \$10,000 to \$100,000.

BOS Recommendation for Charge 7: Change page 19 of the proposed charter section 6.3.5 to change "and" to "or" before (ii).

Charge 8: 8. Amend Sections 3.4.2, 3.4.3, 6.1.5 and 7 .3 to substitute electronic and website publication for newspaper publication except when required by law.

BOS Recommendation for Charge 8: Change the proposed language in section 6.3.4 to read, "has an adverse impact on the future operating budget" and take out the example in that paragraph.

Charge 9: Amend Section 2.5.4 to provide that an appointee to a vacancy in an elective office shall serve for the remainder of the term that was filled.

BOS Recommendation for Charge 9: No changes to CRC Recommendation.

Charge 10: Amend Section 8.4 to provide the Board of Selectmen must vote whether to appoint a Charter Revisions Commission at least once every 10 years commencing in 2033.

BOS Recommendation for Charge 10: No changes to CRC Recommendation.

## **CRC PROPOSED NON-SUBSTANTIVE REVISIONS:**

### 1 -New Section: 1.6 entitled "Nomenclature Regarding Gender Neutral Terms"

The Commission had long discussions and voted to transition to gender neutral terms in the Town Charter, including changing the name of the "Board of Selectmen" to "Select Board" as some Towns in Massachusetts have done. Thereafter, Town Counsel advised the Commission that "Board of Selectmen" is a legal term in Connecticut state statutes and the Charter Commission cannot make the change until the State legislature allows. Town Counsel researched the few other Connecticut Town's which incorporated gender neutral terms in recently adopted Town Charters and advised that until such time as the state statute changes, it is prudent the Commission amend the Charter to add Section 1.6.

The Commission had long discussions and voted to transition to gender neutral terms in the Town Charter, including changing the name of the "Board of Selectmen" to "Select Board" as some Towns in Massachusetts have done. Thereafter, Town Counsel advised the Commission that "Board of Selectmen" is a legal term in Connecticut state statutes and the Charter Commission cannot make the change until the State legislature allows. Town Counsel researched the few other Connecticut Town's which incorporated gender neutral terms in recently adopted Town Charters and advised that until such time as the state statute changes, it is prudent the Commission amend the Charter to add Section 1.6 entitled "Nomenclature Regarding Gender Neutral Terms." In this way, when permitted, the change may not require another Charter Revision Commission. The Commission regrets that it could not make the desired changes to this very important issue at this time.

BOS Recommendation: No changes to CRC Recommendation.

### 2 - Effect of Charter: Existing Law and Ordinances

Section 1.4 is revised to add, "The purpose of this Charter is to advance effectiveness and efficiency of Town governance."

BOS Recommendation: Section 1.4 (Page 2 of Exhibit A) – Heading should be changed to "Authority and Purpose of Charter". First sentence should read as follows; "This charter shall be the organic law of the Town in the administration of its local affairs, and shall serve to advance the effectiveness and efficiency of Town Governance".

3 - In addition to increasing the threshold addressed in Charge 9, and for the reasons set forth with respect to Charge 9, the CRC recommends that the thresholds for purchasing and selling real estate without town meeting approval as set forth in Sections 3.3.1.5 and 7. 7 be increased from \$10,000 to \$100,000.

### 4 - Bureau of Assessment Appeals

Section 2.5.2 substitutes "Board of Assessment Appeals" for "Board of Tax Review" to reflect the current name of the Board; same change in Sections 8.2.6 and 8.2.7.

### 5 -Assessor authority to settle certain appeals

Section 3.3.1.3 memorializes the long-standing town practice of authorizing the Assessor to settle tax assessment appeals resulting in payment by the town of less than \$40,000.

### 6 - Appointed and Elected boards and officers

Section 4.5.1, related to the oversight duties of the Parks and Recreation Commission, is deleted as it was replaced by Ordinance Section 96. (Ord. effective 6-19-1971; Ord. passed 12-21-2005; Ord. passed 4-20-2017.).

7 - Abolished/Reorganized appointive and hired positions

Section 4.5.2 is revised to delete the abolished Flood and Erosion Control Board, Economic Development Commission, and Redevelopment Agency.

8 - Section 4.5.3 is deleted and replaced by a new 4.5.3 to reflect existing Charter residency requirements for Appointed Boards and Commissions. The Committee on the Care of Graves and Cemeteries is abolished. The Town Building Committee reference is moved to new Section 4.5.2 with other appointive board and commission references.

9 - Section 4.6.1 is revised to reflect the removal of references to appointive officer positions that have been abolished or merged out of existence ( constables, special constables, dog warden) or become hired positions (Assessor, Fire Marshal). Tree Warden, Director of Emergency Management and Building Official are the only current appointive officers of the Town.

10 - Section 5.1 is revised to remove the 4-year term reference for Administrative Officers. Town Counsel and Moderator are the only remaining revised appointed Administrative Officers. Terms are listed with description - in revised Section 5.2 and 5.3, respectively.

11 - Sections 5.3, 5.4, 5.6 and 5.7 are revised to eliminate the position of Director of Health, a position that has become part of Ledge Light Health District, and to move positions that are hired and not appointed to Section 5.4, entitled "Other Administrative Officers".

12 - Section 5.4- Other Administrative Officers - is revised to reflect that hired officers will include but not limited to the Assessor, Town Clerk, Tax Collector and Fire Marshal. These positions do not have a set term of office. It also provides that the current elected Town Clerk and Tax Collector shall serve the balance of their current terms unless a vacancy occurs sooner.

13 - Due Date for Taxes

6.2.2. is revised to reflect that the due date for taxes is July 1 (not July 15).

14 - Transition

The following obsolete sections should be deleted from the Transition section to avoid confusion: 8.2.3, 8.2.4, 8.2.15, 8.2.17, 8.2.18, 8.2.19, 8.2.20, 8.2.21.

#### Global clean-up

Renumbering of sections and subsections was undertaken to reflect the changes otherwise noted herein.

Prior amendment dates in the body of the Charter have been removed to avoid confusion.

#### **MOTION (4)**

Ms. Santoro MOVED the following:

WHEREAS, the East Lyme Board of Selectmen has received and reviewed the June 6, 2023 Draft Report submitted by the East Lyme Charter Revision Commission; and

WHEREAS, the Board of Selectmen has held a public hearing on the Draft Report and has considered the comments made at said hearing;

IT IS RESOLVED, that the East Lyme Board of Selectmen hereby recommends to the Charter Revision Commission that it consider changing the following proposed charter amendments as set forth in the Charter Revision Commission's June 6, 2023 Draft Report:

- 1) Charge #1 – Do not eliminate the automatic budget referendum. Keep Section 7.3 as written.
- 2) Charge #7 – Change page 19 of the proposed charter section 6.3.5 to change “and” to “or” before (ii).
- 3) Charge #8 – Change the proposed language in section 6.3.4 to read, “has an adverse impact on the future operating budget” and take out the example in that paragraph.
- 4) Section 1.4 (Page 2 of Exhibit A) – Heading should be changed to “Authority and Purpose of Charter”. First sentence should read as follows; “This charter shall be the organic law of the Town in the administration of its local affairs, and shall serve to advance the effectiveness and efficiency of Town Governance”.

FURTHER RESOLVED, that the Board of Selectmen hereby requests the East Lyme Charter Revision Commission confer with the Board of Selectmen regarding its recommendations, amend the proposed charter amendments in accordance with the recommendations, or reject said recommendations and make its Final Report to the Board of Selectmen within thirty (30) days after receiving such recommendations.

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

### 3a. Schedule Town Meeting

#### **MOTION (5)**

Ms. Santoro and Mr. Cunningham MOVED the following, alternating paragraphs:

Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on Wednesday, July 5, 2023 at 7:00 P.M. (ET) at the East Lyme Town Hall Upper Meeting Room for the following purposes:

1. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled “Resolution Making Appropriations Aggregating \$1,397,000 For Various Public Improvements And Authorizing The Issuance Of \$1,397,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.
2. To consider and act upon a resolution entitled “Resolution Making Appropriations Aggregating \$1,397,000 For Various Public Improvements And Authorizing The Issuance Of \$1,397,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.
3. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled “Resolution Making Appropriations Aggregating \$1,130,000 For Various Board Of Education Capital Improvements And Authorizing The Issuance Of \$1,130,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.
4. To consider and act upon a resolution entitled “Resolution Making Appropriations Aggregating \$1,130,000 For Various Board Of Education Capital Improvements And Authorizing The Issuance

Of \$1,130,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.

5. To receive communications from the Board of Selectmen and the Board of Finance with respect to a resolution entitled “A Resolution Making Appropriations Aggregating \$2,000,000 For The Construction Of Modifications Upgrades And Improvements To The East Lyme Water Treatment Plant Projects And Authorizing The Issuance Of \$2,000,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.

6. To consider and act upon a resolution entitled “A Resolution Making Appropriations Aggregating \$2,000,000 For The Construction Of Modifications Upgrades And Improvements To The East Lyme Water Treatment Plant Projects And Authorizing The Issuance Of \$2,000,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”.

7. To consider and act upon a resolution entitled “A Resolution Of The Town Of East Lyme, Connecticut Authorizing The Execution And Delivery Of An Equipment Lease/Purchase Agreement And Schedules Thereto For The Acquisition, Purchase, Financing And Leasing Of Certain Equipment”. We waive reading the resolution in its entirety as it has been on file with the Town Clerk.

8. To consider and act upon a motion to transfer \$32,286 from Town Contingency Account 01-01-120-200-500 to HVAC Pump Replacement - Account # 32-70-300-500-005 to allow us to replace the air handler at the ELCC.

9. To consider and act upon a motion to transfer \$20,000 from Town Contingency Account 01-01-120-200-300 to PWD upgrade HVAC FSB Account 85-70-007-700-701 to be able to finish the HVAC Renovations project at the Field Services Building

10. To transact any other business proper to come before the meeting.

Copies of the proposed bond resolutions are on file and open to public inspection at the office of the Town Clerk. Dated at East Lyme, Connecticut, this 21st day of June, 2023. EAST LYME

BOARD OF SELECTMEN

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

4a. Ex-Officio Reports

There were none.

4b. First Selectman’s Report

There was none.

5. Communications

There were none.

6. Public Comments

There were none.

7. Selectman’s Response

There was none.

8. Executive Session

**MOTION (6)**

Ms. Santoro MOVED to enter into executive session for the purpose of discussing real estate matters, East Lyme Land Trust Oswegatchie Hills / Hathaway Farms property, and to include Attorneys Amanda Sisley and Mark Block.

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

The Board entered into executive session at 8:25 p.m. They returned at 9:55 p.m. and Ms. Santoro stated that no formal votes were taken.

**MOTION (7)**

Ms. Santoro MOVED to adjourn the June 21, 2023, regular meeting of the Board of Selectmen at 9:55 p.m.

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

Respectfully Submitted,



Sandra Anderson  
Recording Secretary