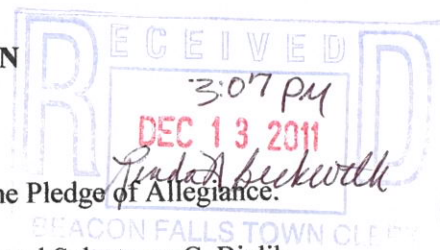


BEACON FALLS BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, DECEMBER 12, 2011



First Selectman Gerard Smith called the meeting to order at 7:30 PM with the Pledge of Allegiance.

MEMBERS PRESENT: First Selectman G. Smith, Selectman D. D'Amico and Selectman C. Bielik

MEMBERS ABSENT: None

**COMMENTS FROM THE PUBLIC**

Len D'Amico of 57 Maple Avenue extended his congratulations the new members of the Board of Selectmen and wished the Board a wonderful term of office, harmonious and productive.

**READ AND APPROVE MINUTES FROM PREVIOUS MEETINGS**

G. Smith noted that a Special Meeting was held on November 30, 2011 to discuss the streetscape project. No clerk was present for this meeting so G. Smith generated the minutes from this meeting. C. Bielik noted that public comment at the meeting had been captured, while some of the Board of Selectmen's discussion was thin.

**C. Bielik made a motion to accept the Special Meeting Minutes from the November 30<sup>th</sup> meeting, as drafted. D. D'Amico seconded the motion. All ayes.**

The current Board of Selectmen also needs to approve the November Board of Selectmen Regular meeting minutes. C. Bielik noted as a point of order that while all of the current members were present at the November meeting, none of the members had been appointed to the Board of Selectmen as that meeting. G. Smith confirmed that the current board can accept the minutes of the previous Board of Selectmen.

**D. D'Amico made a motion to approve the minutes of the Regular November meeting of the previous Board of Selectmen, as presented. C. Bielik seconded the motion. All ayes.**

**APPROVE BILLS ON THE SELECTMEN'S ORDER REGISTER**

G. Smith noted that his would like to change the wording of this agenda item, as the bills have already been signed off on. Instead of approve bills; the wording would be discussion of bills on the Selectmen's order register, where there are questions on invoices. C. Bielik noted one point of discussion regarding a bill from the Fire House, the difference being food that the Fire House had intended to serve at an event which had to be cancelled due to the October storm. The accounting department has noted this item.

**C. Bielik made a motion to approve bills on the Selectmen's register. D. D'Amico seconded the motion. All ayes.**

**REGION 16 SCHOOL SYSTEM/BOARD OF EDUCATION**

G. Smith contacted the Region 16 Board of Education and asked that a member of the BOE be present to update the Selectmen monthly on what is happening at the Board of Education, as the Region 16 budget is the lion's share of the budget. All of the members of the Region 16 Board of Education were in attendance. G. Smith is seeking a liaison that can provide a monthly update to the Board of Selectmen.

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G. Smith invited Board of Education Chairman, Priscilla Cretella to speak regarding the upcoming December 20, 2011 referendum. P. Cretella stated that the Board of Education hopes the referendum passes and that there are no misunderstandings about the project. The BOE members are available to discuss the project and answer questions from residents. The Board of Education will begin their annual budget process during their second meeting in January, 2012.

G. Smith noted that he had heard negativity from the Beacon Falls side because the building project is heavily weighted towards Prospect, with the work being done at Laurel Ledge being a smaller portion of the proposal. One of the concerns is that if the referendum is defeated, is there Plan B and will it still include work to Laurel Ledge.

P. Cretella stated that in the event of a defeat, the BOE would regroup immediately and the three components of this project are all very important to the Region: saving rent for district office, safety at Laurel Ledge, and the replacement of the school in Prospect are all vital parts of the project. The BOE has made a commitment to all 3 parts of the proposal.

BOE Member Sheryl Feducia reiterated the importance of the total project and the infrastructure at Laurel Ledge which must be addressed. There are a number of smaller repairs at Laurel Ledge, which have been delayed for years, in addition to connecting the buildings for safety. The need to replace Algonquin School is dire. Financially it makes sense to put this all together and personally S. Feducia would not support a partial project. The BOE wants to do it right by combining the entire project.

C. Bielik asked if a final presentation would take place prior to the referendum, for those who have missed the prior presentations. P. Cretella noted that if there is a request, the BOE will set a night aside for another presentation. S. Feducia gave her cell phone number to the public for questions: 203-525-3640. Story boards have been placed at the school entrances explaining the project and these will be circulated to the Senior Center and libraries.

P. Cretella noted that attendance at the 9 presentations to date has fluctuated from as little as 6 people to as many as 30 people. Citizens' News will publish a flyer on the referendum this Friday. The Board of Selectmen made the request for a final informational BOE meeting on the building project, on Monday, December 19<sup>th</sup>, so that the residents of Beacon Falls can come out to learn more the night before the referendum. Discussion continued regarding the location of the meeting and Woodland High School was deemed the best location for the 7:00 PM meeting.

D. D'Amico asked about the timing of the referendum and S. Feducia responded that the October snow storm pushed the referendum back to the week prior to the holiday break. G. Smith thanked the Board of Education for their presence.

**RESIDENT TROOPER/POLICE REPORT**

No report at this time.

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**ROAD FOREMAN'S REPORT**

The Selectmen received a weekly update and assignment sheet from the Road Foreman. C. Bielik asked about the personnel and town vehicle which were recently involved in an accident. G. Smith explained the crew is okay and he is meeting with the insurance agent regarding the truck which will need both body work and mechanical work. The town has a \$1,000 deductible on the policy.

**C. Bielik made a motion to accept the Road Foreman's Report and D. D'Amico seconded the motion. All ayes.**

**WASTEWATER TREATMENT PLANT REPORT**

G. Smith stated he had been meeting with Wastewater Treatment and getting estimates for small items, such as manhole cover replacements. Nafis & Young is working on the bond for larger projects. Before they can proceed, the town needs to approve engineers who are recommended to do the work. This process is moving forward and there will be a major design plan put together for what the town needs to do with the Wastewater Treatment Plant, which will include infiltration studies, etc.

**C. Bielik made a motion to accept the Wastewater Treatment Plant's Report and D. D'Amico seconded the motion. All ayes.**

**FIRE MARSHALL'S REPORT**

The Selectmen commented on the volume of calls the town receives. C. Bielik still needs to receive his scanner.

**D. D'Amico made a motion to accept the Fire Marshall's Report and C. Bielik seconded the motion. All ayes.**

**FINANCIAL MANAGER'S REPORT**

The Financial Manager was not present at the meeting.

**C. Bielik made a motion to send the Financial Manager's report to the Board of Finance for review and approval. D. D'Amico seconded the motion.**

Under discussion, the Board of Selectmen will review the report and bring their questions or concerns to the Board of Finance. There are line items which have exceeded their annual threshold, and the Board of Selectmen has directed their questions to the Financial Manager.

**All ayes.**

**TAX COLLECTOR'S REPORT**

The report shows light activity for the month. **C. Bielik made a motion to accept the Tax Collector's Report and D. D'Amico seconded the motion. All ayes.**

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**TOWN TREASURER'S REPORT**

Treasurer Mike Krenesky noted that the report reflects last month's stiff interest rate and the new interest rate has dropped from .26 to .21, which is a common variance.

**C. Bielik made a motion to accept the 12/11/2011 Treasurer's Report, as presented. D. D'Amico seconded the motion. All ayes.**

A Library report is expected next month. There was no Custodian report at this time.

**FIRE DEPARTMENT'S REPORT**

The Fire Department responded to 46 EMS calls and 14 Fire calls, 0 mutual aide and no ladder trucks last month. **D. D'Amico made a motion to accept the Beacon Hose Co. #1 November Report. C. Bielik seconded the motion. All ayes.**

The Board of Selectmen also received a letter from Beacon Hose Co. #1 dated November 14, 2011, which shows the October report. **C. Bielik made a motion to accept the October report of the Fire Department on behalf of the previous Board of Selectmen. D. D'Amico seconded the motion. All ayes.**

**CORRESPONDENCE**

1. Letter from the Registrar of Voters and Kathy Grace requiring the installation of a fax line. G. Smith has contacted Comcast and the line is in the process of being installed.
2. Letter from Mr. Rundel requesting the clean up of Beacon Valley Road. This issue has been addressed.
3. Letter from a local individual regarding AFLAC. G. Smith will arrange this meeting.
4. Letter from the Town Clerk and Tax Collector regarding a change in Thursday evening hours from 6:00 PM – 8:00 PM to hours by appointment only. Town Clerk Kurt Novak and Tax Collector Millie Jurzynski addressed the board stating that due to the lack of activity in the real estate market, there has been a significant slow down of activity in their offices and they do not feel the Thursday evening hours are always necessary. Additionally, both of these individuals are available to meet with residents by appointment at their convenience, any evening or time by appointment. Other offices are not open on Thursday evenings past 6:30 PM.

G. Smith asked how residents can make appointments and Kurt Novak stated he is available to meet anytime, including Friday afternoon when the Town Hall is closed. C. Bielik asked about the months of January and July when tax bills are due. Tax Collector Millie Jurzynski stated that they would keep the Thursday evening hours for the months of January into the first week of February and July into the first week of August. There is a night time drop box always available for tax payments. The Town Clerk and Tax Collector's offices are also willing to work together to support each other. The Board of Selectmen concurred that the Town Clerk and Tax Collector can give the new arrangement a try with by appointment hours.

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5. Letter regarding a sewer bill in question which has been escalated to the Town Attorney.
6. The Animal Control Report was received.
7. Letter from the Library stating that the December Library Report will be presented at the January meeting, because the Library Board of Trustees meets later this month.
8. Letter from Laura Marcella stating that she intends to return from maternity leave and resume working on January 9, 2012. G. Smith welcomed her back.
9. Letter from Lt. Eddie Rodriguez stating that starting January 1, 2012 full-time employees will be working days, evenings, and midnight shifts due to minimum manpower. C. Bielik confirmed that this change will not impact overtime hours.
10. Letter from Conservation Commission asking if a person arrested for littering or damaging town or park property can be assigned community service clean up of the area where the violation occurred. The Selectmen noted that while this is an issue for the courts, they would support this assignment of community service.
11. A letter from the COG, who are currently conducting a study which explores the benefits of a regional Animal Control facility. **C. Bielik made a motion to support COG's continued study of a regional Animal Control facility. D. D'Amico seconded the motion.** Under discussion, C. Bielik asked if the COG were studying other towns, such as Orange/Milford who have recently merged their animal control facilities. As dog licenser, Town Clerk Kurt Novak mentioned that Beacon Falls' costs are currently quite low. The standardized cost of a regional facility may be more than what Beacon Falls currently pays. **All ayes.**
12. Letter from Beacon Hose Co. #1 Fire Chief Michael Pratt regarding expenses they incurred for taking care of residents during the October storm. They submitted expenses of \$1940.48 which will be covered by FEMA.
13. Letter from the previous Workers' Compensation provider which stated that the town is owed a credit and they will send a check.
14. Letter from Murtha Cullina looking into providing their services as legal counsel for the town.
15. A letter for a \$56.90 tax refund to Steven Ahearn. **D. D'Amico made a motion to refund \$56.90 in taxes to Steven Ahearn. C. Bielik seconded the motion. All ayes.**

**OLD BUSINESS**

- A. G. Smith noted that Steven Kelleher was not present to discuss the sale of the cell phone tower on Lopus Road because the original offer for the sale has been modified and new bids have come in. AT&T is upgrading cells on the towers and this tower is slated to be upgraded. The upgrade would change the rent roll and make the tower more profitable. The original offer was for \$615,000 and extra revenue could increase the offer to \$850,000, plus a \$1,000 monthly rent. C. Bielik noted those are the numbers for sale, but asked about continuing to rent the tower. Rent

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for the tower would also increase as a result of the upgrade. Next month the numbers will be updated and the Board will have proper figures to work from.

- B. Mario Trepca Property on 113/119 South Main Street – Attorney Stanek of Oxford Road appeared representing L&R Trepca LLC on the issue regarding the highway taking line for the property at 113 and 119 South Main Street. Attorney Stanek appeared at October 17, 2011 Board of Selectmen’s meeting and his appearance at the November meeting was postponed until today. Michael Horbal, land surveyor, and Mario Trepca were also present. Mr. Trepca purchased property in Beacon Falls on Main Street and Mr. Horbal could not locate highway street taking line for Johnson Street. Attorney Stanek has presented a proposal for taking the line, pursuant to CT General Statute 13a-39. The proposal sets the street line 5 feet from the edge of the pavement.

Town Engineer, Jim Galligan, provided his opinion that the common accepted procedure is to locate the street line 25 feet from the centerline of pavement. G. Smith spoke with Mr. Galligan and he is okay with the Trepca’s proposal but he is concerned that the town is setting a precedent for this commercial property. G. Smith wishes to seek a legal opinion on this matter from Mr. Byrne, Town Attorney, on the matter of precedence.

Michael Horbal showed the Board of Selectmen a copy of his worksheet for the survey of the two parcels and noted that he extended his survey to 83 South Main Street because of the difficulty he had determining the dedicated width of Johnson Street. He also searched maps, deeds and performed interviews. These land records set lines for several parcels of land which establish Johnson Street at 20 feet wide. Based on his best research and field work, Attorney Stanek’s proposal is Mr. Horbal’s best evidence of where the line should be. The Town Engineer has not seen the full extent of Mr. Horbal’s survey.

Attorney Stanek noted that due the surveyed width of Johnson Street, it may not be considered a modern roadway. There is a benefit to the town with the proposal allowing room for a sidewalk, catch basin, and lighting. L&R Trepca LLC is planning further development of the property.

G. Smith stated the Town Engineer is okay with the proposal and the Board of Selectmen need to pursue a conversation with Town Attorney regarding setting a precedent. C. Bielik asked if a delay in the resolution will put development of the land behind schedule. Mario Trepca hopes to begin construction in March or April, 2012. The Board of Selectmen is willing to hold a Special Meeting to move the matter further along, after having a conversation with the Town Attorney.

**NEW BUSINESS**

Lancaster Drive – G. Smith stated he has received concerns regarding the speed of the traffic on this road. There are currently no speed limit signs posted in the Industrial Park. C. Bielik asked if there is an ordinance stating the speed limit in town when signs are not posted. The Board of Selectmen will look into posting a speed limit sign at the entrance to the park with a recommendation from the police department on setting the speed limit.

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**APPOINTMENTS**

G. Smith is currently reviewing the appointment dates for all of the town boards with start and end dates of all terms are being provided by the Town Clerk's office. There are inconsistencies that need to be addressed.

1. Board of Finance – There are two openings on this board. As the person who has left a vacant seat on the Board of Finance, C. Bielik asked to advance the nomination of Art Daigle for his open seat. G. Smith stated that he also received a letter from Jim Huck who is interested this position. Both men are well qualified for the position. **C. Bielik made a motion to nominate Art Daigle for the Board of Finance. There was no second to that nomination. Seeing no second, C. Bielik made a motion for Jim Huck to fill his vacant seat on the Board of Finance. D. D'Amico seconded the motion. All ayes.**

G. Smith recommended Mark Bronn for the second vacant seat on the Board of Finance. **D. D'Amico made a motion for Mark Bronn to fill the open position on the Board of Finance. C. Bielik seconded that motion. All ayes.**

2. Zoning Board of Appeals – C. Bielik received a request from Carl Gandarillas to join the Zoning Board of Appeals. This is a 5 member board. Carl would replace R. Uhl's unexpired term. Nancy King is an alternate for the board, whose term is also up. **C. Bielik made a motion to appoint Carl Gandarillas to the Zoning Board of Appeals. D. D'Amico seconded the motion. All ayes. D'Amico made a motion to reappoint Nancy King as an alternate for the Zoning Board of Appeals. C. Bielik seconded the motion. All ayes.** G. Smith needs Mr. Gandarilla's letter.

G. Smith will reach out to Town Committees regarding names for alternates for the Zoning Board of Appeals.

3. Brownfield Commission – This is a two year term. **D. D'Amico made a motion to appoint Richard Cherhoniak to this commission. C. Bielik seconded the motion. All ayes.**
4. Ethics Board – This is a two year term and a 6 member board of 3 Democrats and 3 Republicans. **C. Bielik made a motion to appoint J. Rodorigo to fill Ellen Schultz's expired position on the Ethics Board. D. D'Amico seconded the motion. All ayes. D. D'Amico made a motion to appoint Anell Holzman to replace Joe Dowdell on the Ethics Board. C. Bielik seconded the motion. All ayes. D. D'Amico made a motion to reappoint Ken Egan to a two year term on the Ethics Board. C. Bielik seconded the motion. All ayes. C. Bielik made a motion to reappoint James P. Odell to a two year term on the Ethics Board. D. D'Amico seconded the motion. All ayes.**
5. Homeland Security – This is a two year term and a board composed on Police and Fire Department members. **D. D'Amico made a motion to appoint Lt. Eddie Rodriguez to Homeland Security Commission. C. Bielik seconded the motion. All ayes. D. D'Amico made a motion to appoint Kurt Novak to Homeland Security Commission. C. Bielik**

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**seconded the motion. All ayes. C. Bielik made a motion to appoint Jeremy Rodorigo to Homeland Security Commission. D. D'Amico seconded the motion. All ayes.**

C.Bielik inquired about term limits for board members and G. Smith confirmed that Planning & Zoning is the only board with term limits. You can not serve more than 3 consecutive terms on P&Z.

6. **Municipal Agent to the Elderly - C. Bielik made a motion to reappoint Lou Manella as Municipal Agent to the Elderly. D. D'Amico seconded the motion. All ayes.**
7. **Northwest Regional Mental Health – C. Bielik made a motion to reappoint K. Card to Northwest Regional Mental Health. D. D'Amico seconded the motion. All ayes.**
8. **Tree Warden – D. D'Amico made a motion to nominate Jerry Mays as Tree Warden. C. Bielik seconded the motion. All ayes.**
9. **Water Commission – The current Board of Selectmen will serve as the Water Commission.**

**C.Bielik made a motion to extend all previous extensions to the remaining Boards and Commissions positions for an additional month, until the January Regular Board of Selectmen's meeting. D. D'Amico seconded the motion. All ayes.**

There are no budget transfer requests at this time. No need for Executive Session at this time.

**OTHER PUBLIC COMMENT**

- A. Sue Dowdell of Wolfe Avenue asked why current meeting minutes are not available on the Town website. G. Smith stated that this issue is being addressed and he hopes that the issue will be resolved after the first of the year. Minutes are being filed on paper and are available in the Town Clerk's office at this time. Discussion continued regarding what the law states with regard to minutes, which should be available on line. G. Smith received an opinion from Bob Lutz on this issue and by statute the town must have minutes either on paper or online. The website issue is being addressed. The other option is to take the website down.
- B. Debbie Daigle asked why the Town Clerk can not resolve the issue and G. Smith stated that everything should be up and online in the near future.
- C. Helen Mis, Registrar of Voters, wished to recognize the member of the Town Crew who help the registrar by transporting supplies during each of the elections. Thanks to Michael Classey and Ernie Trzaski from the Registrar's Office.
- D. Howard Daniels of 310 Pinesbridge Road asked if the Board of Education plans to answer specific questions on the building project connecting the referendum. G. Smith stated questions are best addressed to Superintendent of School Jim Agostine and the BOE has scheduled a meeting on December 19<sup>th</sup> with hopes of answering final questions.



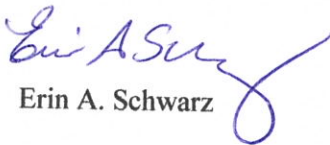
**BEACON FALLS BOARD OF SELECTMEN  
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- E. Mike Krenesky of Maple Avenue asked about the Selectmen's recent tour of the Wolfe Avenue property and asked about the status. G. Smith stated they are still gathering information and he was pleasantly surprised of the shape of the building is it. He is obtaining estimates and will discuss the matter further during the January meeting. No action is being taken at present. C. Bielick added that he also toured the building and was not pleasantly surprised at the condition of the building.
- F. Mary Ellen Fernandez of South Circle asked about the costs of estimates that the Board of Selectmen are pursuing for the Wolfe Avenue property. G. Smith stated that they have spent \$80 on a mold report. He was pleased to see the mold was confined to the basement and the structure was sound. C. Bielick asked about multiple estimates and G. Smith stated that they will pursue multiple estimates as necessary, after a decision has been made.
- G. Len D'Amico noted that Paul Bailey Architects made a professional presentation on the Wolfe Avenue property and he asked the Board of Selectmen to consider having a Town Meeting where the architectural firm can revisit the presentation, so the public can have an informed opinion.
- H. Mary Ellen Fernandez asked about the standing decision to tear the building down. G. Smith noted that the Board of Selectmen can stay that vote and a discussion will be on the agenda at the next meeting.
- I. Art Daigle stated that he sat on the board which hired the Paul Bailey firm and asked the Board of Selectmen to take into consideration the work of the committee, the monies which the town has already spent on the study, and to review the Bailey Commission report when making a decision for the future of the property.

**ADJOURNMENT**

**C. Bielick made a motion to adjourn the meeting at 9:10 PM. D. D'Amico seconded the motion. All ayes.**

Respectfully submitted,

  
Erin A. Schwarz

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*Leslie G. Nafis, P.E., L.S.  
Allan S. Young, P.E.  
James H. Galligan, P.E.  
David L. Nafis, P.E., L.S.  
Lawrence K. Secor, CHMM  
Jonathan C. Harriman, P.E.  
Mr. Edward J. Robarge, P.E.  
Mr. Eric V. Swift, CHMM*



December 9, 2011

Gerard Smith, First Selectman  
Town of Beacon Falls  
10 Maple Avenue  
Beacon Falls, CT 06403

Re: 113-119 South Main Street

Dear Mr. Smith:

This office is in receipt of the enclosed plan entitled "Property Survey"... for the above referenced parcel. The intent of the plan is to define the limits of the property lines and street lines for the subject parcels. The streetline along South Main Street is defined by iron pins, which were found and identified by the surveyor. No iron pins or monuments were found along Johnson Street. It is the responsibility of the surveyor to establish a streetline where none exists. This is usually done using evidence of apparent streetline as a guide. However, the surveyor reported to the writer that no such evidence was found. Therefore, he proposes to set the streetline via this map to be 5 feet ± from the edge of pavement.

The Beacon Falls Road Ordinance currently sets the minimum right-of-way width for residential streets at 50 feet. The reasonable and customary procedure when establishing a streetline when no evidence exists is to locate the streetline 25 feet from the centerline of pavement.

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CIVIL ENGINEERING

ENVIRONMENTAL SERVICES

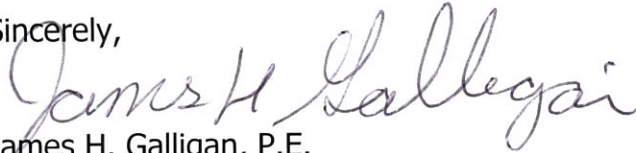
LAND SURVEYING

1355 Middletown Avenue, Northford, CT 06472 • Tel: (203) 484-2793 • Fax: (203) 484-7343 • e-mail: nyeng@nafisandyoung.com

It is our professional opinion that this standard procedure be followed along Johnson Street unless Legal Council can establish a procedure that will allow a 5ft setback without creating a precedent.

If you have any questions, please feel free to contact me at 203-314-8041.

Sincerely,



James H. Galligan, P.E.  
Town Engineer of Beacon Falls  
Nafis & Young Engineers, Inc.

Cc: M. Horbal  
F. Stanek

Encl.

DEC 13 2011



**NAFIS & YOUNG**  
Civil/Environmental Engineering & Surveying

LAW OFFICES  
**BYRNE & BYRNE, LLC**  
2-B FARMINGTON COMMONS  
790 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032

STEVEN E. BYRNE  
THOMAS P. BYRNE, OF COUNSEL

TELEPHONE  
(860) 677-7355  
FAX (860) 677-5262

December 12, 2011

*Via Facsimile and USPS*

Gerald F. Smith, First Selectman  
Town of Beacon Falls  
Town Hall  
10 Maple Ave.  
Beacon Falls CT 06403

Re: Establishing Boundary of Public Highway  
*Application of L&R Trepca LLC – Johnson Street*

Dear Mr. Smith:

I have been in contact with Attorney Stanek, legal counsel for L&R Trepca LLC. On behalf of his client, he has placed before the Board of Selectmen a request to establish a boundary of a public highway. The reason for this request is that his client purchased two parcels of land which are bounded on the West by South Main Street and on the East by Johnson Street. While the dimensions of South Main Street are not in question, Attorney Stanek states that the same can not be said for Johnson Street.

Background

L&R Trepca LLC purchased the two parcels of land in April of 2011. It then commissioned a survey of the parcels by a licensed surveyor, Michael H. Horbal. The survey is dated August 5, 2011. While property lines, easement locations and South Main Street lines are definitively located, this is not true for the Johnson Street line which is only labeled as a "proposed" streetline. Apparently, the surveyor was unable to locate this streetline based upon existing evidence in the field or in publicly recorded land records.

On behalf of his client, Attorney Stanek is requesting that this Board establish the western streetline for Johnson Street. I have been informed that the proposed streetline conforms to the existing conditions as well as the professional opinion of the surveyor.

I have had the opportunity to review the survey, the Deeds for these parcels and the title search reports on them.

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### Board of Selectmen's Authority

Connecticut General Statutes Section 13a-39 provides in relevant part: "Whenever the boundaries of any highway have been lost or become uncertain, the selectmen of any town in which such highway is located, upon the written application of any of the proprietors of land adjoining such highway, may cause to be made a map of such highway, showing the fences and bounds as actually existing, and the bounds as claimed by adjoining proprietors, and shall also cause to be placed on such map such lines as in their jurisdiction coincide with the lines of the highway as originally laid down."

"The purpose of § 13a-39 is to settle the uncertain width of a highway for the benefit of adjoining property owners."<sup>1</sup> Furthermore, "[i]t is evident that the purpose of these sections of the General Statutes is to furnish an easy and convenient method of defining bounds of highways which shall have been lost or become uncertain."<sup>2</sup>

Thus, this Board is the proper municipal authority to address this matter. In doing so, certain procedural requirements must be met.

#### Notice and Procedural Requirements:

- ▶ The Board of Selectmen shall cause a notice to be published for at least two days in a daily paper having a general circulation in the town in which such highway is located,
- ▶ The Board of Selectmen shall send a written or printed notice to each known adjoining property owner and/or lessor on such highway setting forth
  - The name or location of the highway,
  - A description of the portions to be reestablished,
  - The place and time where such map may be seen, and
  - The time and place of the public hearing where all parties interested may be heard under oath in regard to such reestablishment.
  - This notice must be sent two weeks before the hearing is to take place.
- ▶ The Board of Selectmen may adjourn such hearing from time to time and,
- ▶ Upon reaching a decision, shall cause the same to be published a daily paper having a general circulation in the town in which such highway is located and a notice of the same shall be sent to all known adjoining proprietors.
- ▶ Such decision shall specifically define the line of such highway and the bounds thereof and shall be recorded in the records of the town in which such highway is located, and the lines and bounds so defined and

<sup>1</sup> *Hamann v. Newtown*, 14 Conn. App. 521, (1988), *Marchesi v. Board of Selectmen of Town of Lyme*, 131 Conn. App. 24 (2011).

<sup>2</sup> *Appeal of St. John's Church*, 83 Conn. 101 (1910).

established shall be the bounds of such highway unless changed by the Superior Court upon appeal from such decision of the selectmen.

### Recommendations

Before any official action can be taken by the Board, these notice requirements must be complied with. The Board can meet with Attorney Stanek to discuss this matter, reserving any decision until after the required notices are published and the hearing held.

The evidence regarding the streetline for the western border of Johnson Street can be established by relying on the plan prepared by the licensed surveyor. There is some discrepancy between the lot dimensions contained in the Deeds for the two lots and those shown on the plan. Lot 113's dimensions per the Deed are:

Westerly [along South Main Street]	83.5'
Northerly	82'
Easterly [along Johnson Street]	83.5'
Southerly	83'

The survey plan has these dimensions as:

Westerly	84'
Northerly	96.5'
Easterly	83.7'
Southerly	89'

A review of the Title Searches for both lots shows a lack of consistency in the Northerly and Southerly dimensions, indicating that the location of Johnson Street has been, historically, a moving target.<sup>3</sup>

The Board's decision should be based upon the best evidence available to it, such as the most recent map or plan prepared by a licensed surveyor. In making its decision, the Board can also consider the conditions as they now exist. Apparently, the proposed streetline corresponds to the existing paved area of the street and provides for a 5' shoulder, allowing for a wider street than what exists for that portion of Johnson Street that is closer to the intersection with Feldspar Avenue.<sup>4</sup>

It is my opinion that there is enough evidence before the Board for it to make an informed decision as to where the westerly streetline is for Johnson Street. Once a decision is made, it should be published and notice mailed to all abutting property owners. As required by statute "Such decision shall specifically define the line of such highway and the bounds thereof and shall be recorded in the records of the town in which

<sup>3</sup> It should be noted that the town assessor's map has lot dimensions at variance with the above dimensions. However, a disclaimer on this map does state that the dimensions referenced therein are subject to verification.

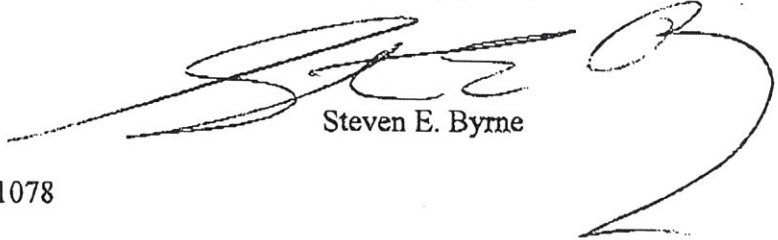
<sup>4</sup> If the lot dimensions as shown in the Deeds are used to establish the streetline, it would place within the Town's jurisdiction a retaining wall located on 113 South Main Street. The streetline, as proposed in the survey plan, leaves the maintenance and repair of this wall the responsibility of the property owner.

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such highway is located, and the lines and bounds so defined and established shall be the bounds of such highway unless changed by the Superior Court upon appeal from such decision of the selectmen.”<sup>5</sup>

Feel free to contact me if the Board should have any additional questions on this matter.

Very truly yours,



Steven E. Byrne

First Selectman (203) 720-1078

Attorney Stanek (203) 881-3606

<sup>5</sup> Connecticut General Statute Sec. 13a-39.

LAW OFFICES  
BYRNE & BYRNE  
2-B FARMINGTON COMMONS  
700 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032

THOMAS F. BYRNE  
STEVEN E. BYRNE

TEL (860) 877-7355  
FAX (860) 877-5862

**FAX COVER SHEET**

TO: GERALD SMITH  
(203) 729-2730

DATE: 12/12/11

FROM: STEVEN BYRNE

Number of Pages Including This Page: 5

MESSAGE: My opinion for the matter of  
Johnson Street is attached.  
I believe this matter is on Tomaz's  
BOB meeting.

This facsimile contains **CONFIDENTIAL INFORMATION**, which may also be **LEGALLY PRIVILEGED** and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby **NOTIFIED** that any dissemination or copying of this facsimile is prohibited. If you have received this facsimile in error, please notify us by telephone and destroy this facsimile.

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**SUPERINTENDENT  
WALTER OPUSZYNSKI  
(203) 729-2926**

**TOWN OF BEACON FALLS**  
**Connecticut**

cc  
LAW

**WASTEWATER TREATMENT PLANT**

**MONTHLY REPORT FOR NOVEMBER**

EFFLUENT GALLONAGE RECEIVED (RAW SEWAGE):	10,100,000 gal
SEPTAGE RECEIVED (SEPTIC TANK WASTES):	21,900 gal
PROCESSED DIGESTED SLUDGE REMOVED:	97,500 gal
KILOWATT HOURS ELECTRICITY USED (PLANT):	30,720 KWH
KILOWATT HOURS ELECTRICITY USED (RAILROAD AVENUE):	4,960 KWH
KILOWATT HOURS ELECTRICITY USED (PINESBRIDGE ROAD):	3,237 KWH
KILOWATT HOURS ELECTRICITY USED (WEST ROAD):	2,212 KWH
PERSONNEL (3 MEN):	\$17812.26

**EMERGENCY ALARMS ANSWERED:** Major snow storm Alfred 10/29-11/2: Power outages at ALL facilities prompting 3-man to station at plant and pump stations for generator maintenance and service safety for the community. This was second emergency power outage following the Oct. 8 with 3-man crew covering the plant and pump stations/generator safety maintenance.

10/26: Pinesbridge pump station Pump#2 blockage in impeller. Repaired. Overheat alarm

11/20: Railroad Ave. Pump station: Pump#1-object in impeller. Repaired.

11/24: Pinesbridge Pump station: Pump#2 Overheating. Repaired.

(AFTER HOURS/WEEKENDS)

MAJOR REPAIR/REPLACEMENT EXPENSES:

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MISC: Main Plant and all pump stations are in operation with cell phone backup for telephone line. Fire protection and security protection installed at all WPCF locations.

Removed UV bank and winterized. [STAFF]

Removed Communitor to be rebuilt. [Leppert-Nutmeg Inc and STAFF]

McVac and STAFF cleaned all wetwells, basket, Top Primary Tank and Grit pond; all grit and rags also removed.

State Meeting in Hartford for Managers' Forum, Lab Equipment through Associated Lab (75% reimbursement possible) ATMR and Computer Training for new state mandate for electronic submission of state tests. 11/22, 11/29. Attended by Superintendent Walt Opuszynski

Load dumpster for Manchester Landfill with plant grit for disposal. [STAFF]

Removed UV equipment and cleaned tank. [STAFF]

Installed 3" check valve at West Rd. Pump station. [STAFF]

  
Walter Opuszynski  
Superintendent

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*LA*  
Laurin

# TREASURER'S REPORT

## As of 12/11/2011

### Naugatuck Valley Savings & Loan

ACCOUNT	BALANCE AS OF 12/11/2011	CURRENT LEDGER BALANCE
Capital Projects Checking	\$ 7,044.17	\$ 7,044.17
General Fund Checking	\$ 124,616.32	\$ 124,616.32
SWWT Checking	\$ 50,000.00	\$ 50,000.00
Melbourne Trust	\$ 23,597.54	\$ 23,597.54
Unbudgeted Grants	\$ 76,349.63	\$ 76,349.63
Dog Fund	\$ 4,660.72	\$ 4,660.72
Special Activities	\$ 8,008.54	\$ 8,008.54
Police Department	\$ 50.92	\$ 50.92
Capital Projects Repos Acct.	\$ 2.72	\$ 2.72
General Fund Repos Acct.	\$ 1,100,167.87	\$ 1,100,167.87
SWWT Repos Acct.	\$ 87,706.84	\$ 87,706.84
<b>Total NVSL</b>	<b>\$ 1,482,205.27</b>	<b>\$ 1,482,205.27</b>

### Union Savings Bank

ACCOUNT	BALANCE AS OF 12/11/2011	CURRENT LEDGER BALANCE
SWWT Checking	\$ 5,000.00	\$ 5,000.00
General Fund Checking	\$ 30,000.00	\$ 30,000.00
Capital Projects Checking	\$ 2,996.55	\$ 2,996.55
Investment Sewer (Sweep)	\$ 174,991.30	\$ 174,991.30
Investment General Fund (Sweep)	\$ 16,503.33	\$ 16,503.33
Investment Capital Projects (Sweep)	\$ 11.55	\$ 00.00
<b>Total USB</b>	<b>\$ 229,491.18</b>	<b>\$ 229,491.18</b>

As of 11/9/2011 the STIF rate was 0.26%

<b>Current Total Both Institutions</b>	<b>\$ 1,711,696.45</b>
--	------------------------

Michael A Krenesky  
Treasurer  
12/11/2011

*MAKrenesky*

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Naugatuck Valley Saving & Loan

	BALANCE AS OF 10/13/2011	LEDGER BALANCE -10/13/2011	BALANCE AS OF 12/11/2011	LEDGER BALANCE 12/11/2011
Capital Projects Checking	\$1,593.32	\$35,000.00	\$7,044.17	\$7,044.17
General Fund Checking	\$103,231.99	\$86,239.02	\$124,616.32	\$124,616.32
SWWT Checking	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
Melbourne Trust	\$23,597.15	\$23,597.35	\$23,597.54	\$23,597.54
Unbudgeted Grants	\$75,991.88	\$76,749.00	\$76,349.63	\$76,349.63
Dog Fund	\$4,585.64	\$4,565.68	\$4,660.72	\$4,660.72
Special Activities	\$2,236.91	\$4,501.54	\$8,008.54	\$8,008.54
Police Department	\$38.31	\$109.42	\$50.92	\$50.92
Capital Projects Repos Acct.	\$676.83	\$62,044.17	\$2.72	\$2.72
General Fund Repos Acct.	\$2,407,584.57	\$2,231,163.77	\$1,100,167.87	\$1,100,167.87
SWWT Repos Acct.	\$90,358.15	\$87,549.64	\$87,706.84	\$87,706.84
<b>Total NVSL</b>	<b>\$2,759,894.75</b>	<b>\$2,661,519.59</b>	<b>\$1,482,205.27</b>	<b>\$1,482,205.27</b>

Union Savings

ACCOUNT	BALANCE AS OF 10/13/2011	LEDGER BALANCE 10/13/2011	BALANCE AS OF 12/11/2011	LEDGER BALANCE 12/11/2011
SWWT Checking	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
General Fund Checking	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
Capital Projects Checking	\$3,000.00	\$3,004.05	\$2,996.55	\$2,996.55
Investment Sewer (Sweep)	\$174,920.27	\$174,956.75	\$174,991.30	\$174,991.30
Investment General Fund (Sweep)	\$14,415.84	\$16,147.84	\$16,503.33	\$16,503.33
Investment Capital Projects (Sweep)	\$11.55	\$0.00	\$11.55	\$0.00
<b>Total USB</b>	<b>\$227,347.66</b>	<b>\$229,108.64</b>	<b>\$229,502.73</b>	<b>\$229,491.18</b>
<b>Total All Accounts</b>	<b>\$2,987,242.41</b>	<b>\$2,890,628.23</b>	<b>\$1,711,708.00</b>	<b>\$1,711,696.45</b>

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Michael A Krenesky  
Treasurer



12/11/2011

Copy  
Laurin Hesson

December 5, 2011  
Board of Selectman  
10 Maple Avenue  
Beacon Falls, CT.06403

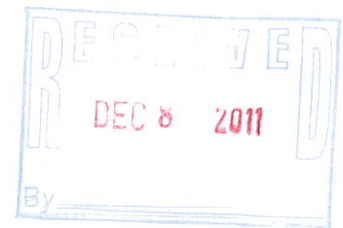
Gentlemen:

The following persons have overpaid taxes as listed below and are entitled to a refund.  
It is requested that the refund be granted as listed.

Name	Grand List	List No.	Taxes	Total
Ahern Steven P. 87 Railroad Avenue Beacon Falls, CT. 06403	2010	50032	\$56.90	\$56.90

Thank you.  
Mildred M. Jurzynski  
*Mildred M. Jurzynski*  
Tax Collector

\$



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# The Beacon Falls Public Library

10 Maple Avenue, Beacon Falls, Connecticut 06403  
(203) 729 - 1441 < fax: (203) 729 - 4927  
beaconfallslibrary@yahoo.com

December 9, 2011

**To:** Board of Selectmen

**Re:** Departmental Report for November 2011

**Submitted by:** Marsha Durley, Director

Due to the fact that the Selectmen's meeting precedes the Library Board's regular monthly meeting by 2 days this month, there will be no Library Report for your meeting this evening. The Library's practice is to first report monthly statistical and financial reports to the Library Board and then to the Board of Selectman.

November's Library report will be submitted to the Selectmen for their review prior to your January 2012 meeting.

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