

MINUTES
Board of Selectmen
Tuesday, July 17, 2018 – 7:00PM
Norma Drummer Room – Seymour Town Hall

Members Present: W. Kurt Miller, Annmarie Drugonis, Len Greene, Jr., Karen Stanek, Stephan Behuniak, Trisha Danka (7:05 PM) and Al Bruno (7:07 PM).

Others Present: Town Counsel, Brian LeClerc; Seymour Cheerleaders and their families; Nicole Klarides-Ditria, Judy Simpson, Rosalie Averill, Linda Bellavance, Priscilla Altorelli and Tom Eighmie.

ITEM #1: Call meeting to order.

Meeting was called to order by First Selectman, W. Kurt Miller, at 7:04 PM.

ITEM #2: Pledge of Allegiance.

Everyone saluted the flag and recited the Pledge of Allegiance.

Motion to go out of order to Item # 6: Presentation of citations to cheerleaders.

Motion: Karen Stanek

Second: Annmarie Drugonis

Vote: 5-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Len Greene, Jr. – Yes

Stephan Behuniak – Yes

ITEM #6: Presentation of citations to cheerleaders.

State Representative, Nicole Klarides-Ditria presented the cheerleaders with their citations from the State of Connecticut.

ITEM #3: Public Comment.

Rosalie Averill, 38 North Benham Road, discussed an issue that happened at her business' office in Klarides Village. Her broker brought supplies to the basement only to find raw sewage everywhere. No one knew what to do so WPCA was called. Walter from WPCA called Serve Pro. Serve Pro came and spent hours pumping. They cut the carpet and sheet rock and threw it all out into a dumpster they had placed in the parking lot. Walter reassured the broker to not worry about it. The dumpster has been sitting in the parking lot for 6 weeks. They are at a standstill. They need the carpet in the basement and the sheet rock put back and painted. She asked if there was any money in the budget for capital improvements. Serve Pro is not coming anymore because they are not getting paid. Tony Caserta has been in touch with WPCA and town counsel but nothing has been done about the dumpster and Serve Pro.

ITEM #4: Approve minutes from June 5, 2018 regular meeting.

Motion to approve minutes from June 5, 2018 regular meeting.

Motion: Len Greene, Jr.

Second: Annmarie Drugonis

Vote: 7-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Len Greene, Jr. – Yes

Stephan Behuniak – Yes

Al Bruno – Yes

Trisha Danka – Yes

ITEM #5: First Selectman's Report.

See Item #7.

ITEM #7: Discussion with Johnson Controls regarding proposed energy savings performance contract project.

Aldo Mazzafarro is in charge of project development for ECG. ECG are specialists in Energy savings performance contracts. The company is based out of NY, CT and PA. Local clients include Thomaston, Cheshire, Southington, Waterbury Guilford, Branford, East Haven and Derby.

The general idea behind the energy savings performance contract is that it is written in the Connecticut statute that allows for a school district or municipal agency to partner with an energy services company. Eligible upgrades target any energy savings projects. He discussed examples. He discussed Johnson Controls activity to date.

Aaron Alibrio discussed the 750-800 page detailed energy audit. They are going to go through and look where they can drive down energy costs. He discussed various goals. He discussed how the process will work. He stated they are repurposing utility incentives. He discussed the comparison of traditional capital projects and ESPC. With ESPC there is no impact to the taxpayers, no out of pocket cost amongst other benefits. He discussed various tables including the Seymour Schools baseline and the Town Buildings baselines. He discussed a chart showing the current town buildings energy use. He discussed LED lighting and weatherization they are proposing. He continued to discuss they're recommended energy conservation projects including pipe & valve, boiler furnace replacements, etc. He discussed various charts and tables in his presentation. He stated this will be an 18 year term. They have issued a tax exempt lease purchase out to the industry so they can get information back to see if it is financeable. Right now the project is \$10.5 million. It has a 17 year payback and is financed at 3.69% rate on an 18 year term. It has a 3% utility escalation. He discussed a chart and how the savings works.

Aaron stated that a project of this magnitude takes a lot of work. He outlined how they do that. They will have weekly coordination meetings. They are looking to put a Construction manager on the job as well. The operations manager doesn't come on site but he makes sure everything stays on time. He discussed the construction schedule.

Aldo stated he will be the Construction Administrator throughout the process. He continued to discuss how the process works.

Kurt stated the town doesn't have the engineers that ECG does. They are filling the role that Bryan does with the roads.

Aaron discussed the in depth nature of the calculations. He discussed the measurement & verification period.

Len asked how the 18 year term fits with the lifecycle of the equipment.

Aaron stated the PV (solar) has a 25 year warranty with degradation. If the project goes to an 18 year term, in their calculations each year they are counting for savings that aren't being utilized.

Len asked what would happen if the ZREC program was phased out.

Aaron stated the program in Massachusetts changed. The ZREC program is going to change. There will be a KWH rate that PURA is going to set for production. There will be an option to consume that or sell it back. There are three ZREC's out now for Seymour and they are going to check all of the building stock. He continued to explain.

Trisha asked what would happen if something goes awry and they don't meet the savings they are projecting.

Aaron stated it's called a shortfall. They have over \$5 billion worth of guarantees in the United States. If there is a shortfall, we offer to do corrective action. Aaron discussed the next steps. ECG is in receipt of documentation. As all of the information is coming through, they will file requests for verification and then they will produce a report.

Aldo stated the report will summarize their findings. The Town will get a letter from ECG saying that it is accurate and to go ahead with the project.

W. Kurt Miller – Yes
Len Greene, Jr. – Yes

Annmarie Drugonis – Yes
Stephan Behuniak – Yes

Karen Stanek – Yes

ITEM #11: Correspondence.

- Check registers.
- Letter from the Connecticut State Library sent to our Town Clerk Lianna McMurray letting us know we received the Historic Document Preservation Grant in the amount of \$4,500.00.
- Letters from Wendy Rossi resigning from the Friends of Broad Street Park and EMSOC.
- Letter from Tamara and Lawrence Lacey asking if the Town can do some work with paving on Moss Avenue.
- Letter from Hickory Hill Condominium Association asking for paving on Moss Avenue.
- Email from resident Joseph Luciano with regard to an ADA complaint has been filed with the U.S. Department of Justice against the Town of Seymour on the matter of the absence of a level top landing at the curb cut constructed at the Columbus Street entrance to 16 Bank Street senior/disabled housing. He asked that this letter be attached to the record.
- Second letter from Joseph Luciano asking to be attached as correspondence regarding hazards and deficiencies in Downtown Seymour access routes.
- Len Greene read his resignation letter:
 - Dear Kurt,
Please accept this as formal notice of my intention to resign from the Seymour Board of Selectmen and the Seymour Ordinance Committee effective at noon, July 18, 2018. Tory and I have decided to purchase a home in the Town of Bethel and will be moving this month. As such, I will no longer be a resident of the Town of Seymour and will be ineligible to serve out the remainder of my elected term in office.

For the past ten years, it has been my distinct pleasure to represent the people of the Town of Seymour on eight different town boards and committees in addition to representing the people of the 105th District as a member of the Connecticut General Assembly. I take immense pride in knowing I've been able to serve the people of Seymour in so many different capacities to make our town a better place to live in. I want to thank you for your continued faith in my service and I want to thank the members of the Board of Selectmen, the Board of Finance and all of the other Boards and Committees for making my time in Seymour so incredibly rewarding. Most of all I'd like to thank the people of Seymour for putting their trust in me throughout the years. I hope that through my years of service I have rewarded their confidence. Though my family and I are moving to another town, always know that I consider Seymour to be home.

Respectfully and most sincerely,
Len Greene

Kurt stated at the next meeting in August he intends to present Len's replacement for it to be voted on.

ITEM #12: Public Comment.

Fred Stanek, 22 North Benham Road, thanked Selectman Greene. He has performed an outstanding service for the town of Seymour. He thinks this board should speak with the organization who is trying to compete with the Halloween event. Those issues that the Culture & Arts Commission raised should be conveyed to that organization.

ITEM #13: Selectmen's Public Comments.

Stephan Behuniak wished Len the best of luck going forward. He has enjoyed serving with him. He has been a great fellow board member and has learned a lot from Len.

Karen Stanek stated that it has been an honor to serve with Len Greene. She supports Culture & Arts in their attempt to give the kids of this town something to look forward to. She doesn't disagree with Project Purple but thinks they can pick a better date. She talked about all of the dead trees on Holbrook Road.

Kurt will address that with Bryan Nesteriak.

Al Bruno thanked Len for his service to the Town. Len has always conducted himself with class and professionalism in everything he has done. He wished him and his family good luck in Bethel.

Anmarie Drugonis stated it is embarrassing to hear about what is going on with the WPCA. Today was the first time she heard about it. She texted Walter and said he will take care of that mess. She agrees with Culture & Arts. It is like a slap in the face to have that other event going on at the same time. She agrees with Mr. Stanek regarding speaking with the other organization to see if they can change their date. Public Works is doing their best with regard to Holbrook Road. She wished Len the best of luck.

Trisha Danka apologized for being a few minutes late. She said it was nice to see the Seymour High School Cheerleaders win another championship. She wished Len the best of luck.

ITEM #14: Adjournment.

Motion to adjourn at 8:35 PM

Motion: Anmarie Drugonis

Vote: 7-Yes 0-No

W. Kurt Miller – Yes

Len Greene, Jr. – Yes

Second: Trisha Danka

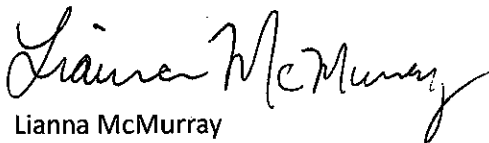
0-Abstain

Anmarie Drugonis – Yes

Stephan Behuniak – Yes

Karen Stanek – Yes

Submitted by,



Lianna McMurray
Recording Secretary

Reviewed by,



W. Kurt Miller
First Selectman

PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY 2018-07-10-11

Tuesday, July 10, 2018

(SUBJECT ADDRESSED PREVIOUSLY via email Monday, June 11, 2018)

TO: •Town of Seymour, Office of the First Selectman,
•Board of Selectmen, Town of Seymour

Cc: •Town Clerk; •ADA Compliance Officer; •Seymour PD
•Advisory Committee for Livable Communities

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

**This is PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY
for the next BOS meeting¹**

**SUBJECT / NOTICE: an ADA complaint has been filed* with USDOJ/OCR against the
Town of Seymour on the matter of the absence of a level top landing at the
curbcut constructed at the Columbus Street entrance to 16 Bank Street
senior/disabled housing.**

***complaint number 100059539, and reference number 18-9lgix-4fsw**

- This document is “MULTI-PURPOSE”—serving as **PUBLIC COMMENT and CORRESPONDENCE**, as well as an “**ADVISORY**.” This is submitted to the next scheduled² BOS meeting. This is expected to be entered in meeting minutes or embedded in compliance with FOIA. (Copy has been sent to the Town Clerk to be recorded as an official record of communication from the public to ensure notification to the Town of Seymour.)
- Remediation of this issue will **BENEFIT ALL PERSONS**, whether visitors or citizens, of all mobility abilities, including visitors and residents with disabilities visiting or living downtown.
- **Now that the disabled population has increased (has increased from 12 to 38 on Columbus Street alone), the Town of Seymour has obligation to ensure all elements of access routes³ are safe.**

Regarding the following issues, please be **INFORMED, NOTICED, AND ADVISED** that, if I become aware of any accident suffered by a person (able-bodied or disabled) associated with hazards or conditions I identified previously and here, I will authorize my attorney to submit an Appearance at any hearing or trial so that I can give testimony in favor of plaintiff(s) supporting any property damage and/or personal injury claim or lawsuit against the Town of Seymour.

In previous communications and postings, I have sufficiently called the BOS’s attention to various access route hazards or conditions by providing numerous photos along with ADA law citations and drawings.

¹ July 17th 2018

² July 17th 2018

³ Sidewalks, curbcuts, crosswalks, traffic control signals

PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY 2018-07-10-11

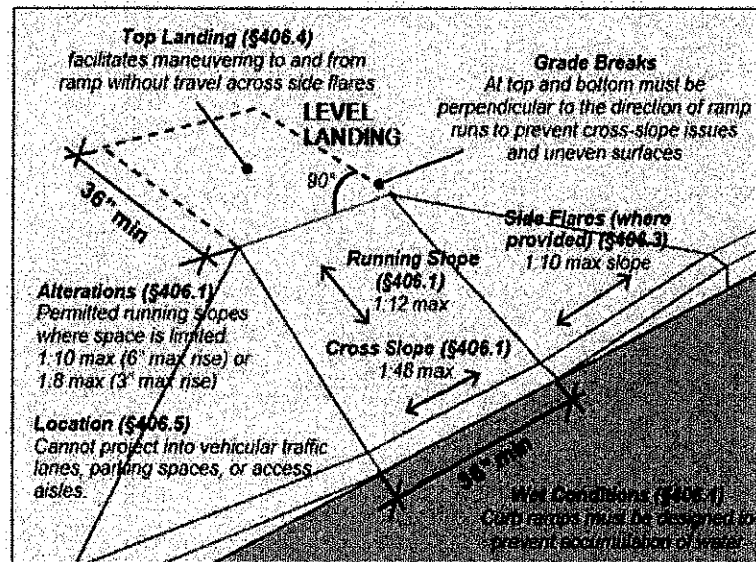
APPLICABLE LAW:

United States Access Board, **Chapter 4: Accessible Routes, 406.4 Landings.**

Landings shall be provided at the tops of curb ramps. The landing clear length shall be 36 inches (915 mm) minimum. The landing clear width shall be at least as wide as the curb ramp, excluding flared sides, leading to the landing.

Regarding the CURBCUT constructed at the Columbus Street entrance to 16 Bank Street senior/disabled housing: **it lacks a level top landing.**

Consequently, persons using mobility devices (powered or manual wheelchairs, walkers, scooters, and the like) are FORCED TO TRAVEL ACROSS A SLOPE. Travel across a slope is a well-known hazard because a mobility device can tip over or become unstable (walkers). Manufacturers of mobility devices warn users that travel across a slope can result in a tip over. Most powerchair manufacturers, including mine, warn that tip overs can occur on slopes of 6 degrees, or 10.5 percent, or 1:10. The slope exceeds 6 degrees as measured with my inclinometer. My measurements showed the slope to be 11 to 12 degrees.



with my inclinometer. My measurements showed the slope to be 11 to 12 degrees.

ACTION REQUESTED: Said curbcut without a level top landing must be **demolished and replaced** by one compliant with ADA standards. (If town engineering feels unable to replace it with a compliant curbcut, then “bump out” the sidewalk to create more depth to allow for a level top landing. Or, construct a curbcut like that on DeForest Street at the junction of DeForest and Wakely.³)

► **SEE PHOTO EXHIBITS** on file at USDOJ:

https://www.facebook.com/5FingersPianomanJoe/media_set?set=a.1987913927920176.1073741980.1001047636306&type=3

Thank you for receiving this Public Notice/Public Correspondence/Advisory.

Joe Luciano

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

<http://www.nhregister.com/opinion/20170729/james-walker-barriers-lets-get-behind-joe>

⁴ Parking is already prohibited at this location.

⁵ Feel free to consult me. I can offer or explain a solution. Or, I can refer you to an ADA expert/civil rights attorney/certified ADA coordinator.

PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY 2018-06-11

Monday, June 11, 2018

TO: •Town of Seymour, Office of the First Selectman,
•Board of Selectmen

Cc: •Town Clerk; •ADA Compliance Officer; •Seymour PD
•Advisory Committee for Livable Communities

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

**This is PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY
for the next BOS meeting¹**

SUBJECT: Hazards, Deficiencies on Downtown Seymour Access Routes

- This document is "MULTI-PURPOSE"—serving as PUBLIC COMMENT and CORRESPONDENCE, as well as an "ADVISORY." This is submitted to the next scheduled BOS meeting. This is expected to be entered in meeting minutes or embedded in compliance with FOIA. (Copy has been sent to the Town Clerk to be recorded as an official record of communication from the public to ensure notification to the Town of Seymour.)
- Remediation of the following issues will BENEFIT ALL PERSONS, whether visitors or citizens, of all mobility abilities, including visitors and residents with disabilities visiting or living downtown.
- Regarding **38 COLUMBUS APARTMENTS**: Its completion and occupancy has increased the senior/disabled population on Columbus Street from 12 to 38. The building itself is architecturally attractive, substantially enhances our downtown, and complements neighboring structures. Its presence may have contributed to façade restoration/repair activities elsewhere downtown, particularly at 145 and 159 Main Street.
▶ **Now that the disabled population has increased, the Town of Seymour has obligation to ensure all elements of access routes² are safe.**

Regarding the following issues, please be INFORMED, NOTICED, AND ADVISED that, if I become aware of any accident suffered by a person (able-bodied or disabled) associated with hazards or conditions I identified previously and here, I will authorize my attorney to submit an Appearance at any hearing or trial so that I can give testimony in favor of plaintiff(s) supporting any property damage and/or personal injury claim or lawsuit against the Town of Seymour.

In previous communications and postings, I have sufficiently called the BOS's attention to various access route hazards or conditions by providing numerous photos along with ADA law citations and drawings.

¹ June 19th, 2018 or the next nearest meeting date (according to town website events calendar and/or BOS published policy/practice)

² Sidewalks, curbscuts, crosswalks, traffic control signals

PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY 2018-06-11

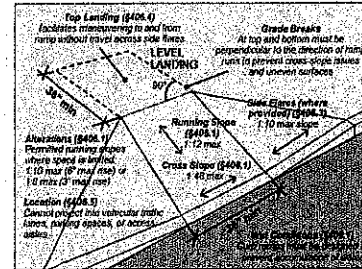
THE FOLLOWING include *but are not limited to* hazards or conditions I reported³ to the BOS:

► **PHOTO EXHIBITS** supporting this document have been posted for public viewing on Facebook and are found at:

<https://www.facebook.com/photo.php?fbid=1987914134586822&set=a.1987913927920176.1073741980.100001047636306&type=3&theater>

1. Regarding the **CURBCUT** constructed at the Columbus Street entrance to 16 Bank Street senior/disabled housing: it lacks a level top landing.

Consequently, persons using mobility devices (powered or manual wheelchairs, walkers, scooters, and the like) are forced to travel across a slope. Travel across a slope is a well-known hazard because a mobility device can tip over or become unstable (walkers). Manufacturers of mobility devices warn users that travel across a slope can result in a tip over. Most powerchair manufacturers, including mine, warn that tip overs can occur on slopes of 6 degrees, or 10.5 percent, or 1:10. The slope exceeds 6 degrees as measured with my inclinometer. My measurements showed the slope to be 11 to 12 degrees.



ACTION REQUESTED: Said curbcut without a level top landing must be demolished and replaced by one compliant with ADA standards. (If town engineering feels unable to replace it with a compliant curbcut, then “bump out”⁴ the sidewalk to create more depth to allow for a level top landing. Or, construct a curbcut like that on DeForest Street at the junction of DeForest and Wakely.⁵)

2. Regarding the **SIDEWALK/DRIVEWAY APRON** (a **PUBLIC ACCESS ROUTE**) constructed at the vehicle entrance to Bank of America and/or Frontier on First Street:

It is comprised of a hazardous slope and lacks a level or near-level path. Consequently, persons using mobility devices (powered or manual wheelchairs, walkers, scooters, and the like) are forced to travel across a slope. Travel across a slope is a well-known hazard because a mobility device can tip over or become unstable (walkers). Manufacturers of mobility devices warn users that travel across a slope can result in a tip over. Most powerchair manufacturers, including mine, warn that tip overs can occur on slopes of 6 degrees, or 10.5 percent, or 1:10. The slope exceeds 6 degrees as measured with my inclinometer.

ACTION REQUESTED: demolish and replace to provide a near-level path.

3. Regarding the **“ROLLER COASTERS”** constructed at the DeForest street driveway entrance to Circuit Breaker Sales.

These are excessively steep. Indeed, a fast-moving wheelchair can do a “wheelie” which can result in a tip-over backwards! It is apparent that the contractor was not advised to construct *gradual* slopes. Instead, the contractor repeated the hazardous slopes existing before demolition. It seems obvious that no consideration was given to accommodate the very persons the Town of Seymour invited to live in senior/disabled housing on Columbus Street. Town Hall seems to make decisions that benefit only the able-bodied. Should not the Town of Seymour administration appoint a person to advocate for rights and needs of visitors and town citizens with disabilities?

³ Emails, phone calls, postings to town hall Facebook or official town website

⁴ Parking is already prohibited at this location.

⁵ Feel free to consult me. I can identify and explain a solution.

PUBLIC COMMENT, PUBLIC CORRESPONDENCE & ADVISORY 2018-06-11

ACTION REQUESTED: demolish and replace with slopes not extreme. Consult with citizens who use mobility devices.

4. Regarding the **SIDEWALK** that leads to the “Accessible Channel Walkway” at the Fishway Park (Paul Pawlak Sr. Fishway and Park at Tingue Dam⁶)

Based on my experience in reporting and requesting enforcement, Seymour PD policy/practice seems to reflect little to no interest in ensuring that access to the Walkway of persons using mobility devices are not obstructed by vehicles parked so as to present barriers. Those who expect mobility devices to detour by straddling concrete and earth do not understand that powerchairs are very heavy; the side on soft earth can sink—resulting in a tip-over and consequential personal injury and personal property damage. It seems obvious that no consideration was given to accommodate the very persons the Town of Seymour invited to live in senior/disabled housing on Columbus Street. Town Hall seems to make decisions that benefit only the able-bodied. Who in Town of Seymour government should be advocating for rights and needs of visitors and town citizens with disabilities?

ACTION REQUESTED: (1) In previous multiple communications to the office of the first selectman, Town of Seymour, I suggested a solution that can prevent vehicles from obstructing the sidewalk leading to the Walkway: change parking orientation from perpendicular to diagonal. (2) Order Seymour PD to ticket and tow away any vehicles obstructing or encroaching the sidewalk leading to the Walkway.

5. Regarding the **CROSSWALK** at the intersection of First and DeForest Streets:

A curbcut was constructed only at one end! A curbcut was not provided where the crosswalk abuts the post office block.

Persons using mobility devices are forced to travel in the gutter toward Bank Street to access the sidewalk and then backtrack toward DeForest.

The absent curbcut is unreasonable: It forces persons with disabilities to travel a circuitous route to the post office. For what reason was it decided to provide a curbcut only on the town hall block? Oversight? Deliberate?

(A person with low vision, who may see the crosswalk and assume existence of a curbcut, can trip and fall if walking—or can ride off the curb and tip over forwards or sideways.)

When a street is re-paved, ADA standards require curbcuts. A mystery to many able-bodied and fellow-disabled persons I know is why was a crosswalk provided without curbcuts at both ends.

ACTION REQUESTED: provide a curbcut where it is absent.

6. Regarding the **BRICKWALKS** at the foot of DeForest Street:

They lack curbcuts! (This is a popular pedestrian route visitors travel to the Fishway Park. Some use mobility devices; some push baby carriages or strollers.)

ACTION REQUESTED: provide curbcuts where absent.

Thank you for receiving this Public Notice/Public Correspondence/Advisory.

Joe Luciano

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

<http://www.nhregister.com/opinion/20170729/james-walker-barriers-lets-get-behind-joe>

⁶ “By accepting the project, the town officially has taken on responsibility for operation and maintenance of the facility, according to First Selectman Kurt Miller.” <https://www.nhregister.com/connecticut/article/Fish-Bypass-at-Tingue-Dam-in-Seymour-open-to-the-11357110.php>