

TOWN OF CROMWELL
BOARD OF SELECTMEN
SPECIAL MEETING
WEDNESDAY JUNE 15, 2011
7:10 P.M. TOWN HALL ROOM

CORRECTED MINUTES

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

Absent: A. Spotts

Also Present: Finance Director M. Sylvester, Chief of Police A. Salvatore,
Senior/Human Services Director T. Strong, Human Resources Director T. Roohr,
Captain E. Kosinski, Director of Health W. Bell, Assessor S. Baron, Cromwell
Mattabassett District Representatives Sienna & Tokarz, Superintendent Bisceglia and
Board of Education representative R. Mandeville, Public and Press

A. CALL TO ORDER

First Selectman J. Flanders called the Special meeting to order at 7:15 p.m.

B. APPROVAL OF AGENDA

Being a Special Meeting the agenda stands approved as posted.

C. CITIZENS COMMENTS

1. Doug Sienna, Lincoln Road - (Cromwell Mattabassett District Representative) urged board to reject #17.
2. Tom Tokarz, (Cromwell Mattabassett District Representative) Whitney Court-Spoke against #17.
3. Alice Kelly, Willowbrook Road -Chairman Cromwell Water Pollution Control Authority-Spoke against #17.
4. Myron Johnson, Pleasant Street-Questioned item 10 a, in favor of item 20, commented on item G.
5. Sal Petrella, Attorney, 630 Main Street -Asked for the opportunity to speak when items H 4 and H 7 are discussed.
6. Jim Cassidy, Representing Cromwell Growers -Asked for the opportunity to speak when item H 21 is discussed.
7. Mertie Terry, Main Street-Spoke in support of item H 21.
8. Bob Jahn, Woodside Road - Spoke regarding H 7. Mr. Jahn also spoke against item H 17
9. Peter Keithan, Iron Gate Lane - Spoke regarding several topics.
10. Joe Corlis, Redwood Court -Concerned that when Middletown joins the Mattabassett; Cromwell will have less of a say.
11. Doug Sienna, Lincoln Road - Not against Middletown coming in but doesn't want Cromwell to be sacrificed.

12. Alice Kelly, Willowbrook -Stated that the Vendor Fees should be waived for participants in the Farmer's Market.

D. STAFF/BOARD LIAISON REPORTS

Chief of Police A. Salvatore clarified that Vendor Fees are charged for craft items. Farm items are exempt.

Chief Salvatore reported:

- A cruiser was involved in a crash on Route 3. It is under investigation. The Officer was not injured.
- The Senior Sergeant gave his notice for the end of the month. This will cause a vacancy; the Sergeant's position will be filled and they will begin the hiring process for the vacant officer's position.

E. FINANCIAL

1. Tax Refunds

- a. Danny I. Ouellette -\$46.99
- b. Danny Ouellette -\$11.37
- c. David Horsley -\$16.57
- d. Milton M. Gleason -\$18.59
- e. Agnes F. Kiember -\$10.91
- f. Matthew T. or John J. Fote -\$21.54
- g. Adreana M. Arce -\$93.06
- h. William M. Doppstadt -\$247.74

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

2. Budget Reports

Finance Director Sylvester presented the budget reports.

F. UNFINISHED BUSINESS

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

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

First Selectman Flanders requested that this item remain tabled until the residents of Riverview Place are present.

Motion made by R. Newton seconded by A. Varricchio and *unanimously carried* to table.

G. EXECUTIVE SESSION

1. Pending Litigation

- a. Senator Drive

Motion made by J. Flanders seconded by R. Newton and *carried* to adjourn to Executive Session at 7:55 p.m.

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

Abstained: A. Varricchio (did not attend the Executive Session)

Motion carried

Town Attorney Morris Borea was invited into Executive Session.

Motion made by R. Newton seconded by A. Halibozek and *unanimously carried* to adjourn from Executive Session at 8:15 p.m.

No action taken

H. NEW BUSINESS

1. Approve Building Fee Refund of \$256.50 to T&M Building Co.

Motion made by P. Ahlquist seconded by A. Waters and *unanimously carried* to approve Building Fee Refund of \$256.50 to T&M Building Co.

2. Discussion and action to waive Health Department Fees for participants in the Cromwell Farmers Market.

Motion made by A. Waters seconded by A. Halibozek and *unanimously carried* to approve waiving Health Department Fees for participants in the Cromwell Farmers Market.

3. Discussion and approval of Animal Control Shelter Agreement.

Chief Salvatore presented the request.

Discussion followed. Chief Salvatore advised the board that he had made a revision to the agreement and as a result the Town of Berlin may request a minor change to the agreement.

Motion made by A. Varricchio seconded by A. Halibozek and *unanimously carried* to authorize the First Selectman to sign an agreement substantially like the agreement presented this evening.

4. Discussion and action on request from Reed Builders LLC, for refund of purchase price for property along North Road from the Town of Cromwell. Attorney Petrella presented the request to the board on behalf of his client, Reed Builders. Attorney Petrella gave a brief history to the board; in a nut shell the town sold a piece of property to Reed Builders for \$15,000. Attorney Petrella stated that he did the title search and believed that the town did own the property. It was later determined that the State owned the property and they had to go through the process for the State to turn over the parcel to the Town and the Town then quit claimed it to Reed Builders. The State charged Reed Builders \$27,500 for the parcel, mostly due to the improvements that the builder made to the property. They are now requesting that the Town refund the \$15,000 that Reed Builders paid to the town for the property.

Motion made by A. Waters seconded by P. Ahlquist to approve.

Amended Motion made by R. Newton to approve transfer of \$15,000 from General Fund Fund Balance to Legal Contracted Services.

Chief Salvatore asked for permission to address the board regarding this topic.

Chief Salvatore stated that he believes the town did own a portion of the parcel

that was sold to Reed Builders and is entitled to at least a percentage of the \$15,000. He cautioned that this matter should be reviewed before a vote is taken. **Motion** made by A. Waters seconded by R. Newton and *unanimously carried to table*.

5. Discussion and action to approve amendments to Cromwell Code §146-10 Sewer Septic fee changes.

Health Director W. Bell presented the request.

Motion made by R. Newton seconded by A. Varricchio and *unanimously carried to approve amendments to Cromwell Code §146-10*.

6. Discussion and action to approve Ordinance regarding non-resident owners of residential rental housing units to register their address with the Health Department.

Health Director W. Bell presented the request. A lengthy discussion followed.

Motion made by A. Waters seconded by R. Newton to approve.

Amended Motion made by A. Halibozek seconded by A. Varricchio and *carried to eliminate 6.c and change 7a. to \$100.00 for the first violation and not more than \$200.00 for all subsequent violations*.

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

Nay: J. Flanders

Motion *carried to approve amendment*.

Amended Motion made by P. Ahlquist seconded by R. Newton and *carried to remove 6f*.

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

Nay: J. Flanders

Motion *carried to approve amendment*.

Main Motion carried to approve as amended.

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

Nay: J. Flanders

7. Discussion and action on request for Tax Abatement.

Motion made by A. Waters seconded by A. Varricchio to approve.

Attorney Petrella requested that the board table this item until the delinquent taxes owed on the property at 181 Shunpike Road are paid.

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

Craig Stevenson presented the request to the board. Since the board never received documentation for 10 County Line it will be discussed at a later date.

Motion made by R. Newton seconded by A. Halibozek and *unanimously carried to table*.

8. Discussion and action on \$300,000 transfer from General Fund fund balance to the CNR Fund fund balance.

Superintendent of Schools Biceglia presented the request. Dr. Bisceglia informed the board that the Board of Education would be turning over surplus funds at the end of this fiscal year largely due to savings because of Board of Education employees agreeing to a high deductible health plan. Dr. Bisceglia requested that since the boiler at Cromwell High School needs to be replaced the the surplus funds turned over this year would be designated in next year's CNR request for this purpose.

Motion made by R. Newton seconded by A. Varricchio and *unanimously carried* to approve \$300,000 transfer from General Fund fund balance to the CNR Fund fund balance

- a. Approve appropriation within CNR Fund for a replacement boiler at Cromwell High School.

Motion made by A. Halibozek seconded by A. Varricchio and *unanimously carried* to approve appropriation within CNR Fund for a replacement boiler at Cromwell High School.

9. Discussion and action to approve request authorizing the Superintendent to proceed to secure the necessary town approvals, secure the CL&P multi-year \$225,000 zero percent interest loan and utilize their pre-qualified contractor to complete the installation of the various energy saving equipment.

Board of Education representative R. Mandeville presented the request. Mr. Mandeville advised the board that there is another \$100,000 worth of opportunity at the Middle School that can be submitted to CL&P. The Board of Education approved \$325,000 at their meeting last night. First Selectman Flanders advised that since this is a Special Meeting the amount can't be changed. The consensus of the board was to hold a Special Meeting on June 23rd at 7:00 before the Board of Finance Meeting to approve the request.

Motion made by A. Waters seconded by A. Halibozek and *unanimously carried* to approve request authorizing the Superintendent to proceed to secure the necessary town approvals, secure the CL&P multi-year \$225,000 zero percent interest loan and utilize their pre-qualified contractor to complete the installation of the various energy saving equipment.

- a. Authorize the First Selectman to call a Special Town Meeting to authorize the multi-year loan as alternate financing (Section C603 (a)).

Motion made by A. Halibozek seconded by R. Newton and *unanimously carried* to authorize the First Selectman to call a Special Town Meeting to authorize the multi-year loan as alternate financing (Section C603(a)).

10. Discussion and action on \$230,000 appropriation within the LoCIP Fund for a culvert improvement project. These funds will be fully reimbursed through the State's LoCIP grant program.

Motion made by A. Varricchio seconded by A. Waters and *unanimously carried* to approve \$230,000 appropriation within the LoCIP Fund.

a. Discussion and possible action for authorization to use funds from 2008 & 2010 Road Reconstruction Bonds for Four Culvert Improvement Project.
Motion made by A. Varricchio seconded by R. Newton and *unanimously carried* to Grant authorization to use funds from 2008 & 2010 Road Reconstruction Bonds for Four Culvert Improvement Project.

11. Approve awarding Four Culvert Improvement Project to low bidder Quality Associates -\$394,176.

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to approve awarding Four Culvert Improvement Project to low bidder Quality Associates -\$394,176.

12. Authorize First Selectman to sign Household Hazardous Waste Collection between the Metropolitan District and the Town of Cromwell.

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to authorize First Selectman to sign Household Hazardous Waste Collection between the Metropolitan District and the Town of Cromwell.

13. Approve revisions to Cromwell's Emergency Operation Plan.

Motion made by P. Ahlquist seconded by R. Newton to approve.

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

First Selectman Flanders commented that the revisions will need to be reviewed by Town Hall Staff. The consensus of the board was that Fred Curtin be present when the item comes back for the board's approval.

14. Discussion and action on \$13,000 transfer from General Fund fund balance to the CNR Fund fund balance and appropriation within the CNR Fund for upgrades to the server for finance, tax and assessment software.

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to approve \$13,000 transfer from General Fund fund balance to the CNR Fund fund balance.

Motion made by A. Waters seconded by P. Ahlquist and *unanimously carried* to authorize appropriation within the CNR Fund for upgrades to the server for finance, tax and assessment software.

15. Discussion and action regarding Use of Vehicles by Town Employees Report.

First Selectman Flanders stated that this topic falls under his purview as First Selectman and asked the board for their thoughts regarding employees taking home town vehicles.

A list of call-in hours was provided to the board.

Mr. Waters discussed the list, in particular Mr. Swanson, who lives in town and Mr. Conant who does not live in town. Mr. Waters stated that the call in list does not justify Mr. Conant taking home a vehicle.

Human Resources Director T. Roohr advised the board that Mr. Swanson & Mr. Conant both are issued town cell phones and required to answer them while the other employees are on a catch-as-you-can basis.

Mr. Ahlquist spoke about the contract and asked if the employees are being paid overtime for the drive in to respond to calls. Mr. Roohr said that they are paid overtime from the time they arrive at work. Mr. Waters continued the discussion. It was determined that in Mr. Swanson's job description he can be placed on call; Mr. Conant cannot. Mr. Waters stated that he determined at last month's meeting that Mr. Conant has never been called in for any other reason other than for winter storms.

Mr. Newton stated that the Public Works Director should have a written policy that outlines just exactly what vehicle assigned to people can be used for and who can take them home and why. Beyond that, it is the First Selectman who is the Chief Administrator's decision to make.

Mr. Waters echoed Mr. Newton's thoughts.

Ms. Halibozek stated that she feels that just because they have been chosen to carry a cell phone that doesn't mean that they should take home a vehicle.

Ms. Halibozek asked if the Town pays for the gas and maintenance for that vehicle at all times; when they are on break, to pick up their lunch etc. Mr. Roohr stated that the employees are authorized to use the vehicle to and from work; not for any personal use. Ms. Halibozek asked if employees are given tax forms for the use of the vehicles. Mr. Roohr stated that marked town vehicles that carry equipment are not taxable to the employee. Ms. Halibozek felt that the taxpayers are paying for these vehicles and since they are a budgeted item this should be under the board's purview.

First Selectman Flanders thanked the board and stated that he will consider their input when he makes his decision.

16. Review and approve, if necessary, recommendations from Appeals Officer for town Senior Tax Program.

Senior & Human Services Director T. Strong presented her recommendations to the board. R. Newton along with the rest of the board complimented Ms. Strong stating that a lot of thought went into the recommendations. Mr. Newton stated that he will support all six of the recommendations.

Assessor Baron interjected that the budgeted funds were all expended so funding is not available for the three requests that were approved.

Ms. Strong stated that this was the same scenario as last year. Either a request would have to go to the Board of Finance to fund the recommendations or a very small adjustment would have to be made to the other recipients of the Senior Tax Program.

Motion made by R. Newton seconded by P. Ahlquist and *unanimously carried* to accept the Appeal Officer's recommendations.

17. Discussion and Action regarding the Mattabassett District Agreement.

A lengthy discussion followed. First Selectman Flanders stated that what they are looking for is a resolution allowing Middletown to enter the Mattabassett District as a full member. The City of Middletown would be required to pay a buy in of \$13,000,000 to the District and the Board of Directors would be reconfigured; 5 members for New Britain, 4 members for Middletown and 3 each for Cromwell and Berlin. Cromwell as the host community would receive \$100,000 per year from the district in recognition of the fact that the host town bears the on-site expenses. First Selectman Flanders advised the board that this agreement was reached between the three member towns and the City of Middletown. First Selectman Flanders and the Mayor of New Britain were tasked to reach an agreement regarding the amount that Cromwell as the host town would receive. While discussions were being held, the Commissioner of DEP stepped in and set the amount at \$100,000, payable out of sludge monies. The Commissioner also stated that if this agreement is rejected the City of Middletown will have to build their own facility. The Mattabassett District will undergo \$75 - \$100 Million in improvements to deal with nitrogen, if Middletown is approved their \$13 million dollar buy-in fee will help offset this. First Selectman Flanders stated that Cromwell was one of four communities negotiating this and he is not particularly happy with the amount of \$100,000. Cromwell's fees will go up no matter what.

R. Newton - (participated in the discussions along with First Selectman Flanders). Mr. Newton whole-heartedly supports Middletown joining the Mattabassett District. Middletown could come in under contract as a customer to Mattabassett; they don't have to join. Mr. Newton would rather have them as a member because they would have more of a commitment.

A. Waters - Asked what the turnaround time is on this matter. Could it be tabled and renegotiated? Mr. Waters gave the history of Cromwell's dealings with the Mattabassett District through the years.

A. Halibozek stated that D. Sienna would like to be recognized. First Selectman Flanders stated that he had ample time to talk during Comments.

A. Halibozek asked where the bill is at; has the Governor signed it? Ms. Halibozek stated that they don't even know if it can be renegotiated. Ms. Halibozek stated that several people spoke this evening as well as Cromwell's representatives to the Mattabassett that urged the board to reject this agreement. Mr. Newton and Mr. Flanders made excellent points also, but she has to think at this point going forward they will be in this for many years if it is approved as it is now. The two Cromwell representatives think that this is not for the best interests of the town.

A. Varricchio is skeptical because they are not guaranteed of receiving the money. He thinks that this should be tabled.

Mr. Newton stated that he spoke to the Executive Director of the Mattabassett

B. Armet and was promised something in writing that guaranteed that Cromwell would receive the \$100,000 on an annual basis. He has not yet received it.

P. Ahlquist -With any decision this important; they should take their time and think about it. It's difficult to come into negotiations when they have been concluded. Mr. Ahlquist stated that another \$50,000 or a few more members for Cromwell will not change things much but because Cromwell is the host town they should be compensated.

Motion made by R. Newton seconded by P. Ahlquist and *unanimously carried* to table.

18. Discussion and action on Fund Balance policy to meet new auditing standard (GASB#54).

Finance Director Sylvester presented the request to the board. A short discussion followed. Mr. Newton questioned and asked for clarification regarding a few items in the policy.

Motion made by P. Ahlquist seconded by A. Varricchio and *unanimously carried* to approve Fund Balance policy to meet new auditing standard (GASB#54).

19. Approve award of copier bid for municipal offices to CBS Bloom.

Motion made by A. Varricchio seconded by A Waters and *unanimously carried* to approve award of copier bid for municipal offices to CBS Bloom.

20. Discussion and possible action on Cromwell Growers request to reduce Application fees to replace greenhouses due to winter storm damage.

Jim Cassidy from Hallisey, Pearson & Cassidy and Ed Bartolotta owner of Cromwell Growers presented the request.

Motion made by A. Waters seconded by A. Varricchio and *unanimously carried* to waive application fees in the amount of \$5,225.

21. Discussion and possible action for First Selectman to apply for STEAP Grant for County Line Drive.

Economic Developer C. Stevenson presented the request.

Motion made by A. Waters seconded by A. Varricchio and *unanimously carried* to authorize the First Selectman to apply for STEAP Grant for County Line Drive.

I. APPROVAL OF MINUTES

1. Regular Meeting, May 11, 2011

Motion made by A. Varricchio seconded by A. Halibozek and *unanimously carried* to approve the minutes of May 11, 2011.

J. FIRST SELECTMAN'S COMMENTS

First Selectman Flanders advised the board that he reestablished the Flag Fund. The funds will be used to purchase additional and replace tattered flags along Main Street, West Street, the Parade Route and at the entrance to the Travelers Championship.

First Selectman Flanders also announced that the Finance Department was awarded the Excellence in Reporting Award again this year by the GFOA.

K. GOOD & WELFARE

A. Halibozek -Confirmed that the board will hold a Special Meeting on June 23rd at 7:00 before the Board of Finance Meeting.

A. Varricchio-Spoke about non-existent culverts in the area of 77-79 Nooks Hill Road. Mr. Varricchio also spoke about the \$700,000 + cost to the Town of Wethersfield for an Ethics investigation for a \$400.00 issue.

L. COMMISSION REPORTS

None

M. RESIGNATIONS

1. Recreation Commission

a. Joe Ramirez

Motion made by P. Ahlquist seconded by A. Varricchio and *unanimously carried* to accept Mr. Ramirez's resignation with regret.

N. APPOINTMENTS

1. Planning & Zoning Commission

a. Brian Dufresne, Alternate, Term expires December 2011

Motion made by P. Ahlquist seconded by A. Halibozek and *unanimously carried* to approve Mr. Dufresne's appointment as an Alternate to P&Z.

O. ADJOURNMENT

Motion made by A. Halibozek seconded by R. Newton and *unanimously carried* to adjourn the Special Meeting at 11:15 p.m.

Respectfully submitted,

Re Matus
Secretary

John M. Flanders
First Selectman