

TOWN OF CROMWELL
BOARD OF SELECTMEN
REGULAR MEETING
WEDNESDAY FEBRUARY 9, 2011
7:10 P.M. TOWN HALL ROOM 224/5

RECEIVED FOR FILING
2-3 2011 at 2:32 p.m.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Jean Augustine Flesht
TOWN CLERK

AGENDA

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. CITIZENS COMMENTS

D. STAFF REPORTS

E. FINANCIAL

1. Tax Refunds

- a. Nadeka LLC -\$45.00
- b. Bank of America -\$1,692.00
- c. Corelogic Real Estate Tax Service -\$10,172.67
- d. GMAC Mortgage Corp. -\$6,355.40
- e. Wells Fargo Real Estate Tax Service -\$15,557.44
- f. A & L Enterprises LLC. -\$79.28
- g. Steven P. Nielson -\$60.15
- h. VW Credit Leasing LTD =\$155.46
- i. Nissan Infiniti LT -\$757.86
- j. Liberty Bank -\$6,014.40
- k. Roy M. or Nancy A. Robbins -\$137.47
- l. Arborio Corporation -\$904.17
- m. John D. & Deborah R. Schmaltz -\$10.32
- n. Anthony J. Setaro III -\$1,030.00

2. Budget Reports

3. Appropriate \$200,000 from General Fund fund-balance to pre-fund the 2011 STEAP grant for the Dead Man Swamp & Cromwell Land Park Revitalization project, as approved by the Board of Finance. Funds will be reimbursed through the State of Connecticut.

F. UNFINISHED BUSINESS

1. Discussion and action to approve Park Use Rules and Regulations. -Tabled

G. NEW BUSINESS

- 1. Discussion and action to approve Educational Assistance request from Officer M. McCarter for Spring 2011 semester. -\$1,000
- 2. Set dates and times for Budget Workshop Meetings.
- 3. Consider amendment to Sr. Tax Abatement Program.

H. APPROVAL OF MINUTES

1. Special Meeting, January 19, 2011

I. FIRST SELECTMAN'S COMMENTS

J. GOOD & WELFARE

K. COMMISSION REPORTS

L. RESIGNATIONS

M. APPOINTMENTS

1. Board of Finance
 - a. Victor Harpley, Alternate, Term expires 12/12 -Tabled
2. Capital Expenditures Commission
 - a. Victor Harpley, re-appointment, Term expires 12/14 -Tabled
 - b. Jennifer Donohue, re-appointment, Term expires 12/14
 - c. Steve Regula, re-appointment, Term expires 12/14
3. Inland Wetlands and Watercourses Agency
 - a. Wynn Muller, re-appointment, Term expires 12/14

N. ADJOURNMENT

FOR 2011 07

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
001	FIRST SELECTMAN'S OFFICE		255,521	141,074.49	607,42	114,026.14	55.4%
002	TOWN CLERK'S OFFICE	187	205,537	104,914.92	10,951.73	90,079.62	56.3%
003	REGISTRAR OF VOTERS	409	58,426	36,258.95	232.89	21,934.16	62.5%
004	PLANNING COMMISSION	0	2,140	779.22	.00	1,360.78	36.4%
005	ECONOMIC DEVELOPMENT	0	40,200	10,471.61	19,515.00	10,213.39	74.6%
006	BOARD OF FINANCE	0	29,080	22,355.63	5,700.00	1,024.37	96.5%
007	CAPITAL EXPENDITURE COMM	0	90	.00	.00	90.00	.0%
008	CHARTER REVISION COMM	0	571	594.28	.00	-23.28	104.1%
009	BOARD OF ASSESSMENT APPEALS	0	1,300	156.19	.00	1,143.81	12.0%
010	ZONING BOARD OF APPEALS	0	1,100	416.34	.00	683.66	37.8%
011	INLAND WETLANDS	0	1,685	705.05	16.98	962.97	42.9%
012	COMM. FOR DISABLED PEOPLE	0	525	195.00	.00	330.00	37.1%
013	DONATIONS AND DUES	0	37,863	31,850.58	.00	6,012.42	84.1%
014	BOARD OF SELECTMEN	0	9,384	4,236.38	.00	5,147.62	45.1%
015	LEGAL EXPENSE	0	166,636	58,056.12	98,284.48	10,295.40	93.8%
016	CENTRAL SERVICES	0	97,700	56,892.43	34,705.34	6,102.23	93.8%
017	INSURANCE EXPENSE	0	436,158	335,831.92	81,171.49	19,154.59	95.6%
018	GENERAL EXPENSE	0	86,650	463,650	16,607.71	11,579.00	97.5%
019	DEVELOPER/PLANNER	377,000	85,288	48,933.99	.00	37,504.71	56.6%
020	FINANCE DEPARTMENT	1,151	323,719	184,308.99	1,078.46	139,816.89	57.0%
021	TAX COLLECTOR	1,485	177,652	102,291.26	1,357.16	74,003.58	58.3%
022	ASSESSOR'S OFFICE	0	186,628	108,941.53	5,618.31	72,178.55	61.4%
023	TREASURER'S OFFICE	0	300	121.45	.00	178.55	40.5%
030	PUBLIC WORKS ADMIN.	0	174,806	89,725.44	12,000.56	73,080.00	58.2%
031	ENGINEERING	0	335,698	173,472.58	2,046.30	160,480.37	52.2%
032	SOLID WASTE REMOVAL	301	687,860	339,442.22	279,966.75	67,451.03	90.0%
033	BUILDING INSPECTION	0	153,066	85,655.57	571.64	67,530.54	56.1%
034	HIGHWAY DEPT.	692	1,148,772	611,967.45	158,481.90	379,544.81	67.0%
035	BUILDING MAINTENANCE	1,222	504,663	319,433.42	17,102.02	168,127.56	66.7%
036	PARKS & GROUNDS	0	278,094	153,353.89	5,388.24	119,351.87	57.1%
037	PUBLIC WORKS-OTHER	0	438,125	231,087.78	211,220.45	-4,183.23	101.0%
038	VEHICLE MAINTENANCE	0	267,427	142,091.14	38,128.25	88,238.48	67.1%
040	POLICE DEPARTMENT	1,031	2,721,469	1,538,597.11	19,018.68	1,175,239.85	57.0%
041	EMERGENCY MANAGEMENT	11,387	9,700	4,589.32	.00	5,110.68	47.3%
042	ANIMAL CONTROL	0	80,441	51,617.85	.00	28,823.15	64.2%
050	HEALTH DEPARTMENT	0	149,255	75,365.37	29,015.75	44,873.88	69.9%
051	HUMAN SERVICES	0	95,975	52,945.41	762.71	42,266.88	56.0%
053	SENIOR SERVICES	0	77,648	41,898.97	4,044.83	31,826.30	59.1%
054	YOUTH SERVICES	122	101,392	51,103.86	3,850.39	46,437.75	54.2%
055	TRANSPORTATION SERVICES	0	95,464	50,133.17	1,839.24	43,491.59	54.4%
060	RECREATION DEPARTMENT	0	366,188	205,832.31	1,702.93	160,098.05	56.5%
061	LIBRARY	1,445	525,309	300,016.81	34,544.00	191,919.71	63.5%
070	BONDED DEBT	1,172	4,135,977	701,469.94	.00	3,434,507.06	17.0%
080	EMPLOYEE BENEFITS	0	2,832,707	1,365,393.15	871,421.45	575,288.46	79.5%
		-20,604	2,812,103	1,365,393.15	871,421.45	575,288.46	79.5%

02/02/2011 11:44
msylvest

TOWN OF CROMWELL, CT
YEAR-TO-DATE BUDGET REPORT

PG 2
g1ytdbud

FOR 2011 07

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
090 BOARD OF EDUCATION							
090 BOARD OF EDUCATION	24,834,587	0	24,834,587	11,063,203.01	.00	13,771,383.99	44.5%
119 DEVELOPMENT COMPLIANCE	69,048	0	69,048	39,057.42	303.20	29,687.38	57.0%
120 CONSERVATION COMMISSION	1,250	0	1,250	625.10	.00	624.90	50.0%
GRAND TOTAL	42,289,074	377,000	42,666,074	19,372,927.91	1,967,256.26	21,325,889.83	50.0%

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REVENUES

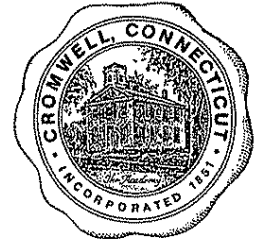
FOR 2011 07

	ORIGINAL ESTIM REV	ESTIM REV ADJUSTMTS	REVISED EST REV	ACTUAL YTD REVENUE	REMAINING REVENUE	PCT COLL.
002 TOWN CLERK'S OFFICE	-290,200	0	-290,200	-175,931.72	-114,268.28	60.6%
021 TAX COLLECTOR	-36,847,919	0	-36,847,919	-23,248,900.89	-13,599,018.11	63.1%
022 ASSESSOR'S OFFICE	-2,000	0	-2,000	-1,524.00	-476.00	76.2%
030 PUBLIC WORKS ADMIN.	-15,300	0	-15,300	-15,204.87	-95.13	99.4%
033 BUILDING INSPECTION	-200,050	0	-200,050	-92,900.00	-107,150.00	46.4%
040 POLICE DEPARTMENT	-74,900	0	-74,900	-61,448.92	-13,451.08	82.0%
042 ANIMAL CONTROL	-1,000	0	-1,000	-75.00	-925.00	7.5%
050 HEALTH DEPARTMENT	-18,560	0	-18,560	-2,935.00	-15,625.00	15.8%
053 SENIOR SERVICES	-3,900	0	-3,900	-650.00	-3,250.00	16.7%
054 YOUTH SERVICES	-1,000	0	-1,000	-670.00	-330.00	67.0%
060 RECREATION DEPARTMENT	-92,265	0	-92,265	-89,374.00	-2,891.00	96.9%
061 LIBRARY	-11,000	0	-11,000	-6,615.44	-4,384.56	60.1%
206 BOARDS & COMMISSIONS	-4,090	0	-4,090	-9,519.53	5,429.53	232.8%
207 STATE OF CONNECTICUT	-4,242,556	0	-4,242,556	-2,163,002.87	-2,079,553.13	51.0%
208 MISCELLANEOUS SOURCES	-258,223	0	-258,223	-84,855.09	-173,367.91	32.9%
999 FUND BALANCE	-226,111	0	-226,111	-84,855.09	-226,111.00	.0%
GRAND TOTAL	-42,289,074	0	-42,289,074	-25,953,607.33	-16,335,466.67	61.4%

** END OF REPORT - Generated by marianne sylvestre **



**CROMWELL
POLICE DEPARTMENT**
5 WEST STREET
CROMWELL, CT 06416



ANTHONY J. SALVATORE, SR.
CHIEF OF POLICE

PHONE: (860) 635-2256
FAX: (860) 635-8248

TO: John Flanders
First Selectman

FROM: Chief Anthony J. Salvatore

SUBJECT: Educational Assistance

DATE: January 24, 2011

I have been advised by Officer Matthew McCarter that he will be furthering his education at Central Connecticut State University, during the Fall 2010 session, taking courses per his attached memorandum.

The cost for these courses is approximately \$2,305.00 and upon its successful completion he will be forwarding his grades and will be seeking the allowable \$1,000 reimbursement, as stated in the Police Union Contract.

I have approved of this request, and am requesting that this be placed on the February 9, 2011, meeting Agenda of the Board of Selectmen for their approval.

AJS/md

cc: Officer Matthew McCarter

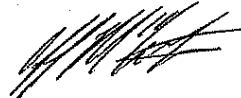
Marianne Sylvester
Director of Finance

To: Chief Salvatore
From: Officer McCarter
Date: 01/23/11
Re: Tuition Reimbursement

Chief,

As per the union contract I am requesting tuition reimbursement for the Spring 2011 semester. I will be attending Central Connecticut State University, an accredited university. I am pursuing a Bachelor of Arts degree in Criminology. I will be taking a Criminology 368 course titled Defendant Assessment in the Legal System (course number 43773). This class fulfills part of the Criminology requirement of the Criminology curriculum. I am also taking a Sociology 322 course titled Race and Ethnic Relations (course number 45268). This class fulfills part of the Minor requirement of the Criminology curriculum. The tuition for these classes is \$2,305.00. I am seeking the maximum reimbursement amount of \$1,000.00 for the Spring 2011 semester.

Respectfully Submitted,



Off. McCarter


Student Detail Schedule:

Spring 2011
Jan 24, 2011 02:14 am

Click here for textbooks.


Total Credit Hours: 6.000

Defendant Assess in Legal Sys - CRM 368 - 01


Associated Term: Spring 2011
CRN: 43773
Status: **Web Registered** on Nov 10, 2010
Assigned Instructor: Amy R. Hyman Gregory 

Grade Mode: Standard Letter
Credits: 3.000
Level: Undergraduate
Campus: CCSU

Scheduled Meeting Times


Type Time	Days Where	Date Range	Schedule Type	Instructors
Class 1:40 pm - 2:55 pm	MW Robert Vance Academic Center 307	Jan 24, 2011 - May 21, 2011	Lecture	Amy R. Hyman Gregory (P) 

Race and Ethnic Relations - SOC 322 - 01

Associated Term: Spring 2011
CRN: 45268
Status: **Web Registered** on Nov 10, 2010
Assigned Instructor: Lashaune P. Johnson 

Grade Mode: Standard Letter
Credits: 3.000
Level: Undergraduate
Campus: CCSU

Scheduled Meeting Times

Type Time	Days Where	Date Range	Schedule Type	Instructors
Class 3:05 pm - 4:20 pm	MW Maria Sanford Hall 117	Jan 24, 2011 - May 21, 2011	Lecture	Lashaune P. Johnson (P) 

Return to Previous

RELEASE: 8.1.1

ARTICLE VI Tax Relief for Elderly and Disabled Homeowners (§ 211-18 — § 211-28)

[Adopted 3-13-2007, effective 4-6-2007]

§ 211-18 Statutory authority; purpose.

The Town of Cromwell hereby enacts a tax credit for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the Town of Cromwell on the terms and conditions provided herein. The program is enacted for the purpose of assisting such homeowners with a portion of the costs of property taxation. This program shall be known as the "Cromwell Senior Citizen Tax Abatement Program."

§ 211-19 Eligibility.**A.**

An applicant shall meet the following criteria to be eligible for this program:

(1)

Such person is 65 years of age and over at the close of the preceding calendar year or whose spouse, living with him or her, is 65 years of age or over or 60 years of age or over and the surviving spouse of a taxpayer qualified in Cromwell under this program at the time of his or her death; or

(2)

Under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or has not been engaged in employment covered by Social Security and accordingly has not qualified for benefits thereunder, but has become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teachers' retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security; and

(3)

Applicants under Subsection A(1) or (2) above must have paid real estate taxes in the Town of Cromwell for the five years immediately preceding their receipt of tax benefits under this section and meet the requirements of the Town of Cromwell with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided herein.

(4)

No such property tax relief, together with any relief received by any such resident under the provisions of Sections 12-129b to 12-129d, inclusive, and 12-170aa shall exceed, in the aggregate, the total amount of the tax which would, except for said Sections 12-129b to 12-129d, inclusive, 12-170aa and this section, be laid against the taxpayer.

(5)

Any tax relief granted in accordance with this program shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Sections 12-129b to 12-129d, inclusive, and 12-170aa, and any such tax relief provided under this section shall be in addition to any such benefits for which such resident shall be eligible under said sections; provided, however, that the total tax relief available under all such programs, together with this program, shall not exceed 75% of the tax that would otherwise be payable absent all such programs.

(6)

No person delinquent in payment of his/her real or personal property taxes to the Town of Cromwell or the Cromwell Fire District, and/or fees or assessments due to the Cromwell Water Pollution Control Authority shall be eligible for real property tax relief pursuant to this program.

(7)

An applicant may not be simultaneously registered for or receiving a similar tax relief benefit in any other municipality.

B.

Applicants shall be eligible for real property tax relief as set forth herein, provided all of the following conditions

are met:

(1) Such person has been a resident of the Town of Cromwell for a period of five years prior to the October 1 assessment date, and shall occupy such property as his or her principal residence. "Principal residence" shall be defined as that real property occupied as his or her residence for more than 183 days of each calendar year.

(2) If during a tax year a qualifying taxpayer dies, leaving a spouse who would also qualify under this program, the surviving spouse shall be entitled to receive the remaining benefits for that tax year.

(3) If any person entitled to the tax credit pursuant to this program sells the property upon which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any fiscal years commencing after the date of such sale of the property, and provided further that the purchaser of the property shall pay the Town of Cromwell a pro-rated share of the tax credit the same as provided to the State of Connecticut by Section 12-170aa(i) of the Connecticut General Statutes.

§ 211-20 Application.

A.
Application for benefits under this program shall:

(1) Be made on forms provided by the Town Assessor or the Town of Cromwell and shall be accompanied by a copy of the applicant's federal tax returns for the preceding calendar year or other documentation of all income satisfactory to the Assessor.

(2) Be filed initially with the Assessor of the Town of Cromwell any time between February 1 and May 15 to obtain a tax credit for the next fiscal year. All approved applicants will be required to refile biennially with the Town Assessor to maintain their eligibility. There is no exception to this filing period.

B.
Applications and other documentation presented in support of the application for tax relief shall not be open for public inspection except as required by law.

§ 211-21 Computation of benefits; administration.

A.
The Assessor of the Town of Cromwell shall determine whether each applying taxpayer is entitled to a tax credit under this program and shall compute the amount of tax credit to which each qualified taxpayer is entitled and advise the Tax Collector in what amount to reduce the amount of the tax levied against the taxpayer.

B.
The Assessor is hereby authorized to implement this program, and to adopt such rules and regulations and procedures, consistent with Section 12-129n, as may be necessary for the proper administration of this program.

§ 211-22 Income qualifications.

A.
The maximum allowable income for the Cromwell Senior Citizen Tax Abatement Program shall be \$40,300 for the first year of the program. In subsequent years, upon recommendation of the Board of Finance, the maximum allowable income levels may be modified by the Board of Selectmen. Such changes, if any, are to be implemented prior to the beginning of the next ensuing application period.

B.
The applicant's qualifying income is the income of the applicant and the applicant's spouse, as applicable, or as defined in the State Guidelines for Elderly and Totally Disabled Tax Relief Programs. Income shall include adjusted gross income as defined in the Internal Revenue Code of 1954 as amended; Social Security benefits; railroad retirement benefits; income from other tax-exempt retirement and annuity sources; as well as any other

taxable and nontaxable income, including without limitation rental income and gifts or contributions to living expenses made by any individual other than the applicant's spouse if that individual is 22 years of age or older and his or her principal residence is the applicant's property.

C.

Specifically excluded from qualifying income are Social Security payments made on behalf of a dependent person, casualty loss reimbursement by insurance companies, grants for disaster relief and life insurance proceeds.

§ 211-23 Amount of tax abatement.

Qualifying residents will be eligible for maximum tax credits, subject to the following qualifying income criteria, and further subject to § 211-24 of this article.

Income	Tax Credit (maximum)	§ 211-24 Maximum abatement.	
\$0 to \$27,200	\$900		The total abatement of property tax revenue which may be granted by the Town of Cromwell
\$27,201 to \$40,300	\$600		
Over \$40,300	\$0		

pursuant to the provisions of this program shall be determined by the Board of Finance, but in no event shall it exceed an amount equal to 10% of the total real property tax assessed in the Town of Cromwell in the preceding tax year. If the number of qualified applicants in any year exceeds the amount so allocated, the maximum available tax credits will be reduced pro rata among all qualifying applicants in accordance with rules and procedures adopted by the Assessor.

§ 211-25 Determination of tax relief.

The Assessor shall review applications and information provided by applicants seeking tax credits under this program. The Assessor shall determine eligibility of applicants no later than June 1 of each year and notify the Tax Collector of the amount of tax credit.

§ 211-26 Appeals.

Any applicant aggrieved by any act or determination of the Assessor may appeal to the Board of Selectman in accordance with procedures to be adopted by the Board of Selectmen.

§ 211-27 Periodic program review.

This tax relief program shall be reviewed by the Board of Selectmen and by the Board of Finance the first and second year after implementation and then every two years thereafter or as deemed necessary. The Board of Finance will make recommendations for continuation, modification or termination of this program to the Board of Selectmen.

§ 211-28 Effective date.

This tax relief program will be effective with the Grand List of October 1, 2006, and thereafter.

**TOWN OF CROMWELL
BOARD OF SELECTMEN
SPECIAL MEETING
TUESDAY FEBRUARY 5, 2008
6:00 P.M. Town Hall Room 224/5**

MINUTES

Present: First Selectman J. Shingleton, Deputy First Selectman F. Monnes,
R. Newton, A. Waters, D. Murphy, R. Waters

Absent: M. Johnson

Also Present: Public and Press

A. CALL TO ORDER

First Selectman Shingleton called the Special Meeting to order at 6:10 p.m.

B. APPROVAL OF AGENDA

Motion made by A Waters seconded by F. Monnes and *unanimously carried* to approve the agenda as published.

C. CITIZEN COMMENTS

1. Ann Halibozek, Christian Hill Road - Member of Clean Energy Task Force - spoke in favor of items 1, 2 and 3.
2. Jim O'Rourke, State Representative, Lancaster Road - spoke in favor of items 1, 2 and 3.
3. Mike Gengler, Chairman Board of Finance, Forest Road - spoke in favor of items 1 and 2 and 3.
4. Stan Stachura, Geer Street - spoke in favor of item 1 and 2 and against 3.
5. Peter Keithan, Iron Gate Lane - spoke in favor of item 1 and 2 and against 3.
6. Jennifer Donohue, Franklin Road - spoke in favor of item 1 and 2 and against 3.
7. Dick Coughlin, Glenwood Terrace - spoke regarding the Senior Tax Abatement.
8. Al Spotts, Black Haw Drive - opposed to item 3.
9. Victor Harpley, Wildwood Road -spoke in favor of item 3.
10. Dick Coughlin, Glenwood Terrace - Recommended that in the future when tax exemptions are requested information is provided to the public regarding what the potential financial impact on the taxpayers would be.

D. NEW BUSINESS

1. Recommend continuing Senior Tax Abatement Program.
First Selectman Shingleton made the following recommendations for amending the Senior Tax Abatement Program:

- Make recommendation to the Board of Finance to continue cap of 1/10 of 1 mill times the grand list.
- Increase the overall benefit by 2.4%, which is the cost of living adjustment that was given to all exempt Town Hall employees.
- Qualifying income of non-spouses over the age of 22; take the lower of whatever the actual income is or assign a rental income that would value one or any residents in the house at no more than \$600 a month or \$7,200 a year. Income of caregivers living in the home is excluded.

Motion made by D. Murphy seconded by R. Waters and *carried* to recommend continuing Senior Tax Abatement Program with the amendments

Aye: R. Newton, J. Shingleton, F. Monnes, D. Murphy

Abstained: A. Waters, R. Waters

2. Discussion and action on amending the Code of the Town of Cromwell by adding section VIII, Chapters 211-32, 211-33 and 211-34, Property Tax Exemption for Qualifying Veterans and their Surviving Spouses.

Motion made by F. Monnes seconded by D. Newton and *carried* to approve amending the Code of the Town of Cromwell by adding section VIII, Chapters 211-32, 211-33 and 211-34, Property Tax Exemption for Qualifying Veterans and their Surviving Spouses.

Aye: R. Newton, J. Shingleton, F. Monnes, R. Waters

Abstained: D. Murphy, Al Waters

3. Discussion and action on amending the Code of the Town of Cromwell by adding section VII, Property Tax Exemption for Owners of Hybrid Passenger Cars.

Motion made by A. Waters seconded by F. Monnes to approve amending the Code of the Town of Cromwell by adding section VII, Property Tax Exemption for Owners of Hybrid Passenger Cars.

Discussion followed.

Motion amended by F. Monnes seconded by J. Shingleton to approve amending the Code of the Town of Cromwell by adding section VII, Property Tax Exemption for Owners of Hybrid Passenger Cars with exemption limited to \$3,000 of the assessed value of said vehicle.

Roll Call:

A. Waters Nay

R. Newton Aye

J. Shingleton Aye

F. Monnes Aye

D. Murphy Nay

R. Waters Nay

Motion Failed

Main Motion:

Roll Call:

A. Waters Nay

R. Newton Nay

J. Shingleton Aye

F. Monnes Aye

D. Murphy Nay

R. Waters Nay

Motion Failed

E. ADJOURNMENT

Motion made by D. Murphy seconded by R. Newton and *unanimously carried* to adjourn the Special Meeting at 7:00 p.m.

Respectfully submitted,

Re Matus
Secretary

Jeremy Shingleton
First Selectman

TOWN OF CROMWELL
BOARD OF SELECTMEN
SPECIAL MEETING
WEDNESDAY JANUARY 19, 2011
7:10 P.M. TOWN HALL ROOM 224/5

RECEIVED FOR FILING
1-24 20 11 at 1:11 p.m.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Jean Ahlquist
TOWN CLERK

MINUTES

Present: First Selectman J. Flanders, Deputy First Selectman R. Newton, A. Waters, A. Spotts, P. Ahlquist, A. Varricchio, A. Halibozek

Absent: None

Also Present: J. Mazurek, T. Strong, D. DiProto, Chief of Police A. Salvatore, Captain E. Kosinski, Public & Press

A. CALL TO ORDER

First Selectman J. Flanders called the meeting to order at 7:17 PM

B. APPROVAL OF AGENDA

J. Flanders asked that the executive session be moved to follow item H.3., all agreed with the exception of A. Halibozek (it is noted that Citizen Alice Kelly said that the agenda can't be changed at a special meeting). R. Newton and J. Flanders disagreed since they were not adding to the agenda just slightly changing the order.

C. EXECUTIVE SESSION

1. Possible Litigation - Moved to follow item H.3.
 - a. Action if necessary

D. CITIZENS COMMENT

Terry Lambert of 14 Applewood Road commented that she wasn't sure if anyone knew what was really happening in their development. She said that roads are not plowed well and are very slippery. Several residents and children have fallen walking the road or to the place where they catch the bus. She said that the recycling truck got stuck in front of her home the other day. She explained that she has a home business and she has had to cancel many appointments due to safety issues. She said that someone needs to be held accountable for the situation. She asked that the Board please accept the roads as Town roads.

Gary Voccio of 26 Butternut Drive said he spoke with the Town Engineer and asked if they would please accept the roads. He said the reason the plows are not plowing to the curb is that they are afraid to damage them and that will prevent the road's acceptance and so the residents that live there are stuck in a vicious cycle. He said it has been a tough year for everyone. He feels the roads are worthy of being Town roads and only a few items need to be addressed. He urged the

Board to accept the roads so they can begin living their lives as normal citizen of Cromwell.

Peter Keithan of 24 Iron Gate Road, P&Z Commission and various other boards said he took a tour of the roads in question and he is not happy with the roads in Northbrook Estates, he said Applewood is ok and Cider Hill is good. He said that there is a lot of snowfall blocking road entrances and sidewalks.

Rich Waters of 84 South Street said that people don't seem to understand the quality of roads that we want in Cromwell. He asked why the Town Engineer would have to hire someone to look at the roads when we have staff that should be qualified to do that. He said if we start accepting sub-standard paving that our roads will deteriorate like Cider Hill did. He said the residents of a development are the ones to suffer when roads are not constructed or fixed properly. He also asked who will fix the clock, as it has been wrong for months.

E. STAFF REPORTS

1. Senior/Human Services Department

Theresa Strong said that the holiday season was very busy for all her service departments.

A. Halibozek asked with regard to evictions, what happens to the items not sold at auction. T. Strong said they are disposed of. She then asked if they could be donated to the new business in town called Restore (habitat for humanity). The Board members agreed that it was a great idea and T. Strong said she would look into it.

P. Ahlquist, BOS Liaison, asked if she has seen an increase in membership in 2010. T. Strong said that with the economic times we are in they have seen an increase for all their services. She explained that the demographics of the membership has changed with the Baby Boomers becoming senior citizens and their needs are different from those of the previous generations, as they require more diversified activities. She indicated that she is collaborating with other towns to develop activities and services with no cost to the Town. She said that at the last special event 150 people wanted to attend but only 110 could so they had to turn away about 40 people.

2. Community Development Department

Community Development Director J. Mazurek handed out a packet to the Board and gave a detailed presentation of the proposed Water Front Development Program. He described the project scope to include the development of Cromwell Landing Park and Dead Man Swamp with two walking/bike paths, along with the use of the existing oil tank farm as a visitors/ educational center with amenities like picnic and river view areas. He said that the project could be expanded to include walking/bike paths that would lead into both Rocky Hill and Middletown. He said the developed area

would revitalize the Downtown Business area as people visiting the recreation area would need services and local businesses would benefit. He described the grant money as seed money to explore the feasibility of the project that would be in the area of 1.3 million dollars to complete. He said to reduce cost some of the work could be done by staff.

A. Waters asked if there were possible contamination issues with the tank farm. J. Mazurek said the site was cleaned up back in the days when R. Nelson was the First Selectman so he did not believe so.

More discussion was held as Board members voiced their concerns over the project site and the feasibility of the proposed project.

R. Newton made a point to say that the authorization of the grant monies in no way constituted an agreement to purchase any properties or to proceed with the proposed project other than to explore its feasibility.

P. Ahlquist suggested that when the time comes that a committee should be formed to discuss the project proposals. J. Flanders said a public hearing would be held to inform the public and A. Halibozek commented that they might get some residents interested in serving on the committee from the public hearing.

F. FINANCIAL

1. Tax Refunds

- a. Lereta, LLC -\$4,726.30
- b. Porsche Leasing LTD -\$804.52
- c. VW Credit Leasing LTD -\$548.74
- d. David E. or Cynthia L. Schloss -\$168.81
- e. Joseph F. Snecinski 3rd. -\$151.70
- f. David J. or Eileen R. Fitzgerald -\$42.61
- g. Lease Plan USA Inc. -\$256.04
- h. GMAC -\$126.43
- i. Corelogic -\$5,138.76
- j. Brett W. Perkins -\$31.80

**R. Newton made a motion to approve items F.1. a-j, 2nd by A. Waters.
All in Favor, Motion Carried**

2. Budget Reports -None

J. Flanders said the budgets were in good shape so he gave the Finance Director the night off, but that M. Sylvester would be at the next meeting.

G. UNFINISHED BUSINESS

- 1. Discussion and action to approve Park Use Rules and Regulations. -Tabled
J. Flanders stated item G.1. is to remain on the table.
- 2. Authorize First Selectman to sign Personal Service Agreement Grant Contracts for \$200,000 STEAP Grant for Dead Man Swamp and Cromwell Landing Park.

b. Approve resolution authorizing First Selectman to enter into the agreements. -Tabled

R. Newton made a motion to take item G.2. off the table, 2nd by A. Varricchio.

All in Favor, Motion Carried

A. Newton made a motion to authorize J. Flanders to sign the \$200,000 grant contract and to approve the resolution to enter into the agreements, 2nd by A. Waters.

All in Favor, Motion Carried

H. NEW BUSINESS.

1. Authorize First Selectman to apply for and sign all necessary contractual documents pertaining to the Federal Transit 5310 Grant for replacement of the 2005 Mini Bus in the Senior Services Transportation Fleet.

T. Strong explained that the 2005 minibus has \$100,000 miles on it and will have an estimated \$135,000 by June 2012. She explained that if they ordered it now they would not get the vehicle until 2012 as that is how long it takes to get one delivered. She said the grant would provide 80% of the cost of the vehicle up to \$40,000.

A. Waters asked if the buses taken off the road get sold and asked if the funds could be returned to a line item for the purchase of replacement vehicles if they are sold at auction.

A. Varricchio made a motion to authorize J. Flanders to sign all necessary contractual documents pertaining to the Federal Transit 5310 Grant for the replacement of the 2005 Mini Bus, 2nd by P. Ahlquist.

All in Favor, Motion Carried

2. Approve Educational Assistance request from Officer McCarter for the winter 2011 session. -\$1,000

A. Waters made a motion to approve the education assistance request from Officer McCarter, 2nd by A. Spotts.

All in Favor, Motion Carried

3. Discussion and action to authorize First Selectman to sign lease agreement for Map plotter in the Town Clerk's Office.

D. Diprto indicated that the lowest bidder is cheaper than what we have now.

R. Newton made a motion to approve the lease agreement and to authorize J. Flanders to sign the lease agreement for the Map Plotter, 2nd by A.

Spotts.

All in Favor, Motion Carried

EXECUTIVE SESSION

1. Possible Litigation - Moved to follow item H.3.
 - a. Action if necessary

**P. Ahlquist made a motion to enter into Executive Session at 8:10 PM, 2nd by A. Spotts
All in Favor Motion Carried**

Attorney Morris Borea of Rome McGuigan P.C. also attended the Executive Session.

A. Varricchio and J. Flanders chose to recuse themselves from participating in the Executive Session.

R. Newton made a motion to end the Executive Session at 9:20 PM, 2nd by A. Halibozek.

All in Favor, Motion Carried

R. Newton made a motion to authorize Town Council to take any appropriate action, including filing a lawsuit, to recover open space that was to be conveyed to the Town in the Monnes Farm Subdivision, 2nd by P. Ahlquist.

Vote:

Aye: R. Newton, A. Waters, A. Spotts, P. Ahlquist, A. Halibozek

Abstentions: J. Flanders, A. Varricchio

Motion Carried

4. Discussion and possible action to accept Northbrook Estates Roads as Town Roads.

a. Applewood Road

b. Butternut Drive

c. Grassy Hill Road

A. Waters made a motion to approve the acceptance of three roads in Northbrook Estates items 4.a-c, 2nd by A. Halibozek.

A lengthy discussion followed.

R. Newton said he went out and looked at the roads and noted a number of problems; however he did not think they should prevent the roads from being accepted. He said the residence there have been through alot for too many years and they should live on a public road. He agreed that the roads are not up to the Town's standards, but he was adamant that the residents have been through enough. He said that the Town should accept them with conditions and keep an appropriate bond for the repairs if the Town needs to do them. He commented that Cider Hill and the road outside the subdivision (Pasco Hill Rd) are excellent and Robertson Road is not as smooth as it should be but that it doesn't need milling or replacement.

J. Mazurek upon the recommendations of a independent engineering consulting firm identified four areas that need attention and recommended a \$50,000 bond, with \$25,000 in cash to be kept for a period of 2 years.

A. Varricchio said he feels they are obligated to the residents that live there to accept the roads with special conditions.

A. Waters said the paving in Northbrook Estates is sub-standard to the Town's requirements and repeatedly objected to the acceptance of the subdivision's

roads until they are completed to the satisfaction of the Town staff and Board members.

P. Ahlquist said he understands the concerns of the residents, but just because the road becomes a Town road doesn't mean they will always be plowed curb to curb, and he hopes they understand the trepidation of the Board to approve the roads, as they are not up to the Town standards.

A. Spotts said another Cider Hill needs to be avoided and the road's problems need to be resolved to the Boards satisfaction.

A. Halibozek said she would be in favor of accepting the roads if based on the report of VHB the four issues identified will be corrected. She said enough money needs to be held so if we need to put the repairs out to bid for people of the Boards choosing to do the work, the items could be fixed this spring as soon as the work can be done.

Attorney Sal Petrella, representing Mr. Coons, said that this project is not another Cider Hill as Northbrook Estates is a separate project with a different contractor. He stated that the base road has been in since 2006 and if it was going to fail it would have already. He described the road problems as superficial surface imperfections in the final paving layer. He said that Mr. Coons insists he will fix them this spring. He also said that he felt the \$50,000 maintenance bond is excessive as the whole paving project only cost \$104,000 and Mr. Coons estimated approximately \$10,000 to \$15,000 to fix the road problems. He noted that P&Z members (Peter Keithan and Alice Kelly) did go out to the project prior to reducing the P&Z bond. He said that the required easements were signed and submitted to Craig Minor in December, but have not been recorded to date. He asked that on behalf of the residents that the Board accept the roads as their acceptance will not put the Town in jeopardy.

J. Flanders said he will not use the residents as a wedge but that they should move forward with acceptance contingent upon the proper deeds being recorded.

A. Waters asked the Board to wait until the repairs are completed in the spring. R. Newton said he understood where he was coming from, but the people who live in our Town are the ones that are suffering.

R. Newton said that the \$3000 in taxes due have not been paid, and Sal Petrella said in preparation for the meeting tonight he paid them that afternoon, (apparently after Mr. Newton was in checking on them). R. Newton then asked J. Mazurek why the bond was set so high and Mr. Mazurek said that the customary maintenance bond is 10% of the total development cost, which was nearly \$500,000 so the bond value represents 10% of that. R. Newton said he objects to arbitrarily setting excessively high bonds as it set precedence and is not appropriate.

Mr. Coons said the industry is using heat boxes instead of milling to fix road patches as it leaves no seams in the new road.

A. Halibozek suggested a deadline of June 1, 2011 or the Town will have to step in and complete the roads. She also asked if he had a problem with the inspector being present during the repairs. Mr. Coons said he had no problem

with the Town inspecting the repair work as the Town has always been there when roadwork is being done and he has no problem with the June deadline as the road will come out better because it will be a bit warmer by then.

P. Ahlquist made a motion to amend the original motion 2nd by A. Halibozek. All in Favor, Motion Amendment Carried

New Motion:

A. Water made a motion to accept the three roads in Northbrook Estates as Town roads with the contingency that the Contractor, Mr. Coons, agreed to perform the required repairs by June 1, 2011 and to retain a 2-year maintenance bond of \$50,000 with \$25,000 to be a cash bond, 2nd by A. Halibozek.

Vote:

Aye: J. Flanders, R. Newton, A. Spotts, P. Ahlquist, A. Varricchio, A. Halibozek

Nay: A. Waters

Motion Carried

5. Discussion and possible action to accept Eager Lane as a Town Road.
A brief discussion was held on the project bond in place and the agreement the Town entered into with the Developer to take over the road.
A brief discussion was held.
A. Varricchio made a motion to approve the acceptance of Eager Lane as a Town Road, 2nd by R. Newton. All in Favor, Motion Carried

6. Discussion and possible action to accept Cider Hill Roads as Town Roads.
 - a. Cider Hill Drive
 - b. Apple Hill Drive
 A brief discussion was held on the Town's intention to recover the money that was spent to complete Cider Hill.
A. Halibozek asked if an Executive Session could be scheduled for next month to discuss potential litigation to recover the taxpayer's money.
A. Halibozek made a motion to approve the acceptance of Cider Hill Subdivision roads items 6.a&b, 2nd by R. Newton. All in Favor, Motion Carried

7. Approve request to increase the amount that was approved at the December meeting not to exceed \$4,500 for Planning and Zoning to hire an attorney to review the draft of the proposed new Zoning Regulations. A motion was made at the December meeting approving an amount not to exceed \$3,500.

Alice Kelly reported that the funds would not be needed. She remarked that the Attorney did a fantastic job reviewing the proposed changes. She said they will be much easier for staff and the general public to understand.

The increase request was withdrawn.

8. Authorize First Selectman to sign Grant Award #010E033A through the Federal Fiscal Year 2010 Emergency Management Performance Grant for Cromwell's allocation for State Fiscal Year 2011.

P. Ahlquist asked if the Town has an Emergency Management Plan in place and J. Flanders said that the Town does have one.

A. Spotts said that the grant money pays for the Emergency Management work the Town employee performs and that it is work outside of his normal 35 hours per week.

A. Varricchio made a motion to approve J. Flanders to sign Grant Award #010E033A through the Federal Fiscal Year 2010 Emergency Management Performance Grant for Cromwell's allocation for State Fiscal Year 2011, 2nd by R. Newton.

All in Favor, Motion Carried

I. APPROVAL OF MINUTES

1. December 8, 2010

R. Newton made a motion to accept the minutes as presented, 2nd by A. Spotts.

All in Favor, Motion Carried

J. FIRST SELECTMAN'S COMMENTS

J. Flanders asked that the record reflect that he gave his compliments to the Public Works crews for the excellent work they did under difficult conditions during the last storm. He also noted that the new parking lot lights are up as of today and the solar panels are all in place and ready to be wired. He said for the members to take a look at the package that the Police Chief gave them and discussion on what to do next will be needed.

K. GOOD & WELFARE

A. Halibozek commented that Craig Stevenson would like funds for a website for Cromwell's economic development, but that there is already a link on the website to a site with some good content. J. Flanders explained that we don't own that site so we will probably need to build a new one. She also noted that Francos seemed to be out of business and several people agreed that it was. She said it is such a loss as they were like a Cromwell icon.

R. Newton said that a checklist for signoffs should be created so that each aspect of a development's approval is signed off on as completed per the correct specifications and that way the First Selectman can have one sheet that informs him of the project's status as to what is completed and what needs to be completed.

P. Ahlquist agreed that the Town crews were in a difficult situation with the last storm. He said that there have been many times when this Board has had questions related to Public Works and he wished that Mr. Hood was here tonight because he had some comments and questions for him. He also said that he would like an executive session to discuss the Cider Hill investigation report, J. Flanders said he would look into what is acceptable under FOI and he will see if an Executive Session is appropriate.

L. COMMISSION REPORTS

A. Spotts, Liaison to the Library Commission, asked if the heat situation was resolved. J. Flanders said that the immediate situation is resolved but there appears to be a building wide problem that needs to be addressed. He also asked what the non-smoking policy is. J. Flanders said that there is no smoking in the Town Hall building. A. Spotts asked about the parking lot and J. Flanders said that there is no ban outside of the building. A. Spotts said that the Library would like a separate site as many towns have separate library websites. J. Flanders commented that there is money involved in a separate site.

A. Waters, Economic Development Commission Liaison, said that the Commission discussed a sign for the business of the month, but that they have not decided on how they will choose the business. He noted that Craig Stevenson is ready to start on several projects right away.

R. Newton said that mid-state met last week and they were asking if the Willowbrook project is still viable and J. Flanders said that the official position of the Town is that Willowbrook is still a viable project. Then he agreed that there is a real heat situation in Town Hall since he has noticed that in some offices they had heaters on and then in others they are running fans. J. Flanders said he believed the problem to be a Sieman's matter and he would look into it.

Several Board members stated that due to the storm their commissions did not meet.

A. Halibozek said that Friendly's is working on planning a fundraiser to benefit Cromwell's Dog Park.

J. Flanders noted that the finalized Grand List went up 1.06%.

M. RESIGNATIONS - None

N. APPOINTMENTS

1. Committee to Support People with Disabilities
 - a. Jennifer Beck, term expires June 2012
2. Board of Finance
 - a. Victor Harpley, Alternate, Term expires 12/12
3. Capital Expenditures Commission

- a. Charles Epstein, re-appointment, Term expires 12/14
- b. Victor Harpley, re-appointment, Term expires 12/14
- c. Thomas Tokarz, re-appointment, Term expires 12/14
- 4. Inland Wetlands and Watercourses
 - a. Joseph Corlis, re-appointment, Term expires 12/14
- 5. Insurance Commission
 - a. Robert Lynch, re-appointment, Term expires 1/12
- 6. Zoning Board of Appeals
 - a. Samantha Cahill, To fill Vacancy, Term expires 11/11
 - A. Halibozek questioned potential conflict of interests on Items N.2.a. and N.3.b. J. Flanders agreed to table those items.
 - A. Halibozek made a motion to table items N.2.a. and N.3.b., 2nd by P. Ahlquist.
 - All in Favor, Motion Carried
 - R. Newton made a motion to approve the appointments under items N.1-6 with the exception of items N.2.a. and N.3.b., 2nd by A. Spotts.
 - All in Favor, Motion Carried

O. ADJOURNMENT

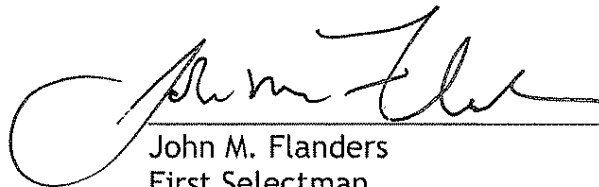
R. Newton made a motion to adjourn the meeting at 10:43 PM, 2nd by A. Waters.

All in Favor, Motion Carried

Respectfully Submitted By,



Sarah A. Voog
Acting Commission Clerk



John M. Flanders
First Selectman

Matus, Re

From: Enzo Faienza [e.faienza@gmail.com]
Sent: Wednesday, January 19, 2011 10:36 AM
To: Matus, Re
Subject: Re-Appointments

Hi Re,

Good morning, I hope all is well today. Re, I want to forward you some re-appointments to be put on February's BOS agenda.

Capital Expenditures:

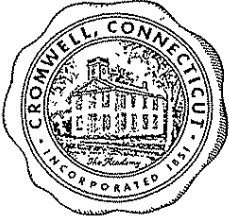
Jennifer Donohue
Steve Regula

Inland Wetlands:

Wynn Muller

Also, Jay Polke is listed as a Democrat on Charter Revision. My current list shows him as and Independent. Can you please check into this for me. Thank you very much Re, and have a nice day.

Best Regards,
Enzo



Town of Cromwell

FIRST SELECTMAN'S OFFICE
NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

January 19, 2011

Mr. Sebastian Milardo
Melilli Cafe & Grill, L.L.C
307 Main Street
Cromwell, Ct, 06416

Re: Economic Development Incentive

Dear Mr. Milardo:

I am pleased to formally notify you that the Town of Cromwell through the action of the Board of Selectman at its December 8, 2010 meeting has authorized an economic development grant in the amount of \$10,000.00 for the purpose of making improvements to the parking area at 307 Main Street. I have enclosed a copy of the minutes and authorizing resolution for your records.

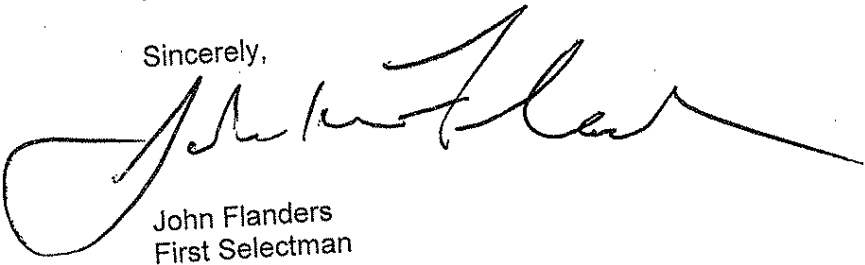
These funds will be made available to you upon completion of the work. It is my understanding that our economic developer has previously advised you to arrange for this work with a contractor of your choice. CAS Construction has provided an estimate to the Town in the amount of the grant but you may select any contractor you wish to perform the work. I also attach a copy of the estimate for your information. I hope you understand that the Town has authorized \$10,000 to cover the cost and cannot pay any more than that.

Please work with Craig Stevenson, the Town's consultant for economic development once you decide how you will proceed. He will provide you with a financial assistance agreement and work with our Finance Department to insure your payment is processed. You can reach Craig at 860-306-8325.

Selectman's Office 632-3410 • Finance 632-3414 • Public Works 632-3420 • Town Planner 632-3422 • Building Department 632-3428
Sewer Department 632-3430 • Town Clerk 632-3440 • Assessor 632-3442 • Tax Collector 632-3445 • Zoning Officer 632-3422
Health Department 632-3426 • Registrars 632-3418 • Youth 632-3448 • Elderly 632-3447 • Human Services 632-3449
Engineering 632-3420 • Library 632-3460 • Recreation 632-3467 • Emergency Management 632-3422
Human Resource / Risk Manager 632-3497 • Senior Transportation 632-3451

I am pleased that the Town was able to assist you. I thank you for your continued contribution to the local economy and in particular the historic riverport.

Sincerely,

A handwritten signature in black ink, appearing to read "John Flanders". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Flanders
First Selectman

cc. C. Stevenson
BoS
M. Sylvester

**TOWN OF CROMWELL
BOARD OF SELECTMEN
REGULAR MEETING
WEDNESDAY DECEMBER 8, 2010
7:10 P.M. TOWN HALL ROOM 224/5**

MINUTES

Present: First Selectman J. Flanders, Deputy First Selectman R. Newton, A. Waters
A. Spotts, P. Ahlquist, A. Varricchio, A. Halibozek

Absent: None

Also Present: Chief of Police A. Salvatore, Finance Director M. Sylvester, Recreation
Director S. Schein, Public & Press.

A. CALL TO ORDER

First Selectman Flanders called the meeting to order at 7:13 p.m.

B. APPROVAL OF AGENDA

Motion made by R. Newton seconded by A. Spotts to approve the agenda.
First Selectman Flanders added items E, f & g and G. #7. Selectman Newton
added G. #8.

E. Financial

1. Tax Refunds

f. Financial Ser Veh Trust -\$187.79

g. Financial Ser Veh Trust -\$264.84

G. New Business

7. Authorize the Charter Revision Commission to hire an attorney.

8. Authorize P&Z to hire attorney for review the draft of the new Zoning
Regulations.

Motion made by R. Newton seconded by A. Spotts and *unanimously carried* to
approve the agenda as amended.

C. CITIZENS COMMENTS

1. A. Thomas, Cedarland Court, President of Cromwell Hills Phase 1 -Spoke
regarding Cromwell Hills receiving a notice of a Personal Property Declaration
and requested that Board of Selectmen waive the 25% penalty that the Assessor
levied. Ms. Thomas also made the board aware of the Assessor's demeanor in
handling the situation.

D. STAFF REPORTS

None

E. FINANCIAL

1. Tax Refunds

- a. Ralph M. & Donna L. Coppola -\$5,034.39
- b. Joseph A. Fields -\$679.15
- c. Toyota Motor Credit Corp. -\$252.17
- d. Honda Lease Trust -\$296.50
- e. James G. Melaven -\$57.57
- f. Financial Ser Veh Trust -\$187.79
- g. Financial Ser Veh Trust -\$264.84

Motion made by R. Newton seconded by A. Spotts and *unanimously carried* to approve tax refunds a - g.

2. Budget Reports

No action necessary. Finance Director Sylvester advised the board that the Audit is done and on the way to the printer. Selectman Waters requested an update on the current year's budget. Ms. Sylvester stated that there are no areas that she is concerned about and we are certainly within where we should be at this time.

F. UNFINISHED BUSINESS

None

G. NEW BUSINESS

1. Approve Educational Assistance request from Officer Ryan Bengston for both the winter and spring Sessions -\$2,000 (\$1,000 each session).

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to approve Education Assistance request from Officer Bengston for winter & spring sessions -\$1,000 each.

2. Approve Educational Assistance request from Captain Edwin Kosinski for the spring Semester -\$1,000.

Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to approve Education Assistance request from Captain Kosinski for the spring semester \$1,000.

3. Approve Board of Selectmen meeting dates for 2011.

Motion made by R. Newton seconded by A. Varricchio and *unanimously carried* to set meeting dates for 2011 the second Wednesday of each month at 7:10 p.m.

4. Discussion and action to approve Park Use Rules and Regulations.
Recreation Director Schein presented the request.

A lengthy discussion followed. A. Varricchio is concerned that large groups will take over the Skate Park and keep our kids from using it. Ms. Schein stated that the new rules & regulations will give the town more control over the large groups.

First Selectman Flanders suggested amending #8 to add a reservation of the skate board park would not allow the user to keep someone out.

Motion made by A. Varricchio to amend item 8 on this rule that the last sentence would read permit holders for the skate park area will not be able to exclude other non-members of their group.

R. Newton asked if the Chief of Police and the H/R Director were given the opportunity to review this document. Ms. Schein stated that they were not given an opportunity to review the document in advance. Mr. Newton stated that #9 should state that there is no fee for town residents. Mr. Newton made several other comments and suggestions regarding the document. P. Ahlquist inquired if the Park & Recreation approved the rules & regulations. Ms. Schein stated that they did tentatively based on their reading. She will bring it back to them with tonight's comments and redo them with tonight's suggestions. Mr. Ahlquist asked if they had discussed what the determination would be from prohibiting registered sex offenders from being in the park. Mr. Flanders suggested that they should check with CCM and see what information they have regarding this topic. Ms. Halibozek wondered if there should be line item in the rules for no dumping. Ms. Schein said that Public Works has no dumping signs posted at the parks. Motion made by A. Halibozek seconded by A. Spotts and *unanimously carried* to table.

5. Discussion and action regarding an Economic Development Incentive grant to Mellili's for parking lot/site improvements for up to of ~~\$5,000~~ \$10,000. This grant is being awarded for the continuation of economic development efforts in the lower Main Street area.

Joan Tally from Connected to Connecticut presented the request. Discussion followed. First Selectman Flanders stated that the decorative lighting will be put in at a later date and also advised that the \$10,000 will come out of the EDC budget since we didn't have a co-coordinator for a good part of the year. R. Newton questioned who would be providing the grant. First Selectman Flanders stated that the Town is providing the grant based on the Economic Development Grant. Mr. Ahlquist inquired if this would be a spring project. Mr. Flanders stated that he hasn't yet given up on getting the project done within the next few weeks. Ms. Halibozek asked for information regarding the Economic Development Grant. Ms. Sylvester advised that it was approved by the Board of Selectmen in June 2008 and this project falls within the parameter of the grant. Ms. Sylvester stated that the grantee has the work done and is then reimbursed by the town up to the agreed amount.

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to award Economic Development Incentive Grant to Mellili's for parking lot improvements for up to \$10,000.

6. Authorize First Selectman to sign Personal Service Agreement Grant Contracts for \$200,000 STEAP Grant for Dead Man Swamp and Cromwell Landing Park.
 - b. Approve resolution authorizing First Selectman to enter into the agreements.

First Selectman Flanders asked that this item be tabled until January when Mr. Mazurek is able to attend and present the topic.
Motion made by A. Waters seconded by A. Spotts and *unanimously carried* to table.

7. Authorize the Charter Revision Commission to hire an attorney.
Motion made by R. Newton seconded by A. Waters and *unanimously carried* to authorize the Charter Revision Commission to hire an attorney and authorize the First Selectman to sign the contract at a cost not to exceed \$2,000.

8. Authorize P&Z to hire attorney for review the draft of their proposed new Zoning Regulations.

Motion made by A. Spotts seconded by R. Newton and *unanimously carried* to authorized P&Z to hire Attorney Branse and authorize the First Selectman to sign the contract at a cost not to exceed \$3,500.

A. Kelly representing P&Z informed the board that the public hearing was kept open until January to allow C. Stevenson time to comment. Attorney Branse will not be hired until after the hearing is closed.

H. APPROVAL OF MINUTES

1. Regular Meeting, November 10, 2010

Motion made by A. Waters seconded by R. Newton and *carried* to approve minutes of November 10, 2010.

Aye: P. Ahlquist, A. Spotts, A. Waters, R. Newton, J. Flanders, A. Varricchio
Abstained: A. Halibozek (not at this meeting)

I. FIRST SELECTMAN'S COMMENTS

First Selectman Flanders advised that the video-taping equipment is installed in room 224/5. The sound system will be in shortly. Mr. Flanders advised that he is working with the Board of Education and the State of Connecticut regarding the 1.3 million dollars that the state wants back for the Woodside Intermediate School Project. He contacted State Representative Carpino and State Senator Doyle and spoke with Portland's First Selectman S. Bransfield since Portland won their case with the State. First Selectman Flanders advised that he has begun meeting with the department heads regarding next year's budget. It will be a very tough year.

J. GOOD & WELFARE

A. Halibozek - Inquired if anyone else will attend Saturday's Workshop. Ms. Halibozek is very concerned regarding the lack of communication between P&Z and the Board of Selectmen especially in the area of Open Space. For example the open space at Washington Estates and Vicky Lane. First Selectman Flanders agreed to research the matter.

A. Spotts - Asked that the First Selectman follow up with Amanda Thomas.

R. Newton -suggested that someone should go though the P&Z minutes and research the open space matter. The Board of Selectmen isn't aware of the P&Z requests unless the items are brought before them.

A. Waters -Last night P&Z accepted Cider Hill, Eager Lane and Northbrook Estates. Mr. Waters was assured by town staff that they are on top of Northbrook Estates and it will not be accepted in the present condition. Mr. Waters asked his colleagues to take a ride up there and take a look at the road before they come before the board for the town to accept the roads. Mr. Waters stated that J. Mazurek sent his approval to accept the roads to P&Z. Mr. Waters thinks that there is something wrong with this.

P. Ahlquist -asked if there was a road inspector for Northbrook Estates. Mr. Ahlquist asked for an update on GKN and asked the First Selectman to follow up on the Cromwell Hills and Assessor's situation.

A. Spotts stated that P&Z aren't road inspectors and have to depend on the advice of town staff.

A. Varricchio stated that the Cromwell Hills matter will need to be researched to see if State Statutes will allow them to remove the 25% fine. Mr. Varricchio agreed with Mr. Spotts's statement regarding P&Z depending on town staff's guidance.

A. Waters stated that his calls to AT&T have not been answered regarding GKN. The matter has been turned over to Craig Stevenson.

P. Ahlquist has received several complaints regarding the tone of the Assessor's Office.

A. Halibozek requested that the 25% fine be put on hold until the matter is researched. Last evening Ms. Halibozek drove down Northbrook Estates and felt that it is still in the same bumpy condition. Ms. Halibozek doesn't want the town to plow the roads until they are accepted by the Board of Selectmen. First Selectman Flanders stated that the town will plow Cider Hill and Eager Lane but not Northbrook Estates.

First Selectman Flanders stated that Cromwell Hills Drive is now complete and the project was a success. He commended all parties involved for getting the job done.

K. COMMISSION REPORTS

- A. Spotts -Board of Education
- A. Waters -Historical Society
- A. Varricchio-Planning & Zoning
- A. Halibozek-ZBA

L. RESIGNATIONS

1. Planning & Zoning
 - a. Fred Hayward, Alternate
 - b. Linda Duren, Alternate
2. Zoning Board of Appeals
 - a. Christie Carpino

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to accept resignations 1 & 2 with regret.

M. APPOINTMENTS

None

N. ADJOURNMENT

Meeting was adjourned by general consent at 8:35 p.m.

Respectfully submitted,

Re Matus
Secretary

John M. Flanders
First Selectman

CAS Construction Co. Inc.
500 Four Rod Road
Berlin CT 06037

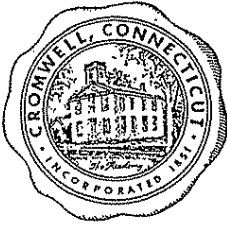
December 8, 2010

Job Location:
Millili's Restaurant, Main St. Cromwell

Description:

1. Demo bituminous and re-grade to drain and repave disturbed area (\$7,829)
2. Remove existing bituminous concrete within construction limits of patio area and repave disturbed areas in lieu of concrete. (\$2,493)

Total Price: \$10,322.00



Town of Cromwell

FIRST SELECTMAN'S OFFICE
NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

January 20, 2011

Mr. Morris Borea
Rome McGuigan P. C.
1 State Street
Hartford, CT 06416

Dear Mr. Borea:

Following the Executive Session on potential litigation in last night's Board of Selectman I have given the issue considerable thought and feel it necessary to have this on record.

First I do not believe it is in the Town's best interest to enter into litigation with citizens except as a last resort. To date the individual involved in the matter has acted in good faith and I believe he will continue to do so given the opportunity.

During the executive session on this smatter during the October 13, 2010 Board Meeting I explicitly directed Mr. Bradley to attempt to negotiate a solution. To date the only feedback I have on that process is his verbal report that he spoke to the citizen's attorney who told him (Mr. Bradley) that the citizen had incurred costs and hoped to be made whole in the process. I do not consider that remotely to be an effective attempt to amicably resolve the issue.

Second, following your, possibly understandably, vague explanation of your opinion that I should recuse myself from discussions on this matter, I have spoken to another attorney. He was unconvinced that my presence in these sessions would

Selectman's Office 632-3410 • Finance 632-3414 • Public Works 632-3420 • Town Planner 632-3422 • Building Department 632-3428
Sewer Department 632-3430 • Town Clerk 632-3440 • Assessor 632-3442 • Tax Collector 632-3445 • Zoning Officer 632-3422
Health Department 632-3426 • Registrars 632-3418 • Youth 632-3448 • Elderly 632-3447 • Human Services 632-3449
Engineering 632-3420 • Library 632-3460 • Recreation 632-3467 • Emergency Management 632-3422
Human Resource / Risk Manager 632-3497 • Senior Transportation 632-3451

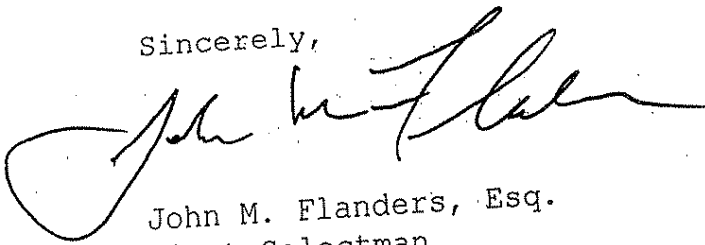
constitute a danger to the Town's position should it come to litigation with the citizen. As such I am requesting a further explanation.

Third, and finally, I am also concerned that Mr. Bradley is likely to be called as a witness should there be litigation, as his actions were a part of this process. If my presence constitutes a problem or conflict, I would like some assurance that you have considered the possibility of a conflict or the appearance of a conflict for Rome MCGuigan in such a situation. As the other members of the Board are not attorneys this possibility may not have occurred to them. So, I would like to know if this issue has been presented as part of your information.

I believe this is a very unfortunate situation that is be exacerbated by several political agendas, and a widespread lack of understanding. I am convinced that having the town enter into an adversarial position without very careful thought will only make things worse. The potential cost to the Town, both in dollars expended on legal fees and antipathy with citizens is potentially so high that I believe my oath of office will not allow me to accept the current state without at least undertaking further investigation.

I look forward to your prompt reply.

Sincerely,



John M. Flanders, Esq.
First Selectman

cc. Board of Selectmen

Morris R. Borea
Direct Dial: (860)493-3546
E-Mail: mborea@rms-law.com

One State Street Hartford, CT 06103
phone 860.549.1000 fax 860.724.3921
www.romemcguigan.com

January 28, 2011

**PERSONAL AND CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATIONS- PROPOSED LITIGATION**

Hon. John M. Flanders
First Selectman
Town of Cromwell
41 West Street
Cromwell, CT 06416

RE: Monnes Farm

Dear Mr. Flanders:

I write in reply to your letter of January 20, 2011, regarding the executive session held on January 19, 2011 and the related topics you raise in the letter. I do not understand why you continue to take an active role in this matter given that you have decided to recuse yourself from voting with respect to any action to be taken to resolve this dispute. Our firm has been authorized to recover the subject property for the Town of Cromwell by a vote of the Board of Selectmen. The motion authorizes us to take whatever action is necessary, including the filing of a lawsuit. I intend to follow the Board's charge to us and recover the property. I will keep the Board informed of our progress and will not resolve the matter without the Board's consent.

I will not discuss what may have occurred in any executive session as those discussions are confidential and are not properly the subject of public comment. I only note that votes cannot be taken in executive session and the only vote I am aware of is the one that took place on January 19, 2011. The fact that you apparently do not agree with that vote does not change the result of the vote. However, it is always best to settle any matter as early and as amicably as possible and I will act accordingly to the extent that we can achieve the Town's objective.

With regard to my position that you should recuse yourself from the executive session, that has already occurred and I am not going to revisit that decision. That was and is your decision to make and should there be future executive sessions regarding this matter you are free to decide your course of action at that time, including being represented by counsel. I do not represent you in that regard. However, in light of your involvement with the circumstances surrounding the sale of the open space parcel, it will be my strong

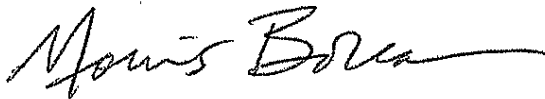
January 28, 2011
Mr. John M. Flanders
Page 2

recommendation to the Board that you not participate in any vote by the Board to resolve this matter.

With regard to the issue of our representation given that Jack Bradley might be a witness in any litigation, I have considered same. While I will not disclose what was said in the executive session, I call your attention to Rule 3.7(b) of the Rules of Professional Conduct. The Rule provides that "[a] lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9." I do not believe that we are precluded from doing so by Rule 1.7 or Rule 1.9, which deal with current and former clients and are not applicable here.

In closing, I need to express that our firm serves as Town Attorney for a number of towns in Central Connecticut. We understand the special relationship that Town government has with its citizens and intend to honor that relationship in our representation in this matter. Rome McGuigan has been charged with recovering the Town's property and intends to do that, effectively and efficiently, unless we are properly instructed otherwise.

Very truly yours,

A handwritten signature in cursive script that reads "Morris R. Borea". The signature is written in black ink and is positioned above the printed name.

Morris R. Borea