

MINUTES
Board of Selectmen Meeting
Tuesday, November 16, 2004 @ 7:00 PM
Norma Drummer Room/Seymour Town Hall

Members Present: First Selectman Robert J. Koskelowski, Patrick Lombardi, Paul Rosebrock, John Putorti, Roberta King, Jeanne Loda, Frank Conroy, and Town Counsel George Temple.

Others Present: Frank Loda, Colleen Fries, Clayton Jurgens, Paul Roy, E.P. Willis, June Marcucio, Paul Hassler, Scott Skellington, Tom Eighmee, Ron Brown, and Melanie Kalako.

- **The First Selectman opened the meeting at 7:00 PM.**
- **The Board Salutes the Flag and states the Pledge of Allegiance.**

- **Approve Minutes from October 19, 2004 Board of Selectmen Meeting.**

Motion: Roberta King Second: Patrick Lombardi
Vote: 6-Yes (Robert J. Koskelowski, Patrick Lombardi, Paul Rosebrock, Roberta King, Jeanne Loda, Frank Conroy) 0-No
1-Abstain (John Putorti) 0-Disqualify

PUBLIC COMMENT:

Colleen Fries - 107 Spruce Street: Has several questions for Town Counsel regarding the Seymour Ambulance Association lease and the grant for the renovation project. (The First Selectman will save the questions for Town Counsel when he arrives.)

Margaret Sheppard - 111 Maple Street: Has several questions regarding David Mack's Land offer. She has concerns that the town does not have an Open Space Committee or a Conservation Commission.

Paul Hassler - 17 Ross Drive: Concerned about the land offer from David Mack. Wants more details.

Frank Loda - 27 Osprey Drive: Has questions about item 19 on the agenda and the lease between the Seymour Ambulance Association and the Town of Seymour. He also has questions about the payments to the

Architectural Firm approved by the EMS Building Committee. He also has concerns about the land offer from David Mack and feels the town needs an Open Space Committee.

Patrick Lombardi - 149 Derby Avenue: Speaking as a citizen not a Selectman wants to let everyone know that the flyer that was being passed out regarding the Charter Revision was untrue. That someone was trying to discredit the Charter Revision Commission and all of their hard work.

Edward Willis: Asks Mr. Lombardi who put out this flyer?

Mr. Lombardi: Responds that the Seymour Democratic Town Committee sponsored the flyer.

George Temple, Town Counsel responds to questions.

- Is the Lease between the Seymour Ambulance Association and the Town of Seymour dated July 2003, valid due to condition # 18?

This is the legal opinion of Town Counsel.

Yes, the lease is valid. Condition 18 is to give finality to the contract, which is not an open-ended contract. There was funding available before the deadline June 30, 2004 and it means you do not have to have money in hand. The Grant was approved in November 2003 for the Town of Seymour. People's Bank also approved the construction loan for Seymour Ambulance Association in 2003.

- Is the contract between Seymour Ambulance Association and the Town of Seymour valid?

This is the legal opinion of Town Counsel.

1) The contract dated November 24, 2003 between the Town of Seymour and Seymour Ambulance Association is valid. The question of the formality of not going to the Board of Finance will make this contract null in void is wrong. This contract was funded and under the Charter, it is not required to go to the Board of Finance. Even if this contract was not done by the formalities of the town, both parties relied on this contract in good faith and it was treated as a contract, so it is a contract, which is called a document of apparent authority.

2) State Statutes says that the Town of Seymour is required to have a contract with the holder of the PSA. If this contract were void, the town would be under sanctions from the state under Section 19 of the Connecticut General Statutes. Seymour Ambulance Association could

then most likely successfully have a lawsuit against the town for going against a good faith contract.

Town Counsel's recommendation is to keep the contract as is. This contract was voted on by the prior Board of Selectmen, Town Meeting, and Town Counsel and we should respect their decision. This contract was duly executed and there is no reason to void this contract.

The First Selectman answers another question asked earlier about the Conservation Commission and he states that there is a Conservation Commission that was re-established and they are actually looking for another member. He also will try to establish an Open Space Advisory Board, but it is difficult to find volunteers. Someone asked a question about taxes to the Town of Seymour if we owned land in Beacon Falls, and the First Selectman states that the town would not have to pay taxes on that land. The city of Ansonia owns land in Seymour and they do not pay taxes for it.

Motion to place on the table to discuss Seymour Ambulance Association's construction mortgage with Peoples Bank.

Motion: Patrick Lombardi Second: Paul Rosebrock

**Vote: 6-Yes (Robert J. Koskelowski, Patrick Lombardi, Paul Rosebrock, John Putorti, Jeanne Loda, Frank Conroy) 0-No
0-Abstain 1-Disqualify (Roberta King)**

Frank Marcucio, 16 Kathy Drive and Dave Malafronte, Peoples Bank, explain that the mortgage given to Seymour Ambulance Association from Peoples Bank is a lease hold mortgage with a guarantee from the USDA. This is not a real-estate interest mortgage it is a lease hold mortgage, which means that if Seymour Ambulance Association can not full fill their obligation, then Peoples Bank can give other recommendations for another Emergency Medical Service to the Town, which must be approved by the town. Then the new provider would take over the mortgage.

First Selectman's Report:

- All problems with Evergreen Terrace have been taken care of.**

- **Water problems with 98 Bank Street are being taken care of. The water was re-routed by the Public Works Department and we have received quotes from a roofing company.**
- **CL&P will be sending the Town of Seymour a check for over \$13,000.00 for overpayment of streetlights.**
- **Veterans Day ceremonies went well, one at French Park and one at the Broad Street Park.**
- **The First Selectman has had a meeting with David Mack regarding a land offer.**
- **The First Selectman has been attending many meetings and the office is very busy.**

ITEM # 1 - Waive bidding for roof at 98 Bank Street & accept quote for roof at 98 Bank Street.

Two quotes received for the roof repairs. Nick's Roofing \$5,200.00 and DiGiorgi Roofing \$5,761.00.

Motion to waive bidding and award bid to Nick's Roofing for \$5,200.00.

Motion: Paul Rosebrock

Second: Jeanne Loda

Vote: 7-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 3 - Waive bidding for louvers and soffits at 98 Bank Street and accept quote for louvers and soffits at 98 Bank Street.

Two quotes received for louvers and soffits. Nick's Roofing \$3,500.00 and Nosal Builders \$10,004.77.

Motion to waive bidding and award bid to Nick's Roofing for \$3,500.00.

Motion: Patrick Lombardi

Second: Roberta King

Vote: 7-Yes

0-No

0-Abstain

0-Disqualify

ITEM # 5 - Transfers.

Motion to transfer for Town Buildings from Liability/Fire/Bond account # 1-001-410-1550-485-520 for \$3,500.00 into Repairs & Maintenance account # 1-001-410-1940-510-430 for \$3,500.00, for repairs to louvers, soffits, metal trim and chimney on the Annex at 98 Bank Street.

Motion: Patrick Lombardi

Second: John Putorti

Vote: 7-Yes

0-No

0-Abstain

0-Disqualify

Motion to transfer for the Town Clerks Office out of Liability Insurance account # 1-001-410-1550-485-520 in the amount of \$9,756.00.

Transferred into Salaries account # 1-001-410-1540-475-110 for \$9,062.00 and into FICA account # 1-001-410-1550-475-220 for \$694.00.

This is to cover 19.5 hours from December thru June of additional recording of various town records in the Town Clerks Office.

Motion: John Putorti Second: Paul Rosebrock

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to transfer for the Tax Office out of Liability Insurance account # 1-001-410-1550-485-520 in the amount of \$1,457.00. Transferred into Salaries account # 1-001-410-1515-455-110 for \$1,353.00 and into FICA account # 1-001-410-1550-55-220 for \$104.00. This is for part-time coverage in the tax office for four weeks.

Motion: Patrick Lombardi Second: Roberta King

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 6 - Corporate Resolution for Bank North.

Motion to accept the Resolution for Bank North due to interest rates being three points higher than other banks in the area.

Motion: Paul Rosebrock Second: Patrick Lombardi

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 7 - Tax Refunds & Abatements.

Motion to approve tax refunds in the amount of \$2,130.01.

Motion: Patrick Lombardi Second: Paul Rosebrock

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 8 - Appointments.

Motion to appoint Gary Bruce to the Recreation Commission replacing Desiree' Esposito for a 2-year term expiring on 8/3/06.

Motion: Roberta King Second: John Putorti

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to appoint Mark Thompson to the Recreation Commission for a 2-year term expiring on 11/16/06.

Motion: John Putorti Second: Patrick Lombardi

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to appoint Cathy Rogers to the Conservation Commission for a 4-year term expiring on 11/16/08.

Motion: Jeanne Loda Second: John Putorti
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to appoint John Conroy to the High School Building Committee replacing Scott Barton with a term expiring upon completion of the project.

Motion: John Putorti Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to appoint Ugo Zullo as Fire Commissioner replacing Steven Culmo for a 3-year term expiring on 11/16/07.

Motion: John Putorti Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to appoint Ellen Steinbrick as a Certifier of Land Records replacing Sara Brauer for a 2-year term expiring 12/01/06. (Effective 12/01/04)

Motion: Jeanne Loda Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to re-appoint Judy Simpson to the Culture & Arts Commission for a 3-year term expiring on 10/4/07.

Motion: Jeanne Loda Second: John Putorti
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to re-appoint Anne Conroy to the Culture & Arts Commission for a 3-year term expiring on 10/04/07.

Motion: Jeanne Loda Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to re-appoint Philip Wilhelmy, III to the Inland/Wetlands Commission for a 4-year term expiring on 12/01/08. (Effective 12/01/04)

Motion: John Putorti Second: Paul Rosebrock
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 9 - Correspondence.

There were six RFQ's for Architectural Firms for the renovation project for the former police station received by 10/15/04 in the First Selectman's Office and they are:

- **Antonucci & Associates, Pelham, NY**
- **Smith Osborne, Middletown, CT**
- **O'Riordan Migani, Derby, CT**
- **Simeone & Costantini Architects, New Haven, CT**
- **Silver Petruceli & Associates, Hamden, CT**
- **Hubbard & Associates Architects, Middlefield, CT**

Town Counsel and the Chairman of the EMS Building Committee, made two recommendations from the list of RFQ's and they are:

#1 - Silver & Petruceli, Associates Hamden, CT.

#2 - Smith Osborne, Middletown, CT.

Town Counsel and the Chairman of the EMS Building Committee checked references for their recommendations and they feel Smith Osborne is the best choice for the Architect for the renovation project. The town will not be responsible for any bills prior to the town hiring Smith Osborne. The Board of Selectmen has the final say on paying bills for this project from the grant money. Town Counsel suggests appointing a "Clerk of the Works", for this project. The First Selectman suggests Ed Willis and the Town Engineer.

Motion to hire Smith Osborne as the Architectural Firm for the renovation project to the former police station.

Motion: Patrick Lombardi Second: Paul Rosebrock

Rescind - Motion: Patrick Lombardi Second: Paul Rosebrock

Motion to place hiring an Architectural Firm for the renovation project to the former police station on the table.

Motion: Patrick Lombardi Second: Paul Rosebrock

Vote: 6-Yes (Robert J. Koskelowski, Patrick Lombardi, Paul Rosebrock, Roberta King, John Putorti, Frank Conroy) 0-No

1-Abstain (Jeanne Loda) 0-Disqualify

Motion to hire Smith Osborne as the Architectural Firm for the renovation project to the former police station.

Motion: Patrick Lombardi Second: Paul Rosebrock

Vote: 5-Yes (Robert J. Koskelowski, Patrick Lombardi, Paul Rosebrock, John Putorti, Frank Conroy) 1-No (Jeanne Loda)

0-Abstain 1-Disqualify (Roberta King)

- Letter from the First Selectman to the Board of Finance regarding transfers approved at the 10/19/04 Board of Selectmen Meeting.
- F.O.I. request from Chief Frank Marcucio, III to Jeanne Loda and Frank Conroy, Selectmen.
- Letter to Michael Fitol, Young Marines Hall, from the First Selectman explaining the cost of the sidewalk in front of their building.
- Letter to the Board of Finance from the First Selectman regarding the Financial Statement from the Seymour Ambulances Certified Public Accountant for 2002 & 2003. The First Selectman thanks the Seymour Ambulance Association for doing an excellent job on running the Skate Park and setting such a good example for other towns running skate parks.

ITEM # 10 - Local Veteran's Exemptions.

Motion to approve an increase of \$1,500.00 to the Veteran's Benefit Exemption, which will now be a total of \$5,000.00, for those veterans who are eligible based on the same income requirements as the home owners and renters programs pursuant to P.A. 02-137 with the increase taking effect with the filing of the 10/01/04 Grand List and final approval of Town Counsel.

Motion: Roberta King Second: Patrick Lombardi

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 11 - Rolling Hills Estates.

The First Selectman shows the Selectmen a map of the land that David Mack, Rolling Hills Estates, wants to give the town. No decision to be made tonight, hopefully by the next Board of Selectmen Meeting on December 7, 2004.

ITEM # 12 - Resolution for Day Street Bridge.

Resolution
Replacement of the Day Street Bridge State Project
No. 124-155 over Bladens River

RESOLVED, that the duly elected First Selectman, Robert J. Koskelowski, has been authorized by the legislative body of the Town of Seymour to sign the agreement between the State of Connecticut and the Town of Seymour for the construction, inspection and maintenance required in conjunction with the replacement of the Day Street Bridge (State Project No. 124-155) over Bladens River utilizing federal funds and a project grant under the State's Local Bridge Program.

Motion to authorize the First Selectman to sign the Resolution for the Day Street Bridge.

Motion: Patrick Lombardi Second: Jeanne Loda
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 13 - Award Quote for Storm Windows at Town Hall.
No bids received for storm windows. Received one quote from Heritage Glass and DiGiorgi Roofing did not submit a quote.
Motion to award quote for 17 Storm Windows at Town Hall to Heritage Glass, Inc., Southbury, CT, for \$4,930.00, which includes materials and installation.

Motion: Jeanne Loda Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 14 - Hire part-time secretary for First Selectman's Office.
Motion to approve hiring a part-time secretary for the First Selectman's Office.

Motion: Frank Conroy Second: Jeanne Loda
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 15 - Meeting schedule for Board of Selectmen for 2005.

January 4, 2005	February 1, 2005	March 1, 2005
January 18, 2005	February 15, 2005	March 15, 2005
April 5, 2005	May 3, 2005	June 7, 2005

April 19, 2005	May 17, 2005	June 21, 2005
July 5, 2005	August 2, 2005	September 6, 2005
July 19, 2005	August 16, 2005	September 21, 2005
October 4, 2005	November 15, 2005	December 6, 2005
October 18, 2005		December 21, 2005 (Wednesday)

Motion to approve the meeting schedule for the Board of Selectmen for 2005 and changing starting time to 7:30 PM.

Motion: Patrick Lombardi Second: Jeanne Loda
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 16 - Lease for Finance Department copy machine.
The current lease with IKON for the copier in the finance office has expired. Currently, the payment is \$215.76 per month and the new copier will be \$217.95 per month. The new machine is a copier, printer, scanner, and fax machine.

Motion to accept the lease agreement for a new copy machine in the Finance Department.

Motion: Paul Rosebrock Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 17 - Lease for First Selectman's Office copy machine.
Table until next meeting on December 7, 2004.

ITEM # 18 - Surplus Fire Department Equipment.
Fire Commissioner Ed Willis explains that our Fire Departments have old equipment that has little to no trade-in value and they would like to donate it to a new volunteer fire department in Halady, Tennessee, who do not have any equipment.

Motion to allow the Fire Department to donate old equipment to a fire department in Halady, Tennessee.

Motion: Frank Conroy Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 19 - Return unopened bids for contractor for the renovation project to the former police department.

Motion to return the unopened bids for the renovation project to the former police station due to the town having to hire an Architectural Firm and start over.

Motion: John Putorti Second: Patrick Lombardi
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 20 - Update on Evergreen Terrace.

Letter from the Town Engineer stating that all problems have been rectified and the road is ready to be accepted. Planning & Zoning have already approved the road.

Motion to accept Evergreen Terrace as a Town Road.

Motion: Patrick Lombardi Second: John Putorti
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 21 - Open Revaluation bids for 2005.

The First Selectman's Office received three Revaluation Bids.

- 1) CLT tylerworks, Tolland, CT - Bid Bond Attached \$15,420.00
Total Bid: \$154,200.00**
- 2) Vision Appraisal Technology, Northboro, MA - Bid Bond Attached
\$10,500.00 Total Bid: \$105,000.00**
- 3) Prophecy One, LLC, Waterbury, CT - Wachovia Bank Check
attached for \$10,300.00 Total Bid: \$103,000.00.**

Motion to turn over to Town Counsel and Town Assessor for recommendations and have by December 7, 2004 Board of Selectmen meeting.

Motion: Patrick Lombardi Second: Jeanne Loda
Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 22 - Other Business.

None at this time.

PUBLIC COMMENT:

Frank Loda, 27 Osprey Drive: Wants to know the cost of purchasing lights from CL&P.

ITEM # 23 - Executive Session (pending litigation, personnel, contract negotiations)

Motion to go into Executive Session for pending litigation at 9:00 PM.

Motion: Patrick Lombardi Second: Roberta King

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Motion to come out of Executive Session with no action or motions taken at 9:25 PM.

Motion: Patrick Lombardi Second: John Putorti

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

ITEM # 24 - Adjournment.

Motion to Adjourn at 9:27 PM.

Motion: Jeanne Loda Second: Patrick Lombardi

Vote: 7-Yes 0-No 0-Abstain 0-Disqualify

Respectfully Submitted by,

Attested to:

**Deirdre Caruso,
Recording Secretary**

**Robert J. Koskelowski,
First Selectman**