MINUTES
Board of Selectmen
Wednesday, December 21, 2016 – 7:00PM
Norma Drummer Room – Seymour Town Hall

Members Present: W. Kurt Miller, Annmarie Drugonis, Len Greene (left at 7:45 PM), Stephan Behuniak, Al Bruno and Nicole Klarides-Ditria (8:01 PM).

Members Absent: Karen Stanek.

Others Present: Town Counsel, Richard Buturla; Tom Elghmie, Patrick Lombardi, Tony DePrimo, Fred Messore, Chris Edwards, Todd Fowler and Rory Burke.

ITEM #1: Call meeting to order.
Meeting was called to order by First Selectman, W. Kurt Miller, at 7:04 PM.

ITEM #2: Pledge of Allegiance.
Everyone saluted the flag and recited the Pledge of Allegiance.

ITEM #3: Public Comment.
None.

ITEM #4: Approve minutes from December 6, 2016 regular meeting.
Motion to approve minutes from December 6, 2016 regular meeting.
Motion: Annmarie Drugonis  Second: Al Bruno
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes  Al Bruno – Yes
Stephan Behuniak – Yes  Len Greene – Yes

ITEM #5: First Selectman’s Report.
• I started contract negotiations with the Public Works union and the Clerks Union. I thought the initial meetings went well. We will be meeting again in January. My goal is to have at least the financial package of the contract negotiations done. I will be presenting my budget to the Board of Finance at the end of February or beginning of March.

Motion to go out of order to ITEM #8: Discussion and take possible action retarding hiring of Public Works Laborers.
Motion: Len Greene  Second: Al Bruno
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes  Al Bruno – Yes
Stephan Behuniak – Yes  Len Greene – Yes

ITEM #8: Discussion and take possible action retarding hiring of Public Works Laborers.
Kurt read the following letter from the Board of Public Works:

The Board of Public Works is recommending the hiring of Chris Edwards and Todd Fowler for the full-time laborer positions pending any necessary pre-employment screening, background check and license verification.

Sincerely, Sean Walsh, Chairman

Kurt read the following letter from Tony DePrimo, Director of Public Works, to the Board of Public Works:
As a second request, I am recommending current season employees Christ Edwards, and Todd Fowler to please be hired as full time Laborers. The Department is understaffed due to retirements. These positions need to be filled to staff one vacant truck driver position that currently exists in FY-17 budget.

Thank you in advance for your attention to this request.

Sincerely, Tony DePrimo, Director of Public Works

Motion that the Town of Seymour hire Chris Edwards and Todd Fowler to the Full-Time Laborer's positions pending any necessary pre-employment screening, background checks and license verification. Chris will be first and Todd will be second.

Motion: Len Greene Second: Annmarie Drugonis
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Len Greene – Yes

Motion to go out of order to ITEM #9: Discussion and take possible action regarding hiring of Fire Clerk.

Motion: Al Bruno Second: Len Greene
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Len Greene – Yes

ITEM #9: Discussion and take possible action regarding hiring of Fire Clerk.

Kurt read the following letter from Patrick Lombardi, Vice-Chairman of the Board of Fire Commissioners:

Dear First Selectman and Board Members,

The interview committee along with the Board of Fire Commissioners is pleased to send the name of Mrs. Kerri Lewis for the position of part time clerk for the Seymour Fire Department to your board. Mrs. Lewis was the unanimous choice of applicants interviewed for the position. It is our hope that the Board of Selectmen will look favorably upon this recommendation.

Should you have any questions please feel free to contact me. On behalf of the Board of Fire Commissioners I would like to extend a very Merry Christmas and prosperous New Year to all.

Sincerely,

P. Lombardi, Vice-Chairman

Motion that the Town of Seymour offer the position of Part Time Clerk to the Seymour Fire Department to Mrs. Kerri Lewis pending all background and other checks that are necessary.

Motion: Annmarie Drugonis Second: Len Greene
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Len Greene – Yes

ITEM #6: Discussion and take possible action regarding Greenway Trail bid award.

Fred Messore discussed the rebidding process for the Greenway Trail. He stated they are at a very important part of the process. In the beginning when the bid package first went out, they only received one bid which was very high. They decided to step back and discuss the bid packet with the team (Mylone & MacBroom, State DOT and their liaison Chris Faukner). He stated with the bid going back out again they were able to scale it down to 120 day construction cycle to start at the beginning of spring. When they did the rebidding, they included additional alternates and took out some of the scope of work items.

Fred stated they received 12 responses. They were all qualified contractors. LaRosa Earth Group, LLC was the lowest bidder and they would like to go forward with them. He discussed the bid packet.

Al inquired about RFP parameters being met.

Fred stated that part of Mylone & MacBroom's process is that they go through everything and discuss with Chris Faukner's group to make sure they meet the states requirements. Fred feels comfortable to accept
their recommendations and is happy to work with them to keep the cost down. His recommendation is to go forward with the base bid and additive alternates.

Fred stated it should be approximately $816,000 and the budgeted amount is approximately $715,000.

Len inquired about the additive alternates. Fred stated the additive alternates are light fixtures, benches, trash receptacles and a bike rack. He stated all bids were broken down the same. He stated he is hoping for an April 1st start date with an approximately 120 day construction.

Motion to accept the recommendation of Fred Messore, Economic Development Director, and award the bid for the Naugatuck River Greenway Trail Phase I to La Rosa Earth Group, LLC as presented.

Motion: Len Greene Second: Annmarie Drugonis

Vote: 5-Yes 0-No 0-Abstain

W. Kurt Miller – Yes Al Bruno – Yes Len Greene – Yes

Stephan Behuniak – Yes

ITEM #7: Discussion regarding winter preparedness with Public Works Director.

Tony DePrimo, Public Works Director, discussed the packet he handed out to the board members. The first page includes correspondence regarding a new weather service that he is in the final stages of purchasing. He stated this will give Public Works advance information on pending storms. He also included a new reporting strategy where he can communicate better before, during and after a storm. He also included storm costs.

He stated that the storm on 12/17/2016 cost the town approximately $19,000. The report included staff involved, equipment used, size of spreader, total amount of salt, etc. for all of the hours involved. He also discussed a brief summary about the storm, the hours it took to clean the storm, etc. He also discussed descriptive emails advising the First Selectman, Police Chief, Tom Eighmie, etc. about how they were progressing and anything that might have caused a problem.

Kurt stated the email communications are helpful as they need to plan for different things. He stated in the course of 24 hours, he received 3-4 emails about the storm.

Tony included literature on the new weather service that Public Works is purchasing.

Annmarie stated this could also help the Parks & Recreation departments.

Tony stated the weather service will send him and Tom Eighmie alerts and the weather forecast every day. It will alert them 6 hours before the start of the storm. This is specific to the area and will be helpful when he is trying to plan for storms. He stated he is trying to be transparent on what they are up against and what they are trying to do.

Kurt stated Tony’s computer will be changed to a tablet this way everyone will know where everyone is. Tony will be in direct contract with the trucks and will be able to move trucks accordingly. The tablet will be available in a week or two.

Stephan inquired about challenges from the recent storm.

Tony stated not having enough staff and a piece of equipment broke down were the only challenges. Kurt stated there are 3 experienced guys that are on light duty, another out on leave, two recent retirements, 6 seasoned guys not available and three recent hires out in trucks. He expects things to get better with each storm. He stated both he and Tony reached out to all residents who had complained.

Annmarie stated it is important to let the public know when Public Works will start plowing.

Tony stated that a big component to a successful snow removal operation is to get out in front of it. He stated the streets should be pretreated an hour before snow starts falling. He stated he is looking into treating the streets a head of time but still needs to do more research. He stated the goal is to have that installed for next year because it is not feasible for this year.

Stephan suggested having some type of live updates for the residents.

ITEM #10: Discussion and take possible action regarding Rimmon Street bid award.

Kurt read the following letter from State DOT:

Dear First Selectman Miller:

Subject: Authorization to Award
This correspondence will serve to notify you that the Town of Seymour (Town) is hereby authorized to award the contract for the construction of this project to the lowest bidder, H.I. Stone & Son, Inc. of Southbury, Connecticut.

After the contract award has taken place, and to ensure that the construction of phase is properly coordinated with the Department of Transportation's (Department) Office of Construction, the Town should proceed as follows:

1. Schedule a pre-construction meeting by contacting Mr. John Dunham at the District 4 office, at (telephone number.) Please notify this office of the date, time and location of the meeting as soon as possible after scheduling the meeting.
2. Forward to this office and to the District 4 office a copy of the executed contract between the Town and H.I. Stone & Son, Inc.
3. Notify the District 4 Office of the commencement of the construction activities via the enclosed CON 100M form. Failure to notify the District 4 office will jeopardize the Federal proportionate share of the funding for this project.

Please be advised that all change orders in the construction phase of this project must be requested in writing to the Department for review. These requests will be evaluated and must be approved by the State before the order can be given to the Contractor. Failure to obtain approvals could jeopardize Federal participation in the cost of these changes.

If you have any questions concerning the above named project, please contact Mr. Thomas Faenza, Project Engineer.

Very Truly Yours,
Hugh H. Hayward
Principal Engineer-Highway Design
Bureau of Engineering and Construction

Motion to award and authorize the contract for State Project No. 124-169, Federal Aid Project No. 1124 Reconstruction of Rimmon Street Town of Seymour, Connecticut to H.I. Stone & Son, Inc., of Southbury Connecticut as recommended by Hugh H. Hayward, Principal Engineer-Highway Design, Bureau of Engineering and Construction.

Motion: Al Bruno
Vote: 4-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Annmarie Drugonis – Yes

Len Greene excused himself during the vote.

ITEM #11: Discussion and take possible action regarding awarding of roadway patching bid award.

Motion to table.

Motion: Stephan Behuniak
Vote: 4-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Annmarie Drugonis – Yes

ITEM #12: Discussion and take possible action regarding Solarize CT memorandum of understanding.

Kurt read the following memo of understanding:

WHEREAS Seymour has been a leader in sustainability efforts in Connecticut including:

WHEREAS solar energy is good for the environment and contributes to a reduction in greenhouse gas emissions;

WHEREAS generating electricity from solar energy can save town homeowners money on their utility bills and can help residents of the Town of Seymour control future energy costs thereby saving taxpayer money;
WHEREAS solar energy creates opportunities for economic development and job creation while promoting energy independence;
WHEREAS SmartPower, a not-for-profit entity, is launching Solarize Connecticut to encourage more residential solar electric installations to reduce energy use, improve the environment, and create jobs by increasing the use of solar technologies;
WHEREAS Seymour has endorsed the goals of Solarize Connecticut;
WHEREAS SmartPower will promote Seymour for its participation in Solarize Connecticut in media stories, on its website, through social marketing and at presentations;
WHEREAS Seymour will promote Solarize Connecticut, including participating in joint outreach opportunities; and will designate a person to coordinate communications activities with SmartPower;
WHEREAS Seymour will assist SmartPower in selecting a solar installer to provide residents with quotes for reduced pricing for solar through the Solarize Seymour campaign;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:
1. Seymour commits to promote and participate in the Solarize Connecticut effort known locally as Solarize Seymour with the goal of becoming a leader in residential solar electric installations in the State of Connecticut.
2. As is the case with all Solarize projects, Seymour makes no financial or contractual commitment for the Solarize Project. The Town’s support for the project is through inkind support such as Seymour staff or elected officials working with SmartPower and town volunteers to support the project through a variety of outreach methods.
3. SmartPower will support Seymour volunteers for outreach including a town page on www.solarizecct.com. SmartPower will hold initial organizing meetings and provide the Town with a Solarize Seymour banner and help draft press releases, newsletter articles, and letters to the editor as well as other promotional items. SmartPower will also hold biweekly conference calls for volunteers, Town staff/officials and the selected solar installer(s) to coordinate activities, brainstorm outreach opportunities and share information about the progress of the Solarize Seymour project. However, while SmartPower will support Solarize Connecticut, it will be the responsibility of the Town and town volunteers to spearhead outreach activities.

In agreement with the above, the parties hereby have affixed their signatures.

4. Seymour reserves the right to terminate this agreement at any time without prior notice.

Rory stated there is one thing that was added and it was sent to Town Counsel to review. The clause “Seymour reserves a right to terminate this agreement at any time without prior notice” was added.

Motion to approve the resolution as amended with Town Counsel’s comments.
Motion: Stephan Behuniak               Second: Al Bruno
Vote: 4-Yes                           0-No
W. Kurt Miller – Yes                  Al Bruno – Yes
Stephan Behuniak – Yes

Len Greene left the meeting at 7:45 PM.

ITEM #13: Discussion and take possible action regarding 2016 Homeland Security Grant Program memorandum of understanding.
Kurt read the authorizing resolution as follows:
CERTIFICATION:
I, Susan DeBarber, the Town Clerk of the Town of Seymour, do hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Selectmen at its duly called and held meeting on the 21st of December, 2016, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:
RESOLVED, that the Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and
FURTHER RESOLVED, that W. Kurt Miller, as First Selectman of the Town of Seymour, is authorized and
directed to execute and deliver any and all documents on behalf of the Board of Selectmen and to do and
perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such
documents, including, but not limited to, executing and delivering all agreements and documents
contemplated by such documents.

The undersigned further certifies that W. Kurt Miller now holds the office of First Selectman and that he
has held that office since December 5, 2011.

IN WITNESS WHEREOF: The undersigned has executed this certificate this 22nd day of December 2016.
Susan DeBarber, Town Clerk

Motion to accept resolution as presented.
Motion: Annmarie Drugonis Second: Al Bruno
Vote: 4-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes

ITEM #14: Discussion and take possible action regarding 293 Roosevelt Drive tax abatement.
Town Counsel, Richard Buturla, stated 293 Roosevelt Drive was taken by way of a tax foreclosure by the
Town of Seymour. The Town is property owner and in accordance with state law the town will not be
taxing itself.

Motion that the Town of Seymour provide a tax abatement to 293 Roosevelt Drive.
Motion: Stephan Behuniak Second: Al Bruno
Vote: 4-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes

ITEM #15: Executive Session (Claim – Rybczyk settlement).
Motion to enter into executive session at 7:54 PM with Town Counsel, Richard Buturla.
Motion: Al Bruno Second: Annmarie Drugonis
Vote: 4-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes

Nicole Klarides-Ditria arrived at 8:01 PM.

Motion to exit executive session at 8:11 PM with no motions or actions taken.
Motion: Nicole Klarides-Ditria Second: Al Bruno
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes Al Bruno – Yes
Stephan Behuniak – Yes Nicole Klarides-Ditria – Yes

ITEM #16: Discussion and take possible action regarding Rybczyk settlement.
No action was taken.

ITEM #17: Appointments.
Motion to appoint John Cronin, Jr. to the Board of Fire Commissioners for a term of three (3) years
expiring on December 21, 2018.
Motion: Stephan Behuniak  
Vote: 5-Yes 0-No  
W. Kurt Miller – Yes  
Stephan Behuniak – Yes

Second: Al Bruno  
Al Bruno – Yes  
Nicole Klarides-Ditria – Yes

Motion to reappoint Clay Jurgens to the Board of Fire Commissioners for a term of three (3) years expiring on December 21, 2018.

Motion: Nicole Klarides-Ditria  
Vote: 5-Yes 0-No  
W. Kurt Miller – Yes  
Stephan Behuniak – Yes

Second: Stephan Behuniak  
Al Bruno – Yes  
Nicole Klarides-Ditria – Yes

Motion to reappoint Gary Popielasz to the Parks Commission for a term of two (2) years expiring on December 17, 2018.

Motion: Nicole Klarides-Ditria  
Vote: 5-Yes 0-No  
W. Kurt Miller – Yes  
Stephan Behuniak – Yes

Second: Al Bruno  
Al Bruno – Yes  
Nicole Klarides-Ditria – Yes

ITEM #18: Tax Refunds/Abatements.
Motion to accept the Tax Collector’s report as presented.

Motion: Nicole Klarides-Ditria  
Vote: 5-Yes 0-No  
W. Kurt Miller – Yes  
Stephan Behuniak – Yes

Second: Annmarie Drugonis  
Al Bruno – Yes  
Nicole Klarides-Ditria – Yes

ITEM #19: Transfers.
None.

ITEM #20: Correspondence.
- Letter from Great Hill Hose, Co. regarding two members they have put forward for the position of Fire Commissioner.
- Check register.
- Letter from Joseph Luciano as his Public Comment.
  - Subject: Please accept this as my Public Comment and Correspondence for the next BOS meeting which the town BOS calendar shows is December 21, 2016. These deal with lack of enforcement of Snow Removal Ordinance 14-6 and absence of fines that this ordinance mandates.
  - Photos are included.

ITEM #21: Public Comment.
None.

ITEM #22: Selectmen’s Public Comments.
Stephan Behuniak stated in regards to Item #6, he voted yes despite not being happy with the project. In the future he would like to think long and hard before voting on Greenway Project

Nicole Klarides-Ditria congratulated Pop Warner Cheerleaders for winning 2nd place in Florida for Nationals.
Al Bruno thanked Tony DePrimo for coming in and giving a detailed report. He stated it is an impressive report and it looks like him and his staff at Public Works are doing well.

Annmarie Drugonis congratulated Seymour Pop Warner Cheerleaders and congratulated the new Public Works employees.

Rory stated the Strategic Planning Committee would like to have the Board of Selectmen come to their meeting in the first quarter.

ITEM #23: Adjournment.
Motion to adjourn at 8:15 PM.
Motion: Annmarie Drugonis  Second: Nicole Klarides-Ditria
Vote: 5-Yes 0-No 0-Abstain
W. Kurt Miller – Yes  Al Bruno – Yes
Stephan Behuniak – Yes  Nicole Klarides-Ditria – Yes
Annmarie Drugonis – Yes

Submitted by, Reviewed by,
Lianna McMurray  W. Kurt Miller
Recording Secretary  First Selectman
December 20, 2016

To: Board of Selectmen, Town of Seymour CT
   First Selectman Kurt Miller
   Rory Burke, Administrative Assistant

Cc: Board of Police Commissioners: Lucy McConologue, Chairman
    Town Clerk: Susan DeBarber sdebarber@seymourct.org
    Bonnie Wilkes et al., Advisory Committee for Livable Communities
    Deirdre Caruso, ADA coordinator

From: Joseph A. Luciano Disability Rights Action Front of Connecticut
      DRAGconnecticut@yahoo.com 33 DeForest street, Seymour CT 06483-2894  203/463-8323

SUBJECT: Please accept this as my Public Comment and Correspondence for the next BOS meeting, which the town BOS calendar shows is December 21 2016. These deal with lack of enforcement of SNOW-REMOVAL Ordinance 14-6 and absence of fines that this ordinance mandates.

Photos (see links p. 2) show that—again, year after tiring year—the usual offenders flout our town’s “snow-removal” ordinance (Code of Ordinances, Town of Seymour CT: Part II, Chapter 14, Sec. 14-6 - Removal of ice, snow from sidewalks (new, effective August 2015)).

A few years ago Town hall advised that, when encountering a sidewalk blocked by snow (that should have been removed), I should call Public Works (203/735-6028) if it’s open or, if closed, call Seymour PD (203/881-7600). Incidentally, some town website information on the Public Works page is correct; and some does not reflect the current version of Sec. 14-6. (The ordinance states “... within the first six hours of daylight immediately following the accumulation of such snow...”) I urge the BOS, the BOPC, and Seymour PD to consider police response to my reports of violations last winter. The responding officer duly located the “... owner or person in possession and control of land abutting (the) public sidewalk...” and ordered it to be cleared within 30 minutes. But no fine issued.

You want us to wait—too?
A corollary to this is that I or some other person using a mobility device is expected to wait for the sidewalk (an access route) to be cleared. The “able” can trudge through; a manual wheelchair, walker, scooter, or powerchair cannot. Expecting us to “wait” is unreasonable. It’s winter. You want senior/disabled persons to wait? You need to understand that even if we wait shivering or not, we are likely to encounter another sidewalk—or curbcut or crosswalk—blocked by snow along our route.

Photos taken last year at https://www.facebook.com/photo.php?fbid=1781752925214792&set=a.1781752925215552.1073741874.1781752925214792&type=1 show multiple sidewalk locations snowbound between the origin of my travel and downtown destinations for grocery, bank, or pharmacy, etc. How many times are we expected to call and then wait?

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1 Town of Seymour’s official website shows Ms. McConologue as chairman.
2 Police can and will issue fines if sidewalks are neglected.
3 Property owners are responsible for removing snow and ice from sidewalks in front of their property within 24 hours of the end of a storm.
Police policy of not fining emboldens flouters & is loss of income to the town\(^4\)

Furthermore, and worse, the owner or person in possession and control of the uncleared sidewalk was not ticketed and/or fined—apparently because the officer exercised discretionary power. The “general penalty” ordinance does not grant discretion to fine. It’s probable that frequent flouters have become frequent flouters because they’ve learned they can get away with it. At the expense of the disabled.

Consider also that refusal to fine is defiance if not dereliction of duty; the ordinance says “shall” fine.

Sec. 1-9 clearly states:

It SHALL be unlawful for any person to violate or fail to comply with any provision of this Code, and where no specific penalty is provided therein, the violation of any provision of this Code SHALL be punishable by a fine of not more than $100.00. Each day\(^5\) any such violation SHALL continue SHALL constitute a separate offense and SHALL be punishable as such.\(^6\)

Section 14-6 also clearly states: “

... Any person who fails or neglects to comply with this subsection SHALL also be liable for a penalty or fine in an amount established in accordance with section 1-9, general penalty.”

I understand that town hall has no employee whose job description requires monitoring and reporting noncompliance. But that could be changed. Or, require the parking enforcement officer to monitor and report to police all violations. Police should immediately issue the fine (for each day of the violation)—and then order the sidewalk/curbcut/crosswalk cleared.

**Please strictly enforce** our town’s snow-removal ordinance with fines—as the ordinances mandate. It is a duty and appropriate to do so—especially after P&Z’s approval of more senior/handicapped housing downtown, which is now nearing completion.

Thank you for opportunity to participate or contribute to public meetings of the Town of Seymour.

Photo Exhibits (a day after snowfall ceased):

https://www.facebook.com/photo.php?fbid=1400657109979197&set=g.1796456803921099&type=1&theater

https://www.facebook.com/photo.php?fbid=1400657106645864&set=g.1796456803921099&type=1&theater

These photos show all two routes to downtown blocked by snow. Today is day two.

**Joe Luciano**

Joseph A. Luciano, 33 DeForest Street A24, Seymour CT 06483-2894

Home 203/463-8323

Independent Advocate for Elderly, Persons with Disabilities, Universal Design.

& Liveable Communities through Full ADA compliance .... & Enforcement

FOUNDER: Disability Rights Action Group of Connecticut (DRAG)connecticut@yahoo.com


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\(^4\) I calculated over $30,000 just for last winter’s violations.

\(^5\) Underlining mine

\(^6\) Caps mine