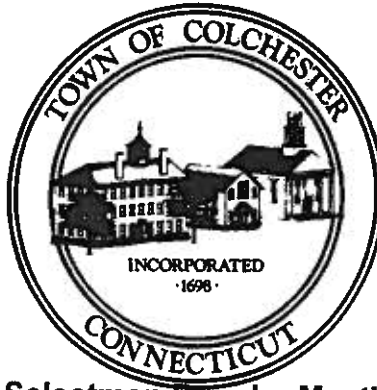


Linda M. Hodge



First Selectman

**Board of Selectmen Regular Meeting Minutes  
Thursday, August 20, 2009  
Colchester Town Hall  
Meeting Room 1 – 7:00 p.m.**

HANCOCK A. GRAY

*New York State*

2009 AUG 24 PM 12:15

RECEIVED  
COLCHESTER, CT

**MEMBERS PRESENT:** First Selectman Linda Hodge, Selectman Rosemary Coyle, Selectman Stan Soby, Selectman John Malsbenden, Selectman Greg Cordova

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Mike Caplet, Leslie Curtis, Gregg Schuster, Glenn Morron, Anthony Camilleri, Mark Decker, Jess McMinn, Adam Turner, Don Lee, Walter Cox, Lou Wise, Paul Guidice, Ron Goldstein, and other citizens.

1. **Call to Order:** First Selectman L. Hodge called the meeting to order at 7:00 p.m.
2. **Additions to the Agenda:** J. Malsbenden moved to add a new #16 "Liaison to the Police Commission", and to renumber the remaining items accordingly, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
3. **Approve Minutes of the August 6, 2009 Board of Selectmen Regular Meeting:** G. Cordova moved to approve the minutes of the August 6, 2009 Board of Selectmen Regular Meeting as presented, seconded by J. Malsbenden. G. Cordova abstained. All remaining members present voted in favor. MOTION CARRIED.
4. **Citizen's Comments:** Glenn Morron spoke regarding the ongoing issues with the police cruisers breaking down resulting in the need to double up officers in police cruisers in some cases. The police will attempt to restrict use of the cruisers on road construction duty unless absolutely necessary. S. Soby requested that a list of all police vehicles and their status be provided to put the issue in perspective. First Selectman L. Hodge noted that she would be scheduling a meeting to address the issues.
5. **Boards and Commissions – Interviews and/or Possible Appointments and Resignations**
  - a. **Zoning Board of Appeals (alternate; new term to expire on 12/01/14):** Leslie Curtis (to be interviewed): The Board of Selectmen interviewed Leslie Curtis.
6. **Budget Transfers:** None
7. **Tax Refunds & Rebates:** After review, J. Malsbenden moved to approve tax refunds in the amount of \$17.74 to Arthur Liverant, \$31.93 to Kevin Fries, \$56.05 to Henry Setterstrom, \$7.80 to William Swanson, \$88.92 to Honda Lease Trust, \$111.63 to Honda Lease Trust, \$22.71 to Michael and Marsha Jones, \$8.51 Tracy and Elizabeth Hardy, \$13.81 to Carla and John Navickas, \$4.96 to Felix Horeczy, \$255.84 to Dana Mackinnon, \$9.93 to Ted Tredor, \$47.53 to Theodore Paszek, \$6.15 to Stanley Fratus, \$6.86 to Scott Raczwski, \$19.15 to Matthew Herboldt, \$20.33 to Troy and Maryann Anderson, \$7.80 to Michael Chwatek, \$460.94 to Ryan and Santina Longo, \$139.06 to Honda lease Trust, \$65.75 to Lisa McNichols, \$5.44 to Jonathan Graves, \$320.48 to Debra Hauzeur,

\$1916.16 to Laura Litevich, \$5.21 to Debra kemmett, \$8.75 to Ralph Govoni, \$875.05 to John Walsh, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.

8. **Discussion and Possible Action on Fire Truck Bid Award:** Lt. Don Lee presented on the summary of the bid submissions. S. Soby moved to award the fire truck bid to Marion for their bid amount of no more than \$618,188.<sup>00</sup> with the stainless steal body and rollover option, per the recommendation of the Colchester Hayward Volunteer Fire Department vehicle committee, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. First Selectman L. Hodge expressed her thanks to Don Lee, Jess McMinn, Paul Guidice, and Walter Cox for their hard work. Unanimously approved. MOTION CARRIED.
9. **Discussion and Possible Action on Gavire Estates Subdivision:** Town Planner Adam Turner presented on the Gavire Estates Subdivision. Attorney Lou Wise presented on the position of the applicant. J. Malsbenden moved to return the open space for the proposed Gavire Estates 12 lot re-subdivision to the applicant, and to schedule a town meeting, if the value of the property exceeds \$10,000.<sup>00</sup> as determined by the Town Assessor, as soon as possible per the warning requirements of the Town Clerk, per the recommendation of Town Planner Adam Turner, the Planning & Zoning Commission, and the Conservation Commission, and to authorize the First Selectman to sign all necessary documents, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
10. **Discussion and Possible Action on Colchester Spur Trail Improvements Grant Program Application:** R. Coyle moved to approve the Spur Trail Improvements Grant Program application as presented, and to authorize the First Selectman to sign all necessary documents, seconded by J. Malsbenden. Unanimously approved. MOTION CARRIED.
11. **Discussion and Possible Action on Lyman Viaduct Access Road Improvement Project Award:** R. Coyle moved to award the Lyman Viaduct Access Road Improvement Project to the low bidder, Hubert E. Butler Construction Company, LLC for their lump sum bid of \$29,265.<sup>00</sup> per the recommendation of CME and the Colchester Sewer and Water Commission, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
12. **Discussion and Possible Action on Sewer & Water Budget Appropriations:** G. Cordova moved to approve the approve the Sewer & Water budget appropriations in the amount of \$88,716.<sup>00</sup> from "Water Op – Fund Balance" to "Water Op – Bond Principal" \$19,055.<sup>00</sup> from "Water Op – Fund Balance" to "Water Op – Bond Interest", and \$17,200.<sup>00</sup> from "Sewer Op – Fund Balance" to "Sewer Op – Equipment Repair" as detailed in the attached Sewer and Water Commission Transfer or Appropriation Request Forms as presented (attachments 1, 2, and 3), as recommended by the Sewer & Water Commission, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
13. **Discussion and Possible Action on Agreement with Town of East Hampton to Amend and Restate the February 2, 1978 Sewer Service Agreement:** R. Coyle moved to approve the Agreement with Town of East Hampton to Amend and Restate the February 2, 1978 Sewer Service Agreement as presented, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
14. **Discussion and Possible Action on Medical Reserve Corps Capacity Building Funds:** J. Malsbenden moved to approve the Medical Reserve Corps Capacity Building Funds letter of agreement including receipt of the amount of \$4000.<sup>00</sup>, as presented, and to authorize the First Selectman to sign all necessary documents, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

15. **Discussion and Possible Action on Library Director Job Description and Position:**  
First Selectman L. Hodge reported on the ongoing discussion with the Cragin Board of Trustees on the process plan for hiring a new Director for the Cragin Library. Ron Goldstein elaborated on the perspective of the Cragin Board of Trustees on this issue. J. Malsbenden moved to approve the Library Director Job Description and to proceed with the hiring process for a new director, including the following statement in the job posting: "Candidates wishing to submit a job sharing proposal fulfilling all duties of the director will also be considered", seconded by S. Soby. Unanimously approved. MOTION CARRIED.
16. **Police Commission Liaison:** First Selectman L. Hodge appointed Selectman S. Soby as the Liaison to the Police Commission.
17. **Citizen's Comments:** None
18. **First Selectman's Report:** First Selectman L. Hodge reported on Sgt. John Thompson (the new Resident Trooper), the probate court redistricting meeting today in Hartford (testimony attached), the Affordable Housing Report draft, and the beginning of renovations of the Old Firehouse on Monday.
19. **Liaison Reports:** Selectman Coyle reported on the Open Space Advisory Board. Selectman Soby reported on the Police Commission and the Zoning Board of Appeals. Selectman Malsbenden reported on the Planning & Zoning Commission and the Conservation Commission.
20. **Adjourn:** G. Cordova moved to adjourn at 8:53 p.m., seconded by J. Malsbenden. Unanimously approved. MOTION CARRIED.

#### Attachments

1. Sewer & Water Commission 2009/2010 Transfer or Appropriation Request Form dated 08/05/09, for the amount of \$88,716.<sup>00</sup>
2. Sewer & Water Commission 2009/2010 Transfer or Appropriation Request Form dated 08/05/09, for the amount of \$19,055.<sup>00</sup>
3. Sewer & Water Commission 2009/2010 Transfer or Appropriation Request Form dated 08/05/09, for the amount of \$17,200.<sup>00</sup>
4. Report dated 08/15/09, from Katherine Kosiba to the Board of Selectmen regarding "Community Wildlife Habitat of Colchester Initiative Status as of August 15, 2009
5. Parks & Recreation Program Fund Monthly Cash Flow and Balance for Fiscal Year 2008-09
6. 08/20/09 testimony of First Selectman Linda Hodge to the Probate Redistricting Commission Hearing
7. 08/20/09 testimony of Selectman Rosemary Coyle to the Probate Redistricting Commission Hearing

Respectfully submitted,



Michael J. Caplet  
Executive Assistant to the First Selectman



Colchester Sewer and Water Commission  
Minutes of the 5 August 2009 Regular Monthly meeting

Sewer and Water Commission  
2009/2010 Transfer or Appropriation Request Form

Date: 5 August 2009

The following is a request for:

A transfer \_\_\_\_\_ Dollar Amount \$19,055.00  
An Appropriation X \_\_\_\_\_

from Account No. Water Operating – Fund Balance

to Account No. 4003210-49246 Water Operating – Bond Interest

Explanation: Revenue was collected in the 08-09 FY for Bond Interest Payment – closing  
did not occur until 31 July so expenses need to be paid from 09-10 FY budget. Closing costs were  
paid with 09-10 FY funds so additional money is needed to cover the 09-10 monthly interest  
payments – this appropriation will not impact the overall budget (revenue = expense) so there will  
be no rate impact. The amount being requested will result in the line item being fully expended

Action by Commission:      Approved X  
   Denied \_\_\_\_\_  
   Tabled \_\_\_\_\_

Date: 5 August 2009

Colchester Sewer and Water Commission  
Minutes of the 5 August 2009 Regular Monthly meeting

Sewer and Water Commission  
2009/2010 Transfer or Appropriation Request Form

Date: 5 August 2009

The following is a request for:

A transfer \_\_\_\_\_ Dollar Amount \$17,200.00  
An Appropriation X \_\_\_\_\_

from Account No. Sewer Operating - Fund Balance

to Account No. 2403207 - 46224 Sewer Operating - Equipment Repair

Explanation: The repair was identified and initiated in early June, due to the level of repair required, the contractor looked into cost for purchase of a new piece - this did not materialize and parts have since been ordered but take approximately 5 weeks for delivery. The result is work initiated and planned to expend in the 08-09 FY but ultimately will be billed and paid for in the 09-10 FY. This appropriation will not impact the overall budget (revenue = expense) so there will be no rate impact. The amount being requested will leave the line item with the full amount originally included in the approved 09-10 budget

Action by Commission:      Approved X  
   Denied \_\_\_\_\_  
   Tabled \_\_\_\_\_

Date: 5 August 2009

Community Wildlife Habitat of Colchester  
Submitted to Board of Selectmen by Katherine Kosiba, Co-chairperson

Initiative Status as of August 15, 2009  
(No reports were delivered in June, July 2009)

Purpose

To achieve the nationally-recognized certification - Community Wildlife Habitat - for Colchester CT through the National Wildlife Federation.

Certification Process and Point Accrual

See Overview dated October 15, 2008 provided to the Board of Selectmen.

Summary:

The team has accomplished a great deal since this initiative began. We have met all the requirements in areas of Registration, Educational Goals, Community Project Goals, and Administration Goals.

**For the Individual Wildlife Habitat Goal of 200 points, we are close to reaching this goal with 158 points received. Only 42 more points needed for certified Individual Wildlife Habitats within Colchester to complete the initiative. The final step is to complete assembly of project documentation in the form of a journal/scrapbook and mail to National Wildlife Federation for review and approval.**

While we are considering possible additional activities, we feel at this point newspaper articles, Letters to the Editors, and individual reach-out to neighbors and friends will help us more quickly reach our certification goal requirement.

Our goal is within sight towards completing this nationally recognized designation for the Town of Colchester within 1 year of its commencement. Soon we will begin planning for the eventual celebration that comes with achieving a goal of this significance and would welcome working with representative(s) designated by the town on this piece with the Community Wildlife Habitat team and its partner organizations. Whatever help the Board of Selectmen can provide in the way of promoting this initiative further to meet our goal, and certification of your own properties if not yet completed, would be much appreciated.

Statement of Activity as of August 7, 2009

| <u>Action</u>  | <u>Points Needed</u>   | <u>Prior Report</u><br><i>(May 2009)</i> | <u>Total Points Achieved</u>                                 |
|--|--|--|--|
| 1. Registration  | 40-75  | 55                                       | 5.   |
| 2. Setting and meeting educational goals   | 40-90  | 70                                       | 8.   |
| 3. Setting and meeting community project goals   | 50-190   | 85                                       | 10.  |
| 4. Setting and meeting project administration goals<br>(some tasks are post-certification)   | 20-80  | 61                                       | 6.   |
|  | (minimum<br>175 points)  | <u>Subtotal</u><br>271                   | <u>Subtotal point</u><br>31.                                 |
| <b>Certified Individual Wildlife Habitats</b>  |  |  |  |
| 5. Home, Townhouse, Apartment<br>(must certify at least 100 at 1 point each)   | 100  | 53                                       | 8.   |
| 6. Public site, workplace, park, place of worship,<br>other common area<br>(must certify at least 4 at 3 points each)  | 12   | 9  | 4.   |
| 7. Schoolyard habitats<br>(must certify at least 3 at 5 points each)   | 15   | 0  | 2.   |
| 8. Bonus points for each member of the Wildlife<br>Habitat Team with their property as a Certified<br>Wildlife Habitat site. (Current team of 7 members<br>have certified wildlife habitats) | N/A  | 10                                       | 10.  |
|  | (minimum<br><b>200 points</b><br>specifically<br>for habitats) | 72                                       | <u>Subtotal</u><br><u>certification</u><br><u>points</u> 158 |
| <b>Total</b>   | <b>375</b>   | <b>343</b>                               | <b>469</b>   |



Community Wildlife Habitat of Colchester  
Statement of Activity as of August 15, 2009

Completed Actions

Certification goals

Since May, Individual Wildlife Habitat certifications have increased significantly

- Homes/Apartments/Balconies - 23
- Community - 9
- Schools - 4
- Farms - 2
- Workplace - 0

The total points needed for Individual Wildlife Certifications are **200** (homes, businesses, farms, community properties, schools, places of worship, etc.)

Also there inside limits to the Individual Wildlife Habitat certifications some of which we have exceeded and others we are getting close to meeting:

- At least 3 schools (4 schools certified. The fees were coordinated through Barbara Gilbert, Colchester Curriculum Director)
- Total homes needed – 100 (83 homes, apartments certified)
- At least 4 common areas (11 public areas certified)

The public areas include: Cragin Memorial Library (certified by the Friends of the Cragin Memorial Library), Air Line Trail Spur, Zagray Property, Cohen Woodlands, White Oak, Transfer Station/Landfill, Recreation Complex, Senior Center, and Colchester Town Hall. The application fees for the above 8 town properties were made by individual donations and the paperwork completed by Parks and Recreation and the Community Wildlife Habitat team.

Educational goals

Our Education Goal point requirement has already been met.

The Colchester Green Team and master gardener/Colchester Garden Club president, Katherine Kosiba decided to “make-over” the Senior Center butterfly garden to include more plants that attract and support butterflies and their hosts (caterpillars) hoping to turn it into a demonstration garden that would also support of the Community Wildlife Habitat initiative. This work involved extensive weeding, division of plants some of which children and seniors took home to plant, transplanting, garden edging, and installing new plants donated by Salem Herb Farm, a garden club member, and purchased by the Colchester Garden Club from Ballek’s Garden Center for a discount. The plantings are completed. Additionally a stepping stone walkway is being put through the middle of the garden which has been dug out, and the walk is expected to be completed in the near future.

### **Community Goals**

Our Community Goal point requirement has already been met.

On June 8, a tour of 3 certified Individual Wildlife Habitats of local properties was held to call attention certifying a property with a home of less than ¾ acre, more than 1 acre and a farm. People could go to 1 or more of the locations. Over 30 people attended.

On June 28, the Community Wildlife Habitat team with the help of a number the initiative's partners held **Colchester Wildlife Day** at the Connecticut Audubon Center in Glastonbury. Over 70 adults and children attended. The day included:

- Master Gardeners and interns were on hand to offer information and answer questions on composting, mulching, invasive plants and proper water management on homeowner properties.
- Al Petell, Master Wildlife Conservationist trained by CT DEP was in the center's room of animals and birds to share information on Connecticut's wildlife and answer questions.
- The Colchester Land Trust had an information table and activity
- The Colchester Garden Club had an information table on gardening for butterflies/birds and hosted a raffle for wildlife items donated from various sources, and free perennials.
- The Colchester Parks and Recreation had a table on Letterboxing
- Pee Wee Preschool supported a table on making a toad abode for children to take home.
- The Audubon Center was open to our group and visitors that day to see the live animals and birds, as well as the exhibits, and take hikes on the grounds.

### **Community Wildlife Habitat of Colchester Team**

Ellen Falbowski, Co-chairperson, Master Gardener  
Katherine Kosiba, Co-chairperson, Colchester Garden Club-President, Master Gardener  
Mary Bylone, member, Colchester Conservation Commission – board member  
Cathy Shea, member, Colchester Land Trust- Secretary  
Cathy Pompei, member, Colchester Garden Club – Vice-President, Connecticut Business Association- member, Rotary of Colchester – member  
Karen Germain, member, Today's Child Care Association – member  
Fran Brouillet, member, Colchester resident  
Jon Hipsher, member, Colchester resident, parent  
Michelle Avery, member, Colchester resident, parent, part time CT DEP employee, student



Testimony to Probate Court Redistricting Commission  
08-20-09

My name is Linda Hodge and I serve as the First Selectman of the Town of Colchester. I appreciate this opportunity to share my concerns about the effect of the current proposed redistricting on the residents of Colchester.

In a study completed last year, we found that Colchester has a significant number of residents who find it difficult to access services even as close as Norwich; in fact, we have 163 families who own no vehicle and we have no public transportation. Additionally, the Colchester court provides significant services to the elderly, including on-site work at each of our two nursing homes, the disabled, and the numerous group homes located in our town. Both our elderly and group home population continues to grow. This change disenfranchises our most vulnerable residents – families, elderly, and disabled. We have been actively working with other agencies to bring more services for these residents closer so that their needs are met. Loss of access to the probate court system significantly decreases those services.

Additionally, the disproportionate and significant loss of courts in the southeastern CT region, leaving a wide gap from Norwich and East Lyme to Glastonbury, also impacts the services received by our families in the New London Regional Children's Probate Court. New London County will be going from fourteen to four judges under this plan. Additionally, it is my understanding that if Colchester goes to Glastonbury for Probate Court, our families will be under the Hartford County DCF system even though we're in New London County. As part of this system, we will no longer be part of a regional Children's Probate Court which may also decrease services to and accessibility for our families.

Colchester is an outstanding facility, with full-time staff and the ability to expand. In fact, the Colchester Probate Court has been certified by Probate Administration as suitable for expansion of operations. We are central to the thirteen areas from which probate courts were removed. Our proposal of combining Colchester, Lebanon, Bozrah, Salem, and East Haddam meets the large geographic area requirements for restructuring and nearly meets the population requirement.

Colchester and Lebanon, on their own initiative, formed a combined court several years ago. Implementing our proposal would add three towns to an **already** combined court system. Residents from Salem, Bozrah, East Haddam, and Lebanon already interact closely with Colchester for services, recreation, medical needs, and shopping. In fact, during the last referendum several residents from one of the towns appeared to vote and were astonished when they learned they did not live in Colchester! Each of those towns have a boundary with Colchester, consequently no resident has to travel further than one town. All of these towns have the same community of interest, similar characteristics, and are built on like values.

I respectfully request that in light of the above, our proposal be implemented.

Rosemary Coyle  
Colchester Selectman  
23 Deer Run Drive  
Colchester, CT 06415

Good afternoon, members of the Probate Redistricting Commission. My name is Rosemary Coyle, a Selectman from Colchester. I'm here to urge you to consider maintaining a probate court district in Colchester.

With the proposed Probate Assembly plan, this eastern Connecticut region is left with no courts between Glastonbury, East Lyme and Norwich. 12 contiguous towns (Portland, East Hampton, East Haddam, Lyme, Salem, Montville, Colchester, Lebanon, Bozrah, Columbia, Hebron, and Marlborough) are losing their courts under the proposed plan. Now all of these townspeople will be asked to travel a significant distance away, which for the constituency served becomes a burden. Any plan that moves forward should be balanced and fair to the region and consider these factors as well.

Colchester has always been a regional resource center for the surrounding towns – people shop here, they come for services here, it's convenient for them and they are comfortable here. The Colchester Probate Court worked with the 14 Judges of Region 7 (New London County) in May on a plan to establish Colchester as one of the 5 court districts within New London County. The additional town needed to meet the size requirements was East Haddam. East Haddam joined the Colchester District after a town wide hearing and public vote. This district was supported by the leadership of all 5 towns (Colchester, Lebanon, Bozrah, Salem, and East Haddam). Unfortunately this fair and equitable plan, supported and approved by the region, fell apart at the Probate Assembly level.

This isn't the first time Colchester has made a good faith effort to regionalize. It has already merged with Lebanon in 2003. Colchester and the towns that want to merge should be permitted to do so as long as they meet one of the three criteria. Here, the geographical criterion is clearly met and it just makes logical sense for the good of this region.

Why should we keep the Colchester Probate Court District? Here are but a few reasons:

- Colchester is centrally located and easily accessible from all towns on good roads in the proposed district.
- It's considered a regional service center for shopping, services, and convenience.
- The facility has been designated by the Probate Court Administrator as being in full compliance and ready to assume an additional workload.
- The Court is handicapped accessible.
- The facility has ample and available free parking.
- There is a large senior population in the area that finds travel difficult.
- There are two busy nursing homes in Colchester that access the court.

Please consider reestablishing the Colchester Probate Court District. The fact that the geography of the area supports it, the probate judges agreed to it, and the 5 towns that want it are significant factors. We ask that the factors listed be given greater weight in making the final decisions. Thank you.