

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

MINUTES- Corrected

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. Diproto 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.

Vote:

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

Halibozek

Abstention: A. Varricchio

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