

Minutes of the Board of Finance meeting held on Tuesday, December 15, 2015 at 7:30 p.m. at the Old Lyme Memorial Town Hall Meeting Hall.

Present: **Regular Members:** Andrew Russell, Bennett Bernblum, H. P. Garvin, III,
Christopher Kerr, Janet Sturges,
Alternate Members: Adam Burrows, Robert Jose, David Kelsey,

Bonnie A. Reemsnyder, ex-officio
Nicole Stajduhar, Finance Director
Mary Jo Nosal, Selectwoman
Skip Sibley, Selectman
Timothy C. Griswold, Treasurer

Absent: **Regular Members:** David Woolley
Alternate Members:

Guests: Ron Nossek, CPA, Cohn, Reznick
Bob Dunn, Chairman, Parks and Recreation
Several Town Residents

Call to Order

Mr. Russell called the meeting to order at 7: 32p.m. Mr. Russell noted that Mr. Woolley would not be present this evening and designated Mr. Burrows to vote in his place, therefore, a motion was made by Mrs. Sturges, seconded by Mr. Garvin to have Mr. Burrows vote for Mr. Woolley in his absence. Motion carried.

Election of Chairman

Mr. Russell asked for nominations for Chairman of the Board of Finance.

A motion was made by Mrs. Sturges, seconded by Mr. Garvin, to re-elect Mr. Russell as chairman of the Board of Finance. There were no other nominations. Motion passed.

Mr. Russell asked for a motion to move New Business up on the agenda. A motion was made by Mrs. Sturges, seconded by Mr. Bernblum to move New Business up on the agenda. Motion carried.

New Business

Cohn Reznik - Town Auditors: Mr. Russell introduced Ron Nossek from the auditing firm of Cohn Reznik. Mr. Nossel distributed highlights of the Town's June 30, 2015 Audit Results. He described the strict governmental standards that must be followed for municipal audits, and stated that for FY2015, no material weaknesses were identified under internal control and there is one instance of noncompliance, overexpenditure of a department's line item, noted for the Town. Total revenues for the year were \$32,225,371, and total expenditures were \$32,918,415, leading to a net change in fund balances of 1,455,603. This represents a general fund balance percentage of 20.32%.

Parks and Recreation Commission: Mr. Dunn stated that the Parks and Recreation Commission is requesting funding in an amount not to exceed \$5,000 for an attorney to investigate Town Ordinance 20-8, Duties, Old Lyme Parks and Recreation Commission that reads: “The responsibility for the management, control and development of the Town’s recreational facilities and expenditures made in connection therewith is vested in a Parks and Recreation Commission.” He is making this request because the Parks and Recreation Commission feels that actions that were taken by the First Selectwoman circumvented the Parks and Rec Commission with respect to the Boathouse Hains Park Improvement Project. He stated that the First Selectwoman has taken the position that the Parks and Rec Commission does not have the authority over the Boathouse Hains Park Improvement Project because it is a “special project”. The Selectwoman checked with the Town attorney who agreed with the Selectwoman’s position. The Parks and Rec Commission consulted a local attorney (Attorney McGarry) for a legal opinion and that attorney agreed with the Commission stating that “the Parks and Recreation Commission is vested with the full authority to manage and control all the Town’s recreational facilities.” (Attachments enclosed) An extensive discussion ensued in regards to the feasibility of retaining an attorney and the reasoning behind it. Mr. Dunn commented that although he supports the success of the boathouse project, he would like the First Selectwoman and Town Attorney to revise their positions and agree with the legal opinion provided by Attorney McGarry before any further action is taken with respect to the Boathouse Hains Park Improvement Project, then perhaps this matter can be resolved without the Town incurring additional legal fees. During discussion, Mr. Dunn stated that the Parks and Recreation Commission is willing to meet to discuss the Boathouse Hains Park Improvement Project, and noted that the Boathouse Hains Park Improvement Committee has never come before the Parks and Recreation Commission. He also noted that estimated costs for the total project have yet to be established, and there is concern that the current proposals may exceed the approved budget.

Mr. Griswold commented that the project is not underbudget as eluded to. He said the original plans included a second floor, bathrooms, etc. The new plans remove the second floor and renovating the existing bathrooms, which changes the original plans that were presented to the town. Mrs. Reemsnyder stated that another public information meeting with revisions and updated information will be forthcoming in the future.

Approval of the Minutes of October 20, 2015 meeting

The minutes of October 20th were reviewed. On page 2, 1st paragraph, 4th sentence, add, “*a document changing*” after the word “*that*”, and before the scope of services, delete the word “*proper*” before Amendment, delete “*that was fully*” before “executed” and replace “*town*” with “*parities*”. Therefore, the forth sentence shall read, “Atty. DeCrescenzo didn’t find evidence that a document changing the scope of services performed and invoiced by the town’s consultants was executed by the town, and there was no Amendment to the contract executed by the parities.” There were corrections to the 3rd paragraph, to delete the 1st sentence. Therefore, the paragraph will begin with, “Mr. DeCrescenzo stated that most of the conversations in which the invoices were incurred were mostly between Woodard & Curran and the DEEP, and not with town officials.”

After clarification, a motion was made by Mr. Garvin, seconded by Mrs. Sturges, to pass the minutes as amended. Motion carried.

Approval of the Minutes of November 17, 2015 meeting

The minutes of November 17th were reviewed. On page 1, Present Alternate Members, replace Mr. Soucie with Mr. Burrows. Same page, 2nd paragraph, replace “*elected*” with “*designated*” and within the next sentence, replace the word “*make*” with “*not*”. On page 2, 6th paragraph, delete “*Schedule A*” and replace it with “*The Boathouse Committee had approved plans...*” Same page, 7th paragraph, replace “\$750” with “\$750,000”.

There being no further corrections noted, a motion was made by Mr. Bernblum, seconded by Mr. Garvin, to pass the minutes as modified. Mr. Kerr and Mrs. Sturges abstained from voting as they did not attend that meeting. Motion carried.

Old Business

WPCA Update: Mr. Russell stated that he met with Atty. DeCrescenzo who should have his final report ready for the January Board of Finance meeting. He asked that the WPCA Update be added to the January agenda.

Review of Specialist Assignments: Mr. Russeell reviewed the specialist assignments. Mr. Sibley made a request that the Boathouse Hains Park Improvement Committee have a Board of Finance liason on the committee. Mr. Russell commented that he would attend their next meeting.

Review of Monthly Financial Reports

Mrs. Stajduhar outlined the Financial Report Notes for November 2015. Under Revenues, the Property tax, total tax collections were \$224,747, which is 54.53% of total budgeted collected.

Mrs. Stajduhar detailed expenditures, which included First Selectman – Legal of \$4,006 for Town Attorney for general town services and employee and police union attorney for various issues. Treasurer - Contracted Services - \$5,215 for progress billing by auditor. Sound View – Contracted Services - \$5,250 paid for portapotties and \$2,190 paid for summer programs/entertainment. Parks & Recs Swim lines paid \$2,896 in old bills, therefore, line item over budget by \$3,217. Parks & Rec Sound View Facilities is over budget by \$1,273 due to \$1,600 repair of kiosk printer. Resident State Trooper DUI paid \$6,616 for first quarter and there was no budget for this. Resident State Trooper overtime line paid \$6,905 for first quarter bringing that line over budget by \$1,935.

Under Other Funds, Harbor Management Dredging Grant Fund, \$95,784 was paid to Patriot Marine LLC for progress billing from the grant proceeds.

Mrs. Stajduhar stated that the percentage of general government budget spent to date, minus capital or RSD#18 equals 41.79% as of November 30th. The one time costs not yet expended include transfers out of \$235,100 performed at year end, the second half payments to non-profits and beaches, totaling \$204,350, which gets done in January 2016, and \$40,000 interest on debt, which is done in April 2016.

Selectman's Report

Boathouse Hains Park Improvements: Mrs. Reemsnyder stated that there is a meeting on Thursday with draft drawings for review. Once reviewed and discussed with the committee and the architect, the plan will be to submit drawing with changes to the building official and the fire marshal for review.

Rte. 156 Bikeway/Sound View Improvements: Mrs. Reemsnyder stated that the Route 156 Bikeway/Sound View Improvements Committee continues to meet regularly and is reviewing specifics in the design and making particular tweaks to the plan. The committee is discussing lighting options with Eversource and tree, benches and bike rack options. Another public presentation will be forthcoming when some of the incidentals get worked out and finalized.

Black Hall/Four Mile River Road Dredging Project: Mrs. Reemsnyder reported that the Black Hall and Four Mile River dredging project is making wonderful progress and the project manager is doing a good job overseeing the project. The project needs to be completed by March 31st and they're working right on schedule so far.

Mrs. Reemsnyder stated that the Board of Selectmen has scheduled three meetings in January; January 4th (4:30pm), 11th (4pm), and the 25th (4pm), review the town budget before the upcoming budget season begins.

Mr. Russell stated that the next Board of Finance meeting is scheduled for Tuesday, January 19, 2016 at 7:30 p.m.

A motion was made by Mrs. Sturges, seconded by Mr. Kerr to adjourn the meeting at 9:30 p.m. Motion carried.

Respectfully Submitted,

Michele E. Hayes
Secretary

Statement to Board of Finance, Dec. 15, 2015
Bob Dunn, Chair, Old Lyme Parks and Recreation Commission

The Old Lyme Parks and Recreation Commission requests the Old Lyme Board of Finance approve funding (in an amount not to exceed \$5000) for an attorney to ensure full compliance with Old Lyme Town Ordinance 20-8 (Duties, Old Lyme Parks and Recreation Commission): *The responsibility for the management, control and development of the Town's recreational facilities and expenditures made in connection therewith is vested in a Parks and Recreation Commission.*

The Old Lyme Parks and Recreation Commission makes this request because of recent actions taken by the Old Lyme First Selectwoman to circumvent the Old Lyme Parks and Recreation Commission with respect to the Boathouse Hains Park Improvement Project. The First Selectwoman has taken the position that the Old Lyme Parks and Recreation Commission does not have authority over the Boathouse Hains Park Improvement Project because it is a "special project".

In August, Town Attorney Clarke subsequently put forward a legal opinion that supported the First Selectwoman's position.

In response, I challenged the information on which Town Attorney Clarke based her legal opinion and asked that First Selectwoman Reemsnyder and Town Attorney Clarke reconsider their positions. On Nov 5th, First Selectwoman Reemsnyder responded that she and Town Attorney Clarke did not revise their positions and reiterated their position "that the Park & Rec does not have oversight of a special committee formed by the Board of Selectmen to deal with this project."

The Old Lyme Parks and Recreation Commission strongly disagrees with the First Selectwoman's position, and strongly urges the Board of Finance to approve funds to support a legal challenge to actions being taken to illegally circumvent Town ordinance 20-8.

Today I received a legal opinion, prepared by a very experienced local attorney Thomas F. McGarry, that aligns with Old Lyme Parks and Recreation Commission position that "the Park and Recreation Commission is vested with the full authority to manage and control all the Town's recreational facilities."

Please note, if First Selectwoman Reemsnyder and Town Attorney Clarke were to revise their positions and agree (in writing) with the legal opinion provided by Attorney McGarry before any further action is taken with respect to the Boathouse Hains Park Improvement Project, then perhaps this matter can be resolved without the Town incurring additional legal fees, beyond those already incurred by First Selectwoman Reemsnyder and Town Attorney Clarke.

MCGARRY, PRINCE, MCGARRY, P. C.

COUNSELOR AT LAW

58 HUNTINGTON STREET

P.O. BOX 910

NEW LONDON, CONNECTICUT 06320

TFMCAL@AOL.COM

TELEPHONE: 860-443-1818

FAX: 860-443-1810

Thomas F. McGarry

John J. McGarry
(1900-1973)
S. Victor Prince
(1892-1991)

December 15, 2015

Robert Dunn, Chair
Old Lyme Parks and Recreation Commission

Re: Boathouse Hains Park Improvement Project Committee

Dear Bob:

As requested by a client that I render an opinion as to the authority of the Park and Recreation Commission of the Town of Old Lyme. In order to do that one must first examine the responsibilities of the various entities of the Town that are charged with creating ordinances for the Town.

The Town of Old Lyme's legislative body is by statute, Connecticut General Statutes 7-6, the Town Meeting, and as such is empowered to adopt ordinances presented to the meeting. This is confirmed by the provisions of the Town Code, specifically Sections 1-2 and 1-6 as both of these sections recognize the Town Meeting as the legislative body.

Based upon that legislative authority, the Town Meeting adopted an Ordinance entitled "Parks and Recreation Commission" as set forth in Article IV of the Town Code. The operative section is Section 20-8, which sets forth the duties of the Commission. This section states: "The responsibility for the management, control and development of the Town's recreational facilities and expenditures made in connection therewith is vested in a Park and Recreation Commission". Based upon rules of construction adhered to by Connecticut Courts, one has to accord the words and phrases used their ordinary and common meaning unless there is some ambiguity in the adopted ordinance. The two operative words in the Ordinance are "management" and "control", both are defined as granting the full authority over the subject matter. I do not find any ambiguity in this authority nor is there any words or phrases restricting the Commission's full authority with respect to the Town's recreational facilities.

From: Bonnie Reemsnyder <breemsnyder@oldlyme-ct.gov>

To: rwdunn1 <rwdunn1@aol.com>

Cc: mcclarke5441 <mcclarke5441@sbcglobal.net>; skip.sibley <skip.sibley@yahoo.com>; nosalite <nosalite@yahoo.com>; selectmansoffice <selectmansoffice@oldlyme-ct.gov>; missycolburn <missycolburn@gmail.com>; jvflower <jvflower@sbcglobal.net>; rroach <rroach@oldlyme-ct.gov>; townclerk <townclerk@oldlyme-ct.gov>; mail <mail@nigello.com>; tgwg1215 <tgwg1215@att.net>; parkrec <parkrec@oldlyme-ct.gov>; itti2 <itti2@aol.com>; megarbarino <megarbarino@ccamail.com>; grubtoo <grubtoo@aol.com>; russell <russell@comcast.net>; ChrisWKerr <ChrisWKerr@att.net>; kelsey <kelsey@hamiltoninv.com>; rwjose1947 <rwjose1947@gmail.com>; davidbwoolley <davidbwoolley@gmail.com>; bbernblum <bbernblum@sbcglobal.net>; finance <finance@oldlyme-ct.gov>; pgianquinto <pgianquinto@gilbaneco.com>; paul <paul@pfna.com>; timothygriswold <timothygriswold@yahoo.com>; rwdunn1 <rwdunn1@aol.com>

Subject: Re: PLEASE RESPOND: OL Parks & Recreation Duties per Ordinance Section 20-8

Date: Thu, Nov 5, 2015 2:44 pm

Dear Bob,

Thank you for your patience on a response to your email regarding the decision of the Town Attorney in regarding your assertion that the Park & Rec Commission is entitled to review and analyze the cost vs. benefit of certain project designs approved by BHPIC, and that without the approval of Park & Rec, the project cannot proceed.

After sharing the opinion letter of the Town Attorney in regards to this, you sent an email questioning the opinion. You gave further information that you thought should be reviewed, and requested that we reconsider the opinion. I shared your follow up email with the Town Attorney, and she indicated that it does not change her advice to us that the Park & Rec does not have oversight of a special committee formed by the Board of Selectmen to deal with this project.

As the Board of Selectmen, we do rely on our Town Attorney for advice in matters such as these, and it would be imprudent to ignore that advice.

It is in all of our best interest of all that we work together, and we certainly seek the endorsement of the Park and Rec on this project, which is why we appointed you and Don Bugbee to the committee.

Please note that the hiring of an attorney by the Park and Rec would require communication with Board of Selectmen and Finance and the funds would need to be approved prior to any agreement with an attorney.

Again, I thank you for your patience during this very busy time.

Best regards,

Bonnie Reemsnyder
First Selectwoman, Old Lyme
860-434-1605 x211
breemsnyder@oldlyme-ct.gov

Dear Bonnie,

August 27, 2015

Thank you for your e-mail of August 21 which contained a written opinion of Town Attorney Clarke (August 17, 2015) concerning the Town ordinance Section 20-8: Old Lyme Parks & Recreation Commission (OL PRC), Duties: *"The responsibility for the management, control and development of the Town's recreational facilities and expenditures made in connection therewith is vested in a Parks and Recreation Commission."*, as it relates to the ad-hoc Boathouse / Hains Park Improvement Committee (BHPIC).

The OL PRC position is that, at a minimum, its responsibilities include the review and approval of the project plan and budget proposed by the BHPIC (and any significant changes thereto). In turn, the BHPIC has the responsibility to provide the OL PRC with adequate information to support its review and decision-making, which in this case includes cost:benefit analyses supporting the selection from among diverse design options.

It is interesting that both you and Ms. Clarke appear to have ignored the legal scope of the ordinance as written, and have provided your opinions based solely on a limited and inaccurate understanding of the historical role of OL PRC, including references made to its role overseeing the construction and maintenance of the Town Woods Park recreational facility.

After serving as Chair of the Town Woods Building Committee (TWBC) and Chair of the original Town Woods Operating Committee for 10 years (through Feb 2012), I am able to provide more complete information that demonstrates the direct role of OL PRC in reviewing and approving key aspects of this highly relevant example of an ad hoc building committee established to improve Town recreational facilities.

After the Towns of Old Lyme and Lyme were awarded the first two STEAP grants for the project, the Town Woods Building Committee (TWBC) was established to construct a recreational facility on Town Woods Road. Of note, prior to implementation of the plans, they were first reviewed and approved by the PRCs, Boards of Finance, and Boards of Selectmen of both the Towns of Old Lyme and Lyme. In establishing the TWBC, then First Selectman Griswold and Selectmen Sibley and Reemsnyder appointed a balanced committee with 10 voting members:

- 4 (out of 7) OL PRC Commissioners: Glynn McAraw, OL PRC Chair, Bill Crandall, Bob Dunn, Roger Zito
- the Director of Old Lyme Parks & Recreation Department (PR), Don Bugbee
- the Director of Lyme PR, Jerry Winzer
- 1 representative of the Old Lyme Board of Finance, Perry Garvin
- 2 additional Old Lyme residents: Phil Neaton and Maggie Ward
- 1 additional Lyme resident, Dan Hagan
- Bob Dunn (an OL PRC representative) was the TWBC Chair; and Phil Neaton (a turf expert) was Vice Chair.

Clearly, it is grossly inaccurate to conclude that the OL PRC did not have a key role overseeing the TW building project, when in fact a majority of OL PRC Commissioners and the OL PR Director served on the TWBC and voted on each decision and expenditure for the project. This is in addition to the OL PRC review and approval of the overall project plan and budget. Of note, when OL PRC representatives serving on the TWBC provided monthly updates to the full OL PRC, there was consensus agreement with the decisions and expenditures made for each phase of the TW Park development.

Ms. Clarke also incorrectly states that in 2013 *"an "operating" subcommittee was established to oversee the athletic fields at the Town Woods Recreational Facility only after the fields had been completed by the Town Woods Recreational Facility Committee with the assistance of another State STEAP grant."*, and incorrectly infers that this timing is evidence that OL PRC did not play an active role in the TW project prior to 2013. In actual fact, the *original* Old Lyme-Lyme Town Woods Operating Committee (TW Operating Committee) was established seven years earlier (in 2006) after the TWBC completed the first phase of construction, to transition on-going maintenance of Phase 1 of the park, athletic fields and facilities from the ad hoc TWBC to a long-standing "operating" committee. The representation on the TW Operating Committee consisted

of OL PRC Commissioners Glynn McAraw and Bob Dunn; OL PR Director, Don Bugbee; Lyme PR Director, Jason Thorton (who replaced Jerry Winzer as Lyme PR Director); plus Phil Neaton, a turf expert. Bob Dunn and Phil Neaton served as Chair and Vice-chair, respectively, through February 2012. Further, any expenditure proposed by the TW Operating Committee (including funds donated to support Town Woods Park) required approval of the full OL PRC.

For an even longer historical perspective, it is important to note that in 1987 the original Boathouse Project proposal was reviewed and approved by the OL PRC (please see enclosed).

In summary, there is ample historical evidence that OL PRC has taken active and direct roles in the development and oversight of new and existing Town recreational facilities (per Section 20-8). This important role of OL PRC must continue.

Unfortunately, it has become much more difficult for the OL PRC to fulfill its duties over the past 3-4 years; examples include your instructing ad hoc committees (such as the BHPIC) that they do not need to secure OL PRC approval of plans and budgets involving Town parks and recreational facilities; repeated votes by the current OL Board of Selectmen (BOS) that ignore and/or directly over-ride OL PRC decisions and recommendations with regard to "...management, control and development of the Town's recreational facilities and expenditures made in connection therewith..."

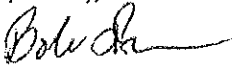
In my nearly 15 years of experience in working with OL PRC and in leading multiple Town construction projects, I cannot remember this occurring before. To corroborate my opinion, I have asked prior First Selectman, Tim Griswold, and prior OL PRC Chair, Glynn McAraw, whose experiences with Old Lyme Town Boards and Commissions greatly exceed my own (over 30 years), whether they can remember other examples (prior to the current BOS) when the OL BOS has circumvented, ignored or over-ridden PRC decisions or recommendations. Neither can recall a similar situation in the past. Accordingly, there was no need to request a legal review of Town Ordinance 20-8 previously.

Moving forward, I ask that you and Ms. Clarke carefully reconsider your current opinions with regards to Town Ordinance 20-8 in light of the additional information provided. It may also be appropriate for the current BOS to reconsider actions it has taken over the past 3-4 years that have circumvented, ignored or directly over-ridden OL PRC decisions and recommendations related to *the management, control and development of the Town's recreational facilities, and expenditures made in connection therewith*, including those relating to the Boathouse/Hains Park Improvement Project.

Finally, I request that Ms. Clarke please clarify whom she is representing in providing her Aug 17th legal opinion: the Town of Old Lyme, the First Selectwoman, or some other entity? If she is representing the Town of Old Lyme, then I am surprised that she would base a legal opinion on a limited understanding of the historical role of the OL PRC without requesting information directly from the Commission. She also did not incorporate into her opinion the inherent benefits to the Town of Old Lyme of ensuring that the checks and balances put in place by Town Ordinance 20-8 are followed as written.

Please let me know at your earliest convenience, whether you and/or Ms. Clarke will be reconsidering your opinions in light of the information provided above. Based on your responses, OL PRC may consider requesting independent legal counsel.

Respectfully,



Bob Dunn

Chair, OL PRC (Previous: Chair, Town Woods Building Committee; Chair, Town Woods Operating Committee)

cc (email): Marilyn C. Clarke
Tim Griswold
Glynn McAraw
OL PRC, Board of Selectmen, and Board of Finance

enclosure: 1987 OL PRC approval of original Boathouse Project

March 30, 1987

At a special meeting of the Parks and Recreation Commission on Monday, March 23, 1987, the Commission voted to approve the plans of the boat house at Hain's Park as proposed by the Regional District 18 Board of Education.

It is the wish of the Commission that we be kept informed of the progress in the plans and of any changes that occur to the plan.

Sincerely,

Ann L. Lander

Ann L. Lander

~~Park and Rec Commission~~

MARYLIN C. CLARKE
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August 17, 2015

Bonnie A. Reemsnyder
First Selectwoman
Town of Old Lyme
52 Lyme Street
Old Lyme, CT 06371

Dear Bonnie:

You have asked that I review the 1965 ordinance (Section 20-8) establishing the Parks and Recreation Commission and the claim by a member of the current Boathouse Hains Park Improvement Commission (BHPIC) that the P & R Commission be entitled to review and analyze the cost vs benefit of certain project designs approved by the BHPIC.

One cannot analyze Section 20-8 of the Town's ordinances without a review of the role of the P & R Commission historical and a comparison with an ad hoc committee created by the Board of Selectmen for a specific project.

The BHPIC was created by the Board of Selectmen in 2014 specifically in connection with the State STEAP grant awarded to the Town to oversee the redesign of the boathouse facility and the integration of other uses of Hains Park with the boathouse.

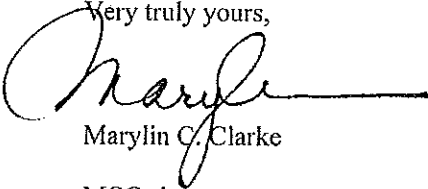
The historical records of what the P & R Commission does from year to year can be found in the minutes of Commission's monthly meetings as well as in the narrative summary of the P & R Director in each Annual Town Report. This Commission establishes athletic programs, supervises the maintenance of fields and other sites of ongoing athletic activities, determines (with the advice of the P & R Director) seasonal employees necessary to maintain its programs, and prepares its annual budget to the Board of Selectmen for presentation to the Board of Finance.

It is interesting to note that in the minutes of the 2013 P & R Commission, an "operating" subcommittee was established to oversee the athletic fields at the Town Woods Recreational Facility only after the fields had been completed by the Town Woods Recreational Facility Committee with the assistance of another State STEAP grant.

Another point of interest concerning the earlier development of the Town Woods Recreational Facility is that a monthly update by the Chair of that ad hoc committee, Bob Dunn, was given to the P & R Commission, as reported in the minutes of the P & R Commission. It was reported by Mr. Dunn that all monetary issues and operating costs were approved by the Town Woods Recreational Facility Committee. There was no mention of the P & R Commission having any say under Section 20-8 of the Town's ordinances over these costs.

It is my opinion that neither the P & R Commission nor any of its members has the authority under Section 20-8 to demand certain action by the BHPIC, specifically charged by the Board of Selectmen with the development of the Hains Park Facility.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Marilyn C. Clarke", followed by a horizontal line extending to the right.

Marilyn C. Clarke

MCC:sk