

Board of Selectmen Meeting
Grange Hall
November 19, 2014
Regular Meeting Minutes

Selectmen Present: M. Walter; E. Lyman; E. Malavasi

Also Present: R. Berryhill; E. Blaschik; S. Costomiris; D. Denette; J. Dill; R. Dill; N. Fall; B. Lunt; J. Rozniak; J. Shea; L. Stuhlman; J. Ventres; S. Wheeler; L. Zemienieski

1. First Selectman Walter called the Board of Selectmen's meeting to order at 7:00 p.m. and the attendees said the Pledge of Allegiance.
2. Approval of Agenda: Motion made by Mr. Lyman, seconded by Mr. Malavasi, to approve the agenda as written. Unanimous aye.
3. Approval of Minutes: Regular Meeting of November 5, 2014 and Special Meeting of November 10, 2014

Mr. Walter noted that item 5A in the November 5, 2014 minutes should be revised to indicate that he had requested that "form liner stone" be used on the Route 82 bridge rather than "real stone".

Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the minutes of the Regular Meeting of November 5, 2014 as amended. Unanimous aye.

Mr. Malavasi noted that the Mr. Blaschik's first initial in the "Also Present" section should be changed from "W" to "E".

Motion made by Mr. Walter, seconded by Mr. Malavasi, to approve the minutes of the Special Meeting of November 10, 2014 as amended. Unanimous aye.

4. Correspondence:
 - A. Letter from Andre Hymander Regarding Noise Ordinance: Mr. Walter called the Selectmen's attention to a copy of a letter from Andre Hymander in their meeting packets. The Selectmen discussed Mr. Hymander's concerns and Mr. Walter noted that the town of Durham had recently rejected requests to implement a noise ordinance for their town. The Selectmen discussed the difficulty of enforcing such an ordinance and were not supportive of a new ordinance. Mr. Walter stated that he would advise Mr. Hymander of their decision.
 - B. Letter from Thomas Tarbox Regarding Grange Hall Project: Mr. Walter called the Selectmen's attention to a copy of a letter from Thomas Tarbox in their meeting packets. He noted that Mr. Tarbox said that the stone wall was "excellently done"; however, in keeping with the age and style of the buildings, should have been a field stone wall rather

than a dressed stone wall. Mr. Tarbox also advised that the area around the statute should have been filled with topsoil rather than crushed stone so that annual plantings could grow there.

Mr. Walter advised that the contractor had recommended a dressed stone wall rather than field stone because he felt it would last longer. He also noted that the Town had consulted with the Garden Club during the project and would be happy to replace the crushed stone with topsoil in the spring if they want to put in annual plantings.

- C. Powerhouse Road Summary Judgment: Mr. Walter called the Selectmen's attention to a copy of an order regarding a motion for summary judgment in the case of Keith J. Darin, Building Official for the Town of East Haddam v . Milan Cais, dated November 4, 2014, in their meeting packets. He advised that the summary judgment is in favor of the town and requires Mr. Cais to remove debris from the cellar hole at 27 Powerhouse Road within 30 days of the date of the order. He stated that, if Mr. Cais does not remove the debris, the order gives the town the right to enter the premises and remove it and place a lien on the property for the cost of the work. In response to a question from Mr. Walter, Mr. Ventres advised that Mr. Cais has not talked with him about starting the work so Mr. Ventres has scheduled the removal work to begin after the 30-day period expires.

5. First Selectmen's Report

- A. Bashan Lake Dam Improvement Update: Mr. Walter called the Selectmen's attention to a CT DEEP PowerPoint presentation in their meeting packets regarding the status of the Bashan Lake Dam project. He reviewed the information in the PowerPoint and stated that he has received positive feedback on the contractor that won the bid for the project.

Mr. Walter also reported that he had met with Mr. Gelston and Mr. Cross of the Friends of the Harris and distributed notes from the group's 2nd meeting and an outline and plan for Harris Parcel Restoration #1. He reviewed several of the projects the group is working on and noted that their next meeting is on November 20th. Ms. Stuhlman described some of the work that DEEP is doing at Comer Park which is adjacent to the Harris property.

- 6. Citizen's Concerns: In response to a question from Mr. Shea, Mr. Walter provided him with the names of the Town's attorneys.

Ms. Stuhlman encouraged the Selectman to keep their minds open to implementing a Town noise ordinance. Mr. Walter noted that most of the noise complaints the Town receives are about barking dogs.

7. Unfinished Business

- A. Blight Ordinance Discussion: Mr. Walter advised that the CT Conference of Municipalities is encouraging the state legislature to create a better definition for "blight" and also to allow municipalities to work with mortgage lenders to lien blighted properties that are being foreclosed.

- B. A.P. Gates Road/Warner Road Drainage Discussion: There was no new update on this agenda item.
- C. Wocl Road Discussion: In response to a question from Mr. Walter, Public Works Administrator Lunt advised that the road sign is scheduled to be installed the week of November 24. She also advised that the property owner will plow the road. Mr. Malavasi asked about the Town's liability if there is nothing in writing concerning whose responsibility it is to do the plowing. Mr. Walter asked Mr. Ventres to get clarification from the land use attorney regarding Mr. Malavasi's concern. It was agreed that the Town should get a written affirmation that the property owner will be responsible for plowing the road.
- D. Emergency Communications Center Contract for Municipal Services Discussion: Mr. Walter reported that the town's communications team is making site visits for comparison purposes. There was no additional new update on this agenda item.
- E. USDA Loan Discussion: Mr. Walter called the Selectmen's attention to a press release that he had issued on November 18th. He stated that he hopes the press release will clarify misinformation published in the Middletown Press.
- F. Agriculture Commission Discussion: Mr. Walter suggested inviting the Agriculture Commission applicants to a December Board of Selectmen's meeting to be interviewed by the Selectmen. The Selectmen agreed to hold a special meeting one hour before the regular December 3rd meeting and to invite all of the applicants to attend and be interviewed.

There was a general discussion concerning the availability of the minutes from the Sub-Committee meetings. In response to an inquiry by Ms. Berryhill, Mr. Walter agreed to email her copies of the charge for the Agriculture Commission.

8. New Business

- A. Open Space Discussion – Lena and Zeleznicky Properties: Mr. Walter asked Mr. Ventres to report on this agenda item. Mr. Ventres advised that the town has been awarded open space grants of \$487,500.00 and \$78,000.00, respectively, for the purchase of the Lena and Zeleznicky properties. He reported that the Lena property is 207 acres and the Zeleznicky property is 19.26 acres and both border the 8-Mile River corridor. Mr. Ventres stated that the acquisition costs are \$767,000.00 for the Lena property and \$127,500.00 for the Zeleznicky property.

Since the Purchase and Sale Agreement for the Zeleznicky property is with the Nature Conservancy there was a general discussion regarding securing a written Notice of Assignment Agreement from the Nature Conservancy and the seller stating that the town is the purchaser of the Zeleznicky property.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to authorize bond counsel to prepare the necessary documents to bring these properties forth to referendum contingent upon receiving a final written Notice of Assignment Agreement from the Nature Conservancy and the seller stating that the Town is the purchaser of the Zeleznicky property. Unanimous aye.

- B. Bid Award – Winter Sand for Snow and Ice Control: Mr. Walter called the Selectmen's attention to materials in their meeting packets regarding the bids for providing winter sand as well as Public Works Administrator Lunt's recommendation. Ms. Lunt advised the lowest bidder's sand did not meet the Town's specifications, therefore, it was her recommendation to select the next lowest bidder. The Selectmen discussed awarding the bid to a local contractor per the local bidder ordinance, contingent upon it matching the price of the recommended contractor and if their sand met the Town's specifications.

Motion made by Mr. Walter, seconded by Mr. Lyman, to award the bid for the purchase of Sand for Snow and Ice Control to James Carlson Excavating contingent upon their agreement to charge \$15.25/cubic yard and contingent upon their sand meeting Town specifications and to further authorize the Public Works Department to order sand from Hubert E. Butler Construction Co. LLC in the amount of \$15.25/cubic yard if for any reason James Carlson Excavating was unable to fulfill the bid requirements. Unanimous aye.

- C. Fee Schedule for Contracted Snow Plowing: Mr. Walter called the Selectmen's attention to a copy of a memo in their meeting packets from Public Works Administrator Lunt, dated November 10, 2014, summarizing proposals received for snowplowing prices for the winter and her recommendation.

Mr. Walter explained that this was the process used to set the fee schedule for different size trucks for contracted snow removal. He noted that if we used contractors other than the ones who submitted prices they would be paid at the set rates.

Motion made by Mr. Walter, seconded by Mr. Lyman, to accept the recommendation of the Public Works Administrator and set the snow plowing rates as follows: between 10,000 and 25,999 GVW with sander \$140.00 per hour. Unanimous aye.

Ms. Lunt reported that her recommendation was for the same contractors and fee as last year.

- D. Cemetery Committee Discussion: Mr. Walter advised that Mildred Quinn had verbally submitted her resignation from the Cemetery Committee and that Ms. Denette has expressed interest in being appointed to the Committee. Ms. Denette stated that she would like to draft a charge for the Committee. There was a general discussion regarding securing written notice of Ms. Quinn's resignation and Mr. Walter agreed to do so.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to remove Mildred Quinn as a member on the Cemetery Committee contingent upon receiving her written confirmation of same. Unanimous aye.

Motion made by Mr. Walter, seconded by Mr. Lyman, to appoint Debra Denette as a member on the Cemetery Committee contingent upon receiving her written application. Unanimous aye.

- E. Board/Commission/Committee Changes (ESC): Mr. Walter noted that, due to changes in the Fire Department, additional changes are required on the Emergency Services Committee.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to remove John Blaschik as a member on the Emergency Services Committee. Unanimous aye.

Motion made by Mr. Walter, seconded by Mr. Lyman, to appoint Edward Smith as a member on the Emergency Services Committee. Unanimous aye.

- F. Volunteer of the Month (September): Mr. Walter called the Selectmen's attention to a Volunteer of the Month recommendation received from Dora Lyman. Ms. Lyman recommended Betty Gross for her active involvement on the Garden Club. Ms. Lyman's recommendation noted that, *"She [Betty] is always there to help on any project – contributing at all levels"*.

Motion made by Mr. Walter, seconded by Mr. Lyman, to name Elizabeth "Betty" Gross as volunteer of the month for September 2014. Unanimous aye.

- G. Tax Refunds: There were no tax refunds for consideration.

9. Public Comment: In response to a question from Mr. Dill, Mr. Walter advised that he had checked with the Police and there have been no accidents recorded at the intersection of Maple and Landing Hill but noted that the Police feel that the stop signs are helpful. Ms. Dill reiterated that she feels there is no need to keep the stop signs and Mr. Walter agreed to continue a discussion about this issue and will add it to future agendas under Old Business.

In response to an inquiry from Mr. Dill, Mr. Walter advised that the Town is looking into applying for a STEAP grant to make improvements to the Transfer Station. Mr. Dill stated that he would like the Selectmen to consider changes to the appropriate ordinance to address the issue of litter falling off vehicles transporting trash to the Transfer Station.

Ms. Dill asked what percentage of the Town is Open Space and noted that she is not in favor of its purchasing additional acres. Mr. Walter advised that he has had similar conversations with other citizens and has discussed the option of creating a PAC to publicize their views. Mr. Ventres stated that one of the main economic drivers for the Town is tourism and he believes that Open Space provides additional recreational outlets which will attract more tourists to Town.

In response to a question from Mr. Shea, Mr. Walter advised that the Town does not yet know who the successful bidder was on the Johnsonville property.

Ms. Denette reported that she is part of a group that is looking into creating a pet food pantry, possibly partnering with the Food Bank.

Ms. Lunt responded to Ms. Berryhill's inquiries about work being done on Wickham Road and agreed to look into adding an additional speed limit sign on the street. Ms. Berryhill also noted the dangerous turn off at Route 149 onto Eli Chapman Road, especially at night. Mr. Walter asked Ms. Lunt to look into potential solutions to the problem.

10. Selectmen's Discussion

- A. 2015 Board of Selectmen Meeting Schedule: Mr. Walter called the Selectmen's attention to the list of 2015 Board of Selectmen's meeting schedule. Mr. Malavasi noted that he has a conflict with the February 4th meeting. Mr. Lyman and Mr. Malavasi agreed to review their calendars and let him know if there are any other conflicts.

In response to a question raised by Mr. Lyman, Mr. Walter advised that the Town is waiting for formal notification from the state regarding the award of the grant for the work on Bone Mill Road bridge.

11. Adjournment: There being no additional business to discuss, a motion was made by Mr. Walter, seconded by Mr. Malavasi, to adjourn the meeting at 8:51 p.m. Unanimous aye.

Recorded

Respectfully submitted,

Emmett Lyman, Secretary