

*Draft Request to Tree Commission*

**To:** Old Lyme Tree Commission  
**From:** Old Lyme Parks & Recreation Commission (P&RC)  
**Date:** Aug. 12, 2015  
**Subject:** Request for tree removal in Hains Park

The Old Lyme PR&C, communicating on behalf of the Boathouse/Hains Park Improvement Committee (BHPIC), respectfully requests the Tree Commission grant permission to remove a single maple tree from the west side of the west entrance to Haines Park to allow the relocation of the basketball court. Relocation of the basketball court is necessary to allow space for the expanded Haines Park Boathouse.

All alternative locations for the basketball court have been extensively evaluated, but in order to comply with regulations defining setbacks from existing structures and the lake, and other physical constraints, the proposed site next to the Boathouse is the only viable option that exists.

The BHPIC would be willing to replace the tree with two or three new trees of the species, size and location specified by the Tree Commission.

Respectfully,

Robert Dunn  
Chairman, P&RC.

MARYLIN C. CLARKE  
ATTORNEY AT LAW  
10 LYME STREET  
P. O. BOX 334  
OLD LYME, CONNECTICUT 06371  
TELEPHONE (860) 434-1685  
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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.

Bonnie A. Rcemsnyder

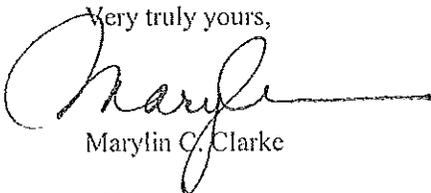
August 17, 2015

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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 Duin, 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", with a long horizontal line extending to the right.

Marilyn C. Clarke

MCC:sk

August 27, 2015

Dear Bonnie,

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 McArw 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 McArw, 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 17<sup>th</sup> 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 McArw  
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~~

Title:



Message

Wed, Sep 02, 2015 1:00 PM

From: <frank@iecleaning.com>  
 "Frank Pappalardo" <frank@ieindustrialservices.com>  
 "Frank Pappalardo" <frank@ieindustrialservices.com>

To: Don Bugbee

Cc: breemsnyder@oldlyme-ct.gov <frank@iecleaning.com>

Subject: lifeguard information request

Attachments: Attach0.html / Uploaded File

6K

Good afternoon Don,

The Sound View Commission is exploring the option for recommendation to the Board of Selectmen for the inclusion of Lifeguards for Sound View. I'm looking to you for help to fully understand the lifeguard role in public safety and how they operate. It would helpful if you could supply the following information.

- Lifeguard duties, responsibilities and management.
- Lifeguard qualifications
- Pay range
- Hours of service at White Sands and Haines park (hours per day, months worked, etc.)
- Information regarding the success of our present lifeguard program
- Negative issues or problems you may be aware of
- Any other information that you believe may be helpful.

Once again this is preliminary however if we do recommend lifeguards to the Selectmen for Sound View we would like to include their costs in our next year budget. I appreciate any information you can provide and as always please feel free to give me a call to discuss.

Regards  
Frank

Frank Pappalardo, Chairman  
Sound View Commission  
Old Lyme, CT  
(860) 871-7582 – office  
(860) 559-5682 - cell  
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