

TOWN OF CROMWELL  
BOARD OF SELECTMEN  
REGULAR MEETING  
WEDNESDAY DECEMBER 14, 2011  
7:10 P.M. TOWN HALL ROOM

RECEIVED FOR FILING  
12/21/2011 at 10:56 AM.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

Darlene A. DiProto  
TOWN CLERK

MINUTES

Present: First Selectman M. Terry, Deputy First Selectman R. Newton, A. Halibozek, F. Emanuele, E. Faienza, A. Waters, A. Spotts

Absent:

Also Present: Chief of Police A. Salvatore, Director of Finance M. Sylvester, Director of Public Works E. Hood, Tax Collector D. Sienna, Town Planner C. Minor, Board of Education liaison to the Board of Selectmen P. Sousa, public and press

**A. PLEDGE OF ALLEGIANCE**

First Selectman Terry led the Pledge of Allegiance.

**B. CALL TO ORDER**

First Selectman Terry called the meeting to order at 7:11 p.m.

**C. APPROVAL OF AGENDA**

Motion made by A. Halibozek seconded by A. Waters to approve the agenda.

Motion to amend the agenda made by A. Spotts seconded by A. Halibozek and *unanimously carried* to move item L. New Business # 7 to E. Staff and Commission Reports.

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

**D. EXECUTIVE SESSION**

1. Discussion and strategy

a. Senator Drive

Motion made by A. Halibozek seconded by R. Newton and *unanimously carried* to adjourn to Executive Session at 7:15 p.m. for the purpose of discussion and strategy regarding Senator Drive.

Attorney Morris Borea was invited into Executive Session for item number 1.

Motion made by R. Newton seconded by A. Halibozek and *unanimously carried* to come out of Executive Session at 7:43 p.m.

Motion made by R. Newton seconded by A. Halibozek and *unanimously carried* to continue our cases regarding Senator Drive.

2. Personnel Issue

a. Grievance Settlement

**Motion** made by A. Halibozek seconded by R. Newton and *unanimously carried* to adjourn to Executive Session at 7:44 p.m. for the purpose of discussion and strategy regarding Personnel Issue, grievance settlement.

Labor Attorney Kenneth Weinstock, Human Resources Director T. Roohr and Finance Director M. Sylvester were invited into Executive Session for item number 2.

**Motion** made by R. Newton seconded by A. Halibozek and *unanimously carried* to come out of Executive Session at 8:14.

No action taken

**E. STAFF/COMMISSION/BOARD LIAISON REPORTS**

(Moved from L. #7)

1. Discussion and possible action regarding Westwinds Home-Owners Association, Vicki Lane.

Tax Collector Sienna presented the request. There is a piece of property on Vicky Lane that was deeded to Westwinds Home-Owners Association. The Association was never formed and there is approximately \$7,000 in back taxes owed on the property. Tax Collector Sienna would like permission to have the property quit-claimed to the town and then the town could then accept it as open space. The property is currently listed as open space on the deed. Mr. Sienna advised that he took this issue to Planning and Zoning.

R. Newton inquired what P&Z said. Mr. Sienna reported that they are researching this matter. P&Z would have to accept it and then the Board of Selectmen will have to accept it. Mr. Newton stated that he remembers that the town originally did not want to accept this as open space because of the Retention Pond on the property. Mr. Sienna stated that the town has been maintaining the Retention Pond for a few years. Mr. Newton stated that the Board of Selectmen never approved that the town maintain that Retention Pond.

Mr. Sienna is working with the Board of Directors to have the property turned over to the town and if the land is turned over this action would not cause any additional liability to the town.

Ms. Halibozek stated that she contacted the Secretary of State's Office a few years ago and they show that the association dissolved. Ms. Halibozek wonders how they could let them dissolve when back taxes are owed. This certainly is a loop hole for people to get out of paying their taxes. Mr. Minor participated in this portion of the discussion and agreed with Ms. Halibozek.

Discussion continued.

**Motion** made by E. Faienza seconded by A. Waters and *unanimously carried* that the tax collector continue doing the work to pursue the Town to take over the open space, seeing that we are already maintaining it; obviously with the approval of the Planning and Zoning Commission and moving forward to get the land.

2. Public Works Director E. Hood presented a report regarding Public Works activities. Mr. Hood complimented the Public Works Staff, the Fire Department and the Police Department for the excellent job they did both during the recent snow storm and the town wide clean up that followed.  
A short discussion followed after Mr. Hood finished his report.
3. Board of Education liaison Paul Sousa presented a short report regarding the last Board of Education Meeting.

#### **F. FINANCIAL**

1. Tax Refunds for overpayment.
  - a. James H. & Michelle J. Hodge -\$90.00
  - b. VW Credit Leasing LTD -\$215.67
  - c. Pranav Patel -\$54.42
  - d. DCFS Trust -\$183.51
  - e. DCFS Trust -\$176.92
  - f. Daimler Trust-\$316.34
  - g. Merchants Automotive GRO -\$149.05
  - h. Ryder Truck Rental Inc -\$322.27
  - i. Ryder Truck Rental Inc. -\$341.41
  - j. Daniel T. Delisle -\$75.77
  - k. Nissan Infiniti LT -\$345.99
  - l. Nissan Infiniti LT -\$95.92

Motion made by A. Waters seconded by A. Halibozek and *unanimously carried* to approve tax refunds a - l.

2. Budget Reports  
Finance Director Sylvester presented the budget reports.  
No action taken.

#### **G. CITIZEN COMMENTS**

1. A. Kelly, Willowbrook Road - Ms. Kelly advised the Board that icing is still a problem on the curve on Pasco Hill Road. Ms. Kelly also spoke as the Chairman of Planning and Zoning that they, along with Town Planner C. Minor, are looking into the Vicki Lane Open Space issue. Ms. Kelly complimented the improvement in the way the grounds look in Town.
2. R. Waters, South Street - Spoke regarding water over the road across from him on South Street. Mr. Waters also advised that the Tree Warden should take a look at the trees on River Road. Vines are taking over the trees.

#### **H. FIRST SELECTMAN'S COMMENTS**

First Selectman Terry stated that she is very proud of the Police Department, Highway Department, the Sewer Department and everyone else involved for pitching in to get the brush cleaned out and brought to the transfer station. The citizens were tremendously cooperative getting their brush out to the road. It was gratifying the way the town pulled together.

## **I. RESIGNATIONS**

1. Youth Advisory Board
  - a. Ernest Pandolfi
  - b. Karen Ireland
  - c. Manon LeFevre
  - d. Alexia Riley
2. Park & Recreation Commission
  - a. James Mullen

**Motion** made by A. Spotts seconded by F. Emanuele and *unanimously carried* to accept 1 & 2 with regret.

## **J. APPOINTMENTS**

1. Town Attorney
  - a. Labor Attorney, Kainen, Escalera & McHale, P.C
    1. Kenneth Weinstock

**Motion** made by R. Newton seconded by A. Spotts and *unanimously carried* to appoint Kainen, Escalera & McHale P.C., Kenneth Weinstock as Town Labor Attorney.

- b. Town Attorney, Murtha Cullina
    1. Kari L. Olson

**Motion** made by R. Newton seconded by A. Spotts and *unanimously carried* to appoint Murtha Cullina, Kari L. Olson as Town Attorney.

2. Committee to Support People with Disabilities
  - a. Meagan Ribera, term expires 6/13

**Motion** made by E. Faienza seconded by A. Waters and *unanimously carried* to approve appointing Meagan Ribera to the Committee to Support People.

3. Planning and Zoning
  - a. Brian Dufresne, to fill vacancy, term expires 11/13
  - b. Chris Cambareri, to fill vacancy, term expires 11/13

**Motion** made by A. Spotts seconded by R. Newton and *unanimously carried* to Approve 3a - 7

4. Inland Wetlands and Watercourses Agency
  - a. Madeleine Lowry, reappointment, term expires 12/15
  - b. Bill Yeske, Jr. - reappointment -Term expires 12/15
5. Park & Recreation Commission
  - a. John Harris, term expires 12/13
6. Economic Development Commission
  - a. Jay Polke, to fill vacancy, term expires 3/14
7. Senior Services Commission
  - a. Linda Polke, to fill vacancy, term expires 4/13

8. Building Official

- a. David Jolley, term expires 12/15

**Motion** made by R. Newton seconded by E. Faienza and *unanimously carried* to appoint David Jolley as Cromwell's Building Official.

9. Civil Preparedness Director

- a.

First Selectman Terry asked for a motion to table this item.

**Motion** made by E. Faienza seconded by A. Halibozek and *unanimously carried* to table.

10. EMS (South Central CT Emergency Medical Services Council)

- a. Charles Epstein, reappointment, term expires 10/13

**Motion** made by A. Spotts seconded by A. Waters and *unanimously carried* to approve 10a - 12e.

11. Municipal Agent for Elderly

- a. Catherine Jackson, reappointment, term expires 12/13

12. Youth Advisory Board

- a. Kimberly Phillips, DCF Liaison  
b. Blaise Serra, Youth CMS  
c. McKenzie Karstetter, Youth CMS  
d. Margaret Schufer, Consumer  
e. Amber Stocking, Youth CHS

13. Appoint Board of Selectmen liaison to the Youth Advisory Board.

Frank Emanuele was appointed as liaison to the Youth Advisory Board; Ann Halibozek was appointed as the partner.

*10 minute recess (8:55 - 9:10)*

**K. UNFINISHED BUSINESS**

1. Discussion and action regarding the Mattabassett District Agreement.-tabled  
Left on the table.

2. Discussion on Riverview Place improvement and acceptance as a Town Road-tabled.

**Motion** made by R. Newton seconded by A. Waters and *unanimously carried* to remove from the table.

R. Newton had a discussion with Attorney Petrella during the recess and he asked that this item be removed from the table and send it back to P&Z.

**Motion** made by R. Newton seconded by A. Waters and *unanimously carried* to refer Riverview Place back to the Planning and Zoning Commission.

3. Discussion and possible action regarding Alcap Ridge.-tabled

Left on table.

#### L. NEW BUSINESS

1. Discussion and approval to apply for the Regional Performance Incentive Program.

Chief Salvatore presented the request. This is a grant for approximately \$350,000 for an outfitted vehicle that would be shared with the Towns of Rocky Hill, Wethersfield, Berlin, Newington and Cromwell. This vehicle would be used for Major Crimes and would be housed in Newington.

Discussion followed. The topic of who would bear the cost of maintaining the vehicle in the future was discussed. Chief Salvatore responded that topic isn't covered at this step of the process but Cromwell would either bear 1/5 of the cost or pay for the percentage of when Cromwell used the vehicle. R. Newton verified the fact that no additional personnel would be necessary. Chief Salvatore responded that no additional personnel would be necessary; existing staff would receive training. Ms. Halibozek would like to see this vehicle used for educational purposes; for example the Forensic Class at the High School. Mr. Waters would feel more comfortable voting for this if it was spelled out exactly how the cost of maintenance would be divided for this vehicle.

**Motion** made by A. Spotts seconded by R. Newton and *carried* to support the resolution of endorsement.

Aye: F. Emanuele, A. Halibozek, R. Newton, M. Terry, E. Faienza, A. Spotts

Nay: A. Waters

*Motion carried*

2. Discussion and approval to apply for the Lead Grant from the Department of Public Health.

First Selectman Terry presented the request because Public Health Director W. Bell was not able to attend this meeting.

**Motion** made by A. Spotts seconded by A. Halibozek and *unanimously carried* to approve applying for the Lead Grant from the Department of Public Health.

3. Discussion and action regarding Officer R. Bengston's Educational Assistance request for Winter Session/Semester and Spring 2012 Semester. (\$1,000 for each semester).

**Motion** made by A. Waters seconded by A. Spotts and *unanimously carried* to approve Officer R. Bengston's Educational Assistance request for Winter Session/Semester and Spring 2012 Semester.(\$1,000 for each semester).

4. Discussion and action to approve Reed Builder's request to name the road along Pasco Hill Road in the Sunset Ridge Subdivision Thomas Court.

**Motion** made by A. Spotts seconded by A. Halibozek and *unanimously carried* to approve Reed Builder's request to name the road along Pasco Hill Road in the Sunset Ridge Subdivision Thomas Court.

5. Approve Housing Rehab Loan Program Resolution as attached to the agenda. Town Planner C. Minor presented the request.

First Selectman Terry advised that she felt uncomfortable that the grant writer would be receiving \$75,000 out of the grant. C. Minor stated that the \$75,000 covers the cost of applying for the grant as well as working with the recipients with the planning of the renovations and selecting the contractor. Mr. Minor added that this 25% of the grant is within the State guidelines  
Discussion followed.

**Motion** made by A. Halibozek seconded by A. Waters and *unanimously carried* to approve certification of the Housing Rehab Loan Program Resolution.

6. Approve resolution for OPM Regional Incentive CAPTAIN 4G Program.

Chief Salvatore and Captain Kosinski presented the request. The funds will be used to update software.

**Motion** made by E. Faienza seconded by A. Spotts and *unanimously carried* to approve resolution for OPM Regional Incentive CAPTAIN 4G Program.

(#7. Was moved to the beginning of the agenda)

8. Approve request for improvements to Town Hall hallway flooring from CNR-\$33,000.

Public Works Director Hood presented the request.

**Motion** made by A. Halibozek seconded by F. Emanuele and *unanimously carried* to approve appropriation of \$33,000 out of CNR as proposed by the Public Works Director.

9. Approve request from Public Works Director to re-appropriate \$34,000 from last years Sidewalk Fund to this year to make sidewalk improvements.

Public Works Director Hood presented the request.

**Motion** made by A. Waters seconded by A. Spotts and *unanimously carried* to approve request from Public Works Director to re-appropriate \$34,000 from last year's Sidewalk Fund to this year to make sidewalk improvements.

10. Discussion and possible action on Solid Waste Contract.

Public Works Director Hood presented the request. Discussion followed regarding the accuracy of the information that the CRRA representatives provided at the October Board of Selectmen's Meeting. Public Works Director Hood stated that both he and CRCOG, who he has been working with for the past 18 months on this topic, recommend that the Board approve the Tier 2 five year Solid Waste Contract.

**Motion** made by R. Newton seconded by F. Emanuele and *unanimously carried* to authorize the First Selectman to sign with CRRA Tier 2 Five Year Solid Waste Tipping Fee Contract.

11. Authorize First Selectman to set time and date of Public Hearing for Solid Waste Ordinance.

**Motion** made by A. Halibozek seconded by E. Faienza and *unanimously carried* to authorize First Selectman to set time and date of Public Hearing for Solid Waste Ordinance. First Selectman Terry set the Public Hearing date on January 11<sup>th</sup> at 6:45 before the Police Commission Meeting.

12. Approval to begin process to approve request to accept Jennifer Lane and Newbury Road as Town Road.

Town Planner Minor and Attorney S. Petrella presented the request. C. Minor stated that we do not have a real consistent process in place. Executive Assistant to the First Selectman (and Secretary to the Board of Selectmen) R. Matus objected to Mr. Minor's statement since the First Selectman's Office has been faithfully following the procedure that Mr. Minor put in place since 2005. The length of time that it takes for the town to accept roads is based on whether the contractor has brought the road up to town standards and whether their attorney has provided all the necessary legal documents to our Town Attorney.

**Motion** made by A. Halibozek seconded by R. Newton and *unanimously carried* to refer the 8-24 to the Planning and Zoning Commission.

13. Authorize First Selectman to sign Energy Contracts that are time-sensitive and inform Board of Selectmen of the action that was taken at their next meeting.

**Motion** made by A. Spotts seconded by F. Emanuele and *unanimously carried* to authorize First Selectman to sign Energy Contracts that are time-sensitive and inform Board of Selectmen of the action that was taken at their next meeting.

#### **M. APPROVAL OF MINUTES**

1. Regular Meeting, October 12, 2011.

**Motion** made by A. Halibozek seconded by A. Waters and *carried* to approve the minutes of October 12, 2011.

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

Abstained: M. Terry, E. Faienza, F. Emanuele

Motion carried

2. Organizational Meeting, November 14, 2011

**Motion** made by A. Halibozek seconded by A. Waters and *carried* to approve the minutes of November 14, 2011.

Aye: F. Emanuele, A. Halibozek, R. Newton, M. Terry, E. Faienza, A. Waters

Abstained: A. Spotts

Motion carried

**N. GOOD & WELFARE**

A. Halibozek-Requested that a liaison be appointed to the Dog Park Committee at next month's meeting.

R. Newton-Noted that the Police Commission Minutes for the November Meeting under D. b. Vice Chairman should read A. Waters.

M. Terry-Invited the Board to the Holiday Luncheon on Wednesday December 21<sup>st</sup> in the Arch Room at noon.

A. Waters-Historical Society had their Open House last weekend; it was well attended and successful. Mr. Waters advised that the Vice-Chairman will be moving up to the Chairman's position.

A. Spotts-Complemented Recreation Director Schein for the excellent job she did with the Tree Lighting. Mr. Spotts would like the members of the Board of Selectmen to have business cards and name badges identifying them to the public as Board of Selectmen members

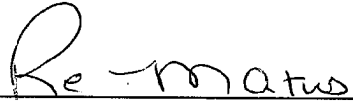
**O. COMMISSION REPORTS**

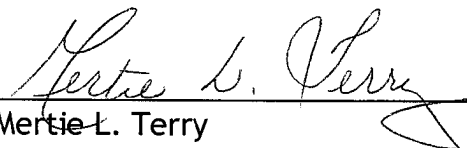
Dispensed with due to the late hour.

**P. ADJOURNMENT**

Motion made by F. Emanuele seconded by E. Faienza and *unanimously carried* to adjourn the meeting at 11:00 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Re Matus  
Secretary

  
\_\_\_\_\_  
Mertie L. Terry  
First Selectman