

**Minutes of the Subcommittee of the Board of Finance meeting held on Monday, June 29, 2015 at  
3:00 p.m. at Old Lyme Town Hall.**

**Present:**

Bennett Bernblum  
J. David Kelsey  
Janet Sturges

Andrew Russell, ex-officio  
Nicole Stajduhar, Finance Director  
Mary Jo Nosal, Selectwoman

Meeting called to order at 3:05 p.m.

Mr. Bernblum raised the question of the specific charge of the subcommittee, and following discussion, all three members agreed the charge the committee accepted was to engage in a process that would result in the recommendation to the Board of Finance of legal counsel to fulfill the motion passed at the June 16, 2015 regular Board of Finance meeting for the Board of Finance to retain an independent municipal attorney to investigate WPCA invoices in excess of appropriation and budget.

Members agreed that the starting point should be the drafting of a scope of services implementing the resolution of the Board of Finance. Such scope of services would be used in the solicitation of qualified legal counsel as set forth in the motion. Mrs. Sturges urged and Mr. Bernblum and Mr. Kelsey agreed that along with a scope of services, any prospective legal counsel should be made aware of the budget limitations for the engagement.

Discussion was held on the language for a proposed scope of services, a draft of which follows these minutes and is made a part hereto. The members agreed they would review the attached draft for proposed revisions to be discussed at the next meeting of the Subcommittee.

Mr. Bernblum then suggested discussing preliminary thoughts on names of prospective legal counsel to approach, and the members offered their initial suggestions. No action was taken on the preliminary list that was put forth.

The next meeting of the Subcommittee was set for Wednesday, July 8<sup>th</sup> at 5:00 p.m. in Town Hall.

Meeting adjourned at 5:13 p.m.

**Town of Old Lyme  
Board of Finance  
Scope of Services Related to Engagement of Legal Counsel for Review of WPCA Invoices in Excess  
of Budget/Appropriation  
Draft June 29, 2015**

The Old Lyme Board of Finance has approved a budget for an objective legal review of the WPCA invoices beyond amounts budgeted or appropriated by the Town. The Town currently finds itself in receipt of bills for services related to its wastewater plan which appear to have been in excess of budgeted amounts and which funds were not approved by Town meeting. The Board of Finance would like legal counsel to investigate such invoices to determine if misconduct occurred, and to recommend a course of action. In particular, the Board would like counsel to address:

- a) the facts resulting in the current bills faced by the Town in excess of appropriations;
- b) whether anything unusual or illegal occurred during the incurrence of the bills referenced in a) above;
- c) the propriety of any DEEP directives given directly to any third parties that resulted in bills in excess of Town appropriation and for which the Town of Old Lyme is responsible;
- d) the propriety of any such third parties' compliance with such directives;
- e) its recommendation of a course of action given the findings of the inquiry; and,
- f) such other information or advice as such counsel deems appropriate regarding said wastewater project bills in excess of budgeted or appropriated items.

The Board of Finance thinks that this investigation should include:

- i) a review of minutes of the Old Lyme WPCA and any other relevant Town boards or commissions for the past two years;
- ii) interview of the issuers of the bills in question to determine who authorized the work;
- iii) interview of any members of the WPCA during the time the bills were incurred, including, but not limited to, the chairman;
- iv) interview of the first selectwoman during the time bills were incurred;
- v) interview of the Old Lyme Finance Director;
- vi) interviews of any employees of the state DEEP who authorized work to be done by third parties in excess of budgeted and appropriated funds; and,
- vii) such other matters as counsel deems necessary or appropriate to fulfill the purposes of the investigation.