

COPY RECEIVED
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TIME: 2:10 PM
TOWN CLERK'S OFFICE

MINUTES
Board of Selectmen
Tuesday, May 2, 2017 – 7:00PM
Norma Drummer Room – Seymour Town Hall

Members Present: W. Kurt Miller, Nicole Klarides-Ditria, Al Bruno, Stephan Behuniak, Karen Stanek and Annmarie Drugonis.

Members Absent: Len Greene, Jr.

Others Present: Town Counsel, Richard Buturla; Rory Burke, Billy and Cynthia Rybczyk.

ITEM #1: Call meeting to order.

Meeting was called to order by First Selectman, W. Kurt Miller, at 7:05 PM.

ITEM #2: Pledge of Allegiance.

Everyone saluted the flag and recited the Pledge of Allegiance.

ITEM #3: Public Comment.

Billy Rybczyk, 47 Swan Avenue, requested that the Board of Selectmen reconsider his request for \$2,000.00 in return for the damage that occurred on his property during the repaving on his street. In August of 2015, he and his wife returned home to irreparable damage to three large trees in their front yard. The damage was done by the engineering company hired by the town. They initially sought resolution of this matter directly from the engineering company; however, they did not receive a straight answer. After consulting with an arborist, the only resolution was to have the trees removed and replanted which would cost up to three times the amount they are requesting. They do not have a formalized estimate as it is costly to obtain. This has been an ongoing matter for over 21 months. He feels their request is reasonable. He feels he and his wife have demonstrated extreme patience. He thanked the board for their reconsideration of their request.

ITEM #4: Approve minutes from April 18, 2017 regular meeting.

Motion to approve minutes from April 18, 2017 regular meeting.

Motion: Annmarie Drugonis

Second: Al Bruno

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis – Yes

ITEM #5: Approve minutes from April 27, 2017 special meeting.

Motion to approve minutes from April 27, 2017 special meeting.

Motion: Annmarie Drugonis

Second: Al Bruno

Vote: 5-Yes 0-No

1-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Abstain

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis – Yes

ITEM #6: First Selectman's Report.

1. As a reminder, the referendum vote on the FY 2018 Town of Seymour budget will take place on Thursday, May 11th from 6am until 8pm at the Seymour Community Center. Please remind family and friends to get out and vote. Assuming the budgets pass, at our next meeting I will be asking the board to approve the FY 2018 Capital Plan.

2. Had follow up meetings regarding the Small Cities Grant issues that had been presented to the board with both the residents and Lisa Low. Rich and I expect to have a full update at our next meeting on May 16th.
3. I will be presenting to Standard and Poor's on Wednesday, May 17th in Boston regarding the town of Seymour's bond rating, leading up to our bond issuance in late June for the road and building projects.
4. Met with PARS regarding the town's OPEB Liability Trust Fund set up. Conversations went very well and documents have been sent to Rich for review. If all goes well, I expect we will be opening the trust fund by June 1st.
5. Met with ADP, our new payroll vendor about increases services for the town. We are specifically looking at a paperless HR portal and different time and attendance functions. Our goal is to stream line the payroll and benefits process into one more efficient and effective system.
6. As a reminder, The Taco Eating Contest will be held again this year to benefit Team's Meals on Wheels. The event is scheduled for this Friday, May 5th at 5:05 pm at Hot Tamale. Turnout for the event looks good and I expect it will be a good time like always.

ITEM #7: Discussion and take possible action regarding Town Clerk's State Library grant resolution.

Kurt read the following resolution:

RESOLUTION EMPOWERING FIRST SELECTMAN TO SIGN CONTRACT

Resolved: That W. Kurt Miller, First Selectman, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

Motion to accept the resolution as presented.

Motion: Nicole Klarides-Ditria

Second: Annmarie Drugonis

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis – Yes

ITEM #8: Discussion and take possible action regarding award of bids for 2017 roadwork.

Kurt read the following two letters from Bryan Nesteriak, Town Engineer:

1 Dear Selectmen:

On March 27, 2017, the town published a request to procure bids for the mill and repave of six roadways. Bids were due on April 19, 2017 at which time we had received a total of ten bids. All bidders were researched and determined to be capable and qualified in performing of the work.

Attached to this letter is a summary spreadsheet showing the bid results of each bidding company. The apparent low bidder of the total contract, which is based on unit prices and approximate quantities, is A&J Construction.

Based on my analysis, it is my opinion that the contract be awarded to A&J Construction. The town has worked extensively with A&J over the past few years and has not had any issues with the quality of their work. Being the apparent low bidder, the town should be secure with A&J in this capacity.

Should you have any questions, please do not hesitate to contact me.

Sincerely, Bryan P. Nesteriak

2 Dear Selectmen:

On March 27, 2017, the town published a request to procure bids for the reconstruction of twelve roadways. Bids were due on April 19, 2017 at which time we had received a total of nine bids. All bidders were researched and determined to be capable and qualified in performing of the work.

Attached to this letter is a summary spreadsheet showing the bid results of each bidding company. The apparent low bidder of the total contract, which is based on unit prices and approximate quantities, is A&J Construction.

Based on my analysis, it is my opinion that the contract be awarded to A&J Construction. The town has worked extensively with A&J over the past few years and has not had any issues with the quality of their work. Being the apparent low bidder, the town should be secure with A&J in this capacity.

Should you have any questions, please do not hesitate to contact me.

Sincerely, Bryan P. Nesteriak

Motion that the town awards the Seymour Road Mill & Repave 2017 and Seymour Road Construction 2017 bids to A&J Construction as recommended by Town Engineer, Bryan Nesteriak.

Motion: Annmarie Drugonis

Second: Nicole Klarides-Ditria

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes
Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes
Al Bruno – Yes

Karen Stanek – Yes
Annmarie Drugonis –Yes

Motion to add to the agenda: Discussion and possible action regarding the waiving of bids for Town Hall flooring project.

Motion: Al Bruno

Second: Annmarie Drugonis

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes
Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes
Al Bruno – Yes

Karen Stanek – Yes
Annmarie Drugonis –Yes

Discussion and possible action regarding the waiving of bids for Town Hall flooring project.

Kurt stated that \$150,000.00 was put aside for work to be done to the town buildings. The roof at Citizens Engine will be done in the spring. The other project that needs to be done is improvements to Town Hall. Two years ago they started with painting. This year, the plan is to do the flooring and carpeting in Town Hall, as well as, starting to redo the offices. They received three bids from three companies that the town has worked with in the past. They added additional work to the quotes. This request has put the amount above \$25,000 for the flooring. The project is scheduled to start in the 3rd week in May.

The three companies that sent in bids are Corbin Carpets, See More Floors and Oxford Floor Covering & Decorating.

Corbin Carpets came in with a bid of \$5,900.00 – basically doing the hallways and doesn't make any mention of doing the offices. This quote may not be accurate.

See More Floors came in with a bid of \$33,624.50 - (2175 square feet of plank in the hallways, upper and lower foyers; 394 square yards of carpet tile; 2342 linear feet of vinyl base in black; 21 - 4 foot and 15 -6 foot stair treads; rip up and dispose of old materials).

Oxford Floor Covering & Decorating came in with a bid of \$29,842.00 – (similar work to that of See-more Floors).

Kurt recommended going with See More Floors to support a local business.

Annmarie inquired when the flooring was put down in this building.

Kurt stated he will have the Town Engineer look into any issues with the flooring.

Motion that the Board of Selectmen waive the bid requirement for the Town Hall flooring project.

Motion: Karen Stanek

Second: Annmarie Drugonis

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes
Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes
Al Bruno – Yes

Karen Stanek – Yes
Annmarie Drugonis –Yes

Motion that the Board of Selectmen award the bid for the Town Hall flooring project to See More Floors in an amount not to exceed \$33,624.50

Motion: Annmarie Drugonis

Second: Nicole Klarides-Ditria

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis –Yes

ITEM #9: Appointments

Motion to reappoint Brian Anderson, Dale Cann, Thomas Eighmie, Annmarie Drugonis, Kyle Kelley, Kurt Miller, Paul Satkowski, Karen Spargo, Mike Lombardi, Paul Wetowitz, Rich Demko, Tim Willis and to appoint Len Greene, Jr. to the Local Emergency Planning Committee for a term of two (2) years expiring on May 2, 2019.

Motion: Karen Stanek

Second: Al Bruno

Vote: 4-Yes 0-No

2-Abstain

W. Kurt Miller – Abstain

Nicole Klarides-Ditria – Yes

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis –Abstain

Kurt stated Len will be replacing Nicole as Deputy First Selectman on the Local Emergency Planning Committee.

ITEM #10: Tax Refunds/Abatements.

Motion to accept the Tax Collectors report as presented.

Motion: Annmarie Drugonis

Second: Stephan Behuniak

Vote: 6-Yes 0-No

0-Abstain

W. Kurt Miller – Yes

Nicole Klarides-Ditria – Yes

Karen Stanek – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Annmarie Drugonis –Yes

ITEM #11: Transfers.

None.

ITEM #12: Correspondence.

- Check register.
- Correspondence/Public Comment from Seymour resident Joseph Luciano regarding Seymour's "snow ordinance." This is also to go to the Ordinance Committee. He is asking to repeal or rewrite Seymour's snow ordinance (Ordinance 14-6) and it's enforcement (Ordinance 1-9). "Neither is monitored, implemented, nor enforced, allowing hardship, discrimination, disservice, and disrespect to seniors & persons with disabilities living downtown or elsewhere in Seymour. Town of Seymour leadership should feel shame for its policy & practice." His comments will go the Ordinance Committee and will be discussed at the next meeting.

ITEM #13: Public Comment.

None.

ITEM #14: Selectmen's Public Comments.

Stephan Behuniak inquired about what prompted the new stop sign on Pearl Street.

Kurt stated that a request was made through the Police Commissioners. They are the traffic authority along with the Chief of Police. It was most likely installed in an attempt to slow cars down in that area.

Karen Stanek stated the stop sign at Davis Road and Canfield Road has been missing for a couple of years. Also, there is a stop sign missing at one of the exits of the Seymour Middle School. She stated the 'Welcome to Seymour' sign/spot looks beautiful getting off Route 8, Exit 22.

Al Bruno commended Public Works for the condition of the fields. He stated youth sports programs have started and everything is green and well cut. The parking lots are lined nicely and clean.

Annmarie Drugonis stated she was privileged and honored to attend the Seymour Pink ziti dinner last week. She stated it was great to see such a good turnout.

Nicole Klarides-Ditria stated she wasn't able to attend the Earth Day clean up last Saturday at Sochrin's Pond. She did a personal Earth Day cleanup with her sister. It was nice to see people doing their part.

ITEM #15: Adjournment.

Motion to adjourn at 7:36 PM.

Motion: Annmarie Drugonis

Vote: 6-Yes 0-No

W. Kurt Miller – Yes

Stephan Behuniak – Yes

Second: Karen Stanek

0-Abstain

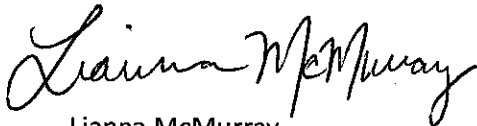
Nicole Klarides-Ditria – Yes

Al Bruno – Yes

Karen Stanek – Yes

Annmarie Drugonis –Yes

Submitted by,



Lianna McMurray
Recording Secretary

Reviewed by,



W. Kurt Miller
First Selectman

PUBLIC COMMENT / CORRESPONDENCE
For next upcoming ORDINANCE CMTE meeting

Page 1 of 5

April 30, 2017

(Re-write of March 20, 2017 public comment/correspondence to BOS mtg)

To: ▶ **Board of Selectmen¹**, Town of Seymour CT
▶ First Selectman **Kurt Miller**
▶ **Rory Burke**, Administrative Assistant

Cc: ▶ Town Clerk: Susan DeBarber sdebarber@seymourct.org
▶ Bonnie Wilkes et al., Advisory Committee for Livable Communities
▶ Deirdre Caruso, ADA coordinator
▶ Fred Messore, Director of Economic Development
▶ Jean Sosnovich, *New Haven Register*

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

PUBLIC COMMENT & CORRESPONDENCE
to the Seymour Ordinance Committee

for next scheduled Ordinance Cmte Mtg (previous mtg was **Friday, April 28, 2017 9:00 AM**
Flaherty Room - Seymour Town Hall):

Repeal or Rewrite Seymour's "snow ordinance" (§14-6) and its enforcement ordinance (§1-9). Neither is monitored, implemented, nor enforced, allowing hardship, discrimination, disservice, and disrespect to seniors & persons with disabilities living downtown or elsewhere in Seymour.
Town of Seymour leadership should feel shame for its policy & practice.

Whereas, for the past 6 (six) years, I have been requesting the Seymour BOS to strictly enforce town Ordinances §14-6 and §1-9 because violations—by property owners, the Town of Seymour itself, and Seymour PD—cause hardship for and constitute discrimination of seniors and persons with disabilities. Flouters who fail to comply, or who clear only a narrow path to enable mobility of only "able bodied" persons, discriminate against persons with disabilities (a civil and ADA rights matter within the jurisdiction of the United States Department of Justice.

I now ask the Town of Seymour to REVISE/REWRITE Ordinance §14-6 to read as follows:²

¹ W. Kurt Miller, First Selectman, Nicole Klarides-Ditria, Deputy, Annmarie A. Drugonis, Karen Stanek, Len Greene Jr., Stephan Behuniak, Al Bruno

² **Adoption of this revision can suspend planning of a federal class action lawsuit** against all entities involved and against those whose inactions are responsible for sidewalks impassable to persons with disabilities because of noncompliance with Town of Seymour Ordinances §14-6 and §1-9 in years **2012 to present**.

“Whenever any *public* sidewalk shall be entirely or partly covered by snow or ice, it shall be the privilege and right of owners or persons in possession or control of land adjoining a public sidewalk to “let it be,” that is, they shall be entitled to feel no obligation, guilt, or empathy for hardships elderly and persons with disabilities encounter when unremoved snow or ice prevents them from traveling for groceries, pharmacy, banking, or for any other purpose associated with needs of daily living.

“Owners or persons in possession or control of land adjoining a public sidewalk are under no obligation to make sidewalks safe and convenient by removing snow from them within the first 6 (six) hours of daylight immediately following accumulation of snow on them.

“In the case of ice, they are under no obligation to cover ice with sand or other suitable material within the first 6 (six) hours of daylight following accumulation of ice, and then renewing such treatment as often as may be necessary to keep their sidewalks safe and convenient.

“In case of any alleged or perceived failure or neglect of the owner or person in possession and control of land adjoining the public sidewalk to remove snow or to sand ice, the first selectman shall immediately order Seymour Public Works or hire a contractor to remove snow and apply sand over ice; and the expense shall be paid by taxpayers, including those who dutifully comply with § 14-6.

“All persons who exercise their rights provided by this ordinance to “let it be” shall not be fined in accordance with § 1-9, general penalty.

“Any downtown residents who complain about snow/ice on sidewalks as “obstacles to mobility” to any town official or department, including Seymour PD, shall be ignored. In addition, town officials and/or Seymour PD are encouraged to insult, berate, or belittle complainants as “troublemakers” and an extreme economic burden on the town. Elders and persons with disabilities should be encouraged to move elsewhere to communities that had wisdom to become Livable Communities when the ADA was enacted 26 years ago.

“This revised ordinance shall remain effective even after the senior /handicapped population on Columbus Street triples when “38 Columbus” senior/handicapped housing becomes occupied.”

###

Original Form:

Code of Ordinances, Town of Seymour CT: Part II, Chapter 14,

Sec. 14-6. - Removal of ice, snow from sidewalks (new, effective August 2015)

Whenever the public sidewalk shall be wholly or partially covered by snow or ice, it SHALL BE the duty of the owner or person in possession and control of land adjoining a public sidewalk to cause such sidewalk to be made safe and convenient by REMOVING THE SNOW THEREFROM within the first six hours of daylight immediately following the accumulation of such

snow thereon or, in the case of ICE, by covering the same with SAND or other suitable material within the first six hours of daylight following the accumulation of such ice, and then RENEWING such treatment AS OFTEN AS MAY BE NECESSARY to keep such sidewalk safe and convenient. In case of the failure or neglect of the owner or person in possession and control of land adjoining the public sidewalk to comply with this subsection, the selectman may cause the same to be done, and the expense thereof shall be collectible from the person so failing or neglecting. 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.

Sec. 1-9. - General penalty. 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 any such violation SHALL continue SHALL constitute a separate offense and shall be punishable as such.

**To understand the shameful, disgraceful consequences flouters cause,
Please see:**

<https://www.facebook.com/photo.php?fbid=1493972560647651&set=a.1493972257314348.1073741927.100001047636306&type=3&theater>

On request, I will provide URLs of archives of photos showing violations 2012-2016 to town officials interested or concerned about civil/ADA rights.



**Disservice, disrespectful to seniors and persons
with disabilities**

Not enforcing compliance with our town's "snow-removal ordinance" (§14-6)—whether by unwritten policy, outright refusal, or alleged inability to monitor—is a grave disservice and disrespectful to seniors and persons with disabilities (PWDs) living downtown. This situation is especially egregious because the Town of Seymour's approval of more senior/handicapped housing will triple the population on Columbus Street. Furthermore, there is a significant and growing population of seniors and handicapped persons already living downtown. It makes no sense to obstruct their mobility while

promoting more senior/handicapped housing downtown. It can also be seen as a disservice or disrespectful if not abusive to elders. In the very least it's thoughtless, reflecting poor planning.

And The flouters are!

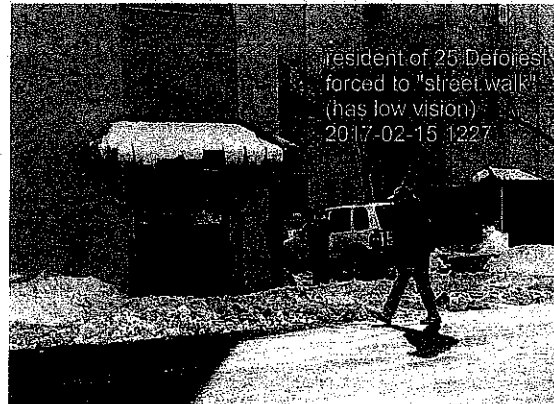
(Properties frequently if not always in violation include, but are not limited to, the following)

First Selectman Kurt Miller (for the Town of Seymour); Oakbridge Fallview Association LLC, 39 New Haven Road, Seymour 06483 (for 25, 33, 44 DeForest Street (Fallview Apts); Down By the River LLC, 79 Main Street, Seymour (for Circuit Breaker Sales 79 Main Street,); James Principi Sr., 1800 Meadowlark Lane, Englewood FL 34224 (for 139 Main Street [Invent Hair Salon]); Walter S. Wood LLC, 55 First Avenue, Ludlow MA 01056 (for First Street Plaza [AutoZone, laundry shop, Chinese restaurant, Key Bank, et al.]); Town of Seymour, 1 First Street, Seymour (for 4 Wakeley Street, EMT training Center [next door to Seymour Ambulance]); Thunder Road Properties LLC, 7 Wakeley Street, Seymour (for 7 Wakeley Street, Seymour, CT 06483 [Law Office of Karen A. Fisher, LLC, et al.]); John A. Fanotto Jr., 45 North Street, Seymour (for 48 Wakeley Street [Barone's bar & grill et al.]); 16 Bank Street LLC, 22 Bank Street, Seymour (for 16 Bank Street [senior/handicapped housing, Tea with Tracy, et al.]); 16 Bank Street LLC, 22 Bank Street, Seymour (for 16 Bank Street Suite/Apt 103 [Genevieve Salon & Boutique]); 26 Bank Street LLC, 26 Bank Street, Seymour (for 18 Bank Street [Wildflour Confections]); 26 Bank Street LLC, 26 Bank Street, Seymour (for 22 Bank Street Seymour [O'Riordan Migani Architects]); Seymour Office Equipment LLC, PO Box 342, Seymour (for 23 Bank Street [Tickled Pink]); John A. Fanotto Jr., 45 North Street, Seymour (for 36 Bank Street [Lizzie's Corner formerly the Watch Shop]); AM+S Realty Group, 12 Bank Street, Seymour (for 12 Bank Street [Kulas law office]); Madeline Potash, 36 Briarwood Drive, Woodbridge CT 06525 (for 11 Bank Street [Perelmutter, Potash & Ginzberg law office]); LKT Associates, 526 Howe Avenue, Shelton CT 06484 (for 17 Bank Street [a property at the corner of Bank & First, apparently being rented for parking]); John A. Fanotto Jr., 45 North Street, Seymour (for 165 Main Street, Strand Theater, Seymour).

Snow, a barrier to mobility

This issue is more than local. It's also a federal issue because snow (that should have been removed) is a barrier to mobility, which ADA of 1990 addresses very clearly. And, ADA 1990 prohibits unjustified discrimination based on disability.

1. Able-bodied persons such as pedestrians can trudge through and climb over piles of snow; PWDs using mobility devices cannot. They become marooned at home, unable to travel for groceries, pharmacy, banking, and other reasons.
2. Able-bodied persons such as pedestrians can travel through a narrow path only as wide as the blade of a snow shovel; PWDs using mobility devices cannot. They become marooned at home, unable to travel for groceries, pharmacy, banking, and other reasons.
3. Therefore, not removing snow or removing it only to accommodate the able-bodied discriminates against PWDs.



Thank you for accepting this as my Public Comment and Correspondence.

I expect this to be entered into the meeting minutes and/or entered as an abstract clearly, not ambiguously.

Joe Luciano

*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>

<http://www.nhregister.com/opinion/20170218/editorial-city-officials-must-enforce-its-snow-removal-ordinance>

ATTN: Recording Secretary: (suggested entry into meeting minutes):

Seymour resident Joe Luciano provided public comment/correspondence suggesting that the town abolish or re-write Ordinances 14-6 and 1-9 because these are neither monitored nor enforced.
