

Board of Selectmen
Grange Hall
March 2, 2015
Special Meeting Minutes

Selectmen Present: Mark Walter; Emmett Lyman, Ernie Malavasi

Also Present: Robert Bennett, William DiCristofaro, Bruce Dutch, Susan Link, Harvey Thomas (Board of Finance Members), Deb Denette, Town Clerk and recording secretary, Cindy Varricchio, Finance Director, Jim Ventres, Land Use Administrator, Rob Smith, Todd Gelston, and Pat Lacy

1. First Selectman Walter called the meeting to order at 7:02 p.m. and the attendees said the Pledge of Allegiance.

A Special meeting of the East Haddam Board of Finance was called to order at 7:01 pm by Chairman Susan Link.

2. Board of Finance Business for Town Meeting Call

- A. Open Space Resolution – Lena Property: The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).
- B. Open Space Resolution – Zeleznicky Property: The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).
- C. Gift Acceptance – Rathbun Library: The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).
- D. Grant Acceptance – Control of Aquatic Invasive Species Grant-Moodus Reservoir: The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).
- E. Grant Acceptance – Control of Aquatic Invasive Species Grant-Lake Hayward: The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).
- F. Heating Oil and Diesel Contract: Mr. Walter advised that the town has negotiated a 2-year fixed price of \$2.27 for fuel oil and \$2.29 for diesel fuel. The prior fixed price was \$3.20. It was noted that this will result in a \$400,000 savings to the town. The Board of Finance made the appropriate resolution to move this item to Town Meeting (See Board of Finance special meeting minutes for March 2, 2015).

3. Call for Town Meeting: The Selectmen briefly discussed the call for Town Meeting. Mr. Walter presented explanatory text regarding the open space purchases. Statutory authority for the document lies with the Town Clerk. Mrs. Denette raised concern with the wording regarding the Town referendum "March 24, 2015 12 noon to 8 pm at the Town Meeting Hall, 492 Town Street." The timing of referendum can be altered by the legislative body at the town meeting. The Board of Selectmen were in favor of removing the time or putting in a disclaimer that the time shall be determined at Town Meeting on March 12th. Mr. Walter stated that before changing anything he would check with bond counsel to ascertain the wording that he would approve.

Motion made by Mr. Walter, seconded by Mr. Lyman, to approve the following call for Town Meeting:

All electors and citizens eligible to vote in town meetings of the Town of East Haddam, Connecticut (the "Town") are hereby warned and notified that a Special Town Meeting of the Town is to be held at the Town Meeting Hall located on Town Street in East Haddam, Connecticut on Thursday, March 12, 2015 at 8:00 p.m., for the following purposes:

Item 1: To consider and act upon the following resolution as recommended by the Board of Selectmen:

RESOLVED: That the Sidewalk Ordinance adopted by Town Meeting, April 6, 1988 be amended to include the following paragraph (g)(1)(2)(3) as follows:

(g)(1) Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other General Statutes, or any other General Statute or Special Act, the Town of East Haddam shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of East Haddam is the owner or the person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the Town of East Haddam shall be liable for its affirmative acts with respect to such sidewalk.

(2) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk abutting his property as the municipality had prior to the effective date of this section, adopted pursuant to the provisions of Public Act No. 81-340 (C.G.S. § 7-163a) and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

(3) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

Copies of the complete ordinance are on file in the Town Clerk's Office during normal business hours.

Item 2: To consider and act upon the following resolution as recommended by the Board of Selectmen and the Board of Finance:

RESOLVED, that a grant in an amount of \$6,000.00 is hereby accepted from the State of Connecticut, Department of Energy and Environmental Protection, to provide funding for Control of Aquatic Invasive Species Grant "Moodus Reservoir Pilot Project Test, Effectiveness of Herbicides to Control Fanwort and Variable Milfoil on 25 Acres" (revenue account 33050-43000-G1501 and expense account 33055011-58820-G1501) upon the terms and conditions set forth in the Personal Service Agreement.

BE IT RESOLVED, that it is in the best interest of the Town of East Haddam to enter into contracts with the Department of Energy and Environmental Protection.

IN FURTHERANCE OF THIS RESOLUTION, Mark B. Walter, the First Selectman, is duly authorized to enter into and sign said contracts on behalf of the Town of East Haddam. Mark B Walter currently holds the office of First Selectman and has held that office since November 7, 2007. The First Selectman is further authorized to provide such additional information and execute such other documents as may be required by the local, state or federal government in connection with said contract and to execute any amendments, rescissions, and revisions thereto.

Item 3: To consider and act upon the following resolution as recommended by the Board of Selectmen and the Board of Finance:

RESOLVED, that a grant in an amount of \$9,050.00 is hereby accepted from the State of Connecticut, Department of Energy and Environmental Protection, to provide funding for Control of Aquatic Invasive Species Grant "Lake Hayward Invasive Aquatic Plants Mitigation" (revenue account 33050-43000-G1502 and expense account 33055011-58820-G1502) upon the terms and conditions set forth in the Personal Service Agreement.

BE IT RESOLVED, that it is in the best interest of the Town of East Haddam to enter into contracts with the Department of Energy and Environmental Protection.

IN FURTHERANCE OF THIS RESOLUTION, Mark B. Walter, the First Selectman, is duly authorized to enter into and sign said contracts on behalf of the Town of East Haddam. Mark B Walter currently holds the office of First Selectman and has held that office since November 7, 2007. The First Selectman is further authorized to provide such additional information and execute such other documents as may be required by the local, state or federal government in connection with said contract and to execute any amendments, rescissions, and revisions thereto.

Item 4: To consider and act upon the recommendation of the Board of Selectmen and the Board of Finance to accept a gift in the amount of \$5,000 for the Rathbun Library for the repair of the cupola (revenue account 33250-43000-C0032 and expense account 33250013-58926-C0032).

Item 5: To consider and act upon the recommendation of the Board of Selectmen and the Board of Finance authorize the First Selectman to enter into two-year agreements from July 1, 2015 through June 30, 2017 with East River Energy, for #2 heating oil at \$2.2749/gallon and diesel fuel at \$2.2929/gallon.

Item 6: To consider and discuss (but not vote on) a resolution:

(a) to appropriate \$127,500 for costs related to the acquisition of approximately 19.26 acres of land or rights therein located on Sarah Baker Road (also known as the Zeleznicky property) in East Haddam, Connecticut, shown and designated as Lot #10 on the East Haddam Assessor's Map #43 for open space purposes, such as, but not limited to, preservation, conservation, recreation and forestry, including, without limitation, the costs of land acquisition, site work, demolition and removal, easement acquisition, engineering, legal, administration, temporary and permanent financing and any other costs and expenses related thereto; (b) to authorize the Town to issue and sell its notes and bonds pursuant to the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$127,500 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$78,000, general fund monies and/or capital reserve funds); and (c) to authorize such other actions relating to the foregoing as may be necessary or appropriate.

Item 7: To consider and discuss (but not vote on) a resolution:

(a) to appropriate \$767,000 for costs related to the acquisition of approximately 207 acres of land or rights therein located on Tater Hill Road and Babcock Road (also known as the Lena property) in East Haddam, Connecticut, shown and designated as Lot #62 on the East Haddam Assessor's Map #22 for open space purposes, such as, but not limited to, preservation, conservation, recreation and forestry, including, without limitation, the costs of land acquisition, site work, demolition and removal, easement acquisition, engineering, legal, administration, temporary and permanent financing and any other costs and expenses related thereto; (b) to authorize the Town to issue and sell its notes and bonds pursuant to the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$767,000 (or so much thereof as may be necessary after the deduction of grants or other sources of funds available therefor, including, but not limited to, a grant from the State of Connecticut in the amount of \$487,500, general fund monies and/or capital reserve funds); and (c) to authorize such other actions relating to the foregoing as may be necessary or appropriate.

The full text of the foregoing authorizing resolutions are on file and open to inspection at the office of the Town Clerk, Town Hall, East Haddam, Connecticut for the use or inspection of any interested person.

All electors and persons eligible to vote in town meetings of the Town are hereby further notified that pursuant to Section 7-7 of the Connecticut General Statutes, as amended, the Board of Selectmen of the Town has removed the above items numbered six and seven on the call of this Special Town Meeting for submission to the electors and citizens of the Town who are eligible to vote at town meetings by voting machine. The aforesaid items shall be placed on the voting machines under the following headings:

SHALL THE TOWN APPROPRIATE \$127,500 FOR THE ACQUISITION OF APPROXIMATELY 19.26 ACRES OF LAND ALSO KNOWN AS THE ZELEZNICKY PROPERTY LOCATED ON SARAH BAKER ROAD FOR OPEN SPACE PURPOSES AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE TOWN IN THE SAME AMOUNT, OR SO MUCH THEREOF AS MAY BE NECESSARY AFTER THE DEDUCTION OF GRANTS OR OTHER SOURCES OF FUNDS AVAILABLE THEREFOR, TO FINANCE SUCH APPROPRIATION?

SHALL THE TOWN APPROPRIATE \$767,000 FOR THE ACQUISITION OF APPROXIMATELY 207 ACRES OF LAND ALSO KNOWN AS THE LENA PROPERTY LOCATED ON TATER HILL ROAD AND BABCOCK ROAD FOR OPEN SPACE PURPOSES AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES OF THE TOWN IN THE SAME AMOUNT, OR SO MUCH THEREOF AS MAY BE NECESSARY AFTER THE DEDUCTION OF GRANTS OR OTHER SOURCES OF FUNDS AVAILABLE THEREFOR, TO FINANCE SUCH APPROPRIATION?

The vote will be conducted on Tuesday, March 24, 2015, during the hours from twelve o'clock p.m. to eight o'clock p.m. at the Town Meeting Hall, Town Street, East Haddam, Connecticut. Absentee ballots will be available from the Town Clerk's Office. Voters approving the resolution will vote "Yes" and voters opposing the resolution will vote "No".

Item 8: To consider and vote upon a resolution to adjourn the special town meeting to a vote by voting machine on the above questions to be held on the date, during the time and at the noticed polling place referred to above.
Unanimous aye.

- 4. Adjournment:** There being no additional business to discuss, a motion was made by Mr. Walter, seconded by Mr. Lyman, to adjourn the meeting at 7:14 p.m. Unanimous aye.

Recorded

Respectfully submitted,

Emmett Lyman, Secretary