FIFTEEN ROPE FERRY ROAD
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Town of Waterford

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Board of Finance
Regular Meeting Minutes

Wednesday, September 11, 2024
Town Hall Auditorium 7:00 p.m.

Present: Glenn Patterson, Robert Tuneski (7:05pm), Bill Sheehan, Michael Rocchetti (7:05pm), Joseph Filippetti, Ron Fedor (7:05pm), Josh Kelly

Elected: Rob Brule, First Selectman; Susan Driscoll, RTM Member; Abbas Danesh, Treasurer; Tom Dembek, RTM Member; Pat Fedor, BOE Chairwoman; Nick Gauthier, RTM Member

Staff: Kimberly Allen, Director of Finance; Ryan McNamara, Program Coordinator Recreation & Parks; Tom Giard, Superintendent Waterford Public Schools; Joseph Mancini, Director of Finance/Operations Waterford Public Schools; Stephen Dubicki, Jr., Fire Marshall; Jon Mullen, Planning Director; Maureen Fitzgerald, Environmental Planner; Rebecca Hall, Administrative Assistant Finance Office/BOF Recording Secretary

Other: Nick Kepple, Suisman Shapiro, Town Attorney *by phone;

1. **Establishment of a quorum and call to order**
A quorum was established and the Regular Meeting of the Board of Finance was called to order at 7:00 p.m. September 11, 2024.

2. **Public Comment:**
a. Narcisse Greene, parent at Great Neck Elementary School, urged the Board of Finance to approve the requested money by the Board of Education to fund the remediation of the Great Neck Elementary School Field. Ms. Greene feels the children need a working field and safe area to play.
b. Nick Gauthier, RTM Member, 38 Norman Street, Waterford, spoke to support appropriating funds for the BOE Great Neck School Field project. Mr. Gauthier praised Ms. Greene and other parents in their efforts to get this project started.

3. **Approval and acceptance of minutes:**
Special Meeting on August 14, 2024

Motion by Bill Sheehan and **seconded** by Joe Filippetti to approve the minutes of the August 14, 2024 Special Meeting as revised.

Friendly Amendment Requested by Robert Tuneski and **seconded** by Michael Rocchetti, to wait for counsel from Town Attorney Nick Kepple, to further the conversation regarding Josh Kelly's eligibility to be appointed as well as elected to a seat on the Board of Finance.

Josh Kelly suggested the original motion should stand as that motion would not be affected by the conversation with the attorney and the outcome of that conversation would have no bearing on the motion for approval of the minutes.

Bill Sheehan said it was not appropriate to discuss [at this point in the agenda] and the Board could possibly move the discussion with the attorney to "New Business". Mr. Sheehan did not accept the Friendly Amendment.

Mr. Tuneski and Michael Rocchetti sought amendments to the revised Special Meeting Minutes. Josh Kelly added that there are many other corrections that need to be added.

Bill Sheehan accepted Friendly Amendment.

Motion by Bill Sheehan to remove his original motion. **New motion** by Bill Sheehan and **seconded** by Michael Rocchetti to postpone approval of the August 14, 2024 Special Meeting Minutes.

Vote: 7-0-0 **Motion: Passed**

Regular Meeting on August 14, 2024

Motion by Bill Sheehan and **seconded** by Michael Rocchetti to approve the minutes of the August 14, 2024 Regular Meeting.

Vote: 7-0-0 **Motion: Passed**

4. To consider and act on a request for an appropriation from the Board of Education for moisture and drainage remediation of the Great Neck Elementary School Field in the amount of **$278,750** and forward to the RTM if required.

Discussion began with opening remarks by Tom Giard, Superintendent of Waterford Public Schools, along with Joseph Mancini, Director of Finance/Operations Waterford Public Schools, and Kevin Dufour, (by phone) of Tom Irwin Advisors, Inc. Mr. Giard began by saying the school was built in the early 2000's and the field was previously a wetland area. The BOE commissioned a study to be done by Tom Irwin Advisors, Inc. to determine why extra moisture issues were occurring and possible solutions to the problems. Out of 185 days in the school year, the grass field was unusable for approximately 50 days.

Robert Tuneski asked who Tom Irwin Advisors, Inc. is and asked the BOE to explain what they do. Mr. Giard responded stating they are soil experts who specialize in high performance sports fields throughout the country. Tom Irwin Advisors, Inc. has been involved with town work in multiple capacities. He shared that Ryan McNamara, Director of Recreation & Parks, recommended the company.

Bill Sheehan asked the BOE why this project was not in the Capital Plan request. Mr. Giard responded that the field has been mostly usable until recently as it has been less accessible. The BOE didn't think it would be a capital project and had hoped that the issues could be fixed in-house with existing equipment from town departments.

Bill asked Mr. Dufour why the contingency was so high (25%) for this project. The Tom Irwin representative responded saying the high contingency helps cover any additional costs for potential surprises that may arise during the project.

Mr. Tuneski asked if a civil engineer would be used to which Mr. Dufour responded that they can bring one in as needed. Mr. Tuneski asked if an engineer is with this company to certify their work. Mr. Dufour replied "no".

Michael Rocchetti asked four (4) questions:

1. Why did this happen at the field?
2. Will the issue reoccur?
3. Is this the only company asked to look at the project?
4. Is the field able to be rototilled and back filled?

1. Ryan McNamara responded saying there is a compaction issue below the surface of the soil which prevents grass from establishing a solid root system. The town has used sound wave treatment to reduce compaction but that had minimal effect. The town has also aerated and reseeded the property to no avail.
2. Unanswered
3. Tom Giard said Tom Irwin Advisors, Inc. is the only company contacted by the BOE to look at the site.
4. Kevin Dufour of Tom Irwin Advisors, Inc. said there could be some short-term fixes but the type of soil at the field will always hold water and recommends replacing it. Bottom line is there are temporary fixes but those options would need to be repeated often.

Rob Tuneski questioned if the field has irrigation now? Tom Giard said no. Mr. Dufour added that a field at an elementary school has many limitations for weed control chemicals and water maintenance will be key in establishing solid seeding and producing healthy grass. Irrigation will be vital in this process. Mr. Tuneski asked if all of our town fields have irrigation to which Mr. McNamara said several do, but not all.
Bill Sheehan asked if the proposal includes installing drainage equipment (i.e. piping) under the soil to move water away from the playing area. Mr. Dufour responded saying a drain will run outside of the field and this will collect and drain into a sub graded area to be moved away from the field as well as pitching the area properly.
Mr. Tuneski asked if there is a warranty on the work proposed to which Mr. Dufour answered that it would depend on the actual contractor selected in the bid process.
Chairman Patterson noted that from a Board of Finance point of view, this project should have been added to the Capital Plan to formalize taking action on it. He believes that Recreation & Parks along with the BOE could have identified this project better. He commended the BOE for providing answers and information to the BOF for the meeting.

Motion by Bill Sheehan and **seconded** by Ron Fedor to designate **$278,750** to a "New Project" line item from the **Undesignated Fund Balance of the Capital Nonrecurring Expenditure Fund (line item #205-31520) and forward to the RTM as required.**

Vote: 7-0-0 **Motion: Passed**

5. To consider and act on a request for an additional appropriation from Rob Brule, First Selectman, on behalf of the Waterford Fire Services, in the amount of **$14,486** for the retirement payout of Director of Fire Services, Michael Howley, to **line #10123-51110 Administration** and forward to the RTM if required.

Motion by Robert Tuneski and **seconded** by Ron Fedor to transfer **$14,486** from FY25 Contingency Fund to **line #10123-51110 Administration.**

Vote: 7-0-0 **Motion: Passed**

6. To consider and act on a request for a **FY25** Out-of-Series Transfer from Alan Wilensky, Tax Collector, in the amount of **$600** for a paper folding machine per the following compilation from the Transfer Request Form.

Motion by Bill Sheehan and **seconded** by Joseph Filippetti to transfer **$600** as follows:

TOWN OF WATERFORD
TRANSFER REQUEST FORM
Out of Series Transfer Request

Tax Collector
DEPARTMENT

FY 2025

Line No.	Org. Code	Object Code	Object Description	APPROVED Budget Amount	CURRENT Available Budget	ACCOUNT INCREASE	ACCOUNT DECREASE	REVISED Available Budget
1	10106	51210	Clerical/Technical	88,733.00	88,733.00		600.00	88,133.00
2	10106	53010	Office Supplies	360.00	260.19	600.00		860.19
				TOTAL		600.00	600.00	

Explanation

The Tax Office is in need of a paper folding machine. I have available funds in the Clerical/Technical line item as the former full time employee in the office has retired and the new employee has entered at a lower salary level

Vote: 7-0-0 **Motion: Passed**

7. To consider and act on a request for an additional appropriation from Jon Mullen, Planning Director, for the joint grant application for the Alewife Cove Conservation Project, in the amount of **$12,500** for **line # 20541-57328 (Alewife Cove Dredging)** and forward to the RTM if required.

Bill Sheehan questioned why this project was not under management of the Flood & Erosion Control Board but rather Planning Department. Maureen Fitzgerald, Environmental Planner, stated that the process of this project has been long and included multiple grant applications and money allocations for each step of the project. The Town of Waterford's Flood & Erosion Control Board is small and is not enough to properly manage a project of this size. Jon Mullen, Planning Director, added that while Waterford provided funding, the City of New London will be the lead on the project with Waterford offering assistance as needed. After assessing the project, it was determined by the Planning Department that the Environmental Planner's time could not be allotted to fully manage the site.

Motion by Ron Fedor and **seconded** by Josh Kelly to transfer **$12,500** from Contingency Fund to **line # 20541-57328 (Alewife Cove Dredging).**

Vote: 7-0-0 **Motion: Passed**

8. To discuss and take possible action on rescinding BOF Policy 4.01 Board of Education Non-Lapsing Account, based on the revising of Connecticut State Statute Section 10- 248a during the last legislative session.

   Policy 4.01 will be kept as approved at the Board of Finance July 17, 2024 Regular Meeting with modifications. The changes will be to remove any verbiage from the policy indicating approval from the Board of Finance for allocation of BOE funds. Finance Director Allen will update the document with said modifications from the Board of Finance.

   Motion by Bill Sheehan and **seconded** by Joseph Filippetti to revise the policy as discussed at this meeting.

   Vote: 7-0-0 **Motion: Passed**

9. To consider and act on the BOF FY2026 Budget Submission Guidelines as provided by the Finance Director, Kimberly Allen, per BOF Policy 1.01.

   Chairman Patterson opened discussion referring to the backup documents supplied for the meeting. Bill Sheehan noted how he liked the paragraph on looking ahead at large ticket items. Director Allen said she can add verbiage/parameters for these items. Chairman Patterson concluded that these items can be identified as reasonably anticipated by the departments.

   Motion by Joseph Filippetti and **seconded** by Josh Kelly to accept the Budget Guidelines as written with revisions discussed at this meeting.

   Vote: 7-0-0 **Motion: Passed**

10. **Old Business:**
    a. Director of Finance, Kimberly Allen requesting again for bio's of all Board of Finance members per auditor's request. Reminder to please provide disclosures for audits.

11. **New Business:** The town's attorney, Nick Kepple, was requested by board members to be present to answer questions regarding the appointment and possible elective eligibility of Josh Kelly to the Board of Finance as discussed in the Special Meeting on August 14, 2024. Attorney Kepple joined the meeting by phone. Robert Tuneski opened discussion with Attorney Kepple by requesting the attorney's insight on the following:
    a. Josh Kelly's eligibility to serve on the Board of Finance
    b. Josh Kelly's eligibility to be elected to the Board of Finance

    Attorney Kepple stated that the Hatch Act referenced in the Special Meeting on August 14, 2024 does not prohibit an employee (of such an agency as the TVCCA) to be appointed. Mr. Kepple said from his research and general knowledge of the Hatch Act, Mr. Kelly is ok to be appointed. Once appointed, does any of his work at TVCCA continue to be a conflict of interest? Mr. Kepple's knowledge is that Mr. Kelly must recuse himself on issues regarding the TVCCA or other similar potential conflicts.

It was pointed out that Mr. Kelly's mother is on the Board of Education. Mr. Kepple added that using the Code of Ethics, if a financial benefit is presented to an immediate family member, Mr. Kelly would need to abstain from voting.
Ron Fedor said in conversation with the Ethics Commission regarding his family members being town employees and part of the Board of Education, the Commission advised him that the mere "perception" of a potential conflict of interest is sufficient enough to prohibit participation in a vote.

Mr. Kepple spoke with his partner, Rob Avena, who was involved with the Ethics Commission and he doesn't think the work "perception" is used. Specifically, under the code itself (Part B), it notes that if there is any direct monetary gain or loss to immediate family members, the board member must recuse themselves from voting on that item.

Mr. Tuneski said that Mr. Fedor has abstained from all votes by the Board of Finance in the past involving the Police Department and Board of Education due to family connections. Does he no longer need to recuse himself? Mr. Kepple clarified that he doesn't see any issue unless the votes pertain to specific offices/jobs of his family members.

Mr. Tuneski requested further discussion of the Hatch Act. He wants to defer the decision of Mr. Kelly's eligibility until closer to election time. The Board should review the circumstances prior to making that decision. Mr. Kepple said he does not agree with Mr. Kelly's interpretation of the elective office eligibility under the Hatch Act.

Josh Kelly said in his opinion, Mr. Kepple has not seen how his salary is derived at the TVCCA so he may not have all of the information necessary to make a decision on his eligibility.

Mr. Tuneski said discussion by the BOF during the Special Meeting in August was that a question was considered of why the Board would appoint a candidate now if that candidate would not be eligible for election in the near future. He is concerned there is much more to discuss as election time comes up. Michael Rocchetti and Robert Tuneski both said the haste of the BOF at the time of Mr. Kelly's appointment without proper counsel is most concerning.

12. Liaison Reports:

a. Robert Tuneski: **Oswegatchie Fire House Building Committee** will be sharing the new 10,000 square foot floor plan in October at the RTM meeting. They are probably within $9-11 million for the total project.

13. Correspondence:

a. Bill Sheehan asked Director Allen about a note at the end of the report for the CNR Fund provided in the monthly financial reports for the Town Accountant pertaining to the General Ledger. He asked the Finance Director to obtain information from the Town Accountant for clarification of the note and data provided. Bill believes the information from the General Ledger should be up to date and the "gospel" of the finances for the town. He added if there is an error on the Ledger, there may be an error in the software used and it is more likely to have an error in the Excel Spreadsheet.

14. Adjournment

Motion by Robert Tuneski and **seconded** by Michael Rocchetti to adjourn the Regular Meeting of the Board of Finance at 9:18pm.

Vote: 7-0-0 **Motion: Passed**

Respectfully submitted,

John (Bill) W. Sheehan,
Clerk of the Board of Finance

Rebecca L. Hall,
Recording Secretary