

EAST LYME BOARD OF SELECTMEN
REGULAR MEETING MINUTES
AUGUST 2, 2023

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

ALSO IN ATTENDANCE: Finance Director Kevin Gervais, Chief of Police Mike Finkelstein, Town Engineer Bill Scheer, ESC Representative Kayte Morales, and Town Attorneys Tracy Collins and Mark Zamarka

1a. Call to Order

Mr. Seery called the regular meeting of the East Lyme Board of Selectmen to order at 7:02 p.m., Chief Finkelstein 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 July 5, 2023, as submitted. Seconded by Ms. Cicchiello. Motion passed 6-0.

1e. Consent Calendar

MOTION (2)

Ms. Santoro MOVED to approve the consent calendar for the regular meeting of August 2, 2023, in the amount of \$3,686.52. Seconded by Mr. Cunningham. Motion passed 6-0.

RECEIVED FOR RECORD
EAST LYME, CT
2023 AUG 10 P 12:58
TOWN CLERK

2. OLD BUSINESS

2a. Charter Revision

Town Attorney Tracy Collins said the notice was published in the Day paper today, August 2, 2023. The statute calls for a summary to be published but a full copy must be available in the Town Clerk's office. Both the summary and full copy are posted on the website.

T. Collins said the revision questions have been properly formatted for the ballot and sent to the Secretary of State for final approval. The two changes requested by the Board were changed on questions #8 and #11.

The explanatory text was discussed which she and the Town Clerk will prepare.

3. NEW BUSINESS

3a. EL/Montville Police Assistance Agreement

Chief Finkelstein discussed the need for more officers due to several ongoing road construction projects. He said they have 7-9 officers a day assigned to road jobs. He presented a draft agreement with Montville for more officers as needed. The agreement was reviewed by the town attorneys. He is also in conversations with Waterford. There is a mutual aid contract with surrounding towns for special events held in East Lyme, but this agreement is more for the

ongoing construction projects when needed. The cost of additional officers is paid by the vendor.

MOTION (3)

Ms. Santoro MOVED to authorize the First Selectman to enter into an agreement between the Town of East Lyme and the Town of Montville Concerning Private Duty Police Assignments, as presented.

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

3b. Short Term Rentals

K. Seery has heard from several people on both sides of the issue, especially in the beach communities. There have been complaints about noise, garbage and too many people in the house. He has also heard from people who have short term rental properties that have had no problems. As an issue that repeatedly comes up, he is suggesting a ad-hoc committee to look at the issue with possible options for resolution.

R. Hardy objected to anyone on the committee having a financial interest who may own properties that benefit from short term rentals.

Some members thought both sides should be represented on the committee.

It was the consensus of the Board that any member having a financial interest should disclose the conflict to the public.

Attorney Mark Zamarka said that if the subcommittee decides that an ordinance is appropriate then it would override the beach association's regulations. If the subcommittee decides a regulation is appropriate, then the zoning regulations adopted could not override the beach association regulations.

MOTION (4)

Ms. Santoro MOVED to adopt the Charge for the creation of the ad hoc committee on Short Term Rentals, and to appoint members to the Committee.

CHARGE TO THE AD HOC SHORT TERM RENTAL COMMITTEE

WHEREAS, the Town of East Lyme is aware that the rental of residential properties on a short-term basis is a matter of concern to many East Lyme residents; and

WHEREAS, the Board of Selectmen wishes to investigate the issue of short-term rentals to determine whether and to what extent they may be regulated, if there exists a need in East Lyme to regulate such practices, and any other related issues.

THEREFORE, the Board of Selectmen hereby establishes the AD HOC SHORT TERM RENTAL COMMITTEE and requests it conduct its business as follows:

1. The Committee shall be comprised of eight (8) members, each one being a resident elector of East Lyme. There shall be one member each representing the interests of the Board of Selectmen, the Zoning Commission, and six members at large. The composition of the Committee will comply with the minority representation statute. Five (5) members shall constitute a quorum. All members shall be recommended and appointed by the Board of Selectmen.
2. The Committee shall conduct its business in accordance with all laws and regulations governing the actions of municipal agencies, including the requirements of the Freedom of Information Act.
3. The Committee shall conduct at least two (2) public hearings to receive comments and input from East Lyme residents. The first shall be early in the process and the second one shall be held prior to the report of recommendations to be given to the Board of Selectman.

4. The Committee shall report its findings and any recommendations to the Board of Selectmen no later than 90 days after its first meeting, and the Committee may request additional time if necessary.
5. Any Committee member who has a financial interest in a short-term rental shall disclose same at the first meeting of the Committee.

RECOMMENDED MEMBERS OF THE AD HOC COMMITTEE ON SHORT TERM RENTALS

Anne Santoro, R, Board of Selectmen
Anne Thurlow, U, Zoning Commission
Paul Formica, R, Giant's Neck Beach Association President
John Schweizer, D, Oak Grove Beach Association
Gary Farrugia, U, Saunders' Point
John Cellino, U, Black Point Beach Association
Daniel Beachy, D, Crescent Beach Association
Gary Cicchiello, D, At-Large

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

3c. EV Chargers at Town hall

Bill Sheer, DPW, Deputy, the town is able to apply for a grant for two quick EV chargers in the amount of \$224,000, the town would have to supply a match of \$50,000. There are funds available from the American Rescue Funds which were previously appropriated to the P&R department but no longer needed.

Kate Moralis, Environmental Systems Corporation (ESC) said the program outline has been significantly changed for round 2 which the town would no longer qualify. The town was able to get in on round 1 as it was on the wait list.

B. Sheer said the deadline to apply is September 15, 2023.

MOTION (5)

Ms. Santoro MOVED to approve a Special Appropriation of \$50,222 for the installation and operation of two Tier 3 Electric Vehicle charging stations from American Rescue Funds to an account titled "EV Charging Station" Account 85-70-009-700-901, and forward to the Board of Finance for Approval. NOTE: This requires a town meeting.

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

Kevin Gervais, Finance Director, distributed an updated ARPA list.

3d. Year End Fiscal Transfers

Tabled to next meeting as new bills have been received.

Kevin Gervais, Finance Director, said there are several budgets that are significantly under budget such as the pension and retirement liability accounts, for a savings of \$350,000. Other accounts have savings due to hiring delays, leaves and unused overtime.

3e. Appoint SCWA Representatives

MOTION (6)

Ms. Santoro MOVED to appoint Carol Russell, 4 Bramble Bush Drive, Niantic, as a representative for the Town of East Lyme to the Southeastern Connecticut Water Authority (SCWA) with a term to expire on September 1, 2025.

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

MOTION (7)

Ms. Santoro MOVED to appoint Kevin Seery, 25 Quailcrest Road, East Lyme, as a representative for the Town of East Lyme to the Southeastern Connecticut Water Authority (SCWA) with a term to expire on September 1, 2025.

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

3f. Appoint Mr. Willetts to Check the Indices for 2023

MOTION (8)

Ms. Santoro MOVED to appoint Attorney William Willetts, Jr. to examine the indices of the land records for calendar year 2023 in accordance with CGS Section 7-14 for the sum of \$2,000.

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

4. REPORTS

4a. Ex-Officio Reports

Rose Anne Hardy-no report. She recognized Francis Adams who passed away at the age of 104. He had served two terms on the Board of Selectmen.

Dan Cunninham-no report

Anne Santoro-Library:

- the library is very busy,
- the children's section is getting more visits than pre-pandemic numbers.
- The new conference room is being used daily.
- A poster printer in the library will generate additional funds.
- Community Center feasibility plan is well underway.
- The library will be engaging in strategic planning in preparation for a grant opportunity.

Anne Cicchiello-Historic Properties:

- Brookside Farm, August 20, will have Irish music, free to the public.
- Lee House, August 12, Archaeological dig for families

Bill Weber-Zoning:

- Four lot subdivision was approved.

4b. First Selectman's Report

- Attended EL Little League State Championship game, which they won
- Floater at Town Hall hired for town clerk's office, land use, assessor's office and cover for Administrative Assistant-Sue Spang was hired for the floater position.
- Bonding did very well and has seen significant growth.
- Celebrate East Lyme Day, approximately 35,000 people attended, great fireworks.
- Ongoing concerts at the beach and McCooks park.
- Adams Family is at the playhouse
- Met Amtrak representative concerning fence.
- National Night out for First Responders
- New town hall hours are working very well.
- Start bidding for wrong way flashers on exits.
- Noble Gas has opened.

5. Communications

Lucira Nebelung letter will be attached.

6. Public Comments

7. Selectman's Response

8. Executive Session

MOTION (9)

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 Mr. Cunningham. Motion passed 6-0.

The Board entered into executive session at 8:13 p.m. They returned at 8:56 p.m. and Ms. Santoro stated that no formal votes were taken.

MOTION (10)

9. Adjournment

Ms. Santoro MOVED to adjourn the August 2, 2023, regular meeting of the Board of Selectmen at 8:56 p.m.
Seconded by Mr. Cunningham. Motion passed 6-0.

Respectfully Submitted,

Sandra Anderson
Recording Secretary

Exhibit # 1

EL Short Term Rental Committee Statement

Lucira Jane Nebelung <jane.nebelung@snet.net>

Wed 8/2/2023 9:17 AM

To: Ann Cicchiello <acicchiello@eltownboardmember.org>

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.

Ann, thank you for agreeing to read this into the record at tonight's BoS meeting. Let me know if you have any questions/concerns.

+++++

Back on July 8, I made a comment to the Day's article: "East Lyme to test the waters of short-term rental regulation": The prior owner of the house across the street from us used it as a STR. At times, we had as many as three different groups coming and going each week... I am glad that East Lyme is looking at this.

Yesterday, I received an anonymous voice mail that said that someone (I am not going to share the name) being appointed to the STR committee owns three STR properties in Giants Neck.

I would generally not have a problem with this but EL has a consistent history of appointing/electing people to committees and commissions who have agendas of personal/business benefit and profit from their appointment/election. These are blatant conflicts of interest: Personal benefit from public office is unethical and corrupts the process.

East Lyme has had a Code of Ethics in place since Beth Hogan's tenure in 2007 https://codelibrary.amlegal.com/codes/eastlyme/latest/eastlyme_ct/0-0-0-987. It has been ignored for the past 15 years. Violations are not hard to find. They are in plain view. . It is easy to imagine that a STR property owner on the committee would block any kind of meaningful regulation that would hold them accountable.

Let's not make this committee another avenue that benefits a few at the expense of the rest of us and the quality of life in East Lyme. NO ONE on the committee should have any kind of conflict of interest.

Thank you for your time and attention.

Lucira Jane Nebelung

72 Quarry Dock Rd, Niantic

Exhibit # 2

Town of East Lyme
Perpetual Detail Expenditure Year Analysis

Range of Accounts: 85- - - - to 85-99-999-999-999

Include Cap Accounts: Yes As of: 08/02/23
Skip Zero Activity: Yes

NOTE: This report includes ONLY activity originally Budgeted/Charged to Budget Year X.
Prior Year Budgeted/Encumbered/Payable amounts rolled to Budget Year X have been EXCLUDED.

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Payable	Balance YTD	%Used
85-70-001-700-001	PS BUILDING ROOF - 8/4/21 TMTG	200,000.00	0.00	0.00	198,264.02	0.00	1,735.98	99
85-70-002-700-002	VARIOUS EQUIP & SERVICES - 9/1/21 TMTG	0.00	0.00	99,655.70	0.00	0.00	99,655.70-	0
85-70-002-700-004	VIRTUAL MEETING PACKAGE	14,428.00	0.00	0.00	14,428.00	0.00	0.00	100
85-70-002-700-005	Microwave Dishes for Emerg PS Mgmt	132,000.00	0.00	0.00	31,685.74	0.00	100,314.26	24
85-70-002-700-006	Security Cameras	44,000.00	0.00	0.00	38,192.37	0.00	5,807.63	87
85-70-002-700-007	Wellness/Prevention Coordinator YS	55,000.00	0.00	0.00	55,000.00	0.00	0.00	100
85-70-002-700-008	Clinical Therapist/Counselor Youth Serv	20,000.00	0.00	0.00	20,000.00	0.00	0.00	100
85-70-002-700-009	Shoreline Kitchen and Food Pantry	10,000.00	0.00	0.00	10,000.00	0.00	0.00	100
85-70-003-700-003	VARIOUS SERVICE AGENCIES - 10/6/21 TMTG	113,553.00	0.00	0.00	113,553.00	0.00	0.00	100
85-70-004-700-004	WELL5/MainSt/TC - 12/1/21 TMTG	1,010,000.00	0.00	69,101.65	937,687.25	0.00	3,211.10	100
85-70-005-700-005	NOVAtime T & A System - Tmtg 1/5/22	67,392.00	0.00	0.00	67,392.00	0.00	0.00	100
85-70-006-700-601	Small Business/Nonprofit	461,945.00	0.00	0.00	461,945.00	0.00	0.00	100
85-70-006-700-602	PWD Garbage Truck	293,620.00	0.00	0.00	293,619.47	0.00	0.53	100
85-70-006-700-603	PWD Air Handler ELTH	150,000.00	0.00	0.00	144,475.00	0.00	5,525.00	96
85-70-006-700-604	PS Emergency Mgt Software	12,800.00	0.00	0.00	0.00	0.00	12,800.00	0
85-70-006-700-605	P&R Darrow Pond Master Plan Rec Area	25,000.00	0.00	3,950.00	21,050.00	0.00	0.00	100
85-70-006-700-606	ELTH Drop Box	2,659.90	0.00	0.00	2,659.90	0.00	0.00	100
85-70-006-700-607	PS Fire Safety Equipment FM	5,225.00	0.00	3,487.57	1,252.43	0.00	0.00	100
85-70-006-700-608	Library Zoom Meeting Space	5,865.00	0.00	0.00	5,274.00	0.00	485.00	91
85-70-006-700-609	Contingency Admin Costs/Attorney Fees	4,699.00	0.00	0.00	4,699.00	0.00	591.00	90
85-70-006-700-610	Contingency Emergency Mgt Pandemic Needs	12,497.50	0.00	0.00	12,497.50	0.00	0.00	100
85-70-007-700-701	PWD Upgrade HVAC FSB	270,000.00	0.00	219,265.00	50,735.00	0.00	0.00	100
85-70-007-700-702	PS Police State Radio Communications Sys	466,161.34	0.00	61,296.79	404,864.55	0.00	0.00	100
85-70-007-700-703	P&R PT Prevention Mentoring Coordinator	55,000.00	0.00	0.00	10,085.22	0.00	44,914.78	18
85-70-007-700-704	P&R PT Counselor YS	20,000.00	0.00	0.00	0.00	0.00	20,000.00	0
85-70-007-700-705	P&R Playscape Improvements McCook/Peretz	150,000.00	0.00	6,437.24	10,090.92	0.00	133,471.84	11
85-70-007-700-706	P&R Water Fountains in Parks	75,000.00	0.00	0.00	0.00	0.00	75,000.00	0
85-70-007-700-707	P&R Restroom Enhancements Parks	165,000.00	0.00	12,450.00	0.00	0.00	152,550.00	8
85-70-007-700-708	COA FT Social Worker	59,475.00	0.00	858.82	0.00	0.00	58,616.18	1
85-70-007-700-709	ELCC Feasibility Study	38,000.00	0.00	25,250.00	12,750.00	0.00	0.00	100
85-70-007-700-710	W&S Sewer NPS Upgrade	600,000.00	0.00	274,207.25	74,363.51	0.00	251,429.24	58
85-70-007-700-711	W&S Recoat BP Road Water Tank	750,000.00	0.00	7,395.89	557,257.66	0.00	185,346.45	75
85-70-007-700-713	SBCA Cylinders for Flanders Fire	7,460.00	0.00	0.00	0.00	0.00	7,460.00	0
85-70-007-700-714	SCBA Cylinders for Niantic Fire	8,700.00	0.00	0.00	8,700.00	0.00	0.00	100
85-70-007-700-715	Upfitting Engine 3	20,000.00	0.00	0.00	0.00	0.00	20,000.00	0

Exhibit # 2

Town of East Lyme
Perpetual Detail Expenditure Year Analysis

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Payable	Balance YTD	%Used
85-70-007-700-716	Turn out Gear and Other Fire Marshal Equ	5,000.00	0.00	0.00	3,072.70	0.00	1,927.30	61
85-70-007-700-717	Various Sidewalk Repairs throughout Town	25,000.00	0.00	0.00	0.00	0.00	25,000.00	0
85-70-007-700-718	Various Roof Repairs throughout Town	10,000.00	0.00	0.00	0.00	0.00	10,000.00	0
85-70-007-700-719	HVAC Pump Replacements Throughout Town	20,000.00	0.00	0.00	0.00	0.00	20,000.00	0
85-70-007-700-720	Fire Marshal Gas Meters	2,000.00	0.00	454.01	1,545.99	0.00	0.00	100
85-70-008-700-801	Grand Street Boat Launch Ladder	7,000.00	0.00	0.00	2,182.97	0.00	4,817.03	31
Fund: 85	Budgeted Total	5,394,480.74	0.00	783,809.92	3,569,323.20	0.00	1,041,347.62	81
Fund: 85	Non-Budgeted Total	0.00	0.00	0.00	0.00	0.00	0.00	0
Fund: 85	Total	5,394,480.74	0.00	783,809.92	3,569,323.20	0.00	1,041,347.62	81
Final Budgeted		5,394,480.74	0.00	783,809.92	3,569,323.20	0.00	1,041,347.62	81
Final Non-Budgeted		0.00	0.00	0.00	0.00	0.00	0.00	0
Final Total		5,394,480.74	0.00	783,809.92	3,569,323.20	0.00	1,041,347.62	81