

TOWN OF EAST WINDSOR
BOARD OF SELECTMEN MINUTES
JUNE 16, 2009

I. TIME AND PLACE OF MEETING

Ms. Menard called the meeting to order on Tuesday, June 16, 2009 at 7:30 p.m. at the East Windsor Town Hall

II. ATTENDANCE

Denise Menard, First Selectman
Gilbert Hayes, Deputy First Selectman
Dale Nelson, Selectman
Mark Simmons, Selectman
Richard P. Pippin, Jr., Selectman

III. ADDED AGENDA ITEMS

MOTION: To add the following items to the agenda

X. NEW BUSINESS

I. Discussion of proposed Special Meeting for Tuesday, June 23rd at 6:30 p.m.

J. Year End Matters

K. Approval of the Final Report from the Charter Revision Commission dated June 17, 2009

XII. EXECUTIVE SESSION

C. Pursuant to C.G.S. Section 1-200 (6) regarding pending litigation, Board of Selectmen only

Made by Ms. Nelson, seconded by Mr. Pippin

ALL MEMBERS IN FAVOR. MOTION CARRIED

IV. PREVIOUS MINUTES

Approval of Special Meeting Minutes of June 2, 2009

MOTION: To Approve the Special Meeting minutes of June 2, 2009, as submitted

Made by Ms. Nelson, Seconded by Mr. Hayes

Pippin abstained

ALL MEMBERS IN FAVOR. MOTION CARRIED

Approval of Regular Meeting Minutes of June 2, 2009

MOTION: To Approve the Regular Meeting minutes of June 2, 2009, as submitted

Made by Mr. Hayes, Seconded by Mr. Simmons

ALL MEMBERS IN FAVOR. MOTION CARRIED

Pippin abstained

Approval of Special Meeting Minutes of June 4, 2009

MOTION: To Approve the Special Meeting minutes of June 4, 2009, as submitted

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Made by Mr. Simmons, seconded by Mr. Hayes
ALL MEMBERS IN FAVOR. MOTION CARRIED
Pippin abstained

- V. PUBLIC PARTICIPATION - None
- VI. COMMUNICATIONS – The following were for the Board’s information
- A. Four Town Fair Invitation **(It was noted that this will be a future agenda item as East Windsor is the host town this year.)**
 - B. CCM/2008-2009 Municipal Salary Survey
 - C. Board of Selectmen’s comments in regards to the Charter Revision Public Hearing
 - D. Warehouse Point Fire District Election of Officers
- VII. SELECTMEN’S REPORTS
- A. Denise Menard, First Selectman – no report
 - B. Gilbert Hayes, Deputy First Selectman – no report
 - C. Dale Nelson, Selectman
 - Building Department – canceled meeting
 - Police Commission – no action; discussion of grants
 - Housing Authority – before the Selectmen on agenda; dirt bikes following rail road tracks is an issue as well.
 - D. Mark Simmons, Selectman
 - Parks and Recreation – Park open June 23; issue with on in registration; BMX picnic on August 1 (\$10,000 toward goal); Athletic club gold tournament July 25 in East Hartford – money goes to athletics in town;
 - Veterans Commission – Road race in November next event
 - EDC – canceled
 - Planning & Zoning – Dog Show arena idea possibility – potential idea presented
 - E. Richard Pippin, Jr., Selectman – No report; board assignments received
- VIII. BOARD AND COMMISSION RESIGNATIONS & APPOINTMENTS
- A. **Resignations:** None
 - B. **Re-Appointments:**
 - Cable Advisory Council
 - Elizabeth Burns (D), Scott Riach (D), Jim Richards (R) for a term to expire 7/1/2011
- MOTION: To reappoint Elizabeth Burns, Scott Riach and Jim Richards to the Cable Advisory Counsel for a term to expire 7/1/2011**
Made by Ms. Nelson, Seconded by Mr. Simmons
ALL MEMBERS IN FAVOR. MOTION CARRIED

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C. New Appointments:

American Heritage River Commission

John Burnham (R) as a full member for a four-year term to expire 7/1/2013

MOTION: To appoint John Burnham as a full member to the American Heritage River Commission for a four year term to expire 7/1/2013.

Made by Mr. Hayes, Seconded by Mr. Simmons

ALL MEMBERS IN FAVOR. MOTION CARRIED

Planning & Zoning Commission

Patrick J. Mulkern, (D) as an alternate member to fill a four-year vacancy to expire 12/1/2010

MOTION: To appoint Patrick J. Mulkern as an alternate member to the Planning & Zoning Commission to fill a vacancy, term to expire 12/1/2010.

Made by Ms. Nelson, Seconded by Mr. Pippin

Discussion: Mr. Mulkern was present. He lives on campus in UConn and he has access to a vehicle allowing him to attend meetings during the semester for meetings – not a problem.

ALL MEMBERS IN FAVOR. MOTION CARRIED.

D. Board and Commission Current Vacancies (See Attached)

IX. UNFINISHED BUSINESS

A Discussion of East Windsor Ambulance Contract for 2009-2010

Ms. Menard met with Mr. Clynych about the contract and contract terms were discussed, including ideas such as a one year contract; six month extension; possible return to the arrangement as town agency and the budget process. Ms. Menard when discussing this in the past the Board was under the impression was that this was a start up and eventual to be self supporting – and it was stated that the ambulance did not understand that where that perception came from. Ms. Menard read from the contract the free enterprise language that detailed the intent at the end of the contract for the Association to be a free enterprise. Mr. Clynych was seeking term of the contract extended for fifteen months – September, 2010. The idea of fifteen months was discussed and due to concerns of more than a twelve month budget cycle was discussed. It was felt that eight months into the contract it needs to be reviewed, to avoid budget time. The equipment belongs to the Ambulance Association currently. It was felt that doing this contract negotiation during December/January is a better idea, rather than during the heat of budget discussion. It was the feeling to extend it one year. Mr. Clynych agreed to the reduction.

MOTION: To authorize the First Selectmen to sign the extended contract for twelve (12) months with the East Windsor Ambulance Association at the rate of \$112,500 (budgeted amount)

Made by Ms. Nelson , seconded by Mr. Pippin

Discussion: The contract will be on the agenda in December

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ALL MEMBERS IN FAVOR. MOTION CARRIED

- B. *Public Safety Communications Committee
- C. *Resident's Request/Municipal Tax Amnesty (Postpone until July 2009)
- D. *Discussion and Action regarding Snow Removal Ordinances
 - 1. Ordinance 68-2 Concerning the Removal of Snow and Ice
 - 2. Ordinance 74-4 Concerning Night Time Parking and Also Snow Removal in the Town of East Windsor
- E. *Employee Manual

X. NEW BUSINESS

- A. Karen Boutin, Chairman of Housing Authority/Pilot Plan for Park Hill

Karen Boutin came before the Board regarding the PILOT program PILOT (payment in lieu of taxes). The history of Park Hill when it was built and the condition of the complex was discussed, as well as the energy measures sought to be done in the future, including windows, roofs, handicap bathrooms. They are seeking grants and other means of funding. The only income received is through the rents; lately residents have a lot of medical expenses, which come off of income, rents get less and less each year. She is before the Board to see if there can be a reduction in the Pilot Plan paid to town. She presented materials to back up this request to the Board, including information that many towns have a two year pilot plans, many towns have 0% interest; and some towns have a lower percentage that currently. Ms. Boutin detailed they have put in for a grant; currently they are waiting to hear on one for summer help – two youths who will help with maintenance at Park Hill.

Ms. Menard commended Karen for the great job she has done since taking on Chairmanship. Ms. Menard distributed information to the Board, including the applicable state statutes. There is an agreement town pays sewer tax (\$19,000) and PILOT in contract at 10% = \$24,924 (08/09); \$22,680 (07/08). Ms. Menard indicated the town is counting every dollar and the State side is still unknown.

Ms. Boutin indicated this is not for the June 30, 2009 payment – the 08/09 current budget. This request is to start July 1, reduce it for two years and come back in two years, if times are better – return to 10%. (in essence the 2009/2010). So this does effect the recently passed budget. The comparison of surrounding 15 towns showed that those that have elderly housing, the majority had the same 10%. Ms. Boutin stated that a lot of towns get more services; the Housing Authority has its own water, pays for its own garbage –the town snow plows the main throughway only (due to the configuration) and pays the sewer. Ms. Menard was wondering if there is another way to save money – they cannot forgive the entire PILOT payment, but maybe the Board can be creative and reduce the %. Ms. Boutin is there on behalf of the elderly and disabled residents; with an eye to assist them. Ms. Menard and Karen Boutin will discuss different ways to save money; maybe the trash could be one. At this point, Ms. Menard indicated that in the recent past with events at the Housing Authority she has been shut down during talks and advised quite clearly that the Housing Authority is not part of the town. Ms. Boutin indicated it was before; but Ms. Menard pointed out it was recent during the hiring process. Ms. Menard and Karen Boutin can sit

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down, determine the relationship between the Housing Authority and the town and determine what benefits, if any, can be worked out. They pay \$215 a month in trash. Ms. Menard asked Ms. Boutin to provide a list of services they pay for. Ms. Menard indicated that discounted rates for electricity were just negotiated, they can discuss if Housing Authority could qualify for that. Ms. Menard is willing to work with them, it is unknown at this point what can be done, but Ms. Menard and Ms. Boutin will discuss this; and then come back to another Selectmen meeting. This item is postponed to the next regular meeting, under old business, on July 7. Ms. Menard invited the board to give her any ideas to this initiative they may have.

MOTION: To go out of agenda order and at 8:30 p.m. enter into executive session pursuant to C.G.S. 1-200(6) regarding pending litigation, to include the Selectmen and the Assessor, Carol Madore.

Made by Mr. Hayes, seconded by Ms. Nelson.

All members in favor. Motion carried

MOTION: To come out of executive session at 8:52 and return to agenda order

Made by Ms. Nelson, seconded by Mr. Pippin

ALL MEMBERS IN FAVOR. MOTION CARRIED

MOTION: To approve the settlement agreement for Chestnut Point Realty LLC vs. Town of East Windsor in accordance with the Town Assessor's recommendation to reduce the fair market value of real property located at 171 Main St. by 16.76% for the Grand List of October 1, 2007.

Made by Ms. Nelson, seconded by Mr. Hayes

ALL MEMBERS IN FAVOR. MOTION CARRIED

MOTION: To approve the settlement agreement for Keystone Paper & Box Co., Inc. vs. Town of East Windsor in accordance with the Town Assessor's recommendation to reduce the fair market value of Personal Property located at 132 Main Street by 38.9513% for the Grand List of October 1, 2008.

Made by Mr. Simmons, seconded Mr. Hayes

ALL MEMBERS IN FAVOR. MOTION CARRIED

MOTION: To approve the settlement agreement for Kettle Brook Realty LLC vs. Town of East Windsor in accordance with the Town Assessor's recommendation to reduce the fair market value of real property located at 96 Prospect Hill Rd. by 20.15% for the Grand List of October 1, 2007.

Made by Mr. Pippin, seconded by Mr. Hayes

ALL MEMBERS IN FAVOR. MOTION CARRIED

B. Laurie Whitten, Town Planner/Proposed New Fee Schedule for Land use Applications

Ms. Whitten came before the Board and detailed her May 26, 2009 memo which sets for the reason for this proposal of new fees and cost of doing business, including man hours and the administrative process. Ms. Whitten detailed the savings with using lower costing legal

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advertising; and the current fees and proposed fees. It is not the intent to make money off the back of the applicants, but to not lose money in the town for the cost of doing business. Ms. Whitten also sought to make it a simple fee structure and cited examples of how this proposed fee structure achieves that compared to the former fee schedule. The surrounding town fees structures were discussed – East Windsor is in the middle of them – it is difficult to compare schedules as each town does their fee schedules different. This proposed schedule definitely has an increase in fees. While this is not a good time to do that; it is the appropriate time as the town is losing money when it takes on applications. The Selectmen had concerns this new structure would be a deterrent for applicants to come to town. Ms. Whitten felt a large developer would understand it is the cost of doing business. “After the fact fee” is the when the work was done and the permit is sought after the work was already done – it was felt doubling the application fee was fair and a deterrent. Ms. Whitten stated that \$30 State fee applies to all zoning fees. That fee may be going up on the State side. The Selectmen would like the ordinance to reference Schedule A – which will be the state fee, which can adjust as the state adjusts, instead of redoing the entire ordinance. That way the Planning and Zoning document does not have to be changed – just the attachment. It was felt under Modification the definition of “significant” should be clarified. Farming/Livestock should be clarified – but Ms. Whitten indicated the Commission will be addressing Agricultural issues.

Ms. Whitten spent time detailing what these permits and inspections encompass. For example, her starting point was to rationalize \$25 per trip to inspect (i.e. single family home would likely encompass three site visits). The thought of charging more for color copies was discussed. The Selectmen will contemplate this thought in the future. Ms. Whitten was asked if this could be thought as detrimental to EDC goals. She felt there will be complaining, but overall it is fair. This is the cost of development.

The Planning and Zoning Commission has approved this as submitted (one member was not in attendance at final review, and that individual did want a little less). Ms. Whitten will return to the PZC with the Selectmen thoughts.

C. Scout Hall Renovations

Nancy Masters and John Burnham came before the board. This is a Town building with a 99 year lease. They do all the repairs and maintenance – there is a proposal to do a catering door directly into the kitchen. At this point the caterers have to walk down the hall or go through the event. The entire process through appropriate agencies has to be done, this is the first step, as it is a town building and approval by board necessary to make changes. The second proposal is regarding the tobacco shed which has an activity room. The issue currently is storage – they would like to take the remaining space and make four closets. They invited the Selectmen to come to a tour and a meeting. Ms. Masters inquired about the better electric rate the town is getting, as it is a town building.

MOTION: To approve the suggested renovations (caterer door and tobacco shed storage) as presented to the Board of Selectmen, and authorize the Scout Hall representatives to go through the appropriate land use and public safety channels as required by town ordinance.

Made by Mr. Hayes, Seconded by Ms. Nelson

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ALL MEMBERS IN FAVOR. MOTION CARRIED

D. WPCA/Review of Sewer Service Area Map

Ms. Menard showed the WPCA Sewer Map final version, which will be submitted to the appropriate state agencies.

E. Requests for Added Appropriations

MOTION: To postpone this item to the June 23, 2009 special meeting

Made by Mr. Hayes, seconded by Mr. Simmons

ALL MEMBERS INFAVOR. MOTION CARRIED

F. Approval of Tax Refunds

MOTION: To approve the tax refunds in the amount of \$329.19, as recommended by the Tax Collector

Made by Ms. Nelson, Seconded by Mr. Simmons

ALL MEMBERS IN FAVOR. MOTION CARRIED

G. Jim Richards, E.W. Chamber of Commerce/Sign Regulations
Enforcement

Mr. Richards came before the board. He detailed the various town boards he has been before and the survey done regarding business input on sign regulations. He has been before Planning and Zoning twice and that Commission does not understand the urgency. A seminar has been held by the Town and the information has been distributed to the businesses. The problem is that sign regulations do not allow temporary signs, which have a fee. The only additional signage you can have on business is Grand Opening or Grand Closing – which have a 30 day timeframe. Elaine's Pizza banner is illegal. PZC seems split on the matter. The E.W. Chamber of Commerce ordered him to come before the Board of Selectmen and read a prepared statement – which he read verbatim, as directed by the Chamber of Commerce – which detailed the request for a temporary easement on these enforcement measures until economic conditions improve and/or PZC has gotten more business friendly sign regulations. The enforcement has been stepped up and businesses are frustrated. Businesses are suffering and these pass through routes could benefit from signage advertising.

It was inquired how much is expected the town turn a blind eye toward a very specific sign parameters. Ms. Menard indicated that the board is currently being asked to have staff ignore rules that another agency (land use) put in place. The enforcement instituted recently is because there is a new enforcement agent, who is doing her job. To ask the staff to not follow rules in place is not the Selectmen role.

Mr. Hayes disagreed – rules set in place signs had gone wild and the regulations are in place to stop it. Mr. Richards is here for the temporary sign aspect. Mr. Richards detailed again the trial before the PZC and the items he has done to give them information – he is here for

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the businesses. Perhaps the only thing this Board is to urge the Planning and Zoning Commission to look at this situation. Mr. Hayes feels a sign for local businesses for a special, as long as not unsightly or inappropriate, professional, placed where should be – should be allowed. Mr. Richards detailed that currently businesses are struggling and advertising budgets for large signs is burdensome; the smaller businesses are being hammered. Mr. Richards stated that the businesses polled do not disagree that they have to be conscious of the public safety. Ms. Whitten, present in the audience, stated the PZC is split on this issue regarding temporary signage. That said, no amendment has been proposed to date for the PZC to rule on. Ms. Whitten would rather try to enforce something permitted, than something not permitted. For instance Tolland adopted temporary sign regulations and Ms Whitten is in the process of reviewing them. Until the PZC has an official request before them, there is no action required. Ms. Whitten stated that the regulations needs to be written and submitted for the PAC to consider. Mr. Hayes will be working with Mr. Richards on the review and potential proposed action.

H. Update on Clerical Union Contract

Ms. Menard advised the Board this contract has been worked on for nine months. In November she came before the Board before making the tentative agreements, none of which has changed. Little items have changed, Ms. Menard detailed the vacation and sick day carry over parameters and the goals to manage the large payouts being required upon a long time employee leaving. It is at the point the union contract was ratified last week.

MOTION: To authorize the first selectmen to sign the Agreement by and between the Town of East Windsor and Local 1303-192 AFSCME Council 4, AFL-CIO July 1, 2008 through June 30, 2012 Clerical Unit.

Made by Ms. Nelson, seconded by Mr. Simmons

Discussion: As he is not familiar with the contract, as this is his first meeting, and the rest of the board is in accord, Mr. Pippin felt it was appropriate to abstain.

ALL MEMBERS IN FAVOR. MOTION CARRIED. (ABSTAINED: Pippin)

I. Discussion of proposed Special Meeting for Tuesday, June 23rd at 6:30 p.m.

One of the items will be the year end matters, added appropriations transfers will be discussed at this time; also approval of the final report of Charter Revisions, which was delivered on Monday, and the Selectmen have it to review and read. There are timeframes in place.

MOTION: To schedule a special meeting for Tuesday, June 23, 2009 at 6:30 p.m. at the East Windsor Town Hall

Made by Ms. Nelson, Seconded by Mr. Hayes

ALL MEMBERS IN FAVOR. MOTION CARRIED

J. Year End Matters

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MOTION: To postpone this item to the June 23, 2009 special meeting
Made by Mr. Hayes, seconded by Mr. Simmons
ALL MEMBERS INFAVOR. MOTION CARRIED

K. Approval of the Final Report from the Charter Revision
Commission dated June 17, 2009

MOTION: To postpone this item to the June 23, 2009 special meeting
Made by Mr. Hayes, seconded by Mr. Simmons
ALL MEMBERS INFAVOR. MOTION CARRIED

XI. BUDGET MATTERS - none

XII. EXECUTIVE SESSION

A. Pursuant to C.G.S. Section 1-200 (6) regarding pending litigation
To Include Town Assessor – ADDRESSED ABOVE

MOTION: To enter into executive session at 10:15 p.m. pursuant to C.G.S. section 1-200 (6) – negotiations and pending litigation – to include the Selectmen only.
Made by Mr. Hayes, seconded by Ms. Nelson
ALL MEMBERS IN FAVOR. MOTION CARRIED.

B. Pursuant to C.G.S. Section 1-200 (6) regarding negotiations
Enter at 10:15 p.m. only selectmen.

C. Pursuant to C.G.S. Section 1-200 (6) regarding pending
litigation, Board of Selectmen only

MOTION: To come out of Executive Session at 11:12 p.m.
Made by Mr. Pippin, seconded by Mr. Hayes
ALL MEMBERS IN FAVOR. MOTION CARRIED

XIII. ADJOURNMENT

MOTION: To adjourn at 11:12 p.m.
Made by Ms. Nelson, seconded by Mr. Simmons
ALL MEMBERS IN FAVOR. MOTION CARRIED.

Respectfully submitted,
Cynthia D. Croxford.

*Starred items will not be discussed, but will remain on agenda pending receipt of additional information.