

14 May 2015

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**REGULAR MEETING MINUTES**  
**BOATHOUSE/HAINS PARK IMPROVEMENTS COMMITTEE**

7:30 p.m., MEETING HALL, OLD LYME TOWN HALL

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**PRESENT**

<b>PG</b>	Paul Gianquinto	Co-Chairman
<b>PF</b>	Paul Fuchs	Co-Chairman
<b>BS</b>	Brian Schuch	Secretary
<b>KB</b>	Ken Biega	
<b>DB</b>	Don Bugbee	
<b>RD</b>	Bob Dunn	
<b>GH</b>	Greg Hack	
<b>JP</b>	John Parker	
<b>JF</b>	John Flower	Ex-Officio
<b>BR</b>	Bonnie A. Reemsnyder	Ex-Officio
<b>JR</b>	John Rhodes	Ex-Officio (Arrived at 08:34)
<b>SS</b>	Skip Sibley	Ex-Officio
<b>GS</b>	Gil Soucie	Ex-Officio
<b>NP</b>	Nina Peck	Architect

**ABSENT**

<b>PC</b>	Phil Carney	
<b>BJR</b>	Brian Ross	Architect

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**CALL TO ORDER> PG 7:30 p.m.**

**#1     APPROVAL OF MINUTES**

**MOTION> PG (PF)** To approve the 26 Mar 15 special meeting minutes as amended below, 7-0-1:

i. **Boat Storage Requirements** – **PF** and **GH** reviewed the OLRA projected boat storage ~~requirements~~. Their projected increase of 35% in required boat storage to **54 boats** does not correspond to a projected increase of 35% in the number of rowing program participants or a projected increase of 35% in the number of boats on the water.

**#2     CORRESPONDENCE**

The Committee received an e-mail dated 10 Apr 15 and a letter dated 9 Apr 15 from N. Hutchinson (both attached) regarding projected boat storage requirements and the Old Lyme

Code of Ethics.

#3 BUDGET UPDATE

- a. **MOTION> RD (DB)** For transparency with the public, I move that each BHPIC member and ex-officio member put on record any associations that they have, or have had, with the Old Lyme Rowing Association. 6-1-1. **PF**, **GH** and **JP** stated they are members of the OLRA.
- b. **RD** distributed the Town accounting dated 5 May 15 from Nicole Stajduhar and his updated spreadsheet, both attached.

#4 OLD BUSINESS

- a. **Dock Replacement – PG** reported that the docks had been assembled and that the gangways had been delivered but not yet installed. **DB** asked if the east dock location was finalized and how much clearance was required between the dock and the designated swimming area; **GH** stated 30' minimum.

**MOTION> PG (PF)** To approve an expenditure of \$909.00 for twelve extra floatation modules for installation under the shoreside ends of the docks to support the gangways.  
8-0-0

b. **Finalize Architectural Program to Meet Rowing Program Requirements**

**MOTION> PG (PF)** To adopt the following as the architectural program for the boathouse project: Three 22' wide bays; approximately 4800 sqft of boat storage; a boat rack system; exercise/training area; equipment storage/work area; offices; toilets; changing/locker rooms; relocated basketball court; improvements/upgrades to the toilet building. 6-2-0

- c. **Refine Definition of Candidate Building Concepts – PG** handed out a table of facility features listed in the STEAP Grant, OLRA criteria, LOLHS criteria and applicability to Options 2A, 2B, 3A and 3B. The attached table was reviewed and modified to clarify the Options.

**MOTION> KB (PF)** To limit the building options considered to Options 2A and 3A, with toilet renovations and a pavilion. 8-0-0

#5 NEW BUSINESS

- a. **Architect fees/agreement – NP** suggested proceeding on a time and material basis until a schematic arrangement is approved for development into construction documents; at that time a fixed fee for the design could be negotiated.
- b. **STEAP reimbursement requirements – RD** has a STEAP publication that is not available

online; he will distribute it to all BHPIC Members.

**c. OLP&R cost/benefit analysis request** – The BHPIC will request a not-to-exceed price for **NP** to develop Options 2A and 3A with toilet renovations and a pavilion to the extent required to estimate the cost of each.

#6      PUBLIC COMMENTS

S. Dix stated that adding space adjacent to the toilet building might be preferable to adding it between the existing boathouse and Town Woods Road. He also stated that having a boat bay 28' wide and using rolling racks would result in added storage capacity and greater flexibility.

C. Fuchs informed all present that 6 Jun 15 is the 14<sup>th</sup> Annual National Learn to Row Day. Anyone interested is invited to come to the lake and try rowing.

#5      ADJOURNMENT

**MOTION> BS (PG) 10:10 p.m. 8-0-0**

The next meeting is a Special Meeting scheduled for 21 May 15 at 7:30 p.m.

## Gianquinto, Paul A.

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**From:** hutchinsondunn@aol.com  
**Sent:** Friday, April 10, 2015 12:18 PM  
**To:** Gianquinto, Paul A.  
**Cc:** paul@pfna.com; brian.schuch@gmail.com; parkerju@aol.com; kenbiega@ogind.com; gahdds@aol.com; rfroach@comcast.net; pcarney@wesleyan.edu; RWDunn1@aol.com; parkrec@oldlyme-ct.gov; jflower@oldlyme-ct.gov; jrhodes@region18.org; skip.sibley@yahoo.com; breemsnyder@oldlyme-ct.gov; ncparch@sbcglobal.net; gilsoucic@sbcglobal.net  
**Subject:** Correspondence to BHPIC  
**Attachments:** BHPIC Correspondence - April 9, 2015.docx; Excerpts of Old Lyme Code of Ethics.docx

Dear Paul,

Please find attached an official correspondence to the BHPIC - entitled "BHPIC Correspondence - April 9, 2015". Since yesterday's BHPIC meeting was canceled, please include under Correspondence on the next BHPIC agenda. Thank you.

Also for those who may find the full Old Lyme Code of Ethics a bit over whelming (URL included in my correspondence above), I have also attached a few excerpts that I found helpful. Of course, this is not intended to replace reading the full Code of Ethics, and if committee members don't find these excerpts helpful, they are free to disregard; they are not intended as part of my official correspondence to the committee.

Best regards, Nancy Hutchinson

April 9, 2015

Dear BHPIC,

**Subject: Change in OLRA projected boat storage capacity needs vs prior assurances to the community**

At the Old Lyme Boathouse Informational Sessions and Town Meeting in early October, OLRA/BHPIC representatives stated OLRA currently had 37-38 boats and that the planned increase in Boathouse storage capacity to 54 boats exceeded the projected need; 54 boats simply represented the number that could be accommodated when a third bay is added to the Boathouse. The community was also assured that OLRA growth would not exceed 10%, in response to concerns raised that the number of OLRA rowers on Rogers Lake was nearing, or already at, capacity. (<http://lymeline.net/2014/10/boathouse-proposal-passes-by-27-votes/>)

These statements and assurances have been repeated multiple times over the past 6 months, and as recently as the March 12th BHPIC meeting, when OLRA representatives again stated that 54 boats was simply the number of boats that would be accommodated by addition of third bay, and their view that “it would not make sense” to build a new bay that could accommodate boats on only one side.

To establish clear, well-documented Program Design Criteria to support the evaluation of multiple design options moving forward, BHPIC Co-chair, and OLRA Coach, Fuchs was asked to share the OLRA boat inventory projections that had been provided to the original BHPIC a year ago. Then, March 26th, for the first time, Co-chair Fuchs provided an OLRA projected need for exactly 54 boats, which represents at least a 35-40% increase.

This abrupt departure from all prior public statements, and the striking coincidence that the minimum number of boats needed to support the OLRA program is now exactly 54, raises a number of questions and the perception of potential ethical and legal concerns.

For example, any change to the proposed Program Design Criteria that would favor a specific outcome, or inappropriately eliminate otherwise viable options, may raise the perception of conflict of interest if the result would benefit any BHPIC member(s) in a way greater than that of a “substantial segment of the population of the Town.” And should such a change be made, regardless of the rationale, it would not only be unethical, it may be illegal.

There are very strict ethical and legal standards that apply to public projects supported by public (state and municipal taxpayer) funds, which can differ significantly from similar projects supported by private funds, for example, well-endowed private universities or private donations. Please refer to the DEEP STEAP Contract, DEEP STEAP Reimbursement Requirements, and the Old Lyme Code of Ethics: <http://ecode360.com/8840268>

While OLRA enjoys a well-deserved reputation as an excellent organization with dedicated members who have been outstanding advocates of the benefits of rowing, and ensuring others in the community and region have opportunities to share their passion, it is important that OLRA representatives on the BHPIC remember that by accepting their appointments to this town committee they have committed to working on behalf of the broader Old Lyme Community, including non-rowers as well as rowers. To fulfill its obligations to the community, BHPIC decisions must be based on well-justified, transparent Design Criteria, followed by a Cost:Benefit analysis ensuring that all public funds are spent legally, ethically and wisely.

To avoid any perception of conflict of interest, it would be helpful for OLRA to also provide a projected boat inventory assuming a 10% growth, in line with previous public statements. This projection could then be used as a minimum storage capacity for the Program Design Criteria; of course, if there are design options that can accommodate more than a 10% increase in boat storage capacity, then that can be considered as a potential “benefit” over other design options in subsequent Cost:Benefit analyses.

While I appreciate that OLRA coaches can propose a variety of scenarios where they could make use of up to 54 boats, if available, that is not the same as stating that they could not run a program with less than 54 boats.

Thank you in advance for taking appropriate actions to demonstrate that the BHPIC is committed to working on behalf of all Old Lyme taxpayers (both non-rowers and rowers), to fulfilling its verbal commitments made to the public, and to performing the necessary due diligence to ensure full compliance with all legal and ethical obligations associated with using public funds to enhance public recreational facilities in Old Lyme’s Hains Park, and which also uses a shared community resource, Rogers Lake.

Best regards,

Nancy Hutchinson

**43-1 Declaration of Policy:** Public office is a public trust. In order for our Town government to function most efficiently, the trust of the public is critical. Public policy developed by government officials and employees impacts every citizen and property owner of the Town and, as such, must be consistently based on honest and fair deliberation and decisions. The process of policy formulation and decisionmaking must be free from threats, favoritism, undue influence and even the appearance of impropriety so that the confidence of the public in our Town government is maintained.

**43-2 Applicability:** This Code shall apply to all public officials, officers and public employees, whether elected and/or appointed, paid or unpaid.

**43-3 Definitions:**

**CONFLICT OF INTEREST**

A public official or public employee has an interest which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest if he/she has reason to believe that he/she or a family member of his/hers will derive a direct monetary gain or suffer direct monetary loss, as the case may be, by reason of his/her official activity. A public official or public employee does not have an interest which is in substantial conflict with the proper discharge of duties in the public interest if any benefit or detriment accrues to him/her as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. **Specifically, a conflict of interest exists if a public official or public employee or family member of such official or employee has a financial or personal interest in the outcome of any matter under consideration before him/her in his/her official capacity within or before his/her department or a board or commission of which he/she is a member; a public official or public employee accepts employment which will either impair his/her independence or judgment with regard to his/her official duties or require him/her to disclose confidential information acquired by him/her in the course of his/her duties. All public officials, public employees and/or appointed members of the Town government shall seek to avoid even the appearance of impropriety as it relates to this section.** Any criminal misconduct will mean a violation of the law as defined in Connecticut General Statutes Titles 53, 53a and other applicable statutes, which include misdemeanors and felonies, as defined therein.

**PERSON**

An individual, sole proprietorship, trust, corporation, union, company, association, firm, partnership, committee, club or other organization or group of persons

**BUSINESS**

Any entity through which business for profit or not for profit is conducted

**PUBLIC OFFICIAL**

An elected or **appointed official** employed/appointed full- or part-time by the Town, on either a paid or unpaid basis

**43-4 Public Employees and Public Officials:**

**A. Special interest.** No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, that is in conflict with the proper discharge of the employee's or official's responsibilities in the public interest or that would impair the employee's or official's independent judgment or action in the performance of the employee's or official's responsibilities.

**C. Voting conflicts.**

(1) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the Town if the employee or official, or a business with which he/she is associated, or a member of his/her immediate family has a financial interest in the matter. .....As used in this subsection, "**personal interest**" means an interest in any action taken by the Town in which an individual will derive a nonfinancial benefit or detriment but which **will result in the expenditure of funds.**

(2) Notwithstanding the prohibition in Subsection **C(1)** of this subsection and the provisions of this subsection, a public employee or public official may vote or otherwise participate in a matter that involves a determination of general policy if the employee's or official's interest in the matter is **de minimus in nature or shared with a substantial segment of the population of the Town.**

**43-9 Distribution of Code of Ethics**

... Each public official and public employee elected, appointed or engaged thereafter shall be furnished a copy of this code by the Town Clerk before entering upon the duties of the office or employment. .... A signed receipt of all copies shall be returned to the Town Clerk and retained on file. **Not receiving a copy of this code** or any amendments thereto or not signing a receipt therefor **does not exempt a public official or public employee from the provisions of the Code of Ethics.** This Code shall be made available to individual(s), partnership(s), corporation(s) or other entities doing business with the Town and posted on the Town's website.

TOWN OF OLD LYME  
HAINS PARK BOATHOUSE PROJECT  
AS OF 5/5/15

APPROPRIATION APPROVED AT TOWN MEETING	405,000.00
STEAP APPROVED AT TOWN MEETING	478,000.00
DONATIONS RECEIVED TO DATE FOR DOCKS	50,800.00
	<u>933,800.00</u>

EXPENDITURES

The Day	933.80
Shoreline Sanitation	420.00
BSC	6,000.00
Nina Cucio Peck Architect	33,416.89
Regatta Dock Systems	39,549.80
Focus Tool & Engineering - Boat racks deposit	29,325.00
Ceil Inc	157.50
	<u>109,802.99</u>
TOTAL EXPENDITURES	<u>109,802.99</u>
AMT UNEXPENDED	<u><u>823,997.01</u></u>

REVENUES

TRANSFER IN-GENERAL FUND	405,000.00
STEAP	478,000.00
DONATIONS	50,800.00
	<u>933,800.00</u>
TOTAL REVENUE RECEIVED	933,800.00



<b>Fund 15 - Hains Park Boathouse Improvement Project</b>	
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[illegible]

Item	STEAP Grant	OLRA Criteria	LOLHS Criteria	Option 2A	Option 2B	Option 3A	Option 3B
Three 22' Wide Bays	X	Y		Y	Y	N	N
4800 sqft Boat Storage	X	X		Y	Y	?	?
Boat Rack System	X	X		Y	Y	Y	Y
Exercise Area/Training	X	X	X	Y	N	Y	N
Equipment Storage/Work Area	X	X		Y	Y	Y	Y
Offices	X	X		Y	N	Y	N
Toilets	X	X	X	Y	N	Y	N
Showers	X	X		N	N	N	N
Changing Rooms	X	X	X	Y	N	Y	N
Locker Rooms	X	X	X	Y	N	Y	N
Relocate Basketball Court	X			Y	Y	Y	Y
Improvement/Upgrade to Toilet Building	Y			Y	Y	Y	Y

Options 2A, 2B, 3A & 3B as defined in 26 Mar 15 document entitled Potential Construction Options

**Option 2A** - Use Existing Foundation (Y), Use Existing Building (N), Area of Construction (Building Only), Flex-space Location (In Boathouse).

**Option 2B** - Use Existing Foundation (Y), Use Existing Building (N), Area of Construction (Building Only), Flex-space Location (In ~~Public~~ Facility).  
*SEPARATE*

**Option 3A** - Use Existing Foundation (Y), Use Existing Building (Y), Area of Construction (Addition Only), Flex-space Location (In Boathouse).

**Option 3B** - Use Existing Foundation (Y), Use Existing Building (Y), Area of Construction (Addition Only), Flex-space Location (In ~~Public~~ Facility).  
*SEPARATE*