

MINUTES

Board of Selectmen

Wednesday, November 6, 2013 – 7:00 PM

Norma Drummer Room – Seymour Town Hall

Members present: W. Kurt Miller, Al Bruno, Theresa Conroy, Karen Stanek, Gary Bruce and Nicole Klarides-Ditria

Members absent: Annmarie Drugonis

Others present: Frank Loda, Don Smith, Shaye Roscoe, Bill Paecht, Paul Roy, Rory Burke and Town Counsel Richard Buturla.

ITEM #1: Call meeting to order

Meeting was called to order by First Selectman, W. Kurt Miller, at 7:06 PM.

ITEM #2: Pledge of Allegiance

Everyone saluted the flag and recited the Pledge of Allegiance.

ITEM #3: Public comment

Paul Roy, 80 Washington Avenue, updated the board on the Skate Park. The Skate Park is completed with the exception of getting a sign, bench, garbage pails, etc. He thinks it is a hit and kids are happy with it. You can go down there and see 35-40 kids enjoying Skate Park. The Skate Park grand opening will be pushed off until the spring time.

ITEM #4: First Selectman's report

- Kurt was appointed to the MORE Commission by House Speaker Sharkey.
- Kurt was assigned to subcommittee for Municipal Mandates and subcommittee for Municipal Tax Authority.
- Kurt completed quarterly reviews with most departments. During reviews, third quarter reports were discussed, as well as, any issues going into the fourth quarter.
- Kurt attended the John T. DeBarber Dedication Memorial Ceremony. He stated that this was a great community event that recognized a true American hero.
- The Ordinance Committee met to discuss the information that was forwarded to them by the board at the last meeting. Town Counsel is working to finalize the language. The committee will meet again prior to the next Board of Selectmen meeting so they can recommend updates at the next Board of Selectmen meeting.
- Kurt met with municipal staff members and a potential buyer regarding sale of Maple Street School. This will be discussed further during executive session.
- The budget process has begun and Kurt reviewed the potential Police Department budget. He expects to have his budget complete and ready for discussion with department heads prior to the end of November.

Al Bruno – Yes
Gary Bruce – Yes

Karen Stanek - Yes
Nicole Klarides-Ditria – Yes

ITEM #7: Discussion and take possible action on the Blue Water Navy Resolution

Theresa Conroy reads the Blue Water Navy Resolution as follows:

WHEREAS, During the Vietnam War, the United States military sprayed 22 million gallons of Agent Orange and other herbicides over Vietnam to reduce forest cover and crops used by the enemy; these herbicides contained dioxin, which has since been identified as carcinogenic and has been linked with a number of serious and disabling illnesses affecting thousands of veterans; and

WHEREAS, The United States Congress passed the Agent Orange Act of 1991, to address the plight of veterans exposed to herbicides while serving the Republic of Vietnam; the Act amended Title 38 of the United States Code to presumptively recognize as service-connected certain diseases among military personnel who served in Vietnam between 1962 and 1975; this presumption has provided access to appropriate disability compensation and medical care for Vietnam veterans diagnosed with such illnesses as Type II diabetes, Hodgkin's disease, non-Hodgkin's lymphoma, prostate cancer, Parkinsons, multiple myeloma, peripheral neuropathy, AL Amyloidosis respiratory cancers, and soft tissue sarcomas and others yet to be identified; and

WHEREAS, Pursuant to 2001 directive, the United States Department of Veterans Affairs policy has denied the presumption of a service connection for herbicide-related illnesses to Vietnam veterans who cannot furnish written documentation that they had "boots on the ground" in-country, making it virtually impossible for countless United States Navy, Marine and Air Force veterans to pursue their claims for benefits; moreover, personnel who served on ships in the "Blue Water Navy" in Vietnamese territorial waters were, in fact, exposed to dangerous airborne toxins, which not only drifted offshore but washed into streams and rivers draining into the South China Seas; and

WHEREAS, The United States Navy has been excluded ever since, Agent Orange has been verified, through various studies and reports, as a wide spreading chemical that was able to reach Navy Ships through the air and waterborne distribution routes; and

WHEREAS, Warships positioned off the Vietnamese shore routinely distilled seawater to obtain potable water, a 2002 Australian study found that the distillation process, rather than removing toxins, in fact concentrated dioxin in water used for drinking, cooking, and washing; this study was conducted by the Australian Department of Veterans Affairs after it found that Vietnam veterans of the Royal Australian Navy had a higher rate of mortality from Agent Orange-associated diseases than did Vietnam veterans from other branches of the military; when the United States Centers for Disease Control and Prevention studied specific cancers among Vietnam veterans, it found a higher risk of cancer among United States Navy veterans; and

WHEREAS, Herbicides containing TCDD did not discriminate between soldiers on the ground and sailors on ships offshore, and

WHEREAS, More than 30 Veterans Service Organizations support the Agent Blue Water Navy Vietnam Veterans Act of 2013; by not passing HR 543, a precedent could be set to selectively provide certain groups with injury related medical care while denying other groups without any financial, scientific or consistent reasoning, and

WHEREAS, When the Agent Orange Act passed in 1991 with no dissenting votes, congressional leaders stressed the importance of responding to the health concerns of Vietnam veterans and ending the bitterness and anxiety that had surrounded the issue of herbicide exposure, the federal government has also demonstrated its awareness of the hazards of Agent Orange exposure through its involvement in the identification, containment, and mitigation of dioxin "hot spots" in Vietnam; and

WHEREAS, The United States Congress should reaffirm the nation's commitment to the well-being of all of its veterans and direct the United States Department of Veterans Affairs to administer the Agent Orange Act under the presumption that herbicide exposure in the Republic of Vietnam includes the country's inland waterways, offshore waters, and airspace; similarly, now, therefore, be it

RESOLVED, That the Town of Seymour hereby respectfully urge the Congress of the United States to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served on the inland waterways, in the territorial waters, and in the airspace over the combat zone and, be it further

RESOLVED, That the Town of Seymour forward official copies of the resolution to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States Congress, and to all of the members of the Connecticut delegation to Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America. Adopted this day November 6, 2013.

Kurt brings up a change in the first 'RESOLVE' paragraph. It should be 'United' not 'untied.'

Motion to accept resolution as read.

Motion: Theresa Conroy

Second: Al Bruno

Vote: 6-Yes

0-No

0-Abstain

Kurt Miller – Yes

Theresa Conroy – Yes

Al Bruno – Yes

Karen Stanek - Yes

Gary Bruce – Yes

Nicole Klarides-Ditria – Yes

ITEM #8: Discussion and take possible action on Milano insurance claim

Kurt- There is a letter from Mary Ann Milano that was sent to Tony Caserta with regards to damage done to her car by a pothole. The second page shows the pothole that has since been repaired. The Total of the bill was \$156.87. The claim was denied by the town's insurance carrier. The question is to either uphold the denial as the town insurance did or pay the bill of \$156.87.

- Nicole- The insurance denied the claim because the town was unaware of the pothole.
- Kurt- It is more about the process and the precedent that we are setting, not about the money.
- Theresa- How are we doing with the pothole reports? Kurt explains that it is a part of the Public Works system. As a pothole report is put into the system, it is filled and then it comes off of pothole report.
- Town Counsel Richard Butura explains that the issue with this is notice. The town should have known. It wasn't in the system and the town wasn't given notice.
- Theresa's concern is that in Mary Ann Milano's letter, she states that there are several large potholes on that road and it is a frequently traveled road.
- Kurt explains that Public Works should be, from time to time, driving their plow routes and checking for potholes. He points out that the pothole in this particular claim is a bigger hole. He is for paying the bill.
- Karen discusses roads in town. She believes that the town should, as a matter of good will, pay this bill.
- Al explains why he votes no because of the amount of money and the town is legally not obligated.
- Theresa asks if there is something on the website for residents to report pot holes. Rory explains that there is a complaint area and explains the process. He states that with the new website there will be an easier way for residents to report pot holes.

Motion to reimburse Mr. and Mrs. Milano the amount of \$156.87 in payment of the damaged tire to the car.

Motion: Karen Stanek

Second: Theresa Conroy

Vote: 4-Yes

2-No

0-Abstain

Kurt Miller – Yes
Al Bruno – No
Gary Bruce – Yes

Theresa Conroy – Yes
Karen Stanek - Yes
Nicole Klarides-Ditria – No

ITEM #9: Discussion and take possible action on Founder’s Day Committee request(s)

Motion to table item #9: discussion and take possible action on Founder’s Day Committee request(s).

Motion: Nicole Klarides-Ditria

Second: Theresa Conroy

Vote: 6-Yes 0-No

0-Abstain

Kurt Miller – Yes
Al Bruno – Yes
Gary Bruce – Yes

Theresa Conroy – Yes
Karen Stanek - Yes
Nicole Klarides-Ditria – Yes

ITEM #10: Discussion and take possible action on Boys & Girls Club

Brian Lema, who works with Richard Buturla, sent Kurt a rough draft of contract between the town of Seymour and the Boys & Girls Club.

Shaye Roscoe and Don Smith give an update on Boys & Girls Club:

- Don- We are working diligently at the Boys & Girls Club. We received a clearance report, replaced ceilings, kitchen and entire cafeteria. The improvements needed will be done this month. Looking at a soft opening for December 2, 2013.
- Shaye- On our side, we are ready to move forward. We have a staff in place and are working on the website, which will include a Seymour section. December 2nd the idea is to have the current children who are being transported by vans to be first members of building. Next step is to have the rest of town visit and fill out membership forms by January, 2014.
- Kurt met with the Recreation Commission and answered all their questions. The only concern they had was communication on daily basis between the person who is running the Boys & Girls Club and Jack Ahearn. They will be meeting daily to keep communication open.
- Karen asks about a written report on mold. Kurt explains that it was emailed out and will resend the report.
- Theresa asks about the hours of operation for the Boys & Girls Club.
 - Shaye explains that the hours will be afterschool until 6:00 PM (2:30 PM to 6:00 PM). If there is an early dismissal, they will open up earlier. If the school is closed for a holiday or whatever reason, the members that go to the Seymour Boys & Girls Club can go to the other Boys & Girls Club in the area (Shelton or Ansonia). Shaye discusses TGIF program on Friday nights. Currently run it at both Shelton and Ansonia designated for middle school students. On TGIF nights, they have about 100 kids in Shelton and 150-200 kids in Ansonia. TGIF is from 6:00 PM to 9:00 PM. Don states that TGIF will be only limited to Seymour resident members.
- Kurt explains that flyers will be passed out. The Boys & Girls club will not infringe on any programs that the town offers out of the recreation department. The Boys & Girls Club will work in conjunction with the recreation department.

ITEM #11: Discussion with Cohen and Wolf regarding possible medical marijuana dispensary

Motion to table item #11: discussion with Cohen and Wolf regarding possible medical marijuana dispensary.

Motion: Karen Stanek	Second: Al Bruno	
Vote: 6-Yes	0-No	0-Abstain
Kurt Miller – Yes	Theresa Conroy – Yes	
Al Bruno – Yes	Karen Stanek - Yes	
Gary Bruce – Yes	Nicole Klarides-Ditria – Yes	

ITEM #12: Executive session (Strand Theater – contract negotiation)

Motion to add to executive session discussion with regards to an offer regarding the Maple Street School and to enter into executive session at 7:41 PM with Town Counsel Richard Buturla.

Motion: Nicole Klarides-Ditria	Second: Al Bruno	
Vote: 6-Yes	0-No	0-Abstain
Kurt Miller – Yes	Theresa Conroy – Yes	
Al Bruno – Yes	Karen Stanek - Yes	
Gary Bruce – Yes	Nicole Klarides-Ditria – Yes	

Motion to exit executive session at 8:08 PM with no motions or actions taken.

Motion:Karen Stanek	Second: Theresa Conroy	
Vote: 6-Yes	0-No	0-Abstain
Kurt Miller – Yes	Theresa Conroy – Yes	
Al Bruno – Yes	Karen Stanek - Yes	
Gary Bruce – Yes	Nicole Klarides-Ditria – Yes	

ITEM #13: Discussion and take possible action regarding Strand theater contract

Motion that the town of Seymour will effectively vacate the Strand premises effective December 31, 2013 and request Town Counsel to communicate said information to the Knights of Columbus.

Motion: Nicole Klarides-Ditria	Second: Al Bruno	
Vote: 6-Yes	0-No	0-Abstain
Kurt Miller – Yes	Theresa Conroy – Yes	
Al Bruno – Yes	Karen Stanek - Yes	
Gary Bruce – Yes	Nicole Klarides-Ditria – Yes	

ITEM #14: Appointments

Motion to reappoint Peter Jezierny as the Inlands Wetlands Officer for a one (1) year term, expiring on June 30, 2014.

Motion: Nicole Klarides-Ditria	Second: Theresa Conroy	
Vote: 6-Yes	0-No	0-Abstain
Kurt Miller – Yes	Theresa Conroy – Yes	
Al Bruno – Yes	Karen Stanek - Yes	

Gary Bruce – Yes

Nicole Klarides-Ditria – Yes

Peter has been working since July 1st, un-appointed explaining why it is a one year appointment.

ITEM #15: Tax Refunds/Abatements

Motion to approve Tax Refunds/Abatements as read.

Motion: Karen Stanek

Second: Al Bruno

Vote: 6-Yes

0-No

0-Abstain

Kurt Miller – Yes

Theresa Conroy – Yes

Al Bruno – Yes

Karen Stanek - Yes

Gary Bruce – Yes

Nicole Klarides-Ditria – Yes

ITEM #16: Correspondence

- Check registers.
- Note from Ralph Noel resigning his position from the Inlands Wetlands Commission.
- Legal opinion with regards to the question that Karen had recording votes.
- Letter from Parks Commission to the Board of Selectmen in regards to satisfaction of management of Department of Public Works. Will address at next meeting.

ITEM #17: Public Comment

None.

ITEM #18: Selectmen’s Public Comments

Karen- I was asked by a resident of Rimmon Road, Rich Grudzias, to call the town’s attention to the condition of the road.

Kurt- Rimmon Road is being completely redone next summer. It is a 2.2 million dollar project paid for jointly by Federal, State and local government. It is built into the Proactive Road Program and will be paid for around 2015/2016. The Town has hired DeCarlo & Doll as the engineers. Nafis & Young will oversee DeCarlo & Doll. DeCarlo & Doll will oversee the contractors.

Karen- In a discussion with Sean Walsh, we talked about the condition of the American flags downtown. After that conversation the next time I was downtown, I noticed that flags were all removed, why?

Kurt- I will look into it.

Karen- I have been asked by more than a dozen residents about the jersey barriers and construction at the intersection on West Church Street.

Kurt- The jersey barriers are coming out as soon as the guard rails go up. The concern we had was particularly in the dark. The guard rail that went up is the decorative guard rail.

Karen- People who have spoken to me are not happy with the reconfiguration because traffic backs up both coming up the hill and coming down the hill by Hull Funeral Home.

Kurt- That was part of our concern; it makes it safer to back up by Hull Funeral Home.

Karen- In talking to people, there has never been a serious accident there, some rear end collisions though. Major change is not easy for most people.

Kurt- It's trading convenience for safety. It is a funky configuration because we took the historical society into account to have that additional parking. We tried to address a lot of issues at one time.

Karen- Paul Roy asked for new appointments for Energy Committee at our last meeting, what is the status?

Kurt- We are working on it. I have reached out to someone.

Karen- The Ordinance Committee has met and I noticed on October 15th we tabled action on the Broad Street Park and the 10 year strategic plan, is that what the Ordinance Committee is working on?

Kurt- Yes, because they need to be created by Ordinance. Rich is currently working on putting in the language in proper format. We will meet prior to our next Board of Selectmen meeting.

Karen- I had mentioned the dead trees on Holbrook. I am hoping that Public Works is going to be able to look at them.

Kurt- We are still in the process of looking for a bucket truck. If we get a bigger bucket truck, the more work we can do.

Karen- What is the status of 111A Squantuck Road?

Kurt- The last Board of Finance Meeting was difficult. I had a conversation with the Conservation Commission. They have a meeting tomorrow night and Attorney Stanek will be going to take my place because I have a prior engagement. He will be asking them for \$10,000 from the Conservation fund. Once we have that in place, Attorney Stanek and I will meet with the residents.

Theresa- Did you look into the Chamberlain Road maintenance?

Kurt- I will look into it.

Theresa- Community center lighting?

Kurt- It will be addressed when we do the building review but at the same time we need to be strategic in how we put the lights in.

Theresa- I'm a little concerned now with the Boys & Girls Club going there with regard to the lighting. Also, the Fire Marshalls reports, are they caught up to date?

Kurt- No. The opinion of the Fire Marshall is to hire more staff.

Theresa- The downtown sidewalks, in front of American Legion, there are trees really buckling down.

Kurt- The plan is to start addressing those in the spring. The issue we have is that the wrong trees were planted there. We have to do one tree at a time, pull a tree out and repair the sidewalks.

Theresa- I wanted to thank the people who put together the Seymour High School Sports Hall of Fame ceremony. It was a great honor for all those athletes. The Veteran's Ceremony on Monday, is it just at the Broad Street Park at 7:00 PM?

Kurt- There are three (3). There is the Navy Wreath at 9:00 AM, the tribute at French Memorial Park at 11:11 AM, and the Broad Street Park at 7:00 PM.

Theresa- This weekend we have the Chocolate Festival downtown?

Kurt- Each shop will have chocolate themed treats for shoppers. We posted on our Facebook page and the banners on the fence were sponsored by Downtown Committee.

Theresa- The turnout for the Harvest Festival was low. Looking forward, can we get a more publicity on that?

Kurt- We are trying to help the group that is putting those festivals together to promote more.

Theresa congratulates those who were re-elected and elected and those who put themselves out there to be candidates.

Nicole- I attended the Seymour High School Sports Hall of Fame Induction dinner and it was a great time for young and old. I just wanted to remind everyone of the Chocolate Festival this Saturday.

Al- The middle school boys' soccer team is in the NVL Championship. The game against Torrington will be held at Torrington High School on Friday at 4:00 PM.

Gary congratulates all who were elected.

Kurt extends his appreciation to the Democratic Party members who came to congratulate the Republicans.

ITEM #19: Adjournment

Motion to adjourn at 8:31 PM.

Motion: Al Bruno

Second: Nicole Klarides-Ditria

Vote: 6-Yes 0-No

0-Abstain

Kurt Miller – Yes

Theresa Conroy – Yes

Al Bruno – Yes

Karen Stanek - Yes

Gary Bruce – Yes

Nicole Klarides-Ditria – Yes

Submitted by,


Lianna Staffieri
Recording Secretary

Reviewed by,


W. Kurt Miller
First Selectman