

Linda M. Hodge



First Selectman

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Rosemary Coyle
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**Board of Selectmen Regular Meeting Minutes
Thursday, September 3, 2009
Colchester Town Hall
Meeting Room 1 – 7:00 p.m.**

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, Bob Hodge, Tearice Peters, Walter Cox, Greg Plunkett, Sgt. Thompson, Adam Turner, Katie Nally, Chuck Toal, Jim Ford, Glenn Morron, Bruce Hayn, Anthony Camilleri, Ryan Blessing, Candace Barnes, Joan Nichols, Lisa Hageman, Butch Przekopski, Douglas Ray, Chris Borque, Joe Diaz, Liz MacAlister, 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:** R. Coyle moved to add a new #6a, "Second Transfer from Equipment Reserve not to Exceed \$24,000", and to move items #10 and #11 to immediately follow item #7 and to renumber the remaining items accordingly, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
3. **Approve Minutes of the August 20, 2009 Board of Selectmen Regular Meeting:** R. Coyle moved to approve the minutes of the August 20, 2009 Board of Selectmen Regular Meeting as presented, and to add the testimony of John Malsbenden as an attachment to the minutes, seconded by S. Soby. All members present voted in favor. MOTION CARRIED.
4. **Citizen's Comments:** First Selectman L. Hodge requested that all citizen's comments on the "right-to-farm" issue be made following the presentation. There were no other comments.
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 (interviewed on 08/20): S. Soby moved that no action be taken until such time that the board has the chance to interview other candidates, seconded by G. Cordova. Unanimously approved. MOTION CARRIED.
 - b. **CHVFD Exemption Eligibility Committee (member; new term to expire on 04/01/13):** Tim Walsh: The Board of Selectmen interviewed Tim Walsh. J. Malsbenden moved to appoint Tim Walsh as a member to the CHVFD Exemption Eligibility Committee for a new term to expire on 04/01/13, seconded by S. Soby. Unanimously approved. MOTION CARRIED.

6. **Budget Transfers - Police Vehicles:** S. Soby moved to approve the transfer from “12101-46390 Vehicle Maintenance for \$15,000.00” and “12101-46390 Vehicle Maintenance & Fuel for \$9,000.00” to “12101-48467 Vehicles & Trucks”, for reasons as per the attached budget transfer form, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
 - a. **Second Transfer from Equipment Reserve not to Exceed \$24,000:** S. Soby moved transfer funds from equipment reserve account to “Vehicle and Trucks” line in an amount not to exceed \$24,000, and to authorize the First Selectman to sign all necessary documents, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
7. **Tax Refunds & Rebates:** After review, J. Malsbenden moved to approve tax refunds in the amount of \$94.34 to Wayne Farrington, \$56.20 to Juliene Voisine, \$92.71 to David Barton, \$74.26 to Honda lease Trust, \$15.12 to Scott Boothroyd, \$10.40 to Salvatore Guarnaccia, \$47.30 to Richard and Denise Judd, \$8.28 to Stephen Merkent, \$2361.98 to John and Tamara Beauton, \$12.30 to Kevin Fries, \$16.32 to Rolf Larsen, \$13.30 to Jay and Alex Berman, \$1682.70 Richard and Joan Jansson, \$38.55 to Rick Whitney, \$3.79 to Greta Markiewicz, \$18.68 to John and Theresa Mohrlein, \$382.88 to GMAC, \$271.75 to CabEast, \$12.53 to Jeffrey Pringal, \$60.54 to John and Lonna Joseph, \$2737.49 to First American Real Estate Tax, \$1061.43 to Popular Equipment, \$359.24 to VM Credit Leasing Ltd, seconded by R. Coyle. Unanimously approved. MOTION CARRIED.
10. **Presentation and Discussion on Potential Energy Saving Program – Greg Plunkett, Facilities Manager, & Candace Barnes, Intern:** Greg Plunkett and Candace Barnes presented on potential energy saving programs. The Board of Selectmen agreed that Greg Plunkett should continue to pursue this program and return to the board with more information.
11. **Discussion and Possible Action on Fire Department Job Descriptions – Walter Cox, Fire Chief:** J. Malsbenden moved to approve the Fire Fighter / Emergency medical Technician job descriptions as presented, seconded by S. Soby. Unanimously approved. MOTION CARRIED.
8. **Update and Possible Action on Purchase of Land on McDonald Road:** First Selectman L. Hodge updated the board on the status of the purchase of land on McDonald Road. G. Cordova moved to forward the Conservation Commission’s recommendation to purchase the 31-acre piece of property located on McDonald Road adjacent to the Ruby Cohen property to the Planning & Zoning Commission for a report pursuant to Connecticut General Statutes § 8-24, and to the Board of Finance for action, with a recommendation that the Town’s share be paid out of the Land Fee in Lieu account (\$40,000) and the Land Acquisition Account (\$100,000), and that closing/legal costs be paid from the legal budget line, and to include the “Proposed Process & Timeline for Approval of McDonald Road Open Space Purchase” document, which are components of the town ordinance, as an attachment to these minutes, seconded by J. Malsbenden. Unanimously approved. MOTION CARRIED.

9. Presentation and Discussion on Colchester Right-to-Farm Ordinance -- Joan Nichols, CT Farm Bureau & Adam Turner, Town Planner: Joan Nichols of the Connecticut Farm Bureau presented on the Colchester Right-to-Farm ordinance.

Liz MacAlister commented on a project on her land with the NRCS for irrigation and her concerns about why or how the town would need to regulate such a project.

Leslie Curtis commented regarding her suggestion that the numbers be changed so they are in conformance with the state regulations.

Douglas Ray commented regarding his concerns about the amount of reporting necessary considering the wording of the existing proposed ordinance.

Chris Borque commented regarding his opinion as to why town should adopt a right-to-farm law and his suggestion that a town ordinance should simply contain language referencing the state right-to-farm law.

Lisa Hageman commented on behalf of the Colchester Land Trust regarding their support for the ordinance and hope that the resulting language makes all parties happy.

Butch Przekopski commented on his compliments for Joan Nichols' presentation and his concern that the language could lead to confusion on whether state or town authorities could overrule the other.

Joe Diaz commented on his opinion that the state ordinance has been effective and his concerns that the town would adopt anything beyond that language.

Leslie Curtis commented on her desire to paraphrase Joe's suggested changes to amend the language of the proposed ordinance to reflect the state language.

Douglas Ray commented on Liz's farm's story of the next generation of farmers getting involved in farm management and related fields.

Chris Borque commented regarding his observation regarding the hundreds of acres of land cared for by local farmers, and the positive impact that has on the town.

Joan Nichols suggested that the language for items 1 through 5 under section 3 be modeled after state statute.

Town Planner Adam Turner will ensure that this item gets on the Open Space Advisory Board and Conservation Commission's agenda.

First Selectman L. Hodge thanked the attendees for their feedback and their ongoing participation in the process of creating a right-to-farm ordinance.

12. Citizen's Comments: None

13. First Selectman's Report: None

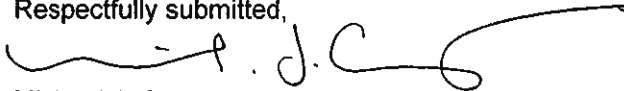
14. Liaison Reports: Selectman Soby reported on the Police Commission. Selectman Malsbenden reported on the Planning & Zoning Commission.

15. Adjourn: J. Malsbenden moved to adjourn at 8:40 p.m., seconded by G. Cordova. Unanimously approved. MOTION CARRIED.

Attachments

1. Testimony dated 08/08/09, from John Malsbenden to the Honorable Paul Knierim, regarding the regionalization of the probate court system
2. Budget transfer from dated 08/27/09, for Police Department in the total amount of \$24,000.
3. Memorandum dated 09/02/09, regarding "Performance Contracting as it applies to HVAC systems"
4. "Proposed Process & Timeline for Approval of McDonald Road Open Space Purchase"

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. J. Caplet", with a long, sweeping horizontal line extending to the right.

Michael J. Caplet
Executive Assistant to the First Selectman

56 Christy Lane
Colchester, CT 06415
August 8, 2009

Hon. Paul Knierim
Probate Court Administrator
186 Newington Rd.
West Hartford, CT 06110

Dear Judge Knierim,

I have received disturbing information relative to the redistricting of the Connecticut Probate Court System resulting from the legislation recently passed by the Connecticut General Assembly.

I understand that many towns will lose their Probate Court. Many already have. Indeed, Colchester and Lebanon merged jurisdictions several years ago.

My concern is that the greater Colchester area is being segmented in a manner which greatly disadvantages not only the people of Colchester but also those of many of the surrounding towns. Indeed, under the plan which has tentatively adopted, there would be no Probate Court between Glastonbury and Norwich.

Colchester is a community with an ageing population. In the center of the town (the utility district), 7% population (or 250 residents) in 2008 is estimated to be between ages 65 and 74 while 11% (394) is believed to be over 75. In 1990, only 8% (276) of the district's population was over 75. In this same period, the population of the center of Colchester is estimated to have increased from 3,445 to 3,578. By 2013, the population of the center of town is projected to increase to 3,632 while that of the entire town (including the utility district) is expected to increase to 15,618.

An ageing population will be ill served by the redistricting of the Probate Court System that houses its local court at such a distance as is contemplated in the plan now being considered. The town's elderly find themselves ill-served now by long rides to Norwich for medical appointments and the current Probate Districting plan will only increase their disadvantage (and frustration).

Surely, a redistricting plan can be devised that will have a less harmful effect on the people of Colchester and the central part of eastern Connecticut.

Yours truly,

John F. Malsbenden

Town of Colchester
General Fund
Budget Transfer/Additional Appropriation

Department: Police

Reason for Request: The Colchester Police Department vehicle fleet has recently had three vehicles being placed out of service due to excessive repairs or physical incapacities of the car (rotted frame). The Department has no spare/surplus vehicles to utilize as a police vehicle. The compliment of officers on patrol dictates that we replace as least two cruisers. Officers are forced to ride "Double" on an intermittent basis due to a lack of police vehicles. There is no longer a sufficient amount of police vehicles to adequately patrol the Town of Colchester. END

Reason for Available Funds: Availability for the \$15,000.00 request - This amount was budgeted for repairs for cruiser # 3 which has been placed out of service. These funds will not be utilized for the original intent. Availability for the \$9,000.00 request - This amount was budgeted for outsourcing repairs to the older fleet of police vehicles (#3,4,&5) due to excessive mileage and hours of service. Inasmuch as these cruisers (#3,4 &5) have been placed out of service, these funds will no longer be utilized for the original intent. This request is being respectfully submitted. END

From:	Account Number	Account Name	Amount
	12101-46390	vehicle maintenance	15,000
	12101-46390	vehicle maintenance & fuel	9,000

To:	Account Number	Account Name	Amount
	12101-48467	vehicles & trucks	24,000

August 27, 2009
Date Requested

Anthony J. Camilleri Jr.
Department Director or Supervisor - Signature

Print Name Commissioner Anthony J. Camilleri Jr.

9/2/09
Date Reviewed

[Signature]
Chief Financial Officer

Date Approved

First Selectman

Date Approved

Board of Selectmen Clerk

Date Approved

Board of Finance Clerk

Town of Colchester
127 Norwich Avenue
Suite 202
Colchester, CT 06415

Gregory J. Plunkett
Director of Facilities and Operations
gplunkett@colchesterct.org

Tel. (860) 537-2296
Fax. (860) 537-1252
Cell (860) 303-0125

September 2, 2009

Performance Contracting as it applies to HVAC systems.

Using money presently spent on buying electricity and oil to hire an Energy Services Company (ESCO) to install more energy efficient systems and thereby reduces the amount of electricity and oil we use.

Reducing the amount of energy used and using the savings to purchase and install energy efficient equipment.

1. The ESCO will guarantee energy savings.
2. You get the guarantee before you sign the contract
3. If the improvements do not produce the savings guaranteed, the ESCO pays the bill
4. No initial outlay of money
5. No increase in operating budget
6. Non-appropriation clause protects the Town

The following is information concerning the Walsh Intermediate School in Branford, CT. Mark Deming the Facilities Director for Branford took us on a tour and explained the process they went through to improve the efficiency of the heating and cooling systems at the school. Greg Cordova and Candace Barnes went with me to the school. The following is taken from a presentation he made to the Town.

**Walsh Intermediate
HVAC Results
Electric**

- 2001 used 2,780,160 KWH
- 2007 used 1,351,448 KWH
- 2001 electrical costs \$235,299
- 2007 electrical costs \$242,180
- 2001 KWH cost \$0.08464
- 2007 KWH cost \$0.16951
- Cost Avoidance over 6 years \$1,453,085

**Walsh Intermediate
HVAC Results
Oil**

- 2001 used 80,472 Gallons
- 2006 used 37,560 Gallons
- 2001 Fuel oil costs \$80,472
- 2001 per gallon cost \$0.876
- 2006 Fuel oil costs \$71,927
- 2006 per gallon cost \$1.915

Annual Cost Avoidance at WIS

- Average Heating Season before HVAC PACT was 80,000 gallons
- Average Heating Season since HVAC PACT is 38,500 gallons
- Annual avg Savings in Gallons 41,500
- Cost Avoidance 2007 \$109,975
- 249,000 Avoided gallons over 6 years
- 2007 fuel price calculated at \$2.65 per gallon

Proposed Process & Timeline for Approval of McDonald Road Open Space Purchase

A. The Conservation Commission is hereby designated to act on behalf of the Town for the purpose of reviewing and recommending to the Board of Selectmen acquisitions for open space purposes. Any person, including other agencies and departments of the Town, may propose possible acquisitions to the Conservation Commission for review. The Conservation Commission shall request input on possible acquisitions from other agencies and departments of the Town (such as the Parks and Recreation Department and the Zoning and Planning Commission), as appropriate in each circumstance.

B. The Conservation Commission shall recommend to the Board of Selectmen the acquisition of any parcel or interest therein to be used for open space purposes ("proposed acquisition"). The recommendation shall describe the proposed use and include a comprehensive statement of the Conservation Commission's evaluation of the proposed acquisition.

The Conservation Commission did approve recommending the purchase to the Board of Selectmen as noted in their June 10, 2009 minutes. However, in spite of completing the evaluation and recommendation neither is reflected in the minutes.

Step #1 – Ensure that the Conservation Commission's description of the proposed use and comprehensive statement of the evaluation of the proposed acquisition" are reflected in the Commission's minutes.

C. If the Board of Selectmen approves a proposed acquisition, it shall forward the Conservation Commission's recommendation for the proposed acquisition to the Zoning and Planning Commission for a report pursuant to Connecticut General Statutes § 8-24, and to the Board of Finance.

The Board of Selectmen approved the proposed acquisition on June 18, 2009. However, instead of forwarding to Planning & Zoning and Board of Finance sent it directly to Town meeting.

9. **Discussion and Possible Action on McDonald Road Land Acquisition:** Town Planner Adam Turner and Chuck Toal from the Colchester Land Trust presented on the proposed McDonald Road land acquisition. R. Coyle moved to approve the conveyance of the 31-acre piece of property located on McDonald Road adjacent to the Ruby Cohen property, to the Town by way of fee simple transfer through the estate of Mary-Claire Flemming, with the Town's share to be paid out of the Land Fee in Lieu account (\$40,000) and the Land Acquisition Account (\$100,000), as recommended by the Town Planner, and to authorize the First Selectman to sign all necessary documents, and to forward this item to a town meeting for approval to be scheduled as soon as possible per the warning requirements of the Town Clerk, seconded by S. Soby. Selectman J. Malsbenden joined the meeting as a voting member during discussion following the motion at 7:06 p.m. Unanimously approved. MOTION CARRIED.

Step #2 – Send recommendation to P&Z for an 8-24.

Step #3 – Forward recommendation to Board of Finance for action.

Step #4 – Provide contracts between Town and Seller, as well as Town and Land Trust (plan to get money), and projected costs of legal review and closing to Boards of Selectmen and Finance for review

D. Following action by the Board of Finance and the issuance of the Zoning and Planning Commission's report, pursuant to Connecticut General Statutes § 8-24, final action on the proposed acquisition shall be taken by the Board of Selectmen or, if required by Town Charter, by the Town Meeting.

Step #4 – Board of Selectmen forward to Town meeting.

Proposed Motion for BoS 9/3/09: Move to forward the Conservation Commission's recommendation to purchase the 31-acre piece of property located on McDonald Road adjacent to the Ruby Cohen property to the Planning & Zoning Commission for a report pursuant to Connecticut General Statutes § 8-24, and to the Board of Finance for action, with a recommendation that the Town's share be paid out of the Land Fee in Lieu account (\$40,000) and the Land Acquisition Account (\$100,000), and that closing/legal costs be paid from the legal budget line.