

TOWN OF CROMWELL
BOARD OF SELECTMEN
SPECIAL MEETING
WEDNESDAY JUNE 23, 2010
7:00 P.M. TOWN HALL ROOM 224/5

MINUTES

Present: First Selectman J. Flanders, A. Varricchio, A. Halibozek, A. Waters,
A. Spotts, P. Ahlquist
Absent: Deputy First Selectman R. Newton
Also Present: Human Services Director T. Strong, Assessor S. Baron, Town Planner
C. Minor, Public and Press

A. CALL TO ORDER

First Selectman Flanders called the Special Meeting to order at 7:03 p.m.

B. APPROVAL OF AGENDA

Motion made by A. Waters seconded by A. Varricchio and *unanimously carried* to approve the agenda as posted.

C. CITIZENS COMMENTS

1. R. Duffy, Oxford Lane -Spoke regarding item D4, F6, Police Budget & Revenue reports, and the Police Captain position.
2. L. Soteroeu, HLS Real Estate -Needs board's support for item F 2.
3. M. Johnson, Pleasant Street -Spoke about the Cider Hill Development.

D. FINANCIAL

1. Tax Refunds
 - a. Financial Service Vehicle Trust -\$1,628.84
 - b. Joseph Lusitani -\$30.68
 - c. Nissan Infiniti -\$305.10

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to approve tax refunds 1-3.

2. Discussion and action to reconsider/rescind action taken at meeting of May 19, 2010 regarding the \$120,000 transfer from General Fund fund balance to CNR and the appropriation within CNR in the same amount for the road reconstruction at Cider Hill.

First Selectman Flanders advised the board that the developer agree to release all cash bonds on this project so we have sufficient funds from the release of those bonds for the road reconstruction and drainage abatement project.

A. Halibozek inquired if all requirements of P&Z would be met if all the bonds are released for the road reconstruction and drainage abatements. First Selectman

Flanders advised that this may not be the best solution but the corporation that developed the property is in bankruptcy and in serious litigation with the contractor that built the road.

The money that we have in the bonds is sufficient to cover the cost of the obvious work that needs to be done.

A. Waters asked the First Selectman to check with the Town Attorney and see if the Town could go after the contractor that did the road and sewers on town property.

P. Ahlquist asked the total amount of the bonds? First Selectman Flanders stated they had \$156,000 in bonds including the Sewer Bond.

A. Halibozek was concerned if there was supposed to be a fence the town could be liable. Town Planner Minor stated that P&Z didn't require the developer to put up a fence.

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to rescind the appropriation.

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to return \$120,000 from CNR to General Fund Balance.

3. Discussion and action to transfer funds from the General Fund fund balance to the CNR Fund fund balance and appropriate funds within the CNR fund for reimbursable Incentive Housing Zone Regulations Grant.

Town Planner C. Minor presented the request. The State of Connecticut recognizes the need for affordable housing. Many of the people that work in a town can't afford to live in that town. The State provides funds to towns that want to do something about this. This technical assistance grant would allow Cromwell to hire Plan-a-metrics to identify if we have a shortage of affordable housing and if there are parts of the town where incentive housing zones would be appropriate for greater density. Plan-a-metrics would do the research and determine if there are places in Cromwell that would take the greater density and if so the next step would be to write regulations to develop an Incentive Housing Zone to be adopted by the Town of Cromwell. Mr. Minor stated that the town could pull the plug at any time and would never have to turn the money back. Mr. Minor stated that even if Cromwell didn't go forward there would be updated information. A lengthy discussion followed.

A. Waters inquired if this is a federally subsidized program. Mr. Minor advised that this is not a Section 8 program. First Selectman Flanders stated that this grant would allow the town to determine if there is a demographic basis to promote affordable housing for families in a \$60,000 income range; this is the State paying the town for collecting information about the demographics of the town.

A. Spotts stated that this would impact the schools. He would like to see the \$20,000 spent for something else.

A. Varricchio stated that there are quite a few affordable areas in Cromwell. Mr. Varricchio is in favor of the study but not necessarily the program.

A. Halibozek agrees that the town should get the information.

Motion made by A. Waters seconded by A. Halibozek to approve transferring funds from the General Fund fund balance to the CNR Fund fund balance and appropriate funds within the CNR fund for reimbursable Incentive Housing Zone Regulations Grant.

Aye: J. Flanders, A. Varricchio, A. Halibozek

Nay: A. Waters, A. Spotts, P. Ahlquist

Motion failed

4. Authorization to establish a special revenue fund dedicated for communication improvements for the police department to be funded by the revenue generated from the tower site.

A brief history of the tower site was given by First Selectman Flanders. The town shares the tower revenue with the Fire District. This request is only for a portion of the town's share of the revenue. Since the communications item was defeated at referendum this would be a good opportunity to do it piece-meal. The fund would be maintained by the Finance Department and the Board of Finance. A short discussion followed.

A. Varricchio is in favor of establishing the fund since it comes out of rental fees and not from the taxpayers.

A. Halibozek asked why this revenue would only go to the Police Communications because there were two other projects that were defeated at referendum; the Library and Senior Center.

A. Spotts stated that he had the opportunity to do several ride-alongs with the Police Department and it so happened that there was a major communications break down last Saturday during his ride-along. This is why A. Spotts would support this request.

P. Ahlquist doesn't have a problem with the concept of some of the revenue being used for Police Communications upgrades but thinks that some funds should be set aside for anticipated and long range expenses for the generator on Route 3.

Motion made by A. Waters seconded by P. Ahlquist and *unanimously carried to table.*

E. UNFINISHED BUSINESS

1. Acceptance of Spur Road in Newbury Estates by the Town of Cromwell.-Tabled
Item left on table.

F. NEW BUSINESS

1. Discussion and approval of NAGE Local RI-121 Civilian Police Department Personnel Union Contract.

First Selectman Flanders informed the board that the negotiations were fruitful courteous and effective. They worked well together and the union should be commended. NAGE President R. Bruscia was in the audience and agreed with Mr. Flanders and stated that the town should also be commended.

Motion made by P. Ahlquist seconded by A. Waters and unanimously carried to approve the NAGE Local Ri-121 Civilian Police Department Personnel Union Contract.

2. Discussion and possible action of appropriation to reimburse tax payers for penalties as a result of late receipt of Income and Expense Reports.

Assessor S. Baron presented the request to the board. Discussion followed.

Motion made by A. Spotts seconded by A. Varricchio and *unanimously carried* to approve beginning the process to adopt an ordinance similar to the Town of Stonington.

Motion made by A. Halibozek seconded by A. Varricchio and *unanimously carried* to authorize the First Selectman to set time and date of Public Hearing.

3. Authorize First Selectman to apply for and sign SFY 2011 Preventative Health Block Grant.

Motion made by A. Waters seconded by A. Halibozek and *unanimously carried* to authorize the First Selectman to apply for and sign SFY 2011 Preventative Health Block Grant.

4. Authorize First Selectman to sign MOA between the State of Connecticut, Dept. of Emergency Management & Homeland Security (DEMHS) and the Town of Cromwell, located in DEMHS Region 3, regarding State Use of Funding Granted by the Department of Homeland Security.

Motion made by A. Halibozek seconded by A. Varricchio and *unanimously carried* to authorize First Selectman to sign MOA between the State of Connecticut, Dept. of Emergency Management & Homeland Security (DEMHS) and the Town of Cromwell, located in DEMHS Region 3, regarding State Use of Funding Granted by the Department of Homeland Security.

a. Approve Authorizing Resolution of the Town of Cromwell Board of Selectmen:

Resolved, that the Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems necessary or appropriate; and

Further Resolved, that John M. Flanders, as First Selectman of the Board of Selectmen, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectmen and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Motion made by A. Spotts seconded by P. Ahlquist and *unanimously carried* to approve resolution.

5. Discussion and action on all 2010 Tax Abatement Program appeals. Senior Services Director T. Strong presented her recommendations for the 2010 Senior Tax Abatement Appeals. Assessor S. Baron provided information to the board regarding the program. Discussion followed.

Motion made by P. Ahlquist seconded by A. Halibozek and *unanimously carried* to approve the tax appeals as recommended by Ms. Strong and approve appropriation of no more than \$1,300.

6. Discussion and action to appoint an Ethics Commission to draft Ethics Rules and Regulations.

Motion made by A. Waters seconded by A. Halibozek to appoint an Ethics Commission. Discussion followed.

A. Waters stated that they appreciated the effort that the last commission put forward. Mr. Waters felt that it was the consensus of the board at the last meeting to leave it alone until the state comes out with their ethics and then the town could adopt the State of Connecticut policy.

A. Varricchio was concerned that the last committee had given subpoena power to the Ethics Commission. Mr. Varricchio is concerned that the town would get into a situation of frivolous complaints coming in that would cause litigation and cost the town thousands of dollars. Mr. Varricchio has lived in this town all of his life and never seen any problems that weren't corrected; he doesn't have a problem with an Ethics Commission but would like more information.

A. Halibozek stated that at the December meeting the board decided that the draft would be accepted and reworked by a new Commission. Ms. Halibozek doesn't think that waiting for the state would be a good decision. Is the issue that the town isn't getting any interest in people serving on the Commission? How much publicity has gone out looking for interested people? Ms. Halibozek thinks that a decision should be made on what we are going to do with this.

A. Spotts shares Mr. Varricchio's concern about the expense and also the subpoena power. The Town of Wethersfield's Board of Education has accumulated over \$100,000 of expense. Mr. Spotts hasn't seen any issues over the past ten years that haven't been handled by the First Selectman or Police Department.

P. Ahlquist could understand some of the public comments and concern. It may be due to a misconception of what an Ethics Commission can actually do. Mr. Ahlquist attended a CCM Seminar regarding Ethics Commissions. If the concerns are about an employee stealing or not working and putting in for their time that would come under a class a felony. Ethics Commissions do not affect any criminal investigative powers. He learned that primarily Ethics Commission is set up for volunteer positions on boards and commissions. Other employees have rules and regulations or in-house rules that they have to follow. Ethics Commissions have no enforcement and have no authority to set penalties.

A. Waters stated that this board is made up of volunteers. If someone brings charges up they are guilty until proven innocent. If charges are brought against a board or commission member people wouldn't be willing to serve.

A. Halibozek thought that the last revision took out the subpoena powers.

J. Flanders agreed with a lot that was said during citizen comments but many of the items stated were criminal issues and would not fall under the jurisdiction of an Ethics Commission. Mr. Flanders said that there is a perception out there that ethics are inadequately supported by the community. What Mr. Flanders envisions is a commission which has a charge to initially determine what ethical issues should be addressed; it is a matter of research. They should be given a specific charge and timelines. If a commission is appointed give them a few months to look into what ethical issues we potential face in this community, if any, that can't already be addressed. The next commission would have the ability to obtain legal advice. Mr. Flanders would like to see a commission of 5 members appointed with a timeline of six months to see what issue there is and report back to the board. The board would then determine if the issues brought forward by the commission would warrant further action.

Motion made by A. Halibozek seconded by J. Flanders to appoint a Commission of 5 members charged with exploring what ethical issues should be deal with by a municipality and report back to the board early in 2011 and to develop a charter for that commission of what is within scope and what is not within scope.

Aye: J. Flanders, A. Halibozek

Nay: A. Varricchio, A. Waters, A. Spotts, P. Ahlquist

Motion failed

7. Discussion and action to appoint a Charter Revision Commission.

A. Waters is in favor of appointing a Charter Revision Committee, but the charge a few years back was way overboard. Mr. Waters feels that the committee should be charged to tweak the charter; it should reworked not overhauled.

J. Flanders stated that Charter Revision Commissions are covered by State Statue and isn't sure of what they can tell them; he will get an opinion prior to appointment of the commission. There are rules that no more than three members can be current town government officials and there are minority representative rules. He will put together the rules and contact the town committees and the newspapers for volunteers.

A. Varricchio agrees that the Charter needs to be tweaked and believes that the Commission will need to communicate with the board.

A. Halibozek asked for confirmation that names will be brought forward at the next meeting so they can be appointed and begin their work.

J. Flanders asked the board to forward any suggestions or recommendations to him regarding the commission.

Motion made by A. Waters seconded by A. Halibozek and *unanimously carried* to appoint a Charter Revision Commission of seven to be appointed with a charges and restrictions at the next meeting.

8. Discussion regarding Economic Development matters.

A. Waters asked if the RFP for an Economic Development Coordinator went out.

First Selectman Flanders informed the board that it had and a copy of the RFP was left on the table for each member of the board. A short discussion followed.

A. Waters reported that when businesses come in to Town Hall to apply for certain things, hostile and negativity transpire right out in the open. We cannot afford to lose prospective new businesses in this town. People are afraid to come to Cromwell not because of the economy. Cromwell has a black eye on the reputation of cooperation from certain departments. Mr. Waters is happy to see that the RFP went out and is looking forward to seeing it come in front of us so we can hopefully move forward.

A. Halibozek stated that the information provided by Anthony Price is good information and thinks that he is trying to make good progress. Ms. Halibozek thanked Mr. Waters for his comments and supports his efforts.

P. Ahlquist thinks that we need to move as quickly as possible in the area of Economic Development. It needs to be a top priority. We also need to support our existing businesses.

A. Spotts is pleased that the Economic Developer reports directly to the First Selectman and that the RFP went out. Mr. Spotts showed a book of over 50 empty store fronts in Cromwell. The person that fills the EDC position needs to fill the buildings as soon as possible.

9. Authorize the First Selectman to sign Assistance Agreement with the State of Connecticut Department of Economic and Community Development for \$200,000 STEAP Grant for Historic Downtown & Riverfront Improvements -Phase II.

Motion made by A. Varricchio seconded by P. Ahlquist and *unanimously carried* to authorize the First Selectman to sign Assistance Agreement with the State of Connecticut Department of Economic and Community Development for \$200,000 STEAP Grant for Historic Downtown & Riverfront Improvements -Phase II.

10. Discussion and action to approve resolution for Geer Street Project.

Motion made by A. Spotts seconded by A. Waters and *unanimously carried* to approve resolution for Geer Street Project.

G. APPROVAL OF MINUTES

1. Special Meeting May 19, 2010

Motion made by A. Varricchio seconded by A. Spotts and *unanimously carried* to approve the minutes of May 19, 2010.

H. FIRST SELECTMAN'S COMMENTS

First Selectman Flanders reported:

- Dave Manfredi, Jim Conroy and Sue Grillo are retiring on June 30th.
- Captain Nelson is retiring on July 9, 2010.
- Surveyors are working on New Lane, the project is moving forward.

- They did borings to anchor the sea wall near Frisbee Landing Park.
- Bids are being received for Iron Gate Lane reconstruction.
- Captain Nelson received the Chief Michael Green award.
- Geer Street is ready to go.
- Cider Hill reconstruction is scheduled to begin on July 12.
- Finance Director Sylvester and the Finance Department received an Excellence in Financial Reporting award from the GFOA.
- Dan Ouellette completed the Connecticut Public Works Academy class.

The consensus of the board was to approve a resolution thanking Dave Manfredi, Jim Conroy, Sue Grillo and Captain Roy Nelson for their years of service to the town.

I. GOOD & WELFARE

- A. Spotts -Requested an update on Stocking Triangle and Melillis.
- A. Waters -Suggested that a resident watch dog is needed to keep an eye on town road projects.
- A. Varricchio -Spoke about catch basins on Eager Lane, the feedback from the microphones in room 224/5, informed the board that P&Z denied the bond reduction for Cobblestone until the job is complete and informed the Board that P&Z waived 300 feet of sidewalks on Woodside Road. Instead of installing the sidewalks the builder will correct a resident's water problem that was caused by the school building project.
- A. Halibozek -the ZBA application process is being revised by Craig Minor so people will have a better understanding of what a hardship is and whether they should apply. Ms. Halibozek asked the status of the cable line for GKN. Several of the selectmen are having problems accessing the town e-mail system. If they wish to provide another e-mail address or prefer being contacted in another fashion they should advise the First Selectman's Office. Students were expelled from the Middle School because of drugs. The Board of Education is not communicating this information to parents. Ms. Halibozek feels that parents should be informed.
- A. Spotts -Stated that the incident was reported in the May or June Board of Education Minutes.

J. COMMISSION REPORTS

None

K. RESIGNATIONS

- 1. Senior Services Commission
 - a. Al Kane

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to accept Mr. Kane's resignation with regret.

L. APPOINTMENTS

1. Senior Services Committee
 - a. Claire Hickey, term expires April 2012
2. Connecticut River Assembly
 - a. Richard Newton, Alternate, term expires January 2013

Motion made by A. Waters seconded by A. Varricchio and *unanimously carried* to approve appointment's 1 & 2.

M. EXECUTIVE SESSION

Motion made by A Halibozek seconded by A. Varricchio and *unanimously carried* to adjourn to Executive Session at 9:20 p.m. for item 1 only.

Motion made by P. Ahlquist seconded by A. Varricchio and *unanimously carried* to come out of Executive Session at 9:40 p.m.

1. Pending Litigation
 - a. Discussion and possible action

Motion made by P. Ahlquist seconded by A. Varricchio and *unanimously carried* to authorize the First Selectman to conduct this issue as appropriate.

M. ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Re Matus
Secretary

John M. Flanders
First Selectman