EAST LYME BOARD OF SELECTMEN REGULAR MEETING MINUTES JULY 5, 2023

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

ALSO IN ATTENDANCE: Finance Director Kevin Gervais, Building Official Dave Garside, BOE Finance Director Maryanna Stevens, and Town Attorneys Tracy Collins and Mark Zamarka

Mr. Seery called the regular meeting of the East Lyme Board of Selectmen to order at 7:22 p.m., and Mr. Seery stated that the Pledge of Allegiance had been performed at the start of the special town meeting.

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

1c. Delegations
There were none.

1d. Approve Minutes

MOTION (1)

Ms. Santoro MOVED approve the Public Hearing Minutes of June 21, 2023, as submitted. Seconded by Mr. Cunningham. Motion passed 6-0.

MOTION (2)

DISCUSSION: Charge 1 and Charge 8 should read as follows:

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

The CRC recommends amendment of the automatic budget referendum to limit automatic referendum to circumstances in which the proposed annual town budget represents a 5% or more increase over the prior year's adopted-annual town budget. When the proposed increase is less than 5% of the prior year's adopted annual town budget, the annual town budget will be voted on at the annual town meeting. Note that pursuant to Charter Section 7.1.3 in the event a referendum is not "automatic" the annual Town budget can be petitioned to a referendum. Section 7.1.3 provides the threshold number of signatures to trigger a referendum. Section 7.3 – Annual Budget (Automatic Referendum) - is revised to remove the words "Automatic Referendum" from the title and to reflect that the vote on the annual town budget may occur at the annual town meeting or referendum, depending on the level of budget increase and whether the budget vote is petitioned to referendum. A cross-reference to the possible automatic referendum in Section 7.3 is included in Section 7.1.

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

Charge 8: Consider the possible amendment of Section 6.3 to provide that projects funded entirely by grants from the State of Connecticut which do not require an appropriation of town funds need not be approved by the Board of Finance or a Town Meeting.

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. The proposed change provides that special appropriations for said grants do not need special town meeting approval other than in situations in which the acceptance of said grant has a future impact on the operating budget. An example of an instance when the acceptance of a grant will require town meeting approval "because of future 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 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.

Ms. Santoro MOVED to approve the Regular Meeting Minutes of June 21 2023, as amended. Seconded by Ms. Hardy. Motion passed 6-0.

1e. Consent Calendar

MOTION (3)

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of July 5, 2023, in the amount of \$246.58.

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

2a. Public Presentation by York Correctional Institute

Anne Saint, Ph.D., Sales & Marketing Manager for the State of Connecticut Department of Correction Correctional Enterprises of Connecticut, was present to give a public informational presentation on the Prison Industry Enhancement Certification Program (PIECP). PIECP is a national program and will be in addition to York's current three work furlough programs in partnership with Pursuit that are eligible to inmates that are within two years of their release from prison date. The most recent addition to the PIECP program will be at York Correctional Institute and will employ 28 inmates to work in a machine shop in coordination with McDougall to manufacture parts. Information on the programs, as well as contact information for Anne Saint, is attached hereto as Exhibit #1.

2b. Board of Education Unexpended Fund Account

DISCUSSION: Maryanna Stevens, Finance Director for the Board of Education, explained that per a suggestion by the Board of Finance Chairman, they have looked into creating an unexpended fund account. Information on this request is attached hereto as Exhibit #2. She queried other towns in Connecticut; she received 69 responses, of which 47 towns had an unexpended fund account in place. Some of the concerns expressed by Board members were the unknown long-term affect on the town's rainy-day fund, creating a new process to replace one that is robust and working seems redundant, no other departments have their own unexpended fund account, and creating such an account will create less transparency in spending funds. Mr. Seery stated that he would like more time to consider this request and consider the options and would like to see the Board of Education working with the Board of Finance on a recommended policy.

2c. Appointments to Boards/Commissions

MOTION (4)

Ms. Santoro MOVED to appoint Wendy Fiore, 5 Atwood Drive, Niantic, to serve as a member on the Commission on Aging on behalf of the Town of East Lyme with a term to expire on January 5, 2026.

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

MOTION (5)

Ms. Santoro MOVED to appoint Harvey Beeman, 11 Green Valley Lakes Road, East Lyme, to serve as a member on the Commission for the Conservation of Natural Resources on the behalf of the Town of East Lyme with a term to expire on January 8, 2024. Seconded by Ms. Cicchiello. Motion passed 6-0.

MOTION (6)

Ms. Santoro MOVED to appoint William Follett, 10 Francis Lane, Niantic, to serve as a member on the Brookside Farm Museum Commission on behalf of the Town of East Lyme with a term to expire on January 5, 2026.

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

2d. Appointment of Blight Officer

MOTION (7)

Ms. Santoro MOVED to appoint Dave Garside, Building Official, as the Town of East Lyme Blight Enforcement Officer.

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

2e. Short Term Rentals

DISCUSSION: Mr. Seery stated that we have seen a dramatic increase in short term rentals in town, and that the town is receiving a large number of complaints surrounding nightly rentals. To address this emerging issue, Town Attorney Mark Zamarka was in attendance to relay some information, and Mr. Seery stated that he will also recommend that the Board of Selectmen appoint a subcommittee to thoroughly review the matter. This subcommittee will be appointed at the meeting in August and will be sure to include members from the Board of Selectmen, Board of Finance and the Fire Marshal. Attorney Zamarka explained that in a recent case that was heard by the appellate court it was decided that it is the right of the homeowner to rent their property if they so choose. The subcommittee would need to pass either an ordinance or a regulation in order to give the town the authority to regulate this activity; Lyme regulates through their Zoning Regulations, Ledyard and Simsbury have passed ordinances, and Preston created a regulation.

3a. Charter Revision

DISCUSSION: Town Attorney Tracy Collins was present and stated that the Board of Selectmen made four recommended changes to the subcommittee's report, which the subcommittee incorporated into the final report. The recommended ballot questions were reviewed and are attached hereto as Exhibit #3. Attorney Collins noted that there is a very strict process that must be followed that is laid out by the State Elections Enforcement Commission, which is attached hereto as Exhibit #4. It was stated that no public funds may be used to advocate on a ballot question. Attorney Collins reported that the cost of publishing the entire charter will cost approximately \$10,000, so she will work on any other possible options that we might have to reduce that legal ad cost.

MOTION (8)

Ms. Santoro MOVED the following:

WHEREAS, the East Lyme Board of Selectmen has received and reviewed the Final Report with proposed charter amendments dated June 28, 2023, submitted by the East Lyme Charter Revision Commission, and

IT IS HEREBY RESOLVED, that the Board of Selectmen submit the proposed charter amendments to the electors of the Town of East Lyme for approval or rejection at the regular election to be held on November 7, 2023.

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

MOTION (9)

Ms. Santoro MOVED the following:

WHEREAS, the East Lyme Board of Selectmen has reviewed the ballot questions regarding proposed charter amendments to be submitted to the electors of the Town of East Lyme for approval or rejection at the regular election to be held on November 7, 2023; IT IS HEREBY RESOLVED that said ballot questions be submitted to the electors of the Town of East Lyme for approval or rejection at the regular election to be held on November 7, 2023, in accordance with C.G.S. Section 7-191(f).

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

MOTION (10)

Ms. Santoro MOVED the following:

RESOLVED, that in accordance with C.G.S. Section 9-369(b)a, the town clerk shall prepare an explanatory text which must specify the intent and purpose of each ballot question regarding proposed charter amendments to be submitted to the electors of the Town of East Lyme for approval or rejection at the regular election to be held on November 7, 2023. Said explanatory text shall not advocate either the approval or disapproval of each question and shall be approved by the town attorney prior to its distribution. 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

Thank you letter from the 2023 Board of Selectmen Government Studies Grant, Isabella Benoit.

6. Public Comments There were none.

7. Selectman's Response There was none.

8. Executive Session

MOTION (11)

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

The Board entered into executive session at 9:12 p.m. They returned at 9:38 p.m. and Ms. Santoro stated that no formal votes were taken.

MOTION (12)

Ms. Santoro MOVED to adjourn the July 5, 2023, regular meeting of the Board of Selectmen at 9:38 p.m.

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

Saudia aludeca

Respectfully Submitted,

Sandra Anderson

Recording Secretary

Exhibit #1

U.S. Department of Justice



24 WOLCOTT HILL RD. WETHERSFIELD, CT 06109

E-MAIL: Anne.Saint@ct.gov

ANNE SAINT, Ph.D.
SALES & MARKETING MANAGER

TEL: (860) 263-6848 FAX: (860) 263-6838

CBC

STATE OF CONNECTICUT

Department of Correction

Correctional Enterprises of Connecticut

Office of Justice Programs

Prison Industry Enhancement Certification Program (PIECP)

Overview

Under the Prison Industry Enhancement Certification Program (PIECP), the Bureau of Justice Assistance (BJA) certifies that local or state prison industry programs meet all the necessary requirements to be exempt from federal restrictions on prisoner-made goods in interstate commerce. PIECP programs place people who are incarcerated in realistic work environments, pay them prevailing wages, and give them a chance to develop marketable skills that will increase their potential for rehabilitation and meaningful employment on release.

BJA provides technical assistance to all active state and county-based certified correctional industry programs that manage business partnerships with private industry and provides the latest information and strategies on prison industries to enhance certificate holders' prison industry programs.

The technical assistance provider under PIECP, the National Correctional Industries Association, works with the public and private sectors to provide the latest information and strategies on prison industries and to enhance certificate holders' prison industry programs.

Currently, 45 certified correctional industry programs operate in the United States, and these programs manage at least 222 business partnerships with private industry. As of September 30, 2022, PIECP generated nearly \$109 million for victims' programs, \$54.9 million for inmate family support, \$343.8 million for correctional institution room and board costs, and \$124.3 million in state and federal taxes.

Legislation

PIECP originally was authorized under the Justice System Improvement Act of 1979 (Public Law 96-157, Sec. 827). The Crime Control Act of 1990 (Public Law 101-647) authorizes continuation of the program indefinitely. Date Modified: March 14, 2023



Pursuit's Social Commitment

Pursuit has been creating meaningful career opportunities for people Incarcerated and previously incarcerated as part of a deep Commitment to social responsibility for many years.

This partnership with CT DOC began in 2018 with work furlough program with Willard Cybulski and Pursuit (then Whitcraft) Eastford location. The partnership has grown to include several prison work furlough programs as well as partnerships with CPA in Hartford and represents about 10% of Pursuit's workforce in the state of CT.

Pursuit has grown our social commitment through also creating partnerships and work furlough programs in other states across the US.

...Always Pursuing Better...

Target Demographic for This Proposal

•

Women currently incarcerated at York Correctional that are either unsentenced or greater than 2 years of their release.

Ages

17-76 years of age

Approximately 700 women in York:

NOTE

This proposal will supplement (NOT replace) the (3) current work furlough programs/partnerships with Pursuit which targets both male and female population who are within 2 years of their release of prison.

- 1. Brooklyn
- 2. York
- 3. Willard

In 2020, with the work furlough programs suspended due to COVID, Warden Sexton inquired several times as to whether

Pursuit Aerospace could manufacture products in York Correctional facility through employing individuals currently incarcerated

.

It would be near impossible to manufacture aircraft engine parts due to the requirements to be certified to the governing bodies that allow aircraft engine parts to be made and audited to such as AS9100. Therefore, at the time, there was not a path forward to pursue this inquiry.

In late 2022, Dave McClusky reached out to Jacqueline to introduce her to the PIECP program through a visit to McDougall

Employee Needs to Support Production

- 6 shifts 4 hours long per day = 24 hours per day
- Operation Runs 6 days per week (Mon-Sat)
- 1st & 2 nd Shift Need:
- 1 Lead/Planner
- 1 CNC programmer & Maintenance technician
- 1st through 6 th Shift Need:
- 3 CNC Machinists make complete the cutters (grind, hone, mark, pack)
- 1 Material Handler to unpack, pack and ship, load and unload from truck
- Total per shift = 4 employees
- Total per day = 4 employees times 6 shifts = 24 + 4 (1 st & 2 nd shift add'l above)
- = 28 employees

Thank you for your valuable time, Respectfully, Anne Saint Ph.D.



Board of Selectmen

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EAST LYME PUBLIC SCHOOLS

P.O. Box 220 • East Lyme, Connecticut 06333 • (860) 739-3966 • Fax (860) 739-1215

Jeffrey R. Newton Superintendent of Schools

Annaliese Spaziano Assistant Superintendent of Curriculum, Instruction and Assessment Student Services

Kimberly Davis Director of

Maryanna Stevens, CPA Director of Finance, Marketing, and Growth Management

May 1, 2023

First Selectman Kevin Seery East Lyme Town Hall 108 Pennsylvania Ave, PO Box 519 Niantic, CT 06357

Dear Chairman Seery and Members of the Board of Selectman:

This letter serves as official notice that the Board of Education at their meeting on April 17, 2023 unanimously approved the creation of an unexpended educational funds account.

Pursuant to C.G.S Sec 10-248a, a Board of Education can set aside up to two percent of the overall operating budget and place these funds in an unexpended account.

Attached you will find the approved outline created by the Board of Education. We ask that this document be moved forward for approval by the Board of Selectmen and the Board of Finance.

If you have any questions, please feel free to contact me at any time.

Regards,

Jeffrey R. Newton Superintendent of Schools



UNEXPENDED EDUCATION FUNDS ACCOUNT

Pursuant to C.G.S. Sec. 10-248a. Unexpended education funds account. For the fiscal year ending June 30, 2020, and each fiscal year thereafter, notwithstanding any provision of the general statutes or any special act, municipal charter, home rule ordinance or other ordinance, the board of finance in each town having a board of finance, the board of selectman in each town having no board of finance or the authority making appropriations for the school district for each town may deposit into a nonlapsing account any unexpended funds from the prior fiscal year from the budgeted appropriation for education for the town, provided (1) such deposited amount does not exceed two per cent of the total budgeted appropriation for education for such prior fiscal year, (2) each expenditure from such account shall be made only for educational purposes, and (3) each such expenditure shall be authorized by the local board of education for such town.

There is hereby created a Board of Education Unexpended Funds Account to provide funding resources solely for future Board of Education capital, technology, and/or unanticipated special education expenditure funding needs.

Contributions to Fund

The Board of Finance, at the request of the Board of Education may deposit into the unexpended education funds reserve account any unexpended funds from the appropriation to the Board of Education for the prior fiscal year not exceeding two percent (2%) of the total budgeted appropriation for education for such prior fiscal year.

The Board of Education shall be deemed to have unexpended funds upon completion of the Agreed Upon Procedures for the Education Financial System filing.

Custody of Fund and Investments

The Board of Education "Unexpended Education Funds Account" shall be maintained by the Town Finance Director or Town Treasurer. The Town Treasurer or Town Finance Director may, from time to time, invest all or any part of the monies in said Account in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the Town's General Fund and become a part thereof. The Board of Education Director of Finance shall also maintain a ledger of the deposits and withdrawals of the fund within their records.

Use of Funds

Funds in the reserve may be expended subject to all requirements of CGS and Board of Education policies, at the sole discretion of the Board of Education for any of the following

- > Non-reoccurring or unanticipated expenditures for capital items
- > Unanticipated special education needs.
- > Other unanticipated costs or purchase of services or goods above the amount originally budgeted.

Once the Board of Education approves the requested use of the funds, the designated Board of Education employee(s) will provide a copy of the approval authorizing the purchase to the Town's Finance staff and request the issuance of a purchase order. The Board of Education employee shall place the orders for the items once the purchase order has been processed. The purchasing process shall be pursuant to the Board of Education's purchasing policies.

At the end of each fiscal year, the Town Finance Director, after reconciliation with the Board of Education Superintendent and/or designee, will provide the Board of Selectmen, Board of Finance and Board of Education with financial reports to identify the use of the fund and any remaining balance.

Continuity of Account

Any unexpended funds which may remain at the close of each fiscal year in the "Unexpended Education Funds Account" shall be nonlapsing and remain within the fund for use by the Board of Education.

If the balance of the account exceeds 4% of the preceding fiscal year's approved budget, any excess balance will go back to the General Fund Unassigned Fund Balance.



CHARTER REVISION BALLOT QUESTIONS

- Shall the town charter be amended to increase the First Selectman's term of office from two to four years?
- Shall the town charter be amended to stagger and increase the Board of Selectmen terms of office from two to four years?
- Shall the town charter be amended so that the offices of Town Clerk and Tax 3. Collector become hired administrative officers rather than elected officers?
- Shall the town charter be amended so that an appointee to a vacancy in an elective office serves the remainder of the term that was filled?
- Shall the town charter be amended to increase the price of real estate that may be purchased or sold upon the Board of Selectmen's authority and without town meeting approval, from \$10,000 to \$100,000?
- 6. Shall the town charter be amended to provide for automatic approval of requests for special appropriations or transfers of funds if the Board of Finance fails to act on such requests within 30 days?
- 7. Shall the town charter be amended to not require Board of Finance or Town Meeting approval of projects funded entirely by state, federal, or private grants that do not require an appropriation of town funds, unless acceptance of such grant would have an adverse impact on future operating budgets?
- 8. Shall the charter be amended to increase the Board of Selectmen's authority to make special appropriations, with Board of Finance approval, from \$10,000 to an aggregate of \$100,000 per town department in each fiscal year?
- TOWN Shall the charter be amended to substitute electronic and town website publication for newspaper publication as allowed by law?
- Shall all other proposed revisions be made to the town charter to update and be consistent with the remainder of the town charter, longstanding town practices, and Connecticut law?
- 11. Shall the town charter be amended to provide for the Board of Selectmen to consider charter review at intervals of no less than every ten years?

Exhibit#4



STATE OF CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

55 Farmington Ave Hartford, Connecticut 06105

Prohibition on Expenditure of Public Funds Relating to Referenda

1. Spending Public Funds To Inform Citizens Regarding Referenda

Historically, an "explanatory text" has been the exclusive method by which a municipality or regional school district could expend public funds for printing and distribution of an explanation of the subject matter of a referendum. Connecticut General Statutes § 9-369b(a) sets forth the following conditions for such explanatory texts:

- (a) a vote of the municipality's legislative body is needed to authorize it;
- (b) the municipal clerk must prepare the text and the municipal attorney must approve it;
- (c) it must specify the intent and purpose of each referendum; and
- (d) cannot advocate either the approval or the disapproval of the referendum.

Materials in addition to the explanatory text may now be prepared and printed with public funds if they (1) do not advocate either the approval or disapproval of the referendum; (2) are authorized by vote of the local legislative body; and (3) are approved by the municipal attorney.

In a municipality that has a town meeting as its legislative body, the board of selectmen by majority vote can authorize the issuance of an explanatory text or other neutral printed matter. Pursuant to Connecticut General Statutes § 9-369b(b), for a referendum called for by a regional school district, the regional board of education shall authorize and approve the explanatory text, which shall be prepared by the regional school board's secretary, and approved by the regional board of education counsel.

2. Expenditure of Public Funds For Advocacy Prohibited

With two exceptions discussed below, no expenditure of state, municipal or regional school district funds can be made to influence any person to vote for approval or disapproval of any referendum question. The ban applies when a referendum is pending.

3. When is a Referendum Question Pending?

A referendum question is pending when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum. For example, a referendum is pending when a sufficient number of signatures have been certified by the Town Clerk under § 7-7, Connecticut General Statutes, or when the selectmen (or other authorized government official) have determined that a referendum will be conducted.

4. Pro-Con Summaries

By ordinance, a municipality may provide for the preparation and printing of concise summaries of arguments in favor of and opposed to a referendum for which an explanatory text is prepared under § 9-369b(a) or (b). The ordinance must provide for a committee to prepare these summaries. See § 9-369b(d), Connecticut General Statutes for other conditions which must be satisfied.

5. Press Releases and Constituent Responses Permitted

The other exception is that an official can express his/her views on a pending referendum at a bona fide news conference, and may use public funds, facilities, and supplies to prepare a press release to be disseminated at the conference. Also, an official may use public funds, facilities and supplies to respond to a constituent request for information concerning the referendum, including the official's views. The exception is lost however, if the official responds to the citizen's request with the knowledge that the response will be disseminated to others in the community.

6. Children in School as Couriers

Children in school may <u>not</u> be used as couriers of information that advocates a position on a referendum. A notice limited to the time, place and question to be voted upon may be sent home to parents via children in school.

7. Use of School Teachers, Administrators, Facilities, Supplies, and Equipment Prohibited

The prohibition on state or municipal funds also applies to the use of school facilities, supplies, and equipment and postal permits to advocate a position on a referendum. For example, parent teacher organizations and school administrators may not use school equipment to prepare or copy advocacy material even if the town, regional district or school system is reimbursed for such use. This prohibition also extends to the use of a school's public address system to advocate a result of a referendum.

8. Use of School Facilities by Outside Political Committees and Organizations For Meetings or Rallies

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non discriminatory basis. A charge can be made for the use of school facilities for this purpose and all groups or committees must be charged the same.

9. What Constitutes Advocacy?

A communication advocates a position on a referendum when in part, or taken as a whole, it urges the listener or reader to vote in a particular manner. The style, tenor and timing of a communication are factors which are considered by the Commission when reviewing alleged improprieties of § 9-369b.

10. Civil Penalties For Violations

The State Elections Enforcement Commission may impose a civil penalty against any person who violates § 9-369b, in an amount not exceeding twice the amount of the improper expenditure or \$1,000, whichever is greater. The official is personally liable for the penalty and cannot be reimbursed or indemnified by the state, regional school district or municipality for payment of a civil penalty.

11. Political Committees to Promote Referenda

Under Chapter 155 of the General Statutes, public officials and citizens alike may join together to advocate their views on a referendum by registering a political committee with the clerk of the municipality in which the referendum is to be held. Upon its registration, the political committee is permitted to solicit, receive and expend private funds to promote the success or defeat to a referendum question. If less than \$1,000 is expected to be collected or spent, a group may file a certification of exemption in lieu of a political committee registration form.

12. Independent Personal Expenditures

Any citizen or public official may independently (acting alone) make expenditures of his/her own funds to promote the success of defeat of a referendum question without forming a political committee in conformance with Chapter 155, Connecticut General Statutes. However, once such individual spends more than \$1,000 to promote the success or defeat of a referendum question, he or she must file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under § 9-608.

The information contained herein is not exhaustive. If you have any questions concerning the enforcement of § 9-369b, please contact the State Elections Enforcement Commission, 20 Trinity Street, Suite 101, Hartford, CT 06106-1628. (860-256-2940). You may also wish to consult the Commission's publication A Guide to Financing Referendum Questions or our website www.ct.gov/seec.