

**MINUTES**  
**Board of Selectmen**  
**Tuesday, September 6, 2016 – 7:00PM**  
**Norma Drummer Room – Seymour Town Hall**

**Members Present:** W. Kurt Miller, Nicole Klarides-Ditria, Stephan Behuniak, Annmarie Drugonis, Al Bruno and Len Greene.

**Members Absent:** Karen Stanek.

**Others Present:** Town Counsel, Richard Buturla; Rory Burke, Judy Simpson, Richard Demko and Michael Flynn.

**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.**

None.

**ITEM #4: Approve minutes from August 16, 2016 regular meeting.**

Motion to approve minutes from August 16, 2016 regular meeting.

Motion: Nicole Klarides-Ditria

Second: Annmarie Drugonis

Vote: 6-Yes                      0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Al Bruno – Yes

Len Greene – Yes

Annmarie Drugonis – Yes

Stephan Behuniak – Yes

**Motion to add to the agenda approval of minutes from the Special Town Meeting dated August 16, 2016.**

Motion: Nicole Klarides-Ditria

Second: Annmarie Drugonis

Vote: 6-Yes                      0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Al Bruno – Yes

Len Greene – Yes

Annmarie Drugonis – Yes

Stephan Behuniak – Yes

**Approve minutes from Special Town Meeting dated August 16, 2016.**

Motion: Nicole Klarides-Ditria

Second: Al Bruno

Vote: 6-Yes                      0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Al Bruno – Yes

Len Greene – Yes

Annmarie Drugonis – Yes

Stephan Behuniak – Yes

**ITEM #5: First Selectman's Report.**

1. Working with Town Council and the members of CARES, we are very close to signing the agreement to convert the old animal shelter into an animal rescue. I expect to have this completed in the next week or two and will advise the board when it is done.
2. Rich and I are working with Bruce Baker on behalf of the church to finalize a draft agreement between the town and the church for the extra parking lot at the Community Center. I expect this process to be completed by our next meeting to allow the Selectmen to formal vote on approval and moving forward.
3. As discussed, the remaining road work will be starting this week. This work will be the large patching that will be done on major roads around town. Once that is completed, and the side walk work is done, we will be starting the

process of redoing First, Wakeley and Deforest Streets, including additional side walk work. We also plan to have the town hall parking lot redone if possible, money permitting.

4. As a part of CCM public policy development process, I have been named to both the Policy Committee on Labor Relations and the Policy Committee on Taxes and Finance. Meetings for both committees will begin in the next few weeks as we ramp up our efforts for the upcoming legislative session. I look forward to again provide my input into the agenda CCM will put forward.
5. Attending the NVCOG Transportation Technical Advisory Committee or TTAC last week with Bryan Nestriak. During the meeting we received a great deal of information on several programs and issues facing CT towns and cities. Bryan will be attending meetings going forward to represent Seymour. While at the meeting, we learned of the potential of Bungay Road and Mountain Road being able to qualify for the LOTCIP program. If this is the case, we will be able to use Federal Transportation dollars to fund the repairs to these roads freeing up over \$2 million dollars to be used on other roads in Seymour. This is the same program we are using to fund the repairs for Holbrook Road which we expect to start at some point in 2017.
6. Tax collections for FY 2017 have started off very strong. For the 4th year in a row, the amount of money collected in July and August has exceeded the prior year's collection. Tax collection overall has exceed budget each of the last 4 years as well. This is a credit to our tax collectors and shows the hard work and effort that they put in day in and day out.
7. Had a very positive meeting with a developer who has interest in the Housatonic Wire site. They are currently in the process of doing their due diligence on the property to confirm that the initial plans they had for the site will work. My office has been in direct contact with them over the last few weeks providing information and I hope to have more information to share in the next few weeks.
8. Meet today with Ron Spector regarding the Tri Town Plaza property. Meeting went extremely well. Ron shared his plans for the property and the steps he will be taking over the next couple of weeks. If all goes as planned, he expects to be pulling a demo permit to start the process of taking down some of the existing buildings and reconfiguring parking and driveway entrance to make the site more user friendly. I will provide updates over the next few weeks as they become available but this is certainly very good news for the town.

**ITEM #6: Discussion and take possible action regarding Culture & Arts request.**

Judy Simpson stated on October 29<sup>th</sup> in honor of having our 10<sup>th</sup> year trick or treat day the Culture & Arts will be having a parade. She stated she had spoken with the Deputy Chief Paul Satkowski. Main Street will be closed for a brief period; approximately 45 minutes. The Middle School band will play traditional Halloween music.

Judy also requested to change the venue for the Culture & Arts concerts. She stated the garage on Bank Street and First Street is no longer conducive. She stated with First Street being a one-way now, it causes a difficulty for people. Culture & Arts were wondering if they could use the Town Hall parking lot and if they could pull electricity from Town Hall. She stated this way they will not have to close streets for the concerts.

Valerie D'Anna stated in conjunction with the 10<sup>th</sup> anniversary, Culture & Arts would like to place scarecrows and possibly bales of hay around downtown. They would be clamped to the light posts so they are secured. They stand approximately 8 ft tall. Culture and Arts will take care of putting them up and taking them down. She stated they would like them up for one month. They hope to put them up October 1<sup>st</sup> and take them down in the beginning of November.

Kurt stated he needs to check the timeline of the work being done to the light posts. The telephone poles cannot be used. Kurt stated he wants to make sure the work will be done before they put the scarecrows up. He also stated with the bales of hay to make sure the sidewalks are handicap accessible. He stated he will get back to them regarding the work to the poles.

Judy stated there will only be six scarecrows scattered around town.

Kurt suggested letting him know the location of the six poles they would like to attach the scarecrows.

**Motion to approve Culture & Art request for a Children's Halloween parade in downtown Seymour pending approval of the Seymour Police Department.**

**Motion: Stephan Behuniak**

**Second: Annmarie Drugonis**

**Vote: 6-Yes**

**0-No**

**0-Abstain**

W. Kurt Miller – Yes  
Len Greene – Yes

Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

Motion to approve Culture & Arts request starting with concerts in 2017 that the downtown concerts will be held in the Town Hall parking lot pending appropriate schedule.

Motion: Stephan Behuniak

Second: Nicole Klarides-Ditria

Vote: 6-Yes            0-No

0-Abstain

W. Kurt Miller – Yes  
Len Greene – Yes

Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

Motion to accept request from the Culture & Arts Committee to hang scarecrows on the black light posts around the downtown area as requested.

Motion: Len Greene

Second: Stephan Behuniak

Vote: 6-Yes            0-No

0-Abstain

W. Kurt Miller – Yes  
Len Greene – Yes

Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #7: Discussion and take possible action regarding awarding of Chatfield Farms bid.**

Kurt read the following letter from Bryan Nesteriak:

RE:            Chatfield Farms Subdivision

As you are aware, the developer did not complete all the work required for the subject subdivision project. The work included: paving, concrete sidewalks, stabilization, and other miscellaneous items.

The town pursued and was successful in obtaining funds from the developer's letter of credit. I solicited and received three (3) bids for the work associated for completing the subdivision from Forest Construction, Griffin Brothers Excavating and A&J Construction. After review, Forest Construction is the low bidder at \$190,000.00. It is my recommendation that the town approves and contracts with Forest Construction in order to move forward and complete the needed work.

If you should have any questions regarding this matter, please do not hesitate to call me at the number below.

Sincerely, Bryan P. Nesteriak

Motion that the Town of Seymour award the outstanding work for Chatfield Farms Subdivision to Forest Construction in an amount not to exceed \$190,000.00.

Motion: Len Greene

Second: Al Bruno

Vote: 6-Yes            0-No

0-Abstain

W. Kurt Miller – Yes  
Len Greene – Yes

Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #8: Discussion and take possible action regarding dissolution of the Downtown Committee.**

The Downtown Committee was created as part of the Downtown Action Strategy in 2012. Kurt stated at this point the Downtown Committee have completed its charge and the group has not met in over a year.

Motion for the formal dissolution of the Downtown Action Committee.

Motion: Len Greene

Second: Annmarie Drugonis

Vote: 6-Yes            0-No

0-Abstain

W. Kurt Miller – Yes  
Len Greene – Yes

Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #9: Discussion and take possible action regarding potential adult daycare facility.**

Motion that the Board of Selectmen fully endorses and supports the TEAM Adult Care Facility at the Seymour Community Center, furthermore, the board supports and endorses TEAM's efforts to obtain state bonding funds.

Motion: Nicole Klarides-Ditria

Second: Len Greene

Vote: 6-Yes  
W. Kurt Miller – Yes  
Len Greene – Yes

0-No

0-Abstain  
Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #10: Discussion and take possible action regarding veterans’ tax exemption.**

Kurt inquired about going about this through resolution or through sending it to the Ordinance Committee.

Town Counsel, Richard Buturla, stated he had recalled that they had worked on an ordinance last year regarding veteran’s tax exemption. They did on July 21, 2015 adopt an ordinance creating an additional property tax exemption for 100% disable veterans. He stated it would make sense to send it to the Ordinance Committee so they can take a look at the issue as a whole.

Motion for Board of Selectmen recommend that the Ordinance Committee review and make recommendations on updating the veterans tax exemption ordinance.

Motion: Nicole Klarides-Ditria

Second: Len Greene

Vote: 6-Yes  
W. Kurt Miller – Yes  
Len Greene – Yes

0-No

0-Abstain  
Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #11: Update on LED streetlight conversion project.**

Rory stated it had come to their attention that one of the vendors had a relationship with a distributor of a particular brand. The other vendor fully quoted 2 brands including that one. They asked them to price out another brand, one that the other vendor had already priced out. He stated that both vendors are very competitive. Tanko has been awarded many contracts in Connecticut. Real Term has been awarded one or two in Connecticut. The brand that there is a relationship with is GE. Rory stated they have no reason to believe that the other brands are not good. He stated he is going to try and meet with our representative Mark, from Eversource. He found out that some communities are being offered an LED Conversion for utilities. He stated they can have the information for the next meeting and the board can make a decision then.

Nicole inquired if he had spoken to any other towns.

Rory stated he had reached out to most other states because this is new in Connecticut. They were all confident that both vendors would do a good job. The one concern is if the board insisted on GE products then the decision is made.

Al Bruno suggested following up with those communities in Connecticut he had reached out to about a year ago.

Rory stated that no one reported anything.

Kurt stated that if you are using generic brands, the one thing to be careful of is not knowing if that company will be around for a long period of time. He stated that Watertown is in the process as well and are the ones who pointed out about Eversource offering that program. Tony will meet with Watertown on Friday to figure out where they are in this.

Rory stated that part of the savings with the project is the change in rates. The town will go from paying \$7 rent for using Eversource pole to \$.50 a pole. He discussed the confusion with the other brands. He stated when the board awards the bid; they are not selecting the brand. The vendor will come back with a proposal. Kurt stated that Rory and Tony will have a recommendation at the next meeting

**ITEM #12: Appointments.**

Motion to reappoint Karen Stanek to the Commission on Aging for a term of two (2) years expiring on September 15, 2018.

Motion: Al Bruno

Second: Stephan Behuniak

Vote: 6-Yes  
W. Kurt Miller – Yes  
Len Greene – Yes

0-No

0-Abstain  
Nicole Klarides-Ditria – Yes  
Annmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

**ITEM #13: Tax Refunds/Abatements.**

Motion to accept the Tax Refunds/Abatements as presented.

Motion: Annmarie Drugonis

Second: Nicole Klarides-Ditria

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Al Bruno – Yes

Len Greene – Yes

Annmarie Drugonis – Yes

Stephan Behuniak – Yes

**ITEM #14: Transfers**

None.

**ITEM #15: Correspondence**

- Check register
- Letter of resignation from Mary Barbin from the Culture & Arts Committee.
- Letter from resident Joseph Luciano as his public comment regarding correspondence and ADA compliance of new curb cuts in downtown. He also discussed Town Halls permissive attitude on sale flag displays and other protruding objects.
- FOI request from Robert Koskelowski to Board of Public Works regarding specific information regarding work done on state roads.
- Letter from Town Counsel to the Board of Police Commissioners and its chair regarding potential violations of FOI. Kurt read the following letter:

Dear Chairman Koskelowski:

As Town Counsel, it was brought to my attention that the Board of Police Commissioners at the regularly scheduled meeting held on August 17, 2016 went into executive session after the Public Comment portion of the meeting. Commissioner Bitso moved and Commissioner Conroy seconded the motion to go into executive session to discuss "personnel and strategy issues." The motion was passed unanimously. At 8:26 p.m., 26 minutes later, the Board came out of executive session.

Unfortunately, the executive session was not on the Agenda. At no time during the meeting did any commissioner move to add the executive session to the Agenda. Connecticut General Statutes Section 2-225(c) provides that "upon the affirmative vote two-thirds of the member of a public agency present and voting any subsequent business not included in such filed Agendas may be considered and acted upon at such meeting." In other words, at a regularly scheduled Board meeting, you may add an item to the Agenda by an affirmative vote of two-thirds of the members. The failure to follow this process is a violation of the Connecticut Freedom of Information Act.

As you are probably aware, Section 1-200(6) of the Connecticut General Statutes restricts the grounds for an executive session to certain specific categories of discussion. For example, "strategy is not a proper basis for an executive session, unless it is strategy with respect to a pending claim or pending litigation." Simply put, an executive session based upon "strategy" by itself is a violation of the Freedom of Information Act.

Finally, the personnel exception pertaining to executive sessions as set forth in Section 2-225(6)(A) requires the public agency to give notice to the employee and the employee has the right to require the discussion to be held in public session. In the event the employee or employees were not informed of the executive session, and given the option to have the discussion held in public session, the executive session would be deemed improper.

In sum, if you have questions regarding compliance with the Connecticut Freedom of Information Act, please do not hesitate to contact me.

Sincerely, Richard Buturla.

- Letter from the Board of Police Commissioners regarding parking stipulations. Kurt read the following letter:

At the August 17, 2016 meeting of the Board of Police Commissioners a motion was made and approved to address the regulations for overnight parking in the downtown areas of Seymour.

Those regulations are to take effect by October 1, 2016 are as follows:

-No overnight parking from 12am to 5am on Sunday through Thursday on the following streets: Columbus Street, First Street, Wakeley Street, DeForest Street, Bank Street (Main Street to Wakeley Street), Main Street (West side from Route 67 to Broad Street) and Main Street (Train Station to Broad Street).

-No overnight parking from 1 am to 5am on Friday and Saturday on the following streets: Columbus Street, First Street, Wakeley Street, DeForest Street, Bank Street (Main Street to Wakeley Street), Main Street (West side from Route 67 to Broad Street) and Main Street (Train Station to Broad Street).

Sincerely, Chief Michael Metzler

- o Kurt will be meeting with the several members of the professional staff to put a strategy together to get the signs up for the first of the month.
- o Kurt read the following letter:

At the August 17, 2016 meeting of the Board of Police Commissioners a recommendation was made to have "speed limit" designations painted on streets in town to notify the motoring public of the speed limits on those streets. The Board was concerned about the speeds of vehicles on our major thoroughfares and believes that this will help to slow down those motorists who are unfamiliar with the limits in different areas of town.

Sincerely, Chief Michael Metzler
- o Kurt sent letter to Chief regarding which streets and the cost.

**ITEM #16: Public Comment.**

Michael Flynn, 85 Skokorat Street, suggested addressing the problem of tailgaters in this state to the Board of Police Commissioners.

**ITEM #17: Selectmen's Public Comments.**

Anmarie Drugonis recognized Seymour Police Department, Chief Metzler, Deputy Chief Satkowski and Inspector Denigris for representing Seymour in Washington, D.C. She stated she hopes they do an event similar to their "Cup of tea on a cop" event in the evening time. She stated it was great to see Seymour represent at the NAACP event in Ansonia. She thinks the Downtown Trick-or-treating Parade will be great and it is nice to see the community and the kids getting involved. She also thinks the scarecrows are a great idea.

Len Greene congratulated the Seymour Police Department and thanked them for taking steps to improve the community. He stated he is excited to hear about the Halloween parade.

Kurt stated he will be leaving on Friday and expects to be back on Tuesday at some point. The emergency management chiefs will be around if anything should come up as well as Nicole Klarides-Ditria.

**ITEM #18: Adjournment.**

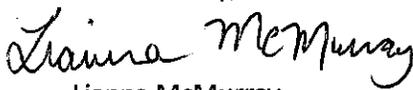
Motion to adjourn at 7:56 PM.

Motion: Anmarie Drugonis  
Vote: 6-Yes                      0-No  
W. Kurt Miller – Yes  
Len Greene – Yes

Second: Nicole Klarides-Ditria  
0-Abstain  
Nicole Klarides-Ditria – Yes  
Anmarie Drugonis – Yes

Al Bruno – Yes  
Stephan Behuniak – Yes

Submitted by,



Lianna McMurray  
Recording Secretary

Reviewed by,



W. Kurt Miller  
First Selectman

August 27, 2016

**To:** ► First Selectman Kurt Miller  
► Rory Burke, Administrative Assistant  
► Deirdre Caruso, ADA coordinator, Town of Seymour

Cc: Advisory Committee for Livable Communities, Town of Seymour CT

**From:** Joseph A. Luciano *Disability Rights Action Group of Connecticut*  
[DRAGconnecticut@yahoo.com](mailto:DRAGconnecticut@yahoo.com) 33 DeForest street, Seymour CT 06483-2894 203/463-8323

**SUBJECT:** Monday August 29, 2016, is around the corner (Sale Flags, Signage, New Curbcuts)

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Dear Town Hall Leadership:

This document is also sent separately as **“Correspondence”** and/or **“Public Comment”** intended for the **BOS meeting Tuesday, September 6, 2016—or the next BOS meeting after today’s date.**<sup>1</sup>

Please review “signage” photos at

<https://www.facebook.com/photo.php?fbid=1279024912142418&set=oa.1835053563394756&type=3&theater>

And “new curbcuts” photos at

<https://www.facebook.com/photo.php?fbid=1278232068888369&set=a.1278231922221717.1073741918.100001047636306&type=3&theater>

Over the past few days, construction crews built faux brickwalk, curbcuts, and provided signage. (In previous communications and Facebook postings I commended town hall for selecting Pavement Services LLC as the contractor to provide a type of faux brickwalk that is friendly to persons with disabilities.)

#### ADA Compliance of brand-new curbcuts

However, as photos show, some brand-new curbcuts—like the older new curbcuts at First & Bank—do not satisfy ADA specs because their access point is obstructed by a vertical rise requiring a ramp, another curbcut, or elevator, which is ridiculous of course. The transition from one grade to another must be—and can be, provided skilled workers are hired—tapered smooth, without discontinuity.

Inexplicably a new curbcut was put into service without signage prohibiting parking in front of it! I was riding in the street looking for it to access the sidewalk. An illegally<sup>2</sup> parked car blocked my view, forcing me to continue riding in the street all the way to AutoZone’s driveway. Who was in charge? Subjecting me to increased hazards is unacceptable, irresponsible, negligent.

See excellently compliant curbcuts at Waterbury’s Brass Mill Center mall:

<https://www.facebook.com/photo.php?fbid=543404992371084&set=a.543404925704424.1073741825.100001047636306&type=3&theater>

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<sup>1</sup> The Town of Seymour’s Website does not show BOS meetings after August 16, 2016

<sup>2</sup> unnoticed by SPD parking enforcement

### New and noncompliant signage

And, as photos show, signs were erected (or are absent that pose danger or injury to persons with disabilities including those with blindness.

### History of Town Hall's permissive attitude on sale flag displays

Regarding the issue of sale flag displays: on Monday August 29, 2016—unless Town Hall contacts me in writing (email is legal) before the end of that day that it will immediately take charge—I will file complaints addressing “protruding flags” with USDOJ and USAB against all downtown businesses obstructing sidewalk access routes. The complaint will cite name(s) of business owner(s), business name, and property owner based on information I obtained from the Assessor's Office. As Facebook members of Forum for a Livable Community—Seymour CT know, Town Hall has no history of initiative or advocacy regarding persuasion of downtown businesses by education or advisement to remove or elevate protruding objects such as flags hanging above public access routes. This issue dates back to 2013.

There's a simple fix: attach the flag pole socket/bracket to a wooden shuttle that can be hoisted by a pulley. The proprietor can reach the socket/bracket and then hoist it to the height mandated by ADA. Or use smaller flags. (One offending flag had a wooden batten inserted in its bottom hem. On a windy day it struck me in the face. That is a ridiculous hazard. I could have suffered eye or facial injury.

### *Protruding Objects (includes flags, signs)*

*When people who are blind or who have vision loss use a cane to detect hazards, only objects located at 27 inches above the floor or ground or lower are detectable. If an object is higher than 27 inches and wall-mounted, it must not protrude more than four inches into the path of travel. Similarly, post mounted objects higher than 27 inches must not protrude more than 12 inches into the path of travel. There must be at least **80 inches clear height** above the pedestrian route. To make a protruding object detectable: place an object or a barrier, such as a traffic cone, below the protruding object in the cane-detectable area not more than 27 inches above the floor. The undersides of stairs in any route must be enclosed or protected with a cane-detectable barrier, so that people who are blind or have vision loss will not hit their heads on the underside.*

### ADA Education needed

Downtown businesses and their employees are desperately in need of education on compliance with ADA access regulations. Their education is way overdue. The appropriate Town Hall department or person should assume leadership to hold in-service educational workshops and distribute free USDOJ/ADA publications.

Examples:

- <https://www.ada.gov/smtown.pdf> and
- [https://www.ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](https://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html)

### AUTHORITY:

- “Chapter R4: Supplementary Technical Requirements,” United States Access Board, R402.2 Protrusion Limits. <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines/chapter-r4-supplementary-technical-requirements>
- ADA Standards §§ 4.1.3(2), 4.4.2.
- 42 U.S.C. §§ 12101 et seq.

- a) 28 CFR Part 35
- b) 49 CFR Parts 27, 37, 38
- c) 28 CFR Part 36

Persons with disabilities living downtown (where even more senior/handicapped housing has been approved and is now under construction) and I will thank Town Hall for your initiative in assuming responsibility and leadership in developing our downtown as a Livable Community.

Thank you opportunity to express my opinion and for accepting it as a matter of public record.

*Joe*

Joseph A. Luciano, 33 DeForest Street A24, Seymour CT 06483-2894  
Home 203/463-8323

*Independent Advocate for Elderly, Persons with Disabilities, Universal Design,  
& Livable Communities through Full ADA compliance ..... & Enforcement*

FOUNDER: Disability Rights Action Group of Connecticut DRAGconnecticut@yahoo.com  
<http://www.nhregister.com/opinion/20140928/editorial-still-a-tough-road-for-americans-with-disabilities>  
<http://www.rep-am.com/news/local/931134.txt>

