

COPY RECEIVED  
DATE: 9/27/11  
TIME: 5:20PM  
TOWN CLERK'S OFFICE

MINUTES  
Board of Selectmen  
Tuesday, September 20, 2011 @ 7:30PM  
Norma Drummer Room/Seymour Town Hall

Members present: First Selectman Paul Roy, Philip Wilhelmy, Karl Trybus, Sandra Gesek, W. Kurt Miller, Annmarie Drugonis, John Conroy, and Town Counsel Colleen Fries.

Others present: Frank Loda, Dawn Valeski, Craig Stevens, Tom Eighmie, James Rafferty, Ed Pollack, Greg Hubyk, Sean Walsh, Krista Gambino, Kristy Novitski, David Palumbo, Jason Avery, Rich Yarosh, Rick Yarosh, Nalihi Madivde, John Boanno, Valerie McNeice Pollack, James Brennan and Howard Simpson.

ITEM # 1 – Call meeting to order.

The First Selectman called the meeting to order at 7:30PM.

ITEM # 2 - Pledge of Allegiance.

Everyone salutes the Flag and states the Pledge of Allegiance.

ITEM # 3 – First Selectman's Report.

- Attended 9/11 service at St. Augustine's Church. It was well attended by our police, fire, and ambulance personnel.
- Attended Energy Committee- DCS Energy will install panels on Citizen's Engine Hose Co, Great Hill Hose Co, and Seymour Public Library. Because Solyndra went out of business, panels for flat roofs are unavailable. Contacted a new company, En-power group that did Ansonia High School, and they will make a presentation to the Energy Commission.
- Announced that State Funding had been secured for the land owner at Housatonic Wire for \$200,000. It is a loan to the property owner, not to the town or by the town.
- Attended 47<sup>th</sup> Annual Pumpkin Festival. Nice day, nice crowd.

ITEM # 4 – Public Comment.

Greg Hubyk, Seymour Auto Wrecking, Inc.: Submits a list of events that he alleges happened between 2005 and present time concerning the Town Assessor and the taxes on his business property. He feels that they have been relentlessly harassed by the Town Assessor and double taxed. He also states the same for his partner and his family. Considering moving business out of Town.

Richard B. Yarosh, YB Paving, LLC: Submits a list of alleged incidents and concerns with the Town Assessor in regards to his business and his family's business. States that they have all been harassed and double taxed. States that bills are in the wrong name and address and although complaints have been made there has been resolution. Family would like to move their businesses out of Town.

ITEM # 5 – Approve minutes from Board of Selectmen meeting on 9/6/11.

Motion to approve minutes from Board of Selectmen meeting on 9/6/11.

Motion: Philip Wilhelmy Second: W. Kurt Miller

Vote: 6-Yes (Paul Roy, Philip Wilhelmy, Sandra Gesek, W. Kurt Miller, Annmarie Drugonis, John Conroy)

0-No 1-Abstain (Karl Trybus) 0-Disqualify

Motion to move Item # 10 – Award IT (Information Technology) Bid for the Chatfield LoPresti Project before Item # 6 on the agenda.

Motion: Saundra Gesek		Second: Philip Wilhelmy	
Vote: 7-Yes	0-No	0-Abstain	0-Disqualify

ITEM # 10 – Award IT (Information Technology) Bid for the Chatfield LoPresti Project. Don Smith Jr., Mark D’Agostino IT Consultant, David Stein, Roberta Pratt IT Director Seymour Schools, and MaryAnne Mascolo Superintendent of Schools are here to represent the Chatfield LoPresti Building Project. There were 5 IT bids received for the 9/6/11 Board of Selectmen meeting, which were tabled with a request for more information. This was re-bid with the bids coming in on 9/19/11. Two bids were received on 9/19/11. After review the Chatfield LoPresti Building Committee with D’Agostino & Associates have made the following recommendations:

The Business Network Group – Active Network Electronics - \$215,478.48  
Servers & SANs - \$114,867.48

Omni Data – Security - \$98,200.82

Vision Electric – Phone System - \$20,651.00

The Servers & SANs bid will be 50% - Chatfield LoPresti and 50% - District wide upgrades. Rick Belden, Assistant Superintendent of Finance and Operations states that the Board of Education will absorb the \$57,433.74 portion of the Servers & SANs bid price. They bid the equipment with the Chatfield LoPresti Project in order to get the bundled pricing.

Motion to award all IT Bids for the Chatfield LoPresti School Project as presented, subject to the Board of Education absorbing the \$57,433.74 for their portion of the Servers and SANs.

Motion: John Conroy		Second: Philip Wilhelmy	
Vote: 7-Yes	0-No	0-Abstain	0-Disqualify

ITEM # 6 – Request from the Angel Heart Organization concerning a proposed 5K Run for Charity in Seymour.

The Angel Hearts Foundation of Seymour is seeking support from the Town of Seymour to hold a fundraiser; Jingle Bell 5K Run/1 mile Walk on Sunday, December 4, 2011 in the Silvermine Industrial Park. The funds are being raised to help Seymour residents/families who are facing a medical crisis. This fundraiser would require each participant to pay a \$20 registration fee and then collect donations. The organization is insured and as a courtesy will be notifying the businesses in the area. This will be on a Sunday so there will not be as much traffic. They have contacted the Seymour Police Department Community Officer, as well as the Seymour Ambulance Corps. so they may be available during the event. They will only be requesting one lane of the roads be closed so traffic can still get by. They will be using Silvermine, Cogwheel and Progress. The Board members would like to have an indemnification clause drawn up for this event.

Motion to support the Angel Hearts Foundation of Seymour’s request for a 5K Run for charity as presented for Sunday, December 4, 2011 in the Silvermine Industrial Park, subject to indemnification clause being signed.

Motion: Philip Wilhelmy		Second: W. Kurt Miller	
Vote: 7-Yes	0-No	0-Abstain	0-Disqualify

ITEM # 7 – Discussion with owner of 124 Bungay Road concerning issues related to the property.

James Brennan, 124 Bungay Road: Has been coming to the Board of Selectmen meetings on several issues, which have included drainage issues surrounding his property and this evening an issue with his farm declassification. He feels that the Town Assessor has unfairly and unjustly declassified his farm. He cites State Statutes and requests process and documentation of how the Town Assessor came to his conclusion about his property. He again requests the Assessment Appeals Application to which Town Counsel answered that the application will not be available until after the Grand List is done on January 31, 2012. There was more discussion concerning the way the Assessor has approached this issue with Mr. Brennan.

Motion to have the Seymour Assessor identify the criteria in writing and attend the next Board of Selectmen meeting, for declassifying the property at 124 Bungay Road and if all information has been supplied by the owner of the property; if so, what was the basis for the decision to reclassify if all documentation was submitted and if all documentation was not submitted, was a request sent to the property owner.

Motion: Philip Wilhelmy                      Second: Annmarie Drugonis  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

\*The presence of the Assessor is requested for the next Board of Selectmen meeting on October 4, 2011.

Mr. Brennan states that he is not happy with the plans by the Town Engineer and Department of Public Works have come up with to fix his drainage problem and would like to do his own work.

Craig Stevens, Foreman Department of Public Works: The drainage work is already scheduled to be done by the Public Works Department the first week of October.

ITEM # 8 - Discussion with owner of 25 Walnut Street concerning issues related to property. The owners of the property at 25 Walnut Street have come to the Board of Selectmen many times concerning the flooding issue that occurs on and around their property. Present are Mr. Boanno and Mrs. McNeice Pollack who show the Selectmen at least 2 dozen photos of flooding and damage after flooding on and around their property. Mr. Boanno gives an explanation of where he thinks the water is coming from. He and his family believe there is extra run-off from the Industrial Park going into Steel Brook, which is overflowing onto their property. He shows the Selectmen a preliminary report from a Hydrologist and states that they will be paying \$4,000 for the hydrology survey to be done. The Selectmen request a copy of the study when it is completed. They would also like some answers on where the water is coming from in Steel Brook.

ITEM # 9 – Open bids for HVAC Maintenance Contract for Town Buildings. Three bids were received in the First Selectman’s Office.

- 1) Ralph Mann - \$4,710.00
- 2) Added Comfort - \$8,994.00
- 3) GR Wade - \$9,559.00

Motion to send the three bids to the Town Engineer for recommendations.

Motion: Philip Wilhelmy                      Second: W. Kurt Miller  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

\*Put current contract holder on notice that we will no longer be using them.

ITEM # 11 – Appointments.

None.

ITEM # 12 – Tax Refunds/Abatements.

Motion to approve tax refunds in the amount of \$4,672.88.

Motion: Philip Wilhelmy                      Second: Karl Trybus  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to take a 2 minute recess at 9:37PM.

Motion: John Conroy                      Second: W. Kurt Miller  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to come out of recess at 9:39PM.

Motion: John Conroy                      Second: Philip Wilhelmy  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

ITEM # 13 – Transfers.

Motion to approve transfer from the Parks Commission for \$3,400.00 from Camera Surveillance Account 1-001-450-5220-635-500 and into Other Purchased Services Account 1-001-420-2100-535-530 for safety monitoring.

Motion: Philip Wilhelmy                      Second: Karl Trybus  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to approve transfer for the Public Works Department for \$2,520.00 from the Communications Account 1-001-430-3110-570-530 and into Other Purchased Services Account 1-001-420-2100-535-530 for safety maintenance to the PD for 3 cameras at the Public Works Facility.

Motion: Philip Wilhelmy                      Second: Karl Trybus  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to approve transfer for the Public Works Department \$90,000.00 from Fund Balance Account E-001-253-9999-400-000 and into Public Works Roof Account 1-001-410-1950-530-868 to replace leaking roof on the Public Works Garage and install a transfer switch for the generator.

Motion: Philip Wilhelmy                      Second: Karl Trybus  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

\*Fund Balance will still be well above 5% with this transfer.

ITEM # 14 – Correspondence.

- Check Registers.
- FOI – Ronald Goodmaster v. Board of Police Commissioners.
- Letter from P&Z re: Castle Lane Estates Subdivision.

Motion to move Item # 17 – Public Comment up on the Agenda.

Motion: John Conroy                      Second: Philip Wilhelmy  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

ITEM # 17 – Public Comment.

Ed Pollack, 10 Reservoir Manner: Is still requesting a letter from the Town on who is responsible for cleaning out the pipe under Walnut Street and would like to see proof of how Town Counsel came to the decision that she stated was not a Town problem and the group she worked with.

\*Town Counsel will give the Board Members a letter concerning this issue for the next meeting.

Tom Eighmie, 50 Laurel Lane: Would like another meeting on the Capital Project Requests with the Board of Selectmen and the Board of Finance as soon as possible. Feels that the infrastructure of the Town is falling apart and needs to be addressed immediately.

Sean Walsh, 126 Pearl Street: Agrees with Tom Eighmie about the infrastructure and would like to see things replaced that are falling apart. He also appreciates the Board passing the transfer for the Public Works Garage Roof.

ITEM # 15 – Executive Session (Pending Litigation, Property Transfer, Contract Negotiations, Personnel).  
Motion to go into executive session for pending litigation with the Board of Selectmen and Town Counsel at 9:51PM.

Motion: Philip Wilhelmy                                      Second: W. Kurt Miller  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to come out of executive session with no votes or action taken at 10:02PM.

Motion: Philip Wilhelmy                                      Second: W. Kurt Miller  
Vote: 7-Yes                      0-No                      0-Abstain                      0-Disqualify

Motion to resolve Rafferty Realty V. Town of Seymour per discussion in executive session.

Motion: Philip Wilhelmy                                      Second: W. Kurt Miller  
Vote: 6-Yes (Paul Roy, Philip Wilhelmy, Karl Trybus, Sandra Gesek, W. Kurt Miller, John Conroy)  
0-No    1-Abstain (Annmarie Drugonis)                      0-Disqualify

ITEM # 16 – Other Business.

None.

ITEM # 18 – Selectmen’s Public Comments.

W. Kurt Miller: How is the HR Audit going?

Paul Roy: They are beginning their interviews with the departments this week.

W. Kurt Miller: Would like Paul to get back to Seymour Auto concerning their issues.

Annmarie Drugonis: Upset that companies are leaving Town and would like the issues with the Assessor looked into. Asks when Rimmon Road will be getting paved. Paul states that Rimmon Road paving is a government funded project and they are waiting for the funding and it should be by next year. Asks if we have received anything from OSHA yet? Paul states no we haven’t. Annmarie states that all projects on the WPCA Capital Project list will be funded by the WPCA. They are dealing with new DEEP regulations on Nitrogen Levels and may need to replace equipment. She is also upset that she wasn’t invited to the press conference for Housatonic Wire. Lastly she would like to see how many calls go out for the Rescue Truck, a call log to see the usage.

ITEM # 19 – Adjournment.

Motion to adjourn at 10:16PM.

Motion: W. Kurt Miller

Second: Annmarie Drugonis

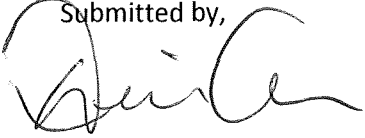
Vote: 7-Yes

0-No

0-Abstain

0-Disqualify

Submitted by,



Deirdre Caruso,  
Recording Secretary

Reviewed by,



Paul Roy,  
First Selectmen