

**TOWN OF CROMWELL
BOARD OF SELECTMEN
REGULAR MEETING
WEDNESDAY OCTOBER 13, 2010
7:10 P.M. TOWN HALL ROOM 224/5**

**MINUTES AND RECORD OF VOTE
(Revised 11/17/2010)**

Present: John Flanders, Pat Ahlquist, Allan Spotts, Al Waters, Richard Newton, Tony Varricchio and Ann Halibozek
Also Present: Chief of Police Anthony Salvatore, Police Captain Ed Kosinski, and Director of Finance Marianne Sylvester

A. CALL TO ORDER

First Selectman John Flanders called the meeting to order at 7:26 p.m.

B. APPROVAL OF AGENDA

Mr. Flanders added the following agenda items:

Under **New Business**:

13. Discussion and possible action on using bond funds to repair 68 Evergreen Road.
14. Transfer \$ 34,000 from Sidewalk Fund- Fund balance for use in miscellaneous sidewalk repair.
15. Authorize First Selectman to contract and appropriate funds for parking lot repairs at Melilli's Café

A **motion** was made by Dick Newton, **seconded** by Allan Spotts and it was *unanimously approved* to approve the agenda, as amended.

A **motion** was made by Ann Halibozek, **seconded** by Allan Spotts and it was *unanimously approved* to add the following agenda item:

Under **New Business**:

16. Discussion and possible action on purchase of 301 Main Street

A **motion** was made by Allan Spotts, seconded by Dick Newton and it was *unanimously approved* to add the name Philip Gagnon to Item 7a under **Appointments**.

C. CITIZENS COMMENTS

Renee Bruschia of 78 Court Street said that Pierson Park looks better, but the bathrooms need a facelift. They ran out of bathroom supplies at the last football game.

Bob Jahn of 3 Woodside Drive said brush needs to be cleared from the guardrails at Evergreen and Chestnut; the fence along the west side of the High School needs to be cleared of overgrown brush; the recycling barrels are working out well in the parks, but are being used for garbage in some instances- an actual garbage barrel should be placed next to all of the recycling barrels; the vacant lot on the corner of Newbury Road and Woodside is overgrown and the owners should be asked to clean it up; and the end of term for the vacant EDC position should be listed as 12/2012.

Al Diaz of 15 Thistle Down said there should be citizens' comments at the beginning and end of the meeting. Lower Main Street needs maintenance; grass is growing through the cracks in the road and the flowers in the pots were dead all summer. The town should maintain the riverfront park; it should not be up to citizens to clean it up.

Stanley Stachura of 47 Geer Street spoke as a member of the Economic Development Commission and urged the Board to sign a contract with Craig Stevenson as EDC Consultant.

Sal Petrella, attorney from 630 Main Street said he was representing Mr. Coons and asked that any discussion regarding the sale of land at Senator Drive take place in executive session.

Mertie Terry of 589 Main Street spoke in support of hiring Craig Stevenson as EDC Consultant.

Richard Nobile of 50 Hillside Road spoke in support of hiring Craig Stevenson as EDC Consultant.

Myron Johnson of 16 Pleasant Street asked if the town would deliver fill to the residents of Cider Hill; said the construction at Prospect Hill Road has created a knoll that blocks site lines; asked about the status of the steps at ABC Restaurant; requested a traffic light on Main Street at Evergreen and said the Welcome to Cromwell signs need to be maintained.

Rich Waters of 84 South Street said supplying high speed internet to the GKN building would be a good investment; the baseball diamonds at Pierson Park are not in good shape; the new fence around the middle school is not being maintained and supported the hiring of Craig Stevenson for EDC consultant.

D. STAFF REPORTS

Director of Human Services Theresa Strong distributed a quarterly report and discussed the activities of her department.

Chief Salvatore discussed the reason that four trees were removed from the Police Department lot.

Director of Finance Marianne Sylvester referred to Quarterly Financial Report, and said all items are currently on target.

Mr. Spotts inquired into the absence of Director of Public Works Eric Hood. Mr. Flanders said Mr. Hood had another commitment and would be at the next meeting. Mr. Spotts said he would have liked a written report from the department and wants Mr. Hood to attend the next meeting. Mr. Ahlquist and Ms. Halibozek echoed Mr. Spotts' sentiments.

E. FINANCIAL

1. Tax Refunds- see attached list

A **motion** was made by Al Waters, **seconded** by Ann Halibozek and it was *unanimously approved* to approve refund items a-bbb.

F. UNFINISHED BUSINESS

1. Grievance Step 3 –
a. Lori Labbadia

A **motion** was made by Al Waters, **seconded** by Pat Ahlquist and it was *unanimously approved* to take item F. 1 off the table.

Lori Labbadia, Union Representative Dave Hebert and Chief Salvatore discussed the grievance. Ms. Labbadia requested that the deliberations be held in executive session.

A **motion** was made by Dick Newton, **seconded** by Tony Varricchio and it was *unanimously approved* to go into executive session for discussion and action on the grievance at 8:25 p.m. Lori Labbadia and Dave Hebert attended executive session.

A **motion** was made by Dick Newton, **seconded** by Al Waters and it was *unanimously approved* to come out of executive session at 8:43 p.m.

A **motion** was made by Dick Newton, **seconded** by Ann Halibozek and it was *unanimously approved* to find in favor of the grievant, Lori Labbadia in that her proposed solution of an arm patch should prevail.

2. Authorize First Selectman to sign contract for EDC Consultant

Mr. Flanders said he had asked the two top candidates to attend the meeting and one of the candidates had not yet arrived. The Board agreed, by general consent that item F. 2. should remain tabled until later in the evening, once the second candidate arrived.

G. NEW BUSINESS

1. Authorize First Selectman to contract for legal services

Mr. Flanders said the Planning and Zoning Commission requested an attorney who specializes in land use issues deal with the Senator Drive issue, rather than Town

Attorney Jack Bradley. Mr. Newton asked if the Commission had requested someone from another firm, or if they just wanted an attorney other than Mr. Bradley. Ms. Halibozek said she had attended the P&Z meeting and the use of another attorney from the Town's firm of Rome McGuigan was not precluded.

The Board members agreed, by general consent, to request that an attorney specializing in land use issues (not Jack Bradley) represent the Town regarding the Senator Drive issue.

Mr. Flanders asked for funding to pay for legal representation for the town employees involved in the Senator Drive investigation. Mr. Newton said that action is premature, because no criminality has been determined. Mr. Ahlquist said the town has a responsibility to provide legal protection for actions within the scope of the employee's employment. Mr. Flanders said he would not continue to be involved in the investigation without legal counsel.

A **motion** was made by Dick Newton, **seconded** by Allan Spotts and it was *approved* to table the retention of legal counsel for the employees involved in the investigation, pending the outcome of the police department's investigation, with Al Waters, Allan Spotts, Dick Newton, Pat Ahlquist and Ann Halibozek **in favor**, John Flanders **opposed** and Tony Varricchio **abstained**. *Motion passed.*

Economic Development Consultant candidate Craig Stevenson arrived.

A **motion** was made by Al Waters, **seconded** by Allan Spotts and it was *unanimously approved* to take item F. 2 off the table.

Mr. Flanders introduced candidate #1, Jeffrey Vose. Mr. Vose spoke briefly about his qualifications and answered questions from the Board.

Mr. Flanders introduced candidate #2, Craig Stevenson. Mr. Stevenson spoke briefly about his qualifications and answered questions from the Board.

Mr. Newton made a **motion** to hire Connected To Connecticut (Craig Stevenson) as EDC Consultant for the Town of Cromwell.

Mr. Flanders called a point of order and said according to Town Charter, the First Selectman chooses the candidate, and the Board can only approve or disapprove. His choice for the position is Mr. Vose.

Mr. Newton disagreed and said past practice has been for the Board members to choose and approve.

Town Attorney Jack Bradley cited Section 702 of the Cromwell Town Charter, which states that "the First Selectman, with the approval of the Board, shall appoint and remove..." but, that section 505 gives all legislative authority to the Board.

Al Waters **seconded** Mr. Newton's motion, and it was **approved** to sign a two-year contract with Connected to Connecticut to serve as Cromwell's EDC Consultant, with Al

Waters, Allan Spotts, Dick Newton, Pat Ahlquist and Ann Halibozek **in favor**, John Flanders **opposed** and Tony Varricchio **abstained**. *Motion passed*.

Mr. Flanders stated that the Board has usurped his authority and he will request a legal opinion on this matter.

2. Discussion and possible action on wetlands property on Senator Drive.

Ms. Halibozek made a **motion** to go into executive session to discuss pending claims or litigation.

Mr. Flanders asked, in the interest of time, to defer the executive session until the rest of the night's business had been completed. The Board members agreed by general consent.

3. Approve request for Educational Assistance from Captain E. Kosinski for Fall semester- \$1,000

A **motion** was made by Pat Ahlquist, **seconded** by Allan Spotts and it was *unanimously approved* to approve the request for Educational Assistance from Captain E. Kosinski for the Fall semester in the amount of \$1,000.

4. Discussion and action to approve Emergency Medical Dispatch Agreement with the Fire District.

A **motion** was made by Dick Newton, **seconded** by Allan Spotts and it was *unanimously approved* to approve the Emergency Medical Dispatch Agreement with the Fire District.

5. Discussion and action to authorize applying for and authorizing the First Selectman to sign the DUI Law Enforcement Grant.

A **motion** was made by Dick Newton, **seconded** by Pat Ahlquist and it was *unanimously approved* to approve the First Selectman to apply for and sign the DUI Law Enforcement Grant.

6. Discussion and action to approve depositing NCIC Upgrade Funds of \$7,784.26 into the Police Communication Revolving Account.

A brief discussion followed with Chief Salvatore.

A **motion** was made by Pat Ahlquist, **seconded** by Allan Spotts and it was *unanimously approved* to approve depositing NCIC Upgrade Funds of \$7,784.26 into the Police Communication Revolving Account.

7. Discussion and action to authorize First Selectman to apply for sign \$36,478 Emergency Preparedness Grant

a. Discussion and action to approve Consultant Contract- \$11,500.

Director of Public Health Wesley Bell briefly discussed the grant and the work done by the consultant.

A **motion** was made by Dick Newton, **seconded** by Al Waters and it was *unanimously approved* to approve authorize the First Selectman to apply for and sign the \$36,478 Emergency Preparedness Grant.

8. Change road name from Newbury Street to Newbury Road.

A **motion** was made by Pat Ahlquist, **seconded** by Ann Halibozek and it was *unanimously approved* to change the road name approved as Newbury Street to Newbury Road.

9. Discussion and Appointment of two Board of Selectmen members to the Long Range Planning Committee.

A **motion** was made by Dick Newton, **seconded** by Al Waters and it was *unanimously approved* to appoint Ann Halibozek and Pat Ahlquist as members to the Long Range Planning Committee.

10. Discussion regarding High Tech Park- GKN

Dick Mobile, Chairman of EDC conducted a lengthy discussion regarding the town's funding of hard wiring GKN's building for high speed internet at a cost of \$29,000. Mr. Waters said the funding could come from STEAP funds. Mr. Ahlquist suggested that someone contact DPUC regarding the cost quoted by Comcast.

11. Discussion and action on Capital/Non-Recurring Fund 2010/11 requests.

1. Public Works Solid Waste
 - a. Backhoe - \$80,000
2. Highway Department
 - a. 40,000 lb. Dump Truck w/ Plow and Sander- \$175,000
3. Building Maintenance
 - a. Parking Lot LED Lighting Upgrade- \$24,700
4. Recreation Department
 - a. Town Hall Gym Floor- \$40,000
5. Discussion and Action to transfer \$300,000 from the General Fund- Fund Balance to CNR Fund Balance

Ms. Sylvester said this transfer would not negatively impact the Fund Balance because several grants are going to be reimbursed by the end of the fiscal year. The Fund Balance currently stands at 9.5 % of operating budget.

A **motion** was made by Dick Newton, **seconded** by Tony Varricchio and it was *approved* to approve the request by Public Works for an \$80,000 backhoe, with six **in favor** and Pat Ahlquist **opposed**.

Discussion regarding the necessity of purchasing the dump truck with plow took place.

A **motion** was made by Pat Ahlquist, **seconded** by Al Waters and it was *approved to table* the request by the Highway Department for a \$175,000 dump truck with plow, pending more information from Eric Hood, with five **in favor** and John Flanders and Tony Varricchio **opposed**.

A **motion** was made by Ann Halibozek, **seconded** by Pat Ahlquist and it was *unanimously approved* to approve the request by Building Maintenance for \$24,700 for the Parking Lot LED Lighting Upgrade.

Park and Recreation Director Sue Schein discussed the necessity of replacing the gym floor in Town Hall.

A **motion** was made by Pat Ahlquist, **seconded** by Ann Halibozek and it was *unanimously approved* to approve the request by the Recreation Department to replace the Town Hall Gym Floor for \$40,000.

A **motion** was made by Dick Newton, **seconded** by Tony Varricchio and it was *unanimously approved* to transfer \$300,000 from the General Fund- Fund Balance to the CNR Fund- Fund Balance.

G. New Business

2. Discussion and possible action on wetlands property on Senator Drive.

A **motion** was made by Dick Newton, **seconded** by Al Waters and it was *unanimously approved* to go into executive session, to discuss pending claims or litigation, at 10:48 p.m. Town Attorney Jack Bradley was invited into executive session. Selectman Varricchio recused himself from executive session.

A **motion** was made by Dick Newton, **seconded** by Ann Halibozek and it was *unanimously approved* to come out of executive session at 11:20 p.m.

12. Discussion and action on appropriating \$57,250 from the Bond Fund to repair a portion of Evergreen Road.

A **motion** was made by Dick Newton, **seconded** by Al Waters and it was *unanimously approved* to appropriate \$57,250 from the Bond Fund to repair a portion of Evergreen Road.

13. Discussion and action on a transfer from the Sidewalk Fund-Fund Balance \$34,000 for miscellaneous sidewalk repairs.

A **motion** was made by Allan Spotts, **seconded** by Dick Newton and it was *unanimously approved* to transfer \$34,000 from the Sidewalk Fund-Fund Balance for miscellaneous sidewalk repairs.

14. Discussion and action to authorize the First Selectman to appropriate \$10,000 and sign a contract to repair drainage problems in the parking lot of Melilli Café.

Ms. Sylvester warned against using public funds for private property. Mr. Flanders said a precedent had been set based upon the improvements made at other businesses in the downtown business district.

A **motion** was made by Allan Spotts, **seconded** by Dick Newton and it was *approved* to authorize the First Selectman to appropriate \$10,000 and to sign a contract to repair drainage problems in the parking lot of Melilli Café, with five **in favor**, Ann Halibozek **opposed** and Tony Varricchio **abstained**.

16. Discussion and action on the purchase of property at 310 Main Street.

A **motion** was made by Dick Newton, **seconded** by Ann Halibozek and it was *unanimously approved* to refer the issue to EDC for consideration.

H. APPROVAL OF MINUTES

1. Regular Meeting, September 8, 2010

A **motion** was made by Al Waters, **seconded** by Dick Newton and it was *unanimously approved* to approve the minutes as submitted.

2. Special Meeting, September 15, 2010

A **motion** was made by Al Waters, **seconded** by Tony Varricchio and it was *approved* to approve the minutes as submitted, with six **in favor** and Pat Ahlquist **abstained**.

3. Special Meeting, September 29, 2010

A **motion** was made by Allan Spotts, **seconded** by Al Waters and it was *approved* to approve the minutes as submitted, with five **in favor** and Tony Varricchio and Pat Ahlquist **abstained**.

I. FIRST SELECTMAN'S COMMENTS

Mr. Flanders said he met with the Masons about the steps at ABC Restaurant and they have found a solution that will be funded by the Downtown Redevelopment Grant. He said he wanted to go on the record to praise the work done by the Public Works and Sewer employees at Cider Hill.

He also wanted to give kudos to Assessor Shawna Baron for the assistance she offered Liturgical Publications as they expand their facility.

J. GOOD & WELFARE

Mr. Ahlquist spoke about the emergency generator and solar panels at Town Hall and asked for a report on the expenditures at Cider Hill.

Mr. Waters asked when the horseshoe pit and bocce courts would be built at the Riverfront Park. Mr. Flanders said in the spring of 2011.

Mr. Waters commented on the Siemens contract and asked if the problems have been corrected.

Mr. Spotts asked Mr. Flanders not to delay in getting a legal opinion regarding the hiring of Connected to Ct.

At the request of Mr. Spotts, Mr. Flanders discussed the Capilos Drive drainage issue; the resolution to the repaving of the Cromwell Hills Drive entrance off of Shunpike and the purchase of the old Diamond Trio building by a new owner, who is living up to his obligations.

Ms. Halibozek asked Mr. Flanders to look into replacing the sound system in Meeting Room 224.

K. COMMISSION REPORTS

There were no commission reports.

L. RESIGNATIONS

1. Economic Development Commission
 - a. Merrie Buchsbaum
2. Charter Revision Commission
 - a. Robert Donahue

A **motion** was made by Allan Spotts, **seconded** by Dick Newton and it was *unanimously approved* to accept resignations 1. a. and 2.a., with regret.

M. APPOINTMENTS

1. Committee to Support People with Disabilities
 - a. Barbara Kuznesof-Knee
2. Senior Services Commission
 - a. Loris Balkun
3. Mattabassett District
 - a. Tom Tokarz
4. Zoning Board of Appeals
 - a. Brian Fisk
5. Cromwell Youth Service Advisory Bureau
 - a. Ernest Pandolfi
 - b. Nicole Mawkinski
 - c. Elaine Littmann
 - d. Pam Grande
 - e. Karen Ireland
 - f. Ben Gidman
 - g. Suzanne Rutner
 - h. Manon LeFevre
 - i. Municipal Representative
 - j. Police Representative
 - k. School Representative
 - l. Alexia Riley
 - m. Sue Schein
 - n. Ann France
 - o. Marsha Sacco
6. Economic Development Commission
 - a. Stanley Stachura, to fill vacant position, term expires 3/2013
7. Charter Revision Commission

a. Philip Gagnon

A **motion** was made by Allan Spotts, **seconded** by Ann Halibozek and it was *unanimously approved* to approve appointments 1. a. through 7. a.

N. ADJOURNMENT

A **motion** was made by Ann Halibozek, **seconded** by Al Waters and it was *unanimously approved* to adjourn at 11:53.

Respectfully submitted,

Kimberly Larson
Temporary Recording Secretary
10/15/10
(revised 11/17/10)

John Flanders
First Selectman