

TOWN OF CROMWELL  
TOWN COUNCIL  
SPECIAL MEETING  
THURSDAY OCTOBER 6, 2016  
2:00PM TOWN HALL ROOM 224/5

RECEIVED FOR FILING  
10-7-2016 at 2:59 PM  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Jean Chalquist*  
TOWN CLERK

MINUTES

**Present:** Enzo Faienza (Mayor), Frank C. Emanuele JR (Town Council), Tom Tokarz (Town Council), Ed Widders (Town Council), Samantha Slade (Town Council).

**Also Present:** Anthony Salvatore (Town Manager), members of staff, public and press.

**Absent:** Al Waters (Town Council), Richard Newton (Deputy Mayor).

**A. CALL TO ORDER:**

Mayor Faienza called the meeting to order at 2:00pm.

**B. APPROVAL OF AGENDA**

Mayor Faienza asked for a motion to approve the agenda. *Motion was made by Ed Widders, seconded by Frank Emanuele; the motion passed.*

**C. NEW BUSINESS**

1. Special Council Meeting to discuss and possibly take action on whether to remove the call item for the October, 19 2016 Special Town Meeting to a referendum vote.

Mayor Faienza gave the floor to Anthony Salvatore to provide information about the referendum process.

Anthony Salvatore reported that as a result of the cost between a referendum and a Special Town Meeting that the Council take into consideration the inconvenience both to staff and the high school, when making a decision. He mentioned two sheets of email correspondence were provided, one from the DEEP and one from the Town's insurance carrier (which can be found in the 'submitted materials' section of the minutes) in regards to the boat ramp property.

Citing these aforementioned materials, the property is already being insured by the Town of Cromwell and the Town is also the insurer in conjunction with the lessee. Moreover, as a result of making an inquiry,

the insurance company has made several suggestions to be put into a new lease that would provide better protection for the Town of Cromwell (that the Town presently doesn't have). He emphasized that if an incident occurred at the property, the lessee would be held accountable first, but that doesn't ensure the Town couldn't be litigated as well. Going forward, there'd be no additional cost to the Town whether the present format for insuring the property was kept, or if the Town of Cromwell were to take it over.

On the DEEP, which responded to several questions from the Town's engineer (the responses are recorded in red on the aforementioned DEEP sheet correspondence), the permits (while in the name of the COA) are for the property. While the Certificate of Permission (COP) is issued to the Cromwell Outboard Association (COA), the authorization is tied to the land. To simplify what has been presented to the Council, would be anywhere between 45 and 90 days (or less), according to the DEEP. This timeframe would only be significantly affected if the usage were increased. However, if same exact usage presently being utilized by the COA were to be maintained, or reduced (i.e. reduce the dock sizes), there would be no inconvenience to the town of Cromwell, or for anybody else applying for a COP.

Further, Mr. Salvatore reported that the lessee would need permission to remove any pilings from the DEEP, as part of the COP. Thus, DEEP authorization would be needed to make any changes to the launch itself (i.e. the ramp area). More details on this are provided in the DEEP correspondence.

Ed Wengers asked Anthony Salvatore if the Town should check with the U.S. Army Corp. of Engineers.

Anthony Salvatore responded that all that's required is a COP from the DEEP.

**Mayor Faienza proposed a motion (to be opened up for discussion) for the Town Council to move the call item to a referendum, which states:**

"Pursuant to sections 7.1 and 7.7 of the general statutes, the Town Council finds that it is in the interest of the town to cancel the October 19<sup>th</sup>, 2016 Special Town Meeting and to instead submit the petition question that was subject to the Special Town Meeting to a Town-wide referendum vote on November 1<sup>st</sup>, 2016 between the hours of 12pm and 8pm at Cromwell High School.

***The motion was made by Frank Emanuele and seconded by Tom Tokarz. All were in favor; the motion passed.***

Mayor Faienza opened up discussion on the motion.

A Councilperson asked whether the Town Council is authorized to move the call item to a referendum.

Anthony Salvatore responded under section 7.7, the Town Council is authorized to recall the October 19<sup>th</sup> Special Meeting and send it directly to referendum, which has to be done 14 days from the date the meeting was slated for. Thus, it has to be done by November 2 and his recommendation would be to do it on November 1.

Ed Widders reiterated his concern about obtaining a federal permit through the U.S. Army Corp. of Engineers.

Anthony Salvatore responded that he'll look into Ed Widders's concern.

Mayor Faienza emphasized that questions concerning the U.S. Army Corp. of Engineers are irrelevant at this time and directed discussion towards the motion he proposed, concerning a Town Council vote on the call item.

Ahead of the proposed referendum, Samantha Slade clarified with a representative from the Registrar of Voters that everything was set on their end. The Town would just have to confirm the site of the referendum at Cromwell High School.

A Councilperson asked what the cost of the referendum would be.

Anthony Salvatore responded the cost of the referendum would be between \$2,500 and \$3,000.

Several Councilpersons emphasized that a referendum is critical to give taxpayers a voice on the call item.

**Mayor Faienza called for a vote on the motion on the floor:**

"Pursuant to sections 7.1 and 7.7 of the general statutes, the Town Council finds that it is in the interest of the town to cancel the October 19<sup>th</sup>, 2016 Special Town Meeting and to instead submit the petition question that was subject to the Special Town Meeting to a Town-wide referendum vote on November 1<sup>st</sup>, 2016 between the hours of 12pm and 8pm at Cromwell High School.

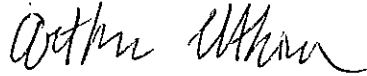
***All were in favor of the motion to vote.***

***Mayor Faienza called a vote. Five voted in favor, none opposed and two were absent from the vote; the motion passed.***

#### **D. ADJOURN**

Samantha Slade motioned to adjourn, seconded by Ed Widders. *All were in favor; the motion passed.* The meeting adjourned at 2:23pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Arthur Atkin".

Arthur Atkin

Recording Clerk

Submitted Materials:

**Muller, Sharon**

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**From:** Vasquez, Yordano  
**Sent:** Thursday, October 06, 2016 1:18 PM  
**To:** Muller, Sharon  
**Subject:** FW: Cromwell's boat ramp

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**From:** Salvatore, Anthony  
**Sent:** Thursday, October 06, 2016 1:14 PM  
**To:** Vasquez, Yordano  
**Subject:** FW: Cromwell's boat ramp

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**From:** Harriman, Jon  
**Sent:** Tuesday, October 04, 2016 4:35 PM  
**To:** Romero, Krista  
**Cc:** Salvatore, Anthony  
**Subject:** Re: Cromwell's boat ramp

Thank you Krista,

Just to confirm - the use change would be from a private facility to a public facility which would be done by applying for and obtaining a COP?

Thanks again,

**Jon Harriman**  
Town Engineer  
Town of Cromwell

On Oct 4, 2016, at 4:11 PM, Romero, Krista <[Krista.Romero@ct.gov](mailto:Krista.Romero@ct.gov)> wrote:

Jon,

1. Please confirm that the existing permit is tied to the land/parcel and not the user, creating the possibility of transfer from the COA to the Town of Cromwell. Could this transfer be done under a Certificate of Permission (COP) with the understanding that the existing permitted layout would be maintained as is, or reduced in size (less dock, less pilings, etc). The Authorization is tied to the land. A transfer from the Permittee to a new owner would only be needed if the work in the authorization had not been completed. A COP would be needed to change the use of the docking structures and/or modifying them.
2. If our tenant were to remove the infrastructure which might include floating docks, pilings and even the concrete ramp surface – would the tenant be required to obtain a new

permit from DEEP for that work, and what might the timeline be for obtaining such a permit? A COP would be needed to remove the piles and concrete ramp surface...between 45 and 90 days.

3. What would be the timeline to acquire the transfer of permit under COP as outlined in question 2. above? 45-90 days
  
4. If the tenant was to remove some or all of the existing permitted infrastructure, would the Town need any permits other than the COP described in question 2. above to replace the missing components? It is understood that under a COP the Town would not be able to expand the facility beyond what is currently permitted unless a new permit was applied for and granted by the CT DEEP. If the tenant went in and removed some or all of the existing permitted structures they would need authorization from us to do that. If that were to happen and you wanted to reinstall the piles...you would need a COP for that. I am not sure why they would pull the piles but if they left them and just took the floats, you could just re-install new floats with the same dimensions or reduce the size and not have to come in for a COP. A new Structures, Dredging, & Fill application would be needed if you were expanding the docking facility.

*Krista L. Romero*

Environmental Analyst II  
Office of Long Island Sound Programs  
Department of Energy and Environmental Protection

Voice: (860) 424-3399

Fax: (860) 424-4054

Email: [krista.romero@ct.gov](mailto:krista.romero@ct.gov)

<http://www.ct.gov/deep>

<image001.jpg>

**From:** Harriman, Jon [<mailto:jharriman@cromwellct.com>]

**Sent:** Tuesday, October 04, 2016 9:58 AM

**To:** Romero, Krista <[Krista.Romero@ct.gov](mailto:Krista.Romero@ct.gov)>

**Subject:** RE: Cromwell's boat ramp

Hello Krista,

As we discussed last month the Town of Cromwell leases waterfront property within Frisbee Park to a private entity, the Cromwell Outboard Association (COA), for the purposes of maintaining and operating a private boat launch. At this time, the Town of Cromwell is considering the possibility of non-renewal of the lease and potentially operating the boat launch as a Town facility going forward that would be open and accessible to the general public. A

Public Hearing has been called for, and I have been asked to gather some information, our questions are:

1. Please confirm that the existing permit is tied to the land/parcel and not the user, creating the possibility of transfer from the COA to the Town of Cromwell. Could this transfer be done under a Certificate of Permission (COP) with the understanding that the existing permitted layout would be maintained as is, or reduced in size (less dock, less pilings, etc).
2. If our tenant were to remove the infrastructure which might include floating docks, pilings and even the concrete ramp surface – would the tenant be required to obtain a new permit from DEEP for that work, and what might the timeline be for obtaining such a permit?
3. What would be the timeline to acquire the transfer of permit under COP as outlined in question 2. above?
4. If the tenant was to remove some or all of the existing permitted infrastructure, would the Town need any permits other than the COP described in question 2. above to replace the missing components? It is understood that under a COP the Town would not be able to expand the facility beyond what is currently permitted unless a new permit was applied for and granted by the CT DEEP.

Thanks for your help,

Jon Harriman, P.E.  
*Town Engineer*  
*Town of Cromwell, CT*  
*ph: 860 632-3465*  
*fx: 860 632-3477*

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**From:** Romero, Krista [<mailto:Krista.Romero@ct.gov>]  
**Sent:** Tuesday, August 30, 2016 10:34 AM  
**To:** Harriman, Jon  
**Subject:** FW: Cromwell's boat ramp  
**Importance:** Low

Hi Jon,

Please see the attached COP's for the site. If you have any other questions, please call or email me.  
Thank you.

*Krista L. Romero*

Environmental Analyst II  
Office of Long Island Sound Programs  
Department of Energy and Environmental Protection

Voice: (860) 424-3399  
Fax: (860) 424-4054  
Email: [krista.romero@ct.gov](mailto:krista.romero@ct.gov)  
<http://www.ct.gov/deep>

<image001.jpg>

**From:** Romero, Krista  
**Sent:** Tuesday, August 30, 2016 10:32 AM  
**To:** 'Harriman, Jon' <[jharriman@cromwellct.com](mailto:jharriman@cromwellct.com)>  
**Subject:** RE: Cromwell's boat ramp  
**Importance:** Low

Hi Jon,

Please see the attached COP's for the site. If you have any other questions, please call or email me.  
Thank you.

*Krista L. Romero*

Environmental Analyst II  
Office of Long Island Sound Programs  
Department of Energy and Environmental Protection

Voice: (860) 424-3399  
Fax: (860) 424-4054  
Email: [krista.romero@ct.gov](mailto:krista.romero@ct.gov)  
<http://www.ct.gov/deep>

<image001.jpg>

**From:** Harriman, Jon [<mailto:jharriman@cromwellct.com>]  
**Sent:** Monday, August 29, 2016 10:47 AM  
**To:** Romero, Krista <[Krista.Romero@ct.gov](mailto:Krista.Romero@ct.gov)>  
**Subject:** Cromwell's boat ramp

Hello Krista,

I would like to see the permit/file for the boat ramp facility here in Cromwell on the CT River located in Frisbee Park. How do I make arrangements to view it?

Thanks,

Jon Harriman, P.E.  
*Town Engineer*  
*Town of Cromwell, CT*



*ph:* 860 632-3465

*fx:* 860 632-3477

## Muller, Sharon

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**From:** Vasquez, Yordano  
**Sent:** Thursday, October 06, 2016 1:18 PM  
**To:** Muller, Sharon  
**Subject:** FW: lease information - COA

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**From:** Salvatore, Anthony  
**Sent:** Thursday, October 06, 2016 1:15 PM  
**To:** Vasquez, Yordano  
**Subject:** FW: lease information - COA

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**From:** DeVoe, Sharon  
**Sent:** Wednesday, October 05, 2016 4:12 PM  
**To:** Salvatore, Anthony  
**Subject:** FW: lease information - COA

FYI

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**From:** LINDSAY BITONTI [<mailto:LBITONTI@CCM-CT.ORG>]  
**Sent:** Wednesday, October 05, 2016 3:03 PM  
**To:** DeVoe, Sharon  
**Subject:** RE: lease information - COA

Hi Sharon,

Because it is Town owned property, if the Town was named in a lawsuit regarding this property, your CIRMA policy would respond to defend the Town. No special rider would need to be added. As always, actual response/coverage will depend on the allegations made and the policy terms and conditions at the time of the loss.

I had the lease agreement reviewed by our claims department. The contract does provide protection for the Town in the Insurance and Indemnity sections (sections 8 & 9) however a couple recommendations were made that would make the wording stronger, which I have outlined below:

- In Number 8. Insurance – delete the words “covered by insurance” in lines 8 and 9. Also add the wording “Landlord shall be added as an additional insured. Tenant insurance shall be primary and non-contributory.”
- In Number 9. Indemnity – add “to the fullest extent permitted by law...” at the beginning of the sentence
- If the Tenant is responsible for maintaining the premises during the term of the lease, add a section that clarifies this stating “tenant shall be responsible for an shall maintain the premises during the term of this lease and upon expiration shall return the premises to Landlord in substantially the same condition, normal wear and tear excluded”

I hope this is what you are looking for! Please let me know if there are any further questions – we can also discuss tomorrow afternoon while I am there.

Best Regards,  
Lindsay

**From:** DeVoe, Sharon [<mailto:sdevoe@cromwellct.com>]  
**Sent:** Monday, October 03, 2016 1:14 PM  
**To:** LINDSAY BITONTI  
**Subject:** FW: lease information - COA

See attached.

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**From:** Bironi, Marion  
**Sent:** Monday, October 03, 2016 1:05 PM  
**To:** DeVoe, Sharon  
**Subject:** lease information - COA