

Minutes of EAST LYME BOARD OF SELECTMEN OCTOBER 4TH, 2023 REGULAR MEETING - 10/04/23

Date and time: 10/04/23 7:10 PM to: 10/04/23 7:44 PM

Present: Brooke Stevens, Recording Secretary, BOS Members Present:, Kevin Seery, First Selectman, Anne Santoro, Rose Ann Hardy, Ann Cicchiello, Via Zoom, Dan Cunningham, Absent:, Bill Weber

CC: Tracy Collins, Town Attorney, Also Present: , Kevin Gervais, Finance Director, Joe Bragaw, Director of Public Works

Location: EAST LYME TOWN HALL UPPER MEETING ROOM & VIA ZOOM

Link: <https://app.meetingking.com/meetings/405529>

Topics

1. Call Meeting to Order and Pledge of Allegiance

Note Immediately following a Special Town Meeting which commenced at 7:00 p.m., First Selectman Seery called the meeting to order at 7:10 p.m. and noted that the Pledge was observed during the Town Meeting.

2. Additional Agenda & Consent Calendar Items

Note There were none.

3. Delegations

Note There were none.

4. Approval of Minutes:

4-1. Regular Meeting of September 20th, 2023

Decision MOTION (1)

Ms. Santoro moved to approve the Regular Meeting Minutes of September 20th, 2023, as submitted.
Mr. Cunningham seconded the motion.
Motion carried, 5-0-0.

4-2. Special Meeting of September 27th, 2023

Decision MOTION (2)

Ms. Santoro moved to approve the Special Meeting Minutes of September 27th, 2023, as submitted.
Ms. Hardy seconded the motion.
Motion carried, 5-0-0.

Note Mr. Seery noted that Ms. Cicchiello pointed out that when he was discussing what the additional taxes would be per household if they purchased the Brainerd Road, Hathaway Farm, and Oswegatchie Hills property, he stated that it would be \$17 per month, when he should have said per year. He thanked Ms. Cicchiello for her keen observation.

5. Consent Calendar

CEIVED FOR RECORD
EAST LYME, CT
2023 OCT 12 A 8:07
Cynthia A. Seery
TOWN CLERK

Note There was none.


6. Old Business

6-1. Discussion & Possible Action – Charter Revision Explanatory Text

Note Mr. Seery explained that according to the State the text is supposed to be crafted by the Town Clerk and the Town Attorney. He noted that the Town Clerk and himself were involved a little bit, but that the vast majority of was done by the Town Attorney due to her familiarity with this.

Note Tracy Collins, Town Attorney, came forward to present the explanatory text for the proposed Town Charter Revision ballot questions.

Note see attached explanatory text.

 [Explanatory Text.pdf](#)

Note Ms. Collins shared some of the following:

We're allowed to tell the public what the intent and the purpose was but there's a fine line between advocating for a position and then explaining what the intent and purpose is.

Since she was at every Charter Commission meeting and she prepared the draft report, she knows what the intention of the Commission was.

This text is the purview of the Town Attorney and doesn't require Board of Selectmen approval.

Her first draft was a lot longer than this one, and she has to give credit to the Town Clerk.

Note The Board briefly discussed the explanatory text and noted crafting it could not have been an easy task.

Decision MOTION (3)

Ms. Santoro moved that Whereas on July 5 2023, the Board of Selectmen in accordance with Connecticut General Statutes Section 9-369b9(a), authorized the Town Clerk to prepare subject to the Town Attorney's approval, an explanatory text specifying the intended purpose of each ballot question regarding the 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.

Resolved, the Board of Selectmen hereby authorizes the printing and dissemination to the public said explanatory text, which has been approved by the Town Attorney.

It's FURTHER RESOLVED that the Town Attorney is authorized to prepare a letter to be signed by the First Selectman, printed and disseminated to the public, outlining the charter review process, the explanatory text process and attaching the explanatory text. Said letter shall not advocate either the approval or disapproval of any ballot question.

Mr. Cunningham seconded the motion.

Motion carried, 5-0-0.

6-2. Discussion & Possible Action- Request Board of Finance Approval for the Purchase of East Lyme Land Trust Specified Properties Known as Hathaway Farms, Oswegatchie Hills, and Brainerd Road

Note Mr. Seery detailed how he and Mr. Gervais have spent a great deal of time speaking with the Bond Counsel.

Note Mr. Seery said copies of the resolutions will be on file in the Town Clerk's Office.

Note Ms. Cicchiello asked if a third-party vendor will be ensuring a clean title and Mr. Seery replied that a clean title will be required to proceed with the sale.

Decision MOTION (4)

Ms. Santoro RESOLVED that the resolution entitled "Resolution Making Appropriations Aggregating \$2,350,000 For The Purchase Of Properties For Open Space Preservation And Authorizing The Issuance Of \$2,350,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", a copy of which is attached hereto, be adopted and recommended for approval by the Board of Finance and the legal voters of the Town in a Special Town Meeting. A copy of the resolution is on file in the town clerk's office for review.

Mr. Cunningham seconded the resolution.

Motion carried, 5-0-0.

Decision MOTION (4)

Ms. Santoro RESOLVED that the resolution entitled "Resolution Approving The Purchase Of Real Property For A Cost Not Exceeding \$2,350,000," a copy of which is attached hereto, is hereby adopted and recommended for approval by the Board of Finance and the legal voters of the Town at a Special Town Meeting. A copy of the resolution is on file in the town clerk's office for review.

Ms. Hardy seconded the resolution.

Motion carried, 5-0-0.

Decision MOTION (5)

Ms. Santoro RESOLVED:

Section 1, the Town desires to purchase for Open Space Preservation certain properties more specifically described in the purchase agreement to be executed by the Town with respect to the properties generally known as Brainerd Road Property, the Oswegatchie Hills Property, and the Hathaway Farms Property (The Properties.) The cost of such real property exceeds \$10,000 and as such requires approval of the Town Meeting as described in Charter Section 7.7. The Purchase of the Properties for the amount not to exceed \$2,250,000 is hereby approved.

Section 2, to meet the cost of said Properties an appropriation in the amount of \$200,000 from the Open Space Fund is hereby approved.

Section 3, Pending the Issuance of the Bonds authorized to finance the purchase of the property, the Town will fund the expected expenditure from the monies held in the Bonded Capital Fund to the General Fund and reimburse the Bond Capital Fund upon Issuance of the Bonds for the Town in 2024. The temporary transfer from and reimbursement of the Bonded Capital Funds is hereby approved.

Mr. Cunningham seconded the resolution.

Motion carried, 5-0-0.

Decision MOTION (6)

Ms. Santoro moved that WHEREAS the Town desires to fund the purchase of the Properties from various sources including an appropriation from the Town's Open Space Fund and a temporary transfer of funds on hold in the Town's Bonded Capital Fund. Now therefore, be it Resolved by the Board of Finance that 1. To meet a portion of the cost of said Properties an appropriation in the amount of \$200,000 from the Open Space Fund is hereby approved. 2. Pending the approval and the issuance of the Bonds authorized to finance the purchase of the Properties the Town is authorized to fund the purchase of the Properties for monies held in the Bonded Capital Fund of the General Fund and to reimburse the Bonded Capital Fund upon the issuance of Bonds by the Town. The temporary transfer from and reimbursement of the Bonded Capital Funds is hereby approved.

Ms. Hardy seconded the motion.

Motion carried, 5-0-0.

Note Mr. Seery said if the Board of Finance approves this a referendum will be scheduled for October 17th, 2023.

7. New Business

7-1. Discussion and Possible Action – Darrow Pond Master Plan (Presentation)

Note This item has been tabled since the Presenters were unable to attend this evening.

7-2. Discussion – Establishment by Ordinance of the East Lyme fire Department

Note Mr. Seery noted they're also tabling this item and it will come back before the Board once the new Board is seated in December.

He was hoping to at least introduce the Ordinance this evening since there has been a growing need to have the fire department formalized and have one full-time Chief for all of the stations. Mr. Seery explained that he himself is currently the Supervisor for the full-time paid firemen, which is a disservice to them because he simply does not have the time to interact with them and address their issues.

Mr. Seery added that the part-time paid firemen don't report to him, but to the volunteer Fire Chiefs, and it's becoming increasingly difficult to attract part-time firemen and volunteers; several part-time Firemen have worked in excess of 30 hours for such an extended period that they qualify for benefits, and this is not something the First Selectman sees since they report to the volunteer Chiefs, and not to him.

Note Mr. Seery observed that down the road, there is clearly a need to formalize relationship between the Town, the Fire Departments, and the East Lyme Ambulance Association, which the sample Ordinance does address.

He explained that many volunteer Firefighters have brought up concerns that they didn't hear about the potential Ordinance, even though they've been discussing this with the paid Firefighters since October of last year.

Note Mr. Seery said he thinks it's best to temporarily pause this and let the next Administration continue what they've done so far to make sure this moves forward.

Note The Board briefly discussed the potential Ordinance and how the two separate Firehouses currently operate.

Note Ms. Cicchiello asked about the possibility of creating a Fire Commission and Mr. Seery replied that currently there is no intent to have one.

8. Ex-Officio Reports

8-1. Ms. Santoro had nothing to report.

8-2. Mr. Cunningham had nothing to report.

8-3. Ms. Hardy had nothing to report.

8-4. Ms. Cicchiello had nothing to report.

9. First Selectman's Report

Note Mr. Seery said some of the following:

In regard to the Firemen, he wants to note that he's repeatedly told that they're always professional, courteous, and do their job.

The Firemen are stretched thin, but he has no complaints as far as their treatment, their response and the manner in which they handled their work.

10. Communications

Note There was none.

11. Public Comment

Note There was none.

12. Selectman's Response

Note Mr. Seery shared the following:

Covid is back, and four employees are out sick.

Sadly Joe Mingo, longtime resident, concerned citizen, and former Water & Sewer Commission Member passed away last night.

Tomorrow bids open to seal the Public Safety Building.

13. Adjournment

Decision MOTION (7)

Ms. Santoro moved to adjourn the October 4th, 2023, Regular Meeting of the Board of Selectmen at 7:44 p.m. and enter Executive Session for the purpose of Collective Bargaining- Local 3377, International Association of Fire Fighters, AFL-CIO.

Mr. Cunningham seconded the motion.

Motion carried, 5-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Next Meeting

Meeting title: East Lyme board of selectmen october 5th, 2023 special meeting
Date and time: 10/05/23 07:30 pm to: 10/05/23 07:42 pm
Location: EAST LYME TOWN HALL CONFERENCE ROOM #1

TOWN OF EAST LYME
EXPLANATORY INFORMATION ON
PROPOSED TOWN CHARTER REVISION BALLOT QUESTIONS
REFERENDUM DATE: TUESDAY, NOVEMBER 7, 2023

September, 2023

This explanatory text was prepared by the East Lyme Town Clerk and Town Attorney pursuant to Sec. 9-369b of the Connecticut General Statutes. As required by law, the text specifies the intent and purpose of each ballot question but does not advocate for either the approval or disapproval of any ballot question.

To East Lyme residents,

In 2022, the Board of Selectmen established the 2022 Charter Revision Commission, which has completed the work with which it was charged.

This explanatory text provides information on the proposed Charter revisions under consideration in a series of eleven (11) questions to be voted on at a public referendum to be held in conjunction with the municipal election on November 7. The ballot questions reflect the recommendations of the 2022 Charter Revision Commission which were approved by the Board of Selectmen.

Full copies of the Charter as revised with red-lined proposed changes are available at the Town Clerk's office and on the Town's website at: <https://eltownhall.com>.

The proposed Charter revisions are not final unless they are approved by the East Lyme voters on November 7. Each ballot question will be counted and implemented separately.

Below are the ballot questions and an explanation of the proposed changes. Each question will have a yes/no vote on the ballot.

Shall the town charter be amended to increase the First Selectman's term of office from two to four years?

The intent is to reduce campaigning time and increase time dedicated to the duties of the First Selectman.

2. Shall the town charter be amended to stagger and increase the Board of Selectmen terms of office from two to four years?

The intent of the increase in the Selectmen's term is the same as for the First Selectman. The intent of the "staggered board", whereby there would be no more than three open selectmen positions at any election, is to preserve institutional knowledge on the Board of Selectmen. After a transition, all Selectmen would be elected to four year terms.

3. Shall the town charter be amended so that the offices of Town Clerk and Tax Collector become hired administrative officers rather than elected officers?

The intent of this amendment is to reflect that certain professional credentials are required of both positions, to ensure compliance with those credential requirements by making them conditions of employment. The positions would become hired at the end of the current terms of office (December 1, 2025 unless a vacancy occurs sooner).

4. 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?

The intent of this amendment is to fill vacancies in a manner consistent with Secretary of the State's guidance and the majority of other towns.

5. 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?

The intent of the amendment is to reflect the present day value of the threshold set in 2009, when last revised. Approval by the Board of Finance is still required in all instances.

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?

The intent of the amendment is to increase efficiency and the ability to act on urgent Town funding by eliminating delays if the Board of Finance fails to act within the required period.

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?

The intent of the amendment is to streamline the ability of the town to spend grant funds when appropriation of Town funds is not required.

8. Shall the town 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?

The intent of the amendment is to reflect the present day value of the threshold that was set in 1965. Approval by the Board of Finance is still required in all instances.

9. Shall the town charter be amended to substitute electronic and town website publication for newspaper publication as allowed by law?

The intent of the amendment is to anticipate future changes to the law on required publications which would have significant cost-savings for the town.

10. Shall all other proposed revisions be made to the town charter to update and be consistent with the remainder of the town charter, long-standing town practices, and Connecticut law?

The intent is to generally update and provide consistency across the charter. The proposed amendments include new sections on gender neutral terms and the purpose of the charter, reorganizing sections to provide greater clarity, updating Board and Agency names and duties and deleting abolished entities. The proposed amendments also reflect the long-standing practice of the Tax Assessor settling appeals resulting in payment to the Town of less than \$40,000, and deleting residency requirement for the Town Counsel, Dog Warden (now shared with Waterford and called Animal Control Officer) Building Official, Building Inspector (now regulated by state statute), and Fire Marshal.

11. Shall the town charter be amended to provide for the Board of Selectmen to consider charter review at intervals of a minimum of every ten years?

The intent of the amendment is to ensure periodic review of the charter and consideration of the need for charter revisions.