

DRAFT

Special Board Meeting of the WPCA on Wednesday, September 25, 2024 at 7pm via Zoom.

1. A quorum was verified by a roll call and the meeting was called to order by Tim Larson at 7:01pm. The following members were present.

Officers:

Tim Larson, Chairman (**TL**)
Chris Shelton, Treasurer (**CS**)
Bob Palazzo, Vice Chairman (**BP**)
Jay Moynihan, Secretary (**Jay M**)

Board:

Dennis Colombie (**DC**)
John Mandracchia (**John M**)
Jack Reynolds (**JR**)

- Member Diane Duhaime was not in attendance.
2. **Vote** seeking approval of the September 17th, 2024 Regular Meeting minutes
Motion made by **JR**/seconded by **John M**
Roll Call: YES – All NO- none Abstain- none
Motion Passes.
 3. Introduction of Attorney Brendan Sharkey:
 - a. **Bio:** Attorney Sharkey has primarily worked as a land use attorney and has also served as the Connecticut Speaker of the House. During his tenure, he continued working part-time as the town attorney for the Town of Hamden, gaining further experience in municipal matters. He currently serves as in-house counsel for several organizations and has a business interest in a renewable energy company. His involvement with the Old Lyme Community/Sewer Project began about four years ago with zoning matters in the Old Colony Beach Association, providing him with background knowledge of the project.
Member Questions:
 - b. **JR** asked about potential conflicts of interest between Old Colony and Old Lyme Shores. Attorney Sharkey confirmed he secured a waiver from Old Colony WPCA (& Doug Whalen) and would notify both parties if a conflict arises. Both parties could terminate his services if needed. **Jay M** asked how differing interests between OLSBA and OLS WPCA would be handled; Sharkey reiterated his earlier response.
 - c. **Jay M** requested clarification on the State's response if the project doesn't proceed or if the vote to increase the bond fails. He also questioned if individual beach associations could decide post-final bids. **TL** said he sent related questions to the Deputy Commissioner and is awaiting a response.
 - i. Attorney Sharkey noted, after a preliminary read through of the Cost Sharing Agreement, only the awarding of contracts requires membership approval; other financial decisions rest with the four representatives in the Cost Sharing Group.
 - d. **Jay M** asked if Clean Water Funds could offset septic costs for Old Lyme as was done in Old Saybrook. **TL** stated that Kurt Mailman (Fuss & O'Neill) confirmed this sewer project is a top state priority and the most cost-effective solution.
 - e. **JR** asked about Attorney Sharkey's role in resolving internal conflicts. Sharkey said his job is to call balls and strikes, representing WPCA's best interests, as defined by the WPCA. He mentioned the Bioxide Station property use example, stating the previous decisions were memos designed to achieve a specific client outcome, not

legal opinions. In juxtaposition to this he would reads legal documents, understand the parameters, and then advise on the routes that can be taken.

- f. **John M** clarified four questions that should be answered going forward:
 - i. What is the community voting on and when are they voting?
 - ii. What are the penalties that OLS will get if they don't move forward in violation of the consent order?
 - iii. Can OLS back off the agreement if the referendum is passed and the association doesn't get clean water funds?
 - iv. Are the Old Saybrook and/or Westbrook situations relevant or not?
4. **Vote** on Supplemental Bond Resolution authorizing a supplemental appropriation of \$6.8 million for the planning, acquisition, design and construction of a sanitary sewer system to serve the Old Lyme Shores Beach Association and authorizing the issuance of bonds, notes, or other obligations in an amount not to exceed \$6.8 million to finance said appropriation.
Motion made by **CS**/seconded by **DC**

Following a discussion the following vote occurred:

Roll Call: YES – **John M, CS, BP, DC, TL** NO- **Jay M, JR** Abstain- none
Motion Passes. (5-2)

5. **Discussion** on how to communicate with and inform the membership of the Supplemental Bond Resolution appropriation vote, with a plan to include, among other things, a presentation by Fuss & O'Neill and some or all of the OLS WPCA's PowerPoint presentation on cost estimates.
 - a. The general voting process as stated by **TL** would begin with sending a letter to the OLS BOG calling for a special meeting for the vote. Voting logistics are being finalized, with options for in-person, Zoom, or a hybrid option, and Attorney Sharkey ensuring compliance with state laws and association voting rules.
 - i. **CS**: WPCA will package information and send it to members at least two weeks before the vote.
 - b. **JR** stated he believes there is a letter from bond counsel, Robinson+Cole, that states how the vote must be taken.
 - c. **BP** recommended making electronic project drawings available to the WPCA Board, not just at the first selectman's office.
 - i. Al Roy (former WPCA Chair) stated he has hard copies of a full set of drawings and manuals from the original round of bids, but these may not be the latest design. **TL** asked **for BP, DC, & Jay M** to get more recent copies from Fuss & O'Neil. Additionally, Paul Yellen (OLS BOG Vice President), stated he has files pertaining to the WPCA from a prior association president which **TL** asked to be collected by WPCA members and sorted through.
 - d. **Vote** on notification to the OLS Board of Governors asking to call for a special meeting of the Association for members to vote on the Supplemental Bond Resolution and how the meeting and vote will take place (via web / email /USPS).
 - i. No vote Conducted.
6. Discussion on Bioxide station location. *See Bioxide Station blueprint photos included in meeting agenda*

- a. **TL** clarified that the proposed bioxide station is 12'x16' and will be located on the abandoned basketball court in the southeastern corner of the property. This is already permitted and included in the plans, so any change after going out to bid would require a change order.
 - b. Attorney Sharkey reviewed the prior legal opinions and did not find the arguments substantial. He researched the property's history and believes the association can proceed with its intended use of the property.
 - c. **BP** proposed putting the bioxide station location to a membership vote. Attorney Sharkey clarified that the association has already voted to convey the property, and the easements have been granted to the coalition of beach associations, so this matter does not need to be revisited.
 - d. **JR** asked for the group to consider the Bioxide Station location and its proximity to neighboring homes.
7. Comments / Other
 - a. Please send any additional questions in writing to Tim.Larson@oldlymeshores.com
 8. Motion to adjourn made by **CS**/ Seconded by **BP**

Meeting adjourned by **TL** at 9:04pm